
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 497 Session of
2013

INTRODUCED BY EICHELBERGER, ERICKSON, BLAKE, ROBBINS, WOZNIAK,
YAW, SCHWANK, FOLMER, FERLO, MENSCH, BREWSTER, YUDICHAK,
COSTA, SOLOBAY AND PILEGGI, FEBRUARY 13, 2013

AS REPORTED FROM COMMITTEE ON URBAN AFFAIRS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JANUARY 15, 2014

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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2 Section 4352. Definitions.
3 Section 4353. Beneficiaries of Fund not to be Employed by City.
4 (d) Beneficiaries Serving in Elective Office
5 Section 4361. Right to a Pension if Salary Refused.

6 ARTICLE XLIV

7 CIVIL SERVICE

8 Section 4401. Examinations Required of All Appointees.
9 Section 4402. Appointment of Examining Board.
10 Section 4402.1. Existing Civil Service Positions.
11 Section 4403. Terms; Filling of Vacancies; Compensation;
12 Quorum.
13 Section 4403.1. Alternate Board Members.
14 Section 4403.2. Investigations and Subpoenas.
15 Section 4404. Rules and Regulations; Examinations.
16 SECTION 4404.1. Physical and Psychological Medical
17 Examinations.
18 Section 4405.1. Veterans' Preference.
19 Section 4406. Selection of Appointee from Certified List of
20 Applicants.
21 Section 4406.1 Promotions.
22 Section 4407. Tenure; Temporary Appointments.
23 Section 4408. Suspension, Discharge and Discipline; Reduction
24 of Employes; Appeals.
25 Section 4409. Secretary; Compensation.
26 Section 4410. Review of Eligibility Lists.

27 ARTICLE XLIV-A

28 VETERANS' AFFAIRS

29 (a) Support of Veterans' Organizations
30 Section 4401-A. Appropriation to post of veterans.

1 Section 4402-A. Rooms for meetings of veterans.
2 (b) Pennsylvania National Guard
3 Section 4411-A. Support of Pennsylvania National Guard units.
4 Section 4412-A. Assistance in erection of armories.
5 Section 4413-A. Eminent domain for National Guard purposes.
6 Section 4414-A. Lands for armory purposes.

7 (c) Burials and Memorials
8 Section 4421-A. Purchase of burial grounds for deceased service
9 persons.
10 Section 4422-A. Care of memorials.
11 Section 4423-A. Memorial trees.
12 Section 4424-A. Penalty for injury to memorial trees.

13 ARTICLE XLV-A

14 ASSESSMENTS FOR PUBLIC IMPROVEMENTS

15 Section 4501-A. Authority to assess.
16 Section 4502-A. Method of assessment.
17 Section 4503-A. Notice of assessment.
18 Section 4504-A. Appeals to court.
19 Section 4505-A. Benefits and damages.
20 Section 4506-A. Return by city of assessments paid on property
21 unlawfully assessed.
22 Section 4507-A. Payment of assessments in installments.
23 Section 4508-A. Collection of assessments.

24 ARTICLE XLVI

25 COLLECTION OF MUNICIPAL CLAIMS BY SUIT AND

26 COMPROMISE OF CLAIMS

27 Section 4601. Collection of Municipal Claims by Suit.
28 Section 4602. Compromise of Municipal Claims.

29 ARTICLE XLVII

30 ACTS OF ASSEMBLY REPEALED; SAVING CLAUSE

1 Section 4701. Repeals and Savings Clause.

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

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

8 ARTICLE I

9 PRELIMINARY PROVISIONS

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

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

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

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

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

22 "Highway," a state highway of the Commonwealth of
23 Pennsylvania.

24 "Bill," any] "Bill." Any proposed ordinance introduced in
25 council.

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

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

28 "Home Rule Charter and Optional Plans Law." The provisions
29 of 53 Pa.C.S. Pt. III Subpt. E (relating to home rule and
30 optional plan government) and, where applicable, the former act

1 of April 13, 1972 (P.L.184, No.62), known as the "Home Rule
2 Charter and Optional Plans Law."

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

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

13 "Municipal corporation." A city, borough, incorporated town,
14 or township.

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

18 "Municipality." A county, city, borough, incorporated town,
19 or township.

20 "Pennsylvania Construction Code Act." The act of November
21 10, 1999 (P.L.491, No.45), known as the "Pennsylvania
22 Construction Code Act."

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

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

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

- 1 (a) The collection of municipal and tax claims by liens;
- 2 (b) The method of incurring and increasing [of] city
3 indebtedness;
- 4 (c) Conduct of elections;
- 5 (d) Public schools, except the collection of school taxes by
6 the city treasurer;
- 7 (e) [Aldermen] (Reserved);
- 8 (f) Constables;
- 9 (g) The giving of municipal consent to public [service
10 companies] utilities;
- 11 (h) Weights and measures;
- 12 (i) Validations of elections, bonds, ordinances, and acts of
13 corporate officers;
- 14 (j) Joint city and county buildings;
- 15 (k) Libraries;
- 16 (l) State highways;
- 17 (m) The joint or several authorities or duties pertaining to
18 cities as well as to other classes of political subdivisions by
19 virtue of general acts of Assembly.

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

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

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

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

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

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

28 (1) All cities which have been incorporated under or which
29 have accepted the provisions of the act of [Assembly, approved
30 the twenty-third day of May, one thousand eight hundred and

1 seventy-four (Pamphlet Laws 230)] May 23, 1874 (P.L.230,
2 No.152), entitled "An act dividing cities of this State into
3 three classes; regulating the passage of ordinances; providing
4 for contracts for supplies and work for said cities; authorizing
5 the increase of indebtedness, and the creation of a sinking fund
6 to redeem the same; defining and punishing certain offenses in
7 all of said cities; and providing for the incorporation and
8 government of the cities of the third [class," and the
9 amendments thereto; (b) all] class."

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

16 (3) All cities which have been incorporated under the
17 provisions of the act of [Assembly, approved June twenty-
18 seventh, one thousand nine hundred and thirteen (Pamphlet Laws
19 568)] June 27, 1913 (P.L.568, No.367), 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," and the
24 amendments thereto; (d) all] thereto."

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

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

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

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

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

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

28 Section 108. Effective Date.--This act shall go into effect
29 on the first day of July, one thousand nine hundred and thirty-
30 one. [This reenactment, revision, amendment and consolidation of

1 the laws relating to cities of the third class shall become
2 effective on the first Monday of January, one thousand nine
3 hundred fifty-two.]

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

1 circulation, defined as aforesaid.

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

3 ARTICLE II

4 PROCEDURES FOR INCORPORATION

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

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

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

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

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

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

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

28 (1) A single municipal corporation, having a population of
29 at least ten thousand according to the last preceding United
30 States census, may be incorporated as a city in accordance with

1 this article, if a majority of the registered voters in the
2 municipal corporation cast an affirmative vote in favor of the
3 referendum question.

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

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

13 [Section 202. Resolution to Submit Question to Electors.--

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

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

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

1 Section 203.1. Incorporating Resolution.--(a) The governing
2 body of a municipal corporation may adopt an incorporation
3 resolution.

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

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

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

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

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

1 will be submitted to the registered voters.

2 Section 10. Section 205 of the act, amended October 5, 1967
3 (P.L.327, No.143), is amended to read:

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

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

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

28 Section 206. Effect of Vote Against [City Charter.--Whenever
29 by the returns of the election in any town, township, or
30 borough, it shall appear that in any one there is a majority

1 against the city charter] Incorporating as City.--If the returns
2 show that a majority of registered voters in a municipal
3 corporation voted "no" on the referendum question, no further
4 proceeding shall be had, and it shall not be lawful to hold
5 another election upon the referendum question in [such town,
6 township, or borough] the municipal corporation until the third
7 general or municipal election thereafter occurring.

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

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

1 thereof.

2 Section 209. Existing Governments [Preserved Temporarily;
3 Organization of City.--The governments of the said towns,
4 townships, and boroughs] Temporarily Preserved; City
5 Organization.--(a) The government of the municipal corporation
6 shall continue in full force and operation, until the first
7 Monday of January next succeeding the municipal election
8 provided for in section 702 [of this act], at which time the
9 officers of [said] the city chosen at [said] the municipal
10 election shall enter upon their respective terms of service, and
11 the city government shall be duly organized under this act.

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

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

1 townships and boroughs, contracted prior to such consolidation,
2 shall be paid by the said city thus organized and chartered, so
3 that the taxes shall be uniform throughout the territorial
4 limits of the whole city.] If a municipal corporation is
5 incorporated as a city in accordance with this article, the
6 following shall apply:

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

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

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

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

20 Section 12. Article II-A heading and sections 250, 251, 252,
21 253, 254 and 255 of the act, added September 17, 1959 (P.L.913,
22 No.363) are repealed:

23 [ARTICLE II-A

24 ALTERNATIVE PROCEDURE FOR INCORPORATION

25 Section 250. Appointment of Charter Commission.--The
26 corporate authorities of any town, township, or borough or of
27 any combination of contiguous towns, townships or boroughs may
28 and, upon petition of two hundred or more qualified electors
29 thereof, shall petition the court of quarter sessions of the
30 county in which such towns, townships or boroughs are situate,

1 for the appointment of a charter commission to study and make
2 recommendations on the adoption of a form of city government for
3 such towns, townships or boroughs. Whenever any such towns,
4 townships or boroughs, or combination thereof, are situate in
5 more than one county, the petition shall be brought to the court
6 of quarter sessions of the county in which the larger percentage
7 of the population thereof are resident.

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

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

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

28 Members of the charter commission shall serve without
29 compensation, but shall be reimbursed by the towns, townships or
30 boroughs for their necessary expenses incurred in the

1 performance of their duties. The corporate authorities of the
2 towns, townships or boroughs shall appropriate reasonable sums
3 of money necessary for such purpose and for the work of the
4 charter commission as provided in the Optional Third Class City
5 Charter Law.

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

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

23 Shall the.....be incorporated into a
24 name of towns, townships or boroughs
25 city of the third class to be known as the city of.....
26 with a.....form of government providing for
27 name of form
28councilmen to be elected at large?
29 number of councilmen

30 Section 253. Return of Election; Effect of Vote.--(a) The

1 county board of elections shall make return of the vote cast on
2 the question as provided by law. If it appears that a majority
3 of the votes cast in each such town, township or borough on the
4 question shall be in favor of creating a city, the city shall be
5 incorporated as provided in this act.

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

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

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

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

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

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

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

1 article are un concluded.

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

3 Whenever, under the provisions of this article, the electors of

4 any towns, townships or boroughs elect to incorporate a city

5 with one of the optional forms of government provided in the

6 Optional Third Class City Charter Law, and later, at an election

7 held for that purpose under the Optional Third Class City

8 Charter Law, elect to abandon such optional form of government,

9 the city shall cease to be governed by the provisions of such

10 charter plan and the Optional Third Class City Charter Law on

11 the first Monday of January following the next succeeding

12 municipal election, and shall thereafter be governed under the

13 provisions of this act. The reversion to the form of government

14 provided by this act shall take effect as provided in article

15 VI. of the Optional Third Class City Charter Law for transition

16 to an optional form of government in so far as applicable, and

17 in addition any city offices which are elective under this act

18 but are not elective under such optional form of government,

19 shall be filled at such municipal election.]

20 Section 13. Article III heading of the act is reenacted to

21 read:

22 ARTICLE III

23 CHANGE OF CORPORATE TITLE

24 Section 14. Sections 301, 302, 303 and 304 of the act are

25 amended to read:

26 Section 301. Resolution and Petition to Change Corporate

27 Title.--[Whenever the council of any city shall, by resolution,

28 decide to change the corporate title of such city, it shall

29 present its petition to the court of quarter sessions of the

30 county having jurisdiction over the municipal affairs of the

1 city, petitioning such court to change the corporate title
2 thereof in accordance with the resolution, a certified copy of
3 which shall be attached to such petition.] City council may
4 initiate proceedings to change the corporate title of a city by
5 doing each of the following:

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

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

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

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

29 (c) After hearing testimony, the court shall either order
30 and decree changing the corporate title of the city in

1 accordance with the petition and resolution of council or
2 dismiss the petition.

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

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

22 Section 15. Article IV heading of the act is reenacted to
23 read:

24 ARTICLE IV

25 CREATION AND DIVISION OF WARDS

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

27 Section 401. [Petition for Creation or Division of Wards.--
28 New wards may be created in cities, or wards therein may be
29 divided, by the court of quarter sessions, on application
30 thereto for that purpose, by the petition of at least one

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

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

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

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

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

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

1 the ward which the petition proposes to divide.

2 (2) Twenty-five registered voters may petition to detach
3 part of one ward and attach the detached part to another ward if
4 the petitioners reside in the part of the ward that is proposed
5 to be detached.

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

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

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

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

29 Section 403. Appointment of Commission[; Report; Order of
30 Court.--Upon the presentation of any such petition praying for

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

1 wards to be affected thereby.

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

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

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

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

1 (c) Upon receipt of the report, council shall, by motion,
2 determine whether to submit the question of the proposed
3 creation, division or detachment of a ward or wards as provided
4 in the report to the registered voters of the city in accordance
5 with section 404.

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

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

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

30 Section 405. Notice of Election; Review of Report.--[It

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

10 (b) The election notice shall contain a statement of the
11 issue to be submitted to the registered voters at the election,
12 including the ward, wards or parts thereof to be affected, and
13 the date upon which the election is to be held. The notice shall
14 reference the report and specify that it is available for review
15 and copying as a public record pursuant to the act of February
16 14, 2008 (P.L.6, No.3), known as the "Right-to-Know Law."

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

25 Section 407. Computing Vote; Return; [Order of Court;]
26 Resubmission of Question.--[The officers of such election shall
27 receive and count the votes in the manner prescribed by law, and
28 shall forthwith make out a return on forms furnished by the
29 board of elections, showing the number of votes for and against
30 such new ward, or for or against such division or detachment of

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

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

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

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

1 Section 408. Change of Ward Lines by [Court] Council.--
2 Whenever it shall appear to [the court of quarter sessions]
3 council in proceedings for the division of any ward, or the
4 creation of new wards, that any of the boundaries or divisions
5 thereof are uncertain for any cause, [the said court shall make
6 such order or decree as to] council shall determine the
7 relocation of the line [as to it may appear proper, so that the
8 same shall] to conform as nearly as possible to the boundary
9 lines which may have been previously determined upon so long as
10 the result is that each ward in the city is composed of compact
11 and contiguous territory as nearly equal in population as
12 practicable as officially and finally reported in the most
13 recent Federal census, decennial or special.

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

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

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

23 [ARTICLE V

24 ANNEXATION OF TERRITORY

25 (a) Annexation of Boroughs, Townships and Parts
26 of Townships]

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

29 [Section 501. Petition for Annexation of Boroughs or
30 Townships and Parts of Townships.--Any borough having a

1 population of less than ten thousand inhabitants, or any
2 township or part of a township, contiguous to any city, whether
3 wholly or partially within the same or different counties, may
4 become annexed to any such city in the following manner:

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

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

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

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

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

27 [Section 502. Advertisement; Plots.--Before any such
28 petition is circulated or signed, notice thereof shall be given
29 by advertisement once a week for four weeks in two newspapers
30 published in or circulated throughout the territory to be

1 annexed. Such notice shall state the purpose of the petition and
2 the date it will be ready for signing. All such petitions shall
3 be accompanied by a plot or plots of the territory to be
4 annexed, showing all streets and highways, municipal or township
5 improvements and public buildings.]

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

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

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

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

1 Section 27. Section 505 of the act, repealed in part June 3,
2 1971 (P.L.118, No.6), is repealed:

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

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

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

1 voting machines at such election, both in such borough and in
2 the city to which annexation is desired, in the manner provided
3 by the election laws of this Commonwealth.

4 Such question shall be in the following form:

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

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

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

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

25 Section 29. Article V subdivision (b) heading and section
26 515 of the act are repealed:

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

28 Section 515. Annexation of Outlying Lots; Appointment of
29 Viewers.--Upon application by petition to the court of quarter
30 sessions signed by a majority or more of the taxable

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

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

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

1 Section 31. Section 517 of the act, amended October 5, 1967
2 (P.L.327, No.143) and repealed in part June 3, 1971 (P.L.118,
3 No.6), is repealed:

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

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

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

1 (c) Annexation of Part of a Borough

2 Section 525. Petition for Annexation of Territory in a
3 Borough; Ordinance of City.--Territory in a borough contiguous
4 to a city or separated therefrom by a river or stream may be
5 detached from the borough and annexed to the city in the
6 following manner:

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

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

23 [Section 526. Filing of Plans.--Upon such annexation by
24 ordinance, a plan of the territory annexed shall be filed by the
25 city council in the office of the county commissioners and with
26 the clerk of the court of quarter sessions and thereupon the
27 detachment and annexation shall be effective: Provided, however,
28 That if there be no delay through litigation or causes beyond
29 the control of the councils, the plan shall be filed, as herein
30 required, within thirty days after the passage of the annexation

1 ordinance by the city council, and, if the proceedings are not
2 thus completed, they shall be void in their entirety and of no
3 effect. A copy of the plan filed shall be likewise forwarded to
4 the Department of Community Affairs of the Commonwealth.]

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

7 [(d) Indebtedness and Public Property when Borough or
8 Township is Annexed

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

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

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

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

28 [Section 540. Adjustment of Indebtedness when Part of
29 Township is Annexed.--Where any part of any township or outlying
30 lots thereof are annexed to any city, the township officers of

1 that part of the said township not annexed, and the city council
2 of the said city, shall make a just and proper adjustment and
3 apportionment of all public property owned by the said township
4 at the time of said annexation, both real and personal,
5 including funds as well as indebtedness, if any, to and between
6 the said township and the city. In making such adjustment and
7 apportionment of the property and indebtedness, the township and
8 the city shall be entitled respectively to share in a division
9 of the property and indebtedness in the proportion that the
10 assessed valuation of the land remaining in the township bears
11 to the assessed valuation of the land annexed: Provided,
12 however, That where indebtedness was incurred by the township
13 for an improvement located wholly within the annexed part of the
14 township, the whole of such indebtedness shall be assumed by the
15 city, and where any part of any such improvement is located
16 within the annexed part of the township, the part of such
17 indebtedness representing the part of the improvement located
18 within the territory annexed, shall be assumed by the city, and
19 the adjustment and apportionment of any remaining debt, and the
20 public property of the township shall be made as above provided.
21 The adjustment and apportionment as made shall be reduced to
22 writing, and duly executed and acknowledged by the proper
23 officials, and filed in the office of the clerk of the court of
24 quarter sessions of the county in which said city is located. A
25 copy of such adjustment and apportionment shall be forwarded by
26 the city clerk to the Department of Community Affairs of the
27 Commonwealth.]

28 Section 36. Sections 541, 542 and 543 of the act are
29 repealed:

30 [Section 541. Appointment of Commission; Contents of

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

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

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

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

16 Section 37. Section 544 of the act, repealed in part June
17 1971 (P.L.118, No.6), is repealed:

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

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

27 [Section 545. Jurisdiction when Territory is in Two or More
28 Counties.--In cases where a city or township is situated in two
29 or more counties, the court of quarter sessions of the county in
30 which the city is located shall have exclusive jurisdiction over

1 the matter, but the same shall be heard by a judge, not a
2 resident of either of the judicial districts affected, who shall
3 be called to preside specially in the matter, and, in such
4 cases, the court shall appoint the commissioners hereinbefore
5 provided for from both or from three of such counties.

6 (f) Apportionment of Indebtedness when Part of a
7 Borough is Annexed

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

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

22 (g) Wards]

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

25 [Section 560. Distribution of Annexed Territory Among Wards;
26 New Wards; Ward Officers.--Within thirty days from the effective
27 date of any annexation, the city council shall cause a petition
28 to be presented to the court of quarter sessions of the county
29 in which the said city is located, praying for the distribution
30 of the annexed territory among the wards of the said city, or

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

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

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

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

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

1 A bill may be introduced in council to annex said land,
2 setting forth a description of the territory to be annexed and
3 the courses and distances of the boundaries of such territory.
4 If said bill becomes an ordinance by action of council, a copy
5 thereof shall be certified to the Department of Community
6 Affairs.]

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

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

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

19 Section 43. Article V subdivision (i) heading, section 570,
20 subdivision (j) heading and section 580 of the act, added July
21 10, 1959 (P.L.521, No.139), are repealed:

22 [(i) Terms and Salaries of Officials and Employes
23 of Annexed Territory

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

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

13 (j) Ordinances

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

20 Section 44. Article VI heading of the act is reenacted to
21 read:

22 ARTICLE VI

23 CITY BOUNDARIES

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

26 Section 601. Navigable Stream Boundaries.--Whenever any city
27 is bounded by the nearest margin of a navigable stream, and an
28 opposite [township, borough, or city] municipal corporation is
29 also bounded by the nearest margin of the same stream, the
30 boundaries of [such] the city shall extend to the center line of

1 the stream. Nothing contained in this section shall be construed
2 to repeal any local or special law providing otherwise.

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

11 (b) In any dispute [involves] involving the boundaries of
12 counties, the provisions of [the County Code shall apply to that
13 extent.] this article shall not supersede the application of the
14 relevant provisions of the act of August 9, 1955 (P.L.323,
15 No.130), known as "The County Code," and the act of July 28,
16 1953 (P.L.723, No.230), known as the "Second Class County Code,"
17 or any other law applicable to the fixing of county boundaries.

18 Section 603. Petition to Court; Commissioners; Report.--Upon
19 [such] petition in accordance with section 602(a), the court
20 shall appoint [as] three impartial commissioners [three
21 impartial qualified electors], who shall have authority to
22 employ a professional engineer or surveyor. After giving notice
23 to interested parties [affected] by publication once in at least
24 one newspaper of general circulation, in conformity with section
25 [one hundred and nine of this act, they shall view the disputed
26 boundaries] 109, or as directed by the court, the commissioners
27 shall hold a hearing and view the disputed boundaries. A
28 majority of the commissioners shall make [a prompt] its report
29 and recommendations to the court, [which report shall be]
30 accompanied [with] by a plot or draft of the lines and

1 boundaries proposed [boundary, if the same cannot be fully
2 described] to be ascertained and established if they cannot be
3 fully designated by natural lines[. The] or boundaries. Upon the
4 filing of the report, it shall be confirmed nisi, and the court
5 [shall] may make [such] further order [thereupon as to] as it
6 shall [seem] deem just and reasonable.

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

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

1 paid equally by the [political subdivisions interested] city and
2 any interested municipal corporation.

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

15 Section 46. Article VII heading of the act is reenacted to
16 read:

17 ARTICLE VII

18 ELECTED OFFICERS AND ELECTIONS

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

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

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

1 Monday of January in the fourth year thereafter.

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

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

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

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

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

29 Should two additional council members be elected to serve in
30 this city, so that council shall be comprised of six council

1 members and the mayor?

2 Yes

No

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

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

8 (5) Terms of newly elected council members shall be as
9 follows:

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

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

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

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

1 IV or any other law.

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

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

17 Yes No

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

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

1 receiving the first and second highest number of votes shall
2 serve for a term of four years. The two candidates receiving the
3 third and fourth highest number of votes shall serve for a term
4 of two years. After that time, council members shall be elected
5 as provided in subsection (a).

6 Section 702. First Elections in Newly Created Cities.--(a)

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

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

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

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

28 Section 704. Certificates of Election.--[Whenever an
29 election shall have been held for city officers, for regular
30 terms of service] Upon the election of city officers in

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

10 Section 48. Article VIII heading of the act is reenacted to
11 read:

12 ARTICLE VIII

13 VACANCIES IN OFFICE

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

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

27 In case vacancies should exist whereby the offices of three
28 or four of the five members of the city council become vacant,
29 the remaining one or two members shall fill such vacancies, one
30 at a time, giving each new appointee such reasonable notice of

1 his appointment as will enable him to meet and act with the then
2 qualified member or members of the city council in making
3 further appointments until three members of city council have
4 been qualified, whereupon the said three members shall fill the
5 remaining vacancies at a meeting attended by the said three
6 members of said city council, such appointees to receive a
7 majority of the votes of the said three members present at any
8 such meeting. The person or persons selected to fill such
9 vacancy or vacancies shall hold their offices as herein
10 provided.

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

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

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

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

1 shall fill the vacancy or vacancies upon either the petition of
2 ten or more qualified electors of the city or the petition of a
3 majority of the remaining members of council.

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

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

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

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

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

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

28 If by reason of a tie vote or otherwise, such vacancy shall
29 not have been filled by the members of city council within the
30 time as limited herein, the court of common pleas upon the

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

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

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

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

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

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

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

1 vacant and the resulting vacancy shall be filled in the manner
2 provided by this act.

3 Section 51. Article IX heading of the act is reenacted to
4 read:

5 ARTICLE IX

6 GENERAL PROVISIONS RELATING TO CITY

7 OFFICERS AND EMPLOYES

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

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

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

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

22 (i) by impeachment;

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

25 (iii) upon conviction of misbehavior in office, or of any
26 infamous crime.

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

1 (3) Nothing in this section shall prevent title to elected
2 city offices from being tried by proceedings of quo warranto as
3 provided by law.

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

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

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

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

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

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

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

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

1 (c) Any officer drawing or countersigning any [warrant]
2 document authorizing payment, or passing or paying any voucher
3 contrary to this section, [shall be guilty of] commits a
4 misdemeanor[,] and shall, upon conviction [thereof, shall
5 forfeit his office], be subject to forfeiting office in
6 accordance with section 901(b)(2) and [be] sentenced to pay a
7 fine not exceeding five thousand dollars, or to undergo
8 imprisonment not exceeding one year, or both, at the discretion
9 of the court.

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

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

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

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

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

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

28 (b) Any person refusing to take the oath shall be deemed not
29 to have met the qualifications to hold office. Any person who
30 violates the person's oath commits a misdemeanor and shall, upon

1 conviction, be sentenced to pay a fine not exceeding one
2 thousand dollars or to undergo imprisonment not exceeding one
3 year, or both, at the discretion of the court, and shall be
4 subject to forfeiting office in accordance with section 901.

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

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

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

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

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

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

1 personal sureties.

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

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

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

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

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

1 the amount of the insurance shall be fixed by council.

2 Section 908. Officers not to Become Surety on Bonds Given to
3 City; Penalty.--No member of the council, or any other city
4 officer, shall become surety [in] on any bond or obligation
5 given to the city by any agent or contractor[,] for the faithful
6 performance of any trust, agency, or contract. Any person
7 violating any of the provisions of this section [shall be guilty
8 of] commits a misdemeanor[,] and shall, upon conviction, [shall
9 forfeit his] be subject to forfeiting office in accordance with
10 section 901 and [be] sentenced to pay a fine not exceeding one
11 hundred dollars.

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

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

30 [Section 910. Receipt of Bribe by Officer or Employee of

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

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

1 trust in this Commonwealth.

2 Section 912. City Property not to be Used by Officers for
3 Gain; Penalty.--No portion of the property of the city shall be
4 used for private gain by any officer of the city, councilman,
5 agent or employe of said city, or any department thereof; nor
6 shall the same be wilfully used or injured, or be sold or
7 disposed of in any manner by any officer, councilman, agent or
8 employe, without the consent of the council. Any person
9 violating any of the provisions of this section shall be guilty
10 of a misdemeanor, and, upon conviction, shall be sentenced to
11 pay a fine not exceeding five hundred dollars, or to undergo
12 imprisonment not exceeding one year, or both, at the discretion
13 of the court. Upon such conviction, the party offending shall be
14 forthwith removed from his office or employment, and shall not
15 thereafter be eligible to election or appointment to any place
16 of profit or trust under said city, or any department thereof.

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

1 engaged in all types of construction work. Any official,
2 officer, agent or employe of a city or any department, office,
3 institution or agency thereof, violating the provisions of this
4 section, shall, upon summary conviction thereof, forfeit and pay
5 to the city a fine of not less than one hundred nor more than
6 three hundred dollars for each such offense, or in default
7 thereof undergo imprisonment for not more than ninety days; and
8 each day's violation shall constitute a separate and distinct
9 offense.

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

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

24 Section 54. Section 916 of the act, amended September 26,
25 1951 (P.L.1515, No.379), is amended to read:

26 Section 916. [City Leagues] Pennsylvania Municipal League
27 and Other Municipal Affairs Organizations.--Any city may unite
28 with other cities, or with the cities of two or more classes, or
29 with any other municipalities, and may form and organize
30 [leagues] a league of said cities[,] and municipalities and hold

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

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

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

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

27 (2) a city agency created or authorized to be created by
28 this act.

29 (b) The officer, official or city agency referred to in
30 subsection (a) shall have authority, for the purposes of [such]

1 hearings or investigations, to issue subpoenas for the
2 attendance and giving of testimony of [such] witnesses as are
3 subject to the subpoenas of the courts of record of this
4 Commonwealth, and to issue subpoenas duces tecum as to [such]
5 the witnesses.

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

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

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

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

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

1 bureau or organization.

2 Section 57. Article X and subdivision (a) headings of the
3 act are reenacted to read:

4 ARTICLE X

5 THE COUNCIL

6 (a) General Provisions

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

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

17 (b) Council members shall reside in the city from which
18 elected and shall have resided in the city continuously for at
19 least one year before their election. Prior to being sworn in to
20 office and as a condition to qualifying for office, each elected
21 council member shall present a signed affidavit to the city
22 clerk that states the person resides in the city, OR, IN THE <--
23 CASE OF ELECTION TO A WARD OFFICE, THE WARD, from which elected
24 and has resided in the city OR WARD continuously for at least <--
25 one year preceding the person's election.

26 (c) No officer of the United States or of the Commonwealth
27 of Pennsylvania (except notaries public or officers of the
28 militia), nor any county officer, nor any officer of any school
29 district embraced in the territory of [said] the city, nor any
30 officer or employe of [said] the city, or of any department

1 [thereof, nor any member or employe of a municipality authority
2 of which the city is a member] of the city, shall serve as a
3 [councilman during his continuance or] council member while
4 continuing to hold the incompatible office or employment, except
5 as hereinafter provided.

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

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

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

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

29 Section 61. Sections 1004 and 1005 of the act are amended to
30 read:

1 Section 1004. Oath of [Councilmen] Council Members; Quorum;
2 Rules.--(a) The members of council shall take the oath of
3 office provided for [by this act, which oath may be administered
4 by the city clerk or any other person authorized to administer
5 oaths. Three] in section 905.

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

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

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

1 by unanimous consent of council]. A special meeting can be a
2 special purpose meeting or a general purpose meeting, as
3 advertised. Notice of a special meeting shall state the nature
4 of the business to be conducted at the meeting.

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

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

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

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

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

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

1 present at the meeting.

2 (4) Council may only authorize participation by
3 telecommunication device for one or more of the following
4 reasons for physical absence:

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

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

8 (iii) emergency;

9 (iv) family or business travel.

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

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

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

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

30 Section 1007. Voting; No Veto; Vote Necessary to Pass

1 Ordinance.--Each of the five members of council, shall vote on
2 all questions coming before the council, except as hereafter
3 provided. The mayor shall have no right of veto. Except as
4 otherwise provided in this act, an affirmative vote of three
5 members shall be necessary in order to pass any ordinance,
6 resolution, rule or regulation.

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

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

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

1 Section 1011. Bills; Titles.--All proposed ordinances shall
2 be presented to council in written form as bills and shall be
3 numbered serially for the calendar year. They shall not be so
4 altered or amended on their passage through council as to change
5 their original purpose. No ordinances, except general
6 appropriation ordinances, shall be passed containing more than
7 one subject, which shall be expressed in its title.]

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

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

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

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

28 Section 65. Section 1014 of the act, amended December 1,
29 1977 (P.L.242, No.78), is repealed:

30 [Section 1014. Time of Taking Effect of Ordinances;

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

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

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

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

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

27 (b) A consolidation, codification or revision, containing
28 minor nonsubstantive changes of city ordinances, to be enacted
29 as a single ordinance, shall be introduced in the city council
30 at least thirty days before its final enactment and, at least

1 fifteen days before its final enactment, notice of the
2 introduction thereof specifying its general nature and content
3 shall be given by advertisement in a newspaper of general
4 circulation in the city.

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

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

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

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

29 Section 1015. Attendance of Witnesses and Production of
30 Books Before Council or Committee [Thereof] of Council.--(a)

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

30 (b) Any person[,] so called as a witness[,] and examined

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

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

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

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

1 participated. If council has provided that members of council
2 will receive compensation on a per-meeting basis, council may
3 provide for the forfeiture of up to one-twelfth of the annual
4 compensation of any council member or impose another appropriate
5 penalty for each unexcused absence from regularly scheduled
6 legislative council sessions.

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

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

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

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

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

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

30 (iv) not more than four thousand one hundred twenty-five

1 dollars per year in cities having a population of fifteen
2 thousand or more, but less than twenty-five thousand;

3 (v) not more than four thousand three hundred seventy-five
4 dollars per year in cities having a population of twenty-five
5 thousand or more, but less than thirty-five thousand; and

6 (vi) not more than five thousand dollars per year in cities
7 having a population of thirty-five thousand or more.

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

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

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

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

28 (c) The records of council shall be in the actual or
29 constructive custody of the city clerk and shall be subject to
30 inspection and copying in accordance with the act of February

1 14, 2008 (P.L.6, No.3), known as the "Right-to-Know Law."

2 Section 70. Section 1017 of the act, repealed in part April
3 28, 1978 (P.L.202, No.53), is repealed:

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

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

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

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

23 [Section 1018. Cost of Maintenance of Prisoners in County
24 Jails.--When a prisoner shall be committed to any county jail or
25 prison in this Commonwealth, either for the nonpayment of a fine
26 or penalty imposed for the violation of any city ordinance, or
27 while awaiting a hearing upon any charge for the violation of
28 any city ordinance, the cost of proceedings and the expenses of
29 maintaining such prisoner during his confinement by virtue of
30 any such commitment, shall be paid by the city, whose ordinances

1 were alleged to have been violated, or to which any such fines
2 or penalties are payable. The county in which such city is
3 located shall not be liable for any such maintenance, or to any
4 officer, magistrate, alderman, or person for any costs of such
5 proceedings.]

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

8 (a.1) Ordinances

9 Section 1018.1. Ordinances and resolutions.

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

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

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

29 (3) A proposed ordinance may be introduced by any
30 council member, and council may require that the introduction

1 of a proposed ordinance by a council member be by motion.

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

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

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

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

21 Section 1018.2. Voting; no veto; vote necessary to enact
22 ordinances or adopt resolutions.

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

1 cause shall be entered upon the journal.

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

3 (c) Majority vote.--Except as otherwise provided in this
4 act, no ordinance may be enacted or resolution adopted by the
5 council without an affirmative vote of a majority of the whole
6 number of the members of council.

7 Section 1018.3. Journal of proceedings; recording and
8 withholding of vote.

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

18 Section 1018.4. Signing and attesting ordinances.

19 Every legislative act of the council shall be by ordinance,
20 and every ordinance enacted by council shall be signed by the
21 mayor and attested by the city clerk.

22 Section 1018.5. Proposed ordinances; titles.

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

1 ordinance by a court of competent jurisdiction.

2 Section 1018.6. Reading of proposed ordinances; final
3 enactment.

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

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

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

15 (d) Numbering.--Upon enactment, ordinances shall be numbered
16 serially.

17 Section 1018.7. Payments not authorized by law.

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

25 Section 1018.8. Time of taking effect of ordinances.

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

30 Section 1018.9. Publication of proposed ordinances.

1 (a) Publication required.--Every proposed ordinance, except
2 as otherwise provided in this act, shall be published in a
3 newspaper of general circulation not more than 60 days nor fewer
4 than seven days prior to enactment.

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

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

19 Section 1018.10. Filing of proposed ordinances.

20 (a) Place of filing.--If the full text is not published, an
21 attested copy of the proposed ordinance shall be filed when the
22 summary of the ordinance is published in the county law library
23 or other county office designated by the county commissioners
24 who may impose a fee no greater than that necessary to cover the
25 actual costs of storing the proposed ordinances. Filing with the
26 county may be completed by the submission of an electronic copy
27 of the ordinance through a method available, in the sole
28 discretion of the county, to permit receipt by the office
29 storing municipal ordinances. Upon request by the city, the
30 county shall notify the city of the method by which electronic

1 copies may be submitted. The county may store the ordinance
2 electronically, provided that the public is able to access the
3 electronically stored city ordinances during regular business
4 hours at the office or at a remote location. The city shall
5 retain a printed copy of the e-mail and ordinance as
6 transmitted.

7 (b) Date of filing.--The date of filing the proposed
8 ordinance with the county shall not affect the effective date of
9 the ordinance or the validity of the process of enactment of the
10 ordinance.

11 Section 1018.11. Records of ordinances maintained by city
12 clerk.

13 (a) Records.--All ordinances shall, within one month after
14 their enactment, be certified and recorded by the city clerk in
15 a book provided by the city for that purpose which shall be at
16 all times open to the inspection of citizens. A standard or
17 nationally recognized code or any portion of the standard or
18 nationally recognized code enacted by reference need not be
19 recorded in or attached to the ordinance book, but shall be
20 deemed to have been legally recorded if the ordinance by which
21 the code was enacted by reference is recorded, with an
22 accompanying notation stating where the full text of the code is
23 filed. A failure to record within the time provided shall not be
24 deemed a defect in the process of the enactment or adoption of
25 such ordinance.

26 (b) Compilation or codification.--At the close of each year,
27 with the advice and assistance of the city solicitor, the city
28 clerk shall bind, compile or codify all the ordinances of the
29 city, or true copies of the ordinances, which then remain in
30 force and effect.

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

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

6 (e) Attachment.--A city ordinance or portions of a city
7 ordinance, the text of which prior to the effective date of this
8 act is attached to the city ordinance book, shall be considered
9 in force as if the ordinance or portions of the ordinance were
10 recorded directly upon the pages of the ordinance book.

11 Section 1018.12. Proof and evidence.

12 All ordinances, resolutions, motions or other proceedings of
13 council may be proved by the certificate of the city clerk under
14 the corporate seal and, when printed or published in book or
15 pamphlet form by authority of the city, shall be read and
16 received as evidence in all courts and elsewhere without further
17 proof.

18 Section 1018.13. Standard or nationally recognized codes.

19 (a) Authority to enact.--In the same manner as other
20 ordinances, and except as otherwise provided in this act or the
21 Pennsylvania Construction Code Act, council may enact, by
22 reference to a standard or nationally recognized code, all or
23 any portion of the standard or nationally recognized code as an
24 ordinance of the city. Three copies of the proposed standard or
25 nationally recognized code, portion of the code or amendment to
26 the code shall be filed in the office of the city clerk at least
27 ten days before the city council considers the proposed
28 ordinance and upon enactment shall be kept with the ordinance
29 book and available for public use, inspection and examination.

30 (b) Time frame.--

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

7 (2) An ordinance which incorporates standard or
8 nationally recognized code amendments by reference shall
9 become effective after the same procedure and in the same
10 manner as is specified in this section for original adoption
11 of the code.

12 (c) Technical regulations or code.--An ordinance that
13 incorporates by reference standard technical regulations or code
14 shall be subject to the provisions of the Pennsylvania
15 Construction Code Act, if applicable.

16 Section 1018.14. Maps, plans or drawings.

17 Except as may be otherwise provided under the Pennsylvania
18 Municipalities Planning Code, if maps, plans or drawings of any
19 kind are to be adopted as part of an ordinance, the council may,
20 instead of publishing the maps, plans or drawings as part of the
21 ordinance, make reference in publishing the ordinance or a
22 summary of the ordinance to the place where the maps, plans or
23 drawings are on file and may be examined. Once enacted as part
24 of an ordinance, a map, plan or drawing shall be amended by
25 ordinance.

26 Section 1018.15. Codification of ordinances.

27 (a) Preparation authorized.--City council may prepare a
28 consolidation or codification of the general body of city
29 ordinances or the ordinances on a particular subject. City
30 council may adopt the consolidation or codification as an

1 ordinance of the city in the same manner prescribed for the
2 adoption of its ordinances, except as follows:

3 (1) A consolidation or codification to be enacted as a
4 single ordinance shall be introduced in the city council at
5 least 30 days before its final enactment; and at least 15
6 days before final enactment, notice of introduction of the
7 consolidation or codification specifying its general nature
8 and content shall be given by advertisement in a newspaper of
9 general circulation.

10 (2) The required advertised notice of the proposed
11 adoption of the consolidation or codification shall include a
12 listing of its table of contents, and the advertisement shall
13 indicate a place within the city where a copy of the proposed
14 consolidation or codification may be examined.

15 (b) Additional procedure.--The procedure for the
16 consolidation or codification of city ordinances as a single
17 ordinance may also be followed in enacting a complete group or
18 body of ordinances repealing or amending existing ordinances as
19 may be necessary in the course of preparing a consolidation or
20 codification of the city ordinances, except that the
21 advertisement giving notice of the proposed adoption shall list,
22 in lieu of a table of contents, the titles only of each of the
23 ordinances in the complete group or body of ordinances.

24 (c) Adoption by reference.--The consolidation or
25 codification may contain matter, which, when it becomes
26 effective as an ordinance, will operate to adopt by reference
27 any building, fire prevention or other standard or model code or
28 zoning ordinance and zoning map in accordance with section
29 1018.13 and, if applicable, section 1018.14.
30 Section 1018.16. Enforcement of ordinances; recovery and

1 payment of fines and penalties.

2 (a) Enforcement.--Actions, prosecutions, complaints and
3 proceedings for the violation of the ordinances of the city and
4 for fines, penalties and forfeitures imposed shall be instituted
5 in the corporate name of the city and be conducted in the manner
6 prescribed by law.

7 (b) Proceedings.--Unless otherwise provided by law,
8 proceedings for the violation of the ordinances of the city
9 shall be conducted as summary conviction proceedings, or
10 proceedings for the recovery of penalties, before magisterial
11 district judges with the same right of appeal from any final
12 judgment entered.

13 Section 1018.17. Penalty.

14 A person who violates any ordinance enacted under the
15 authority of this act for which no penalty is otherwise
16 specified commits a summary offense and, upon conviction, shall
17 be sentenced to pay a fine of not more than \$1,000 or to
18 imprisonment for not more than 90 days, or both, at the
19 discretion of the court.

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

22 (b) [Initiative] Initiating Ordinances
23 by Electors

24 Section 74. Sections 1030, 1031, 1032, 1033, 1034, 1035,
25 1036, 1037, 1038, 1039, 1040 and 1041 of the act are amended to
26 read:

27 Section 1030. Initiation of Proposed Ordinances by Petition;
28 Exceptions.--[Any] (a) Except as provided in subsection (b), a
29 proposed ordinance may be submitted to the council by a petition
30 signed by the electors of any city[, as hereinafter provided,

1 except:

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

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

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

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

13 (2) Proposed ordinances to repeal, amend or modify an
14 ordinance which took effect after having been subject to the
15 provisions of the referendum for reconsideration of the
16 ordinance.

17 Section 1031. Petition; Notice.--[The city clerk, upon the
18 written request of one hundred qualified electors of the city,
19 directed to him, asking for the preparation of a petition for
20 the submission of any proposed ordinance to the council of such
21 city, and accompanied by a copy of the proposed ordinance, shall
22 prepare such petition within ten days, and in the meantime
23 notice shall be published, at least one time, in one newspaper,
24 in the manner provided by section one hundred and nine of this
25 act, that such petition will be ready for signing at the
26 expiration of ten days from the presentation of said request.
27 This notice shall state the purpose for which the petition is
28 made, the place where and when it may be signed. Fifteen days
29 shall be allowed for signatures.] If the city clerk receives a
30 written request for the preparation of a petition for the

1 submission of a proposed ordinance to the city council by at
2 least one hundred qualified electors of the city and the request
3 is accompanied by a copy of the proposed ordinance, the city
4 clerk shall, within ten days after receiving the request, do
5 each of the following:

6 (1) Prepare the requested petition.

7 (2) Publish notice at least one time in a newspaper of
8 general circulation that provides, at a minimum, the following
9 information:

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

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

14 (iii) The place at which and the dates and times during
15 which the petition may be signed, with fifteen days, exclusive
16 of Saturdays, Sundays and holidays, being allowed for
17 signatures.

18 Section 1032. Signing; Oath.--[The signing] A petition for
19 the submission of a proposed ordinance shall be [done] signed in
20 the city clerk's office only. The petition shall be retained
21 [there] in the city clerk's office at all times [during the] for
22 a period of fifteen days. Each signer shall add to [his] the
23 signer's signature [his] the signer's place of residence by
24 street and number[,] and shall make oath before the city clerk
25 that [he] the signer is a qualified elector of the city and
26 resides at the address given. The city clerk shall keep [his]
27 the city clerk's office open for the purpose of permitting
28 voters to sign [such] the petition [from eight o'clock ante
29 meridian to ten o'clock post meridian of each day except Sundays
30 and holidays] at least from nine o'clock ante meridian through

1 seven o'clock post meridian, prevailing time, Monday through
2 Friday, except holidays. [He] The city clerk shall not permit
3 any person to sign [such] petitions after [ten o'clock post
4 meridian] seven o'clock post meridian, prevailing time, on the
5 last day for signing the same.

6 Section 1033. Number of Signatures; Examination and
7 Certificate by City Clerk.--[At the expiration of the fifteen
8 days aforesaid, and within ten days thereafter,] Within ten days
9 after the period of time for signing the petition has elapsed,
10 the city clerk shall examine [such] the petition[,] and, from
11 the record of registered voters of the city, ascertain whether
12 or not [said] the petition is signed by voters equal to twenty
13 per centum of all votes cast for all candidates for mayor at the
14 last preceding municipal election at which a mayor was elected.
15 If necessary, the council [shall] may allow the city clerk extra
16 help for [that] the purpose of complying with this section. The
17 city clerk shall attach to [said] the petition [his] the clerk's
18 certificate showing the result of [said] the examination. If
19 less than the required twenty per centum is certified, the
20 petition shall fail and shall be filed in the office of the city
21 clerk.

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

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

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

5 (b) [Forthwith, after the clerk shall attach to the petition
6 accompanying such ordinance his certificate of sufficiency, the
7 council shall call a special election] call for a referendum to
8 be held at the time of the next general, municipal or primary
9 election occurring at least ninety days thereafter[;], and at
10 [such] which election[, such] the proposed ordinance shall be
11 submitted without alteration to the vote of the electors of the
12 [said] city, after attachment of the clerk's certificate to the
13 accompanying petition. Notice of [such] the election [shall be
14 given as provided by the Pennsylvania Election Code.] and the
15 text of the question to be submitted to the electors shall be
16 published in the same manner as publication is required in
17 section 1201 of the Pennsylvania Election Code.

18 Section 1036. Form of Ballot [or Ballot Label] on Submission
19 to Vote.--[The ballots or ballot labels used when voting upon
20 said ordinance shall be supplied by the county board of
21 elections, and shall contain a question, stating the nature of
22 the proposed ordinance, followed by the words "yes" and "no" and
23 shall be as provided in the Pennsylvania Election Code. The
24 votes shall be counted and returns thereof made and computed as
25 provided in section ten hundred and sixty-two of this act.] The
26 question to be submitted to the electors on the proposed
27 ordinance shall be framed to state the nature of the proposed
28 ordinance, followed by the words "yes" and "no," and the
29 question shall be placed on the ballots which shall be counted,
30 returned and computed in accordance with section 1062 and the

1 election laws of the Commonwealth.

2 Section 1037. Effect of Majority Vote.--If the majority of
3 the qualified electors voting on the proposed ordinance shall
4 vote in favor [thereof, such] of the ordinance, the ordinance
5 shall [thereupon] become a valid and binding ordinance of [said]
6 the city.

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

12 Section 1039. Number of Proposed Ordinances to be Submitted;
13 [Special] Elections Limited.--Any number of proposed ordinances
14 may be voted upon at the same election, in accordance with the
15 provisions of this subdivision[: Provided, That]. Proposed
16 ordinances on the same subject matter shall not be submitted by
17 petition [oftener] more frequently than once [in] every three
18 years.

19 Section 1040. Submission for Repeal by Council.--The council
20 may submit a proposition for the repeal or amendment of [any
21 such] an ordinance to be voted upon at any succeeding municipal,
22 general or primary election[,] occurring at least ninety days
23 [thereafter] after council's submission of the proposition.
24 Should [such] the submitted proposition[, so submitted,] receive
25 a majority of the votes cast [thereon] on the proposition at
26 [such] the election, [such] the ordinance shall [thereby] be
27 repealed or amended accordingly.

28 Section 1041. Publication of Proposed Ordinance; Repeal or
29 Amendment.--Whenever any proposed ordinance is to be submitted
30 to the voters of the city at any election, or any ordinance is

1 submitted by council for repeal or amendment, notice [thereof]
2 of the election and text of the question to be submitted to the
3 electors shall be published [as required by] in the same manner
4 as publication is required in section 1201 of the Pennsylvania
5 Election Code.

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

8 (c) [Referendum] Reconsidering Ordinances by Electors

9 Section 76. Sections 1050, 1051, 1052, 1053, 1054, 1055 and
10 1056 of the act are amended to read:

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

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

18 [(a)] (1) Ordinances expressly required to be [passed]
19 enacted by the general laws of the State or by the provisions of
20 any act of Assembly, or the provisions of which and the matters
21 to be carried out [thereunder] under the ordinance are subject
22 to the approval of an officer or tribunal of the [State
23 Government;] Commonwealth.

24 [(b)] (2) Ordinances providing for tax levies or fees,
25 annual and other appropriations[,] and for the exercise of the
26 right of eminent domain[;].

27 [(c)] (3) Ordinances for the preservation of the public
28 peace, health, morals, safety[,] and in the exercise of the
29 police powers of the city government, and for the prevention and
30 abatement of nuisances[;].

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

4 [(e)] (5) Ordinances for the opening, paving, grading[,] or
5 other improvement of streets or highways, when the improvement
6 is petitioned for by a majority in number or interest of the
7 abutting property owners[;].

8 [(f)] (6) Ordinances for the construction of sewers[,] and
9 for the purpose of keeping the streets, highways[,] and
10 sidewalks in good order and repair and in a safe and passable
11 condition[;].

12 Section 1051. Petition; Reconsideration of Ordinance.--[If,
13 during such period of ten days from the time of its final
14 passage, a petition signed by electors of the city equal in
15 number to at least twenty per centum of the entire vote cast for
16 all candidates for mayor at the last preceding municipal
17 election at which a mayor was elected, protesting against the
18 passage of any ordinance other than those excepted from the
19 provisions of this subdivision by the foregoing section, is
20 presented to the council, said ordinance shall be suspended from
21 going into operation, and council shall reconsider such
22 ordinance.] With the exception of ordinances dealing with the
23 subjects set forth in section 1050(b), an ordinance shall be
24 suspended from going into operation and shall be reconsidered by
25 council if, within ten days after its final enactment, there is
26 presented to council, in accordance with this subdivision, a
27 petition protesting against enactment of the ordinance which
28 shall be signed by electors of the city equal in number to at
29 least twenty per centum of the entire vote cast for all
30 candidates for mayor at the last preceding municipal election at

1 which a mayor was elected.

2 Section 1052. Preparation of Petition by City Clerk;

3 Notice.--[Such] A petition under section 1051 shall be prepared

4 by the city clerk immediately upon receipt by [him] the clerk of

5 the written request of one hundred qualified electors of the

6 city asking that the [same] petition be prepared. Upon its

7 preparation, [he] the clerk shall give notice by [one insertion

8 in one of the daily newspapers, if one be published in the city,

9 and, if not, then in a weekly or daily newspaper published in

10 the county, that such] publication in a newspaper of general

11 circulation that the petition is ready for signing and the

12 purpose of the petition, giving the place where and time when it

13 may be signed. The [said] signing shall be done only in the city

14 clerk's office, where the petition shall be retained during the

15 period of ten days after the [passage] enactment of the [said]

16 ordinance.

17 Section 1053. Additional Petitions.--In order to facilitate

18 the signing of [such] the petition, the city clerk shall cause

19 to be made at least two additional similar petitions for signing

20 by the qualified electors, and the signing of [such] the

21 additional similar petitions shall have the same force and

22 effect as the signing of the original petition. The city clerk

23 is hereby authorized to employ at least two persons to take

24 charge of [said] the additional petitions[; the]. The city clerk

25 and [said] the persons hired are hereby empowered to administer

26 the oath [hereinafter] required to be taken by the electors.

27 This section also shall apply [as well] to petitions initiating

28 ordinances under subdivision (b).

29 Section 1054. Signatures; Oath; Time of Signing.--Each

30 signer of a petition under section 1051 shall add to [his] the

1 signer's signature [his] the signer's place of residence by
2 street and number[,] and shall make an oath before the city
3 clerk, or other person authorized [as aforesaid] under section
4 1053, that [he] the signer is a qualified elector of the city
5 and resides at the address given. The city clerk shall keep
6 [his] the city clerk's office open for the purpose of receiving
7 signatures to the petitions [from eight o'clock ante meridian to
8 ten o'clock post meridian of each day except Sundays and
9 holidays. He] at least from nine o'clock ante meridian through
10 seven o'clock post meridian, prevailing time, Monday through
11 Friday. The city clerk shall not permit [any] a person to sign
12 [any of the said petitions] a petition after [ten] seven o'clock
13 post meridian, prevailing time, of the tenth day following the
14 [passage] enactment of the ordinance on which the referendum
15 vote is [prayed for] requested.

16 Section 1055. Presentation of Petition to Council.--At the
17 expiration of [said] ten days, the [said] petition shall be
18 [deemed and taken to be] filed with and presented to the
19 council, and [it shall be the duty of] the city clerk [to lay
20 the same before] shall present the petition to the council at
21 its first meeting [thereafter] after expiration of the ten-day
22 period.

23 Section 1056. Ascertainment of Number of Signers; Report.--
24 After [its] presentation of the petition to council, the city
25 clerk shall ascertain from the record of registered voters of
26 the city whether or not [said] the referendum petition is signed
27 by voters equal to twenty per centum of all the votes cast for
28 mayor at the last preceding municipal election at which a mayor
29 was elected. If necessary, the council [shall allow him] may
30 allow the clerk extra help for that purpose, and, after [he] the

1 clerk has made [said] the examination, [he] the clerk shall
2 report the result [thereof] to council.

3 Section 77. Sections 1057 and 1058 of the act are repealed:

4 [Section 1057. Ordinances Granting Franchises.--No franchise
5 or consent to occupy the public streets, highways, or other
6 places in any city of the third class shall be given or granted
7 to any person or persons, railroad, railway, gas, water, light,
8 telephone or telegraph company, or to any public utility
9 corporation, except by ordinance, and no ordinance for such
10 purpose shall go into effect before thirty days after it has
11 been filed with the Public Utility Commission.

12 Section 1058. Petition against Ordinances; Suspension.--If,
13 within said thirty days, a petition prepared, advertised, and
14 perfected in all respects complying with the provisions of this
15 subdivision (except that the petitioners shall have thirty days
16 in which to prepare said petition), is addressed to the council,
17 signed by registered electors of the city equal in number to at
18 least twenty per centum of all the votes cast for mayor at the
19 last preceding municipal election at which a mayor was elected,
20 protesting against the passage of said ordinance, the latter
21 shall be suspended, and it shall be the duty of the city clerk
22 to examine said petition and ascertain, from the registry of
23 voters, whether or not said petition is signed by the required
24 number of electors. If necessary, the council shall allow the
25 city clerk extra help for said purpose. Upon such examination he
26 shall report the result to council.]

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

29 Section 1059. Effect of Petition; Submission to Voters.--
30 If[,] in any case[,] it shall appear that the [petitions]

1 petition provided for in this subdivision [have] has not been
2 signed by the requisite number of voters, no action shall be
3 taken, but the [ordinances] ordinance shall be [deemed and]
4 taken to be in full force from the time or times [they each] it
5 would have gone into effect had there been no petition against
6 the [same. But in case such petitions are] ordinance. If the
7 petition is signed by electors equal to twenty per centum of all
8 the votes cast for mayor as aforesaid, the council shall
9 reconsider [such] the ordinance, and if the [same] ordinance is
10 not entirely repealed by council on reconsideration, the council
11 shall call a [special election,] referendum to be held at the
12 time of the next general [or], municipal or primary election
13 occurring not less than sixty days [therefrom] after the
14 reconsideration. At [such] the election, the [said] ordinance
15 shall be submitted without alteration in accordance with the
16 Pennsylvania Election Code.

17 Section 1060. Certification [of] to County Board of
18 Elections; Ballots or Ballot Labels; Expense of Elections.--The
19 city clerk, after consultation with the city solicitor, shall
20 certify to the county board of elections a copy of the ordinance
21 and the proceedings of council directing the referendum vote,
22 and the county board of elections shall cause the question to be
23 printed for use in the election districts of the city. The
24 preparation of ballots or ballot labels for and the holding of
25 [special elections] a referendum shall be as provided in the
26 Pennsylvania Election Code. Any number of ordinances may be
27 referred and voted on at the same election.

28 Section 1061. Form of Ballot or Ballot Label.--The ballot
29 used when voting upon [such] the ordinance shall contain a
30 question stating the nature of the referred ordinance followed

1 by the words "yes" and "no" and shall be as provided in the
2 Pennsylvania Election Code.

3 Section 1062. Computing and Filing Returns.--The officers
4 holding [said elections] an election shall keep tally sheets and
5 make returns of votes on the referendum question in the same
6 manner as tally sheets are kept and returns made in elections of
7 officers and the submission of other questions as provided by
8 the Pennsylvania Election Code. The returns shall be filed with
9 the county board of elections which shall compute the returns
10 and certify the results [thereof] to the city council. The
11 returns and certifications of [all special elections] a
12 referendum question shall be made as provided in the
13 Pennsylvania Election Code.

14 Section 1063. Effect of the Vote.--If it shall appear that
15 more persons have voted for [said] the ordinance than against
16 it, the ordinance shall take immediate and full effect [without
17 more] from the date the results are certified to the city
18 council. If the vote is against [said] the ordinance, [it] the
19 ordinance shall be [lost] nullified and of no effect.

20 Section 1064. Publication of Ordinance Before Election.--
21 Before any referendum [election] is held on any ordinance[, a
22 copy] in accordance with this subdivision, the city shall
23 provide notice of the ordinance which is to be submitted to the
24 vote of the people [shall be published as required] by
25 publishing a copy of the ordinance in a newspaper of general
26 circulation. Publication in accordance with this section shall
27 be in addition to publication requirements of the Pennsylvania
28 Election Code.

29 Section 79. Article XI heading of the act is reenacted to
30 read:

ARTICLE XI

THE EXECUTIVE DEPARTMENT

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

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

1. Department of Public Affairs.
2. Department of Accounts and Finance.
3. Department of Public Safety.
4. Department of Streets and Public Improvements.
5. Department of Parks and Public Property.] The city may

have a department of administration and other departments as council shall establish by ordinance. All of the administrative functions, powers and duties of the city shall be allocated and assigned within the departments established by council by ordinance or, in the absence of an ordinance making this allocation, among five departments, as follows:

- (1) Department of Public Affairs.
- (2) Department of Accounts and Finance.
- (3) Department of Public Safety.
- (4) Department of Streets and Public Improvements.
- (5) Department of Parks and Public Property.

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

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

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

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

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

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

11 Section 1103. Designation of [Departments] Department
12 Directors; Changes.--(a) The mayor shall be director of the
13 department of public affairs and as such shall have supervision
14 over the city police. In the event that council does not create
15 a department of public affairs, the mayor shall retain the
16 powers of supervision over city police.

17 [The] (b) Unless otherwise provided by ordinance in
18 accordance with sections 1101 and 1102, the council shall, at
19 [the biennial] its organization meeting, designate[, by majority
20 vote, one councilman] by resolution one council member to be
21 director of the department of accounts and finance, one to be
22 director of the department of public safety, one to be director
23 of the department of streets and public improvements, and one to
24 be director of the department of parks and public property.

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

26 Section 1104. Department Directors Responsible for City
27 Property and Supplies; Perpetual Inventory Reports.--The
28 director of each department shall be responsible for the
29 personal property and supplies of the city within [his] the
30 director's department[, and]. Each department director shall

1 prepare and maintain a perpetual inventory of [such] the
2 personal property and supplies[. He shall] for which the
3 director is responsible and, from time to time during the fiscal
4 year, file the inventory with the city clerk [a copy of such
5 inventory from time to time during the fiscal year, and shall
6 make available to the director of accounts and finance a copy of
7 such inventory to assist him in the preparation of the proposed
8 budget ordinance. He shall furnish a copy of such inventory to
9 the council upon request.] or other official designated by
10 council. The city clerk or other designated official with whom
11 the inventory is filed shall, upon request, furnish a copy of
12 the inventory to the chief fiscal officer and to council.

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

14 Section 1105. Quarterly Reports from Directors of
15 Departments.--At the close of each quarter of the fiscal year,
16 each department director shall prepare and submit to the
17 director of the department of accounts and finance, if one
18 exists, or to the business administrator or other official
19 designated by council, a comprehensive and detailed report of
20 all expenditures and operations of the director's department
21 during the quarter. The person to whom the quarterly reports are
22 submitted shall review and consolidate the quarterly reports and
23 shall prepare and submit to council a consolidated report on the
24 expenditures and operations of the entire city government,
25 together with recommendations, not later than the second meeting
26 of council after the close of each quarter.

27 Section 82. Article XII heading of the act is reenacted to
28 read:

29 ARTICLE XII

30 THE MAYOR

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

3 Section 1201. Qualifications.--The mayor shall be at least
4 [twenty-one] eighteen years of age[,] and shall be elected at
5 large by the qualified electors of the city. [He] The person
6 shall have been a resident of the city wherein [he shall be]
7 elected for at least one year[, next before his election,]
8 before the person's election and shall reside in the city
9 throughout [his] the person's term of service. Prior to being
10 sworn in to office, and as a condition to qualifying for office,
11 the elected mayor shall present a signed affidavit to the city
12 clerk that states the person resides in the city from which
13 elected and has resided in the city continuously for at least
14 one year preceding the person's election.

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

16 Section 1202. Chief Executive; Inauguration.--The mayor
17 shall be the chief executive of the city. [He shall be
18 inaugurated and take the oath of office provided for by this act
19 at ten o'clock in the forenoon of the first Monday of January
20 next succeeding his election, or as soon thereafter as possible]
21 The mayor shall be inaugurated and take the oath of office in
22 accordance with sections 904 and 905 on the first Monday of
23 January following the regular municipal election. If the first
24 Monday is a legal holiday, the mayor shall be inaugurated and
25 take the oath the first day following or as soon after that day
26 as possible.

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

29 Section 1203. Execution of Laws; Powers of Sheriff
30 Conferred; Emergency Powers.--[(a) It shall be the duty of the

1 mayor and the chief executive of cities adopting the city
2 manager form of government to be vigilant and active in causing
3 the ordinances of the city, and the laws of the Commonwealth
4 relating to the government of the city, to be executed and
5 enforced.

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

10 (b) The mayor shall annually report to the council and the
11 public on the work of the previous year and on the condition and
12 requirements of the city government and shall, from time to
13 time, make such recommendations for action by the council as the
14 mayor may deem in the public interest.

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

20 (d) When the mayor [or chief executive] considers that a
21 state of emergency exists, [he] the mayor may issue [his] a
22 proclamation, which shall be in writing and copies of which
23 shall be made available to all news media[,] and to each member
24 of city council, declaring a state of emergency [for a period
25 not to]_.

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

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

30 (2) In the case of a declaration of a state of emergency by

1 the mayor [or chief executive] for either a citywide or site-
2 specific emergency, city agencies may temporarily implement
3 their emergency assignments without regard to procedures
4 required by other laws pertaining to the incurring of
5 obligations and the employment of temporary workers. [In his]

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

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

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

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

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

19 [(5) The] (v) the transportation, possession or use of
20 gasoline, kerosene, or other combustible, flammable or explosive
21 liquids or materials, except in connection with the normal
22 operation of motor vehicles, normal home use[,] or legitimate
23 commercial use; or

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

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

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

6 Section 86. Sections 1204 and 1205 of the act are amended to
7 read:

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

12 Section 1205. Supervision of Conduct of City Officers.--The
13 mayor shall supervise the conduct of all city officers, examine
14 the grounds of all reasonable complaints against any of them,
15 and cause all of their violations or neglect of duty to be
16 promptly punished or reported [to the council] for correction in
17 the manner council may direct. For the purposes [aforesaid, he]
18 of this section, the mayor is hereby empowered to issue
19 subpoenas and compulsory processes, under [his] the mayor's
20 official seal, for the attendance of [such] persons and the
21 production of [such] books and papers as [he] the mayor may deem
22 necessary[, and shall have like enforcement of such subpoenas as
23 is]. A subpoena shall be enforced in the manner provided for
24 council in section [one thousand fifteen of this act] 1015.

25 Section 87. Section 1206 of the act, amended September 29,
26 1955 (P.L.653, No.177), is amended to read:

27 Section 1206. [Quarterly Reports from Directors of
28 Department;] Report of Mayor to Council; Information from
29 Directors of Departments.--[The director of each department of
30 the city shall prepare and submit to the Director of the

1 Department of Accounts and Finance, at the close of each quarter
2 of the fiscal year, a comprehensive and detailed report of all
3 expenditures and operation of his department during the quarter.
4 The Director of the Department of Accounts and Finance shall
5 review and consolidate such quarterly reports and shall prepare
6 and submit to council a consolidated report on the expenditures
7 and operations of the entire city government, together with his
8 recommendations, not later than the second meeting of council
9 after the close of each quarter.] The mayor shall have the
10 authority, at all times, to call upon any official of the city
11 or heads of departments for any information as to the affairs
12 under their control and management as [he] the mayor may
13 require. [He] The mayor may likewise report upon any and all
14 matters of city government as frequently to council as [he] the
15 mayor deems conducive to the interest and welfare of the city.

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

19 Section 1207. [Criminal and Civil Jurisdiction; Docket;
20 Fees.--He] Power to Take Acknowledgments and Oaths and to
21 Formalize Marriages.--The mayor shall be empowered to take
22 acknowledgments of any instruments in writing[,] pertaining to
23 the business of the city, solemnize marriages[,] and to
24 administer oaths and affirmations[,] as to city business[,] and
25 shall attest all [his acts with his official seal] the mayor's
26 acts with the mayor's official seal, if any.

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

29 Section 1208. Salary.--(a) (1) The mayor of each city
30 shall receive for [his] the mayor's services during the term of

1 service an annual salary to be fixed by ordinance, payable in
2 [such] equal [installments] installments as council shall
3 provide.

4 (2) The council shall, by ordinance, fix the amount of
5 salary to be paid to the mayor for [his] the mayor's services[,]
6 and may provide for the assessment and retention [therefrom]
7 from the salary of reasonable fines for absence from regular or
8 special meetings of council or [councilmanic] committees of
9 council.

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

12 (b) Until changed by ordinance, the salary of mayors in
13 newly created cities [shall] may be as follows: [In cities
14 having a population of fifteen thousand or under, by the last
15 United States census, one thousand two hundred dollars per
16 annum; in cities having a population of over fifteen thousand,
17 and less than thirty thousand inhabitants, two thousand four
18 hundred dollars per annum; in cities having a population
19 exceeding thirty thousand, four thousand eight hundred dollars
20 per annum.

21 The amount of compensation for the mayor in any of the said
22 cities shall not be increased or diminished after his election.
23 Succeeding councils may change the amount of the mayor's
24 compensation, but such change shall not affect the compensation
25 of the mayor then in office or of any person taking office as
26 mayor within six months of final passage of the ordinance
27 providing for such change.]

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

30 (2) in cities with a population of five thousand or more but

1 less than ten thousand, a maximum of five thousand dollars a
2 year;

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

6 (4) in any city with a population in excess of fifteen
7 thousand, the salary of the mayor shall not exceed five hundred
8 dollars a year per thousand population or fraction of a
9 thousand, the population to be determined by the latest official
10 census figures.

11 (c) The compensation to be received by a mayor in cities
12 other than newly created cities shall be fixed by ordinance of
13 council enacted at least two days prior to the last day fixed by
14 law for candidates to withdraw their names from nominating
15 petitions previous to the day of the municipal election. The
16 compensation to be received by the mayor shall not be increased
17 or diminished after the mayor's election unless the increase or
18 decrease was included in an ordinance enacted at least two days
19 prior to the last day fixed by law for candidates to withdraw
20 their names from nominating petitions previous to the day of the
21 municipal election.

22 (d) (1) Subject to clause (2) and notwithstanding any other
23 provisions of law, a mayor may receive an honorarium, fee or
24 reimbursement of expenses related to the performance of a
25 marriage ceremony in this Commonwealth, if the mayor first
26 notifies council in writing of the mayor's intention to perform
27 marriage ceremonies. A notification pursuant to this clause
28 shall remain in effect for the term of the mayor or until such
29 time as the notification is rescinded by the mayor.

30 (2) The honorarium or fee shall not exceed one hundred fifty

1 dollars for each ceremony performed. The mayor shall keep
2 accurate accounts of the fees received relating to the
3 performance of marriage ceremonies and provide council each
4 quarter with a report of moneys received for that period. The
5 quarterly report shall include the amount of money received, the
6 names of persons from whom money was received along with the
7 date and the location of the performed ceremony and shall be
8 considered a public record.

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

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

14 Section 1209. Acting Mayor; Powers and Duties.--[The member
15 of city council who shall be designated as the director of the
16 department of accounts and finance shall be vice president of
17 the city council, and acting mayor of the city during the
18 absence or inability of the mayor to act; and, during such
19 absence or inability, he] During the absence of the mayor or the
20 inability of the mayor to act, the vice president of city
21 council shall be the acting mayor who shall exercise all the
22 rights and powers of the mayor. In the event of a vacancy in the
23 office of the mayor by reason of death, resignation, or
24 otherwise, the vice president of council shall, in like manner,
25 act as the mayor and shall, while acting as mayor, receive the
26 compensation of mayor but not [of director of accounts and
27 finance or councilman during such incumbency] any compensation
28 as a council member, until the successor of the mayor is duly
29 [elected] appointed and qualified [as hereinbefore provided] in
30 accordance with section 901. In case of the absence or inability

1 of the [director of accounts and finance to act] vice president
2 of council to act as mayor, the council shall designate another
3 one of its members to act as mayor.

4 Section 91. Article XII-A heading of the act, added July 7,
5 2011 (P.L.307, No.75), is reenacted to read:

6 ARTICLE XII-A

7 CITY ADMINISTRATOR OR MANAGER

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

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

11 City council may, at its discretion at any time, by
12 ordinance, enacted by a majority vote of all members elected to
13 council, create the office of city administrator or manager and
14 may in like manner abolish the same. The appointed office of
15 city administrator when referenced in this article may also be
16 referred to as city manager, and a reference to a city
17 administrator shall be deemed a reference to a city manager.

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

19 In a city in which the office of city administrator has been
20 created, council shall appoint a person to fill that office
21 initially, and thereafter, whenever a vacancy exists in the
22 office. The appointment of a person to fill the office of city
23 administrator shall be by an affirmative vote of a majority of
24 all the members of council. Council shall select a city
25 administrator on the basis of executive and administrative
26 qualifications, education and experience and may give special
27 consideration to applicants with training and experience in
28 municipal government operation. The city administrator shall
29 serve at the pleasure of council, subject to contractual rights
30 that may arise under an employment agreement that may be entered

1 in accordance with section 1203-A.

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

4 Section 1203-A. Employment agreement.

5 Council may enter into an employment agreement with the city
6 administrator. The employment agreement may set forth the terms
7 and conditions of employment, and the agreement may provide that
8 it shall remain in effect for a specified period terminating no
9 later than two years after the effective date of the agreement
10 or the date of the [organization] organizational meeting of
11 council following the next municipal election, whichever shall
12 first occur. An employment agreement entered into pursuant to
13 this section may specify conditions under which a city
14 administrator would be entitled to severance compensation, but
15 in no event shall an employment agreement guarantee employment
16 through the term of the agreement or confer upon the city
17 administrator any legal remedy based on specific performance.
18 Any employment agreement with a city administrator executed on
19 or after a municipal election but before the first meeting in
20 January the year after the municipal election shall be void.

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

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

24 At the time a person is appointed to fill the office of city
25 administrator, the appointee need not be a resident of the city.
26 After appointment, the city administrator may reside outside the
27 city only with the approval of council. The city administrator
28 shall not hold any elective city office.

29 Section 1205-A. Powers and duties.

30 (a) Powers and duties generally.--Council may, by ordinance,

1 vest in the city administrator powers and duties relating to the
2 general management of city business and to the enforcement of
3 city ordinances and regulations. The powers and duties conferred
4 upon a city administrator in accordance with this section shall
5 not be construed as diminishing powers granted to other city
6 officers by statute or ordinance.

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

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

13 (2) To direct and supervise the administration of all
14 departments and functions of the city, except as otherwise
15 provided by ordinance or law.

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

20 (i) The city administrator may make recommendations
21 to council concerning appointments or removals at the
22 department head level.

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

26 (iii) Council must confirm appointments or removals
27 at the department head level.

28 (4) To designate a qualified administrative officer of
29 the city to perform the city administrator's duties during
30 the city administrator's temporary absence or disability. In

1 the event the city administrator fails or is unable to make
2 such designation, or, if the absence or disability continues
3 more than 30 days, the council may, by resolution, appoint an
4 officer of the city to perform the duties of the city
5 administrator during the city administrator's absence or
6 disability until the city administrator is able to return to
7 work.

8 (5) To negotiate contracts for the city, subject to the
9 approval of city council, make recommendations concerning the
10 nature and location of municipal improvements and execute
11 municipal improvements as determined by the city council.

12 (6) To see that all terms and conditions imposed in
13 favor of the city or its inhabitants in any statute,
14 franchise or contract are faithfully kept and performed, and
15 upon knowledge of any violation, call the same to the
16 attention of the city council.

17 (7) To attend all meetings of the city council with the
18 right to take part in the discussions, but without the right
19 to vote.

20 (8) To recommend to the city council for adoption such
21 measures as the administrator may deem necessary or
22 expedient, keep the council advised of the financial
23 condition of the city and make reports to the council as
24 requested by it.

25 (9) To investigate at any time the affairs of any
26 officer or department of the city that is under the
27 administrator's jurisdiction.

28 (10) To prepare and submit the annual city budget for
29 review and approval by the city council. The recommended
30 budget shall be submitted to city council for its review no

1 later than the last stated meeting in November. The budget so
2 submitted shall be accompanied by an enabling ordinance,
3 together with such explanatory comment or statement as the
4 administrator may deem desirable. The budget document shall
5 be in such form as is required by law for city budgets and
6 shall contain such additional documentation or explanation of
7 the various items of expenditure and revenue as may be
8 required by council.

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

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

12 [ARTICLE XIII
13 CITY CLERK]

14 Section 96. Sections 1301, 1302 and 1303 of the act are
15 repealed:

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

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

28 Section 1303. Records Open to Inspection.--The records and
29 documents of city council of every city shall be kept in the
30 office of the city clerk and shall be open to the inspection of

1 any taxpayer thereof, his, her, or its agent, upon demand
2 therefor during office hours.]

3 Section 97. Article XIV heading of the act is reenacted to
4 read:

5 ARTICLE XIV

6 THE CITY TREASURER

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

9 Section 1401. Qualifications.--The city treasurer shall be
10 [a competent] an accountant, at least twenty-one years of age,
11 and shall have been a resident of the city for at least one year
12 [next prior to his] before the person's election. [He] The
13 elected treasurer shall reside in the city throughout [his] the
14 treasurer's term of office. Prior to being sworn in to office,
15 and as a condition to qualifying for office, the elected
16 treasurer shall present a signed affidavit to the city clerk
17 that states the person resides in the city from which elected
18 and has resided in the city continuously for at least one year
19 preceding the person's election.

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

22 Section 1402. Bond; Insurance; Salary.--[The city treasurer
23 shall give lawful fidelity bond to the Commonwealth, with a
24 surety company authorized by law to act as surety, to be
25 approved by the city council, in such sum as it may by ordinance
26 direct, conditioned for the accounting for and paying over all
27 moneys received by him in his capacity as city treasurer and the
28 safekeeping and payment over of all public moneys entrusted to
29 his care, and that as tax collector of city, county, institution
30 district, and school taxes he shall account for and pay over all

1 moneys received by him as taxes, penalties and interest. The
2 city treasurer shall in addition furnish adequate insurance
3 protection against any and all losses of said funds through
4 fire, burglary, larceny, theft, robbery or forgery. Such
5 insurance shall be approved by the city council in such sum as
6 it may by ordinance direct. The city treasurer and his surety
7 shall be discharged from further liability on any bond as tax
8 collector, as soon as all tax items contained in the duplicates
9 delivered to him are either: (1) collected and paid over, or (2)
10 certified to the city council for entry as liens in the office
11 of the prothonotary, or as claims in the tax claim bureau, as
12 the case may be, or (3) returned to the county treasurer or city
13 treasurer for sale, or (4) in the case of taxes, not levied upon
14 real estate, a record of those which remain uncollected is filed
15 with the tax authority. The city treasurer shall be required to
16 give, in addition to insurance as aforesaid, but one bond which
17 shall include his duties as city treasurer and collector of
18 city, county, institution district, and school taxes, and shall
19 cover the full term of his office. Should any of the taxing
20 districts be of the opinion at any time that the bond and
21 insurance as aforesaid provided by the city treasurer is not
22 sufficient in amount as to the surety and insurance thereon, the
23 said taxing district may petition the court of quarter sessions
24 having jurisdiction in the city to have the city treasurer
25 furnish additional bond and insurance as aforesaid. Thereupon,
26 the city treasurer shall furnish such additional bond and
27 insurance, if any, as the said court may prescribe. The premium
28 of the bond or bonds and insurance shall be paid by the city or
29 shared pro rata by the taxing districts interested, as the case
30 may be, according to their respective tax interests. The

1 treasurer shall not in any event be required to provide bond or
2 bonds and insurance in an amount in excess of the taxes to be
3 collected by him. The bond or bonds and insurance provided by
4 the city treasurer shall or be for the use of the city and the
5 taxing districts involved. He shall, as city treasurer, receive
6 a fixed annual salary, to be provided by ordinance. His
7 compensation as tax collector for the city, county, institution
8 district and school district shall be as provided for in the
9 Local Tax Collection Law.] (a) The city treasurer shall give
10 lawful fidelity bond, covering the full term of office, for the
11 faithful performance of official duties, including duties as tax
12 collector of city, county, institution district and school
13 taxes. In addition to being subject to such other conditions as
14 council may direct, the bond of the city treasurer shall be
15 conditioned upon the following:

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

18 (2) The accounting for and paying over of all moneys
19 received, including taxes, penalties and interest, as tax
20 collector of city, county, institution district and school
21 taxes.

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

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

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

27 (2) A bond covering the duties of the city treasurer as
28 collector of city, county, institution district and school
29 taxes.

30 In lieu of the bond required for the faithful performance by the

1 city treasurer of official duties other than those of tax
2 collector, council may purchase insurance, provided that the
3 insurance covers the same events of loss and insures the county
4 against the same misconduct as the bond in compliance with this
5 act.

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

10 (1) collected and paid over;

11 (2) assigned to third party assignees;

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

15 (4) returned to the county treasurer or city treasurer for
16 sale; or

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

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

22 (e) Should any of the taxing districts be of the opinion at
23 any time that the bond or insurance provided by the city
24 treasurer is not sufficient in amount, the taxing district may
25 petition the court of common pleas having jurisdiction in the
26 city to have the city treasurer furnish additional bond and
27 insurance. Thereupon, the city treasurer shall furnish
28 additional bond and insurance, if any, as the court may
29 prescribe. The premium on the bond or on the bonds and insurance
30 shall be shared pro rata by the taxing districts interested, as

1 the case may be, according to their respective tax interests
2 pursuant to the act of May 25, 1945 (P.L.1050, No.394), known as
3 the "Local Tax Collection Law." The treasurer shall not in any
4 event be required to provide bond or bonds and insurance in an
5 amount in excess of the taxes to be collected by the treasurer.
6 The bond or bonds and insurance provided by the city treasurer
7 shall be for the use of the city and the taxing districts
8 involved.

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

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

14 Section 1402.1. City Treasurer to be Tax Collector.--Except
15 as otherwise provided by the act of December 31, 1965 (P.L.1257,
16 No.511), known as "The Local Tax Enabling Act," the city
17 treasurer, by virtue of the treasurer's office, shall be the
18 collector of the city, county, school and institution district
19 taxes assessed or levied in the city by the proper authorities
20 therein. As tax collector, the city treasurer shall maintain and
21 keep an office which may be the same as that of the city
22 treasurer for the purpose of receiving taxes during regular
23 business hours.

24 Section 1402.2. Date of Delivery of Duplicate; Collection.--
25 The council of each city and the county and county institution
26 district authorities, now empowered or which may be hereafter
27 empowered to levy taxes upon persons and property within the
28 city, shall, within thirty days after the adoption of the budget
29 or within thirty days after receipt of the assessment roll from
30 the county, whichever is later, make out and deliver their

1 respective duplicates of taxes assessed to the city treasurer to
2 be collected. The proper school authorities shall make out and
3 deliver the school duplicates of their respective taxes in such
4 city at the time and in the manner provided by the school laws
5 of this Commonwealth. All duplicates of taxes provided to or
6 received by the treasurer shall at all times be open to proper
7 inspection of the public and of the proper auditing and
8 examining officers of the city, county or school district, as
9 the case may be, and shall be delivered by the treasurer at the
10 expiration of the treasurer's term to the treasurer's successor.

11 Section 1402.3. Tax Liens; Schedule of Uncollected Taxes;
12 Liability for False Return.--Upon the settlement of the
13 duplicates of city, county, institution district and school
14 taxes which by law are made a lien on real estate, the city
15 treasurer as collector of taxes shall make out schedules of the
16 city, county, school or institution district taxes uncollected
17 upon the duplicates with a brief description of the properties
18 against which the same are assessed, for the purpose of having
19 the same entered for lien or sold according to law. The failure
20 of the city treasurer to collect the taxes from personal
21 property, when the same could have been collected, shall not
22 impair the lien thereof or affect any sale made for the
23 collection thereof. In case the city treasurer shall make any
24 wilfully false return, the city treasurer shall be liable to any
25 person or persons injured thereby.

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

28 Section 1403. Receipt and Payment of Moneys; Daily
29 Transmittal of Receipts; Duplicates.--The city treasurer shall
30 demand and receive all moneys payable to the city from [whatever

1 source, and shall issue a receipt in every case to the person
2 making such payment, and shall pay all warrants duly
3 countersigned by the director of accounts and finance and the
4 city controller] such sources as the city council may from time
5 to time entrust to the city treasurer and shall issue a receipt
6 when requested in every case to the person making such payment
7 and shall pay all documents authorizing payment duly
8 countersigned. All receipts for money received on behalf of the
9 city by the treasurer shall be numbered serially and made in
10 duplicate at least, and all such duplicates shall daily, not
11 later than the next succeeding business day, be transmitted by
12 the city treasurer to the city controller.

13 Section 1404. Method of Keeping Accounts.--The accounts of
14 the city treasurer shall be kept in such manner as to clearly
15 exhibit all the items of receipts and expenditures of the city,
16 [and] the sources from which the moneys are received and the
17 objects for which the same are disbursed. [He] The city
18 treasurer shall keep separate and distinct accounts of the
19 receipts and expenditures of the city, including, but not
20 limited to, the sinking fund, and [the water and lighting] each
21 department[, respectively] providing a utility service, and also
22 of every special fund [which may come into his hands].

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

29 Section 1406. Depositories of City Funds Entrusted to the
30 Treasurer by City Council.--The treasurer shall keep the public

1 funds in [such] banks or financial depositories as council may
2 direct, under [such] restrictions and safeguards as council may
3 provide, and shall verify [his] the treasurer's accounts
4 whenever required, to the satisfaction of council.

5 No treasurer complying with the provisions of this section
6 and any ordinance of the city, nor [his] the treasurer's surety
7 or sureties, shall be chargeable with losses of city funds
8 caused by the insolvency or negligence of any [such] city
9 depositories.

10 Section 1407. Delivery of City Property in [His] Treasurer's
11 Possession to Successor.--The city treasurer shall, upon [the
12 termination of his] leaving office, deliver to the city or to
13 [his] the treasurer's duly qualified successor all moneys,
14 accounts, property or effects in [his] the treasurer's
15 possession belonging to the city.

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

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

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

29 (b) All persons appointed pursuant to this section shall be
30 covered by a bond, blanket bond or insurance in accordance with

1 section 907.

2 Section 102. Article XV heading of the act is reenacted to
3 read:

4 ARTICLE XV

5 THE CITY ENGINEER

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

8 [(a) General Provisions]

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

11 Section 1501. [Election of the City Engineer; Term; Bond;
12 Filling of Vacancies.--The council of each city shall, on the
13 first Monday of May, one thousand nine hundred and fifty-two,
14 and on the first Monday of May every fourth year thereafter, or
15 as soon thereafter as practicable in each of said years, appoint
16 a city engineer, who shall be a registered engineer in civil
17 engineering. He shall serve for a term of four years from the
18 said first Monday of May and until his successor is qualified.
19 He shall receive a fixed annual salary to be provided by
20 ordinance. He shall give lawful bond to the city, with a surety
21 or other company authorized by law to act as surety, to be
22 approved by council, in such sum as it shall by ordinance
23 direct, conditioned for the faithful performance of his official
24 duties. Vacancies in said office shall be filled by council for
25 the unexpired term.] Appointment of City Engineer.--Council
26 shall provide for the manner of appointment and compensation of
27 the city engineer, who shall be a registered professional
28 engineer in this Commonwealth and shall serve at the pleasure of
29 council. Nothing contained herein shall prohibit council from
30 designating an engineering firm of registered professional

1 engineers from performing the duties and functions of the city
2 engineer.

3 Section 1502. Control of Engineering Matters.--The city
4 engineer shall have the [superintendence, direction and control
5 of the engineering matters of the city, and no department of the
6 city shall employ or retain any additional engineer, except with
7 the previous assent of council. Assistants and employes in the
8 office of the city engineer shall be appointed in accordance
9 with the civil service provisions of this act. The provisions of
10 this article shall not apply to any board of commissioners of
11 water-works of any city wherein the title to the water-works
12 therein located is in the name of the commissioners of water-
13 works.] supervision, direction and control of the engineering
14 matters of the city, and no department of the city shall employ
15 or retain any additional engineer, except with the previous
16 assent of council.

17 Section 1503. Duties[; Preparation of Plans.--The city
18 engineer shall perform such duties as the council shall
19 prescribe with reference to the construction, reconstruction,
20 maintenance and repair of all streets, pavements, sewers,
21 bridges, culverts and other engineering work. He shall prepare
22 plans, specifications, and estimates for all such work
23 undertaken by such city, and shall, whenever required, furnish
24 council, the committees thereof, the mayor, public boards, or
25 heads of departments, with reports, information or estimates on
26 any city engineering work, or on questions submitted by any of
27 them in their official capacity.]--As authorized by council,
28 engineering work undertaken by the city shall be performed or
29 supervised by the city engineer or by another registered
30 professional engineer employed by the city for a particular

1 purpose. The duties of the city engineer may include, but need
2 not be limited to, the following:

3 (1) Preparing plans, specifications and estimates, and
4 undertaking other engineering work related to constructing,
5 reconstructing, maintaining and repairing streets, pavements,
6 sewers, bridges, culverts and other municipal improvements.

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

11 (3) Conducting, supervising or directing surveys relating to
12 city property and improvements authorized by law or as directed
13 by council.

14 (4) Preparing a topographical survey of the city or a
15 general plan of city streets, marking the lines of streets, both
16 those already opened and those intended to be opened for public
17 use, as council may deem necessary.

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

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

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

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

29 Section 1504. [Certificate of Commencement and of Completion
30 of Municipal Improvements.--The city engineer shall immediately

1 after the completion of any municipal improvement, the cost and
2 expense of which, in whole or in part, is to be paid by the
3 abutting property, make certificate in which he shall state the
4 day or time on which the particular improvement was completed,
5 and shall file the same with the city clerk, who shall enter the
6 said day or time of completion in a book to be kept by him for
7 said purposes; and the said day or time mentioned in said
8 certificate shall be conclusive on all parties as to the time
9 the said work was completed. The time of completion of the work,
10 referred to in this section and in other parts of this act,
11 shall be taken to mean the time of the completion of the whole
12 contract for the improvement. He shall also furnish to the city
13 clerk a certificate showing the time on which any such
14 particular improvement was commenced, and such certificate shall
15 be conclusive evidence of the time when the said improvement was
16 begun. An entry of such date shall be made by said clerk in the
17 books aforesaid.] Certifying Commencement and Completion of
18 Municipal Improvements.--Within a reasonable time after the
19 completion of any municipal improvement, the cost and expense of
20 which, in whole or in part, is to be paid by the abutting
21 property owner or owners, the city engineer, or employes
22 designated by the city engineer, shall certify the day or time
23 on which the particular improvement was commenced and the day or
24 time on which the particular improvement was completed, shall
25 file the same with the city clerk who shall maintain a
26 centralized book or listing of certificates of commencement and
27 completion, and shall provide notice of the filing to the city
28 solicitor. The day or time of completion of the work, referred
29 to in this section and in other parts of this act, shall mean
30 the time of the completion of the whole contract for the

1 improvement. Information filed with the clerk certifying the day
2 or time of the commencement and completion of the work shall be
3 conclusive evidence of the day or time when the improvement was
4 begun and completed.

5 Section 1505. [Surveys.--The city engineer shall have the
6 charge and direction of all surveys and regulations authorized
7 by any act of Assembly, or ordinance of such city, and shall
8 perform such other duties as council shall direct.] Surveys;
9 Entering Upon the Lands of Others.--For the purposes of carrying
10 out authorized surveys, laying out streets or of other
11 engineering work of the city, the city engineer or other persons
12 engaged in city engineering work shall have full power and
13 authority to enter upon the lands and premises of any person or
14 persons within the city.

15 Section 105. Article XV subdivision (b) heading, sections
16 1515, 1516, 1517, 1518, 1519, 1520 and 1521, subdivision (c)
17 heading and sections 1530, 1531, 1532, 1533, 1534, 1535, 1536,
18 1537 and 1538 are repealed:

19 [(b) Real Estate Registry

20 Section 1515. Council to Provide for Registry of Real
21 Estate.--For the purpose of procuring accurate information in
22 reference to the ownership of all real estate, the council of
23 each city shall provide, by ordinance, for a registry thereof in
24 accordance with this subdivision.

25 Section 1516. Preparation of Books, Plans and Maps.--The
26 city engineer of any city in which such registry shall be
27 established shall cause to be made all such necessary books,
28 maps and plans as will show the situation and dimensions of each
29 property therein, which books, maps or plans shall be so
30 prepared as to show the city number, and name of the owner or

1 owners thereof, with blank spaces for the owner of each lot,
2 with provision for the names of future owners, and dates of
3 future transfer of title. For such purpose, the city engineer
4 shall have free access, without charge, to any of the public
5 records wherein the necessary information may be obtainable
6 therefor. He may also cause search to be made in any other place
7 for any muniments or evidence of title, not reported to him as
8 hereinafter provided, and requisite for the completion of said
9 books, maps or plans.

10 Section 1517. Preservation of Records.--The said books, maps
11 and plans shall be carefully preserved in the office of the
12 engineer, and shall be so kept, by additions from time to time,
13 or otherwise, as to show the ownership of every lot or piece of
14 real estate, or subdivision thereof, within the city limits,
15 with the successive transmissions of title, from the date of the
16 commencement of such plans; but nothing herein or in this
17 article shall invalidate any municipal or tax claim by reason of
18 the fact that the same is not assessed or levied against the
19 registered owner.

20 Section 1518. Certified Copies of Entries Admissible as
21 Evidence.--Certified copies, signed by the city engineer, of any
22 of the entries in said books, or upon said maps or plans, shall
23 be received in evidence in the same manner as the books, maps
24 and plans themselves might be admissible for such purposes; and
25 may be also furnished to any person desiring the same, for such
26 fee or compensation for the use of the city as may be fixed by
27 ordinance.

28 Section 1519. Duties Imposed on Owners of Real Estate when
29 Registry Established; Penalty.--All owners of unregistered real
30 estate within the city limits, within thirty days from the date

1 of the approval of the ordinance establishing such registry, and
2 every subsequent purchaser, devisee, or person acquiring title
3 by partition or otherwise, to any real estate therein, within
4 thirty days after acquiring such title, shall furnish to the
5 said engineer, at his office, descriptions of their respective
6 properties, upon blanks to be furnished by the city, and, at the
7 same time, present their conveyance to be stamped by said
8 engineer, without charge, as evidence of the registration
9 thereof. Any person or persons neglecting or refusing to comply
10 with the provisions of this section, for a period of thirty days
11 after public notice of the requirements thereof, shall be liable
12 to a penalty of five dollars, to be recovered, with costs of
13 suit, in the name and for the use of the city, as penalties for
14 the violation of city ordinances are recoverable: Provided,
15 however, That such registration may within said thirty day
16 period be also effected by the recorder of deeds of the county,
17 in accordance with existing law.

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

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

27 (c) Topographical Survey

28 Section 1530. Council May Authorize Topographical Survey.--
29 Any city may, by ordinance, cause a topographical survey
30 thereof, to be made by its city engineer, or by such other civil

1 engineer and assistants as they may employ for that purpose.

2 Section 1531. Plan of Streets and Highways; Surveys;

3 Grades.--The city engineer, upon being duly authorized, shall

4 procure and keep in his office such necessary plot or other

5 books as shall be necessary for the purpose of entering or

6 recording thereon all the streets and highways of the city,

7 already opened or to be hereafter opened. He shall survey and

8 mark the lines of all the streets and highways of the city,

9 already opened or intended to be opened for public use, and

10 survey and lay out new streets and highways, as council may deem

11 necessary, for a regular and convenient city plan, and, if

12 specially directed, he shall report a grade for any proposed new

13 streets. For the said purposes, the city engineer and his

14 assistants or any other person engaged in such engineering work

15 for the city shall have full power and authority to enter upon

16 the lands and premises of any person or persons within the said

17 city.

18 Section 1532. Return of Draft of Completed Survey to

19 Council; Inspection.--When the survey shall be completed, the

20 said engineer shall make or cause to be made a draft or plan

21 thereof, with every provision and explanation necessary for a

22 full understanding of the same, distinctly designated where new

23 streets and highways are thereafter to be opened, and shall

24 return the same to the council. It shall remain in the office of

25 the city clerk, and open to inspection by those interested,

26 until finally approved as hereinafter provided.

27 Section 1533. Notice of Return; Objections; Alterations;

28 Approval; Recording.--Council shall give at least thirty days'

29 previous notice by publication once in at least two newspapers

30 of general circulation, if there be that many, as required by

1 section one hundred and nine of this act, and by posting at
2 least ten handbills upon lands or territory contained in the map
3 or plan returned for approval, that on a certain day or days, to
4 be fixed by the said council, the said council will hear any
5 objection that may be made to said draft or plans by any
6 freeholder or citizen of said city, or interested person. The
7 council at the time appointed, or at any subsequent time within
8 three months, shall determine whether any and what alterations
9 shall be made in the said plan or draft. When the same is
10 finally approved, whether as returned or as altered and changed,
11 said council may direct that the same be entered and recorded in
12 the plot-book of street plans, in the office of the city
13 engineer.

14 Section 1534. Notation of Grades on Plans.--In case the city
15 engineer is directed to report grades for said streets or
16 highways, the same shall be noted on said draft or plan, and be
17 returned with his surveys; and said grades shall be subject to
18 alterations and changes by council, in the manner aforesaid; and
19 when approved by the said council shall become part of the
20 plans, and be entered and recorded as aforesaid.

21 Section 1535. Effect of Recording.--Upon the recording of
22 such plan or draft in the street plan book, and the passage of
23 an ordinance approving said street drafts or plans and grades,
24 or of either, as the case may be, therein designating the book
25 and page, or pages, at or in which the said plan or plans are
26 recorded, thereafter all the streets and highways, as designated
27 upon said approved plan and recorded as aforesaid, shall be
28 adjudged and taken to be laid out and located streets and
29 highways.

30 Section 1536. Deviation from Established Plans; Liability of

1 City.--In case the council shall thereafter change or alter, or
2 should they by themselves or their officers deviate from the
3 regulations of the streets or highways, so as aforesaid
4 established, and damages thereby accrue to the property of any
5 person or persons in consequence thereof, the said city shall be
6 liable for the payment of such damages.

7 Section 1537. Sectional Surveys.--Sectional surveys or
8 drafts may be returned to the council by said engineer at any
9 time, and be confirmed as aforesaid, and with like force and
10 effect.

11 Section 1538. Reports of Partial Surveys; Confirmation.--The
12 said engineer may, from time to time as he shall deem expedient
13 and the said council shall direct, make report of the surveys,
14 plans and regulations by him made, in convenient sections,
15 without awaiting the completion of the entire survey, and shall
16 make duplicate drafts and plans of said section in the manner
17 hereinbefore prescribed. The same proceedings shall be had for
18 the final confirmation of such partial or sectional drafts and
19 plans as is herein directed in relation to the confirmation of
20 the entire survey, and with like effect and force.]

21 Section 106. Article XVI heading of the act is reenacted to
22 read:

23 ARTICLE XVI

24 THE CITY SOLICITOR

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

27 Section 1601. Appointment of City Solicitor[; Term;
28 Compensation; Bond; Filling of Vacancies.--The council of each
29 city shall, on the first Monday of May, one thousand nine
30 hundred and fifty-two, and on the first Monday of May every

1 fourth year thereafter, or as soon thereafter as practicable in
2 each of said years, appoint a city solicitor, who shall be
3 learned in the law and admitted to practice in the Supreme Court
4 of the Commonwealth, and shall maintain an office in the city.
5 He shall serve for a term of four years from the said first
6 Monday of May and until his successor is qualified. He shall
7 receive a fixed annual salary to be provided by ordinance. He
8 shall give lawful bond to the city, with a surety or other
9 company authorized by law to act as surety, to be approved by
10 council, in such sum as they shall by ordinance direct,
11 conditioned for the faithful performance of his official duties.
12 Vacancies in said office shall be filled by council for the
13 unexpired term.].--Council shall provide for the manner of
14 appointment and compensation of the city solicitor, which may be
15 a law firm.

16 Section 1602. Direction of [Law] Legal Matters.--The city
17 solicitor shall have the [superintendence,] direction[,] and
18 control of the [law] legal matters of the city. No department of
19 the city shall employ or retain any additional counsel in any
20 matter or cause, except with the [previous] prior assent of
21 council.

22 Section 1603. Duties.--The city solicitor shall [prepare]
23 oversee the preparation of all bonds, obligations, contracts,
24 leases, conveyances, and assurances to which the city or any
25 department thereof may be party, as may be directed by
26 resolution or ordinance, and shall [commence and prosecute]
27 oversee the commencement and prosecution of all and every suit
28 or suits, action or actions, brought by the city, and the filing
29 of municipal claims and liens, for or on account of any of the
30 estates, rights, trusts, privileges, claims, or demands[,] of

1 the same, as well as [defend] oversee the defense of all actions
2 or suits against the [said] city or any officer thereof, wherein
3 or whereby any of the estates, rights, privileges, trusts,
4 ordinances, or acts of the city or any department thereof, may
5 be brought in question before any court. [He] The city solicitor
6 shall have like duties before any administrative agency or other
7 judicial or quasi-judicial body. [He] The city solicitor shall
8 do all and every professional act incident to the office which
9 [he] the city solicitor may be lawfully authorized and required
10 to do by the mayor, or by any ordinance or resolution of the
11 council, and shall perform such other duties as council may
12 direct.

13 Section 1604. Written Opinions to be Furnished.--[The city
14 solicitor shall, whenever required, furnish the council, the
15 mayor, or any elected city official, with his opinion, in
16 writing, upon any question of law which may be submitted by any
17 of them in their official capacities.] (a) Subject to
18 regulation by council in accordance with subsection (b), the
19 city solicitor shall furnish a written opinion on questions of
20 law submitted, in their official capacities, by any of the
21 following:

22 (1) The council.

23 (2) The mayor.

24 (3) Any other elected city official.

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

27 (b) The city council may provide for the regulation of the
28 manner in which questions are presented to the city solicitor by
29 any elected or appointed city official and may limit the
30 questions submitted in such manner as the city council may

1 direct.

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

3 [Section 1605. City Lien Docket.--The city solicitor shall
4 keep in his office a city lien docket, which shall be open to
5 public inspection, and in which he shall cause to be entered all
6 claims for curbing, paving, or repaving sidewalks, assessments
7 of damages, contributions for opening streets, or parts thereof,
8 for grading, paving, and macadamizing the same, for water and
9 lighting frontage tax and water and lighting rates, sewerage,
10 city taxes, and other matters that may be the subject of claim
11 on the part of the city, which have or shall be returned to the
12 solicitor as remaining due and unpaid after the period
13 prescribed by law or ordinance for the payment of such claims.
14 Nothing contained herein shall be deemed to alter or replace the
15 administration and effect of the Real Estate Tax Sale Law in any
16 city wherein said law is in operation.

17 Section 1606. Department Heads to Furnish Statements of
18 Claim.--It shall be the duty of the head of each department,
19 wherein any such claim shall originate, to furnish to the city
20 solicitor, within the period prescribed by law or ordinance, a
21 statement of all claims for curbing, paving, et cetera, which
22 remain due or unpaid, a certified copy of which the said heads
23 of departments shall at the same time furnish to the director of
24 accounts and finance.]

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

26 Section 1607. Satisfaction of Liens Due City.--Upon the
27 payment of any lien or other debt of record due the city, to any
28 city employe or city official or other person authorized to
29 receive the [same] payment, that person shall [forthwith forward
30 to the city solicitor a satisfaction piece therein], as soon as

1 practicable, notify the city solicitor; and it shall be the duty
2 of the city solicitor or [his assistant forthwith] the
3 solicitor's designee, as soon as practicable, to cause
4 satisfaction to be entered upon the proper record [thereof] of
5 the lien or debt of record.

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

7 [Section 1608. Return and Payment of Money and Fees
8 Received.--The city solicitor shall, at least once in every
9 month, make a return to the director of accounts and finance,
10 under oath or affirmation, of each item of moneys received by or
11 through him, or his assistants, by virtue of his office, or on
12 account of any matter connected therewith. Immediately upon
13 making such return, he shall pay over the amount in his hands to
14 the city treasurer. He shall, in like manner, pay into the city
15 treasury all fees received by him in his official capacity, but
16 this provision shall not be taken to include the judgment fee or
17 commission allowed him in his capacity of attorney.]

18 Section 111. Sections 1609 and 1610 of the act are amended
19 to read:

20 Section 1609. Assistant Solicitor.--[The council of each
21 city may] Council may, at its discretion, appoint one or more
22 assistant city solicitors[, whose term of office shall be
23 concurrent with that of the city solicitor, and whose] to assist
24 the solicitor in the performance of all duties and shall provide
25 for the compensation [shall be fixed by resolution, and who
26 shall assist the solicitor in the performance of all duties
27 prescribed for him] of assistant solicitors by resolution.

28 Section 1610. Special Counsel.--Council may, at its
29 discretion, retain special counsel for particular proceedings or
30 matters of the city and [fix his] shall provide for the

1 compensation of special counsel by resolution.

2 Section 112. Article XVII heading of the act is amended to
3 read:

4 ARTICLE XVII

5 THE CITY CONTROLLER AND INDEPENDENT AUDITOR

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

8 (a) City Controller

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

11 Section 1701. Qualifications; Bond; Compensation.--(a) The
12 city controller shall be [a competent] an accountant, at least
13 twenty-one years of age, shall have been a resident of the city
14 for at least one year [next before his election] before the
15 person's election, and shall reside in the city throughout [his]
16 the person's term of office. Prior to being sworn in to office,
17 and as a condition to qualifying for office, the elected city
18 controller shall present a signed affidavit to the city clerk
19 that states the person resides in the city from which elected
20 and has resided in the city continuously for at least one year
21 immediately before the person's election.

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

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

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

30 (c) The city controller shall receive a fixed annual salary,

1 to be set by ordinance, in an amount not less than the
2 compensation paid to members of council.

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

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

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

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

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

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

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

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

29 (2) The accounts of all city bureaus, officers, and
30 departments which collect, receive, and disburse public

1 moneys[,] or who are charged with the management, control, or
2 custody thereof[, and in every case he shall make report of such
3 examination, audit and settlement to the council. He shall
4 likewise audit and report upon the].

5 (3) The accounts of [any such] a city officer upon the
6 death, resignation, removal or expiration of the term of the
7 [said officers] officer. [He shall likewise audit and report
8 upon the]

9 (4) The accounts of any library to which the city makes
10 appropriations, [those of] any institution owned by the city,
11 and [those of] Pennsylvania National Guard units to which the
12 city makes appropriations.

13 [(b) He shall likewise audit, or with the consent of council
14 cause to be made by an accountant an annual audit of, all the
15 accounts of any municipal officer in any department of the city
16 government who may be charged with the duty, or who may perform
17 the services, of receiving and disbursing the funds of any
18 association, society, or organization of municipal employes or
19 persons, directly or indirectly connected with the municipal
20 government, for the benefit, relief, or pensioning of firemen,
21 policemen, or other municipal employes or persons as aforesaid.

22 (c) All such audits shall be made within as short a time as
23 possible after the close of the fiscal year, and be annually
24 reported to council at its first meeting in March, as other
25 reports of the controller are made, and shall be filed with the
26 court of quarter sessions within ninety days of the close of the
27 fiscal year.

28 (d) Council may provide for an audit of any or all accounts
29 by an independent certified public accountant.

30 (e) Brief abstracts or summaries of the reports of such

1 accounts and financial statements or such other reports thereof
2 as council may require shall be published at least once a week
3 for two weeks in one newspaper, in accordance with the
4 provisions of section one hundred and nine of this act. The
5 expense and cost of such publication shall be paid out of the
6 funds of the various associations, organizations, or societies,
7 as their other expenses are paid.]

8 (f) In the same manner in which subpoenas may be issued and
9 enforced, in accordance with section 917, the city controller
10 shall have power to issue and pursue enforcement of subpoenas to
11 obtain the attendance both of officers whose accounts the
12 controller is authorized to examine and of any person or persons
13 whom it may be necessary to examine as witnesses.

14 (g) The city controller may present council with annual or
15 periodic statements concerning the results of the controller's
16 examination of accounts, which shall be public records pursuant
17 to the act of February 14, 2008 (P.L.6, No.3), known as the
18 "Right-to-Know Law".

19 Section 117. The act is amended by adding sections to read:

20 Section 1704.1. Deputy Controller; Employees.--The controller
21 may appoint a deputy controller and may select individuals to
22 serve as assistants and employes in the controller's office. The
23 number of the assistants and employes permitted, if any, shall
24 be fixed by council. Assistants and employes in the controller's
25 office shall, in all other respects, be considered employes of
26 the city. A deputy controller, assistants and employes appointed
27 under this section shall be bonded, and their compensation shall
28 be fixed by council.

29 Section 1704.2. Temporary Deputy Controller.--In case of the
30 sickness, absence or inability of a city controller, and when no

1 deputy shall have been appointed by the controller, the council
2 may appoint a temporary deputy controller to serve during the
3 sickness, absence or inability of the controller, or until the
4 controller shall appoint a deputy. A temporary deputy controller
5 shall be bonded and receive the compensation fixed by council.

6 Section 1704.3. Continuation of Office.--The appointment of
7 an independent auditor in accordance with subdivision (b) shall
8 not abolish the office of controller. The elected controller
9 shall continue to exercise those powers retained for the
10 controller in this subdivision.

11 Section 118. Article XVII of the act is amended by adding a
12 subdivision heading to read:

13 (b) Independent Auditor

14 Section 119. The act is amended by adding sections to read:

15 Section 1704.11. Appointment of Independent Auditor.--The
16 council shall provide, by resolution, for the appointment of an
17 independent auditor. The independent auditor may be a certified
18 public accountant or a firm of certified public accountants.

19 Section 1704.12. Powers and Duties of Independent Auditor.--

20 (a) The independent auditor shall conduct an annual audit of
21 all accounts of city officers, departments and offices which
22 collect, receive and disburse public moneys and other funds or
23 are charged with the management, control or custody thereof on
24 which the independent auditor is required to report pursuant to
25 this subdivision. The annual audit, as directed by council,
26 shall also include any accounts subject to examination by the
27 controller pursuant to subdivision (a).

28 (b) The independent auditor shall have and possess the
29 powers expressly provided in this subdivision and, in relation
30 to accounts which the independent auditor is authorized to

1 audit, shall have the same power as the city controller to issue
2 subpoenas to obtain the attendance of officers and witnesses.

3 Section 120. Section 1705 of the act, amended March 2, 1970
4 (P.L.71, No.31), is amended to read:

5 Section 1705. Annual Report to Council; Filing Copy in Court
6 and Appeal [Therefrom].--(a) The [city controller] independent
7 auditor appointed in accordance with this subdivision shall make
8 a report to council, at [its] council's first meeting in March
9 in each year, of the audits [which he shall have] made of the
10 accounts of the officers having charge, custody, control or
11 disbursement of such public moneys and other funds, showing the
12 balance in their hands respectively, and, within ninety days of
13 the close of the fiscal year, the [city controller] independent
14 auditor shall file a copy of the [said] annual report to council
15 with the clerk of the court or the prothonotary, as may be
16 provided by local rules of court.

17 (b) The independent auditor shall also prepare, annually, an
18 intelligible summary of the report or reports made pursuant to
19 this section, showing the fiscal condition of the affairs of the
20 city. Council may require advisory interim reports from the
21 independent auditor. Reports prepared under this section and all
22 summaries thereof shall be public pursuant to the act of
23 February 14, 2008 (P.L.6, No.3), known as the "Right-to-Know
24 Law."

25 (c) It shall be lawful for the city or any taxpayer thereof
26 on its behalf or any officer whose account is settled or audited
27 to appeal from the settlement or audit to the court of common
28 pleas of the county within forty-five days after the [said]
29 annual report to council has been filed. If the appellant is a
30 taxpayer or any officer charged as aforesaid, he shall file a

1 bond, with one or more sufficient sureties, conditioned to pay
2 all costs thereafter accruing in case a decision shall not be
3 obtained more favorable to the party on whose behalf the appeal
4 shall be taken than that contained in the [said] report. [The
5 city controller shall also prepare an intelligible summary of
6 said reports, showing the fiscal condition of the affairs of the
7 city, and post one copy of said summary in a conspicuous place
8 in the city hall. Council may require advisory interim reports
9 from the city controller.]

10 Section 121. Sections 1706, 1707, 1708 and 1709 of the act
11 are repealed:

12 [Section 1706. Power to Administer Oaths; Countersigning of
13 Warrants.--The city controller shall have the power to
14 administer oaths or affirmations in relation to any matter
15 touching the authentication of any account, claim, or demand of
16 or against the city, but shall not receive any fee therefor, and
17 shall countersign all warrants for the payment of moneys out of
18 the city treasury when satisfied of the legality of such
19 payment.

20 Section 1707. Power to Subpoena City Officers.--The city
21 controller shall have power to issue subpoenas to obtain the
22 attendance of officers whose accounts he is authorized to
23 adjust, audit, and settle, and also to subpoena any person or
24 persons whom it may be necessary to examine as witnesses, and in
25 case any city officer or any witness refuses to appear upon
26 being subpoenaed, he shall report such refusal to council, and
27 the council is hereby empowered to enact ordinances to compel
28 the attendance of city officers and witnesses before the said
29 city controller and to impose penalties in case of refusal.

30 Section 1708. Appointment of Deputy Controller; Powers;

1 Responsibility.--The city controller may appoint a deputy
2 controller, who in case of the sickness, absence, or inability
3 of such controller to act, shall have the same powers and shall
4 perform the same duties as are imposed by law upon the city
5 controller. In the case of such appointment, the said controller
6 shall be responsible and liable for the acts of such deputy.

7 Section 1709. Appointment of Temporary Deputy by Council;
8 Bond; Compensation.--In case of the sickness, absence, or
9 inability of a city controller, and when no deputy shall have
10 been appointed by him, the council of such city may appoint a
11 deputy controller to serve during the sickness, absence, or
12 inability of such controller, or until such controller shall
13 appoint a deputy, as aforesaid, who shall furnish such bond, and
14 receive such compensation, as shall be fixed by council.]

15 Section 122. Article XVIII heading of the act is reenacted
16 to read:

17 ARTICLE XVIII

18 ACCOUNTS AND FINANCES

19 Section 123. Section 1801 of the act, amended April 27, 1965
20 (P.L.21, No.18), is amended to read:

21 Section 1801. Fiscal Year.--The fiscal year of each city
22 shall begin on the first day of January and end on the last day
23 of December.

24 Section 124. Sections 1802, 1803 and 1804 of the act are
25 amended to read:

26 Section 1802. [Director of Accounts and Finance] Chief
27 Fiscal Officer; Bond; Administering Oaths.--[The director of
28 accounts and finance shall be the head of the Department of
29 Accounts and Finance. He shall furnish bond in such amount as
30 shall be fixed by ordinance. He] (a) Council shall provide for

1 a chief fiscal officer for the city. In filling the position of
2 chief fiscal officer, council may appoint, but shall not be
3 limited to appointing, the director of the department of
4 accounts and finance, if one is appointed pursuant to Article XI
5 or the city administrator, if one is appointed pursuant to
6 Article XII-A.

7 (b) Council shall require that the chief fiscal officer
8 furnish a bond subject to section 907.

9 (c) The chief fiscal officer shall have authority to
10 administer oaths and affirmations in relation to any matter
11 touching the authentication of every account with or claim or
12 demand of or against the city, but shall not be entitled to
13 receive any fee therefor.

14 Section 1803. Deputy.--[The director of accounts and finance
15 may appoint a deputy, subject to the approval of council, which
16 shall fix the salary of such deputy.] Council may authorize the
17 chief fiscal officer to appoint, subject to the approval of
18 council, a deputy chief fiscal officer whose compensation shall
19 be fixed by council. The deputy shall have power to administer
20 oaths and affirmations in all matters relating to the affairs of
21 [said] the office and shall furnish a bond subject to section
22 907. If no deputy has been appointed, council may appoint a
23 temporary deputy chief fiscal officer to serve during the chief
24 fiscal officer's illness, absence or inability to serve. The
25 temporary deputy chief fiscal officer may be required to furnish
26 bond as required by council. [The director of accounts and
27 finance shall in all cases be responsible and liable for the
28 actions and conduct of the said deputy.]

29 Section 1804. Regulations Concerning Appropriation.--(a) No
30 debt shall be created by any department of the city[,] except in

1 [pursuance of previous authority of law, ordinance, or
2 resolution] accordance with law.

3 (b) No money shall be paid out of the city treasury except
4 upon appropriation made according to law[,] and [on warrant]
5 pursuant to a document authorizing payment drawn by the proper
6 officer or officers in pursuance thereof.

7 (c) No work shall be hired to be done, no materials
8 purchased, no contracts made, and no order issued for the
9 payment of any moneys [in any amount which will cause the sums
10 appropriated to specific purposes to be exceeded], if doing so
11 would result in the total expenditure of money for a specific
12 purpose to exceed the amount appropriated for that purpose.

13 (d) In every case in which an appropriation shall be
14 [exhausted] entirely expended, and the object of [which] the
15 appropriation is not completed, the [director of accounts and
16 finance] chief fiscal officer shall [immediately] on or before
17 the next regularly scheduled council meeting report the fact to
18 the city council and accompany [such] the report with a
19 statement of the moneys which have been drawn on [such] the
20 appropriation[,] and the particular purpose for which they were
21 drawn.

22 (e) The council may at any time by ordinance make
23 supplemental appropriations for any lawful purpose from any
24 funds on hand or estimated to be received within the fiscal year
25 and not appropriated to any other purpose, including the
26 proceeds of any borrowing now or hereafter authorized by law.

27 (f) The council shall have the power to authorize the
28 transfer of any unexpended balance, of any appropriation item,
29 or any portion thereof, but [such action shall be taken only on
30 the recommendation of a director of one of the departments]

1 council shall first seek comments from the director of the
2 department negatively affected by the proposed transfer pursuant
3 to this section.

4 [When a transfer of over five per cent of an appropriation
5 item is made within a department or when a transfer of over five
6 per cent of the total appropriation is made from one department
7 to another department, an affirmative vote of four members of
8 the council shall be required.]

9 (g) Consistent with this section, council shall determine
10 the manner and method of all intradepartmental and
11 interdepartmental financial transfers.

12 Section 125. Section 1804.1 of the act, amended July 10,
13 1980 (P.L.478, No.103) and December 13, 1982 (P.L.1149, No.263),
14 is amended to read:

15 Section 1804.1. Investment of City Funds.--(a) The council
16 shall have power to provide the following:

17 (1) [make] The investment of city sinking funds as
18 authorized by [the act of July 12, 1972 (P.L.781, No.185), known
19 as the "Local Government Unit Debt Act";] 53 Pa.C.S. Pt. VII
20 Subpt. B (relating to indebtedness and borrowing).

21 (2) [make] The investment of moneys in the general fund and
22 in special funds of the city other than the sinking funds as
23 authorized by this article[; and].

24 (3) [liquidate] The liquidation of any [such] investment, in
25 whole or in part, by disposing of securities or withdrawing
26 funds on deposit. Any action taken to make or to liquidate any
27 investment shall be made by the officers designated by action of
28 the council.

29 (b) The council shall invest city funds consistent with
30 sound business practice.

1 (c) The council shall provide for an investment program
2 subject to restrictions contained in this act and in any other
3 applicable statute and any rules and regulations adopted by the
4 council.

5 (d) Authorized types of investments for city funds shall be
6 any of the following:

7 (1) United States Treasury bills.

8 (2) Short-term obligations of the United States Government
9 or its agencies or instrumentalities.

10 (3) Deposits in savings accounts or time deposits, other
11 than certificates of deposit, or share accounts of institutions
12 insured by the Federal Deposit Insurance Corporation [or the
13 Federal Savings and Loan Insurance Corporation] or the National
14 Credit Union Share Insurance Fund [or the Pennsylvania Deposit
15 Insurance Corporation or the Pennsylvania Savings Association
16 Insurance Corporation] to the extent that such accounts are so
17 insured[,] and, for any amounts above the insured maximum,
18 provided that approved collateral as provided by law therefore
19 shall be pledged by the depository.

20 (4) Obligations of the United States of America or any of
21 its agencies or instrumentalities backed by the full faith and
22 credit of the United States of America, the Commonwealth of
23 Pennsylvania or any of its agencies or instrumentalities backed
24 by the full faith and credit of the Commonwealth, or of any
25 political subdivision of the Commonwealth of Pennsylvania or any
26 of its agencies or instrumentalities backed by the full faith
27 and credit of the political subdivision.

28 (5) Shares of an investment company registered under the
29 Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. § 80a-1
30 et seq.), whose shares are registered under the Securities Act

1 of 1933 (48 Stat. 74, 15 U.S.C. § 77a et seq.), provided that
2 the only investments of that company are in the authorized
3 investments for city funds listed in clauses (1) through (4).

4 (6) Certificates of deposit purchased from institutions
5 insured by the Federal Deposit Insurance Corporation [or the
6 Federal Savings and Loan Insurance Corporation] or the National
7 Credit Union Share Insurance Fund [or the Pennsylvania Deposit
8 Insurance Corporation or the Pennsylvania Savings Association
9 Insurance Corporation] to the extent that such accounts are so
10 insured. However, for any amounts above the insured maximum,
11 such certificates of deposit shall be collateralized by a pledge
12 or assignment of assets of the institution, and such collateral
13 may include loans (including interest in pools of loans) secured
14 by first mortgage liens on real property. Certificates of
15 deposit purchased from commercial banks shall be limited to an
16 amount equal to twenty per centum of a bank's total capital and
17 surplus. Certificates of deposit purchased from savings and loan
18 associations or savings banks shall be limited to an amount
19 equal to twenty per centum of an institution's assets minus
20 liabilities.

21 (7) Any investment authorized by 20 Pa.C.S. Ch. 73 (relating
22 to [fiduciaries] municipalities investments) shall be an
23 authorized investment for any pension or retirement fund.

24 (8) Repurchase agreements which are fully collateralized by
25 obligations of the United States Government or its agencies or
26 instrumentalities, which are free from other liens and backed by
27 the full faith and credit of the United States or are rated in
28 the highest category by a nationally recognized statistical
29 rating organization.

30 (9) Deposits in investment pools established by the State

1 Treasurer or established by local governments pursuant to 53
2 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental
3 cooperation) and related statutes, provided that the investment
4 pools are rated in the highest category by a nationally
5 recognized statistical rating organization.

6 (e) In making investments of city funds, the council shall
7 have authority to do any of the following:

8 (1) [To permit] Permit assets pledged as collateral under
9 subsection (d)(3), to be pooled in accordance with the act of
10 August 6, 1971 (P.L.281, No.72), relating to pledges of assets
11 to secure deposits of public funds.

12 (2) [To combine] Combine moneys from more than one fund
13 under city control for the purchase of a single investment,
14 provided that each of the funds combined for the purpose shall
15 be accounted for separately in all respects and that the
16 earnings from the investment are separately and individually
17 computed and recorded, and credited to the accounts from which
18 the investment was purchased.

19 (3) [To join] Join with one or more other political
20 subdivisions and municipal authorities in accordance with [the
21 act of July 12, 1972 (P.L.762, No.180), referred to as the
22 Intergovernmental Cooperation Law] 53 Pa.C.S. Ch. 23, Subch. A,
23 in the purchase of a single investment, provided that the
24 requirements of clause (2) on separate accounting of individual
25 funds and separate computation, recording and crediting of the
26 earnings therefrom are adhered to.

27 Section 126. Sections 1805, 1806, 1807 and 1808 of the act
28 are amended to read:

29 Section 1805. Countersigning [Warrants;] Documents; Money
30 Available; Evidence Required.--(a) The [director of the

1 Department of Accounts and Finance] chief fiscal officer shall
2 countersign all [warrants upon the city treasury, the form
3 whereof shall be prescribed by council, and] documents, in the
4 form approved by council, authorizing payment from the city
5 treasury.

6 (b) In countersigning documents authorizing payment from the
7 city treasury, the chief fiscal officer shall not [suffer]
8 permit any appropriation made by the council to be overdrawn[.
9 No warrant shall be countersigned] and shall not countersign
10 unless there is money in the treasury to pay the same.

11 (c) Except in the case of [warrants for the payment of
12 moneys] documents authorizing payment to volunteer fire
13 companies, whenever a [warrant on the treasurer] document
14 authorizing payment from the city treasury shall be presented to
15 the [director of accounts and finance] chief fiscal officer to
16 be countersigned, the person presenting the same shall be[, by
17 the said director,] required to produce evidence of each of the
18 following:

19 (1) [That the] The amount expressed in the [warrant]
20 document authorizing payment is due [to] the person in whose
21 favor it is drawn.

22 (2) [That the] The supplies, services or other consideration
23 for payment of which the [warrant] document authorizing payment
24 is drawn have been furnished, performed or given according to
25 law and the terms of the contract, if any.

26 Section 1806. Record of Assets, Property, Trusts, Debts Due,
27 Receipts and Expenditures.--The [director of accounts and
28 finance] chief fiscal officer or other official or employe of
29 the city designated by council shall have charge and keep a
30 record of accounts, under appropriate titles, to show separately

1 and distinctly all of the assets and property whatsoever vested
2 in the city, and all trusts in care of the same, debts owing by
3 the city, and all of the receipts and expenditures of the
4 various departments.

5 Section 1807. Supervision of Accounts of Departments.--The
6 [director of accounts and finance] chief fiscal officer shall
7 have the supervision and control of the accounts of all of the
8 departments, and may require from them at any time a statement
9 in writing of all money or property of the city in their hands.

10 Section 1808. Suggestions [by Director] for Improvement of
11 City Finances.--The [director of accounts and finance] chief
12 fiscal officer may, from time to time, and shall, when the
13 council shall direct, suggest plans to the council for the
14 management and improvement of the city finances.

15 Section 127. Sections 1809 and 1810 of the act, amended June
16 22, 2000 (P.L.321, No.33), are amended to read:

17 Section 1809. Annual Budget; Presentation to Council;
18 Notice; Revision; Adoption.--[The director of accounts and
19 finance] (a) Each year, the chief fiscal officer shall, on
20 behalf of council, at the last stated meeting in November [in
21 each year] present to council for [first reading] introduction a
22 proposed budget ordinance for all funds showing the estimated
23 receipts, expenditures, and liabilities of every kind[,] for the
24 ensuing year, with the balance of unexpended appropriations[,]
25 and all other information of value as a basis for fixing the
26 levy and tax rate for the next fiscal year. Council shall[,]
27 upon [passing] introducing the [said] proposed budget ordinance
28 [on first reading,] fix a date for adoption thereof, which shall
29 be not later than the thirty-first day of December of [such]
30 that year.

1 (b) The several departments of the city government shall,
2 before the proposed budget ordinance is [presented] introduced,
3 as [above] provided in subsection (a), furnish to the council an
4 estimate of the probable receipts and expenditures and an
5 estimate of the amount required by each of [said] the
6 departments for the public service during the ensuing fiscal
7 year as a basis for making the annual appropriations thereto.

8 (c) When the proposed budget ordinance is submitted to
9 council and has [passed first reading] been introduced, the city
10 clerk shall forthwith make the same available for public
11 inspection at [his] the city clerk's office in the city hall[,]
12 and shall thereupon publish a notice to that effect once in [at
13 least one] a newspaper of general circulation in accordance with
14 the provisions of section [one hundred nine of this act. Such]
15 109. The notice shall state the date fixed by council for
16 [adoption] enactment of the proposed budget ordinance, and
17 [such] notice shall be published at least twenty days prior to
18 the time fixed by council for [adoption] enactment of the
19 proposed budget ordinance. The proposed budget ordinance shall
20 be available for public inspection at the city clerk's office
21 for at least ten days after the aforesaid newspaper notice
22 [thereof] is published.

23 (d) The council shall, after making such changes and
24 modifications therein as appear proper, [adopt] enact the budget
25 and any appropriation measures required to put it into effect
26 upon the date fixed for [adoption] enactment thereof[: Provided,
27 That said], provided, however, that the budget shall reflect as
28 nearly as possible the estimated revenues and expenditures of
29 the city for the year for which the budget is prepared. [That
30 should] Should it appear upon any revision of the budget that

1 the estimated expenditures in the [adopted] enacted budget would
2 be increased more than ten per cent in the aggregate or more
3 than twenty-five per cent in any individual item over the
4 proposed budget, [such] the budget shall not be [adopted]
5 enacted with any [such] of the increases therein unless the same
6 be again made available for public inspection [and for protest
7 of such increases] for a period of at least ten days after
8 notice to that effect is published as hereinbefore provided.

9 Section 1810. Amending Budget; Notice.--(a) During the
10 month of January [next following any municipal election]
11 following the expiration of a past fiscal year, in furthering
12 its fiduciary responsibility, the council of any city may amend
13 the budget and the levy and tax rate to conform [with] to its
14 amended budget ordinance. A period of ten days' public
15 inspection at the office of the city clerk of the proposed
16 amended budget ordinance, after notice by the city clerk to that
17 effect is published [once] in a newspaper of general circulation
18 as provided in section [one hundred nine of this act] 109 shall
19 intervene between council's [first reading] introduction of the
20 proposed amended budget ordinance and the [adoption] enactment
21 thereof. Any amended budget ordinance must be [adopted] enacted
22 by council on or before the fifteenth day of February.

23 [No such] (b) After introduction, no proposed amended budget
24 ordinance shall [after first reading] be revised upward in
25 excess of ten [percent] per centum in the aggregate thereof or
26 as to an individual item in excess of twenty-five per [cent]
27 centum of the amount of such individual item in the proposed
28 amended budget ordinance.

29 Section 128. Section 1811 of the act is amended to read:

30 Section 1811. Appropriations; Tax Rate; Limitations.--(a)

1 When all estimates for the receipts, liabilities, and
2 expenditures for the ensuing year shall be made, council shall
3 proceed to make the annual appropriations[,] and shall fix the
4 tax rate at such figure as will, in combination with all other
5 estimated receipts of the city, fully meet and cover the
6 aggregate amount of such estimates of liabilities and
7 expenditures for the ensuing year.

8 (b) No appropriation, however, shall be made for any purpose
9 until the interest accruing on the funded debt of the city and
10 the principal of [such] that part of [said] the debt as may be
11 coming due in that fiscal year, the salaries of officers, and
12 the ordinary and necessary expenses of the city shall first be
13 provided for, and no appropriation shall be made for any purpose
14 in excess of the estimated receipts and revenues for the fiscal
15 year for which such appropriations are made.

16 Section 129. Section 1811.2 of the act, amended October 5,
17 1967 (P.L.327, No.143) and repealed in part July 12, 1972
18 (P.L.781, No.185), is amended to read:

19 Section 1811.2. Borrowing in Anticipation of Current
20 Revenue.--[Cities] In accordance with 53 Pa.C.S. Pt. VII Subpt.
21 B (relating to indebtedness and borrowing), cities may borrow
22 money in anticipation of current revenues to an amount not
23 exceeding [such] the anticipated current revenues, which shall
24 be pledged for the payment of [such] the loan or loans, and may
25 issue notes or other [form] forms of obligation[, executed by
26 the director of the Department of Accounts and Finance and
27 attested by the mayor under the seal of the city, securing such
28 loans. Such notes or other form of obligation shall mature and
29 be payable during the current fiscal year in which such money is
30 borrowed. No such borrowing shall constitute an increase of

1 indebtedness within the meaning of Article nine, section eight
2 of the Constitution of Pennsylvania, or of the "Municipal
3 Borrowing Law" of June twenty-fifth, one thousand nine hundred
4 forty-one (Pamphlet Laws 159), or of any of the provisions of
5 this act, and shall not require the approval of the Department
6 of Community Affairs. Such notes shall bear interest at a rate
7 not exceeding six (6) per centum per annum, payable at maturity
8 or in advance, and may be sold at either public or private sale
9 for not less than par. If such loans are not repaid in whole or
10 in part during the fiscal year in which they are made, they, or
11 such amounts as remain unpaid, shall become an obligation upon
12 the following year's budget and shall be included therein and
13 paid not later than the thirty-first day of December of such
14 following year. The incurring of such obligations shall receive
15 the affirmative vote of not less than two-thirds of the members
16 of the city council] in evidence of the debt.

17 Section 130. Sections 1812 and 1813 of the act, amended June
18 22, 2000 (P.L.321, No.33), are amended to read:

19 Section 1812. Annual Reports; Publication; Filing Report
20 with Department of Community and Economic Development;
21 Penalty.--(a) The [director of accounts and finance] chief
22 fiscal officer shall make a report, verified by oath or
23 affirmation, to the council at a stated meeting in April in each
24 year of the public accounts of the city and of the trusts in its
25 care for the preceding fiscal year, exhibiting all of the
26 expenditures thereof, respectively, and the sources from which
27 the revenue and funds are derived and in what measures the same
28 have been disbursed. Each account shall be accompanied by a
29 statement in detail of the several appropriations made by
30 council, the amount drawn and encumbered on each appropriation,

1 and the unencumbered balance outstanding to the debit or credit
2 of such appropriation at the close of the fiscal year.

3 (b) [Such] The report, accompanied by a concise financial
4 statement setting forth the balance in the treasury at the
5 beginning of the fiscal year, all revenues received during the
6 fiscal year, by major classifications, all expenditures made
7 during the fiscal year, by major functions, and the current
8 resources and liabilities of the city at the end of the fiscal
9 year, the gross liability and the net debt of the city, the
10 amount of the assessed valuation of the taxable property in the
11 city, the assets of the city and the character and value
12 thereof, the date of the last maturity of the respective forms
13 of funded debt, and the assets in each sinking fund, shall be
14 published [once in not more than two newspapers printed or
15 circulated in such city, as required by section one hundred and
16 nine of this act] in a newspaper of general circulation as
17 required by section 109 at least ten days prior to the April
18 meeting scheduled pursuant to subsection (a). Before [such] the
19 report or statement is made or published, [the same] it shall be
20 approved by the [controller] independent auditor, who may
21 approve it subject to such exceptions as [he] the independent
22 auditor may have thereto[: Provided, Council]; provided,
23 however, that council may cause [such] the statement to be
24 printed in pamphlet form in addition to the publications made as
25 aforesaid.

26 (c) The [director of accounts and finance] chief fiscal
27 officer shall also, annually, make report of the financial
28 condition of the city in the form above provided to the
29 Department of Community and Economic Development, within ninety
30 days after the close of the fiscal year, signed and duly

1 verified by the oath of the [director] chief fiscal officer and
2 approved by the [city controller] independent auditor, as above
3 provided. Any [director of accounts and finance] chief fiscal
4 officer appointed by the city refusing or wilfully neglecting to
5 file such report shall, upon conviction thereof[,] in a summary
6 proceeding brought [at the instance of] by the Department of
7 Community and Economic Development, be sentenced to pay a fine
8 of five dollars for each day's delay beyond [said] ninety days,
9 and costs. All fines recovered shall be for the use of the
10 Commonwealth.

11 (d) The report to the Department of Community and Economic
12 Development shall be presented in a form as provided for in
13 section [one thousand eight hundred and thirteen of this act]
14 1813.

15 Section 1813. Committee to Prepare Uniform Forms.--(a) The
16 uniform financial report forms, specified in the foregoing
17 sections of this act, shall be prepared by a committee
18 consisting of four representatives of the Pennsylvania Municipal
19 League [of Cities and Municipalities] and the Secretary of
20 Community and Economic Development, or [his] the secretary's
21 agent or designee who shall be a person trained in the field of
22 municipal finance.

23 [Such] (b) The representatives shall be appointed by the
24 president of [said] the organization within sixty days after the
25 effective date of this act. Such representatives shall be chosen
26 from among finance officers of third class cities or other
27 officers of such cities who have knowledge of their fiscal
28 procedures[. As], and as far as possible, they shall be chosen
29 to represent cities in the various population groups within the
30 range of cities of the third class. The president of the

1 Pennsylvania Municipal League [of Cities and Municipalities] and
2 other designated participants shall supply to the Secretary of
3 Community and Economic Development the names and addresses of
4 [such] the representatives immediately upon their appointment.
5 [Said]

6 (c) The representatives shall serve without compensation,
7 but they shall be reimbursed by the Commonwealth for all
8 necessary expenses incurred in attending meetings of the
9 committee. The committee shall meet at the call of the Secretary
10 of Community and Economic Development, or [his] the secretary's
11 agent or designee, who shall serve as [chairman] chairperson of
12 the committee.

13 (d) It shall be the duty of the Secretary of Community and
14 Economic Development, or [his] the secretary's agent or
15 designee, to see to it that the forms required by this act are
16 prepared in cooperation with [said] the committee. In the event
17 that [said] the committee should for any reason fail to furnish
18 such cooperation, the Secretary of Community and Economic
19 Development, or [his] the secretary's agent or designee, shall
20 complete the preparation of the forms. After their preparation,
21 [he] the Secretary of Community and Economic Development, or the
22 secretary's agent or designee, shall issue [said] the forms and
23 distribute them annually, as needed, to the designated officers
24 of each city of the third class.

25 (e) No change or alteration in the forms prescribed shall be
26 made by the Secretary of Community and Economic Development or
27 [his] the secretary's agent or designee, except by a majority
28 approval of the committee, unless upon reasonable notice two or
29 more representatives thereof fail to attend the committee
30 meetings. In voting upon any change or alteration, each

1 representative and the [chairman] chairperson of the committee
2 shall have one vote.

3 Section 131. Section 1814 of the act is amended to read:

4 Section 1814. Annual Reports to Council on Insurance and
5 Bonds.--The [director of accounts and finance] chief fiscal
6 officer shall prepare or cause to be prepared and submit to
7 council [at the first stated meeting in October of each year],
8 as council shall direct, a complete and itemized report of all
9 policies of insurance contracted for by the city[,] for the
10 information and consideration of council. The [director of
11 accounts and finance] chief fiscal officer shall make a like
12 report [at the same time each year], as council shall direct, of
13 all bonds given for the protection of the city in whole or in
14 part.

15 Section 132. Article XIX heading of the act is reenacted to
16 read:

17 ARTICLE XIX

18 CONTRACTS

19 Section 133. Section 1901 of the act, amended or added
20 September 17, 1959 (P.L.906, No.359), October 4, 1978 (P.L.1045,
21 No.239), July 1, 1981 (P.L.196, No.59), April 3, 1992 (P.L.53,
22 No.17) and November 3, 2011 (P.L.377, No.91), is amended to
23 read:

24 Section 1901. [Power to Make Contracts; Regulations
25 Concerning Contracts.--(a) Each city may make contracts for
26 carrying into execution the provisions of this act and the laws
27 of the Commonwealth. The council shall, by ordinance, provide
28 for and regulate the award of all contracts. All contracts or
29 purchases not in excess of the base amount of eighteen thousand
30 five hundred dollars, subject to adjustment under section one

1 thousand nine hundred and three point one of this act, shall be
2 by note or memorandum in writing, signed by the officer or
3 employe making the purchase or contract.

4 (b) All services and personal properties required by any
5 city, or any department thereof, where the base amount exceeds
6 the sum of eighteen thousand five hundred dollars, subject to
7 adjustment under section one thousand nine hundred and three
8 point one of this act, shall be furnished and performed under
9 written contract, and the contract shall be awarded and given to
10 the lowest responsible bidder, after advertising two times, each
11 publication on a different day, in not more than two newspapers,
12 in accord with the provisions of section one hundred and nine of
13 this act, and the bids shall not be opened until at least ten
14 days have elapsed after the first advertisement. A notice of the
15 advertisement for contracts or purchases shall also be posted at
16 the city hall.

17 (c) The amount of the contract shall in all cases, whether
18 of straight sale price, conditional sale, bailment lease, or
19 otherwise, be the entire amount which the city pays to the
20 successful bidder or his assigns in order to obtain the services
21 or property or both, and shall not be construed to mean only the
22 amount which is paid to acquire title or to receive any other
23 particular benefit or benefits of the whole bargain.

24 (d) The contracts or purchases made by council involving an
25 expenditure in excess of the base amount of eighteen thousand
26 five hundred dollars, subject to adjustment under section one
27 thousand nine hundred and three point one of this act, which
28 shall not require advertising or bidding, as hereinbefore
29 provided are as follows:

30 (1) Those for maintenance, repairs or replacements for

1 water, electric light or other public works of the city,
2 provided they do not constitute new additions, extensions or
3 enlargements of existing facilities and equipment, but a bond
4 may be required by council as in other cases of work done.

5 (2) Those made for improvements, repairs and maintenance of
6 any kind made or provided by any city through its own employes:
7 Provided, however, That this shall not apply to construction
8 materials used in a street improvement.

9 (3) Those where particular types, models or pieces of new
10 equipment, articles, apparatus, appliances, vehicles, or parts
11 thereof, are desired by council, which are patented and
12 manufactured or copyrighted products.

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

24 (5) Those involving personal or professional services.

25 (6) Those made during a state of emergency declared by the
26 mayor or chief executive in accord with section one thousand two
27 hundred and three of this act.

28 (e) The acceptance of bids by advertising required herein
29 shall be made by public announcement at the meeting at which
30 bids are received by council or at a subsequent meeting, the

1 time and place of which shall be publicly announced when bids
2 are so received. If, for any reason, the award is not made at
3 either of the above meetings, the same business may be
4 transacted at a subsequent meeting, the time and place of which
5 shall be announced at the previous meeting held for such award.
6 At such third meeting, the council shall either award the
7 contract or shall reject all bids.

8 (f) Council may require that any bids so advertised be
9 accompanied by cash, by a certified or cashier's good faith
10 check or other irrevocable letter of credit in a reasonable
11 amount, or by a bond with corporate surety in a reasonable
12 amount. Whenever it is required that a bid be accompanied by
13 cash, certified check, cashier's good faith check or other
14 irrevocable letter of credit, no bid shall be considered unless
15 so accompanied. In the event any bidder shall, upon award of the
16 contract to him, fail to comply with the requirements
17 hereinafter stated as to a bond guaranteeing the performance of
18 the contract the good faith deposit by cash, certified check, or
19 bond, shall be forfeited to the city as liquidated damages.

20 (g) Where advertising is required herein, the successful
21 bidder shall be required to furnish a bond or irrevocable letter
22 of credit in an amount sufficient to council with suitable
23 reasonable requirements guaranteeing the performance of the
24 contract within twenty days after the contract has been awarded,
25 unless council prescribes a shorter period of not less than ten
26 days, and failure to furnish such security within such time
27 shall void the award. The provisions of this subsection
28 requiring successful bidders to furnish security shall not be
29 mandatory as to contracts for the purchase of motor vehicles or
30 other pieces of equipment but only as to those contracts which

1 involve furnishing of labor and materials. Council may in all
2 cases of contracts or purchases require security for
3 performance, delivery, or other terms.

4 (h) Where the roadway of a street is to be paved originally
5 and for the first time, or reconstructed by putting down a new
6 base, or a sewer is to be constructed, or grading done, such
7 work shall be done under written contract, after advertising as
8 provided in section one hundred and nine of this act, and such
9 contract shall be given to the lowest responsible bidder.

10 (i) The council may, by ordinance, provide for and regulate
11 the purchase of supplies and materials and the sale of personal
12 property.

13 (j) The council may also, by ordinance, provide a contingent
14 fund or funds for necessary repairs and incidental expenses, not
15 otherwise provided in the general appropriations, and such funds
16 may be expended without advertising for bids.

17 (k) Every contract for the construction, reconstruction,
18 alteration, repair, improvement or maintenance of public works
19 shall comply with the provisions of the act of March 3, 1978,
20 (P.L.6, No.3), known as the "Steel Products Procurement Act."

21 (l) No person, consultant, firm or corporation contracting
22 with a city for purposes of rendering personal or professional
23 services to the city shall share with any city officer or
24 employe, and no city officer or employe shall accept, any
25 portion of the compensation or fees paid by the city for the
26 contracted services provided to the city except under the
27 following terms or conditions:

28 (1) Full disclosure of all relevant information regarding
29 the sharing of the compensation or fees shall be made to the
30 council of the city.

1 (2) The council of the city must approve the sharing of any
2 fee or compensation for personal or professional services prior
3 to the performance of said services.

4 (3) No fee or compensation for personal or professional
5 services may be shared except for work actually performed.

6 (4) No shared fee or compensation for personal or
7 professional services may be paid at a rate in excess of that
8 commensurate for similar personal or professional services.]

9 Power to Make and Regulate Awarding of Contracts.--(a) Each
10 city may make contracts for carrying into execution the
11 provisions of this act and the laws of this Commonwealth. In
12 addition to and consistent with the requirements of this
13 article, council shall, by ordinance, provide for and regulate
14 the procedures for the award of all contracts, including the
15 purchase of supplies and materials.

16 (b) Contracts for the sale of real and personal property
17 shall be conducted in conformance with section 2402.1.

18 Section 134. The act is amended by adding sections to read:

19 Section 1901.1. Contracts or Purchases in Excess of Base
20 Amount of Eighteen Thousand Five Hundred Dollars.--(a) Except
21 as provided in section 1901.4(b), all contracts or purchases in
22 excess of the base amount of eighteen thousand five hundred
23 dollars, subject to adjustment under section 1903.1, shall be
24 subject to advertising and competitive bidding as provided in
25 this article.

26 (b) All services and personal properties required by any
27 city, or any department thereof, where the amount exceeds the
28 base amount of eighteen thousand five hundred dollars, subject
29 to adjustment under section 1903.1, shall be furnished and
30 performed under written contract, and the contract shall be

1 awarded and given to the lowest responsible bidder after
2 advertising two times, each publication on a different day, in
3 not more than two newspapers of general circulation, in
4 accordance with the provisions of section 109, and the bids
5 shall not be opened until at least ten days have elapsed after
6 the advertisement. A copy of the advertisement for contracts or
7 purchases shall be posted in the city office designated by
8 council.

9 Section 1901.2. Contracts or Purchases Not in Excess of Base
10 Amount of Eighteen Thousand Five Hundred Dollars.--With regard
11 to all contracts or purchases not in excess of the base amount
12 of eighteen thousand five hundred dollars, subject to adjustment
13 under section 1903.1, the following shall apply:

14 (1) The purchases or contracts shall be evidenced by note or
15 memorandum in writing, signed by the officer or employe making
16 the purchase or contract.

17 (2) Council, or the officer designated by council, shall
18 approve all purchases or contracts, except council need not
19 approve those purchases or contracts within the category of
20 small or routine purchases or incidental expenses, as defined by
21 ordinance.

22 Section 1901.3. Determining Amount of Contract.--The amount
23 of the contract shall in all cases, whether of straight sale
24 price, conditional sale, bailment lease or otherwise, be the
25 entire amount which the city pays to the successful bidder or
26 the successful bidder's assigns in order to obtain the services
27 or property, or both, and shall not be construed to mean only
28 the amount which is paid to acquire title or to receive any
29 other particular benefit or benefits of the whole bargain.

30 Section 1901.4. Contracts or Purchases Not Requiring

1 Advertising or Bidding.--(a) City contracts or purchases, if
2 not in excess of the base amount of eighteen thousand five
3 hundred dollars, subject to adjustment under section 1903.1,
4 shall not require advertising or bidding.

5 (b) City contracts or purchases involving an expenditure of
6 over the base amount of eighteen thousand five hundred dollars,
7 subject to adjustment under section 1903.1, which shall not
8 require advertising or bidding are as follows:

9 (1) Those for maintenance, repairs or replacements for
10 water, electric light or other public works of the city,
11 provided they do not constitute new additions, extensions or
12 enlargements of existing facilities and equipment, but security
13 may be required by council as in other cases of work done.

14 (2) Those made for improvements, repairs and maintenance of
15 any kind made or provided by any city through its own employes,
16 except that this exception shall not apply to construction
17 materials used in a street improvement.

18 (3) Those where particular types, models or pieces of new
19 equipment, articles, apparatus, appliances, vehicles or parts
20 thereof desired by council are patented or copyrighted products.

21 (4) Those involving any policies of insurance or surety
22 company bonds.

23 (5) Those made for public utility service and electricity,
24 natural gas or telecommunication services, provided that, in the
25 case of utilities not under tariff with the Pennsylvania Public
26 Utility Commission, contracts made without advertising and
27 bidding shall be made only after receiving written or telephonic
28 price quotations from at least three qualified and responsible
29 providers. In lieu of price quotations, a memorandum shall be
30 kept on file showing that fewer than three qualified providers

1 exist in the market area within which it is practicable to
2 obtain quotations. A written record of telephonic price
3 quotations shall be made and shall contain at least the date of
4 the quotation, the name of the provider and the provider's
5 representative, the type of service that was the subject of the
6 quotation and the price. Written price quotations, written
7 records of telephonic price quotations and memoranda shall be
8 retained for a period of three years.

9 (6) Those made with another political subdivision or a
10 county, the Commonwealth of Pennsylvania, the Federal
11 Government, any agency of the Commonwealth or the Federal
12 Government or any municipal authority, including the sale,
13 leasing or loan of any supplies or materials by the Commonwealth
14 or the Federal Government, or their agencies, but the price
15 thereof shall not be in excess of that fixed by the
16 Commonwealth, the Federal Government or their agencies.

17 (7) Those involving personal or professional services.

18 (8) Those made during a state of emergency declared by the
19 mayor in accordance with section 1203 or those made during a
20 disaster emergency declared by the Governor or during a local
21 emergency in accordance with 35 Pa.C.S. Pt. V (relating to
22 emergency management services).

23 Section 1901.5. Receipt, Opening, Award or Rejection of
24 Bids.--(a) In any case in which advertisement and bidding are
25 required, the advertisement shall specify the time by which and
26 place at which bids will be received and the time and place for
27 the opening of bids.

28 (b) Bids received pursuant to advertisement shall be opened
29 publicly by council or its designated agent. The amount of each
30 bid and any other relevant information as may be specified by

1 council, together with the name of each bidder, shall be
2 disclosed and recorded; and the record shall be open to public
3 inspection.

4 (c) At a public meeting of council, not more than sixty days
5 after the receipt of bids, council shall either award the
6 contract or shall reject all bids.

7 Section 1901.6. Bid, Performance and Payment Security.--(a)
8 The following shall apply to bid security:

9 (1) Council may require that bids received pursuant to
10 advertisement be accompanied by bid security, in a reasonable
11 amount, which shall be in the form of a certified or bank check
12 or a bond provided by a surety company authorized to do business
13 in this Commonwealth or another form of security as specified in
14 the advertisement for bids.

15 (2) In the event the successful bidder shall, upon award of
16 the contract, fail to comply with the requirements of subsection
17 (b) as to performance security, the bid security shall be
18 forfeited to the city as liquidated damages.

19 (b) The following shall apply to performance security:

20 (1) In the case of a contract that had been subject to
21 advertising and bidding, the successful bidder shall be required
22 to furnish performance security in the form of a bond or
23 irrevocable letter of credit in an amount equal to one hundred
24 per centum of the contract price with suitable reasonable
25 requirements guaranteeing the performance of the contract.
26 Performance security shall be provided within twenty days after
27 the contract has been awarded, unless council prescribes a
28 shorter period of not less than ten days. Failure to furnish
29 such security within the required time period shall void the
30 award.

1 (2) The provisions of this subsection requiring successful
2 bidders to furnish security shall not be mandatory as to
3 contracts for the purchase of motor vehicles or other pieces of
4 equipment but only as to those contracts which involve
5 furnishing of labor and materials. Council may in all cases of
6 contracts or purchases require security for performance,
7 delivery or other terms.

8 (c) In conformity with the act of December 20, 1967
9 (P.L.869, No.385), known as the "Public Works Contractors' Bond
10 Law of 1967," it shall be the duty of every city to require any
11 person, partnership, association or corporation entering into a
12 contract with such city for the construction, erection,
13 installation, completion, alteration, repair of or addition to
14 any public work or improvement of any kind whatsoever, where the
15 amount of the contract is in excess of ten thousand dollars,
16 before commencing work under the contract, to provide payment
17 security in a form acceptable to and approved by the city, which
18 may include, but need not be limited to, a bond, Federal or
19 Commonwealth-chartered lending institution irrevocable letters
20 of credit and restrictive or escrow accounts in the lending
21 institutions, equal to one hundred per centum of the contract
22 amount. The payment security shall be solely for the protection
23 of claimants supplying labor or materials to the prime
24 contractor to whom the contract was awarded, or to any of the
25 prime contractor's subcontractors, in the prosecution of the
26 work provided for in the contract. The payment security shall be
27 conditioned for the prompt payment of all material furnished or
28 labor supplied or performed in the prosecution of the work under
29 the contract.

30 Section 1901.7. Compliance With Other Laws.--Every contract

1 subject to this article shall comply, as applicable, with the
2 provisions of the act of August 15, 1961 (P.L.987, No.442),
3 known as the "Pennsylvania Prevailing Wage Act," the act of
4 December 20, 1967 (P.L.869, No.385), known as the "Public Works
5 Contractors' Bond Law of 1967," the act of January 23, 1974
6 (P.L.9, No.4), referred to as the Public Contract Bid Withdrawal
7 Law, the act of March 3, 1978 (P.L.6, No.3), known as the "Steel
8 Products Procurement Act," the act of February 17, 1994 (P.L.73,
9 No.7), known as the "Contractor and Subcontractor Payment Act,"
10 62 Pa.C.S. Chs. 37 Subch. B (relating to motor vehicles), 39
11 (relating to contracts for public works) and 45 (relating to
12 antibid-rigging).

13 Section 1901.8. Prohibitions.--No person, consultant, firm
14 or corporation contracting with a city for purposes of rendering
15 personal or professional services to the city shall share with
16 any city officer or employe, and no city officer or employe
17 shall accept, any portion of the compensation or fees paid by
18 the city for the contracted services provided to the city.

19 Section 1901.9. Lowest Responsible Bidder.--For purposes of
20 this article, the lowest responsible bidder need not be the
21 bidder submitting the lowest dollar amount bid. The city may
22 also consider the quality of goods or services supplied, ease of
23 repair, compatibility with other city equipment or services,
24 responsiveness, past performance of the bidder and any other
25 reasonable factors specified in the advertisement for bids.

26 Section 135. Section 1902 of the act, amended November 3,
27 2011 (P.L.377, No.91), is amended to read:

28 Section 1902. Evasion of Advertising Requirements.--No
29 [member or members of council] elected or appointed official or
30 officials of any city shall evade the provisions of [the

1 preceding section as to] this article requiring advertising for
2 bids by purchasing or contracting for services and personal
3 properties piecemeal for the purpose of obtaining prices under
4 the base amount of eighteen thousand five hundred dollars,
5 subject to adjustment under section [one thousand nine hundred
6 and three point one of this act] 1903.1, upon transactions which
7 should, in the exercise of reasonable discretion and prudence,
8 be conducted as one transaction amounting to more than the base
9 amount of eighteen thousand five hundred dollars, subject to
10 adjustment under section [one thousand nine hundred and three
11 point one of this act] 1903.1. This provision is intended to
12 make unlawful the practice of evading advertising requirements
13 by making a series of purchases or contracts, each for less than
14 the advertising requirement price, or by making several
15 simultaneous purchases or contracts, each below said price,
16 when, in either case, the transactions involved should have been
17 made as one transaction for one price. Any [members of council
18 who so vote] elected or appointed official who acts in violation
19 of this provision [and who know], knowing that the transaction
20 upon which [they so vote] the elected or appointed official acts
21 is or ought to be a part of a larger transaction and that it is
22 being divided in order to evade the requirements as to
23 advertising for bids, shall be jointly and severally subject to
24 surcharge for ten per centum of the full amount of the contract
25 or purchase. Wherever it shall appear that [a member of council
26 may have voted] an elected or appointed official may have acted
27 in violation of this section but the purchase or contract on
28 which [he so voted was not approved by council] the elected or
29 appointed official acted was not executed, this section shall be
30 inapplicable.

1 Section 136. Section 1903.1 of the act, added November 3,
2 2011 (P.L.377, No.91), is reenacted and amended to read:

3 Section 1903.1. Adjustments to Base Amount Based on Consumer
4 Price Index for All Urban Consumers.--

5 (a) Adjustments to the base amounts specified under sections
6 [1901] 1901.1, 1902 and 1909 shall be made as follows:

7 (1) The Department of Labor and Industry shall determine the
8 percentage change in the Consumer Price Index for All Urban
9 Consumers: All Items (CPI-U) for the United States City Average
10 as published by the United States Department of Labor, Bureau of
11 Labor Statistics, for the twelve-month period ending September
12 30, 2012, and for each successive twelve-month period
13 thereafter.

14 (2) If the department determines that there is no positive
15 percentage change, then no adjustment to the base amounts shall
16 occur for the relevant time period provided for in this section.

17 (3) (i) If the department determines that there is a
18 positive percentage change in the first year that the
19 determination is made under paragraph (1), the positive
20 percentage change shall be multiplied by each base amount, and
21 the products shall be added to the base amounts, respectively,
22 and the sums shall be preliminary adjusted amounts.

23 (ii) The preliminary adjusted amounts shall be rounded to
24 the nearest one hundred dollars (\$100) to determine the final
25 adjusted base amounts for purposes of sections [1901] 1901.1 and
26 1902.

27 (4) In each successive year in which there is a positive
28 percentage change in the CPI-U for the United States City
29 Average, the positive percentage change shall be multiplied by
30 the most recent preliminary adjusted amounts, and the products

1 shall be added to the preliminary adjusted amount of the prior
2 year to calculate the preliminary adjusted amounts for the
3 current year. The sums thereof shall be rounded to the nearest
4 one hundred dollars (\$100) to determine the new final adjusted
5 base amounts for purposes of sections [1901] 1901.1 and 1902.

6 (5) The determinations and adjustments required under this
7 section shall be made in the period between October 1 and
8 November 15 of the year following the effective date of this
9 subsection and annually between October 1 and November 15 of
10 each year thereafter.

11 (6) The final adjusted base amounts and new final adjusted
12 base amounts obtained under paragraphs (3) and (4) shall become
13 effective January 1 for the calendar year following the year in
14 which the determination required under paragraph (1) is made.

15 (7) The department shall publish notice in the Pennsylvania
16 Bulletin prior to January 1 of each calendar year of the annual
17 percentage change determined under paragraph (1) and the
18 unadjusted or final adjusted base amounts determined under
19 paragraphs (3) and (4) at which competitive bidding is required
20 under section [1901] 1901.1 and advertising is required under
21 section 1902 or separate bids are required under section 1909
22 for the calendar year beginning the first day of January after
23 publication of the notice. The notice shall include a written
24 and illustrative explanation of the calculations performed by
25 the department in establishing the unadjusted or final adjusted
26 base amounts under this section for the ensuing calendar year.

27 (8) The annual increase in the preliminary adjusted base
28 amounts obtained under paragraphs (3) and (4) shall not exceed
29 three percent.

30 Sections 137. Sections 1904 and 1905 of the act are

1 repealed:

2 [Section 1904. Reference of Expenditures for Approval by
3 Council.--Any expenditures or transactions, exclusive of
4 compensation paid to city employes, in any department, office or
5 bureau of the city, which may reasonably seem likely to exceed
6 the sum of five hundred dollars over a period of sixty days,
7 shall not be undertaken or proceeded upon except after reference
8 thereof to council and approval by council by ordinance or
9 resolution. Council may approve, revise, or refuse to approve
10 any such referred expenditure or transaction. No official, agent
11 or employe of the city shall knowingly violate the provisions of
12 this section, and any person so violating shall forfeit and pay
13 to the use of the city a penalty of one hundred dollars for each
14 offense.

15 Section 1905. Personal Interest in Contracts.--In any case
16 where a city officer or official elected or appointed knows or
17 by the exercise of reasonable diligence could know that he is
18 interested to any appreciable degree, either directly or
19 indirectly, in any contract for the sale or furnishing of any
20 personal property for the use of the city, or for any services
21 to be rendered for such city, involving the expenditure by the
22 city of more than three hundred dollars in any year, he shall
23 notify council thereof; and any such contract shall not be
24 passed and approved by council except by an affirmative vote of
25 at least four members thereof. In case the interested officer is
26 a member of council, he shall refrain from voting upon said
27 contract. The provisions of this section shall not apply to
28 cases where such officer or official is an employe of the
29 person, firm or corporation to which money is to be paid in a
30 capacity with no possible influence on the transaction and in

1 which he cannot possibly be benefited thereby, either
2 financially or in any other material manner. Any officer or
3 official who shall knowingly violate the provisions of this
4 section shall be liable to the city upon his bond, if any, or
5 personally, to the extent of the damage shown to be sustained
6 thereby by the city, to ouster from office, and shall be guilty
7 of a misdemeanor; and upon conviction thereof, shall be
8 sentenced to pay a fine not exceeding five hundred dollars, or
9 imprisonment not exceeding one year, or both.]

10 Section 138. Section 1906 of the act, amended August 21,
11 1953 (P.L.1292, No.364), is amended to read:

12 Section 1906. Designation of Appropriations; Certification
13 in Excess of Appropriation; Contracts for Governmental Services
14 for More than One Year.--[Every contract involving an
15 appropriation of money shall designate the item of appropriation
16 on which it is founded, and the estimated amount of the
17 expenditure thereunder shall be charged against such item, and
18 so certified by the director of accounts and finance on the
19 contract before it shall take effect as a contract. The payments
20 required by such contract shall be made from the fund
21 appropriated therefor. In any case where the lowest responsible
22 bid is in excess of the item of appropriation on which the
23 contract is to be founded, the item of appropriation may be
24 increased by council in the amount necessary to cover the bid,
25 and the contract may be awarded and certified without any
26 additional advertising. If the director of accounts and finance
27 shall certify any contract in excess of the appropriation made
28 therefor, the city shall not be liable for such excess, but the
29 director of accounts and finance shall be liable for the same,
30 which may be recovered in an action at law by the contracting

1 party aggrieved. But nothing] With regard to any contract,
2 council may direct the city administrator, chief fiscal officer,
3 or other designated official or employe to furnish information
4 concerning the availability of appropriated funds to satisfy
5 required payments under the contract. Nothing herein contained
6 shall prevent the making of contracts for governmental services
7 for a period exceeding one year, but any contract so made shall
8 be executory only for the amounts agreed to be paid for such
9 services to be rendered in succeeding fiscal years.

10 [It shall be the duty of the director of accounts and finance
11 to certify contracts for the payment of which sufficient
12 appropriations have been made.]

13 Section 139. Section 1907 of the act, amended April 3, 1992
14 (P.L.53, No.17), is repealed:

15 [Section 1907. Security for the Protection of Labor and
16 Materialmen.--It shall be the duty of every city to require any
17 person, copartnership, association, or corporation, entering
18 into a contract with such city for the construction, erection,
19 installation, completion, alteration, repair of, or addition to,
20 any public work or improvement of any kind whatsoever, where the
21 amount of such contract is in excess of one thousand five
22 hundred dollars, before commencing work under such contract, to
23 execute and deliver to such city, in addition to any other
24 security which may now or hereafter be required by law to be
25 given in connection with such contract, an additional bond or
26 irrevocable letter of credit for the use of any and every
27 person, copartnership, association, or corporation interested,
28 in a sum not less than fifty per centum and not more than one
29 hundred per centum of the contract price, as such city may
30 prescribe, conditioned for the prompt payment of all material

1 furnished and labor supplied or performed in the prosecution of
2 the work, whether or not the said material or labor enter into
3 and become component parts of the work or improvement
4 contemplated. Such additional security shall be deposited with
5 and held by the city for the use of any party interested
6 therein. Every such additional security shall provide that every
7 person, copartnership, association, or corporation who, whether
8 as subcontractor or otherwise, has furnished material or
9 supplied or performed labor in the prosecution of the work as
10 above provided, and who has not been paid therefor, may sue in
11 assumpsit on said additional security, in the name of the city,
12 for his, their, or its use and prosecute the same to final
13 judgment for such sum or sums as may be justly due him, them, or
14 it, and have execution thereof: Provided, however, That the city
15 shall not be liable for the payment of any costs or expense of
16 any suit. The surety or sureties on a bond under this section
17 must be authorized to do business in this Commonwealth.]

18 Section 140. Section 1908 of the act is repealed:

19 [Section 1908. Purchasing Department.--Each city may, by
20 ordinance, provide for the establishment of a purchasing
21 department, which shall have supervision over the purchase and
22 distribution of all supplies purchased. The said department
23 shall be attached to the department of accounts and finance or
24 such other department as council may determine, and shall be
25 operated in accordance with rules and regulations to be adopted
26 by council, the rules to include the manner in which quotations
27 shall be secured on the supplies purchased. The said department
28 shall assist council at all times in eliminating waste and
29 extravagance in the purchase and distribution of the supplies of
30 the city.]

1 Section 141. Section 1908.1 of the act, added December 10,
2 1974 (P.L.815, No.270), is amended to read:

3 Section 1908.1. Purchase Contracts for Petroleum Products;
4 Fire Company, Etc., Participation.--The council of each city
5 shall have power to permit, subject to [such] any terms and
6 conditions as [it] the city may impose, [and as hereinafter
7 specifically provided, shall, prescribe] any fire company,
8 rescue company and ambulance company in the city to participate
9 in purchase contracts for petroleum products entered into by the
10 city. [Any such company desiring to participate in such purchase
11 contracts shall file] Fire company, rescue company and ambulance
12 company participation in purchase contracts for petroleum
13 products shall be subject to the condition that all prices shall
14 be F.O.B. destination. If permitted by council, a fire company,
15 rescue company or ambulance company may participate in
16 designated petroleum product contracts entered into by the city,
17 subject to the fire company, rescue company or ambulance
18 company:

19 (1) Having filed with the city clerk a request that it be
20 authorized to participate in contracts for the purchase of
21 petroleum products of the city [and agreeing].

22 (2) Having agreed that it will be bound by [such] any terms
23 and conditions [as] imposed by the city [may, and as hereinafter
24 specifically provided, shall, prescribe and].

25 (3) Having agreed that it will be responsible for payment
26 directly to the vendor under each purchase contract. [Among such
27 terms and conditions, the city shall prescribe that all prices
28 shall be F.O.B. destination.]

29 Section 142. Section 1909 of the act, amended November 3,
30 2011 (P.L.377, No.91), is amended to read:

1 Section 1909. Separate Bids for Plumbing, Heating,
2 Ventilating and Electrical Work, Elevators and [Moving Stairs]
3 Escalators.--In the preparation of specifications for the
4 erection, construction, and alteration of any public building,
5 when the entire cost of such work shall exceed the base amount
6 of eighteen thousand five hundred dollars, subject to adjustment
7 under section [one thousand nine hundred and three point one of
8 this act] 1903.1, the architect, engineer, or other person
9 preparing such specifications[,] shall prepare only the
10 following separate specifications[;]: (1) plumbing, (2) heating,
11 (3) ventilating, (4) electrical work, (5) elevators and [moving
12 stairs] escalators, and (6) one complete set of specifications
13 for all the other work to be done in such erection, construction
14 and alteration. The project manager, construction manager or
15 other person or persons authorized by council to enter into
16 contracts for the erection, construction, or alteration of such
17 public buildings shall receive separate bids upon each of the
18 [said] branches of work, and the city council or the appropriate
19 city officer shall award the contract for the same to the lowest
20 responsible bidder for each of [said] the branches, including
21 the balance of the work, in addition to the plumbing, heating,
22 ventilating and electrical work and elevators and [moving
23 stairs] escalators. Where it is desired to install an air
24 conditioning unit, the heating and ventilating so involved may
25 be regarded as one branch of work having only one set of
26 specifications, and bids may be received and a contract awarded
27 thereon as hereinbefore provided.

28 Section 143. Sections 1910, 1911 and 1912 of the act are
29 amended to read:

30 Section 1910. Acceptance by Contractor of [Workmen's]

1 Workers' Compensation Act.--[All contracts executed by any city,
2 or any officer or bureau or board thereof, which involve the
3 construction or doing of any work involving the employment of
4 labor, shall contain a provision that the contractor shall
5 accept, in so far as the work covered by any such contract is
6 concerned, the provisions of the Workmen's Compensation Act and
7 any reenactments, supplements or amendments thereto, and that
8 the said contractor will insure his liability thereunder, or
9 file with the city with whom the contract is made a certificate
10 of exemption from insurance from the Department of Labor and
11 Industry of this Commonwealth.

12 Every officer of any city, or bureau or department thereof,
13 who shall sign, on behalf of the said city, any contract
14 requiring in its performance the employment of labor, shall
15 require, before the said contract shall be signed, proof that
16 the said contractor with whom the contract is made shall have
17 accepted the Workmen's Compensation Act and any reenactments,
18 supplements or amendments thereto, and proof that the said
19 contractor has insured his liability thereunder in accordance
20 with the terms of the said act, or that the said contractor has
21 had issued to him a certificate of exemption from insurance from
22 the Department of Labor and Industry of this Commonwealth.

23 Any contract executed in violation of the provisions of this
24 section shall be null and void.]

25 (a) All contracts executed by any city which involve the
26 construction or performance of any work involving the employment
27 of labor shall contain a provision that the contractor shall
28 accept, and file with the city proof of compliance with or
29 exemption from, insofar as the work covered by the contract is
30 concerned, the act of June 2, 1915 (P.L.736, No.338), known as

1 the "Workers' Compensation Act."

2 (b) A certificate of exemption from issuance may be issued
3 on the basis of either individual self-insurance or group self-
4 insurance.

5 (c) A contractor shall file with the city any proof that the
6 Department of Labor and Industry, with respect to certain
7 employees, has accepted the application to be excepted from the
8 provisions of the "Workers' Compensation Act" on religious
9 grounds.

10 (d) Any contract executed in violation of this section is
11 void.

12 Section 1911. Contracts for Improvements; Assignment of
13 Assessments.--Where the whole or any part of the cost of an
14 improvement is to be paid by assessments upon the property
15 abutting or benefited, the city may enter into an agreement with
16 the contractor [that he], pursuant to which the contractor shall
17 take an assignment of [such] the assessments in payment of the
18 amount due [him] under the terms of [his] the contract, and, in
19 such case, the city shall not be otherwise liable under such
20 contract[, whether said assessments are collectible or not].

21 Section 1912. Architects and Engineers in Employ of City;
22 Prohibitions from Bidding on Public Works; Penalty.--(a) It
23 shall be unlawful for any architect or engineer[,] in the employ
24 of any city[,] to bid on any public work of the city.

25 (b) It shall be unlawful for the officers of any city,
26 charged with the duty of letting any public work, to award a
27 contract to any [such] architect or engineer[,] in the employ of
28 the city.

29 (c) Any person or persons violating these provisions, or any
30 of them, [shall be guilty of] commits a misdemeanor[,] and[, on]

1 shall, upon conviction [thereof, shall forfeit his], be subject
2 to forfeiting office, in accordance with section 901, and [be]
3 sentenced to pay a fine not exceeding five hundred dollars, or
4 to undergo imprisonment for not less than six months, or both,
5 in the discretion of the court. Any contract made in violation
6 of the provisions of this section shall be null and void.

7 (d) The provisions of this section shall be in addition to
8 any prohibition in 65 Pa.C.S. Ch. 11 (relating to ethics
9 standards and financial disclosure).

10 Section 144. Sections 1913, 1914 and 1915 of the act are
11 repealed:

12 [Section 1913. Contracts With Transportation Companies.--
13 Subject to the provisions of the Public Utility Law, any city,
14 of the one part, and any person operating a public
15 transportation service within the limits of such city, of the
16 other part, may enter into contracts with each other affecting,
17 fixing, and regulating the franchises, powers, duties, and
18 liabilities of such companies, and the regulations and
19 respective rights of the contracting parties. Such contracts
20 may, inter alia, provide for payments by the companies to the
21 city in lieu of the performance of certain duties or the payment
22 of license fees or charges imposed in favor of such city, by the
23 charters of the respective companies, or by any general law or
24 ordinance, for the appointment by the city of a certain number
25 of persons to act as directors of such company, in conjunction
26 with the directors elected by the stockholders of such company,
27 and, further, may provide for the ultimate acquisition by the
28 city, upon terms mutually satisfactory, of the leaseholds,
29 property, and franchises of the contracting companies.

30 Section 1914. Contracts for Relocation of Railroads.--

1 Subject to the provisions of the Public Utility Law, any city
2 may enter into contracts with any of the railroad companies,
3 whose roads enter its limits, whereby the said railroad
4 companies may relocate, change or elevate their railroads within
5 said limits, in such manner as, in the judgment of the proper
6 authorities of such city, may be best adapted to secure the
7 safety of lives and property, and promote the interest of said
8 city; and, for that purpose, may do all such acts as may be
9 necessary and proper to effectually carry out such contracts.
10 Any such contracts, made by any railroad company or companies as
11 aforesaid with any city, are hereby fully ratified and
12 confirmed. Nothing herein contained shall affect any contract
13 made, or hereafter to be made, with any railroad company, from
14 apportioning the expenses of altering and adjusting the grades
15 of existing railroads and intersecting streets in any city so as
16 to dispense with grade crossings.

17 Section 1915. Contracts with Street Railways for Exclusive
18 Right to Lay Tracks.--In case any city shall deem it necessary
19 for the public benefit and convenience to secure the removal of
20 any street railway tracks already laid, or prevent the laying of
21 such tracks already authorized to be laid, or to change the
22 route of any street railway on any street or streets, or portion
23 of a street or streets, within its corporate limits, and such
24 purpose or purposes can be accomplished by agreement with the
25 street railway company or motor power company owning, leasing or
26 operating such tracks, the said parties may, subject to the
27 provisions of the Public Utility Law, enter into a contract, for
28 a period not exceeding fifty years, for such considerations and
29 upon such terms and conditions, and containing such
30 stipulations, reservations and covenants as may be agreed upon

1 between the respective parties thereto; and such contract may
2 include a covenant providing that, during the continuance
3 thereof, municipal consent shall not be granted to any other
4 company to use or occupy the street, streets, or portions of a
5 street or streets, covered by such contract, for street railway
6 or passenger transportation purposes; which covenants shall be
7 enforceable by bill in equity against such city, in case of
8 attempted breach thereof; and such contract may also provide for
9 the laying or relaying of such tracks upon such terms and under
10 such contingencies and conditions as may be agreed upon. When
11 such contract shall have been made, it shall form a part of the
12 charter of the company, with like force and effect as to all its
13 terms, conditions, stipulations, restrictions, covenants, and
14 provisions as to change of routes as if the same formed a part
15 of the original charter of such company; and no removal of
16 tracks already laid, or postponement of or delay in the time of
17 beginning or completing the work of laying tracks already
18 authorized to be laid, and no change of route therein provided
19 for, shall operate or be construed to deprive or divest any such
20 company, entering into such contract, of any of the rights,
21 franchises, or privileges possessed by it at the time of
22 entering into such contract, so as to operate in favor of any
23 company subsequently formed and seeking to occupy, for street
24 railway purposes, the street, streets, or portions of a street
25 or streets, covered by such contract. Nothing in this section
26 contained, nor any contract made in pursuance thereof, shall be
27 construed to limit or affect in any way, or impose any
28 additional liability for the exercise of, the right of a
29 railroad company to lay its tracks, over, upon, under, and
30 across such street or streets, or portions thereof.]

1 Section 145. The act is amended by adding a section to read:

2 Section 1916. Contracts with Passenger or Transportation
3 Companies.--Except as may be prohibited by 66 Pa.C.S. Pt. I
4 (relating to public utility code) or Federal or other state
5 regulation of transportation or commerce, a city may, as it
6 deems necessary for the public benefit and convenience, contract
7 with a person or persons owning a public transportation service,
8 railroad company, street railway, motor power company, or
9 passenger or transportation company.

10 Section 146. Section 1917 of the act, amended June 28, 2011
11 (P.L.75, No.15), is repealed:

12 [Section 1917. Sales of Personal Property.--No city personal
13 property shall be disposed of by sale or otherwise except upon
14 approval of council by ordinance or resolution. In cases where
15 council shall approve a sale of city personal property, it shall
16 estimate the sale value of the entire lot to be disposed of. If
17 council shall estimate such sale value to be less than one
18 thousand dollars, it shall require a notice of the proposed sale
19 to be posted for at least ten days on the bulletin board in the
20 city hall, describing and itemizing the property to be sold and
21 directing that bids may be made thereon at the office of the
22 city clerk. Thereafter, council may sell such property, in whole
23 or in part, for the best price or prices obtainable. If council
24 shall estimate the sale value to be one thousand dollars or
25 more, the entire lot shall be advertised for sale once in at
26 least one newspaper, in accordance with the provisions of
27 section one hundred nine of this act, and sale of the property
28 so advertised shall be made to the best responsible bidder; and
29 the bids shall not be opened until at least ten days after the
30 said advertisement. Council may sell any such property at

1 auction, but the provisions as to notice contained in this
2 section shall be likewise observed as to the holding of such
3 auction sales. An auction may be conducted by means of an online
4 or electronic auction sale. During an electronic auction sale,
5 bids shall be accepted electronically at the time and in the
6 manner designated in the advertisement. During the electronic
7 auction, each bidder shall have the capability to view the
8 bidder's bid rank or the high bid price. Bidders may increase
9 their bid prices during the electronic auction. The record of
10 the electronic auction shall be accessible for public
11 inspection. The purchase price shall be paid by the high bidder
12 immediately or at a reasonable time after the conclusion of the
13 electronic auction as determined by council. In the event that
14 shipping costs are incurred, they shall be paid by the high
15 bidder. A city that has complied with the advertising
16 requirements of this section may provide additional public
17 notice of the sale by bids or auction in any manner deemed
18 appropriate by council. The advertisement for electronic auction
19 sales authorized in this section shall include the Internet
20 address or means of accessing the electronic auction and the
21 date, time and duration of the electronic auction. The
22 provisions of this section shall not be mandatory where city
23 personal property is to be traded-in or exchanged for new city
24 personal property.]

25 Section 147. Section 1918 of the act, amended October 17,
26 1974 (P.L.775, No.254), is repealed:

27 [Section 1918. Street Construction and Improvement by City
28 Employes.--Whenever a city uses the work or services of its
29 employes in the construction or improvement, of any public
30 street within the territorial limits, it shall be subject to the

1 limitations and duties imposed by this article in the purchase
2 of any materials for such construction or improvement. The
3 provisions of this section shall not be construed to affect or
4 limit the provisions of Article XXIX of this act.]

5 Section 148. Section 1919 of the act, amended July 1, 1994
6 (P.L.373, No.55), is repealed:

7 [Section 1919. Sales of Real and Personal Property to
8 Certain Entities.--Any provision of this act requiring
9 advertising for bids and sale to the highest bidder shall not
10 apply where city real or personal property is to be sold to a
11 county, city, borough, town, township, home rule municipality,
12 institution district, school district, volunteer fire company,
13 volunteer ambulance service or volunteer rescue squad located
14 within the city, or municipal authority pursuant to the act of
15 May 2, 1945 (P.L.382, No.164), known as the "Municipality
16 Authorities Act of 1945," a housing authority pursuant to the
17 act of May 28, 1937 (P.L.955, No.265), known as the "Housing
18 Authorities Law," an urban redevelopment authority pursuant to
19 the act of May 24, 1945 (P.L.991, No.385), known as the "Urban
20 Redevelopment Law," a parking authority pursuant to the act of
21 June 5, 1947 (P.L.458, No.208), known as the "Parking Authority
22 Law," a port authority pursuant to the act of December 6, 1972
23 (P.L.1392, No.298), known as the "Third Class City Port
24 Authority Act," or a corporation not for profit engaged in
25 community industrial development. Any provision of this act
26 requiring advertising for bids and sale to the highest bidder
27 shall not apply where real property is to be sold to a
28 corporation not for profit organized as a public library for its
29 exclusive use as a library, to a medical service corporation not
30 for profit, to a housing corporation not for profit, to the

1 Commonwealth or to the Federal Government. When real property is
2 to be sold to a corporation not for profit organized as a public
3 library for its exclusive use as a library or to a medical
4 service corporation not for profit or to a housing corporation
5 not for profit, council may elect to accept a nominal
6 consideration for the sale as it shall deem appropriate. Real
7 property sold pursuant to this section shall be subject to the
8 condition that when the property is not used for the purposes of
9 the conveyance, the property shall revert to the city.]

10 Section 149. Article XX heading of the act is amended to
11 read:

12 ARTICLE XX

13 POLICE [BUREAU] FORCE

14 Section 150. Sections 2001 and 2002 of the act, amended
15 December 27, 1967 (P.L.893, No.403), are amended to read:

16 Section 2001. Appointment, Number, Rank, Compensation and
17 Qualifications of [Policemen] Police Officers.--(a) The council
18 shall fix, by ordinance, the number, grades and compensation of
19 the members of the city police force, who shall, except as
20 provided in section 2002, be appointed in accordance with the
21 civil service provisions of this act[, and no].

22 (b) No member of the city police force having been promoted
23 in conformity with the civil service provisions of this act
24 shall be demoted in rank or discharged from the police force
25 except upon proper cause shown as set forth under the civil
26 service provisions of this act.

27 (c) No [policeman shall] police officer, after [his] the
28 police officer's appointment and qualification, shall hold at
29 the same time the office of constable.

30 (d) Council shall [prescribe all necessary] promulgate rules

1 and regulations for the organization and government of the
2 police force. [The minimum annual starting salary or
3 compensation to be paid the members of the police force by any
4 city shall be four thousand five hundred dollars (\$4,500), with
5 minimum annual increments of three hundred dollars (\$300) for
6 the first three years of such employment. If the annual salary
7 or compensation of any policeman employed by the city on the
8 effective date of this amending act is less than four thousand
9 five hundred dollars (\$4,500), such salary or compensation shall
10 be increased to four thousand five hundred dollars (\$4,500), and
11 such policeman shall receive minimum annual increments of three
12 hundred dollars (\$300) for the next three years of such
13 employment.]

14 Section 2002. Designation of Chief [and Other Officers].--
15 The [mayor shall designate, from the force, the chief and other
16 officers who shall serve as such officers until their successors
17 are appointed and qualified. The chief of police shall be
18 designated by the mayor and may be demoted without cause in the
19 same manner, but not to any rank lower than the rank which he
20 held at the time of his designation as chief of police.] chief
21 of police shall be designated by the mayor from within the ranks
22 and may be demoted without cause in the same manner, but not to
23 any rank lower than the rank which was held at the time of
24 designation as chief of police. In the event that no qualified
25 officer from within the ranks has applied for such designation,
26 the chief of police shall be designated by the mayor from
27 without the ranks. The officers, other than the chief of police,
28 shall be designated in accordance with Article XLIV.

29 Section 151. Sections 2003, 2005, 2006, 2007, 2008 and 2009
30 of the act are amended to read:

1 Section 2003. Extra [Policemen] Police Officers;
2 Compensation.--[The mayor, whenever, in his judgment] Whenever
3 in the judgment of the mayor it is necessary for the public
4 safety or to preserve order, the mayor may appoint extra
5 [policemen] police officers to serve for such period as the
6 council may designate, not exceeding thirty days, whose
7 compensation shall be fixed by council.

8 Section 2005. Powers of [Policemen] Police Officers to
9 Arrest.--[Policemen] Police officers shall be ex-officio
10 constables of the city, and shall and may[, within the city or]
11 enforce the laws of this Commonwealth or otherwise perform the
12 functions of their office in accordance with 42 Pa.C.S. §§ 8952
13 (relating to primary municipal police jurisdiction) and 8953
14 (relating to Statewide municipal police jurisdiction) and upon
15 property owned or controlled by the city or by a [municipality]
16 municipal authority [of] created by the city [within the
17 Commonwealth], without warrant and upon view, arrest and commit
18 for hearing any and all persons guilty of breach of the peace,
19 vagrancy, riotous or disorderly conduct or drunkenness, or who
20 may be engaged in the commission of any unlawful act tending to
21 imperil the personal security or endanger the property of the
22 citizens, or violating any of the ordinances of [said] the city
23 for the violation of which a fine or penalty is imposed.

24 Section 2006. Service of Process; Fees; Payment into
25 Treasury.--[Policemen] Police officers shall have authority to
26 serve and to execute [within the city or upon property owned or
27 controlled by the city or by a municipality authority of the
28 city within the Commonwealth all] criminal process or processes
29 issued for the violation of city ordinances [which may be issued
30 by the mayor or any alderman,] and shall charge the same fees

1 and costs as pertain by law to the constables of the city for
2 similar services, but the [said] fees and costs shall be
3 [received and collected by the mayor or alderman, and by him]
4 paid into the city treasury monthly as herein provided.

5 Section 2007. Supervision by Mayor.--[Policemen] The chief
6 of police shall obey the orders of the mayor and make report to
7 [him] the mayor, which report shall be [laid by him before
8 council monthly] presented monthly by the mayor to council. [The
9 mayor shall exercise a constant supervision and control over
10 their conduct.]

11 Section 2008. Extra Compensation Prohibited; Exception;
12 Penalty.--No [policeman] police officer shall ask, demand or
13 receive any compensation or reward whatsoever for [his] the
14 police officer's services other than that provided by ordinance,
15 except rewards offered for the arrest of persons accused of
16 crime committed outside of the city in which [they hold office,
17 and witness fees and mileage as provided by law for their
18 appearance in any court of record] such officer is employed. Any
19 [policeman] police officer violating any of the provisions of
20 this section [shall be guilty of] commits a misdemeanor [in
21 office, and, upon conviction, shall be sentenced to pay a fine
22 not exceeding fifty dollars, or undergo imprisonment not
23 exceeding thirty days, or both, at the discretion of the court,]
24 of the third degree and shall, upon conviction, be sentenced to
25 pay a fine or undergo imprisonment, or both, at the discretion
26 of the court to be followed by dismissal from office.

27 Section 2009. Compensation or Insurance for Volunteer
28 [Policemen] Police Officer.--Each city may make necessary
29 appropriations to provide compensation or insurance for
30 volunteer [policemen] police officers injured or killed while

1 engaged in the performance of such duties as may be assigned to
2 them in the city.

3 Section 152. Section 2010 of the act, amended April 6, 1998
4 (P.L.236, No.44), is amended to read:

5 Section 2010. School Crossing Guards.--(a) Upon request of
6 the board of school directors of the school district in which a
7 city is located, the city council may appoint school crossing
8 guards who shall have the duty of controlling and directing
9 traffic at or near schools [and who shall be in suitable and
10 distinctive uniform. School crossing guards shall be authorized
11 only in the management of traffic and pedestrians in and around
12 areas identified by the city police department and the school
13 district superintendent]. They shall serve at the pleasure of
14 the city council, except as noted in subsection (b) [, and shall
15 not come within the civil service provisions of this act and
16 shall not be entitled to participate in any city pension plan or
17 plans now in effect or hereafter effective]. The compensation of
18 the school crossing guards, if any, shall be fixed by the city
19 council and shall be jointly paid by the city council and the
20 board of school directors, in a ratio to be determined by the
21 city council and board of school directors. If the city council
22 and board of school directors are unable to determine the ratio
23 of compensation of the school crossing guards to be paid by the
24 council and the board, each shall pay one-half of the
25 compensation of [such police. Auxiliary policemen, appointed as
26 prescribed by general law, may be designated to serve as school
27 crossing guards] the school crossing guards.

28 (b) A city council may [approve] enact an ordinance allowing
29 a board of school directors to assume the hiring and oversight
30 of the school crossing guards. Before city council may [approve]

1 enact such an ordinance, the board of directors of the school
2 district shall [approve] adopt a resolution requesting the
3 authority to assume the hiring and oversight of the school
4 crossing guards. The ordinance enacted by council shall outline
5 how the city police department will provide any necessary
6 training and assistance of the school crossing guards while on
7 duty. [Such school crossing guards will be authorized only in
8 the management of traffic and pedestrians in and around areas
9 identified by the city police department and the school district
10 superintendent or his or her designee. The school crossing
11 guards shall not come within the civil service provision of this
12 act, nor shall they] School crossing guards shall not fall under
13 the bargaining unit of the school district nor be classified as
14 an employe as defined under section 1101-A of the act of March
15 10, 1949 (P.L.30, No.14), known as the "Public School Code of
16 1949," or under any benefits as provided under the "Public
17 School Code of 1949[.,]._" [or under any plans hereafter
18 effective. Once] After the ordinance [receives] is enacted by
19 city council [approval], the school district shall assume the
20 cost of compensation, including fixing such compensation, if
21 any, of the school crossing guards. [Auxiliary policemen,
22 appointed as prescribed by general law, may be hired by the
23 school district to serve as school crossing guards.] The board
24 of school directors shall notify the city council, mayor and
25 police chief or commissioner of those hired to serve as school
26 crossing guards and request the necessary training or assistance
27 be provided as outlined by the ordinance.

28 (c) Whether the city council appoints school crossing guards
29 upon the request of the board of school directors or whether the
30 city council enacts an ordinance allowing a board of school

1 directors to assume the hiring and oversight of the school
2 crossing guards, the following shall apply to school crossing
3 guards:

4 (1) Their duties and authority shall be restricted to the
5 management of traffic and pedestrians in and around areas
6 identified by the city police force and the school district
7 superintendent or a designee.

8 (2) They shall be in suitable and distinctive uniform while
9 performing their duties as school crossing guards.

10 (3) They shall not come within the civil service provisions
11 of this act.

12 (4) They shall not be entitled to participate in any city or
13 school district pension or benefit plan or plans now in effect
14 or hereafter effective.

15 (5) Auxiliary police officers, appointed as prescribed by
16 general law, may be designated by city council or hired by the
17 school district, as applicable, to serve as school crossing
18 guards.

19 Section 153. Article XXI heading of the act is reenacted to
20 read:

21 ARTICLE XXI

22 FIRE BUREAU

23 Section 154. Section 2101 of the act is amended to read:

24 Section 2101. Organization of Fire Bureau; Maintenance;
25 Apparatus.--[Each city may organize a fire bureau, with or
26 without pay, make] With regard to a city fire bureau, council
27 shall have the authority to:

28 (1) by ordinance, establish and organize a fire bureau;

29 (2) make appropriations for the maintenance of the same[,
30 prescribe];

1 (3) promulgate rules and regulations for the government of
2 the officers and companies belonging thereto[,]; and

3 (4) purchase equipment and apparatus for the extinguishment,
4 prevention and investigation of fires and for the public safety.

5 Section 155. Section 2101.1 of the act, added July 1, 1994
6 (P.L.373, No.55), is amended to read:

7 Section 2101.1. Appointment and Demotion of Fire Chief [and
8 Deputy Fire Chief].--The mayor, by and with approval and consent
9 of council, shall appoint the fire chief [and deputy fire chief]
10 who may be demoted without cause but not to any rank lower than
11 the rank which [he] the fire chief held within the department at
12 the time of [his] designation as fire chief [or deputy fire
13 chief.]. In the event that no qualified employe of the fire
14 bureau has applied for such appointment, the fire chief shall be
15 appointed by the mayor, by and with approval and consent of
16 council, from without the ranks.

17 Section 156. Section 2102 of the act, amended November 9,
18 1965 (P.L.670, No.328), is amended to read:

19 Section 2102. Paid Bureau; Election of Officers and
20 Companies.--When a paid fire bureau is organized by any city,
21 the council, except as provided by section 2101.1, may provide,
22 by ordinance, for the election or appointment of the officers
23 and companies belonging thereto, in accordance with civil
24 service provisions where applicable. The minimum annual starting
25 salary or compensation to be paid the officers and [firemen]
26 firefighters by any city shall be [four thousand five hundred
27 dollars (\$4,500), with minimum annual increments of three
28 hundred dollars (\$300) for the first three years of such
29 employment. If the annual salary or compensation of any fireman
30 employed by the city on the effective date of this amending act

1 is less than four thousand five hundred dollars (\$4,500), such
2 salary or compensation shall be increased to four thousand five
3 hundred dollars (\$4,500), and such fireman shall receive minimum
4 annual increments of three hundred dollars (\$300) for the next
5 three years of such employment] established by the city council.

6 Section 157. Section 2103 of the act, amended July 19, 1957
7 (P.L.1012, No.448), is amended to read:

8 Section 2103. Platoon System; Hours of Service[; Vacation;
9 Sick Leave].--(a) The director of the department having charge
10 of the fire bureau in [each city shall] a city may divide the
11 officers and members of companies of the uniformed fire force in
12 the employ of [such cities] the city, and any other [firemen]
13 firefighters and drivers regularly employed and paid by the
14 city, excepting the chief engineer and assistant chiefs, and
15 those employed subject to call, into [two] shifts, bodies or
16 platoons to perform service during such hours as the director
17 shall fix[, except as herein otherwise provided. The hours of
18 day service shall not exceed ten, commencing at eight o'clock in
19 the morning; the hours of night service shall not exceed
20 fourteen, commencing at six o'clock in the afternoon; and the
21 hours of day service shall not exceed fifty hours in any one
22 calendar week, and the hours of night service shall not exceed
23 seventy hours in any one calendar week, unless the hours of day
24 and night service shall be equalized, in which case neither the
25 hours of day or night service shall exceed fifty-six in any one
26 calendar week: Provided, That for the duration of any war in
27 which the United States is engaged, and six months thereafter,
28 the hours of service may exceed the number hereinbefore provided
29 as the maximum number of hours of service, and in such cases,
30 council shall provide for the payment of extra compensation for

1 any hours of service, at the same rate as paid for regular
2 service in excess of such maximum hours of service. The employes
3 of such fire forces shall be allowed to have at least twenty-
4 four consecutive hours of rest in every calendar week, to have
5 an annual vacation of not less than fourteen working days, and
6 shall be entitled to twenty-one days sick leave annually without
7 diminution of the salary or compensation fixed by ordinance. In
8 those instances in which sick leave exceeds four days at any one
9 time, it shall be necessary for the employe to present evidence
10 satisfactory to the director of the department showing either
11 injury, hospitalization, or illness attended to by a physician].
12 In cases of riot, serious conflagration, times of war, public
13 celebrations, or other such emergency, the [chief engineer of
14 the bureau of fire, or the assistant chief deputy, or chief]
15 fire chief or officer in charge at any fire shall have the power
16 to assign all the members of the fire force to continuous
17 duty[,] or to continue any member thereof on duty, if necessary.
18 [No member of any of said shifts, bodies or platoons shall be
19 required to perform continuous day service or continuous night
20 service for a longer consecutive period than two weeks, nor be
21 kept on duty continuously longer than ten hours in the day
22 shifts, bodies or platoons or fourteen hours in the night
23 shifts, bodies or platoons, excepting as may be necessary to
24 equalize the hours of duty and service, and also excepting in
25 cases of emergency, as above provided.]

26 (b) Except as provided in subsection (c), no schedule shall
27 require a member of any shift, body or platoon to perform
28 continuous service for a consecutive period of twenty-four
29 hours, excepting in cases of emergency or as otherwise agreed
30 through collective bargaining or an award pursuant to the act of

1 June 24, 1968 (P.L.237, No.111), referred to as the Policemen
2 and Firemen Collective Bargaining Act. The provisions of this
3 subsection shall not be deemed to alter or affect any schedules
4 in existence prior to the effective date of this subsection.

5 (c) In a city where the work schedule in existence prior to
6 the effective date of this subsection required a work shift of
7 less than twenty-four hours, no schedule shall require a member
8 of any shift, body or platoon to perform continuous service for
9 a consecutive period of twenty-four hours, excepting in cases of
10 emergency or as otherwise voluntarily agreed through collective
11 bargaining. Once so modified, no further work schedule may
12 contain provisions reinstating a restriction on duty of less
13 than twenty-four hours of continuous service.

14 Section 158. Sections 2104, 2105, 2106, 2107 and 2108 of the
15 act are amended to read:

16 Section 2104. Fire Marshal; Powers.--Every city may, by
17 ordinance, provide for the creation of the office of fire
18 marshal who shall be appointed by the mayor, by and with the
19 approval and consent of council, biennially. The fire marshal
20 and [his] any authorized assistants[, if council shall provide
21 for such assistants,] shall inspect all constructions or
22 buildings within the city or upon property owned or controlled
23 by the city or a [municipality] municipal authority of the city
24 within the Commonwealth[, whether public, private, or business,]
25 and shall enforce all laws of the Commonwealth and ordinances of
26 the city relating to such constructions or buildings, for the
27 prevention, containment, or investigation of fire and
28 firehazards, both as to the constructions or buildings and as to
29 the contents or occupancies thereof. The fire marshal or [his]
30 the fire marshal's assistants shall report to the director of

1 public safety or to council or other designated official, as
2 council shall by ordinance provide, any faulty or dangerous
3 construction or building or like condition in any building[,]
4 that may constitute a fire hazard[,] or any proposed use or
5 occupation of any construction, building or premises[,] which
6 would create or increase a hazard of fire. [He] The fire marshal
7 shall investigate and keep a permanent record of the cause,
8 origin and circumstances of every fire and the damage resulting
9 therefrom occurring within [his] the fire marshal's jurisdiction
10 immediately after the occurrence of [such] the fire. The [said]
11 records of the fire marshal shall be open to public
12 inspection[.] except as exempted in accordance with the act of
13 February 14, 2008 (P.L.6, No.3), known as the "Right-to-Know
14 Law." The fire marshal shall submit to council an annual report
15 consolidating the information contained in [said records at the
16 first stated meeting in March of each year] the records as
17 directed by council. [He shall request the mayor or any alderman
18 of the city to investigate, under the act, approved the
19 seventeenth day of April, one thousand eight hundred sixty-nine
20 (Pamphlet Laws 74), the origin of any fire he deems suspicious;
21 and shall be equally subject to appointment and removal and to
22 all the powers and duties under the act, approved the twenty-
23 seventh day of April, one thousand nine hundred twenty-seven
24 (Pamphlet Laws 450, Number 291), as amended, as is the chief of
25 the fire department] If a fire is deemed suspicious, the fire
26 marshal shall have the authority to investigate the same.

27 Section 2105. Obstructing Fire Marshal; Fine.--It shall be
28 unlawful for any person to obstruct or prevent or attempt to
29 obstruct or prevent the fire marshal in the discharge of [his]
30 the fire marshal's duties. Council may, by ordinance, establish

1 the types or grades of such criminal conduct[,] and may
2 establish fines[,] or imprisonment [in default of payment
3 thereof,] or both for such violations. No fine so ordained shall
4 exceed [three hundred] one thousand dollars for any single
5 violation, and no imprisonment [in default of payment of such a
6 fine] shall exceed ninety days.

7 Section 2106. Investigation of Cause of Fire; Power of
8 Mayor.--The mayor of any city may, whenever in [his] the mayor's
9 judgment the occasion demands it, issue a subpoena, in the name
10 of the Commonwealth of Pennsylvania, to any person or persons
11 requiring [them to attend] the attendance of the person or
12 persons before [him] the mayor or the fire marshal at [such] the
13 time and place as may be named in [said] the subpoena, then and
14 there to testify, under oath or affirmation, which the fire
15 marshal in the absence of the mayor is hereby empowered to
16 administer, as to the origin of any fire occurring within the
17 bounds of such city[,] and also as to any facts or circumstances
18 that may be deemed important to secure the detection and
19 conviction of any party or parties guilty of the offense of
20 arson or attempted arson.

21 Section 2107. Fire Chief Ex-officio Fire Marshal.--The fire
22 chief of any city shall be ex-officio fire marshal thereof in
23 any city wherein the office is not separately filled [by
24 council] pursuant to ordinance, and in [such] that case all the
25 powers and duties herein given to or imposed upon [such] the
26 fire marshal shall be enjoyed and exercised by [such] the fire
27 chief [of the fire department].

28 Section 2108. Compensation Insurance for Injured Volunteer
29 [Firemen] Firefighters or Special Fire Police.--Each city may
30 make [such] appropriations as may be necessary to secure

1 insurance or compensation for volunteer [firemen] firefighters
2 killed or injured while engaged in the performance of their
3 duties or as special fire police.

4 Section 159. Section 2109 of the act, added June 16, 1993
5 (P.L.97, No.21), is amended to read:

6 Section 2109. Salary of Nonunion City Fire Officers.--[Any]
7 A fire chief or head of a fire department of a city who has been
8 removed from bargaining units under the act of June 24, 1968
9 (P.L.237, No.111), referred to as the Policemen and Firemen
10 Collective Bargaining Act, by rulings of the Pennsylvania Labor
11 Relations Board shall receive not less than the same dollar
12 increase, including fringe benefits but excluding overtime and
13 festive holiday pay, as received by the highest-ranking fire
14 officer participating in the bargaining unit.

15 Section 160. Article XXII heading of the act is amended to
16 read:

17 ARTICLE XXII

18 [BUREAU OF MINE INSPECTION AND]

19 SURVEYS AND SURFACE SUPPORT

20 IN COAL MINING AREAS

21 Section 161. Sections 2201 and 2202 of the act are repealed:

22 [Section 2201. Ordinance Creating.--Any city within the
23 limits of the anthracite or of the bituminous coal regions of
24 the Commonwealth may, by ordinance, create a bureau of mine
25 inspection and surface support.

26 Section 2202. Bureau, How Constituted.--The bureau shall
27 consist of one practical mining engineer, to be appointed by the
28 mayor, with consent of the council, and such assistants, clerks,
29 and employes as the council may provide. The officers and
30 employes of the bureau shall receive such compensation as may be

1 prescribed by council.]

2 Section 162. Sections 2203, 2204, 2205, 2206 and 2207 of the
3 act are amended to read:

4 Section 2203. [Inspection of Mines] Survey of Mines.--
5 [Members of the bureau may enter, inspect, examine] For the
6 purpose of conducting a survey as may be required by council,
7 the city engineer or other registered professional engineer
8 employed by the city, may enter and survey any mine or colliery,
9 within the limits of the city, in whole or in part, at all
10 reasonable times, either by day or night, but not so as to
11 impede nor obstruct the workings of the mine or colliery; and
12 may take with them [such] other persons [as may be] necessary
13 for the purpose of making [an examination or] a survey. The
14 owner, operator, or superintendent of such mine or colliery
15 shall furnish the means necessary for [such] the entry,
16 [inspection, examination,] survey and exit.

17 Section 2204. Operators to Furnish Maps; Contents.--The
18 owner, operator, or superintendent of every coal mine or
19 colliery within the limits of the city, in whole or in part,
20 [within three months after the passage of an ordinance by any
21 city creating such bureau,] shall, at the request of council,
22 make or cause to be made and furnished to [such bureau] the city
23 engineer an accurate map or plan of the workings or excavations
24 of [such] each coal mine or colliery, or parts thereof, within
25 the limits of [said] the city[, on a scale of one hundred feet
26 to the inch. The map or plan shall exhibit the workings or
27 excavations in every seam of coal on a separate sheet, and the
28 tunnels and passages connecting with such workings or
29 excavations. It shall show in degrees the general inclination of
30 the strata, with any material deflection therein in the workings

1 or excavations, and shall also show the tidal elevations of the
2 bottom of every shaft, slope, tunnel, and gangway, and of any
3 other point in the mine or on the surface where such elevation
4 shall be deemed necessary by the bureau. The map or plan shall
5 show the number of the last survey station and date of each
6 survey on the gangways or the most advanced workings].

7 Section 2205. Extensions to be Placed on Maps.--[Every mine
8 owner, operator, or superintendent shall place or cause to be
9 placed upon the map of the bureau, at least] Not less than once
10 in every three months, a map that has been provided to a city,
11 at the request of council, pursuant to section 2204, shall be
12 updated at the direction of the mine owner, operator or
13 superintendent. The updated map shall show all the extensions
14 made in any mine, wholly or partially within the limits of
15 [such] the city, and not already so placed upon the map, except
16 those made within thirty days immediately preceding the time of
17 placing [such] the extensions upon the [said] map.

18 Section 2206. Certain Surface Supports Not to be Removed.--
19 It shall be unlawful for any person, [copartnership]
20 partnership, association, or corporation to dig, mine, remove,
21 or carry away the coal, rock, earth, or other minerals or
22 materials forming the natural support of the surface beneath the
23 streets and places of any city[, in the anthracite region or in
24 the bituminous region,] to such an extent and in such a manner
25 as to thereby remove the necessary support of the surface,
26 without having first placed or constructed an artificial
27 permanent support sufficient to uphold and preserve the
28 stability of the surfaces of such streets and places.

29 Section 2207. Penalty for Surface Support Violations.--Any
30 person, corporation or association[, being the owner, lessee or

1 operator of any coal mine, and] violating the provisions of this
2 article concerning surface support of streets and places within
3 the city [shall be guilty of] commits a misdemeanor[,] and
4 shall, upon conviction [thereof shall], be sentenced for such
5 offense to pay a fine not exceeding one thousand dollars, or [to
6 undergo] imprisonment [in the county jail] for a period not
7 exceeding ninety days, or both, and each [five day continuance
8 in any] day in which such violation continues shall constitute
9 an additional and separate offense [and be likewise punishable
10 upon conviction thereof].

11 Section 163. Section 2208 of the act is repealed:

12 [Section 2208. General Penalties.--Any owner, operator or
13 superintendent of any coal mine or colliery who shall violate
14 any of the provisions of this article, except those requiring
15 surface support of streets and places within the city, shall,
16 upon summary conviction thereof before a justice of the peace or
17 an alderman of the city, be fined not less than fifty dollars
18 nor more than three hundred dollars, and in default of payment
19 thereof, shall be imprisoned for not more than ninety days for
20 each such violation. Each five day continuance in any such
21 violation shall constitute an additional and separate offense
22 and be likewise punishable upon summary conviction thereof. All
23 fines imposed under this section shall be paid into the treasury
24 of the city.]

25 Section 164. Section 2209 of the act is reenacted to read:

26 Section 2209. Enactment of Ordinances.--Council may enact
27 such ordinances as may be necessary for the enforcement of the
28 provisions of this article and provide penalties for the
29 violation thereof.

30 Section 165. Article XXIII and subdivision (a) headings of

1 the act are reenacted to read:

2 ARTICLE XXIII

3 PUBLIC HEALTH

4 (a) Board of Health

5 Section 166. Section 2301 of the act is amended to read:

6 Section 2301. Board of Health[; Incompatibility].--Each city
7 shall have a board of health. Council may, by ordinance, create
8 a board of health [as herein provided], or, in lieu thereof,
9 council shall be the board of health. [The board of health shall
10 have five members appointed by council, who shall serve without
11 compensation. Except as otherwise herein provided, membership on
12 the board of health shall be incompatible with every other city
13 office.] If council is the board of health, members of council
14 shall receive no additional compensation for serving on the
15 board.

16 Section 167. Section 2302 of the act, amended June 16, 1993
17 (P.L.97, No.21), is amended to read:

18 Section 2302. [Qualifications; Term; Removal.--The] Members
19 of Appointed Boards of Health.--(a) Council shall appoint five
20 members to a board of health created by ordinance. Appointed
21 members shall serve without compensation. Except, in the case of
22 an appointed member who is a licensed or certified health care
23 professional that has a principal office in the city, members of
24 the appointed board of health shall be residents of the city.

25 [At least one, and whenever possible two,]

26 (b) Two members of the board shall be [currently] licensed
27 or certified health care professionals unless council cannot
28 identify two such professionals who are willing to serve, in
29 which case, one member shall be a licensed or certified health
30 care professional. If no licensed or certified health care

1 professional can be identified to serve on the board, council
2 may, in lieu thereof, appoint any individual who has experience
3 or is knowledgeable of public health issues.

4 (c) Health care professionals pursuant to this section must
5 be licensed or certified by the State Board of Medicine, the
6 State Board of Examiners of Nursing Home Administrators, the
7 State Board of Podiatry, the State Board of Veterinary Medicine,
8 the State Board of Occupational Therapy Education and Licensure,
9 the State Board of Osteopathic Medicine, the State Board of
10 Pharmacy, the State Board of Physical Therapy [or], the State
11 Board of Nursing [to be engaged in a medical, medically related
12 or health care profession or business and shall be a resident or
13 have an office in the city. If a licensed or certified medical
14 or health care professional cannot be identified to serve on the
15 board, council may appoint any individual who has experience or
16 is knowledgeable of public health issues], the State Board of
17 Social Workers, Marriage and Family Therapists and Professional
18 Counselors, the State Board of Chiropractic, the State Board of
19 Dentistry, the State Board of Optometry, the State Board of
20 Psychology or the State Board of Examiners in Speech-Language
21 and Hearing.

22 [Upon] (d) After the creation of the board, by ordinance,
23 council shall designate [for] one appointee for a term of one
24 year, [for] another for a term of two years, and so on up to
25 five; thereafter, one member of the board shall be appointed
26 annually to serve for a term of five years from the first Monday
27 of [April] January succeeding [his] the member's appointment.

28 (e) Council may remove appointed members of the board for
29 official misconduct or neglect of duty.

30 (f) All vacancies on appointed boards shall be filled by

1 council appointing a qualified person to membership on the board
2 for the unexpired term of the person whose membership had been
3 vacated.

4 Section 168. Sections 2303, 2304, 2305, 2306, 2307, 2308,
5 2309, 2310 and 2311 of the act are amended to read:

6 Section 2303. Oath of Office; Organization; Secretary.--(a)
7 Each member of the board of health shall take the oath of office
8 prescribed in section [nine hundred and five of this act] 905.

9 (b) The board of health shall organize annually on the first
10 Monday of January[. The board] and shall elect a president
11 annually from among [the] its members. [and]

12 (c) Council shall appoint a secretary of the board of health
13 who is not a member of the board of health. [board member. The
14 secretary shall take the aforesaid oath and shall give a
15 fidelity bond with corporate surety to the city in such amount
16 as council requires.] The secretary shall receive [such] a
17 salary as approved by council [shall approve].

18 Section 2304. Duties of Secretary.--The secretary of the
19 board shall have the power and the secretary's duty shall be as
20 follows:

21 (1) To keep the minutes of the proceedings of the board[,
22 shall keep] and accurate accounts of the expenditures of the
23 board.

24 (2) To [, shall] draw all requisitions for the payment of
25 moneys on account of the board of health from appropriations
26 made by the council to the board and shall present the same to
27 the president of the board for [his] the president's approval.

28 (3) To [, shall] render statements of the expenditures to
29 the board at each stated meeting or as frequently as the board
30 may require.

1 (4) To [, shall] prepare, under the directions of the board,
2 the annual report to council, together with the estimate of
3 appropriations needed for the ensuing year.

4 (5) To [He shall] make such reports to the State Department
5 of Health as are required by law or by rule or regulation of the
6 [Department] department.

7 (6) To [, and shall] make such other reports and perform
8 such other duties as are required [of him] by law or by the
9 board of health.

10 Section 2305. Health Officer; Qualifications; Oath [and
11 Bond.--The board shall appoint as].--(a) Council shall, by
12 ordinance, determine the manner and method of selection of a
13 health officer who shall be a person with [some] experience or
14 training in public health work [in accordance with rules and
15 regulations of the Advisory Health Board of] and who shall be
16 or, within six months of taking the oath of office, shall become
17 certified for the office of health officer by the State
18 Department of Health[, and who shall not enter upon his duties
19 until he has been certified for the office of health officer by
20 the State Department of Health]. The health officer shall take
21 the oath required of members of the board. [, and shall give
22 bond with corporate surety approved by council to the city for
23 the faithful performance of his duties. The amount of the bond
24 shall be fixed by council.] The health officer shall be the
25 agent of the board of health but shall not serve as a member of
26 the board of health.

27 (b) City council may appoint, as the principal health
28 officer of the city, the manager or chief administrator employed
29 and compensated by a nonprofit corporation which may be
30 appointed as a board of health in accordance with subdivision

1 (c). The manager or chief administrator, to be eligible for
2 appointment, must be a reputable physician of at least five
3 years' experience in the practice of the physician's profession
4 or in public health work. The principal health officer,
5 appointed pursuant to this subsection, shall have all the powers
6 and authority and duties now or hereafter to be conferred or
7 prescribed by law upon principal health officers.

8 Section 2306. Duties of Health Officer.--(a) The duties of
9 the health officer shall include the following:

10 (1) [It shall be the duty of the health officer to] To
11 attend all [stated] regular and special meetings of the board of
12 health [and to].

13 (2) To be available for the prompt performance of [his] the
14 health officer's official duties [at all times. He shall].

15 (3) To quarantine places of communicable diseases in
16 accordance with law and with the rules and regulations of the
17 State Department of Health or of the city board of health.

18 (4) [He shall] To execute all laws and rules or regulations
19 for the disinfection of quarantined places.

20 (5) [He shall] To serve written notice on teachers and
21 persons in charge of public, parochial, Sunday and other
22 schools[,] requiring the exclusion from school of children who
23 are suffering from, or who reside with persons who are suffering
24 from, communicable diseases[, and shall].

25 (6) To make sanitary inspections[, and shall] subject to
26 constitutional standards in a similar manner as provided in
27 section 2308.

28 (7) To execute the orders of the board of health and all
29 other laws, rules and regulations and orders pertaining to [his]
30 the health officer's office.

1 (b) The health officer [He] shall[, in the performance of
2 his duties, have the power and authority of a policeman of the
3 city] to the extent the health officer's duties have the power
4 to issue citations for the violation of applicable laws or
5 ordinances.

6 Section 2307. Duties of Board of Health.--[The board of
7 health shall enforce the laws of the Commonwealth and the rules,
8 regulations and orders of the State Department of Health.] (a)
9 The board of health shall undertake to prevent or diminish the
10 introduction or further spread of infectious or contagious
11 diseases[,] and otherwise to protect and increase the public
12 health by regulating communication with places of infection or
13 contagion, by isolating carriers of infection or contagion or
14 persons who have been exposed to any infectious or contagious
15 disease, by abating or removing all nuisances which the board
16 shall deem prejudicial to the public health, and by enforcing
17 the vaccination laws; and the board shall make all such rules
18 and regulations as to it appear proper for the preservation or
19 improvement of the public health, consistent with this article
20 and the laws of the Commonwealth.

21 (b) In carrying out its duties under this act, the board of
22 health shall, if authorized, enforce the laws of the
23 Commonwealth that are relevant to and relate to its duties.

24 (c) The board of health shall transmit to the State
25 Department of Health all of its reports and publications and
26 such other information regarding public health in the city as
27 may be requested or required by the [Department] department.

28 Section 2308. Powers of Board of Health.--The board of
29 health shall have authority:

30 (1) [To employ] If authorized by council, to employ agents

1 and employes at rates of compensation approved by council. [at
2 such rates or salaries as council shall approve.

3 (2) To establish and staff emergency hospitals, with the
4 consent of council, in case of the [prevalence] prevalence or
5 threat of any contagious or infectious disease or other serious
6 peril to public health, and to provide for and regulate the
7 management of such hospitals.

8 (3)] (2) To enter upon any premises whatsoever within the
9 city as a body or by committee or by its agents or employes,
10 which premises are suspected of infectious or contagious disease
11 or of any other nuisance prejudicial to the public health, or of
12 the danger of them, for the purpose of examining the premises or
13 of preventing, confining or abating public nuisances. The
14 following apply:

15 (i) In the event that entry upon any premises is refused by
16 an owner, an agent of an owner, or tenant, the board of health
17 shall obtain an administrative search warrant from any
18 magisterial district judge within the judicial district wherein
19 lies the premises to be inspected.

20 (ii) It shall be sufficient to support the issuance of a
21 warrant for the board of health to provide to the magisterial
22 district judge evidence of any of the following:

23 (A) Reasonable standards and an administrative plan for
24 conducting inspections.

25 (B) The condition of the premises or general area and the
26 passage of time since the last inspection.

27 (C) Facts, supported by an oath or affirmation, alleging
28 that probable cause exists that a law, regulation or ordinance
29 subject to enforcement by the board of health has been violated.

30 [(4)] (3) To conduct investigations and to hold public

1 hearings in the performance of its duties and powers, wherein
2 the president and secretary of the board shall have full power
3 to administer oaths and affirmations but shall receive no fee
4 therefor. For such purposes, the board of health may require the
5 attendance of witnesses and their books and papers in accordance
6 with section 917.

7 [(5) To establish a force of sanitary police for the
8 enforcement of its rules and regulations, whenever in the
9 opinion of the board the public health of the city requires. To
10 fix the number of such police and the duration of their service
11 and to have the exclusive control and direction of them. The
12 mayor shall detail police from the regular police force or make
13 new appointments in order to provide a sanitary police force,
14 and upon the expiration of the need for such a force the members
15 thereof shall be returned to duty as regular policemen, or, if
16 newly appointed, be dismissed as the mayor may direct, but no
17 permanent increase of the police force shall be made thereby
18 unless council so ordains.

19 (6)] (4) To publish and enforce its rules and regulations as
20 approved by council.

21 [(7) To] (5) If approved by council, to provide for or
22 cooperate in providing for general and gratuitous vaccination,
23 disinfection and other public health control programs, and
24 likewise to make available medical relief in such ways as in its
25 opinion will benefit the public health.

26 [(8) To certify to council expenditures in excess of
27 council's appropriations therefor, necessarily incurred by the
28 board by reason of an epidemic, or upon approval of council, for
29 any other immediate and serious peril to public health. Council
30 shall thereupon appropriate sufficient money to meet such

1 additional expenditures.

2 (9)] (6) To [prevent, abate or remove] provide, in
3 accordance with subdivision (b), for the prevention, abatement
4 and removal of conditions found by it to be detrimental to the
5 public health as public, not private, nuisances[,] or to declare
6 and certify to council [such] the conditions and the premises or
7 ways or places harboring [them] the condition to be public, not
8 private, nuisances.

9 [(10) To prescribe regulations for the erection or operation
10 of bone boiling establishments or of repositories of dead
11 animals in the city, and in accordance therewith, to permit or
12 refuse to permit such erections or operations within the city.
13 Any person who shall erect or operate any such establishment or
14 repository in the city without the permission of the board of
15 health, or in violation of its regulations pertaining thereto,
16 shall forfeit and pay to the city the sum of three hundred
17 dollars for every such offense, and the like amount for each
18 month's continuance thereof, to be collected by an action before
19 an alderman of the city, and shall also be subject to indictment
20 for the common law offense of creating and maintaining a
21 nuisance. Nothing herein shall limit the remedies of injunction
22 or abatement as to any such establishment.

23 (11) To determine whether or not the keeping or slaughtering
24 of stock animals or fowls in or about any dwelling or part
25 thereof, or in the yard, lot or adjoining property of any such
26 building within the city or parts thereof, is or may become
27 detrimental to the public health. Council may prohibit any such
28 keeping or slaughtering which the board certifies to it as
29 detrimental, or the board may issue permits in accordance with
30 regulations adopted by it for the keeping of such animals or

1 fowls within the city or parts thereof. No such permit shall
2 extend beyond the calendar year within which it was issued, and
3 the fee for each permit shall be one dollar.]

4 Section 2309. Effect of Rules and Regulations.--[The rules
5 and regulations of the board of health may be approved by
6 council, and when printed and advertised by council as required
7 by this act in the case of ordinances, shall have the force of
8 ordinances of the city; and all penalties, fines or imprisonment
9 prescribed therein for violations thereof, together with the
10 expenses necessarily incurred in carrying the rules and
11 regulations into effect and the costs of proceedings incident
12 thereto, shall be recoverable for the use of the city, as
13 provided for in the case of other city ordinances.] Rules and
14 regulations adopted by the board of health shall be presented to
15 city council for its approval. City council shall have the
16 authority to approve, by ordinance, the rules and regulations
17 submitted by the board of health. Upon approval by council, the
18 rules and regulations of the board of health shall have the
19 force and effect of ordinances of the city. The ordinance
20 approving the rules and regulations may incorporate them by
21 reference. Council shall provide a place for the public to view
22 the rules and regulations. The ordinance approving the rules and
23 regulations shall prescribe the penalties, fines or imprisonment
24 for violations thereof.

25 Section 2310. Fees and Penalties.--All fees and penalties
26 collected or received by the board or any officer thereof [in
27 his] acting in an official capacity shall be paid [monthly] as
28 received to the city treasurer for the use of the city.

29 Section 2311. Proceedings of Board to be Public.--The
30 proceedings of the board shall be public and its journal of

1 proceedings shall be open to [the] public inspection [of any
2 taxpayer].

3 Section 169. Article XXIII subdivision (b) heading of the
4 act is amended to read:

5 (b) [Abatement of] Public Nuisances Detrimental
6 to Public Health

7 Section 170. Sections 2320 and 2321 of the act are amended
8 to read:

9 Section 2320. [Definition.--] Determination of Public
10 Nuisances.--(a) Any condition or usage whatsoever in or about
11 the buildings, structures or land, or the streets or private
12 ways and places, or elsewhere, within the city, whether public
13 or private, [which] if determined by the board of health [shall
14 find] to be detrimental to the public health [is hereby declared
15 to be] shall constitute a public nuisance. Whenever in this
16 subdivision the words "public nuisance" or "nuisance" are used
17 they shall be deemed to mean a nuisance detrimental to the
18 public health, unless a different meaning is specified.

19 (b) The powers of investigation and entering upon premises
20 vested in the board of health and its agents and employes
21 pursuant to its orders shall be available for the determination
22 of public nuisances.

23 Section 2321. [Procedure for the] Abatement of Public
24 Nuisances by Designated Department.--[Whenever the board of
25 health shall determine, after such examination, investigation or
26 hearing as shall suffice to inform its judgment, that a public
27 nuisance exists or is about to exist, it may order the nuisance
28 to be removed, abated, suspended, altered, or otherwise
29 prevented or avoided. Notice of such order, bearing the official
30 title of the board and the number of days for compliance

1 therewith and the alternative remedy of the board in case of
2 non-compliance, shall be served upon the person, if any, whom
3 the board deems responsible therefor or concerned therein, and
4 upon the owner or abutting owner of the land, premises or other
5 places whereon such a nuisance is or is about to be, if any. In
6 case no such party or parties can be discovered by the board,
7 the order shall be served by posting a copy or copies thereof
8 conspicuously upon the premises for a period of at least ten
9 days.] (a) If, in accordance with this subdivision, the board
10 of health determines that a public nuisance exists, it shall
11 report its determination, along with any request for summary
12 abatement, to the department designated by council in section
13 2702-A, relating to the report and investigation of a public
14 nuisance.

15 (b) Notwithstanding any other provision of Article XXVII-A,
16 the department designated to abate public nuisances shall
17 proceed as follows:

18 (1) The report to the designated department that the board
19 of health has determined that public nuisance exists shall be
20 deemed a determination by the designated department that a
21 public nuisance exists as required by section 2702-A(d)(1).

22 (2) Summary abatement, if requested by the board of health,
23 shall be pursued if the designated department finds that the
24 criteria set forth in section 2702-A(d)(2) exists.

25 (3) If summary abatement is not pursued, the designated
26 department shall proceed with abatement with prior notice in
27 accordance with Article XXVII-A.

28 Section 171. Sections 2322, 2323 and 2324 of the act are
29 repealed:

30 [Section 2322. Contents of Notice.--The notice of the

1 board's order shall clearly specify:

2 1. The place and manner of the nuisance or anticipated
3 nuisance as determined by the board;

4 2. The nature or condition thereof;

5 3. The board's order with respect to the nuisance or
6 anticipated nuisance;

7 4. The names of the persons found by the board to be
8 responsible therefor or concerned therewith and the name of the
9 owner, if any, of the land or premises involved;

10 5. The date of the board's order and the number of days
11 therefrom allowed for compliance with it;

12 6. The alternative remedy of the board in case of non-
13 compliance;

14 7. Notice that the persons affected thereby may apply,
15 within the time set for compliance with the order, to the board
16 for a hearing, and may request such stay of execution or
17 modification or rescission of the said order as they shall
18 believe just and proper;

19 8. The signature of the president of the board, attested by
20 the secretary.

21 Section 2323. Hearing; Disposition.--If any person affected
22 thereby shall apply for a hearing within the time provided, the
23 board shall promptly notify all interested parties of the time
24 and place of the hearing. The board shall enter upon its minutes
25 such facts and proofs as it may receive, and its proceedings on
26 such hearing and thereafter may rescind, modify or reaffirm its
27 order and require execution of the original or of a new or
28 modified order, as it shall determine and direct. The persons
29 affected shall be notified of the board's final order, and
30 within ten days from the mailing of such notice may appeal

1 therefrom to the court of quarter sessions, which appeal may
2 operate as a supersedeas if the court, upon proper cause shown,
3 so orders, and provided the appellants post bond, approved by
4 the court, for the use of the city, with sufficient surety to
5 cover all the expense and costs of executing the board's order.

6 Section 2324. Abatement of Public Nuisances by Board of
7 Health or City.--In any case where the persons ordered by the
8 board of health to abate or prevent a public nuisance or
9 anticipated public nuisance refuse or neglect to do so within
10 the time specified in the original or any subsequent order of
11 the board, then, unless the said order shall have been suspended
12 by appeal to the court and proper bond posted, the board may
13 direct its health officer and employes to execute the said
14 order; or if the execution of the said order requires the
15 grading, paving or repaving of private alleys or any similar
16 work upon any property whatsoever within the city or any other
17 work or service that may best be performed or contracted for by
18 the agencies and employes of the city itself, then the board
19 shall certify its order to the city council and council shall
20 thereupon proceed to cause the execution of the order. In any
21 case where the board of health or the council thus abates or
22 prevents or causes the abatement or prevention of a public
23 nuisance, the cost and expense of such work, services and
24 materials shall be charged to the persons affected in their
25 proper proportions; and upon non-payment of such charges, the
26 city may file a lien therefor upon the affected premises in the
27 name of and for the use of the city, as provided by law for
28 municipal claims, in addition to the other remedies available
29 for the collection of debts due the city. The lien shall attach
30 as of the time the work was commenced, which shall be fixed by

1 the certificate of the health officer or of the city engineer
2 filed with the city clerk.]

3 Section 172. Article XXIII subdivision (c) heading of the
4 act is reenacted to read:

5 (c) Corporations Acting as Boards of Health

6 Section 173. Section 2330 of the act is amended to read:

7 Section 2330. Board of Directors of Corporation to be
8 Appointed Members of Board of Health.--[Whenever any corporation
9 not for profit has been or shall hereafter be chartered, whose
10 principal corporate purpose is or shall be substantially to
11 preserve and promote the health of the public of any city, and
12 the control and elimination of disease, and such corporation, in
13 the opinion of the council of such city and the State Department
14 of Health, shall have at its disposal sufficient means to render
15 its assistance of value to the city in the administration of its
16 public health affairs, and is properly organized and managed,
17 said council may, by ordinance, appoint the members of the board
18 of directors for such corporation as the board of health of such
19 city for a term of five years. The said board of directors shall
20 not be more than nine or less than five in number, and at least
21 two of the members shall be reputable physicians with not less
22 than five years' experience in the practice of their profession.
23 When, by limitation in the charter or by-laws of such
24 corporation, the office of any member of the board of directors
25 shall terminate, such person's membership in the board of health
26 shall also terminate and a vacancy in such membership exist, to
27 be filled as hereinafter provided. Whenever the number of
28 directors of such corporation shall be increased, subject,
29 however, to the aforesaid maximum limitation of nine, the
30 council of said city may appoint any person added to the

1 corporation's board of directors as an additional member of the
2 board of health for a term equal in the unexpired term of the
3 other members, subject, also, to termination resulting from
4 limitations in the corporation's charter or by-laws as
5 aforesaid.] (a) City council may, by ordinance, appoint the
6 members of a board of directors of a nonprofit corporation as
7 the board of health for the city for a term of five years
8 provided that the nonprofit corporation:

9 (1) Has as its principal purpose to substantially preserve
10 and promote the health of the public of the city and to control
11 and eliminate disease.

12 (2) Has sufficient means to render valuable assistance to
13 the city's public health affairs in the opinion of city council
14 and the State Department of Health.

15 (3) Is properly organized and managed.

16 (4) Has no fewer than five and no more than nine members on
17 the board of directors.

18 (5) Has at least two reputable physicians on the board with
19 each having no less than five years' experience in the practice
20 of the physician's profession.

21 (b) When the office of any member of the board of directors
22 terminates pursuant to the nonprofit corporation's charter or
23 bylaws, the office of the member of the board of health shall
24 also terminate with the resulting vacancy to be filled as
25 hereinafter provided.

26 (c) If the number of the board of directors of the nonprofit
27 corporation increases, subject to the limitation of a maximum of
28 nine members, city council may appoint any person added to the
29 corporation's board of directors as an additional member of the
30 board of health for a term equal to the unexpired term of the

1 other members. This additional appointment shall be subject to
2 any subsequent termination resulting from a limitation in the
3 corporation's charter and bylaws.

4 Section 174. Section 2331 of the act is repealed:

5 [Section 2331. Councilmen and School Directors Eligible for
6 Appointment.--Members of council of such city, not more than two
7 in number, and one member of the board of directors of the
8 school district of such city, if they are also members of the
9 board of directors of said corporation, shall be eligible to
10 appointment as members of the board of health of said city.]

11 Section 175. Sections 2332, 2333, 2334 and 2335 of the act
12 are amended to read:

13 Section 2332. Power of Board.--The board of health [so
14 appointed] under this subdivision shall have all the power and
15 authority and perform the duties now or hereafter conferred and
16 prescribed by law upon boards of health of cities.

17 Section 2333. Health Officer.--[If the board of directors of
18 such corporation shall employe as manager or chief administrator
19 of the activities and operations of the corporation a reputable
20 physician of five years' experience in the practice of his
21 profession, or in public health work, for a compensation to be
22 paid out of the corporation's funds, it shall be lawful for such
23 council to appoint such manager or chief administrator as the
24 principal health officer of such city, with all the powers and
25 authority and duties now or hereafter to be conferred or
26 prescribed by law upon principal health officers.] Pursuant to
27 section 2305(b), city council may appoint the manager or chief
28 administrator of a nonprofit corporation as the principal health
29 officer of the city.

30 Section 2334. Secretary.--The secretary of the board of

1 directors of [such] the nonprofit corporation under this
2 subdivision may serve as secretary of [such] the board of
3 health.

4 Section 2335. Filling of Vacancies.--[As the five year terms
5 of members of such board of health expire, and as vacancies
6 therein occur, the council of such city may appoint successors
7 to those whose terms shall have so expired for further terms of
8 five years, and appoint persons to fill vacancies in both cases
9 by selection of the then members of such board of directors,
10 including, in the case of vacancies, the persons in the said
11 board of directors who may be selected to fill the vacancies
12 therein. Such appointment in the case of a vacancy shall be for
13 the unexpired portion of the five year term.] City council may
14 appoint successors for vacancies on the board of health that
15 occur as five-year terms of board members expire. The successors
16 shall serve for five-year terms. City council may also appoint
17 successors to vacancies on the board of health that occur for
18 any other reason, but in such case the appointment shall be for
19 the unexpired portion of the five-year term. Successors, whether
20 appointed for a five-year term or the unexpired portion of a
21 five-year term, shall be selected from the members of the
22 nonprofit corporation's board of directors.

23 Section 176. Section 2336 of the act is repealed:

24 [Section 2336. Appointment and Removal of Health Employes.--
25 The council of such city shall, in all cases where possible,
26 follow the recommendations of said board of health as to
27 appointment and removal of all persons having to do with the
28 administration of the public health affairs of the city. Such
29 appointees shall be required to pass any civil service
30 examination required by any civil service commission lawfully

1 established in such city.]

2 Section 177. Section 2337 of the act is amended to read:

3 Section 2337. No Compensation for Members.--The members of
4 [such] the board of health under this subdivision shall serve
5 without compensation from the city. [This subdivision (c) shall
6 be effective only under the circumstances set forth in section
7 two thousand three hundred and thirty.]

8 Section 178. The act is amended by adding a section to read:

9 Section 2338. Applicability of Subdivision.--This
10 subdivision (c) shall be effective only under the circumstances
11 set forth in section 2330.

12 Section 179. Article XXIII subdivision (d) heading of the
13 act is amended to read:

14 (d) [Penalties] Penalty

15 Section 180. Section 2340 of the act is amended to read:

16 Section 2340. Penalty.--Any person violating any provision
17 of this article or any order or regulation of the board of
18 health made under the authority of this article, or of any law,
19 or regulation or ordinance therein referred to or authorized, or
20 who shall obstruct or interfere with any person in the execution
21 of any order or regulation of [said] the board, or wilfully and
22 illegally omit to obey any [such] order[, shall be guilty of] or
23 regulation of the board commits a [misdemeanor, and, upon
24 conviction, shall be sentenced to pay a fine not exceeding one
25 hundred dollars, or undergo imprisonment not exceeding ninety
26 days, or both, at the discretion of the court] summary offense
27 punishable in accordance with sections 1018.16 and 1018.17.

28 Section 181. Article XXIV heading of the act is reenacted to
29 read:

30 ARTICLE XXIV

CORPORATE POWERS

Section 182. Section 2401 of the act is repealed:

[Section 2401. Existing Powers Saved.--The corporate powers and the duties of the officers of cities, now in existence by virtue of the laws of the Commonwealth, and not repealed by this act, shall be and remain as now provided by law.]

Section 183. Section 2402 of the act is amended to read:

Section 2402. Powers of [City] Cities.--(a) Each city is hereby declared to be a body corporate and politic, and shall have perpetual succession, and may:

1. Sue and be sued;

[2. Purchase and hold real and personal property for the use of the city;

3. Lease, sell and convey any real or personal property owned by the city, and make such order respecting the same as may be conducive to the interests of the city;

4. Make all contracts, and do all other acts in relation to the property and affairs of the city necessary to the exercise of its corporate or administrative powers;

5] 2. Have and use a corporate seal, and alter the same at pleasure. Every such seal shall have upon it the word "Pennsylvania," the name of the city, and the year of its original incorporation;

[6] 3. Display the flag of the United States, the Commonwealth or of any county, city, borough or other municipality in the Commonwealth on the public buildings of the city.

[7. To appropriate] 4. Appropriate money for the exercise of powers expressed or implied in this act or any other applicable law, and for like uses to accept gifts or grants of

1 money, other property or services from public or private
2 sources.

3 (b) The powers [hereby] granted in this act shall be
4 exercised [by the mayor and councilmen] in the manner herein
5 provided.

6 Section 184. Section 2402.1 of the act, added September 21,
7 1959 (P.L.922, No.370), is amended to read:

8 Section 2402.1. [Sale of Real Estate.--The title to real
9 estate sold by any city after June 28, 1947, if the sale was
10 authorized by an ordinance or resolution of the city council of
11 said city, and not attacked in any proceeding instituted within
12 six years of the effective date of this amendment and the title
13 to real estate sold after the effective date of this amendment,
14 if the sale was authorized by an ordinance or resolution of the
15 city council of said city and is not attached in any proceeding
16 instituted within six years after date of such sale, is hereby
17 declared to be good and valid and free and clear of any defects
18 and any such person who is grantee thereunder, and his heirs,
19 successors and assigns, shall hold and may convey such real
20 estate and all conveyances made after June 28, 1947, are hereby
21 ratified and confirmed. Nothing in this section shall be
22 construed to apply to property which the city acquired other
23 than by purchase.] City Property and Affairs.--(a) In
24 exercising its discretion to make decisions that further the
25 public interest under terms it deems most beneficial to the
26 city, council shall have the power and authority, subject to any
27 restrictions, limitations or exceptions as set forth in this
28 act, to do any of the following:

29 (1) Purchase, hold, use and manage real and personal
30 property.

1 (2) Exchange personal property.

2 (3) Lease, sell and convey real and personal property owned
3 by the city.

4 (4) Make contracts and do all other acts respecting city
5 property and affairs as council may deem conducive to the public
6 interest and necessary to the exercise of the city's corporate
7 and administrative powers.

8 (b) No real estate owned by the city may be sold except upon
9 approval of council by resolution. Additionally, no real estate
10 owned by the city shall be sold for a consideration in excess of
11 one thousand five hundred dollars, except to the highest bidder
12 after due notice by advertisement for bids or advertisement of a
13 public auction in one newspaper of general circulation in the
14 city. The advertisement shall be published once not less than
15 ten days prior to the date fixed for the opening of bids or
16 public auction, and the date for opening bids or public auction
17 shall be announced in the advertisement. The award of contracts
18 shall be made only by public announcement at a regular or
19 special meeting of council or at the public auction. All bids
20 shall be accepted on the condition that payment of the purchase
21 price in full shall be made within sixty days of the acceptance
22 of bids. The city council shall have the authority to reject all
23 bids which it deems to be less than the fair market value of the
24 real property. In the case of a public auction, the city council
25 may establish a minimum bid based on the fair market value of
26 the real property. If no compliant bids are received after
27 advertisement, the applicable procedures in the act of October
28 27, 1979 (P.L.241, No.78), entitled, as amended, "An act
29 authorizing political subdivisions, municipality authorities and
30 transportation authorities to enter into contracts for the

1 purchase of goods and the sale of real and personal property
2 where no bids are received," shall be followed. Real estate
3 owned by a city may be sold at a consideration of one thousand
4 five hundred dollars or less without advertisement or
5 competitive bidding only after council estimates the value
6 thereof upon receipt of an appraisal by a qualified real estate
7 appraiser. This section shall not apply if council is exercising
8 its authority to exchange city real property for real property
9 of equal or greater value, provided that the property being
10 acquired by the city is to be used for municipal purposes. If
11 council chooses to exercise its power of real property exchange
12 pursuant to this section, it shall be by resolution adopted by
13 council. Notice of the resolution, including a description of
14 the properties to be exchanged, shall be published once in one
15 newspaper of general circulation not more than sixty days nor
16 fewer than seven days prior to adoption.

17 (c) No city personal property shall be disposed of, by sale
18 or otherwise, except upon approval of council by resolution.
19 Council shall estimate the sale value of the entire lot to be
20 disposed of. If council shall estimate the sale value to be less
21 than one thousand dollars, council may sell the property, in
22 whole or in part, for the best price or prices obtainable. If
23 council shall estimate the sale value to be one thousand dollars
24 or more, the entire lot shall be advertised for sale in AT LEAST <--
25 ONE NEWSPAPER OF GENERAL CIRCULATION IN accordance with the
26 provisions of section 109, and sale of the property advertised
27 shall be made to the best responsible bidder. The bids shall not
28 be opened until at least ten days after the newspaper
29 advertisement. The provisions of this subsection shall not be
30 mandatory where city personal property is to be traded in or

1 exchanged for other personal property. Council may sell any
2 personal property at auction pursuant to subsection (d), but
3 shall observe the same notice requirements as contained in this
4 subsection.

5 (d) In regards to the sale of personal property of the city,
6 an auction may be conducted by means of an online or electronic
7 auction sale. During an electronic auction sale, bids shall be
8 accepted electronically at the time and in the manner designated
9 in the advertisement pursuant to the notice requirements in
10 subsection (c). During the electronic auction, each bidder shall
11 have the capability to view the bidder's bid rank or the high
12 bid price. Bidders may increase their bid prices during the
13 electronic auction. The record of the electronic auction shall
14 be accessible for public inspection. The purchase price shall be
15 paid by the high bidder immediately or at a reasonable time
16 after the conclusion of the electronic auction as determined by
17 council. In the event that shipping costs are incurred, they
18 shall be paid by the high bidder. A city that has complied with
19 the advertising requirements of subsection (c) may provide
20 additional public notice of the sale by bids or auction in any
21 manner deemed appropriate by council. The newspaper
22 advertisement for electronic auction sales authorized in this
23 section shall include the Internet address or means of accessing
24 the electronic auction and the date, time and duration of the
25 electronic auction.

26 (e) Any requirement for advertising for bids and sale to the
27 highest bidder imposed by this act or by a city pursuant to this
28 section shall not apply where city real or personal property is
29 sold to the following, provided that when any real property is
30 no longer used for the purpose of the conveyance, the real

1 property shall revert to the city:

2 (1) The Federal Government, the Commonwealth, a
3 municipality, home rule municipality, institution district or
4 school district.

5 (2) A volunteer fire company, volunteer ambulance service or
6 volunteer rescue squad located within the city or providing
7 emergency services in the city.

8 (3) A municipal authority, a housing authority created
9 pursuant to the act of May 28, 1937 (P.L.955, No.265), known as
10 the "Housing Authorities Law," an urban redevelopment authority
11 created pursuant to the act of May 24, 1945 (P.L.991, No.385),
12 known as the "Urban Redevelopment Law," a parking authority
13 created under 53 Pa.C.S. Ch. 55 (relating to parking
14 authorities) or under the former act of June 5, 1947 (P.L.458,
15 No.208), known as the "Parking Authority Law," or a port
16 authority pursuant to the act of December 6, 1972 (P.L.1392,
17 No.298), known as the "Third Class City Port Authority Act."

18 (4) A nonprofit corporation engaged in community industrial
19 development.

20 (5) A nonprofit corporation organized as a public library.

21 (6) A nonprofit medical service corporation.

22 (7) A nonprofit housing corporation.

23 (8) A nonprofit museum or historical organization.

24 (f) When real or personal property is sold pursuant to
25 subsection (e) (5), (6) or (7), the city may accept such nominal
26 consideration as it shall deem appropriate.

27 Section 185. Section 2402.2 of the act, amended July 31,
28 1968 (P.L.943, No.290), is repealed:

29 [Section 2402.2. Typewritten, Printed, Photostated and
30 Microfilmed Records Valid; Recording or Transcribing Records.--

1 All city records, required to be recorded or transcribed, shall
2 be deemed valid if typewritten, printed, photostated or
3 microfilmed, and where recording in a specified book of record
4 is required, except minutes of the proceedings of the council,
5 such records may be recorded or transcribed in a mechanical or
6 key-operated post binder book, or bound book with pages being
7 consecutively numbered by transcribing directly upon the pages
8 of such book of record or may be attached to such book of record
9 by stapling or by glue or any other adhesive substance or
10 material, and all records heretofore recorded or transcribed in
11 any manner authorized by this section are validated. The minutes
12 of proceedings of the council shall, in the manner prescribed by
13 this section for other records, be recorded in a bound book.
14 When any record shall be recorded or transcribed after the
15 effective date of this amendment by attaching such record or a
16 copy thereof to the book of record as hereinabove provided, the
17 city seal shall be impressed upon each page to which such record
18 is attached, each impression thereof covering both a portion of
19 the attached record and a portion of the page of the book of
20 record to which such record is attached.]

21 Section 186. Section 2403 of the act, amended August 24,
22 1953 (P.L.1337, No.380), May 20, 1957 (P.L.178, No.86), June 20,
23 1957 (P.L.346, No.188), June 24, 1959 (P.L.482, No.108), June
24 30, 1959 (P.L.496, No.121), May 23, 1961 (P.L.216, No.116), June
25 14, 1961 (P.L.370, No.204), June 8, 1965 (P.L.104, No.72),
26 December 16, 1965 (P.L.1120, No.434), November 24, 1967
27 (P.L.618, No.280), February 24, 1970 (P.L.63, No.27), March 25,
28 1970 (P.L.225, No.92), July 29, 1971 (P.L.250, No.61), October
29 4, 1978 (P.L.950, No.188), October 5, 1979 (P.L.195, No.64),
30 November 1, 1979 (P.L.455, No.92), December 21, 1998 (P.L.1013,

1 No.135) and June 27, 2008 (P.L.196, No.31) and repealed in part
2 November 26, 1978 (P.L.1399, No.330), is amended to read:

3 Section 2403. [Specific Powers.--In addition to other powers
4 granted by this act, the council of each city shall have power,
5 by ordinance:

6 1.] Payment of Debts and Expenses.--[To] Council may provide
7 for the payment of the debts and expenses of the city, and to
8 appropriate money therefor.

9 [1.1. Creation of Capital Reserve Fund for Anticipated
10 Capital Expenditures.--To create and maintain a separate capital
11 reserve fund for any anticipated legal capital expenditures,
12 which fund shall be designated for a specific purpose or
13 purposes at the time of its creation. The money in the fund
14 shall be used, from time to time, for the construction, purchase
15 or replacement of or addition to municipal buildings, equipment,
16 machinery, motor vehicles or other capital assets of the city as
17 specified at the time of the creation of the fund and for no
18 other purpose: Provided, That it may be used for capital
19 expenditure other than the purpose or purposes specified at the
20 time it was created, if city council by a four-fifths vote shall
21 declare that the original purpose or purposes have become
22 impracticable, inadvisable or impossible, or that conditions
23 have arisen in the city which make other capital expenditures
24 more urgent than those for which the fund was created.

25 The council may appropriate moneys from the general city
26 funds to be paid into the capital reserve fund, or place in the
27 fund any moneys received from the sale, lease or other
28 disposition of any city property or from any other source unless
29 received or acquired for a particular purpose. The fund shall be
30 controlled, invested, reinvested and administered and the moneys

1 therein and income from such moneys expended for the specific
2 purpose or purposes for which the fund is created in such manner
3 as may be determined by the council. The money in the fund, when
4 invested, shall be invested in securities designated by law as
5 legal investments for sinking funds of municipalities.

6 2. Hiring of Employes; Salaries.--To provide for and
7 regulate the manner of hiring and discharging employes and
8 laborers, and the fixing of their salaries or compensation.

9 3. Creation of Necessary Offices, Boards or Departments.--To
10 create any office, public board, or department which it may deem
11 necessary for the good government and interests of the city,
12 and, unless otherwise provided by this act, appoint the members
13 of any board, bureau or commission; to prescribe the powers
14 thereof, and to regulate and prescribe the terms, duties and
15 compensation of all such officers, and of all officers who are
16 members of any public board or any department so created, but no
17 ordinance shall be passed increasing or diminishing the salary
18 or compensation of any officer, or of any member of any board,
19 bureau or commission, after his or their appointment. The
20 provisions of this clause as to the creation of any public
21 board, bureau or commission, and prescribing the duties thereof,
22 shall not apply to the creation of any board of commissioners of
23 water-works of any city wherein the title to the water-works
24 therein located is in the name of the commissioners of water-
25 works.

26 4. Lock-ups and Police Stations.--To provide for the
27 erection, lease or purchase of lock-ups and police stations for
28 the detention and confinement of persons arrested for any cause,
29 or of persons convicted under city ordinances and sentenced for
30 periods not in excess of ten days.

1 5. Market Houses and Milk Depots.--To purchase, lease and
2 own ground for, and to erect, maintain, and establish, market
3 houses, milk depots, and market places, for which latter purpose
4 parts of any streets, sidewalks or city property may be
5 temporarily used; to provide and enforce suitable general market
6 regulations; to contract with any person or persons or
7 association of persons, companies, or corporations, for the
8 erection and regulation of market houses, milk depots, and
9 market places, on such terms and conditions and in such manner
10 as the council may prescribe; to raise all necessary revenue
11 therefor as herein provided; and to levy and collect a license
12 tax from every person or persons who may be authorized by
13 council to occupy any portion of the streets, sidewalks or city
14 property for temporary market purposes.

15 6. Collection and Removal of Garbage.--To provide for and
16 regulate the collection, removal and disposal of garbage, ashes
17 and other waste or refuse material, either by contract or by
18 municipal conduct of such services, and to impose and collect,
19 by lien or otherwise, reasonable fees and charges therefor, and
20 to prescribe fines and penalties for the violation of ordinances
21 regulating such matters.

22 7. Comfort and Waiting Stations and Drinking Fountains;
23 Waiting Rooms in Court Houses.--To take, purchase or acquire,
24 property for the purpose of erecting, providing, maintaining,
25 and operating thereon comfort stations, waiting stations and
26 drinking fountains; and to construct and maintain such stations
27 and fountains on such property or in any of the streets or
28 public places within its corporate limits; to provide and equip
29 and maintain in the court house, in cooperation with the county
30 commissioners of the county wherein the city is situated,

1 whenever such city is the county seat, rest or waiting rooms and
2 provide attendants therefor. The cost of providing such waiting
3 and rest rooms, and of maintaining the same, including salaries
4 and all incidental expenses, shall be paid by the county, and by
5 the city, in such proportion as may be agreed upon.

6 8. Running at Large of Animals, Et Cetera.--To provide for
7 the erection of all needful pens, pounds, and other means of
8 confinement, within or without the city limits; to appoint
9 keepers thereof; and to regulate or prohibit the running or
10 being at large of stock and domestic animals, and fowls; and to
11 cause such as may be at large to be impounded and sold to
12 discharge the costs and penalties provided for the violations of
13 such prohibitions and the expenses of impounding and of keeping
14 the same and of such sale. To regulate the maintaining and care
15 of dogs within the city. To regulate or prohibit the keeping of
16 bee hives within the city.

17 9. Destruction of Dogs.--To destroy dogs found at large
18 contrary to the laws of the Commonwealth, or to prohibit or
19 regulate, by its own ordinance, the running at large of dogs,
20 cats or other animals, and, in the enforcement of such
21 regulations, to direct the killing of dogs, cats or other
22 animals, or their seizure and detention, including reasonable
23 charges therefor, or to provide for their sale for the benefit
24 of the city. The powers herein expressed shall be exercised in
25 conformity with the Dog Law of 1921.

26 10. Inspection and Regulation of Fireplaces, Chimneys, Et
27 Cetera; Smoke Regulations.--To regulate the construction and
28 inspection of fireplaces, chimneys, stoves, stovepipes, ovens,
29 boilers, kettles, forges, or any apparatus used in any building,
30 manufactory, or business, and to order the suppression or

1 cleaning thereof when deemed necessary; to regulate and control
2 the production and emission of unnecessary smoke or fly-ash from
3 any chimney or other source, except railroad locomotives.

4 11. Manufacture, Sale, Storage and Transportation of
5 Explosives; Offensive Business.--To regulate or prohibit the
6 manufacture, sale, storage, or transportation of inflammable or
7 explosive substances within the city, and to regulate or
8 prohibit dangerous, obnoxious, or offensive business with the
9 city.

10 12. Regulation of Division Fences, Party Walls,
11 Foundations.--To provide regulations for party walls and
12 division fences and for the foundations of buildings, to enter
13 upon the land or lands, lot or lots, of any person or persons,
14 within the city, at all reasonable hours, by its duly appointed
15 city engineer, or building inspectors, in order to enforce such
16 regulations and set out foundations; and to prescribe reasonable
17 fees for the service of city officers in the inspection and
18 regulation of party walls, division fences and foundations, and
19 to enforce the payment of the same. To provide fines or
20 penalties for violations of such regulations. In setting out
21 foundations and regulating party walls as to breadth and
22 thickness, the city shall cause the foundations to be laid
23 equally upon the lands of the persons between whom the party
24 wall is to be made, and the builder thereof or his successor in
25 interest shall be reimbursed one moiety of the charge of said
26 wall or for so much thereof as the next builder shall have
27 occasion to make use of before such next builder shall or may
28 use or break into said wall.

29 13. Public Wells, Cisterns, Aqueducts, and Reservoirs.--To
30 establish, make, and regulate public wells, cisterns, aqueducts,

1 and reservoirs, and to provide for filling the same.

2 14. Construction of Levees and Ferries; Deepening of
3 Channels.--Subject to the provisions of State law, to provide
4 for the construction and maintenance of levees and ferries
5 within the jurisdiction of the city and within the limits
6 thereof; to erect wharves on navigable waters adjacent to the
7 city, regulate the use thereof, collect wharfage, and establish
8 wharf and dock lines; to provide for protection against floods;
9 to construct and maintain docks, retaining walls, dams, or
10 embankments; and to remove obstructions from, deepen and widen
11 the channels of rivers and streams flowing through or adjacent
12 to the city.

13 15. Railroad Crossing; Flagmen; Speed of Locomotives.--
14 Subject to the provisions of the Public Utility Law, to provide
15 for and require the construction and maintenance of bridges or
16 other crossings over or under railroad tracks; and to enter into
17 contracts with railroad companies for the construction and
18 maintenance of the same; to require the erection of safety-gates
19 and the placing of flagmen or warning devices at the
20 intersection of railroads with streets; to forbid the
21 obstruction of the said crossings by locomotives or railroad
22 cars; and to regulate the rate of speed at which locomotives,
23 cars or trains shall pass upon or across the streets within the
24 built-up portions of the city.

25 15.1. Railroad Companies; Conveyances and Grants of Rights
26 of Way.--Subject to the provisions of the Public Utility Law, to
27 lease, license or grant rights of way to railroad companies
28 through tunnels or over bridges and viaducts, to enter into
29 agreements with railroad companies for the maintenance of any
30 such tunnels, bridges or viaducts, and to convey such tunnels,

1 bridges or viaducts to railroad companies that have paid in part
2 for their construction, where legal title to said tunnels,
3 bridges or viaducts is not vested in the city but will vest in
4 the city by operation of law or under the terms of any contract.

5 16. Nuisances and Obstructions.--To prohibit nuisances,
6 including, but not limited to, accumulations of garbage and
7 rubbish and the storage of abandoned or junked automobiles or
8 other vehicles on private or public property, and the carrying
9 on of any offensive manufacture or business, and to require the
10 removal of any nuisance or dangerous structure from public or
11 private places upon notice to the owner, and, upon his default,
12 to cause such removal and collect the cost thereof, together
13 with a penalty of ten per centum of such cost, from the owner,
14 by an action in assumpsit. The cost of removal and the penalty
15 may be entered as a lien against such property in accordance
16 with existing provisions of law. In the exercise of the powers
17 herein conferred, the city may institute proceedings in courts
18 of equity.

19 17. Regulation of Signs, Porches, Et Cetera.--To regulate,
20 by uniform rules and regulations, porches, porticoes, benches,
21 doorsteps, railings, bulk, bay or jut windows, areas, cellar
22 doors and cellar windows, signs and sign posts, boards, poles or
23 frames, awnings, awning posts, or other devices or things,
24 projecting over, under, into or otherwise occupying the
25 sidewalks or other portion of any of the streets, the building
26 of cellars and basement ways and other excavations through or
27 under the sidewalks, and boxes, bales, barrels, hogsheads,
28 crates, or articles of merchandise, lumber, coal, wood, ashes,
29 building materials, or any other article or thing whatsoever,
30 placed in or upon any of the said sidewalks or other portion of

1 said streets; and also to prevent and require or cause the
2 removal of, upon notice, all encroachments thereon. In the
3 exercise of the powers herein conferred, the city shall have the
4 same remedies, penalties and procedures as are expressed in
5 clause 16 of this article.

6 18. Trees.--To regulate the planting, trimming, care and
7 protection of shade trees in or extending over the streets.

8 19. Numbering of Buildings.--To require and regulate the
9 numbering of buildings and lots.

10 20. Cab-stands.--To establish stands for coaches, cabs,
11 omnibuses, carriages, wagons, automobiles, and other vehicles
12 for hire, and to enforce the observance and use thereof.

13 21. Police Force.--To establish and maintain a police force,
14 and define the duties of the same.

15 22. Police Protection, Et Cetera, Parks, Et Cetera;
16 Commitment of Professional Thieves.--To establish and enforce
17 suitable police regulations for the protection of persons and
18 property at public squares, parks, depots, depot grounds, and
19 other places of public resort, owned, controlled or managed by
20 the city or an agency or bureau thereof, whether within or
21 without the city, in whole or in part, and for the arrest and
22 commitment of professional thieves, and suspicious persons found
23 in any part of the city who can give no reasonable account of
24 themselves. The mayor or any alderman of the city shall have
25 jurisdiction to hear and determine violations of such ordinances
26 and to impose any judgment or penalty therefor as provided in
27 such ordinances.

28 23. Rewards for Apprehension of Certain Criminals.--To offer
29 rewards for the arrest and conviction of persons guilty of
30 capital or other crimes within the city.

1 24. Gaming, Prostitution, Et Cetera.--To restrain, prohibit,
2 and suppress houses of prostitution, gambling houses, gaming,
3 cock or dog fighting, and other disorderly or unlawful
4 establishments or practices, desecration of the Sabbath day,
5 commonly called Sunday, and all kinds of public indecencies.

6 25. Prevent Riots.--To prevent and restrain riots, noises,
7 disturbances, or disorderly assemblies in any street, house, or
8 place in the city.

9 26. Regulate Guns, Et Cetera.--To regulate, prohibit, and
10 prevent the discharge of guns, rockets, powder, or any other
11 dangerous instrument or combustible material within the city,
12 and to prevent the carrying of concealed deadly weapons.

13 27. Sale and Use of Fireworks.--To regulate or prohibit and
14 prevent the sale, use and discharge of fireworks, firecrackers,
15 sparklers, and other pyrotechnics.

16 28. Arrest of Vagrants.--To arrest, fine, or set at work on
17 the streets, or elsewhere, all vagrants found in said city.

18 29. Racing; Dangerous Practices; Et Cetera.--To prevent the
19 racing of horses, cars and other vehicles, fast driving or
20 riding in the streets or public places in the city, and all
21 games, practices, or amusements, therein likely to result in
22 danger or damages to any person or property.

23 30. Riding or Driving on Sidewalks.--To prevent or regulate
24 the riding or driving of animals, or the passage of any vehicle
25 over, along and across sidewalks, and to regulate the passing of
26 the same through the streets.

27 31. Regulations of Skating-Rinks, Theatres, Et Cetera.--
28 Subject to the provisions of general laws of the Commonwealth
29 regarding the same, to regulate all skating-rinks, operas,
30 theatres, concerts, shows, circuses, menageries, and all kinds

1 of public exhibitions for pay (except those for religious,
2 educational or charitable purposes); and to restrain and
3 prohibit, under fines or penalties, all exhibitions of indecent
4 or immoral character.

5 32. Bathing; Boat Houses and Bath Houses.--To regulate the
6 time and place of bathing in rivers and other public water in
7 and adjoining the said city, and to construct, maintain and
8 manage municipal boat houses and bath houses.

9 33. Prohibition of Fire Producing Devices in Certain Retail
10 Stores.--To prohibit the smoking or carrying of lighted
11 cigarettes, cigars, pipes or matches, and the use of matches or
12 fire producing devices, in retail stores arranged to accommodate
13 one hundred persons or more, or which employ ten or more
14 employes: Provided, That any such ordinance passed under this
15 provision shall not prohibit smoking in any restaurant room,
16 rest room, beauty parlor, executive office, or any room
17 designated for smoking in such store. To provide penalties for
18 the violation of such ordinances.

19 34. Appropriations to Post of Veterans.--To appropriate
20 annually to each camp of the United States War Veterans in the
21 city, and to each post of the American Legion, and to each post
22 of the Veterans of Foreign Wars, and to each post of the
23 Veterans of World War I of the U. S. A., Inc., and to each post
24 of the American Veterans of World War II (AMVETS), to each post
25 of the Catholic War Veterans, Inc., and to each detachment of
26 the Marine Corps League, and to each Naval Association, and to
27 each post of the Grand Army of the Republic, and to each post of
28 the Disabled American Veterans of the World War, and to each
29 chapter of the Military Order of the Purple Heart, and to each
30 post of the Jewish War Veterans, and to each organization of

1 American Gold Star Mothers, and to each post of the Italian
2 American War Veterans of the United States, Incorporated, and to
3 any other such organization of ex-service persons in the city,
4 incorporated under the laws of the Commonwealth, a sum not to
5 exceed three hundred dollars, to aid in defraying the expenses
6 of Memorial Day and Armistice Day. Where the Grand Army of the
7 Republic has ceased to exist or to function, such appropriation
8 may be made to the Sons of Union Veterans of the Civil War, or,
9 in the absence of such order, to a duly constituted organization
10 which conducts the decorating of the graves of Union veterans of
11 the Civil War. Such payments shall be made to defray actual
12 expenses only. Before any payment is made, the organization
13 receiving the same shall submit verified accounts of their
14 expenditures.

15 35. Support of National Guard Units.--To appropriate
16 annually a sum not exceeding seven hundred and fifty dollars for
17 the support and maintenance, discipline and training of any
18 dismounted company or similar unit of the National Guard, and a
19 sum not to exceed fifteen hundred dollars for the support and
20 maintenance of any mounted or motorized troop or similar unit of
21 the National Guard. Where such units are organized as a
22 battalion, regiment or similar organization, the total amount
23 due may be paid to the commanding officer of the battalion,
24 regiment or similar organization. Any moneys so appropriated
25 shall be paid by warrant drawn to the order of the commanding
26 officer of such company, battalion, regiment or similar
27 organization, only when it shall be certified to the city, by
28 the Adjutant General of the Commonwealth, that the said company
29 or companies have satisfactorily passed the annual inspection
30 provided by law. The moneys so appropriated shall be used and

1 expended solely and exclusively for the support and maintenance,
2 discipline and training of the said company, battalion,
3 regiment, or similar organization; and the commanding officer
4 shall account, by proper vouchers to the said city each year,
5 for the expenditure of the money so appropriated, and no
6 appropriation shall be made for any subsequent year until the
7 expenditure of the previous year is duly and satisfactorily
8 accounted for.

9 The accounts of such expenditures shall be subject to the
10 inspection of the Department of Military Affairs, and shall be
11 audited by the city controller in the manner provided by this
12 act for the audit of accounts of city moneys.

13 36. Appropriation of Money, Et Cetera, to Assist in Erection
14 of Armories.--To appropriate money or convey land, either
15 independently or in conjunction with any other political
16 subdivision, to the Commonwealth, for the purpose of assisting
17 the Armory Board of the State of Pennsylvania in the erection of
18 armories for the use of the National Guard, and to furnish
19 water, sewer services, light, or fuel free of cost to the
20 Commonwealth for use in any armory of the National Guard; and to
21 do all things necessary to accomplish the purpose of this
22 clause.

23 37. Eminent Domain for National Guard Purposes.--To take, by
24 right of eminent domain, for the purpose of appropriating to
25 itself for the use of the National Guard of Pennsylvania, such
26 public lands, easments, and public property as may be in its
27 possession or control and used or held by it for any other
28 purpose. Such right, however, shall not be exercised as to any
29 street or wharf.

30 38. Lands for Armory Purposes.--To acquire, by purchase or

1 by gift, or by the right of eminent domain, any land for the use
2 of the National Guard of Pennsylvania; and to convey such lands
3 so acquired to the Commonwealth in order to assist the Armory
4 Board in the erection of armories. The power conferred by this
5 clause shall not be exercised to take any church property,
6 grave-yard, or cemetery. Lands within three miles outside the
7 limits of the city may be acquired in like manner for the use of
8 the National Guard.

9 39. Purchase of Burial Grounds for Deceased Service

10 Persons.--To appropriate money for and purchase plots of ground
11 in any cemetery or burial ground, within their respective
12 limits, for the interment of such deceased service persons as
13 shall hereafter die within such city, or shall die beyond such
14 city and shall have a legal residence within such city at the
15 time of their death, and whose bodies are entitled to be buried
16 by the county under the provisions of existing laws.

17 40. Payment of Rent for Veterans' Organizations.--By a two-
18 third vote of the council, to appropriate money to any
19 incorporated organization of veterans of any war in which the
20 United States was engaged, to be used in the payment of the rent
21 of any building or rooms in which such organization has its
22 regular meetings.

23 41. Rooms for Meetings of Veterans.--To furnish, upon
24 application, to each organization composed of veterans of the
25 Civil War, veterans of the Spanish American War, veterans of the
26 World War or World War II, veterans of any foreign war, and
27 children of veterans, a room or rooms in any public building of
28 such city, sufficient for the meeting of each of such
29 organizations at least once each month.

30 42. Care of Memorials.--To take charge of, care for,

1 maintain, and keep in good order and repair, at the expense of
2 the city, any soldiers' monument, gun or carriage, or similar
3 memorial, situate in the city, and not in the charge or care of
4 any person, body, or organization, and not put up or placed by
5 the Government of the United States, the Commonwealth of
6 Pennsylvania, the commissioners of the county, or by the
7 direction or authority of any other state of the Union, and to
8 receive from any person or organization any moneys or funds
9 which can be used for the benefit of such memorials, and to
10 expend the same.

11 43. Manufacture and Sale of Ice.--To manufacture ice, and to
12 sell the same to the inhabitants of the city at such rates as
13 shall be fixed by ordinance, and to erect, equip, and maintain
14 such buildings and other structures, and purchase or hire and
15 maintain such vehicles, as may be deemed necessary for such
16 purpose.

17 44. Inspection of Milk.--To provide for the inspection of
18 milk sold or consumed within the city and milk depots, and
19 dairies which offer milk or milk products for retail sale within
20 the city, under such rules and regulations as will protect the
21 people from adulteration and dilution of the same.

22 45. Municipal Music.--To appropriate money to defray the
23 expenses of musical entertainments held under the auspices of
24 the city, and for the purpose of having music in any public park
25 or place.

26 46. Regulation and Licensing of Auction Sales.--To regulate
27 and license sales of merchandise at public auction, other than
28 judicial sales, sales by executors or administrators, or sales
29 by or in behalf of licensed pawnbrokers of unredeemed pledges in
30 the manner provided by law.

1 47. Aid to Historical Societies.--To make annual
2 appropriations not exceeding one thousand dollars for the
3 support and maintenance of the principal historical society
4 located therein, which shall be incorporated under the laws of
5 the Commonwealth, shall maintain permanent quarters and shall
6 keep the same open to the public, shall have a membership of at
7 least one hundred persons who have paid into the treasury of the
8 society a membership fee of at least two dollars for the support
9 of the society, shall hold, annually, at least two regular
10 meetings that shall be open to the public, and shall at all
11 times maintain facilities for the free storage, deposit, and
12 inspection of official documents and records of the city, and
13 other proper public or historical archives and records.

14 48. Establishment of Institutions to Collect Educational
15 Collections.--To establish institutions authorized to collect
16 and hold certain scientific, educational and economic
17 collections, the object of each being the instruction of the
18 public concerning commerce, manufacturing, mining, and
19 agriculture; said institutions to have power to purchase or
20 accept by gift any real estate, money, or personal property
21 necessary for their use and promotion, and power to use, convey,
22 or transfer the same, as if they were bodies corporate, to be
23 governed by boards of trustees, nominated, appointed, and
24 confirmed in such manner as council may determine.

25 49. Sprinkling of Streets.--To cause any street, or part
26 thereof, not less than one block, to be sprinkled with water or,
27 if such street is paved, to be cleaned during such time as it
28 may be necessary, at the expense of the owners of property
29 abutting upon the same. Upon the petition of the owners of such
30 property, who shall represent a majority of the feet front on

1 the street or part thereof, it shall be the duty of council to
2 cause such sprinkling or cleaning to be done at the expense of
3 the owners of property abutting thereon. Council may cause such
4 sprinkling to be done with the water of the city, when water
5 works are owned or operated by the city, and the sprinkling
6 carts and apparatus owned by the city, or may contract for the
7 use of said carts and apparatus with the lowest responsible
8 bidder.

9 50. Electric Wires may be Placed Underground in Certain
10 Districts.--To define a reasonable district within which all
11 electric light wires, telephone and telegraph wires shall be
12 placed under ground in conduits owned and constructed either by
13 the municipality or by corporations owning such wires, or by
14 corporations organized for the purpose of laying such conduits
15 and renting space therein. In all cases in which such conduits
16 are owned by any private corporation, partnership, or
17 individual, there shall be reserved to the city, whether
18 expressed in the ordinance or not, the right to regulate, by
19 ordinance, the manner in which such conduit shall be used, and
20 the terms and conditions of such use, and also the right to take
21 such conduits, either by purchase, upon agreement of the owners
22 thereof and the city, or by condemnation proceedings; in which
23 latter case the proceedings for the assessment of damages shall
24 be the same as provided in this act for property taken, injured
25 or destroyed.

26 The court of quarter sessions upon the appeal of any person
27 may review any ordinance passed in pursuance of this clause, and
28 may annul such ordinance if deemed unreasonable, capricious or
29 arbitrary, such appeal to be taken within thirty days from the
30 approval of such ordinance.

1 51. Ambulances and Service; Maintenance.--To acquire, by
2 purchase, gift or bequest, or to operate and maintain ambulances
3 or ambulance service for the purposes of conveying sick and
4 injured persons in the city and the vicinity to and from
5 hospitals, or in lieu thereof, to hire a private ambulance
6 service, and, for such purposes, to appropriate and expend
7 moneys of the city; or to appropriate money annually toward a
8 nonprofit community ambulance service. All appropriations of
9 money heretofore made and contracts for hire of private
10 ambulance service heretofore entered into by any city are hereby
11 validated and confirmed.

12 52. Weighing and Measuring of Commodities.--To regulate the
13 weighing and measuring of every commodity sold in the city, in
14 all cases not otherwise provided for by law, including the
15 measuring of gas, water, and electric currents; to provide for
16 and regulate the inspection and weighing of hay, grain, and
17 coal, and the measuring of wood, bark, and fuel, to be used in
18 the city, and to designate the place or places of inspecting and
19 weighing the same; to regulate and prescribe the place or places
20 for exposing for sale hay, coal, bark and wood; to demand and
21 receive reasonable fees for such inspection, weighing and
22 measuring; for the regulation and stamping of weights and
23 measures; and the regulation and inspection of meters, except as
24 otherwise provided by law.

25 53. Insurance.--To make contracts of insurance with any
26 mutual or other fire insurance company, association or exchange,
27 duly authorized by law to transact insurance business in the
28 Commonwealth of Pennsylvania, on any building or property owned
29 by the city.

30 To make contracts of insurance with any insurance company, or

1 nonprofit hospitalization corporation, or nonprofit medical
2 service corporation, authorized to transact insurance business
3 within the Commonwealth, insuring its elected or appointed
4 officers, officials and employes, or any class or classes
5 thereof, or their dependents, under a policy or policies of
6 group insurance covering life, health, hospitalization, medical
7 service, or accident insurance, and to contract with any such
8 company granting annuities or pensions for the pensioning of
9 such persons; and, for such purposes, to agree to pay part or
10 all of the premiums or charges for carrying such contracts, and
11 to appropriate out of its treasury any money necessary to pay
12 such premiums or charges, or portions thereof. All contracts
13 procured hereunder shall conform and be subject to all the
14 provisions of any existing or future laws concerning group
15 insurance and group annuity contracts. The proper officer,
16 agency, board or commission of the city having authority to
17 enter into such contracts of insurance is hereby authorized,
18 enabled and permitted to deduct from the officer's or employe's
19 pay, salary or compensation, such part of the premium as is
20 payable by the officer or employe and as may be so authorized by
21 the officer or employe in writing.

22 54. Parking Lots.--To acquire by lease, purchase, or
23 condemnation proceedings, any land which in the judgment of city
24 council may be necessary and desirable for the purpose of
25 establishing and maintaining lots for the parking of motor
26 vehicles, and for no other use or purpose, and to regulate the
27 use thereof and to establish or designate, at the discretion of
28 council, areas exclusively reserved for parking by handicapped
29 individuals and to post signs regulating such areas.

30 55. Disorderly Conduct.--To define disorderly conduct within

1 the limits of the city and to provide for the imposition of
2 penalties for such conduct in such amounts, without limitation
3 except as in this act provided, as council shall establish, and
4 notwithstanding any statutes of the Commonwealth upon disorderly
5 conduct and the penalties therefor.

6 56. Official Expenses on City Business.--To make
7 appropriations for the reasonable expenses of city officials
8 actually incurred in the conduct of city business.

9 57. Insurance Against Burglary, Etc.--To insure against
10 burglary or theft of city property, or against fire and other
11 calamities, and against public liability.

12 58. To Provide Against Hazards of War.--To build or
13 establish bomb shelters or assist in so doing to provide against
14 all hazards of war and their consequences; and for all such
15 purposes, to have the power of eminent domain, to cooperate with
16 any other unit and agency of government, Federal, State, or
17 local, in every lawful way, for purposes of defense and against
18 the hazards of war.

19 59. Municipality Authorities; Cooperation with Other
20 Political Subdivisions.--To form municipality authorities as
21 authorized by law. To cooperate with other political
22 subdivisions in the conduct of city affairs as authorized by
23 law.

24 60. Local Self-Government.--In addition to the powers and
25 authority vested in each city by the provisions of this act, to
26 make and adopt all such ordinances, by-laws, rules and
27 regulations, not inconsistent with or restrained by the
28 Constitution and laws of this Commonwealth, as may be expedient
29 or necessary for the proper management, care and control of the
30 city and its finances, and the maintenance of the peace, good

1 government, safety and welfare of the city, and its trade,
2 commerce and manufactures; and also all such ordinances, by-
3 laws, rules and regulations as may be necessary in and to the
4 exercise of the powers and authority of local self-government in
5 all municipal affairs; and the said ordinances, by-laws, rules
6 and regulations to alter, modify, and repeal at pleasure; and to
7 enforce all ordinances inflicting penalties upon inhabitants or
8 other persons for violations thereof, and impose penalties in
9 accordance with section 4131.1: Provided, however, That no
10 ordinance, by-law, rule or regulation shall be made or passed
11 which contravenes or violates any of the provisions of the
12 Constitution of the United States or of this Commonwealth, or of
13 any act of Assembly heretofore or that may be hereafter passed
14 and in force in said city.

15 61. Historical Property.--To acquire by purchase or by gift,
16 and to repair, supervise, operate and maintain ancient landmarks
17 and other property of historical or antiquarian interest, which
18 is either listed in the Catalogue of Historical Sites and
19 Buildings in Pennsylvania issued by the Joint State Government
20 Commission, or approved for acquisition by the Pennsylvania
21 Historical and Museum Commission as having historical
22 significance.

23 62. Appropriations for Handling, Storage and Distribution of
24 Surplus Foods.--The council of any city to which this act
25 applies may appropriate from city funds moneys for the handling,
26 storage and distribution of surplus foods obtained either
27 through a local, State or Federal agency.

28 All appropriations of moneys heretofore made by the council
29 of any city for the handling, storage and distribution of
30 surplus foods obtained, either through a local, State or Federal

1 agency, are hereby validated.

2 63. Junk Dealers and Junk Yards.--To regulate and license
3 junk dealers and the establishment and maintenance of junk yards
4 and scrap yards including, but not limited to, automobile junk
5 or grave yards.

6 64. Appropriations for Industrial Promotions.--To make
7 appropriations to an industrial development agency as defined in
8 section 3, act of May 31, 1956 (P.L.1911), known as the
9 "Industrial Development Assistance Law," when the city is
10 located within the area for which the agency has been authorized
11 to make application to and receive grants from the Department of
12 Commerce for the purposes specified in the "Industrial
13 Development Assistance Law."

14 65. Non-debt Revenue Bonds.--To issue non-debt revenue bonds
15 pursuant to provisions of the act of June 25, 1941 (P.L.159),
16 known as the "Municipal Borrowing Law," and its amendments, to
17 provide sufficient moneys for and toward the acquisition,
18 construction, reconstruction, extension or improvement of
19 municipal facilities, including water systems or facilities,
20 sewers, sewer systems and sewage disposal systems or facilities,
21 systems for the treatment or disposal of garbage and refuse,
22 buildings, machinery and apparatus for manufacturing and
23 distributing electric, gas or light, aeronautical facilities
24 including but not limited to airports, terminals and hangars,
25 park and recreational facilities, parking lots and public
26 auditoriums to be secured solely by the pledge of the whole or
27 part of the rent, toll or charge for the use or services of such
28 facilities. Included in the cost of the issue may be any costs
29 and expenses incident to constructing and financing the
30 facilities and selling and distributing the bonds.

1 66. Appropriations for Urban Common Carrier Mass
2 Transportation.--To appropriate funds for urban common carrier
3 mass transportation purposes from current revenues and to make
4 annual contributions to county departments of transportation or
5 to urban common carrier mass transportation authorities to
6 assist the departments or the authorities to meet costs of
7 operation, maintenance, capital improvements, and debt service,
8 and to enter into long-term agreements providing for the payment
9 of the said contributions.

10 67. Adoption and Amendment of Codes by Reference.--To
11 incorporate by reference the provisions of any code or portions
12 of any code, or any amendment thereof, properly identified as to
13 date and source, without setting forth in full the provisions to
14 be adopted: Provided, however, That no portion of any code which
15 limits the work to be performed to any type of construction
16 contractor, or labor or mechanic classification shall be
17 adopted. Not less than three copies of such code, portion, or
18 amendment which is incorporated or adopted by reference, shall
19 be filed with the clerk of the city and kept with the city
20 ordinance book, and available for public use, inspection and
21 examination. The filing requirements herein prescribed shall not
22 be deemed to be complied with unless the required copies of such
23 codes, portion, or amendment or public record are filed with the
24 clerk of such city at least ten days before council considers
25 the proposed ordinance.

26 Any ordinance adopted by reference to any code shall be
27 enacted within sixty days after it is filed with the clerk of
28 the city, and shall only encompass the provisions of the code
29 effective as of the code date stated in the ordinance. Any
30 subsequent changes in the code shall be adopted by the city

1 before they may become effective as an ordinance of the city.

2 Any city that has adopted any code by reference may adopt
3 subsequent ordinances which incorporate by reference any
4 subsequent changes thereof, properly identified as to date and
5 source, as may be adopted by the agency or association which
6 promulgated the code.

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

11 68. Appropriation for Nonprofit Art Corporation.--To
12 appropriate moneys annually, not exceeding an amount equal to
13 one mill of the real estate tax to any nonprofit art corporation
14 for the conduct of its artistic and cultural activities. For the
15 purposes of this section nonprofit art corporation shall mean a
16 local arts council, commission or coordinating agency, or any
17 other nonprofit corporation engaged in the production or display
18 of works of art, including the visual, written or performing
19 arts. Artistic and cultural activities shall include the display
20 or production of theater, music, dance, painting, architecture,
21 sculpture, arts and crafts, photography, film, graphic arts and
22 design and creative writing.

23 69. Emergency Services.--(a) The city shall be responsible
24 for ensuring that fire and emergency medical services are
25 provided within the city by the means and to the extent
26 determined by the city, including the appropriate financial and
27 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 (c) The city shall require any emergency services
2 organizations receiving city funds to provide to the city an
3 annual itemized listing of all expenditures of these funds
4 before the city may consider budgeting additional funding to the
5 organization.]

6 Section 187. The act is amended by adding sections to read:

7 Section 2404. Creation of Capital and Operating Reserve
8 Funds.--(a) Council may create and maintain a separate capital
9 reserve fund for any anticipated capital expenses, which fund
10 shall be designated for a specific purpose or purposes when
11 created. The moneys in the fund shall be used for no other
12 purpose unless the council declares that conditions in the city
13 make other expenses more urgent than those for which the fund
14 was created. Council may appropriate moneys from the general
15 city funds to be paid into the capital reserve fund or place in
16 the fund any moneys received from the sale, lease or other
17 disposition of any city property or from any other source.

18 (b) With regard to an operating reserve fund the following
19 shall apply:

20 (1) Council shall have the power to create and maintain a
21 separate operating reserve fund in order to:

22 (i) minimize future revenue shortfalls and deficits;

23 (ii) provide greater continuity and predictability in the
24 funding of vital government services;

25 (iii) minimize the need to increase taxes to balance the
26 budget in times of fiscal distress; and

27 (iv) provide the capacity to undertake long-range financial
28 planning and to develop fiscal resources to meet long-term
29 needs.

30 (2) Council may annually make appropriations from the

1 general city fund to the operating reserve fund, but no
2 appropriation shall be made to the operating reserve fund if the
3 effect of the appropriation would cause the fund to exceed five <--
4 TWENTY-FIVE per centum of the estimated revenues of the city's <--
5 general fund in the current fiscal year.

6 (3) Council may at any time by resolution make
7 appropriations from the operating reserve fund for the following
8 purposes only:

9 (i) to meet emergencies involving the health, safety or
10 welfare of the residents of the city;

11 (ii) to counterbalance potential budget deficits resulting
12 from shortfalls in anticipated revenues or program receipts from
13 whatever source; or <--

14 (III) TO COUNTERBALANCE POTENTIAL BUDGET DEFICITS RESULTING <--
15 FROM INCREASES IN ANTICIPATED COSTS FOR GOODS OR SERVICES; OR

16 ~~(iii)~~ (IV) to provide for anticipated operating expenditures <--
17 related either to the planned growth of existing projects or
18 programs or to the establishment of new projects or programs if,
19 for each such project or program, appropriations have been made
20 and allocated to a separate restricted account established
21 within the operating reserve fund.

22 (c) The operating reserve fund shall be invested, reinvested
23 and administered in a manner consistent with the provisions of
24 this act relating to the investment of city funds generally.

25 Section 2405. Hiring of Employees; Salaries.--Council may
26 provide for and regulate the manner of hiring and discharging
27 employees and the fixing of their salaries or compensation,
28 consistent with applicable Federal and State law.

29 Section 2406. Creation of Necessary Offices or Boards.--In
30 addition to the city departments established in accordance with

1 Article XI, council may create any city office, or public board,
2 bureau or commission, which it may deem necessary for the good
3 government and interests of the city, and, with regard to an
4 office or membership on a board, bureau or commission, unless
5 otherwise provided by this act, council may make appointments
6 thereto and regulate and prescribe the terms, duties and
7 compensation thereof.

8 Section 2407. Lockups.--(a) Council may provide for lockup
9 facilities as deemed necessary for the detention and confinement
10 of persons.

11 (b) No city shall erect or construct a city jail or lockup,
12 or use any existing building or lockup for the first time that
13 will be or is located within five hundred feet of any public
14 school building.

15 Section 2408. Market Places.--Council may:

16 (1) Purchase, lease and own ground for market places.

17 (2) Erect, maintain, and establish market places.

18 (3) Provide for and enforce suitable general market
19 regulations.

20 (4) Contract with any person or persons or association of
21 persons, companies or corporations for the erection and
22 regulation of market places, on such terms and conditions and in
23 such manner as council may prescribe.

24 (5) Levy and collect a license fee from every person or
25 persons who may be authorized by council to occupy any portion
26 of the streets, sidewalks or city property for temporary market
27 purposes.

28 Section 2409. Accumulation of Ashes, Garbage, Solid Waste
29 and Refuse Materials.--(a) Council in the manner authorized by
30 the act of July 7, 1980 (P.L.380, No.97), known as the "Solid

1 Waste Management Act," and the act of July 28, 1988 (P.L.556,
2 No.101), known as the "Municipal Waste Planning, Recycling and
3 Waste Reduction Act," may prohibit accumulations of ashes,
4 garbage, solid waste and other refuse materials upon private
5 property, including the imposition and collection of reasonable
6 fees and charges for the collection, removal and disposal
7 thereof.

8 (b) Council may collect and remove, by contract or
9 otherwise, ashes, garbage, solid waste and other refuse
10 materials and recyclables and prescribe penalties for the
11 enforcement thereof. Any contract with refuse haulers may be
12 made for an initial period not exceeding five years with
13 optional renewal periods of up to five years. This limitation
14 does not apply to contracts with any other county or municipal
15 corporation.

16 (c) Council may dispose of, by contract or otherwise, ashes,
17 garbage, solid waste or other refuse materials. Any contract
18 with the owner of a private facility for the disposal or
19 incineration of ashes, garbage, solid waste or other refuse
20 materials may be made for a period not exceeding twenty years.
21 This limitation does not apply to contracts with any county or
22 municipal corporation.

23 (d) Council may acquire any real property and erect,
24 maintain, improve, operate and lease, either as lessor or
25 lessee, facilities for incineration, landfill or other methods
26 of disposal, either inside or outside the limits of the city,
27 including equipment, either separately or jointly, with any
28 county or municipal corporation in order to provide for the
29 destruction, collection, removal and disposal of ashes, garbage,
30 solid waste or other refuse materials, for the collection and

1 storage of recyclable materials or for the composting of leaf
2 and yard waste. Council may provide for the payment of the cost
3 thereof out of the funds of the city. Council may acquire land
4 for landfill purposes, either amicably or by exercising the
5 power of eminent domain, and maintain lands and places for the
6 dumping of ashes, garbage, solid waste or other refuse
7 materials. If council acquires land outside the limits of the
8 city by exercising the power of eminent domain, the taking shall
9 be subject to the limitations in 26 Pa.C.S. § 206 (relating to
10 extraterritorial takings).

11 (e) Council may establish, alter, charge and collect rates
12 and other charges for the collection, removal and disposal of
13 ashes, garbage, solid waste, other refuse materials and
14 recyclable materials, and the cost of including the payment of
15 any indebtedness incurred for the construction, purchase,
16 improvement, repair, maintenance and operation of any facilities
17 therefore, and the amount due under any contract with any county
18 or municipal corporation furnishing the services or facilities.
19 The rates and other charges shall be collected pursuant to the
20 Municipal Claim and Tax Lien Law, or by an action in assumpsit.

21 (f) Council may make appropriations to any county or
22 municipal corporation for the construction, purchase,
23 improvement, repair, maintenance and operation of any facilities
24 for the collection, removal, disposal or marketing of ashes,
25 garbage, solid waste, other refuse materials, recyclable
26 materials or composted leaf and yard waste.

27 (g) A city shall not be subject to requirements otherwise
28 imposed by law for the sale of personal property owned by the
29 city when selling recyclable materials or materials separated,
30 collected, recovered or created by recycling, as provided in the

1 act of April 9, 1992 (P.L.70, No.21), entitled "An act excluding
2 the sale of recyclable material from political subdivision
3 personal property sale restrictions relating to advertising and
4 bidding."

5 Section 2410. Regulation of Pets and Feral Animals.--Council
6 may, by ordinance, prohibit and regulate the running at large of
7 dogs, cats, other pets and feral animals.

8 Section 2411. Inspection and Regulation of Fireplaces,
9 Chimneys, Et Cetera; Smoke Regulations.--In conformity with
10 Federal and State laws and regulations, council may regulate and
11 inspect fireplaces, chimneys and other sources of smoke and fly-
12 ash to control the production and emission of unnecessary smoke
13 and fly-ash.

14 Section 2412. Fireworks and Inflammable Articles.--In
15 conformity with Federal and State laws and regulations, council
16 may:

17 (1) Regulate and prohibit the manufacture of fireworks or
18 inflammable or dangerous articles.

19 (2) Grant permits for supervised public displays of
20 fireworks and adopt rules and regulations governing the
21 displays.

22 (3) Adopt rules and regulations not inconsistent with State
23 regulations relating to the storage of inflammable articles.

24 (4) Impose other safeguards concerning inflammable articles
25 as may be necessary.

26 Section 2413. Regulation of Division Fences, Party Walls,
27 Foundations.--(a) Subject to the provisions of and regulations
28 adopted pursuant to the "Pennsylvania Construction Code Act" and
29 other applicable law, council may provide regulations for party
30 walls and division fences and for the foundations of buildings,

1 and for entering upon the land or lands, lot or lots, of any
2 person or persons, within the city, at all reasonable hours, by
3 its duly appointed city engineer, or building inspectors, in
4 order to enforce the regulations and set out foundations.
5 Council may also prescribe reasonable fees for the service of
6 city officers in the inspection and regulation of party walls,
7 division fences and foundations, and may enforce the payment of
8 the same. Council may provide fines or penalties for violations
9 of an ordinance enacted pursuant to this section.

10 (b) In setting out foundations and regulating party walls as
11 to breadth and thickness, the city shall cause the foundations
12 to be laid equally upon the lands of the persons between whom
13 the party wall is to be made. The cost of the foundation and
14 party wall shall be divided proportionately among the property
15 owners sharing the same. The property owners shall either share
16 the expense when the foundation is laid and the party wall is
17 erected, or when the subsequent building is erected if all
18 buildings are not erected at the same time.

19 Section 2414. Nuisances.--Council may prohibit and abate
20 public nuisances in accordance with Article XXVII-A.

21 Section 2415. Regulation of Encroachments.--In compliance
22 with applicable State laws and city ordinances, council may
23 provide for the regulation of all encroachments in, under or
24 upon any of the sidewalks or other portion of the streets of the
25 city.

26 Section 2416. Shade Trees.--(a) Council may, by ordinance,
27 regulate the manner and method, if any, for the planting,
28 trimming, removing, maintaining and protection of shade trees
29 in, on and along or extending over the public streets, sidewalks
30 and rights-of-way of the city, and provide for penalties for

1 violations thereof. The cost of such activities may, at
2 council's discretion, be assessed against the owners of the
3 properties abutting the street, sidewalk or right-of-way upon
4 which any tree is located pursuant to Article XLV-A, except that
5 the cost and expense of caring for trees after they have been
6 planted shall be paid by the city.

7 (b) Council may, by ordinance, provide for the creation of a
8 shade tree commission, its composition, powers and duties and
9 delegate council's authority for regulating shade trees to the
10 commission. Alternatively, council may delegate its regulatory
11 powers for shade trees to an existing department. If a shade
12 tree commission is established, its meeting shall be subject to
13 the provisions of 65 Pa.C.S. Ch. 7 (relating to open meetings).

14 Section 2417. Numbering of Buildings.--Council may require
15 and regulate the numbering of buildings and lots.

16 Section 2418. Transportation Stands.--Council may establish
17 stands for taxis, buses, automobiles, and other vehicles for
18 hire, and enforce the observance and use thereof.

19 Section 2419. Police Force.--(a) Council shall have the
20 power to establish and maintain a police force, and define the
21 duties of the same in accordance with Article XX.

22 (b) Subject to the requirements of 53 Pa.C.S. Ch. 23 Subch.
23 A (relating to intergovernmental cooperation), council shall
24 have the power to provide for police services to be performed by
25 municipal police officers by contract or by purchase of the
26 police services or by joining or developing a consolidated
27 regional police service.

28 Section 2420. Police Regulations.--Council may establish and
29 enforce suitable police regulations for the protection of
30 persons and property.

1 Section 2421. Rewards.--Council may offer rewards for the
2 arrest and conviction of persons guilty of capital or other
3 crimes within the city.

4 Section 2422. Prevent Riots.--Council may prevent and
5 restrain riots, noises, disturbances or disorderly assemblies in
6 any street, house or place in the city.

7 Section 2423. Regulate Discharge of Guns and Deadly
8 Weapons.--To the extent permitted by Federal and other State
9 law, council may regulate, prohibit, prevent the discharge of
10 guns and prevent the carrying of concealed deadly weapons.

11 Section 2424. Racing; Dangerous Practices; Et Cetera.--With
12 regard to streets and public places in the city, council may
13 regulate or prohibit racing or fast driving of vehicles, and all
14 games, practices or amusements likely to result in danger or
15 damages to any person or property.

16 Section 2425. Bathing; Recreational Swimming Establishments;
17 Boat Houses and Bath Houses.--To the extent permitted by the act
18 of June 23, 1931 (P.L.899, No.299), known as the "Public Bathing
19 Law," council may regulate the time and place of bathing in
20 rivers and other public water in and adjoining the city, and may
21 construct, maintain and manage municipal boat houses, bath
22 houses and recreational swimming establishments.

23 Section 2426. Musical Entertainment.--Council may
24 appropriate money to defray the expenses of musical
25 entertainments held under the auspices of the city, and for the
26 purpose of having music in any public park or place.

27 Section 2427. Aid to Historical Societies.--Council may make
28 annual appropriations for the support and maintenance of the
29 principal historical society located in the city, which shall be
30 incorporated under the laws of the Commonwealth, shall maintain

1 permanent quarters and shall keep the same open to the public.

2 Section 2428. Establishment of Institutions to Collect
3 Educational Collections.--Council may establish institutions
4 authorized to collect and hold certain scientific, educational
5 and economic collections, the object of each being the
6 instruction of the public concerning commerce, manufacturing,
7 mining and agriculture. The institutions may purchase or accept
8 by gift any real estate, money or personal property necessary
9 for their use and promotion. The institutions may use, convey,
10 or transfer the same as if they were bodies corporate, and these
11 institutions shall be governed by boards of trustees, nominated,
12 appointed and confirmed in the manner council may determine.

13 Section 2429. Ambulances and Rescue and Life Saving
14 Services.--Council may acquire, operate and maintain motor
15 vehicles for the purposes of conveying sick and injured persons
16 to and from hospitals, and it may appropriate moneys toward
17 ambulance and rescue and life saving services and make contracts
18 relating thereto.

19 Section 2430. Insurance.--(a) Council, in its discretion,
20 or as required by law or a collective bargaining agreement, may
21 make contracts of insurance and contracts for annuities or
22 pensions, including, but not limited to, the following:

23 (1) Contracts of insurance with any mutual or other fire
24 insurance company, association or exchange, duly authorized by
25 law to transact insurance business in the Commonwealth of
26 Pennsylvania, on any building or property owned by the city and
27 contracts to insure against burglary or theft of city property,
28 or against fire and other calamities, and against public
29 liability.

30 (2) Contracts of insurance with any insurance company, or

1 nonprofit hospitalization corporation, or nonprofit medical
2 service corporation, authorized to transact insurance business
3 within this Commonwealth, insuring elected or appointed
4 officers, officials and employes of the city, or any class or
5 classes thereof, or their dependents, under a policy or policies
6 of group insurance covering life, health, hospitalization,
7 medical service or accident insurance.

8 (3) Contracts to purchase annuities or pensions for elected
9 or appointed officers, officials and employes, or any class or
10 classes thereof.

11 (b) In the case of contracts for the benefit of elected or
12 appointed officers, officials and employes of the city, or any
13 class or classes thereof, or their dependents, the city may, as
14 determined by council, or as required by law or a collective
15 bargaining agreement, pay part or all of the premiums or charges
16 for the contracts.

17 Section 2431. Parking Lots.--Council may acquire by lease,
18 purchase, or condemnation proceedings, land which in its
19 judgment may be necessary and desirable for the purpose of
20 establishing and maintaining lots for the sole purpose of
21 parking motor vehicles. Council may regulate the use of the land
22 including the posting of signs and may establish or designate
23 areas exclusively reserved for parking by persons with
24 disabilities. Such regulation of parking lots shall be
25 consistent with 75 Pa.C.S. (relating to vehicles) and the act of
26 October 27, 1955 (P.L.744, No.222), known as the "Pennsylvania
27 Human Relations Act."

28 Section 2432. Disorderly Conduct.--Council may, by
29 ordinance, prohibit disorderly conduct within the limits of the
30 city and provide for the imposition of penalties in accordance

1 with this act. If an ordinance is enacted, it shall define
2 disorderly conduct in a manner substantially similar to the
3 provisions of 18 Pa.C.S. § 5503 (relating to disorderly
4 conduct).

5 Section 2433. Official Expenses on City Business.--Council
6 may make appropriations for the reasonable expenses of city
7 officials actually incurred in the conduct of city business.

8 Section 2434. Municipality Authorities; Cooperation with
9 Other Political Subdivisions.--(a) The council may by
10 ordinance, individually or in cooperation with other
11 municipalities or school districts, form municipal authorities
12 as authorized by 53 Pa.C.S. Ch. 56 (relating to municipal
13 authorities).

14 (b) The council may by ordinance make cooperative agreements
15 with regard to the performance of a city's powers, duties and
16 functions in accordance with the provisions of 53 Pa.C.S. Ch. 23
17 Subch. A (relating to intergovernmental cooperation).

18 Section 2435. Local Self-Government.--The council of each
19 city shall have power to enact, make, adopt, alter, modify,
20 repeal and enforce in accordance with this act ordinances,
21 resolutions, rules and regulations, not inconsistent with or
22 restrained by the Constitution of Pennsylvania and laws of this
23 Commonwealth, that are either of the following:

24 (1) Expedient or necessary for the proper management, care
25 and control of the city and its finances, and the maintenance of
26 the peace, good government, safety and welfare of the city and
27 its trade, commerce and manufactures.

28 (2) Necessary to the exercise of the powers and authority of
29 local self-government in all municipal affairs.

30 Section 2436. Historical Property.--Council may acquire by

1 purchase or by gift, and may repair, supervise, operate and
2 maintain landmarks and other historical properties which are
3 either eligible for listing or listed in the National Register
4 of Historic Places, or certified by the Pennsylvania Historical
5 and Museum Commission as having historical significance.

6 Section 2437. Appropriations for Handling, Storage and
7 Distribution of Surplus Foods.--(a) Council may appropriate
8 from city funds moneys for the handling, storage and
9 distribution of surplus foods obtained through a Federal, State
10 or local agency.

11 (b) All appropriations of moneys previously made by the
12 council of any city for the handling, storage and distribution
13 of surplus foods obtained, through a local, Federal, State or
14 local agency, are hereby validated.

15 Section 2438. Junk Dealers and Junk Yards.--Council may
16 regulate and license junk dealers and the establishment and
17 maintenance of junk yards and scrap yards, including, but not
18 limited to, automobile junk or grave yards.

19 Section 2439. Appropriations for Industrial Promotions.--
20 Council may make appropriations to an industrial development
21 organization as defined in section 2301 of the act of June 29,
22 1996 (P.L.434, No.67), known as the "Job Enhancement Act," when
23 the city is located within the area for which the industrial
24 development organization has been authorized to make application
25 to and receive grants from the Department of Community and
26 Economic Development for the purposes specified in Chapter 23 of
27 the "Job Enhancement Act."

28 Section 2440. Non-debt Revenue Bonds.--Consistent with and
29 without limitation of any power conferred or duty imposed by 53
30 Pa.C.S. Pt. VII Subpt. B, (relating to indebtedness and

1 borrowing), council may issue non-debt revenue bonds pursuant to
2 provisions of 53 Pa.C.S. Pt. VII Subpt. B.

3 Section 2441. Appropriations for Urban Common Carrier Mass
4 Transportation.--Council may appropriate funds for urban common
5 carrier mass transportation purposes from current revenues and
6 make annual contributions to county departments of
7 transportation or to urban common carrier mass transportation
8 authorities to assist the departments or the authorities to meet
9 costs of operation, maintenance, capital improvements and debt
10 service, and to enter into long-term agreements providing for
11 the payment of the contributions.

12 Section 2442. Appropriation for Nonprofit Art Corporation.--
13 Council may appropriate moneys annually, not exceeding an amount
14 equal to one mill of the real estate tax to any nonprofit art
15 corporation for the conduct of its artistic and cultural
16 activities. For the purposes of this section, "nonprofit art
17 corporation" shall mean a local arts council, commission or
18 coordinating agency, or any other nonprofit corporation engaged
19 in the production or display of works of art, including the
20 visual, written or performing arts. Artistic and cultural
21 activities shall include the display or production of theater,
22 music, dance, painting, architecture, sculpture, arts and
23 crafts, photography, film, graphic arts and design and creative
24 writing.

25 Section 2443. Ratification and Validation of Real Estate
26 Sales.--All deeds conveying title to real estate or interests
27 therein from any city to any other party which are executed and
28 delivered pursuant to an ordinance or resolution of the city
29 council and which are not contested by an action filed in the
30 court of common pleas of the county in which the city is located

1 within six years of the date such deeds are recorded are hereby
2 declared to be valid and to have fully and effectively conveyed
3 the property and interests described therein in accordance with
4 the terms thereof. No such deed shall thereafter be subject to
5 attack in any court, agency or proceeding.

6 Section 2444. Maintenance and Validation of Certain
7 Records.--Except as otherwise may be required by any law
8 governing the recording of documents with the recorder of deeds,
9 all city records that are required to be recorded or copied
10 shall be deemed valid if recorded or transcribed by any digital,
11 photostatic, photographic, microphotographic, microfilm,
12 microcard, miniature photographic, optical, electronic or other
13 process which accurately reproduces the original and forms a
14 durable medium for recording, storing and reproducing the
15 original in accordance with standards, policies and procedures
16 for the creation, maintenance, transmission or reproduction of
17 images of records approved by the county or local government
18 records committees, as applicable, and as otherwise provided by
19 law. No city shall be required to retain original or paper
20 copies of any documents after the documents are archived by any
21 of the methods stated in this section or as otherwise provided
22 by law. Where recording in a specific book is required, except
23 for minutes or the proceedings of council, such records may be
24 recorded, transcribed or otherwise assembled in an appropriate
25 book, disk or other medium approved by resolution of council,
26 and all records heretofore recorded and assembled in any manner
27 are hereby validated.

28 Section 2445. Rights Within Streets and Rights-of-Way.--(a)
29 The power granted to a city in subsection (b) shall be exercised
30 in compliance with Federal and State law and shall be subject to

1 the power of the Pennsylvania Public Utility Commission, under
2 66 Pa.C.S. Pt. I (relating to public utility code) to regulate
3 the business, facilities and service of public utilities,
4 including determining the location and installation of utility
5 facilities.

6 (b) Council may consent to a public or private corporation
7 or any other person using city streets and other properties,
8 whether such use is within, on or over the streets or public
9 property in question, for transportation purposes or for the
10 purpose of installing and maintaining pipes, wires, fibers,
11 cables or any other utility or service medium. Council may
12 define a reasonable district or reasonable districts within
13 which all electric or telephone wires, cables or any other
14 utility or service medium are to be placed underground. A city
15 shall pay just compensation to any property owner whose land has
16 been acquired by the city for use as a right-of-way for purposes
17 of this section. Just compensation shall be determined pursuant
18 to 26 Pa.C.S. (relating to eminent domain).

19 Section 2446. Emergency Services.--(a) The city shall be
20 responsible for ensuring that fire and emergency medical
21 services are provided within the city by the means and to the
22 extent determined by the city, including the appropriate
23 financial and administrative assistance for these services.

24 (b) The city shall consult with fire and emergency medical
25 services providers to discuss the emergency services needs of
26 the city.

27 (c) The city shall require any emergency services
28 organizations receiving city funds to provide to the city an
29 annual itemized listing of all expenditures of these funds
30 before the city may consider budgeting additional funding to the

1 organization.

2 Section 2447. Charitable Purposes.--(a) Council may, by
3 ordinance, create a city bureau or agency which bureau or agency
4 may receive in trust, and city council may control for the
5 purposes of the trust, all estate, moneys, assets and property,
6 real and personal, which may have been or shall be bestowed upon
7 it by donation, gift, legacy, endowment, bequest, devise,
8 conveyance or other means, for charitable purposes.

9 (b) Council may make appropriations to the agency or bureau
10 for charitable purposes except as limited by the Constitution of
11 Pennsylvania and laws of this Commonwealth.

12 (c) As used in this section, "charitable purposes" shall
13 mean the relief of poverty, the advancement of education, the
14 promotion of health, governmental or municipal purposes, and
15 other purposes the accomplishment of which is beneficial to the
16 community.

17 Section 188. Article XXV heading of the act is reenacted to
18 read:

19 ARTICLE XXV

20 TAXATION

21 Section 189. Article XXV subdivision (a) heading of the act
22 is amended to read:

23 (a) Assessments [and Revisions] of Property for Taxation

24 Section 190. Sections 2501, 2502 and 2503 of the act are
25 repealed:

26 [Section 2501. Election of Assessor; Term; Removal;
27 Qualifications.--The council of each city on the first Monday of
28 January, one thousand nine hundred and fifty-two, and on the
29 first Monday of January in every fourth year thereafter, or as
30 soon thereafter as may be conveniently done, shall elect one

1 person, resident of the city for at least five years previous to
2 his election, a qualified elector thereof, and owner of real
3 estate therein, at the time of his election and during the
4 entire term of service, of the assessed value of at least five
5 hundred dollars, as city assessor, to serve for the term of four
6 years from the first Monday of January in the year in which he
7 is elected. Any assessor may be removed from office by council
8 and the vacancy thus occasioned may be filled in the manner
9 hereinafter provided. Council shall not permit any person
10 elected assessor to enter upon the duties of said office, nor
11 continue in office, when he does not have and possess all of the
12 qualifications aforesaid. For this purpose council shall have
13 power, by a majority vote of all the members elected thereto, to
14 declare the said office of assessor vacant at any time any
15 person has not or ceases to have the qualifications aforesaid
16 for the said office. They may thereupon fill the vacancy thus
17 occasioned, in the manner hereinafter provided for the filling
18 of vacancies.

19 Section 2502. Oath of Assessor; Filling of Vacancies.--The
20 said assessor shall, before entering upon his duties, take and
21 subscribe the oath prescribed for municipal officers, and file
22 the same with the city clerk. Any vacancy happening in said
23 office shall be filled by appointment by council, for the
24 unexpired term.

25 Section 2503. Assistant Assessors; Compensation of Assessors
26 and Assistants.--The council may, during each triennial year and
27 in the intervening years, appoint such assistant assessors, to
28 serve for such length of time as council may authorize, direct,
29 or appoint by ordinance. Such assistant assessors shall be
30 removable at the pleasure of council. The compensation or salary

1 of the city assessor, and of the assistant assessors, if any,
2 shall be fixed by ordinance.]

3 Section 191. Sections 2503.1 and 2504 of the act, amended or
4 added December 13, 1982 (P.L.1192, No.273), are repealed:

5 [Section 2503.1. Definitions.--The following words and
6 phrases when used in this act shall have, unless the context
7 clearly indicates otherwise, the meanings given to them in this
8 section:

9 "Base year," the year upon which real property market values
10 are based for the most recently citywide revision of assessment
11 of real property or other prior year upon which the market value
12 of all real property of the city is based. Real property market
13 values shall be equalized within the city and any changes by the
14 board of revision of taxes and appeals shall be expressed in
15 terms of such base year values.

16 "Board," the board of revision of taxes and appeals in cities
17 of the third class.

18 "Common level ratio," the ratio of assessed value to current
19 market value used generally in the county as last determined by
20 the State Tax Equalization Board pursuant to the act of June 27,
21 1947 (P.L.1046, No.447), referred to as the State Tax
22 Equalization Board Law.

23 "Established predetermined ratio," the ratio of assessed
24 value to market value established by the city council and
25 uniformly applied in determining assessed value in any year.

26 Section 2504. Assessment of Property; Duties of Assessor.--

27 (a) The assessor shall make, or cause to be made, during the
28 year one thousand nine hundred fifty-four, and every third year
29 thereafter, a full, just, equal, and impartial assessment of all
30 property, taxable according to the laws of this Commonwealth for

1 county purposes, and all matters and things within the city
2 subject by law to taxation for city purposes, and a just and
3 perfect list of all property exempt by law from taxation, with a
4 just valuation of the same. But nothing hereinbefore contained
5 shall be construed as making taxable for city purposes the
6 classes of personal property which by law are made taxable
7 exclusively for county purposes at the rate of four mills. With
8 his assessment he shall return such dimension, description, or
9 quality of each lot or parcel of land as will be sufficient to
10 identify the same, together with the number and kind of
11 improvements. At the triennial assessment, the assessor shall,
12 if council so directs by ordinance, classify all real estate in
13 the city, in such manner and upon such testimony as may be
14 adduced before him, so as to distinguish between the buildings
15 on land and the land exclusive of the buildings, and he shall
16 certify to the council the aggregate valuation of all real
17 estate subject to taxation for city purposes within each such
18 classification. At the next triennial assessment following the
19 effective date of this amending act, the assessor shall, if
20 council by ordinance so directs, classify all real estate in
21 such city in such manner and upon such testimony as may be
22 adduced before him so as to distinguish between the buildings on
23 land and the land exclusive of the buildings, and he shall
24 certify to the council the aggregate valuations of all real
25 estate subject to taxation for city purposes within each such
26 classification.

27 (b) In all cases he shall value, or cause to be valued, the
28 property at the actual value thereof. In arriving at actual
29 value the city may utilize the current market value or it may
30 adopt a base year market value. In arriving at such value the

1 price for which any property would separately bona fide sell, or
2 the price at which any property may bona fide actually have been
3 sold, either in the base year or the current taxable year, shall
4 be considered, but shall not be controlling. Instead such
5 selling price, estimated or actual, shall be subject to revision
6 by increase or decrease to accomplish equalization with other
7 similar property within the taxing district. It shall be the
8 further duty of the assessor to return annually a list of all
9 the inhabitants over eighteen years of age.

10 (c) The board shall assess real property at a value based
11 upon an established predetermined ratio which may not exceed one
12 hundred per centum of actual value. Such ratio shall be
13 established and determined by the city council after proper
14 notice has been given.

15 (d) In arriving at the actual value, all three methods,
16 namely, cost (reproduction or replacement, as applicable, less
17 depreciation and all forms of obsolescence) comparable sales and
18 income approaches, must be considered in conjunction with one
19 another.

20 (e) The board shall apply the established predetermined
21 ratio to the actual value of all real property to formulate
22 assessment roll.]

23 Section 192. Section 2504.1 of the act, added July 29, 1970
24 (P.L.640, No.215), is repealed:

25 [Section 2504.1. Temporary Tax Exemption for Residential
26 Construction.--(a) As used in this section, the word
27 "dwellings" means buildings or portions thereof intended for
28 permanent use as homes or residences.

29 (b) New single and multiple dwellings constructed for
30 residential purposes and improvements to existing unoccupied

1 dwellings or improvements to existing structures for purposes of
2 conversion to dwellings, shall not be valued or assessed for
3 purposes of real property taxes until (1) occupied, (2) conveyed
4 to a bona fide purchaser, or (3) one year from the first day of
5 the month in which falls the sixtieth day after which the
6 building permit was issued or, if no building permit or other
7 notification of improvement was required, then from the date
8 construction commenced. The assessment of any multiple dwelling
9 because of occupancy shall be upon such proportion which the
10 value of the occupied portion bears to the value of the entire
11 multiple dwelling.]

12 Section 193. Section 2505 of the act, amended October 4,
13 1978 (P.L.950, No.188), is repealed:

14 [Section 2505. Manner of Assessments.--The assessor may
15 assess real estate in the name or names of the registered owner,
16 actual owner (legal or equitable), reputed owner, owner of the
17 life estate, occupier, vendor, vendees, or any person who has or
18 has had any connection with the legal title thereof, or an
19 interest in the premises, or has charge or control thereof;
20 partnership property, in the name of the partnership or in the
21 name of the partners, or any of them; trust property, in the
22 name of the trustee or trustees, or any of them, or in the name
23 of the cestui que trust; property of a minor, in the name of the
24 minor or his guardian; property of a lunatic, in the name of the
25 lunatic or his guardian or committee; and property formerly
26 belonging to a person, since deceased, may be assessed in the
27 name of the decedent, or in the name of the estate of said
28 decedent, or of his administrator or administrators, executor or
29 executors, or his heirs generally, or in the name of any
30 administrator, executor, or heir; and in assessing the same in

1 the names of the executors, administrators or heirs, it shall
2 not be necessary to designate them by their christian or
3 surnames; and other property not herein provided for may be
4 assessed in the manner the same is assessed for county taxation.
5 This provision shall not prevent the collection, under existing
6 laws, of any tax assessed against property by a sufficient
7 designation or description, where the same has been assessed in
8 the name of any person or persons who are not the owners
9 thereof. Where lands of owners are part within and part without
10 the city limits, they shall be assessed in the same manner and
11 within the same jurisdiction as if the same were being assessed
12 for county purposes.]

13 Section 194. Sections 2506, 2508, 2509, 2510, 2511, 2512,
14 2513, 2514, 2515 and 2516 of the act are repealed:

15 [Section 2506. Duties of Assessors in Other Than Triennial
16 Years.--In the years between triennial assessments, the said
17 assessor shall perform the following duties with reference to
18 the assessment of property and other matters and subjects of
19 taxation, namely: He shall,

20 (a) Assess any property which has been omitted, and correct
21 any errors of law, fact or judgment which may have been made in
22 making the triennial assessment;

23 (b) Add to the assessment any property which has ceased to
24 be exempt and any property acquired since the triennial
25 assessment;

26 (c) Add to the value of any real estate the value of any new
27 building or other new improvements;

28 (d) Deduct from the value of any property any loss caused by
29 destruction, injury, or otherwise, howsoever;

30 (e) Where tracts as assessed at the triennial assessment

1 have been subdivided, equalize and apportion the assessment of
2 the lands thus subdivided upon the basis of the value as fixed
3 at the triennial assessments upon the whole lot or tracts;

4 (f) Where any borough, township, part of a borough or
5 township, or any tract or tracts of land, have been added to the
6 city, since the last triennial assessment, make a full and
7 impartial assessment of the property in the annexed district,
8 and return the same in a like manner as if it were a triennial
9 assessment;

10 (g) When any property has been transferred or disposed of,
11 make the proper changes, deductions or transfers upon the proper
12 assessment books and duplicates;

13 (h) Perform such other duties, as may be prescribed by
14 ordinance, necessary to the making of proper assessments or
15 valuations.

16 Section 2508. Omitted Property to be Assessed; Liability of
17 Owner for Back Taxes.--When the said assessor ascertains that
18 any property is omitted, he shall assess the same for the
19 omitted years, but not back further than and including the last
20 year of the preceding triennial assessment. The person or party
21 owning said omitted property shall be liable for the tax against
22 the property for the omitted year or years, at the tax rate
23 levied during the omitted year or years, and the proper
24 authorities shall make out the proper tax and place the amount
25 thereof in the hands of the city treasurer for collection.

26 Section 2509. Clerks; Power to Administer Oaths;
27 Inventories.--The assessor shall have the right to procure such
28 books, maps, et cetera, as may be necessary to the performance
29 of his duties, and, when authorized by council, may employ
30 clerks for the purpose of transcribing and making duplicate and

1 assessment books. He, and each of them, shall have power to
2 administer oaths, and to require, under oath, of every taxable
3 or person in charge or control of any property, an inventory of
4 his taxable property, with his estimate of the just, full, fair,
5 and impartial value thereof, and which, in his judgment, the
6 same would bring at a fair public sale thereof. Such estimate
7 shall not be conclusive, but shall be subject to revision by
8 increase, decrease or equalization with other property.

9 Section 2510. Information from Real Estate Registry Office;
10 Sufficiency of Descriptions.--Where any city has established a
11 registry of real estate by law, the assessor shall have the
12 right to obtain from the official in charge of said registry
13 such information as to the registered owners of real estate as
14 said department is able to furnish, and under such rules and
15 regulations as shall be established by ordinance of council. It
16 shall be a sufficient description of any real estate in any
17 assessment books or duplicates to designate the same by such
18 city lot number, other number or designation, as is used on the
19 registry.

20 Section 2511. Time of Completion of Assessments.--The
21 assessor shall complete his triennial assessment, and the annual
22 assessments in intervening years, on or before the first day of
23 September in each year, or as soon thereafter as practicable. He
24 may, with the approval of the board of revision and appeals, add
25 to the duplicates in the hands of the city treasurer any subject
26 of taxation omitted therefrom, and rectify any and all errors
27 and mistakes made therein.

28 Section 2512. Liability for Neglect.--Any assessor or
29 assessors who shall wilfully omit, neglect, or refuse to assess
30 any property liable to taxation shall be held responsible to the

1 city for any loss or damage caused thereby.

2 Section 2513. Ordinances to Regulate Assessments, Transfers,
3 Appeals, Et Cetera.--The council of each city may pass such
4 ordinances as it may deem proper and necessary, providing for
5 and regulating the manner of making the assessments, valuations,
6 and transfers, and the taking of appeals to the board of
7 revision and appeal, and regulating proceedings before said
8 board on any and all matters not specifically provided for in
9 this act.

10 Section 2514. Board of Revision of Taxes and Appeals.--The
11 council of each city shall constitute the board of revision of
12 taxes and appeals, and the city clerk shall serve as clerk
13 thereof.

14 Section 2515. New Assessments.--The council, in any years
15 other than a triennial year, if it shall deem a new assessment
16 necessary, may, on or before the first day of May, issue its
17 precept to the city assessor and by ordinance or resolution
18 require him to make out and return a full, just, and equal
19 assessment of property within the city, or such parts thereof as
20 may be deemed advisable.

21 Section 2516. Revision of Assessments.--The said board of
22 revision of taxes and appeals shall take and receive the
23 triennial and yearly assessment as returned by the city
24 assessor, and may revise, equalize, and alter such assessments,
25 in any and every year, by increasing or reducing the valuation
26 either in individual cases or by wards, or parts of wards;
27 rectify all errors, and add to the assessment book, and to the
28 duplicate thereof in the hands of the city treasurer, any
29 property or person subject to taxation omitted therefrom, and
30 any real estate in such city which has been exempt from

1 taxation, and has ceased to be occupied and used for the purpose
2 or purposes which entitled it to such exemption, as taxable for
3 the portion of the year commencing at the time when the right to
4 exemption ceases. Such property shall thereupon become subject
5 to taxation, at the rate fixed for the year, for the
6 proportionate part of the year during which it is not entitled
7 to exemption.]

8 Section 195. Section 2516.1 of the act, amended July 29,
9 1970 (P.L.640, No.215), is repealed:

10 [Section 2516.1. Additions and Revisions to Duplicates.--
11 Whenever in any city there is any construction of a building or
12 buildings not otherwise exempt as a dwelling after the city
13 council has prepared a duplicate of the assessment of city taxes
14 and the building is not included in the tax duplicate of the
15 city, the authority responsible for assessments in the city
16 shall, upon the request of the city council, direct the assessor
17 in the city to inspect and reassess, subject to the right of
18 appeal and adjustment provided by the act of Assembly under
19 which assessments are made, all taxable property in the city to
20 which major improvements have been made after the original
21 duplicates were prepared and to give notice of such
22 reassessments within ten days to the authority responsible for
23 assessments, the city and the property owner. The property shall
24 then be added to the duplicate and shall be taxable for city
25 purposes at the reassessed valuation for that proportionate part
26 of the fiscal year of the city remaining after the property was
27 improved. Any improvement made during the month shall be
28 computed as having been made on the first of the month. A
29 certified copy of the additions or revisions to the duplicate
30 shall be furnished by the city council to the city treasurer,

1 together with their warrant for collection of the same, and
2 within ten days thereafter the city treasurer shall notify the
3 owner of the property of the taxes due the city.]

4 Section 196. Section 2517 of the act is repealed:

5 [Section 2517. Hearing of Appeals.--The board of revision of
6 taxes and appeals may require the attendance of the assessor and
7 assistant assessors, or any of them, or other citizens, before
8 them for examination on oath or affirmation. It shall hear and
9 determine all appeals by taxpayers from the assessments made by
10 the city assessor, at such time and place as it may prescribe,
11 conformably with law as to notice to the taxable and his filing
12 of notice of intention to appeal.]

13 Section 197. Section 2518 of the act, amended December 13,
14 1982 (P.L.1192, No.273), is repealed:

15 [Section 2518. Notice to Taxables of Assessments; Appeals.--

16 (a) The assessor shall give, or cause to be given, printed or
17 written notice to each taxable of the city, whose property is
18 newly assessed, or whose last previous assessment has been
19 changed, of the amount of the present assessment, valuation and
20 ratio and the new assessment, valuation and ratio. The said
21 notice shall not be required to be given to any taxable whose
22 property assessment was not changed as a result of any triennial
23 assessment. The said notice shall also inform the taxable of the
24 requirements of this section as to appealing from any
25 assessment. Such notice may be served personally or by posting
26 on the premises or by mailing the same to the last known address
27 of the taxable.

28 (b) Notice similar to that provided for in subsection (a)
29 shall be given when the city changes the established
30 predetermined ratio.

1 (c) Any person dissatisfied or aggrieved by any assessment,
2 or any change thereof, made by the assessor, may appeal to the
3 said board of revision of taxes and appeals, by filing with the
4 board a statement in writing of intention to appeal, setting
5 forth:

6 (1) The assessment or assessments by which such person feels
7 aggrieved;

8 (2) The address to which the board shall mail notice of when
9 and where to appear for hearing.

10 (d) The statement of intention to appeal shall be filed with
11 the said board not later than thirty days after the notice of
12 assessment has been mailed to the taxable at his last known
13 address, or has been served upon him personally, or has been
14 posted upon the premises. No appeal shall be permitted except
15 upon such a statement of intention as herein required, nor may
16 any taxable appeal as to an assessment not designated in his
17 statement of intention to appeal. The board shall fix the time
18 and place of hearing appeals and shall give at least five days
19 notice to the taxable.

20 (e) Any triennial assessment made prior to the effective
21 date of this amending act, which did not change a property
22 assessment, is hereby validated irrespective of whether or not
23 written or printed notice of such assessment was given to the
24 taxable.]

25 Section 198. Section 2519 of the act is repealed:

26 [Section 2519. Power of Assessor to Administer Oaths.--For
27 the purposes of all hearings, and for all other purposes
28 necessary to the discharge of his duties, the assessor shall
29 have authority to administer oaths and affirmations touching any
30 matter relating thereto.]

1 Section 199. Sections 2520 and 2521 of the act, amended
2 December 13, 1982 (P.L.1192, No.273), are repealed:

3 [Section 2520. Custody of Assessment Books; Completion of
4 Work of Board.--(a) The board of revision of taxes and appeals
5 shall procure and have the custody and control of all books
6 relating to assessment of city taxes, and keep them arranged
7 according to wards and dates, and shall furnish the city
8 assessor the necessary books for making the assessment, which,
9 on the completion of such assessment, shall be returned to such
10 board of revision of taxes and appeals. The board shall complete
11 its labors, and the hearing and determination of all appeals, on
12 or before the first day of December of each year, or as soon
13 thereafter as practicable, after which the assessment shall be
14 copied, by wards, into a tax duplicate or duplicates for the use
15 of the city. The assessment, so corrected and copied, shall be
16 and remain a lawful assessment for the purpose of city taxation
17 until altered as provided in this article. The board shall give
18 notice in writing within five days after its disposition of each
19 appeal, advising the taxable of its decision.

20 (b) In any appeal of an assessment the board shall make the
21 following determinations:

22 (1) The current market value for the tax year in question.

23 (2) The common level ratio.

24 (c) The board, after determining the current market value of
25 the property for the tax year in question, shall then apply the
26 established predetermined ratio to such value unless the common
27 level ratio varies by more than fifteen per centum from the
28 established predetermined ratio, in which case the board shall
29 apply the common level ratio to the current market value of the
30 property for the tax year in question.

1 (d) Nothing herein shall prevent any appellant from
2 appealing any base year valuation without reference to ratio.

3 Section 2521. Appeals from Decisions of Board; Costs.--(a)
4 Any owner of taxable property who may feel aggrieved by the
5 decision of the board of revision of taxes and appeals as to the
6 assessment or valuation of his taxable property may appeal from
7 the decision of the board of revision of taxes and appeals to
8 the court of common pleas of the county within which such
9 property is situated, and, for that purpose, may present to said
10 court, or file in the prothonotary's office, within sixty days
11 after mailing notice to him that the board of revision of taxes
12 and appeals have held the appeals provided for by law and acted
13 on the said assessments and valuations, a petition signed by
14 him, his agent, or attorney, setting forth the facts of the
15 case. The court shall thereupon, after notice to the said board
16 of revision of taxes and appeals, hear the said appeal and the
17 proofs in the case, and make such orders and decrees touching
18 the matter complained of as to the judges of said court may seem
19 just and equitable, having due regard to the valuation and
20 assessment made of other property in such city. The costs of the
21 appeal and hearing shall be apportioned or paid as the court may
22 direct. The said appeals shall not, however, prevent the
23 collection of the taxes complained of, but in case the same
24 shall be reduced, then the excess shall be returned to the
25 person or persons who shall have paid the same.

26 (b) In any appeal of an assessment the court shall make the
27 following determinations:

28 (1) The current market value for the tax year in question.

29 (2) The common level ratio.

30 (c) The court, after determining the current market value of

1 the property for the tax year in question, shall then apply the
2 established predetermined ratio to such value unless the common
3 level ratio varies by more than fifteen per centum from the
4 established predetermined ratio, in which case the court shall
5 apply the common level ratio to the current market value of the
6 property for the tax year in question.

7 (d) Nothing herein shall prevent any appellant from
8 appealing any base year valuation without reference to ratio.]

9 Section 200. The act is amended by adding a section to read:

10 Section 2522. Assessment Powers.--(a) With regard to the
11 valuing and assessing of property for taxation within a city,
12 the following shall apply:

13 (1) If, on the effective date of this section, a city is
14 utilizing the county assessment office for the valuation and
15 assessment of property, the city shall continue to utilize the
16 county assessment office for this purpose.

17 (2) If clause (1) does not apply, council may appoint and
18 employ persons to value and assess property for taxation within
19 a city, following the procedures and methodologies set forth in
20 the assessment law or laws applicable in the county in which the
21 city is located, provided that the act of April 16, 1992
22 (P.L.155, No.28), known as the "Assessors Certification Act,"
23 shall apply to persons hired pursuant to this clause.

24 (3) If clause (2) applies, a city may subsequently elect to
25 utilize the county assessment office to value and assess
26 property.

27 (4) (i) A city, conducting its own assessments as
28 authorized by clause (2), or utilizing the county assessment
29 office pursuant to clause (1) or (3), may, by ordinance, adopt
30 an established predetermined ratio different from that used by

1 the county. The city shall apply the ratio selected to the
2 actual valuation supplied by the county to determine assessed
3 value for tax purposes. The established predetermined ratio
4 selected by the city may not exceed one hundred per centum of
5 actual value.

6 (ii) As used in this clause, "established predetermined
7 ratio" shall mean the ratio of assessed value to market value
8 established by the city council and uniformly applied in
9 determining assessed value in any year.

10 (5) A city that is utilizing the county assessment office in
11 accordance with clause (1) or which elects to utilize the county
12 assessment office in accordance with clause (3) may not
13 thereafter appoint and employ persons to value and assess
14 property in accordance with clause (2).

15 (b) In any case in which a city appoints persons to value
16 and assess property, the following shall apply:

17 (1) If the property being assessed is not wholly within the
18 city limits, it shall be assessed in the same manner and within
19 the same jurisdiction as if the same were being assessed for
20 county purposes.

21 (2) If a city has established a registry of real estate, it
22 may obtain for purposes of assessment, from the official in
23 charge of the registry, available information as to the
24 registered owners of real estate, under rules and regulations as
25 may be established by ordinance. It shall be a sufficient
26 description of any real estate in any assessment books or
27 duplicates to designate the same by such city lot number, other
28 number or designation, as is used on the registry.

29 (3) For purposes of assessment appeals, council shall
30 constitute the board of revision of taxes and appeals and the

1 city clerk shall serve as clerk thereof.

2 (4) Except as authorized in this section, the city shall not
3 exercise powers contrary to or in limitation or enlargement of
4 powers granted by statutes that provide the substantive rules
5 governing the making of assessments and valuations of property
6 which are applicable to the assessment of property for taxation
7 purposes under the county assessment law or laws applicable in
8 the county in which the city is located.

9 (5) A city conducting its own assessments pursuant to
10 subsection (a)(2) shall establish and follow procedures that are
11 consistent with similar procedures provided in the assessment
12 law or laws applicable in the county in which the city is
13 located, including, but not limited to, providing notice of an
14 opportunity to appeal assessments, for taking appeals to and
15 from the board of appeals and for the conduct of proceedings
16 before the board.

17 (c) A temporary tax exemption for residential construction
18 shall be subject to the following:

19 (1) New single and multiple dwellings constructed for
20 residential purposes and improvements to existing unoccupied
21 dwellings or improvements to existing structures for purposes of
22 conversion to dwellings shall not be valued or assessed for
23 purposes of real property taxes until:

24 (i) occupied;

25 (ii) conveyed to a bona fide purchaser; or

26 (iii) one year from the first day of the month in which
27 falls the sixtieth day after which the building permit was
28 issued or, if no building permit or other notification of
29 improvement was required, then from the date construction
30 commenced.

1 (2) The assessment of any multiple dwelling because of
2 occupancy shall be upon such proportion which the value of the
3 occupied portion bears to the value of the entire multiple
4 dwelling.

5 (3) As used in this subsection, the word "dwelling" means a
6 building or portion thereof intended for permanent use as a home
7 or residence.

8 Section 201. The heading of subdivision (b) of Article XXV
9 of the act is reenacted to read:

10 (b) Levy and Collection

11 Section 202. Section 2531 of the act, amended November 19,
12 1959 (P.L.1519, No.534), August 3, 1967 (P.L.199, No.63), June
13 16, 1972 (P.L.443, No.135) and May 22, 1981 (P.L.71, No.20), is
14 amended to read:

15 Section 2531. Tax Levies.--(a) Council may, by ordinance,
16 levy and, in accordance with this act, provide for the
17 collection of [the following taxes:

18 1. A tax for general revenue purposes on all persons and
19 property taxable according to the laws of the Commonwealth for
20 county purposes: the valuation of such property to be assessed
21 as hereinbefore provided.

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

27 3. A residence tax for general revenue purposes, not
28 exceeding five dollars annually, on all inhabitants above the
29 age of eighteen years. Any ordinance of council fixing the rate
30 of taxation for any year at a mill rate shall also include a

1 statement expressing the rate of taxation in dollars and cents
2 on each one hundred dollars of assessed valuation of taxable
3 property.

4 4. The council of any city may, by ordinance, in any year
5 levy separate and different rates of taxation for city purposes
6 on all real estate classified as land, exclusive of the
7 buildings thereon, and on all real estate classified as
8 buildings on land. When real estate tax rates are so levied, (i)
9 the rates shall be determined by the requirements of the city
10 budget as approved by council, (ii) higher rates may be levied
11 on land if the respective rates on lands and buildings are so
12 fixed so as not to constitute a greater levy in the aggregate
13 than a rate of twenty-five mills on both land and buildings, and
14 (iii) they shall be uniform as to all real estate within such
15 classification.

16 5. Where the city council by a majority action shall, upon
17 due cause shown, petition the court of quarter sessions for the
18 right to levy additional millage, the court, after such public
19 notice as it may direct and after hearing, may order a greater
20 rate than twenty-five mills but not exceeding five additional
21 mills to be levied.] taxes on all property within the city that
22 is made taxable for city purposes and subject to valuation and
23 assessment by the county assessment office or the city, as
24 provided in subdivision (a), as follows:

25 (1) A tax for general revenue purposes not exceeding thirty
26 mills.

27 (2) An annual tax sufficient to pay interest and principal
28 on any indebtedness incurred pursuant to 53 Pa.C.S. Pt. VII
29 Subpt. B (relating to indebtedness and borrowing) or any prior
30 or subsequent act governing the incurrence of indebtedness of

1 the city.

2 (3) An annual tax, not to exceed five mills, to light the
3 highways, roads and other public places in the city.

4 (4) An annual tax for the purpose of maintaining and
5 operating recreation places and programs.

6 (5) An annual tax, not to exceed the sum of one-tenth of one
7 mill, for the purpose of defraying the cost and expense of
8 caring for shade trees and the administrative expenses connected
9 therewith, or council may provide for such expenses by
10 appropriation from the General Fund.

11 (b) Council may, by ordinance, levy and, in accordance with
12 this act, provide for the collection of a residence tax for
13 general revenue purposes, not exceeding five dollars annually,
14 on all inhabitants who are eighteen years of age or older.

15 (c) With regard to the taxes authorized in subsection (a),
16 the following shall apply:

17 (1) Special purpose levies authorized in this section shall
18 not be included in calculating the thirty-mill limit imposed by
19 subsection (a).

20 (2) Any ordinance fixing the rate of taxation for any year
21 at a millage rate shall also include a statement expressing the
22 rate of taxation in dollars and cents on each hundred dollars of
23 assessed valuation of taxable property.

24 (3) The council of any city may, by ordinance, in any year
25 levy separate and different rates of taxation for city purposes
26 on all real estate classified as land, exclusive of the
27 buildings thereon, and on all real estate classified as
28 buildings on land. When real estate tax rates are so levied:

29 (i) The rates shall be determined by the requirements of the
30 city budget as approved by council.

1 (ii) The respective rates levied on land and buildings do
2 not have to be equal but must be so fixed so as not to
3 constitute a greater levy in the aggregate than a rate of thirty
4 mills on both land and buildings.

5 (iii) The rates shall be uniform as to all real estate
6 within such classification.

7 (4) Where the city council by a majority action shall, upon
8 due cause shown, petition the court of common pleas for the
9 right to levy additional millage for general revenue purposes,
10 the court, after such public notice as it may direct and after
11 hearing, may order a greater rate than thirty mills but not
12 exceeding five additional mills to be levied.

13 (5) (i) Notwithstanding council's power to authorize the
14 transfer of an unexpended balance of an appropriation item
15 pursuant to section 1804, when any moneys are collected for any
16 special purpose, no city treasurer or council member may apply
17 those moneys to any purpose other than that for which they were
18 collected.

19 (ii) Any city treasurer or council member who violates
20 subclause (i) commits a misdemeanor of the third degree, and, in
21 addition to the fine or penalty which may be imposed upon
22 conviction, shall be required to pay restitution in the amount
23 of moneys improperly spent.

24 Section 203. Section 2531.1 of the act, amended November 26,
25 1982 (P.L.759, No.214), is amended to read:

26 Section 2531.1. Exemptions from Taxation.--The council of
27 any city may, by ordinance or resolution, exempt any person
28 whose total income from all sources is less than [five] twelve
29 thousand dollars [(\$5,000)] (\$12,000) per annum from any per
30 capita or [resident's] residence tax levied under this act. This

1 exemption shall not apply to real property taxes.

2 Section 204. The act is amended by adding a section to read:

3 Section 2531.2. Certification of Schedule.--For the purpose
4 of delinquent tax collection and the filing of liens on property
5 upon which the taxes, assessed and levied, have not been paid
6 and have become delinquent, the treasurer shall certify
7 schedules of unpaid taxes. The certification shall be made to
8 the person designated by each taxing district for which the
9 treasurer collects taxes.

10 Section 205. Sections 2532, 2533 and 2534 of the act are
11 repealed:

12 [Section 2532. City Treasurer to Be Tax Collector.--The city
13 treasurer, by virtue of his office, shall be the collector of
14 the city, county, school, and institution district taxes,
15 assessed or levied in the city by the proper authorities
16 therein.

17 Section 2533. Oath of City Treasurer as Collector of
18 Taxes.--At the time the city treasurer enters upon his duties,
19 he shall take and subscribe his oath of office as collector of
20 city, county, school, and institution district taxes, which oath
21 shall be filed with the city clerk.

22 Section 2534. Office for Receipt of Taxes; Supplies.--The
23 city treasurer, as collector of taxes, shall keep his office in
24 the same place occupied by him as city treasurer, which shall be
25 kept open for the receipt of taxes at all times during business
26 hours. All printing and stationery supplies shall be furnished
27 by the proper authorities, respectively.]

28 Section 206. Section 2535 of the act, amended December 14,
29 1967 (P.L.828, No.355), is repealed:

30 [Section 2535. Date of Delivery of Duplicate; Collection.--

1 The council of each city and the county and county institution
2 district authorities, now empowered or which may be hereafter
3 empowered to levy taxes upon persons and property within the
4 city, shall, within thirty days after the adoption of the budget
5 or within thirty days after receipt of the assessment roll from
6 the county whichever is later, make out and deliver their
7 respective duplicates of taxes assessed to the city treasurer,
8 as the collector of the said taxes, which shall be collected by
9 the city treasurer, by virtue of his office as aforesaid. The
10 proper school authorities shall make out and deliver the school
11 duplicates of their respective taxes in such city at the time
12 and in the manner provided by the school laws of the
13 Commonwealth. All duplicates of taxes placed in the hands of
14 said treasurer shall at all times be open to proper inspection
15 of the taxpayers and of the proper auditing and examining
16 officers of said city, county or school district, as the case
17 may be, and shall be delivered by said treasurer at the
18 expiration of his term to his successor in office.]

19 Section 207. Sections 2536, 2537 and 2538 of the act are
20 repealed:

21 [Section 2536. Deposits.--The city treasurer as collector of
22 taxes shall pay over to himself as city treasurer, in accordance
23 with the provisions of the Local Tax Collection Law, all the
24 city taxes collected by him. He shall at the same time deposit
25 all the city taxes so paid over to him into a bank or financial
26 institution, which shall be a city depository named by the city
27 council. All such deposits shall be made in the name of the city
28 treasurer as such, or in the name of the city, as council may
29 provide.

30 Section 2537. Tax Liens; Schedule of Uncollected Taxes;

1 Liability for False Return.--Upon the settlement of the
2 duplicates of city, county, institution district, and school
3 taxes which by law are made a lien on real estate, the city
4 treasurer, as collector of said taxes, shall make out schedules
5 of said city, county, school, or institution district taxes
6 uncollected upon his duplicates, or those delivered to him by
7 his predecessor, with a brief description of the properties
8 against which the same are assessed, for the purpose of having
9 the same entered for lien or sold, according to law. The failure
10 of the said collector to collect the said taxes from personal
11 property, when the same could have been collected shall not
12 impair the lien thereof or affect any sale made for the
13 collection thereof. In case any such collector shall make any
14 wilfully false return, he shall be liable therefor to any person
15 or persons injured thereby.

16 Section 2538. Certification of Schedule.--The schedule of
17 unpaid city taxes shall be certified by the city treasurer, as
18 collector of taxes, to the city solicitor for filing in court,
19 with the like force and effect as if certified by the city
20 treasurer under existing laws. The schedule of unpaid school and
21 institution district taxes shall be certified to such officer or
22 person as is now, or shall hereafter be, designated to receive
23 the same for filing as a lien in court; and where no such person
24 is designated, the said schedule may be certified to the
25 solicitor of the authority levying the tax, who may cause the
26 said taxes to be registered as a lien in court, under existing
27 laws, and the certifying of the said schedules by the city
28 treasurer, as a collector, shall in all cases have the like
29 effect as if the same had been certified by the city treasurer,
30 as aforesaid.]

1 Section 208. Article XXV subdivision (c) heading of the act
2 is reenacted to read:

3 (c) Sales of Real Estate for Delinquent Taxes

4 Section 209. Section 2541 of the act, amended April 29, 1998
5 (P.L.294, No.47), is repealed:

6 [Section 2541. Public Sale of Property to Satisfy Tax
7 Claims.--(a) In addition to other remedies provided for the
8 collection of delinquent city taxes, the city treasurer may sell
9 at public sale, in the manner hereinafter provided, any property
10 upon which the taxes, assessed and levied, have not been paid
11 and have become delinquent, unless such property has already
12 been purchased and is held for the benefit of all the tax
13 levying authorities concerned.

14 (b) For purposes of this section, taxes shall be considered
15 delinquent thirty days after the final deadline for payment of
16 such taxes for the current tax year.]

17 Section 210. Section 2542 of the act is repealed:

18 [Section 2542. Time of Holding Sales.--Such sales shall be
19 made on the first Monday in June, in the year succeeding the
20 year in which the respective taxes are assessed and levied, or
21 on any day to which such sale may be adjourned, or on any first
22 Monday of June in any succeeding year.]

23 Section 211. The act is amended by adding a section to read:

24 Section 2542.1. Public Sale of Property to Satisfy Tax
25 Claims.--(a) Property upon which city real estate taxes have
26 not been paid and have become delinquent may become subject to
27 public sale in accordance with one of the following:

28 (1) The act of July 7, 1947 (P.L.1368, No.542), known as the
29 "Real Estate Tax Sale Law."

30 (2) The Municipal Claim and Tax Lien Law.

1 (b) The remedies authorized in this section shall be in
2 addition to other remedies provided for the collection of
3 delinquent city taxes, including an action in assumpsit.

4 (c) Unless otherwise provided in the statutes referred to in
5 subsection (a), taxes shall become delinquent thirty days after
6 the final deadline for payment of such taxes for the current tax
7 year.

8 Section 212. Section 2543 of the act is amended to read:

9 Section 2543. Certification of Schedules [of Taxes.--Where
10 the treasurer has not already in his hands the duplicates of
11 said taxes, or certificates or schedules thereof, any receiver
12 or collector of taxes, or other person having such delinquent
13 taxes in his hands, shall certify to the city treasurer
14 schedules of all unpaid taxes, with descriptions of the property
15 assessed.] to Treasurer.--At the request of the treasurer, any
16 person acting on behalf of the city who possesses a schedule of
17 unpaid city taxes shall certify the schedule to the treasurer
18 along with the description of property against which the unpaid
19 taxes were assessed.

20 Section 213. Section 2544 of the act is repealed:

21 [Section 2544. Advertisement of Sales.--The city treasurer
22 shall advertise for sale any of the property upon which it
23 appears the taxes have not been paid, as shown by the duplicates
24 in his hands, or by the returns or schedules certified to him,
25 as aforesaid. Said advertisement shall be made, once a week for
26 three successive weeks prior to the day of sale, in at least two
27 newspapers of general circulation, printed and published in the
28 city, and, in case two newspapers are not published in said
29 city, then publication shall be made in two newspapers printed
30 and published in the county in which the city is situate. The

1 city treasurer shall also cause to be posted or tacked, in a
2 conspicuous place on each parcel or lot of land advertised for
3 sale, at least ten days prior to the day of sale, a notice
4 stating that said property will be sold by said treasurer, for
5 delinquent taxes, on a certain day and time, and at a certain
6 place within the city, for which posting of notice he shall
7 receive and tax as costs twenty-five cents for each notice. No
8 sale shall be valid where the taxes have been paid prior to said
9 advertisement, or where the taxes and costs have been paid after
10 advertisement and before sale.]

11 Section 214. Section 2546 of the act is amended to read:

12 Section 2546. Record of Sales [to be Kept; City May];
13 Purchase [Lands at Sale.--] and Resale.--(a) The treasurer
14 shall keep in [his] the treasurer's office, or in such other
15 place as council may direct, a [book, in which he shall enter]
16 record of all the sales made [by him, giving a description of
17 each property sold, the name of the person as the owner thereof
18 as the same appears upon the duplicate, or has been returned to
19 him, the time of sale and the price at which sold, together with
20 the cost. The] pursuant to section 2542.1.

21 (b) Notwithstanding any other provision of law, the city
22 shall have the right to bid[, at any such sale, the amount of
23 taxes and costs, and, if necessary, purchase such lands] on and
24 purchase properties sold pursuant to section 2542.1.

25 (c) Properties purchased by the city under subsection (b)
26 may be sold in accordance with section 2402.1(b).

27 Section 215. Sections 2547 and 2548 of the act are repealed:

28 [Section 2547. Payment of Purchase Price by Purchaser;
29 Resale for Default.--Any purchaser or purchasers at said
30 treasurer's sale, except the city, as soon as the property is

1 struck down, shall pay the amount of the purchase money, or such
2 part thereof as may be necessary to pay all the taxes and costs,
3 as also one dollar and fifty cents for the use of the
4 prothonotary, for entering the report of the treasurer, filing
5 surplus bond, and acknowledgment of the treasurer's deed, as
6 hereinafter mentioned. In case said amount is not forthwith
7 paid, after the property is struck down, the sale may be avoided
8 and the property put up again by the city treasurer, at said
9 sale or at any subsequent sale.

10 Section 2548. Return of Sale.--The city treasurer shall
11 promptly make a report and return to the court of common pleas,
12 wherein he shall set forth, (a) a brief description of each
13 parcel of real estate sold; (b) the name of the person (where
14 known), in which the same is assessed; (c) the amount of tax,
15 and the year for which the same was assessed; (d) the time when
16 and the names of the newspapers in which the advertisement for
17 sale was made, with a copy of said advertisement; (e) the time
18 of sale; (f) the name of the purchaser; and (g) the price for
19 which each respective property was sold.]

20 Section 216. Section 2549 of the act, repealed in part June
21 3, 1971 (P.L.118, No.6), is repealed:

22 [Section 2549. Confirmation of Sale; Disposition of
23 Objections.--Upon the presentation of said report or return, if
24 it shall appear to said court that such sale has been regularly
25 conducted, under the provisions of this subdivision (c) of this
26 article, the said report and sales so made shall be confirmed
27 nisi; in case no objections or exceptions are filed to any such
28 sale in the office of the prothonotary within ninety days from
29 the date of such confirmation, a decree of absolute confirmation
30 shall be entered, as of course, by the prothonotary. Any

1 objections or exceptions to such a sale may raise the legality
2 of the taxes for nonpayment of which the real estate was sold or
3 the return thereof, or the validity of the sale for the reason
4 that the tax was actually paid, or question the regularity or
5 legality of the proceedings of the treasurer in any respect. In
6 case any objections or exceptions are filed, they shall be
7 disposed of according to the practice of the court, and, when
8 the same are overruled or set aside, a decree of absolute
9 confirmation shall be entered by the court. If such objections
10 or exceptions are sustained and the court deems the defect not
11 amendable, it shall, by its order or decree, invalidate the
12 sale. If no objections or exceptions are filed as herein
13 provided, or if such objections or exceptions are finally
14 overruled and the sale confirmed absolutely, the validity of the
15 assessment of the tax and the validity of the proceedings of the
16 treasurer, with respect to such sale, shall not thereafter be
17 inquired into judicially in equity or by civil proceedings by
18 the person or persons in whose name such property was sold, his,
19 her or their heirs, or his, her or their grantees or assigns,
20 subsequent to the date of the assessment of the taxes for which
21 such sale was made, and such sale, after the period of
22 redemption shall be terminated, shall be deemed to pass a good
23 and valid title to the purchaser as against the person or
24 persons in whose name such property was sold, provided the
25 purchaser has filed the bond for surplus moneys as hereinafter
26 provided.]

27 Section 217. Section 2550 of the act is repealed:

28 [Section 2550. Filing of Surplus Bond.--After any sale of
29 property or lands for delinquent taxes has been confirmed by the
30 court, as aforesaid, the purchaser or purchasers, where the bid

1 exceeds the taxes and costs as aforesaid, shall make and execute
2 to the said treasurer for the use of the persons entitled, a
3 bond for the surplus money that may remain after satisfying and
4 paying all the taxes and costs, as aforesaid, with warrant of
5 attorney to confess judgment annexed thereto. The treasurer
6 shall forthwith file said bond in the office of the prothonotary
7 of the proper county, at the number and term where said report
8 and return is filed. The surplus bond, filed as aforesaid, from
9 the time of the date of the deed for property thus sold, shall
10 bind as effectually, and in like manner as judgments, the land
11 by said treasurer sold, into whose hands or possession they may
12 come. The owners of said lands at the time of sale, their heirs
13 or assigns or other legal representatives, may, at any time
14 within five years after such sale, cause judgment to be entered
15 in said court upon said bond, in the name of said treasurer, for
16 the use of said owners, their heirs, assigns or legal
17 representatives, as the case may be. In case the moneys
18 mentioned in said bonds, with legal interest thereon from the
19 time it is demanded, be not paid within three months after such
20 entry, execution may forthwith issue for the recovery thereof.]

21 Section 218. Section 2551 of the act, amended August 17,
22 1951 (P.L.1262, No.299), is repealed:

23 [Section 2551. Acknowledgment and Delivery of Deeds.--When
24 the purchaser has paid the amount of his bid, or such portion
25 thereof as he is required to pay under this subdivision, and has
26 given the surplus bond as above required, the city treasurer
27 shall make the said purchasers, his or their heirs or assigns, a
28 deed in fee simple for the lands sold, as aforesaid, and the
29 said deed or deeds duly acknowledge in the court of common
30 pleas. Such acknowledgment shall be duly entered and recorded by

1 the prothonotary of said court in the treasurer's deed book. For
2 such service and the entry of the report of the city treasurer,
3 and filing surplus bond, the prothonotary shall receive the sum
4 of one dollar and fifty cents for each property sold.]

5 Section 2194. Section 2552 of the act is repealed:

6 [Section 2552. Acknowledgment of Receipt of Redemption
7 Money.--Where the owner or other person interested in the land
8 thus sold shall redeem the same, and pay the satisfaction fee,
9 the city treasurer shall acknowledge the receipt of the
10 redemption moneys upon the margin of the acknowledgment of the
11 treasurer's deed, as the same is entered and recorded in the
12 prothonotary's office. Thereafter said deed shall be void and of
13 no effect. Thereupon such owner or persons interested shall be
14 entitled to have the treasurer's deed delivered up to him, her
15 or them by the purchaser for cancellation. The city treasurer
16 shall pay to said purchaser all the moneys he had paid at the
17 time of sale, together with the twenty-five per centum penalty
18 thereon; and shall enter upon the book of sales kept by him, as
19 hereinbefore provided, an acknowledgment or receipt showing that
20 the owner or party interested redeemed the same, giving date of
21 redemption and amount of money received.]

22 Section 220. Article XXV subdivision (d) heading and section
23 2560 of the act are repealed:

24 [(d) City Sales of Real Estate Purchased from Tax Claim Bureau

25 Section 2560. Real Estate Purchased from Tax Claim Bureau.--

26 Any city may, by ordinance, sell in the manner hereinafter
27 provided, any real estate owned by the city which has been
28 acquired by the city by purchase from a tax claim bureau at
29 public sales held by said bureau pursuant to the provisions of
30 the Real Estate Tax Sale Law, its amendments and supplements,

1 upon which real estate the city held at the time of such sale a
2 lien or liens for municipal improvements.]

3 Section 221. Section 2561 of the act, amended April 6, 1998
4 (P.L.236, No.44), is repealed:

5 [Section 2561. Sale Procedure.--(a) After an ordinance has
6 been passed authorizing and directing the sale of real estate as
7 provided for in section two thousand five hundred sixty, the
8 city treasurer shall advertise such proposed sale once a week
9 for three successive weeks in at least one newspaper of general
10 circulation in the city. The advertisement shall give a brief
11 description of the property to be sold sufficient to identify it
12 as to location and character, and the terms and conditions of
13 sale shall ask for sealed bids for the purchase thereof, direct
14 all bids to be sent to the city clerk on or before a certain
15 date, and give any other information relating to such bids as
16 may be necessary; shall announce that the bids shall be opened
17 and read at a public meeting of council to be held at a time
18 fixed, and that council shall have the right to reject any and
19 all bids. In lieu of the above contents of the advertisement,
20 the advertisement may give a brief description of the property
21 to be sold, sufficient to identify it as to location and
22 character, and provide for a public sale of the property to the
23 highest responsible bidder, at such time and place as shall be
24 designated by council, with the right reserved to council to
25 reject any and all bids.

26 (b) A city that elects to sell property to a nonprofit
27 corporation for community development or reuse may waive the
28 advertising and bidding requirements of subsection (a) only upon
29 entering into a written agreement with the nonprofit corporation
30 that requires the property to be used for industrial, commercial

1 or affordable housing purposes. This exemption shall not apply
2 to property on which existing governmental functions are
3 conducted.]

4 Section 222. Section 2562 of the act is repealed:

5 [Section 2562. Delivery of Deed.--If council accepts the
6 highest responsible bid for such property, the city treasurer
7 shall, within twenty days after such acceptance and upon the
8 receipt of the purchase money, deliver to the successful bidder,
9 his heirs or assigns, a deed in fee-simple for the property sold
10 as aforesaid, which shall be acknowledged by the mayor and
11 attested by the city clerk.]

12 Section 223. The act is amended by adding a section to read:

13 Section 2562.1. Conduct of Tax Sales.--The procedures and
14 requirements relating to the sale of property for delinquent
15 taxes, including, but not limited to, the advertisement for and
16 the time and conduct of the sale, the payment of the purchase
17 price and the distribution of proceeds, making the return and
18 confirmation of sale and the delivery of deed shall be governed
19 by the act of July 7, 1947 (P.L.1368, No.542), known as the
20 "Real Estate Tax Sale Law," or the Municipal Claim and Tax Lien
21 Law as utilized by the city in accordance with section 2542.1,
22 and by any applicable rules of court governing procedures for
23 tax sales.

24 Section 224. Article XXVI heading of the act is reenacted to
25 read:

26 ARTICLE XXVI

27 LICENSES AND LICENSE FEES

28 Section 225. Article XXVI subdivision (a) heading of the act
29 is repealed:

30 [(a) General Powers to License]

1 Section 226. Section 2601 of the act, amended October 4,
2 1978 (P.L.950, No.188), is amended to read:

3 Section 2601. [License Taxes for Revenue Purposes.--Council
4 may, by ordinance, levy and collect a license tax for general
5 revenue purposes, not exceeding one hundred dollars each,
6 annually, on all photographers, auctioneers, contractors,
7 druggists, hawkers, peddlers, produce or merchandise vendors,
8 bankers, brokers, other than real estate brokers, undertakers,
9 pawnbrokers, trading stamp or premium companies or dealers,
10 warehouses or storage houses or places, parking lot operators,
11 merchants of all kinds, persons selling or leasing goods upon
12 installments, grocers, confectioners, butchers, wholesale meat
13 dealers, restaurants, billiard parlors, bowling alleys, billiard
14 tables, pool tables, and other gaming tables and devices; all
15 motor buses and motor omnibuses, trackless trolley omnibuses and
16 street railway cars transporting passengers for pay or hire
17 within the limits of the city, or from such city only to points
18 within a radius of ten miles of the city's boundaries; all
19 skating rinks, operas, theatres, shows, circuses, menageries,
20 and all kinds of public exhibitions for pay, except those for
21 religious, educational or charitable purposes; all lumber
22 dealers, persons who work on commission and all persons who make
23 a business of buying lumber for sale at wholesale or retail; all
24 furniture dealers, saddle or harness dealers, stationers,
25 jewelers, livery or automobile or boarding-stable keepers; all
26 market-house companies and owners of market-houses, garage
27 companies, and owners of other than private garages, express
28 companies or agencies; and all persons operating vehicles upon
29 the streets of the city as carriers for hire or compensation,
30 which persons regularly pick up or deliver or otherwise

1 transport wholly within or to or from the city property at an
2 annual rate not in excess of ten dollars per vehicle so used,
3 but not to exceed one hundred dollars per annum from any person
4 so operating: Provided, however, That in lieu thereof, the city
5 may levy an annual license tax not in excess of one hundred
6 dollars upon any such person having a place of business located
7 within the city; and, where no other license tax is imposed, on
8 telegraph, telephone, steam-heating, gas, natural gas, water,
9 electric light or power companies, or agencies or individuals
10 furnishing communication, light, heat or power, by any of the
11 means enumerated, and to regulate the collection of the same. If
12 any person, firm or corporation conducts a business at more than
13 one location in a city, the business conducted at each location
14 shall be considered and assessed as a separate and independent
15 business, and shall be subject to a license tax: Provided, That
16 the word "business," as used in this sentence, shall not be
17 construed to mean or include any place of business at which the
18 principal business conducted is that of selling, storing or
19 distributing products manufactured by the firm, person or
20 corporation operating the business. The taxes assessed under
21 this section shall be in addition to all other taxes levied and
22 collected by the city, county, or Commonwealth.] Licensing and
23 Regulatory Powers.--In addition to all other powers granted by
24 this act and other laws, each city shall have the specific
25 licensing and regulatory authority provided by this article.

26 Section 227. The act is amended by adding a section to read:

27 Section 2601.1. Registration of Businesses or Occupations.--

28 (a) Council may, by ordinance, designate the types or kinds of
29 businesses or occupations located or carried out within the city
30 that are subject to annual registration with the city.

1 (b) Unless otherwise provided in this article, an ordinance
2 requiring registration in accordance with this section may
3 provide for an annual fee on businesses and occupations in an
4 amount reasonably related to the administration of the
5 registration program, not to exceed one hundred dollars.

6 Section 228. Sections 2602 and 2603 of the act are amended
7 to read:

8 Section 2602. Regulation of Motor Vehicles.--[Each city may
9 regulate the transportation by motor vehicles not operated on
10 tracks of passengers or property, for pay, within the limits of
11 the city, or from points in the city to points beyond the limits
12 of the city. In such regulation, the city may impose reasonable
13 license fees, make regulations for the operation of vehicles,
14 and may designate certain streets upon which such vehicles may
15 only be operated.] (a) Subject to subsection (b), a city may
16 regulate transportation by motor vehicle.

17 (b) A city shall have no authority to, and shall not,
18 regulate transportation by motor vehicle in a manner that is
19 preempted by or is inconsistent with applicable Federal and
20 State laws and regulations, policies or orders of Federal and
21 State regulatory agencies.

22 (c) The following words and phrases when used in this
23 section shall have the meanings given to them in this subsection
24 unless the context clearly indicates otherwise:

25 "Regulate." Licensing and making regulations for
26 transportation by motor vehicle, including the designation of
27 streets for transportation by motor vehicle.

28 "Transportation by motor vehicle." The transportation, for
29 pay, of passengers and property, within the limits of the city
30 or from points in the city to points beyond the limits of the

1 city, by a motor vehicle which is not operated on tracks.

2 Section 2603. Licensing of Plumbers.--Council may license
3 and provide for the collection of a license fee from all
4 persons, [copartnerships] partnerships, associations, or
5 corporations engaged or engaging in the business or work of
6 plumbing or house drainage, who shall have been certified as
7 being qualified to engage in such business, in such manner as
8 may be provided by ordinance or the laws of the Commonwealth.

9 Section 229. The act is amended by adding sections to read:

10 Section 2604. Power to Regulate and License Transient
11 Merchants.--(a) With regard to transient merchants, a city
12 shall have power, by ordinance, to regulate and license the
13 transient merchant, including, but not limited to, requiring
14 that a license be procured prior to commencement of transient
15 merchant activity.

16 (b) An ordinance adopted pursuant to subsection (a) may
17 impose a penalty not exceeding five hundred dollars for a
18 violation of its provisions and may provide for other means of
19 enforcement.

20 (c) The amount of a transient merchant license shall not
21 exceed two hundred fifty dollars for each month, or fractional
22 part thereof, during which any sale or solicitation is
23 continued.

24 (d) (1) The term "transient merchant" as used in this
25 section shall include all of the following:

26 (i) Transient wholesale and transient retail businesses for
27 the sale of goods, wares or merchandise within the city.

28 (ii) Transient charitable solicitors for the solicitation of
29 charitable contributions within the city.

30 (2) The term shall not include any of the following:

1 (i) Farmers selling their own produce.

2 (ii) Persons selling donated goods, wares and merchandise if
3 the proceeds of the sale are to be applied to any charitable or
4 philanthropic purpose.

5 (iii) A person selling bakery products, meat and meat
6 products or milk and milk products, if that person is the
7 manufacturer or producer of the products sold.

8 Section 2605. Regulation of Special Events.--(a) In
9 addition to other licensing and regulatory powers authorized in
10 this article, council shall have the authority, by ordinance, to
11 require a permit for and to reasonably regulate the conduct of a
12 special event, which may include, but is not limited to, a music
13 festival, concert, dance, circus, carnival, arts and craft show,
14 parade, public assembly, demonstration, performance, exhibition,
15 community event or block party.

16 (b) Regulation of a special event pursuant to this section
17 shall be for the purpose of protecting and preserving city and
18 public property or for the purpose of promoting or protecting
19 the public health, safety or welfare.

20 (c) Pursuant to this section a city may reasonably regulate
21 and require a permit for any of the following:

22 (1) A special event that will result in the obstruction of a
23 city street or sidewalk or that would compromise the ability of
24 the city to respond to a public safety emergency.

25 (2) A special event on any property wholly or partially
26 owned or maintained by the city.

27 (3) A special event on private property, if, in
28 connection with the event, the city will be providing city
29 services, including those relating to public safety, fire and
30 sanitary facilities, to a degree over and above that which the

1 city routinely provides.

2 Section 230. Article XXVI subdivision (b) heading, sections
3 2610, 2611 and 2612, subdivision (c) heading, sections 2620,
4 2621 and 2622, subdivision (d) heading, sections 2630, 2631,
5 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639 and 2640 and
6 subdivision (e) heading of the act are repealed:

7 [(b) Restrictions

8 Section 2610. Farmers.--No city shall levy or collect any
9 license fee from any farmer upon his sales of his own produce in
10 or about the streets of the city, but this provision shall not
11 be deemed to restrict in any other way a city's power to
12 regulate the conduct of such business.

13 Section 2611. Insurance Business.--No city shall levy or
14 collect any license fee upon insurance companies or their
15 agents, or insurance brokers, authorized to transact business
16 under the laws of the Commonwealth.

17 Section 2612. Persons Taking Orders by Samples.--No city
18 shall levy or collect any license fee or mercantile tax upon
19 persons taking orders for merchandise by sample, from dealers or
20 merchants for individuals or companies who pay a license or
21 mercantile tax at their chief places of business. Nothing in
22 this section shall authorize any person to sell by retail to
23 others than dealers or merchants.

24 (c) Transient Retail Merchants

25 Section 2620. Power to Regulate and License.--Every city
26 shall have power, by ordinance, to regulate and license each and
27 every transient wholesale and retail business within such city
28 for the sale of goods, wares, or merchandise, and to prohibit
29 the commencement or doing of any such business until or unless
30 the license required by such ordinance has been procured from

1 the proper authorities by the person, firm or corporation
2 desiring to commence such transient wholesale and retail
3 business, and to enforce such ordinances by penalties not
4 exceeding three hundred dollars and by other appropriate means.
5 The amount of such license shall not exceed two hundred dollars
6 for each month, or fractional part thereof, during which any
7 such sale is continued.

8 Section 2621. Exceptions.--Nothing contained in this
9 subdivision (c) shall be construed to apply (1) to farmers
10 selling their own produce, (2) to the sale of goods, wares, and
11 merchandise, donated by the owners thereof, the proceeds whereof
12 are to be applied to any charitable or philanthropic purpose, or
13 (3) to any manufacturer or producer in the sale of bread and
14 bakery products, meat and meat products, or milk and milk
15 products.

16 Section 2622. Commonwealth License Saved.--Nothing contained
17 in this subdivision (c) shall be construed to relieve any
18 person, partnership, or corporation from the duty of taking out
19 a license, or from the payment of any license tax imposed or
20 authorized by any other statute of this Commonwealth.

21 (d) Public Dances and Dance Halls

22 Section 2630. Definitions.--The term "public dance" or
23 "public ball," as used in this subdivision (d), shall be taken
24 to include any dance or ball conducted in connection with
25 instruction in dancing for hire, and any dance or ball to which
26 admission may be had by the payment of a fee or by the purchase,
27 possession, or presentation of a ticket or token, or in
28 connection with which a charge is made for caring for clothing
29 or other property, and any dance or ball to which the public
30 generally may gain admission with or without the payment of a

1 fee.

2 The term "dance hall" or "ball room," as used in this
3 subdivision, shall be taken to include any room, place, or space
4 in which a public dance or public ball, as herein defined, shall
5 be held, and any room, hall, or academy in which classes in
6 dancing are held and instruction in dancing is given for hire.

7 Section 2631. Permits for Dances; Fees.--No person, persons,
8 society, club, or corporation shall hold a public dance or
9 public ball, within the limits of any city, without having first
10 obtained a permit therefor from the mayor thereof, except for
11 dances held and conducted by regularly established instructors
12 in dancing in connection with such instruction.

13 The fee for such permit, which shall be paid at the time of
14 the issuing thereof, shall be one dollar for each public dance
15 or ball.

16 Section 2632. Dance Halls, Ball Rooms, and Academies to be
17 Licensed; Fees.--It shall be unlawful to hold or conduct any
18 public dance or public ball, or to hold or conduct classes in
19 dancing, or to give instructions in dancing for hire, in any
20 hall, ball room, or academy, within the limits of any city,
21 unless the dance hall or ball room or academy, in which the same
22 may be held, shall have been duly licensed for such purpose.

23 Application for such license shall be made by the proprietor
24 of such dance hall or ball room or academy to the mayor, who is
25 hereby authorized to issue the same.

26 The fee payable for each such license granted hereunder shall
27 be as follows:

28 In the case of dance halls maintained and conducted in
29 connection with regularly established instruction in dancing,
30 and exclusively used in such connection, the annual license fee

1 shall be ten dollars.

2 In the case of all other dance halls and ball rooms, the
3 annual license fee shall be fifteen dollars.

4 Each license granted hereunder shall expire on the first day
5 of June of each year.

6 The fee payable for each license granted hereunder shall be
7 for the whole or any portion of a calendar year, and all moneys
8 received by way of license fees hereunder shall be paid into the
9 general fund of the city.

10 Every licensed public dance hall or ball room or academy
11 shall post its license in a conspicuous place within the hall
12 where the dance is held.

13 Section 2633. Mayor to Investigate Applications.--It shall
14 be the duty of the mayor to cause an investigation of all
15 applications for public dance hall or ball room licenses to
16 determine whether or not the dance hall, ball room, or academy,
17 sought to be licensed, complies with the rules, regulations,
18 ordinances, and laws applicable thereto, and, in making such
19 investigation he shall, when desired, have the assistance of any
20 department of the government of the city.

21 Section 2634. Safe and Proper Places only to be Licensed.--
22 No license for a public dance hall or ball room or academy shall
23 be issued until it shall be ascertained that the place for which
24 it is issued complies with and conforms to all laws, ordinances,
25 health and fire regulations, applicable thereto, and is a safe
26 and proper place for the purpose for which it shall be used,
27 properly ventilated, and supplied with sufficient toilet
28 conveniences.

29 Section 2635. Revocation of Licenses.--The license of any
30 public dance hall or ball room or academy may be forfeited or

1 revoked by the mayor for disorderly or immoral conduct on the
2 premises, or upon proof that the dance hall, ball room, or
3 academy was frequented by disorderly or immoral persons, or for
4 the violation of any of the rules, regulations, ordinances, and
5 laws governing or applying to public dance halls, ball rooms, or
6 academies, or public dances. If at any time the license of a
7 public dance hall, ball room, or academy shall be forfeited or
8 revoked, at least three months shall elapse before another
9 license or permit shall be granted for dancing on the same
10 premises.

11 Section 2636. Licensed Places to be Kept Clean.--All public
12 dance halls or ball rooms or academies shall be kept at all
13 times in a clean, healthful, and sanitary condition, and all
14 stairways and other passages and all rooms connected with public
15 dance hall, ball room, or academy shall be kept open and well
16 lighted.

17 Section 2637. Inspection of Licensed Places; Power of Police
18 to Vacate.--All public dance halls, ball rooms, and academies
19 shall be subject to inspection by the police department of the
20 city at all reasonable times and whenever they are open for
21 dancing, instruction in dancing, or for any other purpose.

22 Any police officer shall have the power to cause the place,
23 hall, or room where any public dance or ball is given to be
24 vacated whenever any provision of any law or ordinance with
25 regard to public dances and public balls is being violated, or
26 whenever any indecent act shall be committed, or when any
27 disorder of a gross, violent or vulgar character shall take
28 place therein.

29 Section 2638. Persons Under Sixteen to be Excluded after
30 Nine O'clock Post Meridian.--It shall be unlawful, after nine

1 o'clock post meridian, to permit any person to attend or take
2 part in any public dance who has not reached the age of sixteen
3 years.

4 Section 2639. Halls to be Closed at One O'clock Ante
5 Meridian.--All public dances shall be discontinued, and all
6 public dance halls shall be closed, on or before the hour of one
7 o'clock ante meridian: Provided, however, That upon the
8 application of a bona fide organization or society, and upon an
9 investigation by the proper authority, the mayor may grant such
10 organization or society a permit to continue a dance until two
11 o'clock ante meridian.

12 Section 2640. Penalties.--Any person, persons, society,
13 club, or corporation who shall violate any of the provisions of
14 this subdivision (d), shall be subject to a penalty of twenty-
15 five dollars, to be recovered with costs in a summary
16 proceeding.

17 (e) Parking Lots for Profit]

18 Section 231. Section 2650 of the act, amended October 5,
19 1979 (P.L.195, No.64), is amended to read:

20 Section 2650. Regulation[; Revenue; Bonding] of Parking Lot
21 and Parking Garage Operators.--(a) For the purposes of
22 protecting the public [and of raising revenue], each city may
23 enact suitable ordinances regulating the business of operating
24 [for profit] for-profit parking lots and for-profit parking
25 garages within the city [and may require such lots to reserve
26 areas exclusively for parking by handicapped individuals.
27 License or permit fees may be charged and collected from the
28 operators of such parking lots]. Ordinances shall be consistent
29 with 75 Pa.C.S. (relating to vehicles). Each city may require
30 for-profit parking lots and for-profit parking garages to

1 reserve areas exclusively for parking by handicapped
2 individuals. Nothing in this section shall be construed to limit
3 the protections and prohibitions contained in section 202 of the
4 Americans with Disabilities Act of 1990 (Public Law 101-336, 104
5 Stat. 327), the act of October 27, 1955 (P.L.744, No.222), known
6 as the "Pennsylvania Human Relations Act," and the Federal and
7 State rules and regulations adopted in implementation of those
8 acts. License and permit requirements may be imposed on for-
9 profit parking lots and for-profit parking garages and license
10 or permit fees may be charged and collected from the operators
11 thereof.

12 (b) Any city adopting [such] a regulatory plan [shall
13 require from each operator a bond to be approved by council for
14 the protection of the public from loss of or damage to the
15 vehicles parked, stored or placed under the jurisdiction of such
16 parking lot operator.] applicable to for-profit parking lots and
17 for-profit parking garages shall have the authority to require
18 that each operator maintain insurance, from an insurer legally
19 authorized to conduct business in this Commonwealth, in amounts
20 not less than that which is prescribed by council for the
21 protection of the public from loss of or damage to the vehicles
22 parked, stored or placed under the jurisdiction of the operator
23 and against liability arising out of the ownership or use of the
24 parking lot or parking garage.

25 Section 232. The act is amended by adding sections to read:

26 Section 2651. Farmers.--No city shall levy or collect any
27 license fee from any farmer upon sales of the farmer's own
28 produce in or about the streets of the city. This section shall
29 not restrict in any other way a city's power to regulate the
30 conduct of a farmer's business.

1 Section 2652. Insurance Business.--No city shall levy or
2 collect any license fee upon insurance companies or their
3 agents, or insurance brokers, authorized to transact business
4 under the laws of this Commonwealth.

5 Section 2653. Persons Taking Orders By Samples.--No city
6 shall levy or collect any license fee or mercantile tax upon
7 persons taking orders for merchandise by sample, from dealers or
8 merchants for individuals or companies who pay a license or
9 mercantile tax at their chief places of business. Nothing in
10 this section shall authorize a person to sell by retail to
11 persons other than dealers or merchants without payment of a
12 license or permit fee.

13 Section 2654. Commonwealth License Saved.--Nothing contained
14 in this article shall be construed to relieve any person,
15 partnership or corporation from the duty of taking out a license
16 or from the payment of any license tax or fee imposed or
17 authorized by any other statute, nor shall any Commonwealth
18 license tax or fee preempt the registration, license or
19 regulatory powers of a city in accordance with this article,
20 unless the preemption is expressly authorized.

21 Section 233. Article XXVII heading of the act is amended to
22 read:

23 ARTICLE XXVII

24 [INDEBTEDNESS] REAL ESTATE REGISTRY

25 Section 234. Sections 2701 and 2703 of the act are repealed:

26 [Section 2701. No Unauthorized Debt to be Created.--No city
27 and no municipal department thereof shall create any debt,
28 except in pursuance of previous authority of law or ordinance.

29 Section 2703. Liability in Bond Transfers.--All certificates
30 of loans, issued by a city, shall be transferable by the legal

1 owners thereof without any liability on the part of the transfer
2 agents of the city to recognize or see to the execution of any
3 trust, whether expressed or implied, or constructive, to which
4 such loans may be subject, unless such transfer agents of the
5 city shall have previously received notice, in writing, signed
6 by or on behalf of the person for whom such loans appear by the
7 certificate thereof to be held in trust, that the proposed
8 transfer would be a violation of such trust.]

9 Section 235. The act is amended by adding a section to read:

10 Section 2704. Real Estate Registry.--(a) For the purpose of
11 procuring accurate information in reference to the ownership of
12 all real estate, the council of each city may provide, by
13 ordinance, for a real estate registry in accordance with the act
14 of October 9, 2008 (P.L.1400, No.110), known as the "Uniform
15 Municipal Deed Registration Act." If required by the ordinance,
16 every owner, subsequent purchaser, devisee or person acquiring
17 title by partition or otherwise to any real estate in the city
18 shall furnish, at the designated city office, descriptions of
19 their respective properties upon blanks to be furnished by the
20 city and, at the same time, present their conveyance to be
21 stamped by the designated city official or employe, without
22 charge, as evidence of its registration. A person who fails to
23 register real estate as required by this article shall be liable
24 for a penalty established by ordinance to be recovered, with
25 costs of suit, in the name and for the use of the city, as
26 penalties for the violation of city ordinances are recoverable.

27 (b) A registry established in accordance with this article
28 shall be in the form provided by council and may include books,
29 maps and plans. The registry shall show the location and
30 dimensions of each property in the city, as well as the street

1 number of and the name of the owner or owners of the properties,
2 and shall allow for the inclusion of the names of future owners
3 and dates of future transfer of title.

4 (c) A city official or employe charged with acquiring
5 information necessary to establish and maintain the registry
6 shall have free access, without charge, to any of the public
7 records wherein the information may be obtained. The official or
8 employe may also cause search to be made in any other place for
9 any documentary or other evidence of title, not reported to the
10 city official or employe pursuant to this article, if it is
11 necessary for the completion of the registry.

12 (d) The registry shall be preserved in the manner council
13 shall designate, in accordance with 53 Pa.C.S. Ch. 13 Subch. F
14 (relating to records).

15 (e) The official or employe charged with the duty of
16 maintaining the registry shall provide certified copies of any
17 of the entries thereto, and the copies shall be received in
18 evidence in the same manner as the original registry would be
19 admissible. Certified copies also shall be furnished to any
20 person for a reasonable fee.

21 (f) The sheriff of the county in which the city is situated
22 shall present for registry the deeds of all properties within
23 the city limits sold by the sheriff at judicial sales, whether
24 by execution, in partition or otherwise.

25 (g) Each city's registry may be used as the lawful and
26 proper source of property owners' or reputed owners' names for
27 all lawful purposes including the filing of municipal claims.

28 (h) Nothing in this section shall invalidate any municipal
29 or tax claim by reason of the fact that the same is not assessed
30 or levied against the registered owner.

1 Section 236. The act is amended by adding an article to
2 read:

3 ARTICLE XXVII-A

4 NUISANCE ABATEMENT

5 Section 2701-A. Definitions.

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

9 "Abatement." The removal, stoppage or destruction by any
10 reasonable means of that which causes or constitutes a public
11 nuisance.

12 "Department." The department designated by the city council
13 to determine the existence of and to abate a public nuisance in
14 accordance with this article.

15 "Owner." With regard to the property on which the alleged
16 public nuisance exists, the owner of record based upon the
17 city's real estate registry, if the city maintains a registry,
18 or if the city does not maintain a real estate registry, on the
19 tax assessment records of the city, if any, or of the county in
20 which the city is located. The term may include any person in
21 whom is vested all or any part of the legal or equitable title
22 to the property or who has charge, care or control of the
23 property as agent, executor, administrator, assignee, receiver,
24 trustee, guardian, lessee or mortgagee in possession.

25 "Property." Any personal property or any real property and
26 any improvements thereto.

27 "Public nuisance."

28 (1) Any conduct or any property, or condition or use of
29 property, defined or declared to be a public nuisance under
30 any provision of this act or other law.

1 (2) Conduct or property, or the condition or use of
2 property if the department determines that it endangers the
3 health or safety of, or causes any hurt, harm, inconvenience,
4 discomfort, damage or injury to, any person or property in
5 the city, by reason of the conduct or property, or the
6 condition or use of the property, being any of the following:

7 (i) A menace, threat or hazard to the general health
8 and safety of the community.

9 (ii) A fire hazard.

10 (iii) A building or structure that is unsafe for
11 occupancy or use.

12 (iv) Property that is so inadequately or
13 insufficiently maintained that it diminishes or
14 depreciates the enjoyment and use of other property in
15 its immediate vicinity to such an extent that it is
16 harmful to the community in which the property is
17 situated.

18 (3) Unauthorized accumulations of garbage and rubbish
19 and the unauthorized storage of abandoned or junked
20 automobiles or other vehicles on private or public property,
21 and the carrying on of any offensive manufacture or business.

22 "Summary abatement." Abatement of a public nuisance by the
23 city without prior notice to the owner of the property in
24 accordance with this article.

25 Section 2702-A. Report and investigation of public nuisance.

26 (a) Designation of department.--Council shall designate the
27 department to which reports of the existence of a possible
28 public nuisance shall be made.

29 (b) Criteria for investigating reports.--The designated
30 department shall establish criteria for investigating reports

1 made to it to determine the existence of a public nuisance. The
2 reports may be submitted by any member of the public, any city
3 employee or elected or appointed city official or result from
4 inspections made by the department.

5 (c) Notification.--If the department, either as a result of
6 a report made to it or an investigation made by it, reasonably
7 believes the reported property involves a building which appears
8 to be structurally unsafe, it shall notify the city's building
9 inspector or other appropriate official who shall cause the
10 property to be inspected, subject to constitutional standards in
11 a similar manner as provided in section 2308, and submit a
12 written report to the department.

13 (d) Determination.--Upon completing its investigation and
14 receiving any written reports required by subsection (c), the
15 department shall determine all of the following:

16 (1) If a public nuisance exists.

17 (2) If the public nuisance is of such a severe and
18 substantial nature that it presents a clear, immediate and
19 substantial danger to public health or safety or to the
20 health or safety of any occupant of a property on which a
21 public nuisance exists or of any property in the vicinity of
22 the public nuisance, that it is sufficient to justify
23 extraordinary and immediate action without prior notice to
24 the owner of the property to avoid personal injury, death or
25 substantial loss of property.

26 (e) Retention of records.--Following an investigation, the
27 department shall retain a copy of its findings including any
28 reports made to it and any photographs of the property or
29 condition investigated, pursuant to 53 Pa.C.S. Ch. 13 Subch. F
30 (relating to records).

1 Section 2703-A. Summary abatement.

2 (a) General rule.--A city shall have the power to utilize
3 summary abatement in accordance with this section.

4 (b) Conditions.--In the case of a reported public nuisance,
5 the department shall have authority to utilize summary abatement
6 if all of the following occur:

7 (1) The department determines the existence of the
8 criteria in section 2702-A(d)(1) and (2).

9 (2) The mayor, or the mayor's designee, provides express
10 authorization to utilize summary abatement.

11 (c) Notice not required.--If summary abatement is
12 implemented pursuant to subsection (b), the department shall
13 have the authority to enter upon the property for the purpose of
14 abatement without prior notice to the owner of the property or
15 to the holders of liens thereon.

16 (d) Procedure.--The following shall apply:

17 (1) Within ten days following a summary abatement, the
18 department shall post on the property upon which the
19 abatement has occurred a notice describing the action taken
20 to abate the nuisance.

21 (2) Within 20 days following a summary abatement, the
22 department shall determine the identity of the owner of the
23 property by reference to the city's real estate registry, if
24 the city maintains a registry, or in the absence of a
25 registry, by reference to county assessment records and the
26 identity of the holders of all liens upon the property which
27 are properly indexed among the records of the county and
28 provide to the owner and to all lienholders written notice,
29 by first class mail or hand delivery, of the action taken to
30 abate the nuisance.

1 (3) Within 30 days following a summary abatement, the
2 department shall file with the city treasurer or other
3 financial officer of the city designated by council a
4 statement of costs of the abatement, which shall include the
5 administrative fee and civil penalty provided by this
6 article. After filing with the city treasurer, notice of the
7 statement of costs shall be provided to the owner and
8 lienholders in accordance with section 2704-A(b).

9 Section 2704-A. Prior notice of abatement.

10 (a) Abatement authority.--The department shall have the
11 authority to abate a public nuisance with prior notice as
12 provided by this section if, after inspecting the property or
13 condition reported to be a public nuisance, subject to
14 constitutional standards in a similar manner as provided in
15 section 2308, the department determines, as provided for in
16 section 2702-A(d) (1), that the public nuisance exists.

17 (b) Method of notice.--

18 (1) If the department proceeds with abatement pursuant
19 to this section, it shall identify the owner of the property
20 by reference to the city's real estate registry, if the city
21 maintains a registry, or in the absence of a registry, by
22 reference to county assessment records, and shall immediately
23 serve a written notice on the owner by any of the following
24 methods:

25 (i) Personal service.

26 (ii) Leaving a copy of the notice at the usual place
27 of residence or business of the owner or the address of
28 the owner shown in the city's real estate registry or in
29 the records in the office of the recorder of deeds.

30 (iii) Mailing a copy by United States certified

1 mail, return receipt requested, to the owner at the
2 owner's current address shown in the city's real estate
3 registry or in the records in the office of the recorder
4 of deeds.

5 (2) If service of the written notice is unable to be
6 perfected by any of the methods under paragraph (1), the
7 department shall publish a copy of the notice in a newspaper
8 of general circulation once a week for two consecutive weeks
9 and shall provide a copy of the notice to the individual in
10 possession of the property on which the department has
11 determined that the public nuisance exists, or if there is no
12 individual in possession of the property, the department
13 shall post a copy of the notice at the structure, location or
14 premises.

15 (3) The department shall determine from the records in
16 the offices of the recorder of deeds the identities of all
17 lienholders of the property and serve a written notice on all
18 lienholders by United States certified mail, return receipt
19 requested.

20 (c) Contents of notice.--The notice to the owner and
21 lienholders shall state clearly and concisely the findings and
22 determination of the department with respect to the existence of
23 a public nuisance. The notice shall further state that the
24 public nuisance shall be abated by the city at the expense of
25 the owner unless it is otherwise abated within 30 days of the
26 notice or within any extension of that period granted by the
27 department.

28 (d) Liability.--A person who is the owner of the premises,
29 location or structure at the time a notice to abate a public
30 nuisance is issued and served upon the person shall be

1 responsible for complying with the notice and shall be liable
2 for any costs incurred by the city in connection with the
3 notice, notwithstanding if the person conveyed the person's
4 interest in the property to another after the notice was issued
5 and served.

6 (e) Defense.--It shall not be a defense to the determination
7 that a public nuisance exists that the property is boarded up or
8 otherwise enclosed.

9 Section 2705-A. Abatement by owner.

10 (a) Duty of owner.--Within 30 days after written notice has
11 been provided pursuant to section 2704-A(b)(1) or (2), the owner
12 shall remove and abate the nuisance.

13 (b) Extension.--The department, upon written application by
14 the owner within the 30-day period referred to in subsection
15 (a), may grant additional time for the owner to effect the
16 abatement of the public nuisance, if the extension is limited to
17 a specific time period.

18 Section 2706-A. Appeal after notice; hearing.

19 (a) Hearing.--A city shall, by ordinance, provide a
20 procedure pursuant to which an owner of the property who has
21 been served with a notice pursuant to section 2704-A(b)(1) or
22 (2) may request and have a timely hearing on the question of
23 whether a public nuisance in fact exists.

24 (b) Appeal board.--Council, or a committee of three council
25 members appointed by council, shall constitute the public
26 nuisance appeals board which, if an appeal is taken, shall
27 conduct the hearing on the question of whether a public nuisance
28 in fact exists. The appeals board may uphold, amend or modify
29 the determination of the department or extend the time for
30 compliance with the department's order if the extension is

1 limited to a specific time period.

2 (c) Time limitations.--An appeal under this section shall
3 toll the running of the period of time within which the nuisance
4 is to be abated until a decision is rendered by the appeals
5 board.

6 Section 2707-A. Abatement by city after notice; statement of
7 costs.

8 If a public nuisance has not been abated at the expiration of
9 30 days after notice has been provided or within the additional
10 time as the department or appeals board may grant, taking into
11 consideration the provisions of section 2706-A(c), the
12 department shall have the authority to enter upon the property
13 for the purpose of abatement. Upon abatement in accordance with
14 this section, the department shall file with the city treasurer
15 or other financial officer of the city designated by council a
16 statement of costs of the abatement which shall include the
17 administrative fee and civil penalty provided by this article.

18 Section 2708-A. Assistance in abatement.

19 In abating a public nuisance, the department may call upon
20 any of the city departments or divisions for whatever assistance
21 shall be deemed necessary or may abate the public nuisance by
22 private contract.

23 Section 2709-A. Salvage of material.

24 If deemed practicable by the department, the department may
25 salvage and sell at private or public sale any material derived
26 from an abatement of a public nuisance. Pursuant to ordinance,
27 all of the following shall apply to the proceeds obtained from
28 the sale of any material salvaged as a result of an abatement:

29 (1) The proceeds shall be deposited as directed by
30 ordinance.

1 (2) The proceeds may be applied against the amount of
2 the costs, fees and penalties relating to the abatement.

3 (3) If the amount of the proceeds exceeds the amount of
4 the costs, fees and penalties, any excess shall be paid to
5 the owner.

6 Section 2710-A. Notice of assessment; appeal of charges.

7 (a) Notice of assessment.--Upon receipt of the statement of
8 costs from the department, either for a summary abatement
9 pursuant to section 2703-A or for an abatement with notice
10 pursuant to section 2704-A, the treasurer or other financial
11 officer of the city designated by council shall, in accordance
12 with section 2704-A(b), give notice of the amount set forth in
13 the statement of costs to the owner and lienholders of the
14 property upon which the public nuisance has been abated. The
15 notice shall state that the city proposes to assess against the
16 property the amount set forth in the notice and that objections
17 to the proposed assessment must be made in writing and received
18 by the designated officer within 20 days from the date of
19 mailing the notice.

20 (b) Lien.--Upon the expiration of the 20-day period, if no
21 written objections have been received by the officer, the total
22 amount of costs, fees and penalties specified in the statement
23 of costs may be entered as a lien against the property on which
24 the nuisance was abated and shall be collected in the manner
25 provided for the collection of municipal claims and liens,
26 subject to rights of appeal provided in this section.

27 (c) Administrative review.--If objections of the owner or a
28 lienholder are received by the designated officer prior to the
29 expiration of the 20-day period, the officer shall refer the
30 matter to the department for administrative review.

1 (d) Procedure.--The city shall, by ordinance, provide a
2 procedure by which the department shall make a determination
3 regarding any timely filed objection and by which an appeal of
4 the department's determination may be made to the appeals board
5 referred to in section 2706-A(b).

6 (e) Final administrative decision.--The determination of the
7 appeals board shall be a final administrative decision within
8 the city.

9 (f) Reduction or cancellation of assessment.--The
10 department, in administrative review, or the appeals board, on
11 appeal, may reduce or cancel a proposed assessment if it is
12 determined that any of the following did not conform to the
13 provisions of this article:

14 (1) The notice to remove the nuisance.

15 (2) The work performed in abating the nuisance.

16 (3) The computation of charges.

17 (g) Elimination of civil penalty.--The department, in
18 administrative review, or the appeals board, on appeal, may
19 reduce a proposed assessment by eliminating the civil penalty
20 portion of the statement of costs if any of the following
21 applies:

22 (1) The current owner did not own the property at the
23 time the notice required in section 2703-A was posted.

24 (2) The owner did not receive the notice to remove the
25 nuisance, did not have knowledge of the nuisance and could
26 not, with the exercise of reasonable diligence, have had
27 knowledge of the nuisance.

28 Section 2711-A. Personal liability of owner.

29 Notwithstanding the right of the city to utilize in rem
30 proceedings to pursue collection of the costs, fees and

1 penalties in the statement of costs as a municipal claim, the
2 person who is the owner of the property at the time of a summary
3 abatement at which the notice required is given or, in the case
4 of an abatement pursuant to section 2704-A, the person who was
5 the owner of the property at the time notice of the existence of
6 the public nuisance was given, shall be personally liable for
7 the amount of the assessment, including all interest, other
8 charges and, except as provided in section 2710-A(g), civil
9 penalties.

10 Section 2712-A. Administrative fee and civil penalties.

11 Whenever a public nuisance is abated by the city, the
12 statement of the costs of the public nuisance shall include the
13 city's actual cost of abatement, plus an administrative fee, not
14 to exceed 10%, and a civil penalty. For the first abatement of a
15 nuisance upon any owner's property within the city in any two-
16 year period, the civil penalty shall be \$250. For second and
17 subsequent abatements, upon any properties of any owner within
18 the city during any two-year period, the civil penalty shall be
19 \$500. The increased civil penalty shall be imposed and collected
20 regardless of whether the second and subsequent nuisances upon
21 property or properties of an owner involve the same property or
22 are of the same or different characters.

23 Section 237. Article XXVIII heading of the act is amended to
24 read:

25 ARTICLE XXVIII

26 [PROCEDURE FOR THE EXERCISE OF EMINENT DOMAIN AND THE
27 ASSESSMENT OF DAMAGES AND BENEFITS BY VIEWERS]

28 EMINENT DOMAIN

29 Section 238. Sections 2801 and 2802 of the act are amended
30 to read:

1 Section 2801. Exercise of Eminent Domain.--[In the] (a) In
2 addition to all other purposes for which a city may exercise the
3 power of eminent domain as authorized by this act or by other
4 laws of the Commonwealth, and subject to the duty to provide
5 just compensation, a city may acquire property by eminent
6 domain, including entering upon, appropriating, taking, using
7 and occupying private lands and property for any of the
8 following public purposes:

9 (1) The laying out, opening, widening, extending, vacating,
10 grading, or changing the grades or lines[,] of streets[, the].

11 (2) The construction of bridges, and the piers, abutments
12 and approaches therefor[, the].

13 (3) The construction of slopes, embankments and storm water
14 sewers, including storm water drains[, the].

15 (4) The erection and extension of [water-works] waterworks,
16 wharves and docks, public buildings, public works, filtration
17 plants, sewage systems, sewage treatment works, [garbage] waste
18 disposal plants, [lands and places for the disposal of ashes and
19 other refuse materials] including disposal of garbage, ashes and
20 other refuse materials and transfer facilities, gas plants,
21 electric power and light plants, [houses of detention,
22 workhouses, poor farms, poor houses,] fire [engine] houses,
23 hospitals, public auditoriums, memorial buildings, public
24 transportation facilities, comfort stations, homeless shelters,
25 waiting stations, communications facilities, drinking fountains,
26 [and] libraries[, the] and other public buildings and public
27 works.

28 (5) The establishing of recreation places[, and].

29 (6) The changing of watercourses[, the].

30 (7) The acquisition of lands, easements and property for use

1 of the Pennsylvania National Guard[, and for all other purposes
2 authorized by this act and the laws of the Commonwealth, a city
3 may enter upon, appropriate, take, use, occupy, injure, or
4 destroy, private lands, property, toll bridges, or material. All
5 such action by the city shall be provided for by ordinance. A
6 copy of each such ordinance shall be recorded within thirty days
7 after its enactment in the office of the recorder of deeds in
8 and for the county or counties wherein such property is situate,
9 and shall be indexed in the name of the property owner affected
10 thereby. A copy of the ordinance shall be sent by registered
11 mail to each such property owner at his last known address.] in
12 accordance with sections 4413-A and 4414-A.

13 (b) Eminent domain proceedings shall be subject to and
14 conform with the provisions of 26 Pa.C.S. (relating to eminent
15 domain).

16 Section 2802. Restrictions as to Certain Property.--In
17 addition to the restrictions made by other provisions of this
18 act in particular cases or by any other provision of law, no
19 city shall exercise the right of eminent domain as against land
20 now occupied by any building which was used during the Colonial
21 or Revolutionary period as a place of Assembly by the Council of
22 the Colony of Pennsylvania, the Supreme Executive Council of the
23 Commonwealth of Pennsylvania, or the Congress of the United
24 States; or as against the land occupied by any fort, redoubt, or
25 blockhouse[,] erected during the Colonial or Revolutionary
26 period[,] or any building used as headquarters by the Commander-
27 in-Chief of the Continental Army, or as against the site of any
28 building, fort, redoubt, blockhouse, or headquarters[,] which
29 are preserved for their historic associations and not for
30 private profit. The Colonial and Revolutionary period shall be

1 [taken as] deemed to have ended on the third day of September,
2 one thousand seven hundred and eighty-three.

3 Section 239. The act is amended by adding a section to read:

4 Section 2803. Title Acquired.--Except as otherwise provided
5 in law, if land or other real or personal property is acquired
6 by a city in eminent domain proceedings or is acquired by gift,
7 purchase or otherwise, the title obtained by the city shall be
8 in fee simple absolute or like absolute ownership unless the
9 parties agree otherwise in writing and the agreement expressly
10 appears in a recorded deed affecting any real property acquired
11 by the city or in the notice of condemnation.

12 Section 240. Sections 2809 and 2823 of the act are repealed:

13 [Section 2809. Value of Land or Property not to be Assessed
14 as Benefits; Exception.--In all cases of the appropriation of
15 land or property for public use, other than for streets, it
16 shall not be lawful to assess any portion of the damage done to
17 or value of the land or property so appropriated, against the
18 other property adjoining or in the vicinity of the land or
19 property so appropriated.

20 Section 2823. Assessment of Damages and Benefits.--The
21 damages may be paid, in whole or in part, by the city, or may be
22 assessed, in whole or in part, upon the land or property
23 benefited. In the latter case, the viewers having first
24 determined the damages apart from the benefits shall assess the
25 total cost of the improvement, or so much thereof as may be just
26 and reasonable, upon the lands or properties peculiarly
27 benefited, including in the assessment all parties for which
28 damages have been allowed, and shall report the same to the
29 court. The total assessments for benefits shall not exceed the
30 total damages awarded or agreed upon.]

1 Section 241. Section 2824 of the act is reenacted to read:
2 Section 2824. Assessment Awards.--In proceedings to assess
3 damages and benefits, if the land or property is both benefited
4 and damaged by such improvements, the excess of damages over
5 benefits, or the excess of benefits over damages, or nothing in
6 case the benefits and damages are equal, shall be awarded to or
7 assessed against the owner of land and property affected
8 thereby.

9 Section 242. Section 2850 of the act is repealed:

10 [Section 2850. Title Acquired.--In all cases where land or
11 property is acquired by the city in eminent domain proceedings
12 other than for street purposes, or is acquired by gift, purchase
13 or otherwise, the title obtained by the city shall be in fee
14 simple or like absolute ownership: Provided, That in particular
15 instances a different title may by agreement or consent be
16 acquired.]

17 Section 243. Article XXIX heading of the act is reenacted to
18 read:

19 ARTICLE XXIX

20 STREETS

21 Section 244. The heading of subdivision (a) of Article XXIX
22 of the act is repealed:

23 [(a) Plans and Location]

24 Section 245. The act is amended by adding sections to read:

25 Section 2901. Map of Streets.--Council may authorize and
26 approve a comprehensive map of city streets which may, but need
27 not, be a part of an official map adopted in accordance with the
28 Municipalities Planning Code. If a comprehensive map of city
29 streets is adopted, any street subsequently laid out in
30 accordance with this act shall be deemed an amendment to the

1 comprehensive map.

2 Section 2902. Laying Out Streets.--(a) A city shall have
3 the power to and may lay out streets by any of the following
4 means:

5 (1) By identifying the street on a comprehensive map of city
6 streets, in an amendment to the comprehensive map or in a
7 recorded subdivision or land development plan.

8 (2) By an ordinance laying out any area for future opening
9 as a public street.

10 (b) If, at the time of the enactment of an ordinance in
11 accordance with subsection (a)(2), the lines of the laid-out
12 street include property not subject to use as a public
13 passageway, the ordinance shall be filed with the recorder of
14 deeds of the county where the city is located. The recorder of
15 deeds shall index the ordinance by name of city, the name of the
16 property owner and, if applicable, the parcel number of the
17 property through which the proposed street is laid out.

18 Section 2903. Effect of Laying Out of Street.--With regard
19 to land not previously used by the city as a passageway for
20 public travel, the laying out and locating of a street in
21 accordance with this article shall not, in and of itself, do any
22 of the following:

23 (1) Authorize the entry upon or the appropriation of any
24 property.

25 (2) Constitute the opening of any street or the taking or
26 acceptance of any land.

27 (3) Obligate the city to improve or maintain the street or
28 land.

29 Section 2904. Improvements Within Laid-out Streets.--No
30 permit shall be issued for any building within the lines of any

1 street laid out pursuant to this article. No person shall
2 recover any damages for the taking for public use of any
3 building or improvements constructed within the lines of any
4 street after the same shall have been included in the general
5 plan or official map, and any building or improvement shall be
6 removed at the expense of the owner.

7 Section 246. Article XXIX subdivision (b) heading of the act
8 is repealed:

9 [(b) Opening, Widening, Extending, Straightening and Vacating]

10 Section 247. Section 2915 of the act is amended to read:

11 Section 2915. Power to Open, Etc.--[Cities] (a) With regard
12 to any street or any part of a street within city limits, a city
13 may, with or without any petition of property owners, [may] do
14 any of the following:

15 (1) [open] Open, widen, straighten, alter, extend and
16 improve[, and may].

17 (2) [establish] Establish or reestablish the grades [of,
18 and].

19 (3) [keep] Keep in order and repair and in safe passable
20 condition[, any street, or any part thereof, within the city
21 limits, or may].

22 (4) [vacate] Vacate and discontinue [the same] whenever
23 deemed expedient for the public good[.,].

24 (5) With the approval of the Department of Transportation,
25 vacate highways laid out by the Commonwealth within the city
26 limits which have remained unopened for thirty years.

27 (b) [and] A city may provide for the payment of the cost
28 [thereof,] for any of the actions authorized in subsection (a),
29 either in whole or in part, from the general revenues of the
30 city. [Cities may vacate highways laid out by the Commonwealth

1 within their limits, which highways have remained unopened for
2 thirty years.]

3 Section 248. Section 2916 of the act, amended June 14, 1961
4 (P.L.362, No.197), is amended to read:

5 Section 2916. Ordinances [when no] When No Petition is
6 Presented.--[Any ordinance for] (a) An ordinance shall be
7 enacted for the opening, widening, straightening, extending or
8 vacating of any street, without petition of property owners,
9 [shall be adopted] by the affirmative vote of [at least four
10 members of any five member council, and under the mayor-council
11 plan A of government adopted pursuant to the Optional Third
12 Class City Charter Law, by the affirmative vote of at least five
13 members of a seven member council and by the affirmative vote of
14 at least seven members of a nine member council] a majority of
15 the whole number of members of the council plus one.

16 (b) [No such ordinance shall be finally adopted] An
17 ordinance pursuant to subsection (a) shall not be finally
18 enacted until the expiration of twenty-eight days from the date
19 of its introduction and, in the meantime, copies thereof shall
20 be published in [one or more of the newspapers of the city,] a
21 newspaper of general circulation in the city once a week for
22 three consecutive weeks, immediately following the introduction
23 thereof, and in case no newspaper is published in the city, then
24 in the same manner in one newspaper published in the county as
25 required by section 109.

26 Section 249. Sections 2917, 2918 and 2919 of the act are
27 amended to read:

28 Section 2917. Erection of Improvements Restricted.--Any
29 ordinance widening or straightening any street, or part thereof,
30 shall fix the new line or lines and may require that thereafter

1 no owner or builder shall erect any new building or rebuild or
2 alter the front of any building already erected without making
3 it conform to the new lines[. In], in which case the land
4 owner's right of action shall accrue only when the city actually
5 enters on and occupies the land within the [said lines, or the
6 said] lines or the building is located or relocated to conform
7 to [said] the lines.

8 Section 2918. Petition for Opening, Etc.--(a) A petition
9 may be presented to council for the opening, widening,
10 straightening, altering, extending, vacating, or [for the]
11 establishing or reestablishing of the grade of any street[,].

12 (b) A petition made pursuant to this section shall be signed
13 by a majority, in number and interest, of the owners of property
14 abutting on the line of the proposed improvement or vacation as
15 fixed at the time of presentation of the petition, and shall be
16 verified by the affidavit of one or more of the petitioners. The
17 majority in interest of owners of undivided interests in any
18 piece of property shall be deemed as one person for the purposes
19 of the petition.

20 Section 2919. Notice of [Ordinance and] Petition[;
21 Appeal].--[Upon the approval of] After the presentation of the
22 petition presented in accordance with section 2918, and
23 council's determination of the adequacy of the petition, but
24 before final enactment of any ordinance [passed] enacted
25 pursuant to [said] the petition, notice shall be [given, once a
26 week in one] published in a newspaper of general circulation
27 once a week for three consecutive weeks as required by section
28 109, [as required by section one hundred and nine of this act,]
29 and [by] handbills shall be posted in conspicuous places along
30 the line of the proposed improvement. The notice and handbills

1 shall state the fact [of the passage of the ordinance, and the
2 date thereof,] that the petition for the improvement was signed
3 by a majority in interest and number of the owners of property
4 abutting the line of the proposed improvement, and that any
5 person interested may [appeal to the court of common pleas of
6 the county within thirty days after the passage of the said
7 ordinance.] provide comments at a public hearing to be held at a
8 date, time and place as stated in the published notice and
9 handbills. If, after the hearing, council determines to proceed
10 with the consideration of an ordinance pursuant to the petition,
11 it shall publish notice of the ordinance and incorporate
12 reference to any maps or drawing, in accordance with subdivision
13 (a.1) of Article X.

14 Section 250. Section 2920 of the act is repealed:

15 [Section 2920. Appeal from Ordinance.--Any person interested
16 may, within thirty days from the passage of the ordinance,
17 appeal from the validity of the ordinance to the court of common
18 pleas questioning the legality of the petition for improvement
19 or of the said ordinance or of both. If said court shall find
20 the petition or ordinance materially defective under the law, it
21 shall declare the ordinance void, otherwise it shall approve the
22 same.]

23 Section 251. Section 2921 of the act, repealed in part June
24 3, 1971 (P.L.118, No.6), is repealed:

25 [Section 2921. Effect of Failure to Appeal.--The parties
26 interested shall not question the legality of the petition and
27 ordinance in any manner or matter or at any time whatever,
28 except as provided in section two thousand nine hundred and
29 twenty of this act.]

30 Section 252. Section 2922 of the act is amended to read:

1 Section 2922. Assessment of Damages and Benefits.--[In any
2 proceedings under this subdivision of this article,] If
3 necessary, in any proceedings to exercise one of the powers
4 given in section 2915, viewers shall be appointed, damages
5 awarded, and benefits assessed as provided in 26 Pa.C.S.
6 (relating to eminent domain) or as provided in this act for
7 [such proceedings] the assessment of benefits.

8 Section 253. Article XXIX subdivision (c) heading of the act
9 is repealed:

10 [(c) Grading, Paving, Macadamizing, Et Cetera]

11 Section 254. Sections 2930 and 2931 of the act are amended
12 to read:

13 Section 2930. Power to Grade, Pave, Macadamize, Et Cetera.--

14 (a) Every city may grade, pave, macadamize or otherwise[,]
15 improve any street, or part thereof, and the sidewalks thereof
16 when included as a part of the improvement, have the same set
17 with curbstone, and provide for the drainage thereof.

18 (b) Every city may also provide for the improvement of any
19 [highway, or] street, or any sections or parts thereof, in
20 length, in the space between the curb, gutter, or [actual
21 carriage-way line] cartway and the property line, either by an
22 original work or improvement thereon, or by a change, repair,
23 renewal, or alteration in the [said] street or curb, or in
24 parking spaces, or shade trees, or by changing, altering,
25 renewing, replanting, pruning, or otherwise [improving the same,
26 in any or all of said particulars] making improvements therein.

27 Section 2931. Payment of Cost of Improvement.--The costs and
28 expenses of [things] the improvements done under [section two
29 thousand nine hundred and thirty of this act] section 2930 shall
30 be paid, in whole or in part, by the city, or by the owners of

1 real estate bounding and abutting thereon, which cost and
2 expense upon the abutting real estate shall be assessed
3 [according to the foot-front rule, or according to the benefits,
4 as council shall, by ordinance, determine, except that in case
5 of grading only, the said costs and expense shall be assessed
6 according to benefits] in accordance with Article XLV-A.

7 Section 255. Sections 2932, 2933 and 2934 of the act are
8 repealed:

9 [Section 2932. Assessment of Cost by Foot-Front Rule.--When
10 the costs and expenses, or any part thereof, are to be paid for
11 by the foot-front rule, the council shall assess or cause to be
12 assessed the said cost and expenses upon the real estate
13 bounding or abutting on the line of the improvement, by an equal
14 assessment on said property in proportion to the number of feet
15 the same fronts on the respective street, or part thereof, to be
16 improved. The council may provide for an equitable reduction
17 from the frontage of lots at all street, railroad, or like
18 intersections, or where, from the peculiar or pointed shape of
19 the lots, an assessment for the full frontage would be
20 inequitable.

21 Section 2933. Assessment of Costs According to Benefits.--
22 When the cost and expenses, or any part thereof, of any grading,
23 paving, macadamizing, or other improvement of any street, or
24 part thereof, is to be paid for by the owners of real estate
25 abutting or bounding thereon as aforesaid, according to
26 benefits, the same shall be assessed by viewers appointed by the
27 court of common pleas, as provided in this act for the
28 assessment of benefits by viewers.

29 Section 2934. Ordinance for Improvement at Expense of
30 Property Owners upon Petition.--Council may, by ordinance,

1 provide for the paving, macadamizing, grading, or other
2 improvement of any street, or part thereof, at the cost and
3 expense of the abutting property owners in whole or in part,
4 upon the petition therefor of a majority in number or interest
5 of the owners of property abutting or bounding on the line of
6 the proposed improvement, to be verified by the affidavit of one
7 or more of the petitioners. A majority in interest of owners of
8 undivided interests in any piece of property shall be deemed and
9 treated as one person for the purpose of said petition.]

10 Section 256. Section 2935 of the act, amended June 14, 1961
11 (P.L.362, No.197), is repealed:

12 [Section 2935. Ordinance for Improvement at Expense of
13 Property Owners without Petition.--Council may, by ordinance,
14 provide for the paving, macadamizing, grading or other
15 improvement of any street, or part thereof, at the cost and
16 expense of the abutting property owners, in whole or in part,
17 without petition therefor of abutting property owners if the
18 ordinance for such improvement has been passed by the
19 affirmative vote of four members of any five member council, and
20 under the mayor-council plan A of government adopted pursuant to
21 the Optional Third Class City Charter Law, by the affirmative
22 vote of at least five members of a seven member council and by
23 the affirmative vote of at least seven members of a nine member
24 council. Such ordinance shall not be passed in a less period
25 than twenty-eight days from the date of its introduction; and,
26 in the meantime, copies of such ordinance shall be published, in
27 one or more newspapers, once a week for three weeks, in the
28 manner required by section one hundred and nine of this act. The
29 requirements for such publication shall not, however, preclude
30 the amendment of any paving ordinance as to the kind of pavement

1 with which any street, or part thereof, or sidewalk, is proposed
2 to be paved.]

3 Section 257. Sections 2936 and 2937 of the act are repealed:

4 [Section 2936. Appeal from Ordinance.--Any person affected
5 may appeal from said ordinance in the manner and time and with
6 the effect provided for in sections two thousand nine hundred
7 twenty and twenty-one of this act.

8 Section 2937. Assessment of Damages and Benefits.--In any
9 proceedings under this subdivision of this article where the
10 cost and expense of the improvement is not assessed by the foot-
11 front rule, viewers shall be appointed, damages awarded, and
12 benefits assessed as provided in this act, for such
13 proceedings.]

14 Section 258. Section 2938 of the act is amended to read:

15 Section 2938. Preparation of Streets for Paving or
16 Repairing.--(a) Council may provide, by ordinance, for the
17 laying, renewing, and repairing of all gas, water, steam, or
18 other pipes, or conduits[,] in any street, before the paving,
19 repaving, or repairing of the same, and for making the necessary
20 [house] connections with [said] the pipes[, and also for].

21 (b) With regard to main or lateral sewers, council may
22 provide for the necessary [house] connections and branches [with
23 and] leading into main or lateral sewers[: Provided, That in no
24 case, except as a sanitary measure, of which council shall be
25 the judge, shall council require such house connections to be
26 extended further from such sewers, or from such gas, water,
27 steam, or other pipes, or conduits, than to the inner line of
28 the curbstone of such street Council may,].

29 (c) With regard to connections requiring extensions from
30 sewers or from gas, water, steam or other pipes or conduits,

1 council may not require private utility companies to make
2 extensions beyond the inner line of the curbstone of the street
3 unless it determines that it is necessary to do so as a sanitary
4 measure.

5 (d) If, after notice to all companies, corporations,
6 persons, and owners affected[, and in default of compliance
7 therewith, cause said pipes to be laid, renewed, or repaired,
8 and said connection made,] of the necessity for the laying,
9 renewing and repairing of gas, water, steam or other pipes or
10 conduits in a street and the necessity of making necessary
11 connections, prior to the proposed paving, repaving or repairing
12 of the street, there is a failure to comply, council may perform
13 work and may collect the cost of paving[, and repairing all
14 pipes and pipe connections, from the companies, corporations, or
15 persons owning or operating the said gas, water, steam, and
16 other pipes or conduits,] or repaving, or repairing of the pipes
17 or conduits, with interest[; and the], from the companies,
18 corporations, persons and owners affected. The cost of the sewer
19 connections shall be a first lien against the land for whose
20 benefit [such] the connections are made. A separate lien may be
21 filed therefor, or [such] the sewer connection cost may be
22 included in any lien filed for the cost of [such] the street
23 improvement, and the lien and the proceedings thereon shall be
24 as in the case of other municipal liens.

25 Section 259. Section 2939 of the act, amended September 26,
26 1951 (P.L.1515, No.379), is amended to read:

27 Section 2939. Highways in Cities.--Wherever in this act a
28 city is given powers, rights and duties as to its streets or
29 sections thereof, the same shall extend as well to highways or
30 sections thereof which are also streets of the city, to the

1 extent that the city is legally responsible for them, pursuant
2 to agreement or otherwise, excepting damages to abutting
3 property owners for acts of the Commonwealth unless the city
4 shall assume them, under this act or the [State Highway Law.]
5 act of June 1, 1945 (P.L.1242, No.428), known as the "State
6 Highway Law." The use of the word "street" in this act shall to
7 that extent include highways.

8 Section 260. Article XXIX subdivision (d) heading of the act
9 is repealed:

10 [(d) Grade Crossings]

11 Section 261. Section 2950 of the act is amended to read:

12 Section 2950. [Consent of Public Utility Commission] Grade
13 Crossing; Pennsylvania Public Utility Commission; Jurisdiction;
14 Damages.--(a) Every city constructing a street across a
15 railroad shall construct the same above or below the grade
16 thereof, unless permitted by the Pennsylvania Public Utility
17 Commission to construct the same at grade.

18 (b) Any new construction of a street crossing a railroad, or
19 any vacation of any street crossing a railroad, shall be
20 constructed or vacated only in a manner consistent with the
21 rules and regulations and under the jurisdiction of the
22 Pennsylvania Public Utility Commission. The compensation for
23 damages to the owners of adjacent property taken, injured or
24 destroyed by the construction of a street crossing a railroad or
25 any vacation of any street crossing a railroad shall be
26 ascertained, fixed and paid in a manner consistent with 66
27 Pa.C.S. Pt. I (relating to public utility code).

28 Section 262. Section 2951 and Article XXIX subdivision (e)
29 heading of the act are repealed:

30 [Section 2951. Public Utility Commission; Jurisdiction;

1 Damages.--Any such crossings of a railroad by a street, or any
2 vacation of any street crossing a railroad, shall be constructed
3 or vacated only in the manner prescribed by, and under the
4 jurisdiction of, the Public Utility Commission. The compensation
5 for damages to the owners of adjacent property taken, injured or
6 destroyed shall be ascertained, fixed, and paid in the manner
7 prescribed in the Public Utility Law.

8 (e) Acquisition of Unobstructed View Across Lands]

9 Section 263. Section 2955 of the act is amended to read:

10 Section 2955. Acquisition of Unobstructed Views.--Any city
11 may acquire, by purchase or by the right of eminent domain, a
12 free and unobstructed view down and across lands located at or
13 near intersections or curves of streets, railroads or railways,
14 [or curves of any of them, as may be necessary,] to assure a
15 free and unobstructed view in all directions at [such places,]
16 the intersections or curves and to prevent the use of [such] the
17 lands over and across which the view was acquired for any
18 purpose or in any manner which may interfere with or obstruct
19 the vision of any person or persons traveling upon any [such]
20 street within the city. [Upon any such condemnation, the city
21 having instituted the condemnation proceedings shall file with
22 the recorder of deeds a plan, showing the property condemned and
23 such other detailed information as may be deemed necessary and,
24 after the same is filed, said city may, from time to time, abate
25 or remove, or cause to be abated or removed, any obstruction to
26 such view over and across such lands.

27 The proceedings for the condemnation of such view over and
28 across such lands, and for the assessment of damages for
29 property taken, injured or destroyed, shall be in the manner
30 provided in this act for property taken, injured or destroyed.

1 Upon the condemnation of a view over and across any lands for
2 the purposes aforesaid, the owner of such lands may make every
3 such use thereof as will not interfere with a free and
4 unobstructed view at such intersection or curve. Unless
5 specially provided for in such condemnation proceedings, such
6 condemnation shall not be construed to prevent the owner thereof
7 from using such land for pasture or the growing of grass, oats,
8 wheat, or other crops which will not obstruct the vision more
9 than wheat.]

10 Section 264. Article XXIX subdivision (f) heading of the act
11 is repealed:

12 [(f) Use of Abutting Lands]

13 Section 265. Section 2960 of the act is amended to read:

14 Section 2960. Use of Abutting Lands for Embankments, Slopes,
15 Fills, and Culverts.--In the grading of any street, or any part
16 thereof, cities are hereby authorized and empowered to use so
17 much of the lots and lands abutting on the [same] street for the
18 construction of embankments, slopes, fills and culverts, as may
19 be necessary [and proper] for the completion of the improvement.
20 [The assessment of] Compensation for damages, costs, and
21 expenses, resulting [thereby, shall be regarded as other
22 assessments of damages, costs, and expenses, caused by the
23 grading of streets, in cities and shall be assessed and paid as
24 is provided by this act in such cases] from the use of lots and
25 lands abutting on the street for the construction of
26 embankments, slopes, fills and culverts shall be made in the
27 same manner as compensation for using and occupying private
28 lands for the grading of streets in accordance with section
29 2801.

30 Section 266. Article XXIX subdivision (g) heading, section

1 2963, subdivision (h) heading, section 2965 and subdivision (i)
2 heading of the act are repealed:

3 [(g) Abandoned Turnpikes

4 Section 2963. Maintenance and Improvement of Condemned and
5 Abandoned Turnpikes.--When any turnpike, or part thereof,
6 situate in the same or more than one county, shall be condemned
7 for public use, free of tolls, and the assessment of damages
8 therefor shall have been paid by the county, or when any
9 turnpike company or association has abandoned its turnpike, or
10 any part thereof, or when any turnpike company or association
11 has been dissolved, such turnpike, or part thereof, located
12 within the limits of any city shall be maintained and improved
13 in the same manner as other streets of the city.

14 (h) Unlawful Assessments

15 Section 2965. Repayment of Assessments Paid to City by
16 Owners of Property Unlawfully Assessed.--Any city receiving
17 money in payment of an assessment levied under any provision of
18 this article shall repay the same or so much thereof as shall be
19 ordered to any parties bringing the action, within two years of
20 such payment or payments, upon the final determination of a
21 proper court in a proper issue that the assessment levied was
22 not such as the owner of the property so assessed was liable to
23 pay at the time council ordered the work to be done for which
24 the assessment was made, or within the said period of two years,
25 the city may repay such money voluntarily upon a showing that
26 the same was paid inadvertently, or such assessment or part
27 thereof was made erroneously.

28 (i) Streets or Roads Connecting City with Highways]

29 Section 267. Section 2970 of the act is amended to read:

30 Section 2970. Appropriation for Connections with Highways.--

1 Cities may, singly or jointly, with other political
2 subdivisions, appropriate and expend moneys for the improvement
3 of streets or roads beyond the limits of [such] the cities[,]
4 for the purpose of connecting improved streets in [such] the
5 cities with a highway [whenever that part of the connecting
6 street or road to be improved outside the city limits shall be
7 less than one mile in length].

8 Section 268. Article XXIX subdivision (j) heading of the act
9 is repealed:

10 [(j) Detours]

11 Section 269. Section 2975 of the act is amended to read:

12 Section 2975. [Streets not to be Closed to Vehicular
13 Traffic; Exceptions.--]Street Closings; Detours.--(a) The
14 following shall apply to the closing of a street to vehicular
15 traffic:

16 (1) No street shall be closed to vehicular traffic, except
17 upon order of the Department of Streets and Public Improvements,
18 [or, by order of the mayor] or other department of the city
19 having jurisdiction over public streets or, in cases of
20 emergency where immediate action is necessary to protect public
21 safety, by order of the mayor, the police or the fire marshal[,
22 in cases of emergency, wherein the safety of the public would be
23 endangered, nor shall any such].

24 (2) A street [be] may not remain closed for a longer period
25 than is necessary for the purpose for which [such] the order
26 [is] to close was issued.

27 (3) Except in cases of emergency, where immediate action is
28 necessary to protect public safety, no street shall be closed to
29 vehicular traffic when the same has been designated as a detour
30 by the Department of Transportation, unless the written consent

1 of the Secretary of Transportation has first been obtained or
2 unless council shall, by resolution duly recorded on its
3 minutes, declare the closing necessary for the safety of the
4 public.

5 (4) When any street which forms a part or section of a State
6 highway, or has been designated as a detour by the Department of
7 Transportation, is closed to vehicular traffic, the city shall
8 at once notify the Department of Transportation of the creation
9 of a detour, as hereinafter provided. When the detour is
10 removed, the Department of Transportation shall also be notified
11 at once of the removal.

12 (5) When any street is to be closed, it shall be the duty of
13 the official or department that authorized the closing to
14 designate a detour.

15 (6) While the detour is in use, legible signs shall be
16 erected and maintained at reasonable intervals, indicating the
17 proper direction, and the detour shall be maintained in safe and
18 passable condition.

19 (7) When the street that had been closed is opened for
20 traffic, all detour signs shall be removed.

21 (b) A city may enter into agreement with the owners of
22 private lands covering the acquisition of right of way
23 privileges for a detour over private property for the period
24 when a street shall be closed to traffic. In case no agreement
25 satisfactory to the parties can be reached, the city may proceed
26 with the construction of the detour, with the owner of the
27 property taken for the detour entitled to seek damages, if any,
28 in the same manner as damages are now ascertained for the
29 opening of streets in the city.

30 (c) In the exercise of the rights conferred by this section

1 relating to detours, council is hereby empowered to pay for the
2 necessary maintenance, subsequent repair and land rental out of
3 funds available for the construction and maintenance of city
4 streets.

5 (d) Any person who shall wilfully remove, deface, destroy or
6 disregard any barricade, light, danger sign, detour sign, signal
7 or warning of any other character whatsoever so legally erected
8 or placed or who shall drive on, over or across any street which
9 has been closed by proper authority commits a summary offense
10 punishable upon conviction thereof in accordance with section
11 1018.16, but with a mandatory fine of not less than five hundred
12 dollars (\$500) or more than the maximum fine authorized in
13 section 1018.17 for the second or any subsequent offense, and
14 shall pay the costs of prosecution together with the value of
15 the property so removed, defaced or destroyed, except that
16 persons who have no outlet due to the closing of a street may
17 drive on, over or across the street, subject to reasonable
18 conditions as may be prescribed by the city without being
19 subject to the penalties imposed by this section.

20 (e) All fines collected under the provisions of this section
21 shall be paid over to the treasurer of the city.

22 (f) In addition to the penalties provided in subsection (d),
23 the city, its agents or contractors may, in an action at law,
24 recover damages from any person or persons who have damaged a
25 street when it is closed to vehicular traffic.

26 Section 270. Sections 2976, 2977 and 2978 of the act are
27 repealed:

28 [Section 2976. Closing of Streets Designated as Detours by
29 State.--No street shall be closed to vehicular traffic when the
30 same has been designated as a detour by the Department of

1 Highways of the Commonwealth, unless the written consent of the
2 Secretary of Highways has first been obtained, or unless council
3 shall, by resolution duly recorded on its minutes, declare such
4 closing necessary for the safety of the public.

5 Section 2977. Notice of Detour on Streets Forming Part of
6 Highway.--When any street which forms a part or section of a
7 highway, is closed to vehicular traffic, the city shall at once
8 notify the Department of Highways of the Commonwealth of the
9 creation of a detour, as hereinafter provided. When such detour
10 is removed, the Department of Highways shall also be notified at
11 once of the removal.

12 Section 2978. Detours to be Provided when Streets Closed.--
13 When any street shall be closed, as hereinbefore provided, it
14 shall be the duty of the city authorities authorizing the
15 closing to immediately designate or lay out a detour, on which
16 they shall erect, or cause to be erected and maintained while
17 such detour is in use, legible signs at each intersection
18 throughout its entire length, indicating the proper direction.
19 During the period when such detour is in use, it shall be the
20 duty of such authorities closing the street to maintain such
21 detour in safe and passable condition. It shall also be the duty
22 of the authorities closing the street and maintaining the detour
23 to immediately remove all detour signs when the street
24 originally closed is opened for traffic. Whenever necessary in
25 the creation of a detour, as aforesaid, the city authorities
26 responsible for laying out the detour may enter into agreement
27 with the owners of private lands, covering the acquisition of
28 right of way privileges over private property for the period
29 when the street shall be closed to traffic. In case no agreement
30 satisfactory to the parties can be reached, the authorities

1 responsible for the laying out of the detour may proceed with
2 the construction of the same, and either such authorities or the
3 owner of the property occupied may petition the court for the
4 appointment of viewers to ascertain the damages, if any, in the
5 same manner as damages are now ascertained for the opening of
6 streets in such city. In the exercise of the rights conferred by
7 this section, council is hereby empowered to pay for the
8 necessary maintenance, subsequent repair, and land rental out of
9 such funds as are available for the construction and maintenance
10 of the streets in their charge.]

11 Section 271. Section 2979 of the act, amended March 25, 1988
12 (P.L.260, No.29), is repealed:

13 [Section 2979. Penalties.--Any person who shall wilfully
14 remove, deface, destroy or disregard any barricade, light,
15 danger sign, detour sign, or signal, or warning of any other
16 character whatsoever so legally erected or placed, or who shall
17 drive on, over or across any street which has been closed by
18 proper authority, shall, upon conviction thereof in a summary
19 proceeding before a magistrate, alderman, or justice of the
20 peace, be sentenced to pay a fine of not less than two hundred
21 dollars nor more than five hundred dollars for the first
22 offense, and a mandatory fine of five hundred dollars for the
23 second or any subsequent offense, and the costs of prosecution
24 together with the value of the sign so removed, defaced or
25 destroyed, and, in default of the payment thereof, shall be
26 sentenced to imprisonment of not more than ten days: Provided,
27 however, That persons who have no outlet due to the closing of a
28 street may drive on, over or across such street, with the
29 consent in writing of, and subject to such conditions as may be
30 prescribed by, the authorities responsible for the closing or

1 their agents or contractors, without being subject to the
2 penalties imposed by this section.

3 In addition to the penalties herein provided, the authorities
4 responsible for the maintenance of a street which has been
5 closed to vehicular traffic, or their agents or contractors,
6 may, in an action at law, recover damages from any person or
7 persons who have damaged a street when it is closed to vehicular
8 traffic. All fines collected under the provisions of this
9 section shall be paid by the officer receiving the same to the
10 treasurer of the city.]

11 Section 272. Article XXIX subdivision (k) heading of the act
12 is repealed:

13 [(k) Boundary Streets]

14 Section 273. Sections 2985 and 2986 of the act are amended
15 to read:

16 Section 2985. Maintenance of Streets Forming Boundaries.--
17 Whenever any street is on the boundary line between any city and
18 [a township, such] any other municipal corporation, the street
19 shall be maintained jointly by the city and the [township] other
20 municipal corporation. For the purpose of maintaining any such
21 street, the [authorities] officers of any city are hereby
22 directed to enter into agreements with the [authorities of any
23 township] other municipal corporation providing the manner in
24 which the same shall be maintained[,] and providing for the
25 division of the cost of maintenance between the city and
26 [township] other municipal corporation. If any [such city or
27 township] other municipal corporation shall fail or refuse to
28 enter into any such contract, [any taxpayer thereof or the
29 corporate authorities of the city or township] the city or any
30 taxpayer of the other municipal corporation may present a

1 petition to the court of [quarter sessions] common pleas of the
2 county, setting forth the facts. The court, after hearing, of
3 which [such] notice shall be given to all parties interested as
4 the court may direct, shall make an order directing the manner
5 of such maintenance and the division of the cost of maintenance
6 between the city and the [township] other municipal corporation.

7 Section 2986. Streets, the Center Line of Which Is the
8 Boundary [between Municipalities in the Same County] Between
9 City and Another Municipal Corporation.--Whenever [the center
10 line of] any street constitutes the dividing line between [any
11 city and a township located in the same county, the city may
12 enter into a contract with the commissioners of the county and
13 the commissioners or road supervisors of the township, as the
14 case may be, providing for the grading, curbing, and
15 macadamizing or paving, of the street; the cost of such
16 improvement, to be borne one-half by the city, and one-half by
17 the county and township, in equal portions.

18 The alteration or improvement shall be constructed, and
19 subsequent repairs shall be made, under the supervision of the
20 proper authorities of the city, in compliance with existing laws
21 governing the construction of such alterations or improvements
22 in said city, and in further compliance with plans and
23 specifications to be agreed upon, in writing, between said city
24 and the commissioners of the county and commissioners or road
25 supervisors of the said township. The cost of repairs shall be
26 borne one-half by the city, and one-half by the township, or by
27 the county and township, in equal portions, or such other
28 proportions as may be agreed upon by the county and township] a
29 city and another municipal corporation, the city may enter into
30 a contract with the other municipal corporation to provide for

1 the grading, curbing, draining, paving and macadamizing of the
2 street. The alterations and improvements shall be made under the
3 supervision of the city or other municipal corporation, or by
4 contract let by the city or the other municipal corporation, as
5 may be provided for in the contract between the city and the
6 other municipal corporation.

7 Section 274. Section 2987 of the act is repealed:

8 [Section 2987. Street, the Center Line of Which is the
9 Boundary between Municipalities in Different Counties.--Whenever
10 the center line of any street constitutes a dividing line
11 between a city and a township located in an adjacent county, the
12 city may enter into a contract with the commissioners of the
13 county and the commissioners or township supervisors of such
14 township, as the case may be, providing for the grading,
15 curbing, macadamizing, or paving of the street, the cost thereof
16 to be borne one-half by the city, and one-half by the township
17 and the county in which such township shall be situated, in
18 equal portions.

19 Such alteration or improvement shall be constructed, and
20 subsequent repairs shall be made, under the supervision of the
21 proper authorities of the city, in compliance with the
22 provisions of this act governing such construction or
23 improvement by the city, and in further compliance with plans
24 and specifications to be agreed upon in writing between such
25 city and the commissioners of the county and the commissioners
26 or township supervisors of the township. The cost of repairs
27 shall be borne one-half by the city, and one-half by the
28 township or by the county and township in equal portions or such
29 other proportion as may be agreed upon by the county and
30 township.

1 In all cases in which it shall be found impossible to enter
2 into such contract or agreement, either the city or the county
3 or township or any taxpayer thereof may present a petition to
4 the court of common pleas of either county, setting forth the
5 facts and circumstances, including the condition of the street
6 from which the necessity or desirability for the grading,
7 curbing, macadamizing, or paving appears, and the estimated cost
8 thereof, and that the said city or county or the township have
9 failed to agree upon terms of the said contract. Such court may,
10 after hearing all the parties concerned, make its order or
11 decree, defining the nature and character of the improvement
12 reasonably necessary or desirable to be made to the street, and
13 requiring the parties hereinabove specified to enter into a
14 contract or contracts for the making and constructing of the
15 same as herein provided for.

16 A copy of the said petition, duly certified, shall be served
17 upon the city, the county and the township concerned, other than
18 the petitioner, with notice of such day as may be fixed by the
19 court for the hearing. Thereupon, any or all of the parties
20 served with such notice shall be entitled, on or before such
21 date, to file in the said court its answers to the said
22 petition, setting forth its version of the facts or such other
23 matters in relation thereto as may be deemed necessary or proper
24 by it. The court, upon the date so fixed or at such other time
25 as it may appoint, shall hear the evidence of the parties, or it
26 may refer the matter to a master, who shall hear the testimony
27 of the parties and report his findings, in the same manner and
28 under the same procedure as provided by the rules in equity in
29 similar cases.

30 The court may reject, confirm, or modify the report of the

1 master and may make its decree or order directing the making of
2 such alterations or improvements to the street as may be deemed
3 reasonably necessary or desirable and providing for the sharing
4 of the cost of such improvements, one-half by the city, and one-
5 half by the county and township in equal portions. The said
6 order or decree may further provide that the repairs to such
7 alterations and improvements subsequently required shall be
8 borne one-half by the city, and one-half by the county or
9 township in equal portions, or such other proportions as between
10 the county and the township as such court may find to be legal
11 and proper. Thereupon the said grading, curbing, macadamizing,
12 or paving of the street shall proceed in accordance with the
13 decree or order of the said court in the same manner as if the
14 contract or agreement provided for in this section had been
15 entered into and duly executed.]

16 Section 275. Sections 2988 and 2989 of the act are amended
17 to read:

18 Section 2988. Streets More Than Half of Whose Width is
19 Within City.--(a) Whenever any street, more than one-half the
20 width of which is within the limits of any city shall divide the
21 [said] city from any other [municipality or township located
22 within the same county, such] municipal corporation, the street
23 may be improved by the city in the same manner as if the said
24 street were entirely located within the limits of [said] the
25 city.

26 (b) The property [abutting on the side of said street which
27 is located outside the limits of the city making such], within
28 and without the city, that abuts the street and benefits from
29 the improvements [shall] may, for a depth of one hundred and
30 fifty feet plus one-half the width of [said] the street, the

1 total measured from its center line, be assessed for any and all
2 municipal improvements to or on the [said] street in the same
3 manner as [such] the property would be assessed under the
4 provisions of this act if it were entirely located within the
5 limits of [such] the city.

6 Section 2989. Assessment for Improvements on Property
7 Outside Limits Where Street Entirely Within City.--Whenever any
8 street, entirely within the limits of any city, shall divide the
9 [said] city from any other [municipality or township located in
10 the same county] municipal corporation, the property on the side
11 of [said] the street, [opposite the present line of said city,
12 shall] within and without the city, that abuts the street and
13 benefits from the improvement may, for a depth of one hundred
14 and fifty feet from said line, be assessed for any and all
15 municipal improvements to or on the streets on which the [said]
16 property [shall abut] abuts, in the [manner provided by this act
17 for such proceedings, as if the said property] same manner as
18 the property would be assessed under the provisions of this act
19 if it were entirely located within the limits of [said] the
20 city.

21 Section 276. Section 2990 of the act is repealed:

22 [Section 2990. Street the Center Line of Which is the
23 Dividing Line Between a City and Borough or Township of the
24 First Class; Assessments.--Whenever the center line of any
25 street constitutes the dividing line between a city and a
26 borough, or a city and a township of the first class, located in
27 the same county, the council of such city may, where such
28 improvement is through built up property or properties duly
29 plotted and laid out in lots for building purposes, and where
30 two-thirds of the combined frontage of the two sides petition

1 for the improvement, enter into a contract with the borough or
2 township providing for the grading, curbing, draining, paving
3 and macadamizing of such street. Such alterations and
4 improvements shall be made under the supervision of the proper
5 authorities of such city, borough, or township, or by contract
6 let by such city, borough, or township, as may be provided for
7 in the contract between the city and borough or township.

8 No ordinance or ordinances authorizing any such improvement,
9 where the whole or any part of the cost of the improvement is to
10 be assessed against abutting property, shall be finally adopted
11 until the expiration of thirty days from the date of its
12 introduction, and, in the meantime, copies thereof shall be
13 published, once a week for two weeks, in one newspaper
14 circulating in such city, borough, and township immediately
15 following the introduction thereof, and at least five copies
16 thereof shall be posted along the line of the proposed
17 improvement.

18 The whole cost of such alterations and improvements, or any
19 part thereof, as may be agreed upon in the contract between the
20 city, borough, and township, may be collected from the owners of
21 property within the city, borough, and within the township,
22 abutting along the line of the improvement, by an equal
23 assessment on the foot front. Any portion of such cost not
24 assessed against abutting property shall be paid one-half by
25 each of the municipal divisions joining in the improvement.

26 Thirty days' notice of assessments of the whole cost or part
27 of the cost of any such improvement shall be given to each party
28 assessed, either by service on the owner or his agent, or posted
29 on the premises by the clerk or secretary of the city, borough,
30 or township making the improvement. If any assessment made by

1 the city shall remain unpaid at the expiration of the notice, it
2 shall be the duty of the city solicitor to collect the same,
3 with interest from the time of the completion of the
4 improvement, by action of assumpsit, or by a lien to be filed
5 and collected in the same manner as municipal claims. When an
6 owner has two or more lots against which there is an assessment
7 for the same improvement, all of such lots shall be embraced in
8 one claim.]

9 Section 277. Article XXX heading of the act is reenacted to
10 read:

11 ARTICLE XXX

12 SIDEWALKS

13 Section 278. Sections 3001 and 3002 of the act are amended
14 to read:

15 Section 3001. Power to Lay Out and Grade Sidewalks; Compel
16 Construction of Sidewalks.--Any city may lay out, ordain and
17 establish sidewalks, curbs, gutters and drains along any street,
18 and may, with or without petition, require owners of property
19 abutting on any street to construct, pave, curb, repave and
20 recurb the sidewalks, and keep the same in good repair along
21 [such] their property, at such grades, and under such
22 regulations and specifications as council may provide. The
23 written consent of the Department of Transportation shall first
24 be obtained if the highway is a State highway.

25 Section 3002. Construction by Cities Upon Failure of Owner
26 So to Do; Collection of Cost.--(a) Upon failure of any owner of
27 property abutting on any street to construct, pave, curb,
28 repave, recurb or maintain any sidewalk [after notice so to do,
29 the same may be done or caused to be done by the city, and the
30 cost thereof], in accordance with the notice required in

1 subsection (d), the city, itself or by contract, may complete
2 the construction, paving, curbing, repaving, recurbing or
3 maintenance.

4 (b) Costs incurred by the city pursuant to subsection (a)
5 may be levied against and collected from [such] the owner who
6 failed to complete the construction, paving, curbing, repaving,
7 recurbing or maintenance of the sidewalk pursuant to notice to
8 do so, together with a penalty of ten per centum of [such] the
9 costs and all charges and expenses[, which amount].

10 (c) The costs, penalties, charges and expenses provided for
11 in subsection (b) shall be a lien upon [such premises] the
12 property for which the notice to construct, pave, curb, repave,
13 recurb or maintain the sidewalk was given. The lien shall exist
14 from the time of the completion of the work, which [date shall
15 be fixed by certificate of the city engineer, filed with the
16 clerk, and may be collected by action in assumpsit, or such]
17 shall be certified in accordance with section 1504. The lien may
18 be filed and proceeded in as provided by law in the case of
19 municipal liens[, or the] or may be collected from the owner by
20 action in assumpsit. Alternatively, the cost may be borne by the
21 city in whole or in part[;] and if in part, the rest to be
22 collected [from the owner] as provided herein.

23 (d) The notice required [herein] by this section shall be
24 served upon the owner of property to construct, pave, curb,
25 repave, recurb or maintain a sidewalk, if that can be done
26 within the county; [when it cannot be done so] if this cannot be
27 done, then the notice may be served upon the owner's agent or
28 the party in possession; and if this cannot be done, then the
29 notice may be served by posting conspicuously upon the premises.
30 Council may, by ordinance, [establish the period of such notice

1 after service after which the owner shall be deemed to have
2 failed to comply therewith. Such period shall not be less than
3 ten days] provide that, upon service or posting of notice in
4 accordance with this section, an owner shall be deemed to have
5 failed to comply if the work is not completed within a specified
6 period, which may be more but shall not be less than forty-five
7 days after the service or posting.

8 Section 279. Section 3002.1 of the act, added August 11,
9 1967 (P.L.206, No.70), is amended to read:

10 Section 3002.1. Ordinances.--All reconstruction, repaving,
11 and recurbing of sidewalks may be provided for in the ordinance
12 providing for the original construction, paving and curbing of
13 sidewalks without the necessity for adopting a new ordinance
14 providing for [such] the reconstruction, repaving and recurbing.

15 Section 280. Section 3003 of the act is amended to read:

16 Section 3003. Emergency Repairs; Notice; Cost.--(a) Any
17 city may make emergency repairs to sidewalks, within its
18 corporate limits[, when, in the opinion of the officer or head
19 of the department lawfully having charge of sidewalk repairs, a
20 dangerous condition exists that can be repaired by an
21 expenditure of not more than fifty dollars, upon failure of the
22 owner of the property to make such repair within forty-eight
23 hours after the service of notice upon such owner so to do. The
24 notice shall be served as provided in this article for
25 constructing and maintaining sidewalks and curbs. It shall
26 expressly state that emergency repairs are required.] if the
27 officer or designated individual representing the department in
28 charge of repairs to sidewalks, upon inspection, determines that
29 a substantial and immediate danger exists to the public health,
30 safety and welfare, in which case the officer or individual

1 shall prepare a written report of those conditions which shall
2 be conclusive evidence of the existence of the emergency
3 justifying the repair.

4 (a.1) This section is intended to provide an additional
5 remedy for cities in connection with emergency repairs [where
6 the actual cost of doing the work does not exceed fifty dollars.
7 The certificate of the officer or head of the department in
8 charge of repairs to sidewalks shall be conclusive evidence of
9 the existence of the emergency justifying such repair] of
10 sidewalks.

11 (b) A copy of the written report shall be served upon the
12 abutting property owner, along with a notice to make emergency
13 repairs to the sidewalk within forty-eight hours of service of
14 the notice and report. The notice and copy of the report shall
15 be served as provided in this article for constructing and
16 maintaining sidewalks and curbs. It shall expressly state that
17 emergency repairs are required. If the owner fails to make the
18 emergency repairs within the prescribed time, the city may make
19 the emergency repairs to the sidewalk.

20 (c) Upon the completion of any emergency repairs, the cost
21 thereof shall be a charge against the owner of the abutting
22 property, and shall be a lien, until paid, upon the abutting
23 property, provided a claim is filed therefor in accordance with
24 the law providing for the filing and collection of municipal
25 claims. The amount of the claim against the owner of the
26 abutting property may also be collected from the owner by an
27 action in assumpsit.

28 Section 281. Section 3004 of the act is repealed:

29 [Section 3004. Cost of Emergency Repairs to be a Lien.--Upon
30 the completion of any emergency repairs, the cost thereof shall

1 be a charge against the owner of the property, and shall be a
2 lien, until paid, upon the abutting property, provided a claim
3 is filed therefor in accordance with the law providing for the
4 filing and collection of municipal claims. Any such charge may
5 also be collected from the owner by an action in assumpsit.]

6 Section 282. Article XXXI heading of the act is amended to
7 read:

8 ARTICLE XXXI

9 BRIDGES [AND VIADUCTS]

10 Section 283. Article XXXI subdivision (a) heading of the act
11 is repealed:

12 [(a) Construction and Maintenance]

13 Section 284. Sections 3101, 3102 and 3103 of the act are
14 amended to read:

15 Section 3101. Construction and Maintenance of Bridges [and
16 Viaducts].--(a) Cities may locate, build and maintain bridges
17 [or viaducts, and], wholly or partially within the city limits,
18 along with the piers, abutments and approaches [therefor]
19 appurtenant to the bridges, to be used as public streets[, over
20 rivers, creeks, streams, railroads and private property, or over
21 and across any of them, whether the said viaducts or bridges be
22 wholly within, or partly without and partly within, the city
23 limits].

24 (b) As used in this article, a bridge shall mean a structure
25 built to span and provide passage over a valley, road, railroad
26 track, private property, river, creek, stream or any other body
27 of water or physical obstacle, and shall include viaducts
28 constructed from a series of spans or arches.

29 Section 3102. Ordinance for Location of Bridges;
30 Procedure.--Cities may enact ordinances fixing the location and

1 providing for the laying-out and opening of the routes or
2 locations for [said] bridges [and viaducts], which shall be
3 public streets; and the proceedings for the laying-out and
4 opening thereof, shall be the same as is provided by this act
5 for the laying-out and opening of streets.

6 Section 3103. Right to Appropriate Property; Assessment of
7 Damages.--In case the city has not agreed with the owner or
8 owners for the damages done, or likely to be done, by the
9 erection of [said] the bridge [or viaduct], the city may take
10 and appropriate the lands and property necessary, over and
11 across which to erect [said] the bridge [or viaduct], and the
12 measure of damages [and benefits caused by such] for the taking
13 and appropriation shall be assessed in the same manner and with
14 like proceedings as provided [by this act for property taken,
15 injured or destroyed] for property taken, injured or destroyed
16 under 26 Pa.C.S. (relating to eminent domain).

17 Section 285. Article XXXI subdivision (b) heading of the act
18 is repealed:

19 [(b) Joint Construction and Maintenance]

20 Section 286. Section 3110 of the act is amended to read:

21 Section 3110. [Contract] Agreement for Joint Construction
22 and Maintenance.--(a) The city may [contract] enter into an
23 agreement with any political subdivision or other public agency
24 whatsoever or public utility or any other person interested and
25 by law authorized thereto, or with any or all of them, for the
26 laying out, construction, improvement and maintenance of any
27 bridge [or viaduct], or for certain parts thereof, and for the
28 payment of any damages caused thereby.

29 (b) An agreement as authorized in subsection (a) shall
30 provide for the respective duties, obligations and

1 responsibilities of the parties thereto, including, but not
2 limited to, construction and maintenance of the bridge, or for
3 certain parts thereof, and for payments relating thereto and
4 damages caused thereby.

5 (c) After an agreement, as authorized in subsection (a), has
6 been entered into, the city in conjunction with the other
7 parties thereto, shall have the authority to have prepared plans
8 or specifications of the entire work, and thereafter advertise
9 for bids in the manner required by law, and award the contract
10 to the lowest responsible bidder. The city shall be liable to
11 the contractor for only such part of the contract price as it
12 has agreed to pay by the agreement, as authorized in subsection
13 (a), but it shall, in addition, be liable to the contractor for
14 any moneys actually paid into the city treasury by the other
15 parties pursuant to the terms of the agreement.

16 Section 287. Sections 3111, 3112 and 3113 of the act are
17 repealed:

18 [Section 3111. Stipulations of Joint Contract;
19 Maintenance.--The contracts provided for in the preceding
20 section may stipulate that the city shall pay a certain part of
21 the whole contract price or cost of the work, including damages;
22 or may stipulate that the city shall construct, or pay for the
23 construction of, a certain part of the work, and may otherwise
24 provide for the payment of the damages. When any railroad
25 company, street railway, or other persons interested, agrees to
26 pay a certain part of the cost of the entire work, it shall pay
27 such part into the proper city treasury. Upon said payment, the
28 city treasurer shall be liable therefor, and he shall pay the
29 same over to the contractor, as may be provided in the contract.
30 The said agreements may also provide for the maintenance of the

1 said bridges and viaducts after their erection.

2 Section 3112. Plans; Bids; Awarding of Contract.--After any
3 joint contract has been entered into, the city in conjunction
4 with the other parties thereto may have prepared plans or
5 specifications of the entire work, and thereafter advertise for
6 bids, and award the contract to the lowest responsible bidder.
7 The city shall be liable to the contractor for only such part of
8 the contract price as it has agreed to pay by the joint
9 contract, but it shall, in addition, be liable to the contractor
10 for any moneys actually paid into the city treasury by the other
11 parties to the joint agreement.

12 Section 3113. Subsequent Contract With Railroad Which has
13 not Contributed toward Cost.--No railroad, which has not
14 contributed to the payment of the cost of construction of said
15 viaduct or bridge, shall be permitted to run its line or lines
16 of tracks under said bridge or viaduct, unless it shall enter
17 into a contract with the city to thereafter pay a reasonable
18 amount, part or portion toward the keeping-up and maintaining of
19 the said structure, which amount shall be at the same rate, on
20 the same basis, as is paid by the other railroad companies.]

21 Section 288. Section 3114 of the act is reenacted to read:

22 Section 3114. Recording of Contract.--Any of the contracts
23 hereinabove provided for may be recorded in the office of the
24 recorder of deeds in the proper county. Such record shall be
25 notice to all persons who might be affected thereby.

26 Section 289. Section 3115 of the act is amended to read:

27 Section 3115. Power to Construct Boundary Bridges.--Whenever
28 a creek, over which a bridge may be necessary, shall be on the
29 division line of a city and another municipality [or township],
30 the city [shall unite] may enter into an intergovernmental

1 agreement pursuant to 53 Pa.C.S. Ch. 23, Subch. A (relating to
2 intergovernmental cooperation) with [such] the municipality [or
3 township in] for the construction and maintenance of a bridge[,]
4 and [pay an equal share of the expenses incident thereto] for
5 apportionment of the costs.

6 Section 290. Article XXXI subdivision (c) heading, section
7 3120, subdivision (d) heading and sections 3130, 3133 and 3134
8 of the act are repealed:

9 [(c) Acquisition of Existing Bridges

10 Section 3120. Power to Acquire Existing Bridge.--Any city
11 which is divided or separated in any of its territorial sections
12 or parts by intervening rivers or streams of water may purchase,
13 enter upon, take, use, hold and appropriate such bridge or
14 bridges, together with the approaches and appurtenances thereto,
15 lying within its corporate limits as shall have been erected and
16 are now in use over such rivers or streams of water so dividing
17 and separating the sections or parts aforesaid.

18 (d) Acquisition of Toll-Bridges

19 Section 3130. Power to Acquire Toll-Bridges.--Any city may
20 purchase, condemn, maintain, and use any public toll-bridge
21 crossing any river or stream within the limits of such
22 municipality, together with the approaches and appurtenances
23 thereto; and may enter into contracts, as hereinafter provided,
24 with the county commissioners of the proper county, whereby said
25 county shall pay a portion of the cost thereof.

26 Section 3133. Contract with County for Purchase.--The city
27 may enter into and unite in a contract with the county
28 commissioners of the county in which said bridge is located upon
29 such terms and conditions as may be agreed upon for the
30 purchase, appropriation, or condemnation of said bridge. The

1 contract may stipulate that the city and county shall pay a
2 certain part or portion of the whole purchase price or damages
3 allowed by condemnation proceedings. The amounts to be paid by
4 the county shall be paid into the city treasury, and, upon said
5 payment, the city treasurer shall be liable therefor, and it
6 shall be held and applied solely for the said purpose or
7 purposes. The said contracts may also provide for and include
8 provisions for the maintenance, repair, and rebuilding of the
9 said bridge, after its purchase or condemnation by the said
10 city.

11 Section 3134. To Become a Public Bridge; Rentals for Other
12 than Foot and Vehicle Travel.--Whenever any toll-bridge shall be
13 so purchased or condemned, the city shall control, maintain, and
14 use the said bridge as a public bridge, but may charge tolls or
15 rentals for the use thereof, from railway, telephone, and
16 telegraph companies, and other persons making a use thereof for
17 other than ordinary public foot and vehicle travel. Where
18 contracts existed between such companies and persons and the
19 owners of the bridge at the time of such purchase or
20 condemnation, such contracts shall be preserved for the benefit
21 of the city and shall be assigned thereto.]

22 Section 291. The act is amended by adding a section to read:

23 Section 3135. Acquisition of Existing Bridges.--Any city may
24 purchase, condemn, maintain and use any public toll-bridge
25 crossing any river or stream within the limits of the
26 municipality, together with the approaches and appurtenances
27 thereto, and may enter into contracts with the county
28 commissioners or the legislative body in a county that has
29 adopted a home rule charter of the proper county whereby the
30 county shall pay a portion of the cost thereof.

1 Section 292. Article XXXII heading of the act is amended to
2 read:

3 ARTICLE XXXII

4 SANITARY SEWERS

5 Section 293. Article XXXII subdivision (a) heading of the
6 act is repealed:

7 [(a) Construction]

8 Section 294. Section 3201 of the act, amended August 6, 1963
9 (P.L.525, No.280), is amended to read:

10 Section 3201. Construction of Sanitary Sewers; Cost; Eminent
11 Domain.--(a) Any city [may] shall have the power to construct
12 and reconstruct, or cause to be constructed or reconstructed, in
13 its streets, and over and across public and private lands or
14 property, sanitary sewers of all kinds, main or local, with
15 extensions thereof, and with lateral and branch sewers
16 therefrom, including house connections to the curb[, in its
17 streets, and over and across public and private lands or
18 property, and pay the].

19 (b) The cost and expense [thereof] of construction and
20 reconstruction in accordance with subsection (a) may be paid out
21 of the general revenues or special funds raised for said
22 purpose, or assess the same, in whole or in part, upon property
23 benefited, improved or accommodated, as [hereinafter] provided
24 for in Article XLV-A.

25 [For such purposes, the] (c) The city shall have the right
26 of eminent domain to effectuate the purposes of this section.
27 The damages for property taken, injured or destroyed shall be
28 ascertained and paid as provided in [this act for such
29 proceedings] 26 Pa.C.S. (relating to eminent domain).

30 Section 295. The act is amended by adding a section to read:

1 Section 3201.1. Required Connection; Fees.--In addition to
2 paying for the cost and expense of construction or
3 reconstruction in accordance with section 3201(b), a city may,
4 by ordinance, require connection to a sanitary sewer system
5 provided by the city or a municipal authority serving the city,
6 and impose and charge to property owners who desire to or are
7 required to connect to the sanitary sewer system a connection
8 fee, a customer facilities fee, a tapping fee and other similar
9 fees, as enumerated and defined by 53 Pa.C.S. § 5607(d) (24)
10 (relating to purposes and powers of municipal authorities) as a
11 condition of connection to a city-owned sewer collection,
12 treatment or disposal facility.

13 Section 296. Section 3202 of the act is repealed:

14 [Section 3202. Fee for Tapping Where Sewer is Paid For by
15 City.--Where the cost of constructing any sewer is paid for
16 wholly or partially from city funds, the city may charge a
17 reasonable fee for tapping or connecting with said sewer.]

18 Section 297. Section 3203 of the act, amended August 6, 1963
19 (P.L.525, No.280), is repealed:

20 [Section 3203. Assessment of Cost of Local Part of Main
21 Sewers.--In the case of the construction of main sanitary
22 sewers, or of any sanitary sewer which can be used in part for
23 main sanitary sewerage purposes, and in part as a local sanitary
24 sewer, the city may provide for assessing the property
25 benefited, improved or accommodated with the local sanitary
26 sewerage part thereof, according to the foot-front, or the
27 assessed valuation of the said property for city purposes, or
28 according to benefits.]

29 Section 298. Section 3204 of the act is repealed:

30 [Section 3204. Costs of Main Sewers.--The cost of all main

1 sewers, or of any sewers used in part for main sewerage
2 purposes, over and above the amount thereof assessed for local
3 sewerage, shall be paid for from the city funds.]

4 Section 299. Section 3205 of the act, amended August 6, 1963
5 (P.L.525, No.280), is repealed:

6 [Section 3205. Assessment of Cost of Local Sewers.--Council
7 may also provide that the cost and expenses of local, lateral,
8 branch, including house connections to the curbs, and other
9 sanitary sewers may be assessed against the property benefited,
10 improved or accommodated according to the foot-front, or
11 according to the assessed valuation thereof for city purposes,
12 or according to benefits.]

13 Section 300. Section 3206 of the act is amended to read:

14 Section 3206. Construction of [Sewerage System and] Sanitary
15 Sewage Treatment Works; Assessment of Cost.--[Any city may
16 construct, or cause to be constructed, a sewerage system of
17 sewers in streets, with extensions thereof, and with lateral and
18 branch sewers therefrom to and in other streets, and in public
19 or private lands, at the same time as part of the same
20 improvement and under the same contract, and the cost and
21 expense thereof may be assessed as provided in this article.]

22 (a) Any city may construct or cause to be constructed sanitary
23 sewage treatment works, and the same may likewise be a part of
24 the same improvement and under the same contract as sanitary
25 sewers.

26 (b) Sewage treatment works may be erected within or without
27 the limits of the city. The city shall have authority to
28 acquire, by eminent domain or otherwise, property within or,
29 subject to the limitations in 26 Pa.C.S. § 206 (relating to
30 extraterritorial takings), without the limits of the city deemed

1 necessary for such treatment works and the sewers leading
2 thereto.

3 Section 301. Sections 3207 and 3208 of the act, amended
4 August 6, 1963 (P.L.525, No.280), are repealed:

5 [Section 3207. Reductions in Assessments for Corner or
6 Irregular Shaped Lots.--Where council determines to construct
7 local, lateral, and other sanitary sewers, and to assess the
8 cost and expenses thereof according to the foot-front rule, they
9 shall provide for a reduction of an equitable part from the
10 frontage of the longest side of all corner lots, and at other
11 places, where, from the peculiar or pointed shape of the lots,
12 an assessment for the full frontage would be inequitable. If the
13 owner of the property benefited, improved or accommodated by the
14 sanitary sewers is not satisfied with the allowance or
15 reduction, or refuses to accept the same, he shall have the
16 right to appeal to the court of common pleas; and the
17 proceedings shall be as provided in this act for the assessment
18 of damages and benefits by viewers or by such other lawful
19 procedure as the court may determine.

20 Section 3208. Assessment of Cost by Viewers Appointed by
21 Council.--Where the council determines to construct main, local,
22 lateral, or branch sanitary sewers, and to assess the cost and
23 expense thereof according to benefits, in addition to the
24 remedies which now or may hereafter exist for the assessment of
25 the said cost and expense by viewers appointed by court, council
26 may appoint three disinterested freeholders as viewers, who, or
27 a majority of whom, shall assess the costs and expenses of said
28 sanitary sewers upon the lands benefited, improved or
29 accommodated thereby in proportion, as nearly as may be, to the
30 benefits which may result to each lot or parcel of land. Said

1 viewers, or a majority thereof, shall report their assessment to
2 the council, in the manner hereinafter set forth, and council
3 shall act thereon as hereinafter provided.]

4 Section 302. Sections 3209, 3210, 3211 and 3212 of the act
5 are repealed:

6 [Section 3209. Report of Council's Viewers; Notice;
7 Objections; Hearing.--Said viewers, or a majority of them, shall
8 make report in writing, specifying the amount assessed by them
9 upon each lot or parcel of land for main or local sewerage
10 separately, and file the same with the city clerk within such
11 time as the council shall direct. After the report is filed,
12 council shall cause not less than ten days' public notice to be
13 given, by publication once in two newspapers of the city, as
14 required by section one hundred and nine of this act, of the
15 object of such assessments, and that the same will come for
16 confirmation at a time to be specified in said notice.
17 Objections to the assessment shall be in writing and be filed
18 with the city clerk, and may be heard before the city council at
19 the time specified in the notice. Council may, after hearing
20 objections, modify, set aside, or confirm said assessments. If
21 council sets aside the first or any other assessment, they may
22 appoint other viewers, of the same qualifications as
23 hereinbefore provided, and cause new assessments to be made, and
24 the proceedings shall be the same as provided for the first
25 assessment.

26 Section 3210. Certification of Assessments for Collection;
27 Liens.--After making assessments for sewers, council may direct
28 that they be certified to the city treasurer, or to such party
29 as said assessments may be assigned to for collection. If such
30 assessments are not paid within such time as council may by

1 ordinance prescribe, it shall be lawful to file liens therefor
2 in the prothonotary's office of the proper county, as provided
3 by law. Said liens shall bear interest from the time the
4 assessments were payable, at the rate of six per centum, per
5 annum, until paid.

6 Section 3211. Rental Charge for Use of Sewers.--Cities may
7 provide by ordinance for the imposition and the collection of an
8 annual rental, rate or charge for the use of sewers, sewer
9 systems, or sewage treatment works as authorized by law.

10 Section 3212. Limitation of Amount of Sewer Rental Charge.--
11 Such annual rental, rate or charge shall not exceed the amount
12 authorized by law.]

13 Section 303. Section 3213 of the act, amended December 18,
14 1992 (P.L.1424, No.175), is repealed:

15 [Section 3213. Collection of Sewer Rentals.--(a) Council
16 shall provide for the collection of such annual rentals, rates
17 or charges.

18 (b) In the case of a city which has agreed to provide sewer
19 service to a residential dwelling unit in which the owner does
20 not reside, the city shall notify the owner and the tenant
21 within thirty days after the tenant's bill for that service
22 first becomes overdue. Such notification shall be provided by
23 first class mail to the address of the owner provided to the
24 city by the owner and to the billing address of the tenant,
25 respectively. Nothing herein shall be construed to relieve the
26 owner of liability for such service unless the city fails to
27 provide the notice required herein.]

28 Section 304. The act is amended by adding a section to read:

29 Section 3213.1. Rental Fees or Charges.--(a) All persons
30 whose property is connected to a sanitary sewer system shall pay

1 to the city, in addition to the cost of making the connection, a
2 monthly, quarterly, semiannual or annual charge. The charges
3 shall be imposed by the city in accordance with procedures
4 approved by council. Until paid, a charge shall constitute a
5 lien against the property connected to the sanitary sewer system
6 and the amount thereof may be recovered by due process of law
7 through an action in assumpsit in the name of the city against
8 the owner of the property charged or by a lien filed in the
9 nature of a municipal lien. All water utilities supplying water
10 to users within the boundaries of any city shall at the request
11 of the council furnish to the city, at reasonable times agreed
12 to by the city and water utilities, a list of all water meter
13 readings and flat-rate water bills, and the basis for each flat-
14 rate water charge, so that the data may be used in calculating
15 sewer rental fees. The city may pay to the utilities clerical
16 and other expenses incurred in the preparation of the lists.

17 (b) Nothing in this section shall be construed to repeal or
18 modify any of the provisions of 66 Pa.C.S. (relating to public
19 utilities).

20 (c) Subject to subsection (d), all sanitary sewer rentals
21 received shall be deposited in a special fund to be used only
22 for the payment of the cost of administration, construction,
23 reconstruction, repair, operation and maintenance of the
24 sanitary sewer system.

25 (d) Notwithstanding the provisions of the act of July 18,
26 1935 (P.L.1286, No.402), entitled "An act empowering counties,
27 cities, boroughs, incorporated towns, and townships to charge
28 and collect from owners of and water users in property served
29 thereby, annual rentals, rates or charges for the use of certain
30 sewers, sewerage systems and sewage treatment works, including

1 charges for operation, inspection, maintenance, repair,
2 depreciation, and the amortization of indebtedness and interest
3 thereon; empowering counties, cities, boroughs, incorporated
4 towns and townships to contract with authorities organized by
5 cities of the second class, by cities of the second class A, by
6 counties or by cities of the third class for sewer, sewerage and
7 sewage treatment services; to grant, convey, lease, transfer,
8 encumber, mortgage and pledge to such authorities, their sewers,
9 sewerage systems and sewage treatment works; to assign and
10 pledge to such authorities rentals, rates and charges charged
11 and collected by them for the use thereof, and to assign to such
12 authorities their power to charge and collect the same; and
13 validating all such contracts, grants, conveyances, leases,
14 transfers, assignments, encumbrances, mortgages and pledges
15 heretofore made," or any other law, city council may transfer
16 part of the sanitary sewer rentals in the special fund to the
17 general fund to meet immediate general financial obligations or
18 to ensure adequate cash flow for city operations, provided,
19 however, that money transferred from the special fund to the
20 general fund shall be repaid to the special fund prior to the
21 end of the fiscal year or at a date specific as council may
22 determine.

23 (e) In the case of a city which has agreed to provide
24 sanitary sewer service to a residential dwelling unit in which
25 the owner does not reside, the city shall notify the owner and
26 the tenant within thirty days after the tenant's bill for that
27 service first becomes overdue. The notification shall be
28 provided by first class mail to the address of the owner
29 provided to the city by the owner and to the billing address of
30 the tenant, respectively. Nothing in this subsection shall be

1 construed to relieve the owner of liability for such service
2 unless the city fails to provide the notice required herein.

3 Section 305. Section 3214 of the act is repealed:

4 [Section 3214. Collection of Sewer Rentals.--Such annual
5 sewer rentals or charges shall be a lien on the properties
6 charged with the payment thereof from the date set in the
7 ordinance, and, if not paid after thirty days' notice, may be
8 collected by an action in assumpsit in the name of the city
9 against the owner of the property charged or by distress of
10 personal property on the premises or by a lien filed in the
11 nature of a municipal lien.]

12 Section 306. Section 3215 of the act, added August 6, 1963
13 (P.L.525, No.280), is repealed:

14 [Section 3215. Tapping Fees.--Each city may provide by
15 ordinance for charging a tapping fee whenever the owner of any
16 property connects such property with a sewer system constructed
17 or acquired by the city, which fee shall be in addition to any
18 charges assessed and collected against such property in the
19 construction or acquisition of such sanitary sewer by the city,
20 or any rental charges assessed by the city. In any case where
21 the property connected or to be connected with the sanitary
22 sewer system of the city is not equipped with a water meter, the
23 city may install such a meter at its own cost and expense. If
24 the property is supplied with water from the facilities of a
25 public water supply agency, the city shall not install such
26 meter without the consent and approval of the public water
27 supply agency.]

28 Section 307. Article XXXII subdivision (b) heading and
29 sections 3220, 3221 and 3222 of the act are repealed:

30 [(b) Acquisition of Existing Sewers

1 Section 3220. Purchase of Existing Sewers.--Any city, in
2 which any corporation created and existing under and by virtue
3 of the laws of this Commonwealth, or any person or persons or
4 unincorporated associations, have constructed and are
5 maintaining or may hereafter construct and maintain sewers,
6 culverts, conduits, and pipes, with the necessary inlets and
7 appliances, for surface, under-surface and sewage drainage, may
8 become the owner of such sewers, culverts, conduits, and pipes,
9 with the necessary inlets and appliances, for surface, under-
10 surface, and sewage drainage, and the property of such company,
11 person or persons, or unincorporated associations, by paying
12 therefor the actual value of the same at the time of taking by
13 the city.

14 Section 3221. Ascertainment of Price in Case of
15 Disagreement.--In case of disagreement as to the amount to be
16 paid, the same shall be ascertained in the manner provided by
17 this act in case of property taken, injured or destroyed.

18 Section 3222. Appointment of Viewers.--Whenever the amount
19 to be paid by any city to any corporation, person or persons, or
20 unincorporated association, for the acquisition of such sewers,
21 culverts, conduits, and pipes, with the necessary inlets and
22 appliances, shall have been ascertained in the manner provided
23 in the preceding section, the court of common pleas of the
24 proper county, or any law judge thereof in vacation, on
25 application thereto by petition by said city or any person
26 interested, shall appoint viewers who shall assess the costs and
27 expenses of the sewers, culverts, conduits, and pipes, with the
28 necessary inlets and appliances, acquired by said city, upon the
29 property benefited according to benefits, if sufficient can be
30 found, but if not, then the deficiency, when finally

1 ascertained, shall be paid by the city; and the proceedings of
2 said viewers, and the proceedings on their report, shall be as
3 provided in this act for the assessment of damages and
4 benefits.]

5 Section 308. The act is amended by adding a section to read:

6 Section 3222.1. Acquisition of Existing Sanitary Sewer
7 Systems.--(a) A city may, by ordinance, acquire all or part of
8 an existing sanitary sewer system or community subsurface
9 sanitary sewage collection and treatment system.

10 (b) Acquisition may be by any of the following means:

11 (1) By purchase, when the city and the owner can agree on a
12 price not exceeding the actual value of the sanitary sewer
13 system or part thereof to be transferred.

14 (2) By deed of dedication to the city by the owner of the
15 sanitary sewer system or part thereof.

16 (3) If the facilities are within the city, by the exercise
17 of eminent domain.

18 (c) If any sanitary sewer system or community subsurface
19 sanitary disposal collection and treatment system is acquired by
20 purchase or eminent domain under this section, the cost of
21 acquisition may be distributed or assessed under this act as
22 when a sanitary sewer system is constructed by the city.

23 (d) The rights, powers and duties of the city with respect
24 to acquired sanitary sewer systems are the same as exist with
25 respect to sanitary sewer systems constructed by the city.

26 Section 309. Article XXXII subdivision (c) heading of the
27 act is repealed:

28 [(c) Construction of Sewers Outside Cartway and Curb Lines]

29 Section 310. Section 3230 of the act, amended August 6, 1963
30 (P.L.525, No.280), is amended to read:

1 Section 3230. [Power to Construct] Sewers Outside Cartway
2 and Curb Lines.--(a) Cities may require and permit sanitary
3 sewers and sewer pipes to be laid and constructed outside the
4 cartway and the curb lines thereof in any street or highway.

5 The [said] sanitary sewers shall be for the service and use
6 of the property on the side of the street or highway in which
7 they are laid.

8 (b) The costs and expenses of any sanitary sewer laid and
9 constructed in accordance with subsection (a) may be assessed
10 against the property benefited, improved and accommodated by the
11 sanitary sewer.

12 Section 311. Section 3231 of the act, amended August 6, 1963
13 (P.L.525, No.280), is repealed:

14 [Section 3231. Collection of Costs and Expenses.--The costs
15 and expenses of any sanitary sewer laid and constructed as
16 aforesaid may be assessed against the property benefited,
17 improved and accommodated by the sanitary sewer and such costs
18 and expenses, when so assessed, shall be assessed and collected
19 in the same way and manner as the cost and expenses of other
20 sanitary sewers are assessed and collected in the respective
21 city in which the same are laid.]

22 Section 312. Article XXXII subdivision (d) heading of the
23 act is repealed:

24 [(d) Joint Sewers]

25 Section 313. Section 3240 of the act, amended August 6, 1963
26 (P.L.525, No.280), is amended to read:

27 Section 3240. Building Joint Sewers.--(a) Cities may
28 jointly with other municipalities or [townships or both]
29 municipal authorities build and construct sanitary sewers,
30 including trunk-line sewers or drains and sewage treatment

1 works, and may connect into such system existing sanitary
2 sewers, and may assess their respective portions of the cost
3 thereof, or so much thereof as may be legally assessable, upon
4 property benefited, improved and accommodated by the improvement
5 [either by viewers as is provided in the case of cities by
6 sections three thousand two hundred and eight, three thousand
7 two hundred and nine, and three thousand two hundred and ten of
8 this act or by the foot-front rule or assessed valuation, as
9 provided in section three thousand two hundred and three of this
10 act] pursuant to Article XLV-A. Any portion of the cost of
11 [such] an improvement not assessed or not assessable shall be
12 paid [by the respective cities, boroughs, and townships joining
13 as may be agreed upon] as agreed upon by the respective cities
14 and other municipalities or municipal authorities.

15 (b) The cities[, boroughs, and townships] and other
16 municipalities or municipal authorities joining or contemplating
17 joining in any such improvement, in order to facilitate the
18 securing of preliminary surveys and estimates and the building
19 of [such] the improvement, may by ordinance or resolution
20 provide for the appointment of a joint sewer board composed of
21 one representative from each of the cities[, boroughs, and
22 townships] and other municipalities or municipal authorities
23 joining which shall act generally as the advisory and
24 administrative agency in securing [such] surveys and estimates
25 and in the construction of [such] the improvement, and its
26 subsequent operation and maintenance. The members of [such] the
27 board shall serve for terms of six years each from the dates of
28 their respective appointments, and until their successors are
29 appointed. The joint sewer board shall organize by the election
30 of [chairman, vice-chairman] a chair, vice-chair, secretary, and

1 treasurer. The several cities[, boroughs, and townships] and
2 other municipalities or municipal authorities may, in the
3 ordinances and resolutions creating the joint sewer board,
4 authorize the board to appoint an engineer, a solicitor, and
5 [such] other assistants as are deemed necessary; and agree to
6 the share of the compensation of [such] the persons each city[,
7 borough, and township] and other municipalities or municipal
8 authorities is to pay. The members of the joint sewer board
9 shall receive [such] compensation for attending meetings of the
10 board, as shall be fixed in the budget prepared by the board for
11 submission to and adoption by the several cities[, boroughs, and
12 townships] and other municipalities or municipal authorities as
13 hereinafter provided[, and the]. The budget item providing for
14 the compensation to members for attending meetings shall not
15 exceed a total of two hundred and fifty dollars per year, and no
16 member shall be paid unless [he] the member actually attends,
17 and the fee for each [such] attendance shall be stipulated, and
18 the members, in addition thereto, shall be entitled to actual
19 expenses to be paid by the respective cities[, boroughs, and
20 townships] and other municipalities or municipal authorities
21 which [such] the members represent.

22 (c) The joint sewer board shall have power to adopt rules
23 and regulations to govern its proceedings, and shall prepare and
24 suggest any practical measures and plans by means of which the
25 joint improvement may be carried to successful completion; and
26 the future development of the system, so as to conform to a
27 general plan, assured and safeguarded. [It] The joint sewer
28 board shall have power to prepare a joint agreement or
29 agreements for submission to and adoption by the several
30 cities[, boroughs, and townships] and other municipalities or

1 municipal authorities defining the advisory and administrative
2 powers of the board; setting forth the consents of the several
3 cities[, boroughs, and townships] and other municipalities or
4 municipal authorities to the proposed improvement; the manner in
5 which preliminary and final plans, specifications, and estimates
6 for the proposed improvement shall be prepared and adopted; how
7 proposals for bids shall be advertised, and contracts let; the
8 manner in which the costs of the improvement and other
9 incidental and preliminary expenses in connection therewith, and
10 the future cost of operation and maintenance shall be equitably
11 shared, apportioned, and paid; and all such other matters
12 including the preparation and submission of annual and other
13 budgets as may be deemed necessary or required by law to carry
14 the proposed improvement to completion and to assure future
15 maintenance and operation thereof. [But nothing herein] Nothing
16 contained herein shall authorize the board to make any
17 improvement or expend any public moneys which has not first been
18 authorized by all of the cities[, boroughs, and townships] and
19 other municipalities or municipal authorities proceeding with
20 the improvement.

21 (d) In any case where it shall be necessary to acquire,
22 appropriate, injure, or destroy private property of any kind to
23 build any [such] joint sewer improvement, and the same cannot be
24 acquired by purchase or gift, the right of eminent domain shall
25 vest in the city[, borough, or township] or other municipalities
26 or municipal authorities where [such] the property is located.
27 In any case where it shall be necessary to acquire, injure, or
28 destroy property of any kind in any territory not within the
29 limits of any of the cities[, boroughs, or townships] and other
30 municipalities or municipal authorities joining in the

1 improvement[;] then, subject to the limitations in 26 Pa.C.S. §
2 206 (relating to extraterritorial takings), the right of eminent
3 domain shall be vested in any city[, borough, or township
4 adjacent to such territory where such property is located] and
5 other municipalities or municipal authorities joining in the
6 sewer improvement. Damages for any property taken, injured, or
7 destroyed shall be assessed as provided by the general laws
8 relating to the cities[, boroughs, and townships] and other
9 municipalities or municipal authorities exercising the right of
10 eminent domain[;] and pursuant to the procedures of 26 Pa.C.S.
11 (relating to eminent domain) if applicable, and shall be paid by
12 the several cities[, boroughs, and townships] and other
13 municipalities or municipal authorities joining in the same
14 proportion as other costs of the improvement.

15 (e) Each of the cities joining in [any such improvement] an
16 improvement authorized by this section shall have power to incur
17 or increase its indebtedness[, not exceeding the constitutional
18 limits, for the purpose of paying its share or portion of the
19 costs of such improvement in the manner provided by law for the
20 incurring of indebtedness] in accordance with 53 Pa.C.S. Pt.
21 VII, Subpt. B (relating to indebtedness and borrowing), for the
22 purpose of paying its share or portion of the costs of the
23 improvement.

24 Section 314. Section 3241 of the act is amended to read:

25 Section 3241. Approval of [Sanitary Water Board] Department
26 of Environmental Protection.--No [such] sewer or plant shall be
27 constructed until plans and specifications have been submitted
28 to the [Sanitary Water Board] Department of Environmental
29 Protection, and approved in accordance with provisions of [the
30 act of assembly providing for such approval] applicable law.

1 Section 315. Sections 3242, 3243 and 3244 of the act are
2 repealed:

3 [Section 3242. Connections with Sewers of Adjacent
4 Municipalities.--Any city may connect with an existing sewer,
5 owned by any adjacent municipality, for sewage purposes, in the
6 manner prescribed in the following sections of this subdivision
7 of this article.

8 Section 3243. Applications to Court.--Whenever any city
9 desires to connect with the existing sewer of any adjacent
10 municipality, and no agreement has been reached between such
11 city and the adjacent municipality, an application shall be made
12 by council to the court of quarter sessions of the county,
13 setting forth that fact.

14 Section 3244. Appointment of Viewers.--If the court shall be
15 of the opinion that such connection can be made without
16 impairing the usefulness of the existing sewer, it shall appoint
17 three viewers, who shall view the premises and investigate the
18 facts of the case, and shall assess the proportionate part of
19 the expense of building the original sewer upon such city, and
20 shall fix the proportion of the expense for repairs which each
21 municipality shall thereafter bear, and determine all other
22 questions liable to arise in connection therewith.]

23 Section 316. Section 3245 of the act, repealed in part June
24 3, 1971 (P.L.118, No.6), is repealed:

25 [Section 3245. Report of Viewers; Appeals to Court.--The
26 viewers shall report to the court the result of their
27 investigation, which report shall be confirmed within thirty
28 days, unless exceptions thereto be filed. After confirmation of
29 such report, or the disposal of any exceptions, any party
30 interested may appeal from the decision of the court of quarter

1 sessions.]

2 Section 317. The act is amended by adding a section to read:

3 Section 3245.1. Municipal Corporation; Municipal Authority;
4 Agreements for Connections; Appointment of Viewers.--(a) Any
5 city may by agreement connect with an existing sanitary sewer
6 owned by any municipal corporation or municipal authority for
7 either sanitary sewage collection or treatment purposes.

8 (b) When any city desires to connect with the existing sewer
9 of any municipal corporation or municipal authority and no
10 agreement has been reached between the city and the municipal
11 corporation or municipal authority, city council shall present a
12 petition to the court of common pleas setting forth those facts.
13 The court shall fix a day for a hearing and notify all
14 interested parties thereof. If, after the hearing, the court
15 determines that the connection can be made without impairing the
16 usefulness of the existing sanitary sewer system, the court
17 shall appoint three viewers to view the premises, investigate
18 the facts of the case, assess the necessary costs and expenses
19 of making the connection and assess the proportionate part of
20 the expense of building the original sanitary sewer system upon
21 the city. The court shall determine the proportion of the
22 expense for repairs which each municipal corporation, municipal
23 authority and the city shall bear and shall determine all other
24 questions liable to arise in connection therewith.

25 (c) The viewers shall report to the court the result of
26 their investigation, which report shall be confirmed within
27 thirty days, unless exceptions thereto are filed. After
28 confirmation of the report, or the disposal of any exceptions,
29 any party interested may appeal from the decision of the court
30 of common pleas.

1 Section 318. Article XXXII subdivision (e) heading of the
2 act is repealed:

3 [(e) Power to Furnish Sewerage Facilities Outside of City]

4 Section 319. Section 3250 of the act is amended to read:

5 Section 3250. Sewers Extended Outside of City.--[All cities,
6 wherein the title to the sewerage system therein located, is, or
7 shall hereafter be in the name of the city,] A city with a
8 sanitary sewer system may extend [such] the system and construct
9 sewers beyond the [bounds of the cities wherein they are located
10 into the county and municipalities of the county in the vicinity
11 of such cities,] city's boundaries into adjoining municipalities
12 in the county where the city is located and furnish sewer
13 facilities to, and permit the tapping and the connection
14 therewith by any and all corporations, institutions, persons and
15 municipalities in the [counties in which said cities are] county
16 where the city is located in accordance with law and the rules
17 and regulations of the Pennsylvania Public Utility Commission.
18 This section does not authorize a city to extend a sewerage
19 system or construct sewers in territory outside the boundaries
20 of such cities in which sewerage facilities are furnished by a
21 private company or by a municipality authority.

22 Section 320. Article XXXIII and subdivision (a) headings,
23 sections 3301 and 3302, subdivision (b) heading and sections
24 3310, 3311, 3312, 3313, 3314 and 3315 of the act are repealed:

25 [ARTICLE XXXIII

26 COLLECTION BY INSTALMENT OF THE COST OF STREET

27 AND SEWER IMPROVEMENTS

28 (a) Street and Sewer Improvements

29 Section 3301. Payment of Assessments in Instalments.--
30 Whenever any ordinance is passed providing for the grading,

1 paving or other improvement of any street, or part thereof, or
2 for the construction of any sewer, the expense whereof is to be
3 defrayed by local assessments, it may be prescribed in such
4 ordinance that the assessments may be paid in not more than ten
5 equal instalments, payable at such times as may be fixed by
6 ordinance, the last thereof not to be more than ten years after
7 the completion of the work on the improvement for which it is
8 assessed. The instalments shall bear interest at the rate of not
9 more than six per centum per annum, commencing at such time as
10 may be fixed by ordinance. If any of said instalments shall
11 remain unpaid for two months after the same shall become due and
12 payable, the whole of the assessment remaining unpaid shall be
13 due and payable. Any person upon whom such assessment has been
14 made may pay all or as many as he chooses of such instalments
15 before the same are due.

16 Section 3302. Collection of Assessments.--All assessments
17 made in pursuance hereof shall be collected in the same manner
18 and with the same penalties as provided by law for the
19 collection of municipal claims.

20 (b) Street Improvements

21 Section 3310. Issue of Bonds for Payment of Cost of
22 Improvement.--In order to provide for the payment of the cost
23 and expense of the permanent paving and improvement of any
24 street, or part thereof, cities may in addition to other methods
25 provided, from time to time, issue their bonds in such sums as
26 may be required, in all to an amount not exceeding the cost and
27 expense of such improvement and interest thereon.

28 Said bonds shall bear the name of the street to be improved.
29 They shall bear interest at a rate not exceeding six per centum
30 per annum, payable semi-annually, on the first day of July and

1 January, and their maturity shall be fixed in accordance with
2 the Municipal Borrowing Law.

3 Section 3311. Disposition of Proceeds of Sale of Bonds;
4 Assessment on Properties.--Said bonds shall be negotiated at not
5 less than par as other bonds of said cities are negotiated, and
6 the proceeds thereof applied solely to the payment of the cost
7 of said improvement. The contract price of the same, and
8 interest thereon to the first day, when interest thereon is
9 payable, shall be taken as the cost of said improvement, to be
10 assessed on the property benefited, according to the provisions
11 of this act.

12 Section 3312. Entering of Assessments as Liens.--Such
13 assessments shall be entered in the proper municipal lien and
14 judgment docket in the prothonotary's office, and shall, if
15 filed within six months from the completion of the improvements,
16 without the issuing of a scire facias to revive, remain a first
17 lien upon the property assessed until fully paid, having
18 precedence of all other liens, except taxes, and shall not be
19 diverted by any judicial sale, unless the payment of the same is
20 provided for from the proceeds of such sale.

21 The assessment shall state the name of the city claimant, the
22 name of the owner or reputed owner, a reasonable description of
23 the property, the amount claimed to be due, for what improvement
24 the claim is made, and the time when the assessment was finally
25 confirmed or made.

26 Section 3313. Instalment Payment of Assessments.--Such
27 assessment shall be payable at the city treasurer's office in
28 equal semi-annual instalments, with interest, at the rate
29 provided in said bonds, from the date to which interest was
30 computed on the amount of the assessments, or so much as remains

1 unpaid from time to time, until all said assessments and
2 interest are fully paid. The money so received by the city
3 treasurer shall be applied to the sinking fund.

4 Section 3314. Collection of Unpaid Instalments.--In case of
5 default in the payment of any semi-annual instalment of said
6 assessment and interest for a period of sixty days after the
7 same shall become due and payable, the entire assessment and
8 accrued interest shall become due and payable, and the city
9 solicitor shall proceed to collect the same under the provisions
10 of laws creating and regulating municipal liens and proceedings
11 thereon.

12 Section 3315. Payment in Advance; Discharge of Lien as Part
13 of Property.--Any owner of property against whom an assessment
14 shall have been made for such improvement shall have the right
15 to pay the same, or any part remaining unpaid, in full with
16 interest thereon to the next semiannual payment due on said
17 assessment, and such payment shall discharge the lien. If any
18 owner shall subdivide any property after such lien attaches, he,
19 in like manner, may discharge the same upon any subdivided
20 portion thereof by paying the amount for which said part would
21 be liable.]

22 Section 321. Article XXXIV heading of the act is amended to
23 read:

24 ARTICLE XXXIV

25 [WATER-COURSES]

26 WATERCOURSES, FLOOD PROTECTION PROJECTS

27 AND STORM WATER SYSTEMS

28 Section 322. Section 3401 of the act is amended to read:

29 Section 3401. [Changing of Water-Courses] Establishing and
30 Changing Watercourses, Flood Protection Projects and Storm Water

1 Systems; Removing Obstructions [Therefrom.--Cities].--(a)
2 Subject to obtaining, if required, the authorization of the
3 Department of Environmental Protection and of the Federal
4 Government, a city may, by ordinance, [after the consent of the
5 Water and Power Resources Board and of the Federal government,
6 where required, has first been obtained, establish the lines,
7 change and] do any of the following:

8 (1) Realign, change or vacate the channels, beds, and mouths
9 of [water-courses] watercourses through lands, marshes or waters
10 in or adjacent to the city[; crib, wall, confine], subject to
11 the limitations in the act of August 7, 1936 (1st Sp.Sess.,
12 P.L.106, No.46), referred to as the Flood Control Law, the act
13 of June 22, 1937 (P.L.1987, No.394), known as "The Clean Streams
14 Law," the act of November 26, 1978 (P.L.1375, No.325), known as
15 the "Dam Safety and Encroachments Act," and 26 Pa.C.S. § 206
16 (relating to extraterritorial takings).

17 (2) Confine, pave or completely [inclose, and prevent]
18 enclose watercourses within the city.

19 (3) Prevent and remove obstructions [therefrom at the
20 expense of those causing the same; and, for such purposes, may
21 enter upon and condemn such property and materials as may be
22 necessary. Cities may construct] and encroachments from
23 watercourses and the banks of streams that threaten or do injure
24 the city or property therein, at the expense of those that
25 caused the obstruction or encroachment through proceedings at
26 law or equity.

27 (4) Construct and maintain dams [as hereinafter provided.
28 Cities may also, by ordinance, establish the lines of banks of
29 streams of water which pass through or along the boundary of
30 such cities, and by proceedings at law or equity prevent and

1 remove all such encroachments on the banks of streams and water-
2 courses as threaten to or do injure the city or the property
3 therein.] in a watercourse flowing through the city, or partly
4 within and partly outside its corporate limits, for the purpose
5 of improving the public health, safety and welfare in the city.

6 (5) Plan and provide for projects, infrastructure and
7 improvements as a means of managing and controlling storm water,
8 which may include, but need not be limited to, the transport,
9 storage and the infiltration of storm water and other innovative
10 techniques identified in the county-prepared watershed plans
11 pursuant to the act of October 4, 1978 (P.L.864, No.167), known
12 as the "Storm Water Management Act."

13 (6) Plan and provide for projects, infrastructure, and
14 improvements as a means of providing flood protection pursuant
15 to the Flood Control Law.

16 (b) A city may, for any of the purposes in this section,
17 purchase, acquire, enter upon, take, use and appropriate private
18 property and materials as necessary. Condemnation proceedings
19 shall be pursuant to the procedures in 26 Pa.C.S. (relating to
20 eminent domain), and any takings of property outside the limits
21 of the city shall be subject to the limitations in 26 Pa.C.S. §
22 206.

23 Section 323. Sections 3402, 3403, 3404, 3405 and 3406 of the
24 act are repealed:

25 [Section 3402. Notice.--No ordinance for the establishment
26 of lines or the vacation or alteration of the course or channel
27 of any water-course shall be passed, until notice thereof has
28 been given, by publication of the proposed ordinance, at least
29 once a week for three consecutive weeks, in one newspaper in
30 accordance with the provisions of section one hundred nine of

1 this act.

2 Section 3403. Viewers to Assess Damages.--The city may, at
3 any time after the passage of the ordinance, present a petition
4 to the court of common pleas, setting forth the lines
5 established and the nature of the vacation or alteration
6 proposed in the course or channel of such water-course, together
7 with a description of the proposed improvements, and praying the
8 court to appoint three viewers to ascertain the damages, costs,
9 and expenses resulting therefrom, and to assess the damages,
10 costs, and expenses, for so much thereof as the viewers may deem
11 reasonable, upon the property benefited.

12 Section 3404. Appointment of Viewers.--The court, or any law
13 judge thereof in vacation, shall appoint three viewers from the
14 county board of viewers, and appoint a time, not less than
15 twenty nor more than thirty days thereafter, when the viewers
16 shall meet upon the line of the improvement and view the same
17 and the premises affected.

18 Section 3405. Proceedings to Assess Damages.--The
19 proceedings before such viewers for the allowances of damages
20 for property taken, injured or destroyed, and for the assessment
21 of benefits upon property benefited, shall be as provided in
22 this act for the assessment of damages and benefits in eminent
23 domain proceedings.

24 Section 3406. Discontinuance of Proceedings.--If any city
25 shall repeal any ordinance passed, or discontinue any proceeding
26 taken, providing for any such improvements, prior to the entry
27 upon, appropriation, or injury to any property or materials, the
28 city shall not be liable to pay any damages, but all costs upon
29 any such proceeding, together with any actual damage or injury
30 sustained by reason of such proceeding, shall be paid by the

1 city.]

2 Section 324. Sections 3407 and 3408 of the act are amended
3 to read:

4 Section 3407. [Liens.--When the court has entered its final
5 decree confirming the report or fixing the assessments, the]
6 Assessment of Benefits; Liens.--With regard to improvements made
7 pursuant to section 3401(a), a city may, if feasible, assess the
8 benefits upon property benefited by the improvements pursuant to
9 Article XLV-A. The assessments of benefits shall become liens
10 upon the property assessed. Claims therefor may be collected in
11 the same manner as municipal claims are collected, or they may
12 be collected by action of assumpsit, the lien of the judgment,
13 however, to be limited to the property assessed.

14 Section 3408. Waters Excepted.--Nothing contained in the
15 preceding sections of this article shall apply to any [water-
16 course] watercourse used by any municipality or water company as
17 a source of supply, unless [such] the municipality or water
18 company shall consent to [such] the vacation or alteration.

19 Section 325. Section 3409 of the act is repealed:

20 [Section 3409. Construction of Dams.--Whenever the consent
21 of the Water and Power Resources Board and of the Federal
22 government, whenever necessary, has been granted to any city to
23 construct and maintain a dam, in a public navigable river or
24 stream flowing through, or partly within and partly without its
25 corporate limits, for the purpose of improving the sanitary
26 conditions thereof, such city may purchase, acquire, enter upon,
27 take, use and appropriate private property, either within or
28 without its territorial limits, for that purpose. If the city
29 cannot agree with the owner or lessee of such private property
30 upon the compensation for the property appropriated or the

1 damages done, or when, by reason of the absence or legal
2 incapacity of any such owner or lessee, no such compensation can
3 be agreed upon, the court of common pleas of the county in which
4 such property may be situate, or any judge thereof in vacation,
5 on application thereto by petition by said city or such owner,
6 lessee, or any person affected, shall appoint viewers to view
7 and ascertain the damages done by reason thereof, and the
8 proceedings thereupon shall be as provided in this act in the
9 case of property taken, injured or destroyed.]

10 Section 326. Article XXXV heading of the act is amended to
11 read:

12 ARTICLE XXXV

13 [PUBLIC] UTILITY SERVICE

14 Section 327. Article XXXV subdivision (a) and subheading (1)
15 headings and section 3501 of the act are repealed:

16 [(a) Water Supply

17 (1) General Provisions

18 Section 3501. Exclusive Right to Furnish Water to City;
19 Frontage Tax.--Each city shall have the exclusive right, at all
20 times, to supply the city with water, and such persons,
21 partnerships, and corporations therein as may desire the same,
22 at such prices, as may be agreed upon; and for that purpose to
23 have, at all times, the unrestricted right, by ordinance,
24 subject to the provisions of existing laws, to make, erect, and
25 maintain all proper works, machinery, buildings, cisterns,
26 reservoirs, pipes, conduits, for the raising, reception,
27 conveyances, and distribution of water; or, in territory not
28 supplied with water, to make contracts with and authorize any
29 person, company, or association so to do and to give such
30 person, company, or association the privilege of furnishing

1 water, as aforesaid, for any length of time not exceeding ten
2 years. Whenever an extension of a supply of water to portions of
3 the city not previously supplied shall be made, it shall be
4 lawful to charge all owners of houses, lots, and buildings on
5 each side of the street a frontage tax for the local water
6 supply part thereof according to the foot front or the assessed
7 valuation of the property for city purposes or according to
8 benefits. This tax shall be collected and recovered in the
9 manner provided by law for the recovery of municipal claims. The
10 legal title to all waterworks heretofore vested in any city by
11 equitable title shall, after the effective date of this act, be
12 vested in such city. Said waterworks shall be operated,
13 maintained, and managed in the same manner and subject to the
14 same provisions as any waterworks, owned or acquired by cities.]

15 Section 328. The act is amended by adding a section to read:

16 Section 3501.1. Right to Furnish Water, Lighting, Electric,
17 Gas or Other Similar Utility Service.--(a) A city may supply
18 water, lighting, electric, gas or other similar utility service
19 for public and private uses within the city. For these purposes,
20 a city shall have the power to install, maintain, and operate
21 all necessary facilities and to acquire property and make
22 improvements as needed. In carrying out the authority granted by
23 this section, a city may exercise all powers granted to it under
24 this act or any other law deemed necessary to carry out the
25 purposes of this section, including the power to acquire, by
26 eminent domain or otherwise, and the power to temporarily use or
27 lease, property.

28 (b) A city supplying water, lighting, electric, gas or other
29 similar utility service shall have the authority to fix the
30 rates and charges applicable thereto in accordance with section

1 3587.

2 (c) For the purposes of this section, a city shall have the
3 authority to incur debt in accordance with 53 Pa.C.S. Pt. VII,
4 Subpt. B (relating to indebtedness and borrowing).

5 Section 329. Article XXXV subheading (2) heading, sections
6 3505, 3506 and 3507, subheading (3) heading, sections 3515,
7 3516, 3517, 3518, 3519, 3520 and 3521, subheading (4) heading,
8 sections 3530, 3531 and 3532, subheading (5) heading and section
9 3540 of the act are repealed:

10 [(2) Acquisition by Eminent Domain

11 Section 3505. Appropriation of Lands and Waters.--Any city
12 desiring to erect water-works, or to improve its water supply,
13 may appropriate springs, streams, rivers, or creeks, and lands,
14 easements, and rights of way, within or without its limits; and,
15 for the purpose of conducting water obtained outside the limits
16 of the city, may lay pipes under and over any lands, rivers,
17 streams, bridges, highways, and under railroads. No water
18 appropriated under the provisions of this section shall be used
19 in such manner as to deprive riparian owners thereon of the free
20 use and enjoyment of the same for domestic or farm purposes.

21 Section 3506. Agreements as to Damages; Bonds.--Prior to any
22 such appropriation, the city shall attempt to agree with the
23 owner as to the damage done, or likely to be done. If the
24 parties cannot agree, or the owner cannot be found, or is under
25 legal incapacity, the city shall petition the court of common
26 pleas to fix the amount of its bond, with or without surety, as
27 the court may direct, conditioned for the payment to the owner
28 of the property of the damages for the taking thereof, when the
29 same shall have been ascertained, and shall file said bond, as
30 approved, in the said court.

1 Section 3507. Appointment of Viewers; Proceedings.--Upon
2 petition of either the property owner or city, the court shall
3 appoint three viewers from the county board of viewers, who
4 shall assess the damages for the property or rights
5 appropriated, and shall fix a time for their meeting, of which
6 notice shall be given to all parties interested by newspaper
7 publication, at least once in at least one newspaper, ten days
8 prior to such meeting, as required by section one hundred and
9 nine of this act, and the posting of hand bills along the line
10 of said improvement. The proceedings for the assessment of
11 damages shall be as provided in this act in case of property
12 taken, injured or destroyed.

13 (3) Acquisition by Purchase after Appraisalment

14 Section 3515. Petition to Court Expressing Desire to Acquire
15 Water-Works.--Whenever any person, firm, or corporation shall
16 own any water-works or system which furnishes water within the
17 city, such city may present its petition to the court of common
18 pleas of the county, setting forth that the city is desirous of
19 owning and operating such water-works or system, and that it
20 will be necessary to issue bonds, to be secured by such water-
21 works or system, and that a value should be placed upon such
22 water-works or system, including all property, real and
23 personal, used in connection therewith. A city may acquire, by
24 agreement with the owner thereof, any water-works or system
25 which furnishes water within the city, or a part thereof, and
26 within nearby municipal subdivisions, or parts thereof.

27 Section 3516. Appointment of Engineers as Appraisers to Make
28 Valuation.--The court shall thereupon appoint three registered
29 engineers, in civil engineering, as appraisers, to value and
30 appraise such water-works or system, and the property used in

1 connection therewith, and the contracts or agreements with
2 municipalities or townships, who shall file their report in the
3 court within three months after their appointment, unless such
4 time be extended by the court.

5 Section 3517. Powers of Appraisers.--The appraisers shall
6 have access to the books and records of the person, firm, or
7 corporation, owning such water-works or system, to inform
8 themselves as to the income and value thereof. They shall have
9 power to administer oaths and are authorized to take the
10 testimony of witnesses. Their report shall be final if not
11 appealed from.

12 Section 3518. Appeal from Appraisalment.--Within ten days
13 after notice of the filing of any report, either party may
14 appeal from such appraisalment, alleging an undervaluation or
15 overvaluation of the property, and praying for a hearing before
16 the court. The court shall thereupon fix a time when such appeal
17 may be heard, of which time at least ten days' notice shall be
18 given to the parties, and, upon such hearing, the court shall
19 have power to modify such report, and either party may appeal
20 from the final confirmation of such report to the Superior or
21 Supreme Court.

22 Section 3519. Effect of Failure of Owner of Works to Accept
23 Price Fixed.--After the value is finally determined, the city
24 may buy such water-works or system at the valuation so fixed;
25 and the person, firm, or corporation owning the same shall,
26 within ten days after notice, file in court its consent to sell
27 and convey its water-works or system and property to the city at
28 the valuation fixed. And, in default thereof, such person, firm,
29 or corporation shall cease to have any exclusive privilege of
30 supplying the city, or the citizens thereof, with water, and the

1 city may install such water-works or system as may be necessary
2 for the accommodation of the public.

3 Section 3520. Issue of Bonds.--For the purpose of any
4 purchase authorized by this article, the city may issue general
5 obligation bonds or utility bonds or non-debt revenue bonds
6 issued as provided by the Municipal Borrowing Law.

7 Section 3521. Limit of Bond Issue.--Such bonds shall not
8 exceed in amount the value fixed by the appraisers or the court.
9 The proceeds of the sale of such bonds shall be used exclusively
10 for the purpose of paying for the property acquired.

11 (4) Acquisition of Competing Water Companies by Cities

12 Section 3530. Power to Acquire Companies Operating in Same
13 Territory.--Any city owning, operating, or controlling a system
14 of water-works for the supplying of water to persons,
15 partnerships, and corporations residing therein, and for
16 municipal purposes, whether the title to the said water-works be
17 in the name of commissioners of water-works or in the city
18 itself or otherwise, may acquire all the water-works, including
19 water pipes, mains, service attachments, fire hydrants, and
20 improvements of any water corporation or private individual
21 operating partly within and partly without the limits of the
22 said city, both so much as is included within the limits of the
23 said city, and so much as is without the limits of the said
24 city, serving the territory adjacent thereto, and acquire and
25 exercise all of the franchises and powers of said prior owner
26 both within and without the city limits.

27 No such municipal acquisition shall be valid until, upon
28 application filed by the city and formally joined in by the
29 proposed vendor water company, the Public Utility Commission
30 shall have found and determined, after public hearing, that the

1 granting of such application and the service contemplated by the
2 city is necessary or proper for the service, accommodation, and
3 convenience of the public. In any such proceeding, the entire
4 matter shall be before the commission, and no further specific
5 approvals of the said commission, which might otherwise be
6 required, shall be necessary.

7 Section 3531. Service Outside Limits Subject to Control of
8 Public Utility Commission.--The service of water by any such
9 city in the territory outside of the limits of the city shall be
10 subject to regulation and control by the Public Utility
11 Commission as to character of service, extensions, and rates,
12 with the same force and in like manner as though the city
13 serving in such territory were in fact a water corporation and
14 with respect to such territory outside of the limits of the
15 city, and shall have all the powers and be subject to all the
16 duties of a water corporation.

17 Section 3532. Different Rates Within and Without City.--
18 Inasmuch as the city may be serving its inhabitants at less than
19 the actual cost of service, including capital charges and
20 depreciation, because the plant may have been or may be built
21 and operated in part out of the funds raised by municipal
22 taxation, no rate, classification, rule, regulation, or
23 practice, put in operation by the city in the portion of its
24 territory supplied, located beyond the city limits shall be
25 considered as unjustly discriminatory solely by reason of the
26 fact that a different rate, classification, rule, regulation, or
27 practice is in operation within the boundaries of the
28 municipalities with respect to a similar service rendered.

29 (5) Power to Furnish Water to Consumers outside City

30 Section 3540. All cities wherein the title to the water-

1 works therein located is or shall hereafter be in the name of
2 the city may extend the water-pipes and improvements of any such
3 water-works, beyond the bounds of the cities wherein they are
4 located, into the county and municipalities of the county in the
5 vicinity of such cities; and furnish water to any and all
6 corporations, institutions, persons, and municipal subdivisions
7 in the counties in which said cities are located, in accordance
8 with law and the rules and regulations of the Public Utility
9 Commission. This section does not authorize a city to extend
10 water-pipes or supply water in territory, outside the boundaries
11 of such cities, which territory is being supplied with water by
12 a private company.]

13 Section 330. The act is amended by adding a section to read:

14 Section 3540.1. Power to Furnish Utilities to Consumers
15 Outside City.--A city that provides utility service in
16 accordance with section 3501.1 may provide utility service in
17 surrounding municipalities, or portions thereof, which are not
18 provided with such services by those surrounding municipalities,
19 local or regional public authorities or private companies,
20 subject to and in accordance with applicable law and the rules
21 and regulations of the Pennsylvania Public Utility Commission
22 with regard to the character of service, extensions and rates.

23 Section 331. Article XXXV subheading (6) heading, sections
24 3550, 3551, 3552 and 3553, subheading (7) heading, sections
25 3560, 3561, 3562, 3563 and 3564, subheading (8) heading and
26 sections 3570 and 3571 of the act are repealed:

27 [(6) Power to Lease Water-Works

28 Section 3550. Lease of Water-Works.--The council of any city
29 may, on behalf of such city, enter into a contract with any
30 private individual, copartnership, association, or corporation,

1 for the leasing of any water supply, works, systems, and
2 property, or both, of such private individual, copartnership,
3 association, or corporation.

4 Section 3551. Terms of Lease; Rental.--The said leasing may
5 be for such term of years and at such rental, as shall be agreed
6 upon by the city and the private individual, copartnership,
7 association, or corporation.

8 Section 3552. Operation of Property.--The property, so
9 acquired, shall be operated in the same manner as if the same
10 had been acquired by such city by purchase or condemnation
11 proceedings.

12 Section 3553. Rates.--The council of the city, subject to
13 the Public Utility Law, shall fix the rates to be charged for
14 the water furnished without the limits of such city to
15 individuals, copartnerships, associations, or corporations.

16 (7) Condemnation of Lands for Road Purposes and to
17 Prevent Contamination

18 Section 3560. Overflowing Roads; Acquisition of Lands to
19 Reconstruct Roads.--Whenever any city, in supplying water to the
20 public, shall find it necessary, in storing water, to occupy and
21 overflow with water portions of any turnpike or public road, or
22 whenever any public road leads into or crosses over any
23 reservoir used for the storage of water, the city shall cause
24 such turnpike or road to be reconstructed, at its own expense,
25 on a favorable location and in as perfect manner as the original
26 road, and, for such purposes, is authorized to condemn land
27 whenever an agreement as to the price cannot be had with the
28 owners.

29 Section 3561. Filing Maps and Plans.--After such change is
30 made, the city shall file in the court of quarter sessions of

1 the county a map or plan showing such change of road, and shall
2 furnish to the supervisors or other authorities of the township,
3 or municipal corporation, a copy of such map.

4 Section 3562. Condemnation of Lands to Prevent
5 Contamination.--Cities may acquire, by purchase or condemnation,
6 such lands along and contiguous to the streams of water or
7 reservoirs from which water is taken for public use, as may be
8 necessary to preserve the same from contamination.

9 Section 3563. Security for Payment of Damages.--No land
10 shall be taken, injured or destroyed for the uses mentioned in
11 this subdivision of this article until compensation therefor
12 shall have been paid, or secured, before such taking, injury or
13 destruction.

14 Section 3564. Condemnation Proceedings.--The damages
15 incurred in changing the location of any such turnpike or public
16 road, and in condemning land to preserve water from
17 contamination, shall be ascertained in the manner provided in
18 this act in case of property taken, injured or destroyed.

19 (8) Miscellaneous Provisions

20 Section 3570. Power of City to Patrol Through Private
21 Lands.--Any city owning and operating a water-works system is
22 hereby authorized and empowered to enter, by any of its
23 employes, upon private lands through which may pass any stream
24 or streams of water supplying such city, for the purpose of
25 patrolling the drainage area of such stream or streams, and
26 making investigations or inquiries pertaining to the condition
27 of the stream or streams, sanitary or otherwise. Any injury or
28 damage done to the property, so entered upon, shall be paid by
29 such city.

30 Section 3571. Leasing of Part of Water-Works for Yacht

1 Harbor.--The council, or the commission of water-works, or other
2 body of any city having charge and control of the water-works
3 property of any such city, may, subject to the approval of the
4 State Department of Health, and subject to proper restrictions,
5 lease, for a period of years, any portion of the real property,
6 not exceeding three acres, and any water area, under its
7 control, and not necessary or essential for the operation and
8 maintenance of such water-works, for the purpose of establishing
9 and maintaining a harbor for yachts and for the erection of
10 proper and suitable buildings in connection therewith, whenever
11 the occupation of the grounds and water areas so leased shall
12 not interfere with the operation of such water-works or in any
13 manner affect the sanitary conditions of any public water
14 supply.

15 Any such lease, before the same is executed, shall be
16 submitted to and be approved by the Department of Health.]

17 Section 332. Section 3572 of the act, added August 19, 1953
18 (P.L.1100, No.297), is repealed:

19 [Section 3572. Accumulation of Funds; Repair and Replacement
20 of Water Supply Systems.--Any city, which now has or may
21 hereafter acquire title to any water-works, shall create a
22 special fund and accumulate therein money to be expended
23 exclusively for the repairing and replacing of its water supply
24 system. The city shall annually place into the fund the
25 difference between ten (10) per cent of the net receipts
26 collected by it incidental to the supplying of water and water
27 service and the amount, if any, expended in repairing or
28 replacing its water supply system. The total amount in the
29 special fund shall not exceed in the aggregate ten (10) per cent
30 of the net receipts for any three years.

1 The provisions of this section shall not be construed to
2 limit the powers of the city to use receipts from water or water
3 services for purposes of repairing or replacing its water supply
4 system.]

5 Section 333. Article XXXV subdivision (b) heading, sections
6 3575 and 3576, subdivision (c) heading and sections 3580, 3581,
7 3582, 3583 and 3584 of the act are repealed:

8 [(b) Power and Light

9 Section 3575. Power to Furnish Light.--Cities shall have the
10 exclusive right, at all times, to supply the city with electric,
11 gas or other light, and such persons, partnerships, and
12 corporations therein as may desire the same, at such prices as
13 may be agreed upon; and shall have at all times, the
14 unrestricted right to make, erect, and maintain the necessary
15 buildings, machinery, and apparatus for manufacturing and
16 distributing the same, or, in territory not supplied with light,
17 to make contracts with and to authorize any person, company, or
18 association so to do, and to give such person, company, or
19 association the privilege of supplying gas or other light, as
20 aforesaid, for any length of time not exceeding ten years.

21 Section 3576. Street Lighting; Ornamental Lighting
22 Systems.--Cities may, by ordinance, provide for and regulate the
23 lighting of streets with gas or electric light, or light by
24 other means, and, upon petition of the majority of the property
25 owners in number or interest abutting on any street or section
26 thereof, may install ornamental lighting systems and assess the
27 costs of installation, maintenance, or operation entirely upon
28 the city, or entirely upon the abutting property owners, or
29 partly upon the abutting property owners and partly on the city.

30 (c) Water and Lighting Commission

1 Section 3580. Creation of Water and Lighting Department.--
2 Any city which now has or which may hereafter have the title to
3 any water, gas, or electric light works, by conveyance to the
4 same or by operation of law in its corporate name, or which may
5 hereafter erect or purchase water, gas, or electric light works,
6 under the provisions of this act, may create a department to be
7 called the water and lighting department, and, for the
8 organization and government of the same, the council may divide
9 the city into three districts for the election of a board of
10 commissioners, which districts shall be numbered one, two, and
11 three; one commissioner to be chosen from each respective
12 district, of which he shall be a resident at the time of his
13 election, and no member of council or person holding any city
14 office shall be eligible as a member of said board.

15 Section 3581. Election of Members of Commission.--The
16 council of such city creating such department, as aforesaid,
17 may, on the second Monday of April, or within thirty days
18 thereafter, elect one person from each of said districts as a
19 member of the board of commissioners of the water and lighting
20 department; and at the first election each member of council
21 shall vote for but two commissioners, and the three persons,
22 being one from each of said districts, having the highest number
23 of votes shall be declared elected. The commissioners so elected
24 shall serve for the term of one, two, and three years,
25 respectively, to be computed from the date of election, and
26 until their successors are duly elected and qualified. The term
27 of each shall be determined by lot at the first meeting of the
28 board, and thereafter on the second Monday of April of each
29 year, or within thirty days thereafter, the council shall elect
30 one commissioner to serve for the term of three years.

1 Section 3582. Compensation of Commissioners; Oath; Removal;
2 Filling of Vacancies.--The members of the board of
3 commissioners, created as aforesaid, shall receive such
4 compensation for their services as may be provided by ordinance.
5 Before entering upon their respective duties, they shall take
6 and subscribe the oath prescribed by this act for city officers,
7 and they shall be removable by council for misdemeanor in office
8 or neglect of duty. All vacancies occurring in the board shall
9 be filled by council for the unexpired term.

10 Section 3583. Duties of Board.--The board shall take charge
11 of the water and lighting department so created, and shall
12 employ and dismiss at pleasure a superintendent and a clerk, who
13 shall be secretary of the board, whose compensation shall be
14 fixed by council. The board shall employ such laborers,
15 mechanics and workmen as they may deem necessary for the
16 economical and efficient administration of said department. They
17 shall purchase such materials and supplies as may be required
18 for keeping the works in good repair, and have charge and
19 control of all constructions, repairs, enlargements and
20 extensions of the works, and shall conduct and manage the
21 affairs and business of the department in accordance with law
22 and the directions of council.

23 Section 3584. Estimates of New Work to be Furnished
24 Council.--The said board of commissioners shall, whenever called
25 upon by council, make and submit to them full estimates of the
26 cost, charges and expenses of any new work, enlargement,
27 extension of water or lighting supply, or alteration which
28 council may contemplate making relative to said works; and may,
29 at any time, submit to council any suggestions and estimates
30 they may see proper to make touching the improvement, extension,

1 or enlargement of said works, but no new construction,
2 reconstruction, extension, supply of water or light, or
3 enlargement of said works shall be undertaken by said
4 commissioner so created, or materials or supplies be purchased
5 therefor, without the previous consent and direction of
6 council.]

7 Section 334. Section 3585 of the act is amended to read:

8 Section 3585. Payment of Cost of [Extensions by Property
9 Owners; Frontage Tax] Extensions.--Whenever an extension of [a
10 supply of] pipes, wires or conduits is made to permit a city to
11 supply water or light, electric, gas or other similar utility
12 service to portions of the city not previously supplied [shall
13 be made by the said commissioners, they shall make out a full
14 statement of the number of feet of main pipes laid or extended
15 through any of the streets of the city in which main pipes were
16 not laid before the said extension, and shall file the same in
17 the department; and it shall be the duty of the clerk of said
18 department, forthwith, on receipt of said statement to make out
19 a list of all owners of houses, lots and buildings on each side
20 of the street through which said pipes are extended, and to
21 charge said owners, and each of them, for each and every house,
22 lot or building so situated in said streets, at such rate per
23 foot as council may by ordinance fix, for said mains extending
24 along the front of their respective houses, lots and buildings.
25 Nothing herein contained shall be construed to prevent council
26 from providing for the payment of water and gas pipes by the
27 city] with such service, an assessment of the costs thereof may
28 be made in accordance with Article XLV-A.

29 Section 335. Section 3586 of the act is repealed:

30 [Section 3586. Collection of Frontage Tax; Assessment of

1 Cost.--Said charge shall be called the frontage water tax, or
2 lighting tax, as the case may be, and shall be collected and
3 recovered in the manner provided by law for the recovery of
4 municipal claims. Whenever any pipes for the conveyance of water
5 or light shall be laid in any of the streets or highways within
6 such city, the owners of the ground in front of which the same
7 shall be laid shall pay for the expense thereof such sum for
8 each foot of the front of their ground upon such street as
9 council may, by ordinance, direct: Provided, That in all corner
10 lots an allowance shall be made of one-third the length of their
11 front, but such allowance shall be always and only on the street
12 having the longest front and in case both fronts are of equal
13 dimensions, the allowance shall be made in the street in which
14 the pipes shall be last laid, but in no case shall the allowance
15 exceed sixty feet on any corner lot: And provided further, That
16 when a corner lot shall have erected upon it two or more
17 separate tenements, there shall only be an allowance made equal
18 to one-third of the depth of the corner tenement and the yard
19 adjoining. The provisions of this and the foregoing section
20 shall not apply to any lot or piece of ground in such city upon
21 which there may be a supply of water or gas obtained from any
22 other source whatever, but if at any time the owner of such lot
23 or piece of ground shall desire to obtain a supply of water or
24 gas from the works of such city, then and in that case the
25 provisions of this section shall first be complied with.]

26 Section 336. Section 3587 of the act is amended to read:

27 Section 3587. Fixing Rates.--[The board of commissioners
28 may] Council shall fix, or may delegate to a city department the
29 power to fix, with the approval of council, [fix the water and
30 lighting rates, and the quantity to be used, and for that

1 purpose they shall, on the first Monday of March in each year,
2 establish the rates for the succeeding year, which rates shall
3 be submitted by them to council for its approval, and, when
4 approved, such rates shall not be changed for and during the
5 year, but if not approved, the existing rates shall continue
6 until modified by the commissioners, with the approval of
7 council] rates for the use of water or light, electric, gas or
8 other similar utility service and, in the case of consumers
9 outside the city, the fixing of rates shall be subject to and in
10 accordance with applicable law and the rules and regulations of
11 the Pennsylvania Public Utility Commission.

12 Section 337. Section 3588 of the act, amended December 18,
13 1992 (P.L.1424, No.175), is amended to read:

14 Section 3588. Collection of [Lighting and Water] Utility
15 Charges.--(a) Council shall provide, by ordinance, for the
16 collection of [all the lighting and water] charges for the use
17 of water or light, electric, gas or other similar utility
18 service that may accrue, from time to time, to the city [for the
19 use of the water or light], fixing the time when [such] the
20 charges shall be payable, and the penalties for nonpayment
21 thereof[; and such] . The charges shall be assessed to the
22 respective owners of the real estate on which [such water or
23 light] the utility service is used, and if the same shall not be
24 paid in accordance with the provisions of [such] the ordinance,
25 claims for the amounts due [shall be registered in the city lien
26 docket in the same manner as provided by law in the case of
27 unpaid city taxes on real estate, with the like force and effect
28 as to the lien thereof.] may be filed as a lien and collected in
29 accordance with the Municipal Claim and Tax Lien Law.

30 (b) In the case of a city which has agreed to provide water

1 service through a separate meter and separate service line to a
2 residential dwelling unit in which the owner does not reside,
3 the owner shall be liable to pay the tenant's bill for service
4 rendered to the tenant by the city only if the city notifies the
5 owner and the tenant within thirty days after the bill first
6 becomes overdue. Such notification shall be provided by first
7 class mail to the address of the owner provided to the city by
8 the owner and to the billing address of the tenant,
9 respectively. Nothing herein shall be construed to require a
10 city to terminate service to a tenant, provided that the owner
11 shall not be liable for any service which the city provides to
12 the tenant ninety or more days after the tenant's bill first
13 becomes due unless the city has been prevented by court order
14 from terminating service to that tenant.

15 Section 338. Section 3589 of the act is repealed:

16 [Section 3589. Report to Council; Accounts of City
17 Treasurer; Disposition of Surplus.--The board of commissioners
18 shall, annually at a stated meeting of council in the month of
19 January, report to said council a full statement of all the
20 repairs, alterations, reconstructions, new constructions,
21 expenditures, and everything relating to the management and cost
22 to the city of maintaining each of the said works. The city
23 treasurer shall keep his accounts in such manner as to show in
24 his monthly report, distinctly and separately, the entire amount
25 of revenue realized during each month from the water and
26 lighting departments of said city, respectively; and the
27 revenues derived from the said water and lighting departments
28 shall be applied exclusively to the purposes of said
29 departments, respectively; and the surplus, if any, to the
30 reduction of the debt thereof. Any surplus revenues from said

1 water and lighting departments, after the payment of all the
2 debts of said respective departments, shall be applied as
3 follows: The surplus from the water revenues, to the reduction
4 of the bonded indebtedness which has been created by the city
5 for the erection and construction of its water-works; and the
6 surplus from the lighting revenues, to the reduction of any
7 bonded indebtedness which has been created by the city for the
8 erection and construction of its lighting plant.]

9 Section 339. The act is amended by adding a section to read:

10 Section 3590. Disposition of Revenues.--The revenues derived
11 from the city's furnishing of water, light, electric, gas or
12 other similar utility service shall be applied as follows:

13 (1) to the purposes of the respective departments under the
14 direction of which the utility service is provided;

15 (2) for the reduction of debt related to the provision of
16 that service; and

17 (3) to any other city department that provides labor or
18 materials for the maintenance and repair of property or
19 facilities relating to the city's provision of a utility
20 service.

21 Section 340. Article XXXVI heading is reenacted to read:

22 ARTICLE XXXVI

23 PUBLIC BUILDINGS AND WORKS

24 Section 341. Section 3601 of the act is amended to read:

25 Section 3601. [Hospitals, Jails, Poor Farms, Et Cetera.--

26 Each city may, by ordinance, erect] Public Buildings

27 Generally.--(a) With regard to public buildings, each city may,
28 by ordinance, do any of the following:

29 (1) Erect, purchase, establish or maintain [hospitals,
30 jails, workhouses, or houses of correction for juvenile or other

1 offenders and prescribe regulations for the government thereof;
2 and erect] all public buildings. [necessary for the use of the
3 city, or of any department thereof; purchase, take, use, or
4 occupy, private lands upon which to erect any of the said
5 buildings; purchase, take, use, or occupy, within or without the
6 limits of the respective city, whether within the county wherein
7 is located the city, or within a county adjacent thereto, or
8 within both, private lands and buildings; establish and maintain
9 a general hospital, or hospitals, for the cure and treatment of
10 the sick and injured, or a hospital or hospitals for the
11 treatment and separation of persons suffering with contagious or
12 infectious diseases, and prescribe rules and regulations for the
13 government, management, and maintenance thereof; purchase, take,
14 use, or occupy, within the limits of the county of such city or
15 within a county adjacent thereto, or within both, private lands
16 upon which to establish and maintain a poor farm, with all
17 necessary and convenient buildings and appliances, where the
18 city may support and maintain such poor persons as such city is
19 by law required to support and maintain; acquire, by purchase,
20 or in other lawful manners, within or without the city, but
21 within the county or counties in which the city is located,
22 sufficient real estate for present and future use upon which to
23 erect workhouses or houses of detention, poor houses, garbage
24 and incinerating furnaces. The proceedings for the assessment of
25 damages for any property taken, occupied or used for any such
26 purpose shall be the same as provided in this act for property
27 taken, injured or destroyed.]

28 (2) Purchase, take, use, occupy, or acquire, by any lawful
29 means, including eminent domain, private lands, buildings and
30 property in order to erect, establish or maintain public

1 buildings.

2 (b) For purposes of this article, public buildings shall
3 include not only those buildings or structures which council
4 deems necessary for the use of the city, but also other
5 buildings and structures which are to be used for a public
6 purpose, including public auditoriums, public libraries, public
7 memorial buildings and monuments.

8 Section 342. Section 3602 of the act is repealed:

9 [Section 3602. Public Auditoriums, Libraries, Memorials and
10 Monuments.--Cities may take, purchase, or acquire, by any lawful
11 means, or through condemnation proceedings, property for the
12 purpose of erecting thereon public auditoriums, public
13 libraries, public memorial buildings, and monuments.]

14 Section 343. Section 3603 of the act is amended to read:

15 Section 3603. Payment of Cost of Erection and Maintenance.--
16 Cities may appropriate money [or issue bonds for the erection,
17 on said property purchased or acquired through condemnation
18 proceedings, public auditoriums, public libraries, public
19 memorial buildings, and monuments] and incur debt in accordance
20 with 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and
21 borrowing) for the purchase or acquisition through eminent
22 domain of private lands, buildings and property in order to
23 erect or establish public buildings. Cities may also appropriate
24 moneys for the operation and maintenance of [such public
25 auditoriums, public libraries, memorial buildings, and
26 monuments] public buildings.

27 Section 344. Section 3604 of the act is repealed:

28 [Section 3604. Proceedings for Assessment of Damages.--All
29 proceedings for the assessment of damages for property taken for
30 auditoriums, libraries, memorials and monuments shall be had in

1 the manner provided by this act for property taken, injured or
2 destroyed.]

3 Section 345. Sections 3605, 3606 and 3607 of the act are
4 amended to read:

5 Section 3605. Donation of Land by City for Library Purposes;
6 Contributions [toward Maintenance.--Cities may donate ground
7 thus acquired for a public library to any library association
8 provided said association will furnish the funds for the
9 erection of the library building, the plans of which are
10 approved by the city, but only in such cases where the said
11 library association is by its by-laws and charter compelled to
12 put back into the property and surplus earnings from the
13 operation of said library. Cities may make appropriations
14 towards the operating expense of such library.] toward
15 Maintenance.--In addition to the power to make appropriations,
16 donations and gifts for library purposes in accordance with 24
17 Pa.C.S. Ch. 93 (relating to library code) a city may acquire and
18 donate land for library purposes to a local library as defined
19 in 23 Pa.C.S. § 9302 (relating to definitions).

20 Section 3606. Rental of Public Auditoriums; Disposition of
21 Proceeds.--Cities, in the case of public auditoriums, may, by
22 order of council, charge a rental for the use of [said] the
23 public auditorium. All moneys derived from rental of [said] the
24 public auditoriums shall be paid into the general fund of the
25 city.

26 Section 3607. [Leasing of City Property as Memorials.--Each
27 city may lease real estate, the property of said city,] Long-
28 Term Improvement Leases.--(a) A city may lease city real estate
29 on [long term] long-term improvement leases, at a nominal rental
30 or otherwise, to a [corporation of the first class] nonprofit

1 corporation, for the purpose of providing an auditorium for
2 dramatic, musical, artistic, literary, scientific or patriotic
3 societies or events, or for such other purposes as may be
4 approved, from time to time, by council.

5 (b) A long-term improvement lease shall be for a term of not
6 more than ninety-nine years, and may provide for a right of
7 renewal for a like term, and shall contain provision for the
8 improvement of the real estate by the lessee by the erection of
9 a suitable building or buildings of dignified and appropriate
10 architecture, absolute ownership of which building or buildings
11 shall revert to the city, free of any claim or charge, at the
12 end of the term of the lease or any renewal thereof.

13 (c) The building or buildings erected pursuant to a long-
14 term improvement lease may be used for any one or more of the
15 following purposes, which are hereby declared, in respect of
16 this subject matter, to be used for public purposes: As an
17 auditorium for dramatic, musical, artistic, literary, or
18 scientific events, including provision for the accommodation of
19 patriotic societies or groups, or such other accommodations and
20 features as may be approved, from time to time, by the city.

21 (d) The title to property subject to a long-term improvement
22 lease shall remain in the city, and for purposes of local
23 taxation, the property which is subject to a long-term
24 improvement lease and the leasehold estate created thereby shall
25 be deemed to be devoted to a public purpose and public use.

26 (e) The lessees under a long-term improvement lease shall be
27 exclusively liable for the maintenance and upkeep of the demised
28 premises, and shall be solely responsible for the maintenance
29 and operation thereof.

30 (f) Any long-term improvement lease may provide that the

1 lessor shall be entitled to receive a sum equal to the net
2 income of the demised premises after reasonable reserves and
3 proper amortization charges.

4 Section 346. Sections 3608, 3609, 3610, 3611 and 3612 of the
5 act are repealed:

6 [Section 3608. Term of Lease; Renewals; Improvements to be
7 Erected.--Every such lease shall be for a term of not more than
8 ninety-nine years, and may provide for a right of renewal for a
9 like term, and shall contain provision for the improvement of
10 the real estate by the erection of a suitable building or
11 buildings of dignified and appropriate architecture, absolute
12 ownership of which building or buildings shall revert to the
13 city, free of any claim or charge, at the end of the term of the
14 said lease or any renewal thereof.

15 Section 3609. Use of Buildings.--The building or buildings,
16 so erected, may be used for any one or more of the following
17 purposes, which are hereby declared, in respect of this subject
18 matter, to be used for public purposes: As an auditorium for
19 dramatic, musical, artistic, literary, or scientific events,
20 including provision for the accommodation of patriotic societies
21 or groups, or such other accommodations and features as may be
22 approved, from time to time, by the city.

23 Section 3610. Title in City; Exemption from Taxation;
24 Maintenance.--The title to the said property, as so improved,
25 shall remain in the city, and neither the said real estate, nor
26 the leasehold estate created by such lease, shall be subject to
27 local or other taxation.

28 The lessees shall be exclusively liable for the maintenance
29 and upkeep of the demised premises, and shall be solely
30 responsible for the maintenance and operation thereof.

1 Section 3611. Rental.--Any such lease may provide that the
2 lessor shall be entitled to receive a sum equal to the net
3 income of said demised premises after reasonable reserves and
4 proper amortization charges.

5 Section 3612. Location of City Jails Restricted.--No city
6 shall erect or construct a city jail or lock-up, or use any
7 existing building or lock-up for the first time, which will be
8 or is located within five hundred feet of any public school
9 building.]

10 Section 347. Article XXXVII heading of the act is reenacted
11 to read:

12 ARTICLE XXXVII

13 PARKS, PLAYGROUNDS, AND RECREATION CENTERS

14 Section 348. Section 3703 of the act, amended September 26,
15 1951 (P.L.1515, No.379), is amended to read:

16 Section 3703. Acquisition of Lands and Buildings.--Cities
17 may enter upon, take, use, purchase and acquire, by gift or by
18 the right of eminent domain, lands, property and buildings, for
19 the purpose of making, extending, enlarging, and maintaining
20 recreation places which shall consist of public parks, parkways,
21 playgrounds, playfields, gymnasiums, public baths, swimming
22 pools, or indoor recreation centers, may levy and collect such
23 special taxes as may be necessary to pay for the same, and make
24 appropriations for the improvement, maintenance, care,
25 regulation, and government of the same. Cities may designate and
26 set apart for use for any of the purposes specified in this
27 section lands and buildings owned by such cities and not
28 dedicated or devoted to other public use. Cities may also lease
29 lands and buildings in such cities for temporary use for [such]
30 these purposes. Lands, property and buildings outside the limits

1 of the city may be [acquired in like manner] purchased or
2 acquired for the recreation places[, and such lands may be
3 annexed to the city, in the manner provided by this act for the
4 annexation of territory to a city.] with the consent of the
5 governing body of the municipal corporation in which the lands,
6 property or buildings are situated.

7 Section 349. The act is amended by adding a section to read:

8 Section 3703.1. Powers of Council; Delegation.--(a) Council
9 shall have the power to equip, operate, supervise, and maintain
10 recreation places and to employ recreation directors or any
11 other officers or employes deemed necessary in order to carry
12 out the provisions of this article.

13 (b) In any case in which more than one-half the full costs
14 of the supervision and maintenance of the recreation places,
15 including the compensation of all the officers and employes
16 hired to carryout the provisions of this article, are borne by
17 the city, council shall have the authority to fix the
18 compensation of these officers and employes.

19 (c) Council may delegate all or part of its power under
20 subsection (a) to an existing body or board or to a recreation
21 board, as council shall determine.

22 Section 350. Section 3704 of the act, amended January 14,
23 1952 (1951 P.L.2032, No.570), is repealed:

24 [Section 3704. Creation of Recreation Board.--The authority
25 to supervise and maintain recreation places may be vested in any
26 existing body or board, or in a recreation board, as council
27 shall determine. Council may equip, operate, and maintain the
28 recreation places, as authorized by this act. Such authorities
29 may, for the purpose of carrying out the provisions of this
30 article, employ play leaders, recreation directors, supervisors,

1 superintendents, or any other officers or employes, as they deem
2 proper. Where more than one-half the full costs of the
3 supervision and maintenance of the recreation places, including
4 the compensation of all the officers and employes, are borne by
5 the city, the compensation of such officers and employes shall
6 be fixed by council: Provided, however, That in such cases,
7 council may delegate this power to the recreation commission.]

8 Section 351. Section 3705 of the act, amended October 4,
9 1978 (P.L.950, No.188), is amended to read:

10 Section 3705. [Composition of Board.--(a) If council shall
11 determine that the power to equip, operate, and maintain
12 recreation places, shall be exercised by a recreation board,
13 they may establish in said city such recreation board, which
14 shall possess all the powers, and be subject to all the
15 responsibilities of council under this article. Such] Creation
16 and Composition of Recreation Board.--Council may establish in
17 the city a recreation board, which shall possess the powers and
18 the responsibilities delegated to it by council in accordance
19 with section 3703.1(c). The recreation board, when established,
20 shall consist of [a minimum of five and a maximum of nine
21 persons, two of whom shall be members of and appointed by the
22 school board. The city] five or seven persons. The members of
23 the board shall be appointed by the mayor with the approval of
24 council and shall serve for terms no longer than five years and
25 the terms of the members shall be staggered in such a manner
26 that at least one expires annually. Members of [such] the
27 recreation board shall serve without pay. Vacancies in [such]
28 the board, occurring otherwise than by expiration of term, shall
29 be for the unexpired term and shall be filled in the same manner
30 as original appointments.

1 [(b) In addition to the establishment of a city recreation
2 board, the council may appoint persons to serve as members of a
3 school district recreation board established by the school
4 district wherein the city is located.]

5 Section 352. Sections 3706, 3707 and 3708 of the act are
6 amended to read:

7 Section 3706. [Organization of Board; Employes] Organization
8 of Board.--The members of a recreation board, established
9 pursuant to this article, shall elect their own [chairman] chair
10 and secretary and select all other necessary officers, to serve
11 for a period of one year[, and may employ such persons as may be
12 needed, as authorized by this article. Such]. The board shall
13 have power to adopt rules and regulations for the conduct of all
14 business within its jurisdiction. Meetings of the board shall be
15 subject to the provisions of 65 Pa.C.S. Ch.7 (relating to open
16 meetings).

17 Section 3707. Joint Ownership and Maintenance.--[Any] A city
18 may, jointly with any [other cities, boroughs, or townships, or
19 any of them] one or more other municipalities, acquire property
20 for, and operate and maintain, any recreation [places] place.
21 Any city may join with any school district, in equipping,
22 operating, and maintaining recreation places, and may
23 appropriate money therefor.

24 Section 3708. [Issue of Bonds.--The city council may issue
25 general obligation bonds] Borrowing.--The city council may
26 borrow money and incur debt in accordance with 53 Pa.C.S. Pt.
27 VII Subpt. B (relating to indebtedness and borrowing) for the
28 purpose of acquiring lands or buildings for recreation places,
29 and for the equipment therefor.

30 Section 353. Section 3709 of the act, amended August 10,

1 1965 (P.L.318, No.168), is amended to read:

2 Section 3709. Maintenance and Tax Levy.--[All expenses
3 incurred in the operation of such] Expenses incurred in the
4 maintenance and operation of recreation places, established as
5 herein provided, [shall be payable] including the operation of
6 recreation programs therein, may be paid from the treasury of
7 the city. Council may annually appropriate, and cause to be
8 raised by taxation[, such tax for the purpose of maintaining and
9 operating recreation places. In lieu thereof, council may
10 annually appropriate moneys to any existing body or board, or to
11 a recreation board or commission, for the maintenance and
12 operation of recreation places.] in accordance with section
13 2531(a)(4), a tax for this purpose. The funds may be
14 appropriated, for the purposes of this section, to any existing
15 body or board, or to a recreation board or commission.

16 Section 354. The act is amended by adding a section to read:

17 Section 3709.1. City Trusts.--(a) In addition to all other
18 powers conferred by law, a city may receive in trust, and city
19 council may control for the purposes of the trust, all estate,
20 moneys, assets and property, real and personal, which may have
21 been or shall be bestowed upon it by donation, gift, legacy,
22 endowment, bequest, devise, conveyance or other means, for the
23 purpose of establishing or maintaining a public park or other
24 public purpose for the use and benefit of the citizens of the
25 city.

26 (b) In the event that a city trust has been or is created as
27 a result of any property or estate, whatsoever, having been
28 conveyed, bequeathed or devised or otherwise given or donated to
29 any city, in trust, for the purpose of establishing or
30 maintaining a public park or other public purpose for the use

1 and benefit of citizens of the city, control of the trust shall
2 be transferred to city council and, if necessary to carry out
3 the intention of this section, the court of common pleas in the
4 county in which a city is located may, upon petition of council,
5 transfer control of the trust to city council. City council may
6 delegate the supervision and operation of recreation places
7 subject to the trust to a recreation board in accordance with
8 section 3703.1. Nothing in this section shall limit any power of
9 the court to terminate or reform a trust under existing law.

10 Section 355. Sections 3710, 3711, 3712, 3713, 3714, 3715,
11 3716 and 3717 of the act are repealed:

12 [Section 3710. Leasing by City of its Parks or
13 Playgrounds.--Cities may enter into contracts and agreements
14 with any incorporated association, acting within its corporate
15 powers, for the use by the latter of any park or playground,
16 owned, leased, or occupied by said cities, for such period and
17 upon such terms as to maintenance, upkeep and improvement of
18 such ground as may be mutually agreed upon. No such contract or
19 agreement, however, shall permanently exclude the public of said
20 cities from the use and enjoyment of said parks and playgrounds.
21 The said cities shall at all times be invested with the power
22 and authority to adopt suitable rules and regulations concerning
23 the use and occupation of said parks and playgrounds by the
24 public generally, and by such incorporated associations
25 specially.

26 Section 3711. Sale of Coal Under Parks or Commons.--Council
27 may sell and lease, at the best price obtainable, and subject to
28 such conditions as it may deem necessary to impose for the
29 protection of the surface, the coal under any park or common
30 owned by and situate within the corporate limits of the city.

1 When any park, or common shall front on a river or other public
2 stream, such portion of the amount realized from the sale or
3 lease of such coal may be used for the erection of retaining
4 walls, as council shall deem necessary for the purpose. Before
5 any such coal shall be sold or leased, the proposed sale shall
6 be advertised, in accord with the provisions of section one
7 hundred and nine of this act, at least once a week in three
8 daily papers published in the city in which said coal is
9 situate, if there be so many, and in any other publication, as
10 council may determine; and sealed bids shall be received, and
11 the person, copartnership, association or corporation offering
12 the highest and best price shall be the purchaser, but council
13 shall have the right to reject all bids.

14 Section 3712. Use of Proceeds of Sale or Lease of Coal Under
15 Parks.--Whenever any city shall have sold or leased the coal
16 underlying any public park or common within the limits of said
17 city, the proceeds of said sale or lease, except as hereinbefore
18 otherwise provided, shall be applied only as follows: First. To
19 the improvement, policing, and lighting of the said park or
20 common, or the redemption of bonds issued for the improvement of
21 said park or common; Second. Any surplus of the said proceeds
22 may then be applied and used for the purchase and improvement of
23 other lands, within the limits of the city or immediately
24 adjacent thereto, for use as recreation places, or for the
25 building of bridges and construction of drains and sewers, or
26 for such other purposes as council may determine: Provided, That
27 no land shall be purchased for such use with said funds unless
28 the ordinance authorizing the purchase shall have been passed by
29 the affirmative vote of four members of council.

30 Section 3713. Application of Coal Rentals to Payment of

1 Costs of Improvements; Issue of Bonds.--Whenever hereafter any
2 such city shall have leased the coal under any public park or
3 common for a rental or royalty payable in periodical
4 instalments, in order to provide for the payment of the cost of
5 any such improvements authorized in the preceding sections, the
6 said city may, from time to time, issue general obligation
7 bonds. The issuance of any such bonds shall be in accordance
8 with the Municipal Borrowing Law.

9 Section 3714. Appointment of Directors of City Trusts.--
10 Whenever any property or estate, whatsoever, has been conveyed,
11 bequeathed or devised to any city, in trust, for the purpose of
12 establishing or maintaining a public park or other public
13 purpose for the use and benefit of citizens of such city, the
14 court of common pleas of the county in which such city is
15 located, on petition of council of said city, shall appoint five
16 persons as directors of city trusts, all of whom shall be
17 citizens of such city, and none of whom shall hold any office or
18 employment thereunder, who shall exercise and discharge all the
19 duties and powers of said city, however acquired, concerning
20 such property, conveyed, bequeathed or devised to such
21 charitable use, to the extent that the same has been or
22 hereafter may be, by statute or otherwise, vested in or
23 delegated to the said city or the officers thereof. The
24 directors of city trusts may delegate the supervision and
25 operation of such city trusts as are recreation places to the
26 authority determined by council for recreation places of the
27 city in accordance with section three thousand seven hundred
28 four of this act.

29 Section 3715. Term of Service; Removal; Vacancies.--The
30 persons so appointed shall serve as members of the board of

1 directors of city trusts during good behavior, subject, however,
2 to removal by the court of common pleas for dereliction or
3 neglect of duty, or for any other cause deemed by the said court
4 to be important for the conservation or administration of the
5 said trust thus imposed upon them.

6 All vacancies shall be, from time to time, filled by the said
7 court, on petition of the council, of said city, or any of its
8 citizens.

9 Section 3716. Duties of Directors.--The said directors of
10 trust shall carefully invest and preserve the trust funds; make
11 such rules and by-laws for the proper regulation of their
12 business not inconsistent with the terms annexed to any
13 conveyance, bequest or devise in any deed or last will and
14 testament of any decedent; appoint and employ as many agents and
15 employes as, in their judgment, shall be necessary for the
16 proper discharge of the said trust or trusts; and, in the name
17 and in accordance with the conditions of said trusts, do any and
18 all things requisite for the proper administration and
19 management of the property under their control.

20 Section 3717. Directors to be Agents of City; to Have no
21 Interest in Contracts.--The said directors, in the discharge of
22 their duties and within the scope of their powers, shall be
23 considered agents or officers of the city, but no compensation
24 or emolument whatever shall be received by them for any services
25 performed relating to the said trusts, nor shall any of them
26 have or acquire any personal interests in any contract whatever
27 made through them or their agents or employes.]

28 Section 356. Section 3718 of the act is amended to read:

29 Section 3718. [Appointment of Park Guards.--] Park
30 Rangers.--(a) The council of every city shall have power, under

1 the provisions of this article, to provide, by ordinance, for
2 the selection and employment of such number of persons as [they
3 deem necessary to act as park guards] are deemed necessary to
4 act as park rangers, fix their compensation and duties, and
5 provide for their [uniforming] uniforms.

6 (b) To the extent authorized by 53 Pa.C.S. Ch. 21 Subch. D
7 (relating to municipal police education and training), persons
8 appointed as park rangers, under any ordinance passed pursuant
9 to the provisions of subsection (a), shall have, in the parks
10 and playgrounds and other public places in the cities, and
11 beyond the limits of the cities when the cities have acquired
12 lands, properties and buildings for park and playground or other
13 public purposes, the same power, in preserving the peace,
14 maintaining order, and making arrests, as police officers have
15 in the cities.

16 (c) For purposes of the act of June 28, 1935 (P.L.477,
17 No.193), referred to as the Enforcement Officer Disability
18 Benefits Law (Heart and Lung Act), the term "park ranger," as
19 used herein, shall mean a park guard.

20 (d) Park rangers shall be under the supervision, control and
21 direction of the director of the Department of Parks and Public
22 Property, or, if none exists, any other department as council
23 directs.

24 Section 357. Sections 3719, 3720 and 3721, Article XXXVIII
25 and subdivision (a) headings and section 3801 of the act are
26 repealed:

27 [Section 3719. Powers of Park Guards.--Persons appointed as
28 park guards, under any ordinance passed pursuant to the
29 provisions of the preceding section, shall have, in the parks
30 and playgrounds and other public places in such cities, and

1 beyond the limits of such cities when such cities have acquired
2 such lands, properties and buildings for park and playground or
3 other public purposes, the same power, in preserving the peace,
4 maintaining order, and making arrests, as policemen have in such
5 cities.

6 Section 3720. Control of Park Guards.--Such park guards
7 shall be under the supervision, control, and direction of the
8 director of the Department of Parks and Public Property.

9 Section 3721. Sale of Unused and Unnecessary Land and
10 Buildings.--The council of each city is hereby vested with the
11 necessary power and authority to sell unused and unnecessary
12 lands and buildings that have been dedicated to park purposes by
13 public auction, upon sealed bids, or at private sale with
14 approval of the court of common pleas; Provided, nevertheless,
15 That before any such sale is made council shall advertise said
16 proposed sale twice in at least one newspaper in accordance with
17 section one hundred and nine of this act.

18 ARTICLE XXXVIII

19 SHADE TREES AND FORESTS

20 (a) Shade Trees

21 Section 3801. Shade Tree Commission.--Any city may, by
22 ordinance, create a commission to be known as the Shade Tree
23 Commission of such city; but in cities where the council of said
24 city shall not elect to create by ordinance such Shade Tree
25 Commission, the said council may exercise all the rights and
26 perform the duties and obligations imposed by this article upon
27 the Shade Tree Commission.]

28 Section 358. Section 3802 of the act, amended November 2,
29 1975 (P.L.459, No.128), is repealed:

30 [Section 3802. Composition of Commission.--The commission,

1 if ordained, shall be composed of not less than three nor more
2 than seven residents of the city, who shall be appointed by the
3 mayor, and shall serve without compensation.

4 One commissioner shall serve for a term of three years, one
5 for a term of four years, and one for a term of five years on
6 commissions of only three residents. Where the commission
7 consists of more than three members, the time sequence provided
8 for a three member commission shall be repeated.

9 On the expiration of the term of any commissioner, a
10 successor shall be appointed by the mayor to serve for a term of
11 five years.

12 Vacancies in the office of commissioner shall be filled by
13 the mayor for the unexpired term.

14 Should the governing body determine to increase the
15 membership of an already existing commission, the additional
16 members shall be appointed as provided in this section. If, at
17 any time, after increasing the membership of the commission the
18 governing body should determine to reduce the number of members
19 on the commission, such reduction shall be effectuated by
20 allowing the terms to expire and by making no new appointments
21 to fill the vacancy. Any increase or reduction in members shall
22 be by ordinance.]

23 Section 359. Sections 3803, 3804, 3805 and 3806 of the act
24 are repealed:

25 [Section 3803. Powers May Be Vested in Park Commission.--
26 Whenever in any city there exists a commission for the care of
27 public parks, the council may also, by ordinance, provide that
28 the park commission shall have all the powers and be subject to
29 all the duties prescribed by this article for the Shade Tree
30 Commission.

1 Section 3804. Powers of Commission.--The commission shall
2 have exclusive custody and control of the shade trees of the
3 city, and may plant, remove, maintain, and protect shade trees
4 on the streets and sidewalks in the city. The commission may
5 require the planting and replanting of shade trees along the
6 streets and sidewalks of the city, as council may direct. The
7 kind of tree and the alignment and locations of the trees shall
8 be determined by the commission or as council may direct, but
9 shall not prevent necessary or reasonable use of streets,
10 sidewalks, abutting property, or the conduct of business.

11 The commission may, with the approval of council, either
12 employ and pay superintendents, engineers, foresters, tree-
13 wardens, or other assistants, or may contract for personal and
14 professional services, for the proper performance of the duties
15 devolving upon it, and may make, publish, and enforce
16 regulations for the care and protection of the shade trees of
17 the city. No such regulation shall be in force until it has been
18 approved by the council, and until it has been published at
19 least twice in not more than two newspapers of the city.

20 Section 3805. Report of Commission.--The shade tree
21 commission shall annually report in full to the council, at
22 council's first stated meeting in October, of its transactions
23 and expenses for the last fiscal year of the city. The park
24 commission in cities wherein the park commission is authorized
25 to act as the shade tree commission, may incorporate such
26 transactions and expenses as a separate part of its regular
27 report to council.

28 Section 3806. Notices by Commission.--Whenever any shade
29 tree commission, or park commission, acting as a shade tree
30 commission, proposes to plant, transplant, or remove shade trees

1 on any street or sidewalk, notice of the time and place of the
2 meeting at which such work is to be considered shall be given in
3 not more than two newspapers published in the city, once a week
4 for two weeks immediately preceding the time of the meeting, in
5 accord with the provisions of section one hundred and nine of
6 this act. The notice shall specify in detail the streets or
7 sidewalks or portions thereof upon which trees are proposed to
8 be so planted, replanted, or removed.]

9 Section 360. Section 3807 of the act, amended August 21,
10 1953 (P.L.1292, No.364), is repealed:

11 [Section 3807. Payment by Owners.--The cost of furnishing,
12 planting, transplanting, or removing any shade trees in or along
13 the streets of the city, of the necessary and suitable guards,
14 curbing, or grading for the protection thereof, and of the
15 replacing of any pavement or sidewalk necessarily disturbed in
16 the execution of such work, shall be paid by the owner of the
17 real estate in front of whose property the work is done, except
18 that part of such cost may be certified by the commission to
19 council and to the city treasurer as a charge to be paid by the
20 city.

21 The amount each owner is to pay shall be ascertained and
22 certified by the commission to council and to the city
23 treasurer.]

24 Section 361. Sections 3808, 3809 and 3810, Article XXXVIII
25 subdivision (b) heading, sections 3820 and 3821, subdivision (c)
26 heading and sections 3830, 3831, 3832, 3833, 3834, 3835 and 3836
27 of the act are repealed:

28 [Section 3808. Assessments; Liens.--Upon the filing of the
29 certificate with the council, the city clerk shall cause thirty
30 days' written notice to be given by mail to the persons against

1 whose property an assessment has been made. The notice shall
2 state the amount of the assessment, and the time and place of
3 payment, and shall be accompanied with a copy of the
4 certificate. The expense of the notice shall be paid by the
5 city.

6 The amount assessed against the real estate shall be a lien
7 from the time of the filing of the certificate with the council,
8 and, if not paid within the time designated in the notice, a
9 claim may be filed and collected in the same manner as municipal
10 claims are filed and collected.

11 Section 3809. Maintenance by City; Tax Levy.--The cost and
12 expenses of caring for such trees after they have been planted
13 shall be paid by the city.

14 The needed amount shall each year be certified by the
15 commissioners to council in time for inclusion in the proposed
16 budget ordinance, and the funds provided by council shall be
17 drawn against, as required by the commission, in the same manner
18 as money appropriated for city purposes.

19 The city council may levy a special tax, not to exceed the
20 sum of one-tenth of one mill on the dollar on the assessed
21 valuation of the property in said city, for the purpose of
22 defraying the cost and expenses of caring for such shade trees
23 and the administrative expenses connected therewith, or it may
24 provide for such expenses by appropriations.

25 Section 3810. Penalties.--The commission, to the extent as
26 may be provided by ordinance of council, may assess penalties
27 for the violation of its regulations and of this article so far
28 as it relates to shade trees. Any penalty so assessed shall be a
29 lien upon the real estate of the offender and may be collected
30 as municipal claims are collected.

1 All penalties or assessments imposed under this article shall
2 be paid to the city treasurer, to be placed to the credit of the
3 commission, subject to be drawn upon by the commission for the
4 purposes authorized in this article.

5 (b) Memorial Trees

6 Section 3820. Memorial Trees.--Council may provide for or
7 authorize provision for memorial trees for residents of the city
8 who died while in the military service of the United States or
9 in consequence thereof. Council may make appropriations or
10 accept contributions for this purpose. Such trees shall bear
11 some permanent indication of their purpose.

12 Section 3821. Penalty for Injury to Memorial Trees.--Any
13 person wilfully, maliciously, or negligently destroying or
14 injuring any trees planted pursuant to the provisions of this
15 subdivision (b) shall be guilty of a misdemeanor, and upon
16 conviction, shall be liable to a fine not exceeding five hundred
17 dollars, or imprisonment not exceeding three months, or both, in
18 the discretion of the court.

19 (c) Forests

20 Section 3830. Acquisition of Land for Forest Purposes.--
21 Cities may acquire, by purchase, gift, or lease, and hold tracts
22 of land covered with forest or tree growth or suitable for the
23 growth of trees, and administer the same, under the direction of
24 the Department of Forests and Waters, in accordance with the
25 practices and principles of scientific forestry, for the benefit
26 of the city. Such tracts may be of any size suitable for the
27 purpose and may be located within or without the city limits.

28 Section 3831. Approval of Department of Forests and
29 Waters.--Before the passage of any ordinance for the acquisition
30 of land to be used as municipal forests, the mayor shall submit

1 to the Department of Forests and Waters and secure its approval
2 of the area and location of such land.

3 Section 3832. Ordinance Declaring Intention.--Whenever the
4 council deems it expedient to acquire any lands for the purposes
5 of municipal forests, it shall so declare in an ordinance
6 wherein shall be set forth all facts and conditions relating to
7 the proposed action.

8 Section 3833. Appropriations of Money.--All money necessary
9 for the purchase of such tracts shall be appropriated in the
10 same manner as appropriations for city purposes, and such funds
11 may be provided from the current revenue or by the proceeds of a
12 sale of general obligation bonds in accordance with the
13 Municipal Borrowing Law.

14 Section 3834. Rules and Regulations.--Upon the acquisition
15 of any municipal forests or lands suitable for such, the council
16 shall notify the Department of Forests and Waters, which shall
17 make such rules for the government and proper administration of
18 the same as may be necessary. The council shall publish such
19 rules, declare the uses of the forest in accordance with the
20 intent of this subdivision (c) of this article, and make such
21 provisions for its administration, maintenance, protection and
22 development as shall be deemed necessary or expedient. The rules
23 governing the administration of such forests shall have for
24 their main purpose the producing of a continuing city revenue by
25 the sale of forest products.

26 Section 3835. Appropriations and Revenues.--All moneys
27 necessary to be expended for the administration, maintenance,
28 protection, and development of such forests shall be
29 appropriated and applied as is now done for city purposes. All
30 revenue and emoluments arising from such forests shall be paid

1 into the city treasury to be used for general city purposes.

2 Section 3836. Use of Forests.--Municipal forests may be used
3 by the public as general outing or recreation grounds subject to
4 the rules governing their administration as municipal forests.]

5 Section 362. Section 3837 of the act, amended May 21, 1956
6 (1955 P.L.1639, No.548), is repealed:

7 [Section 3837. Ordinance of Sale; Exceptions.--Whenever the
8 council deems it expedient to sell any municipal forest, or part
9 thereof, it shall so declare in an ordinance wherein shall be
10 set forth all the facts and conditions relating to the proposed
11 action, which proposed ordinance shall be advertised once a week
12 for three weeks prior to its passage. No ordinance shall be
13 effective in legalizing such sale until it has been approved by
14 a majority vote of the people at the next ensuing general,
15 municipal or primary election: Provided, however, That the
16 provisions of this section shall apply only to lands acquired
17 for municipal forests as such, and shall not limit the power of
18 cities or water authorities to acquire, sell, exchange, lease,
19 transfer, manage or maintain lands required for the
20 conservation, development, utilization and disposal of water or
21 watersheds: And provided further, That cities or water
22 authorities may enter into agreements with the Department of
23 Forests and Waters providing for such conservation, development,
24 utilization and disposal of water or watersheds.]

25 Section 363. Section 3838, Article XXXIX heading and section
26 3901 of the act are repealed:

27 [Section 3838. Appropriation for Forest Work.--Cities may
28 appropriate moneys to any forest protection association
29 cooperating in forest work with the State Department of Forests
30 and Waters, or to be expended in direct cooperation with said

1 department in forest work.

2 ARTICLE XXXIX

3 WHARVES AND DOCKS

4 Section 3901. Power to Erect and Maintain Wharves;
5 Regulation; Charges.--Cities may erect and maintain wharves in
6 navigable waters within or adjacent to the city, regulate the
7 use thereof, fix and collect wharfage, for all public wharves,
8 and docks within their limits in accordance with a regular
9 schedule of charges, establish wharf and dock lines, and
10 construct and maintain docks, retaining walls, dams and
11 embankments. They may regulate the anchoring of all manners of
12 vessels within their limits and the depositing of freight on
13 public wharves and docks. Cities may, pursuant to ordinance,
14 purchase or condemn such land or other property as they may need
15 for the purposes of wharves and docks.]

16 Section 364. Section 3902 of the act, amended July 1, 1959
17 (P.L.501, No.127), is repealed:

18 [Section 3902. Erection of Market-Houses and Railway Tracks
19 on Wharves; Charges; Licenses.--Cities may erect and maintain
20 market-houses and terminal sheds or stations on their wharves,
21 for the receipt and distribution of freight, express, and cargo;
22 construct railroad and street railway tracks or other facilities
23 on said wharves to provide for the convenient handling of such
24 freight or express or cargo; and collect rents, tolls, or
25 charges for the use of such market-houses, terminal stations,
26 tracks, wharves and other facilities. Cities may enter into
27 contracts and agreements with any person for the use by such
28 person of any tracks, terminal stations, wharves or other
29 facilities, for such period and upon such terms as to
30 maintenance, upkeep and improvements, as may be mutually agreed

1 upon. Such cities shall, at all times, be invested with the
2 power and authority to adopt suitable rules and regulations
3 concerning the use and occupation of the tracks, terminal
4 stations, wharves or other facilities, by such persons and by
5 the public. No such contract or agreement shall permanently
6 exclude the public of said cities from the use and enjoyment of
7 said tracks, terminal stations, wharves or other facilities, nor
8 shall any exclusive lease be granted for a term exceeding
9 twenty-five years.

10 No structure so erected, and no right granted under the
11 powers herein conferred, shall interfere with the general public
12 use of wharves for water-borne commerce.]

13 Section 365. Sections 3903, 3904 and 3905 and Article XL
14 heading of the act are repealed:

15 [Section 3903. Use of Unnecessary Wharves or Landings for
16 Other Municipal Purposes.--Whenever any city, by ordinance,
17 declares that any public landing, or public wharf, or part
18 thereof, fronting on any navigable water and lying within its
19 limits, has become unnecessary for use for public landing or
20 public wharf purposes, the city make take, enter upon, and
21 occupy for use for any other public purposes whatsoever, the
22 public landing, or public wharf, or part thereof, so found
23 unnecessary for such purposes, any limitation of use thereof by
24 the municipality arising from donation, dedication,
25 appropriation, statute, or otherwise, to the contrary
26 notwithstanding.

27 Section 3904. Appropriation of Wharves and Landings for
28 General Purposes.--Cities are vested with the right of eminent
29 domain for the purpose of appropriating, for such general public
30 uses, all such public landings or public wharves, or parts

1 thereof, so found unnecessary for such purposes, together with
2 any easements, property and property rights connected therewith.

3 Section 3905. Assessment of Damages.--All damages arising
4 from the exercise of the power of eminent domain hereunder shall
5 be ascertained and awarded in the manner provided by this act
6 for property taken, injured or destroyed.

7 ARTICLE XL

8 CITY PLANNING]

9 Section 366. Article XLI heading of the act, amended July
10 29, 1971 (P.L.250, No.61), is repealed:

11 [ARTICLE XLI

12 ZONING, BUILDING, HOUSING, FIRE PREVENTION, PLUMBING

13 AND ELECTRICAL ORDINANCES, AND PUBLIC NUISANCES]

14 Section 367. Article XLI subdivision (a), (b) and (c)
15 headings of the act are repealed:

16 [(a) The Zoning Ordinances

17 (b) Procedure for Adoption of Zoning Ordinance

18 (c) Board of Adjustment]

19 Section 368. Article XLI subdivision (d) heading and
20 sections 4130, 4131, 4131.1, 4132 and 4133 of the act, amended
21 or added December 21, 1998 (P.L.1013, No.135), are repealed:

22 [(d) Building, Housing, Property Maintenance,

23 Fire Prevention, Plumbing and Electrical Ordinances

24 Section 4130. Building Ordinance, Housing Ordinance,
25 Property Maintenance Ordinance, Fire Prevention Ordinance,
26 Electrical Ordinance and Plumbing Ordinance.--Each city may
27 enact a building ordinance, a housing ordinance, a property
28 maintenance ordinance, a fire prevention ordinance, an
29 electrical ordinance, and a plumbing ordinance, which may
30 provide for the following matters:

1 (a) A system of specifications and regulations to insure the
2 structural safety and the incombustibility of buildings and
3 housing constructed, reconstructed, altered, enlarged, repaired
4 or maintained within the city.

5 (b) A system of specifications and regulations for the
6 setting out, construction, alteration, repair, maintenance,
7 occupation, sanitation, ventilation, lighting, electric wiring,
8 water supply, toilet facilities, drainage, plumbing, use and
9 inspection of all buildings and housing or parts of buildings
10 and housing, and the walls and foundations thereof, constructed,
11 erected, altered, designated, or used, in whole or in part, for
12 human habitation, and for the sanitation and inspection of land
13 appurtenant thereto.

14 Section 4131. Form of Building Ordinance, Housing Ordinance,
15 Property Maintenance Ordinance, Fire Prevention Ordinance, and
16 Plumbing Ordinance; Passage.--The building ordinance, the
17 housing ordinance, the property maintenance ordinance, the fire
18 prevention ordinance, the electrical ordinance and the plumbing
19 ordinance may adopt any standard or nationally recognized
20 building code, any standard or nationally recognized housing
21 code, any standard or nationally recognized property maintenance
22 code, any standard or nationally recognized fire prevention
23 code, any standard or nationally recognized electrical code, or
24 any standard or nationally recognized plumbing code, or any
25 variations or changes or parts thereof, published and printed in
26 book form, covering any or all of the above items, without
27 incorporating such code in the ordinance, or any city may enact
28 any such building code, housing code, property maintenance code,
29 fire prevention code, electrical code, or plumbing code, or any
30 changes or variations or parts thereof, as its building

1 ordinance, as its housing ordinance, as its property maintenance
2 ordinance, as its fire prevention code, as its electrical code
3 or as its plumbing code. In either event, the building ordinance
4 or code, the housing ordinance or code, the property maintenance
5 ordinance or code, the fire prevention ordinance or code, the
6 electrical ordinance or code, and the plumbing ordinance or
7 code, or any changes or variations or parts thereof, need not be
8 advertised after passage, but notice of its consideration, in
9 reasonable detail shall be published as required by section one
10 thousand fourteen of this act. Not less than three copies of the
11 building ordinance, the housing ordinance, the property
12 maintenance ordinance, the fire prevention ordinance, the
13 electrical ordinance or the plumbing ordinance adopted by
14 council shall be made available to public inspection and use
15 during business hours for at least three months after its
16 adoption. The procedure herein set forth relating to the
17 adoption of such building ordinances, housing ordinances,
18 property maintenance ordinances, fire prevention ordinances,
19 electrical ordinances and plumbing ordinances may likewise be
20 adopted in amending, supplementing or repealing any of the
21 provisions of such ordinances.

22 Section 4131.1. Penalties.--(a) Except as provided for in
23 subsection (b), the building ordinance, the housing ordinance,
24 the property maintenance ordinance, the fire prevention
25 ordinance, the electrical ordinance and the plumbing ordinance
26 may provide penalties of fine not exceeding one per month on a
27 property and limited to no more than one thousand dollars for
28 the first two continual and uncorrected violations of the same
29 subsection of such ordinance on the same property and not
30 exceeding five thousand dollars for the third and any subsequent

1 continual and uncorrected violation of the same subsection of
2 such ordinance on the same property.

3 (b) If a violation of the building ordinance, the housing
4 ordinance, the property maintenance ordinance, the fire
5 prevention ordinance, the electrical ordinance or the plumbing
6 ordinance is found to pose a threat to the public's health,
7 safety or property, then penalties of fine may be provided for
8 as follows:

9 (i) not exceeding one citation per five calendar days for a
10 continual and uncorrected violation of the same subsection of
11 such ordinance on the same property;

12 (ii) limited to no less than five hundred dollars and no
13 more than one thousand dollars for the first two continual and
14 uncorrected violations of the same subsection of such ordinance
15 on the same property and no less than one thousand dollars and
16 not exceeding ten thousand dollars for the third and any
17 subsequent continual and uncorrected violation of the same
18 subsection of such ordinance on the same property, or
19 imprisonment for any term not exceeding ninety days, or both.

20 (c) For violations of any ordinance not specified in
21 subsection (a) or (b), a penalty may be imposed on any person
22 who violated such ordinance which shall include a fine of not
23 more than one thousand dollars, or a term of imprisonment of not
24 more than ninety days, or both.

25 Section 4132. Building Inspectors, Housing Inspectors,
26 Property Maintenance Inspectors, Fire Prevention Inspectors,
27 Electrical Inspectors, and Plumbing Inspectors.--Council may
28 appoint building inspectors, housing inspectors, property
29 maintenance inspectors, fire prevention inspectors, electrical
30 inspectors and plumbing inspectors and fix their compensation.

1 Such inspectors shall have the right to enter upon and inspect
2 any and all premises at all reasonable hours for the
3 administration and enforcement of the building ordinance, the
4 housing ordinance, the property maintenance ordinance, the fire
5 prevention ordinance, the electrical ordinance and the plumbing
6 ordinance. Any fees payable to them under the building
7 ordinance, the housing ordinance, the property maintenance
8 ordinance, the fire prevention ordinance, the electrical
9 ordinance and the plumbing ordinance shall be paid by them to
10 the city treasurer for the use of the city as promptly as may
11 be.

12 Section 4133. Actions to Restrain Violations.--The city may,
13 in addition to the penalties provided by its building ordinance,
14 its housing ordinance, its property maintenance ordinance, its
15 fire prevention ordinance, its electrical ordinance and its
16 plumbing ordinance, bring actions at law or in equity to prevent
17 or restrain, correct or abate any violations of its building
18 ordinance, its housing ordinance, its property maintenance
19 ordinance, its fire prevention ordinance, its electrical
20 ordinance and its plumbing ordinance.]

21 Section 369. Article XLI subdivision (e) heading and
22 sections 4140, 4141, 4142 and 4143 of the act are repealed:

23 [(e) Abatement of Public Nuisances

24 Section 4140. Petition for Removal of Public Nuisances;
25 Viewers; Vacating Public Alleys, Lanes or Passageways, Declared
26 Public Nuisances by Board of Health.--The council of any city
27 may, by resolution, authorize and empower the mayor of such city
28 to present a petition to the court of common pleas, setting
29 forth that any property, building, premises, business or
30 occupation, specifying the same fully and describing the same

1 accurately, located within said city has become a public
2 nuisance, injurious or dangerous to the community and to the
3 public health. Upon the presentation and hearing of such
4 petition, if the nuisance complained of be not a public
5 nuisance, per se, then the court may appoint three viewers, from
6 the county board of viewers, to go upon the premises where said
7 nuisance is alleged to exist--at a time to be fixed in the order
8 appointing the same, of which time due notice shall be given to
9 all persons affected, which shall be not less than twenty nor
10 more than thirty days from the date of the order making such
11 appointment--and shall thereupon, being first duly sworn, view
12 the property, premises, building, business or occupation, shall
13 hear the parties, their witnesses and counsel, and shall make
14 due report thereof to the court appointing them. In any case
15 where the board of health shall have declared any public alley,
16 lane or passageway or a part thereof to be a public nuisance,
17 any two or more owners of property adjacent or abutting thereof
18 may petition council that such public alley, lane or passageway
19 or part thereof be vacated in accordance with the procedure
20 provided in this subdivision for the abatement of public
21 nuisances; except that the viewers shall not question the
22 finding of the board of health, but shall determine whether or
23 not the said alley, lane or passageway or part thereof should be
24 vacated. Council may, with or without the aforesaid petition,
25 proceed for the vacating of any such public alley, lane or
26 passageway or part thereof, except that in no case shall any
27 such alley, lane or passageway be vacated in such a way or to
28 such an extent as to deprive any lot abutting thereon of its
29 sole means of ingress and egress; nor shall any alley, lane or
30 passageway created by grant or contract and not therefore

1 accepted by the public be vacated.

2 Section 4141. Power to Viewers.--The viewers, appointed as
3 aforesaid, may:

4 First. Determine whether or not the property, premises,
5 building, business or occupation is a public nuisance, and, if
6 they shall find it is such a nuisance, shall so return in their
7 award; and

8 Second. Find what, if any, compensation shall be paid by the
9 said city to the owner or owners of said property, premises,
10 building, business or occupation for the abatement of the same,
11 and if the findings of the said viewers be in favor of the said
12 city and direct the abatement of said nuisance, then judgment
13 shall be entered upon their award within thirty days after the
14 same is filed, unless the said award be appealed from or
15 exceptions thereto be filed within thirty days. No execution or
16 other process for the collection of any sum of money awarded to
17 any person or persons, corporation or corporations, as
18 compensation for the abatement of any such nuisance, shall issue
19 until the said nuisance has been fully and completely abated,
20 and return thereof made to the court.

21 Section 4142. Appeals.--Any of the parties interested in any
22 proceedings provided by the preceding two sections may appeal to
23 the court of common pleas within thirty days from the date of
24 filing an award; such appeal to be in the same form as now
25 governs appeals from the awards of viewers appointed pursuant to
26 this act to assess damages for property taken, injured or
27 destroyed, the party appealing to pay the costs incurred and to
28 give bond, with one surety, for the payment of all costs which
29 may thereafter be incurred. Upon such appeal being perfected,
30 the court shall frame an issue, which issue shall be placed at

1 the head of the next trial list then open, and shall be tried by
2 the court and jury in the same manner as feigned issues are now
3 tried. Upon such trial the jury shall have power to find the
4 same facts as are provided may be found by the viewers. If the
5 jury shall find in favor of the city and award any compensation
6 to the owner or owners of said property, premises, buildings,
7 business or occupation, judgment shall be entered upon the
8 verdict. No execution or other process for the collection of
9 such judgment shall issue until the nuisance complained of shall
10 have been fully and completely abated, and return thereof made
11 to the court; upon which the court shall have the power to award
12 execution or other process necessary to enforce the collection
13 of the judgment.

14 Section 4143. Abatement of Public Nuisance after Award of
15 Viewers.--Whenever the award of viewers, or the verdict of a
16 jury, shall find that a public nuisance exists, and the owner or
17 owners of any property, premises, building, business or
18 occupation causing the same shall fail to abate the same within
19 sixty days from the date of the judgment, the authorities of
20 said city shall have full power and authority to enter upon said
21 property, premises or building where said nuisance exists and
22 abate the same, and shall not be liable in any form of action
23 for so doing. The cost and expense of abating the same shall be
24 deducted from any compensation awarded in said proceedings.]

25 Section 370. The act is amended by adding an article to
26 read:

27 ARTICLE XLI-A

28 UNIFORM CONSTRUCTION CODE, PROPERTY MAINTENANCE CODE,

29 AND RESERVED POWERS

30 Section 4101-A. Primacy of certain codes.

1 (a) Applicability.--The Pennsylvania Construction Code Act
2 and the Uniform Construction Code adopted under section 301 of
3 the Pennsylvania Construction Code Act shall apply to the
4 construction, alteration, repair and occupancy of all buildings
5 and structures within a city.

6 (b) Construction.--This article and any ordinance, rule or
7 regulation adopted pursuant to this article shall not supersede
8 or abrogate the Pennsylvania Construction Code Act or the
9 Uniform Construction Code and shall be construed and read in
10 pari materia with them.

11 Section 4102-A. Changes in Uniform Construction Code.

12 A city may propose and enact an ordinance to equal or exceed
13 the minimum requirements of the Uniform Construction Code in
14 accordance with and subject to the requirements of section 503
15 of the Pennsylvania Construction Code Act. Any ordinance
16 exceeding the provisions of the Uniform Construction Code shall
17 be required to meet the standards provided in section 503(j)(2)
18 of the Pennsylvania Construction Code Act.

19 Section 4103-A. Public nuisance.

20 Any building, housing or property, or part thereof erected,
21 altered, extended, reconstructed, removed or maintained,
22 contrary to any of the provisions of any ordinance enacted for
23 any of the purposes specified in this article may be reported,
24 in accordance with Article XXVII-A, to the department designated
25 to determine whether a public nuisance exists and, if a public
26 nuisance is determined to exist, it may be abated in accordance
27 with that article, provided, however, that a violation of the
28 Uniform Construction Code or any ordinance that equals or
29 exceeds the Uniform Construction Code shall be subject to the
30 provisions of the Pennsylvania Construction Code Act and the

1 regulations adopted thereunder by the Department of Labor and
2 Industry relating to enforcement for noncompliance.

3 Section 4104-A. Property maintenance code.

4 (a) Enactment.--Notwithstanding the primacy of the Uniform
5 Construction Code, a city may enact a property maintenance
6 ordinance, including any standard or nationally recognized
7 property maintenance code or any changes or variations or parts
8 thereof, and it may, by reference, in accordance with section
9 1018.13, incorporate any standard or nationally recognized
10 property maintenance code, or any variations or changes or parts
11 thereof, published and printed in book form, without setting
12 forth the text of the code in the ordinance.

13 (b) Public availability.--The full text of the property
14 maintenance code need not be published but, in accordance with
15 section 1018.9, it shall be sufficient to publish a summary
16 setting forth the provisions of the ordinance in reasonable
17 detail and a reference to a place within the city where copies
18 of the proposed ordinance may be examined. Not fewer than three
19 copies of the proposed property maintenance code, or portion
20 thereof, or amendment thereto shall be made available to public
21 inspection and use during business hours. Copies shall also be
22 made available to any interested party in accordance with the
23 act of February 14, 2008 (P.L.6, No.3), known as the Right-to-
24 Know Law, or may be furnished or loaned without charge.

25 (c) Violations.--A property maintenance code ordinance may
26 provide for fines and penalties not exceeding \$1,000 or
27 imprisonment for any term not exceeding 90 days, or both, for
28 violations thereof. The procedure set forth under this article
29 relating to the enactment of such ordinances may likewise be
30 utilized in amending, supplementing or repealing any of the

1 provisions of such ordinances.

2 (d) Inspectors.--Council may appoint property maintenance
3 inspectors who shall have the right to, subject to
4 constitutional standards in a similar manner as provided in
5 section 2308, enter upon and inspect any and all premises at all
6 reasonable hours for the administration and enforcement of the
7 city's property maintenance code or ordinance incorporating a
8 standard or nationally recognized property maintenance code. Any
9 fees payable to a property maintenance inspector under the
10 ordinance shall be paid by the property maintenance inspector to
11 the city treasurer for the use of the city as promptly as may
12 be.

13 (e) Additional remedies.--In addition to the penalties
14 provided by the property maintenance ordinance, the city may
15 institute appropriate actions or proceedings at law or in equity
16 to prevent or restrain property maintenance violations.

17 (f) Relation to other acts.--The powers of a city as
18 provided in this section shall be in addition to, but not
19 limited to, the powers provided in the act of November 26, 2008
20 (P.L.1672, No.135), known as the Abandoned and Blighted Property
21 Conservatorship Act, 53 Pa.C.S. Ch. 61 (relating to neighborhood
22 blight reclamation and revitalization) and 68 Pa.C.S. Ch. 21
23 (relating to land banks).

24 Section 4105-A. Reserved powers.

25 If, as a result of legislative action or final order of
26 court, for which the time for appeal has expired and no appeal
27 has been taken or from which there is no pending appeal, the
28 Uniform Construction Code or any replacement code is no longer
29 applicable in cities, a city may:

30 (1) Enact and enforce ordinances to govern and regulate

1 the construction, reconstruction, alteration, extension,
2 repair, conversion, maintenance, occupation, sanitation,
3 ventilation, heating, egress, lighting, electric wiring,
4 water supply, toilet facilities, drainage, plumbing, fire
5 prevention, fireproofing including prescribing limitations
6 wherein only buildings of noncombustible material and
7 fireproofed roofs are used in construction, erection, or
8 substantial reconstruction, use and inspection of all
9 buildings and housing or parts of buildings and housing, and
10 the roofs, walls and foundations thereof, and all facilities
11 and services in or about the buildings or housing
12 constructed, erected, altered, designed, or used, in whole or
13 in part, for any use or occupancy, and the sanitation and
14 inspection of land appurtenant thereto. The codes may be
15 combined or separately enacted or combined with the property
16 maintenance code.

17 (2) Require that before any work of construction,
18 reconstruction, alteration, extension, repair or conversion
19 of any building is begun, approval of the plans and
20 specifications be secured.

21 (3) Incorporate any standard or nationally recognized
22 code, or any variations or changes or parts thereof,
23 published and printed in book form, without incorporating the
24 text of the code as provided in subdivision (a.1) of Article
25 X. The ordinances may provide for fines and penalties not
26 exceeding \$1,000 or imprisonment for any term not exceeding
27 90 days, or both, for violations thereof. The procedure set
28 forth under this article relating to the enactment of the
29 ordinances may likewise be utilized in amending,
30 supplementing or repealing any of the provisions of

1 ordinances that incorporate any standard or nationally
2 recognized code, or any variations or changes or parts
3 thereof.

4 (4) Appoint building inspectors, housing inspectors,
5 property maintenance inspectors, fire prevention inspectors,
6 electrical inspectors and plumbing inspectors and fix their
7 compensation. The inspectors shall have the right to, subject
8 to constitutional standards in a similar manner as provided
9 in section 2308, enter upon and inspect any and all premises
10 at all reasonable hours for the administration and
11 enforcement of the city's enacted codes or ordinances
12 incorporating standard or nationally recognized codes. Any
13 fees payable to an inspector under the ordinances shall be
14 paid by the inspector to the city treasurer for the use of
15 the city as promptly as may be.

16 (5) In addition to the penalties provided by ordinances,
17 the city may institute appropriate actions or proceedings at
18 law or in equity to prevent or restrain the unlawful
19 construction, reconstruction, alteration, extension, repair,
20 conversion, maintenance or use or occupation of property
21 located within the city, to restrain, correct or abate the
22 violation and to prevent the use or occupancy of the
23 building, housing or structure.

24 Section 371. Article XLII heading of the act is reenacted to
25 read:

26 ARTICLE XLII

27 AERONAUTICS

28 Section 372. Section 4201 of the act is amended to read:

29 Section 4201. Power to Acquire Land for Aeronautical
30 Purposes; Maintenance of Municipal Airports[, Etc.--With the

1 approval of the Pennsylvania Aeronautics Commission, a].--A city
2 may establish and maintain a municipal airport and may acquire,
3 by lease, purchase or condemnation proceedings, subject to the
4 limitations in 26 Pa.C.S. § 206 (relating to extraterritorial
5 takings), any land lying either within or without the
6 territorial limits of the city, and within or without the
7 territorial limits of the county in which [such] the city is
8 located, which, in the judgment of council, may be necessary and
9 desirable for the purpose of establishing and maintaining
10 municipal airports, landing fields, aviation easements or
11 intermediate landing fields and other air navigation facilities.

12 Section 373. Section 4202 of the act is repealed:

13 [Section 4202. Proceedings for Condemnation.--The
14 proceedings for the condemnation of lands under the provisions
15 of this article, and for the assessment of damages for property
16 taken, injured or destroyed, shall be conducted in the manner
17 provided by this act in the case of property taken, injured or
18 destroyed. The title acquired by the city exercising the power
19 to condemnation shall be a title in fee-simple.]

20 Section 374. Sections 4203, 4204 and 4205 of the act are
21 amended to read:

22 Section 4203. Leasing of Land Acquired for Aeronautical
23 Purposes.--Any city acquiring land for any aeronautical purposes
24 may lease the same, or part thereof to any individual or
25 corporation desiring to use the same for [the purpose of taking
26 off or landing an aeroplane, or for other aeronautical purposes,
27 on such terms and subject to such conditions and regulations as
28 may be provided. Any such city may enter into a contract, in the
29 form of a lease, providing for the use of said land, or any part
30 thereof, by the Government of the United States for air mail

1 delivery, or other aeronautical purposes, upon nominal rental or
2 without consideration] aeronautical purposes.

3 Section 4204. Operation of Facilities Jointly.--Any city may
4 operate and maintain municipal airports, landing fields or
5 intermediate landing fields and other air navigation facilities
6 jointly in accordance with [any other political subdivision or
7 with the Pennsylvania Aeronautics Commission, upon such terms
8 and conditions as may be agreed upon between the council and the
9 corporate authorities of the other contracting party or parties]
10 53 Pa.C.S. Ch.23 Subch. A (relating to intergovernmental
11 cooperation).

12 Section 4205. Appropriation for Support of Air Navigation
13 Facilities.--A city which does not own, lease, or operate
14 municipal airports, landing fields or intermediate landing
15 fields or other air navigation facilities[,] may appropriate
16 money for the support and maintenance of any such facilities,
17 situate either within or without the boundaries of the city, or
18 of the county or counties in which [such] the city is located.

19 Section 375. Article XLIII and subdivision (a) headings of
20 the act are reenacted to read:

21 ARTICLE XLIII

22 PENSIONS

23 (a) Police

24 Section 376. Section 4301 of the act, amended December 12,
25 1994 (P.L.1033, No.140), is amended to read:

26 Section 4301. Police Pension Fund[; Direction of].--(a)
27 Cities shall establish, by ordinance, a police pension fund[, to
28 be].

29 (b) The following shall apply to a police pension fund
30 established pursuant to this section:

1 (1) The fund shall be maintained by an equal and
2 proportionate monthly charge against each member of the police
3 force, which shall not exceed annually four per centum of the
4 pay of [such] the member and an additional amount not to exceed
5 one per centum of the pay of [such] the member to be paid by
6 [such] the member or the municipal corporation to provide
7 sufficient funds for payments required by subsection [(d) of
8 section 4303] (f) of section 4303 to surviving spouses even if
9 they remarry, or if no spouse survives or if such person
10 survives and subsequently dies, then to the child or children
11 under the age of eighteen years, of members of the police force
12 or of members retired on pension or who die in service[; which].

13 (2) The fund shall at all times be under the direction and
14 control of council but may be committed to the custody and
15 management of such officers of the city or [citizens thereof, or
16 corporations located therein] to such other persons or entities,
17 as may be designated by council[, and] by ordinance.

18 (3) The fund shall be applied, under such regulations as
19 council may, by ordinance, prescribe, for the benefit of such
20 members of the police force as shall receive honorable discharge
21 therefrom by reason of age or disability, surviving spouses even
22 if 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[; but such allowances as shall
26 be].

27 (4) Allowances made to those who are retired by reason of
28 the disabilities of age shall be in conformity with a uniform
29 scale, together with service increments as hereinafter provided.

30 (5) Any compensation paid to a corporate custodian of the

1 police pension fund shall be paid from the general fund of the
2 city.

3 Section 377. Section 4302 of the act, amended November 25,
4 1970 (P.L.754, No.246), is amended to read:

5 Section 4302. Retirement; Final Discharge.--[Such ordinance
6 shall prescribe a] (a) With regard to continuous service and
7 minimum retirement age requirements, the ordinance establishing
8 the police pension fund shall prescribe as follows:

9 (1) A minimum period of continuous service[,] of not less
10 than twenty years[, and, when].

11 (2) If any minimum retirement age is prescribed, a minimum
12 age of fifty years[, after which members of the force may retire
13 from active duty, and such members as are retired].

14 (b) Retired members, if not unfit by reason of age,
15 disability or otherwise, shall be subject to service[, from time
16 to time,] as a police reserve [until unfitted for such service,
17 when they may be finally retired by reason of age or disability]
18 under terms and conditions as may be established by council.

19 (c) With the approval of council, any member of the police
20 pension fund who is a contributor and who served in the armed
21 forces of the United States subsequent to September 1, 1940, and
22 who was not a member of the police pension fund prior to such
23 military service, shall be entitled to have full credit for each
24 year or fraction thereof, not to exceed five years of such
25 service upon [his] the member's payment to the police pension
26 fund of an amount equal to that which [he] the member would have
27 paid had [he] the member been a member during the period for
28 which [he desires] credit is desired, and [his] the member's
29 payment to [such] the fund of an additional amount as the
30 equivalent of the contributions of the city on account of such

1 military service.

2 Section 378. Section 4302.1 of the act, added December 17,
3 1990 (P.L.715, No.178), is amended to read:

4 Section 4302.1. Limited Vested Benefit.--(a) The ordinance
5 establishing a police pension fund may provide for a limited
6 vested benefit if such would conform to section 305 of the act
7 of December 18, 1984 (P.L.1005, No.205), known as the "Municipal
8 Pension Plan Funding Standard and Recovery Act."

9 (b) Under [the provisions of the benefit, should] a limited
10 vested benefit, a member of the police pension fund, [before
11 completing] who has not completed the minimum [age and minimum]
12 period of continuous service [requirements but after having]
13 requirement and satisfied any applicable minimum age
14 requirement, but who has completed twelve years of full-time
15 service, [the member] shall be entitled to vest [his or her] the
16 member's retirement benefits subject to each of the following
17 conditions:

18 (1) [the] The member must file with the management board of
19 the police pension fund a written notice of [his or her] the
20 member's intention to vest[;].

21 (2) [the] The member must include in the notice, the date
22 the member intends to terminate [his or her] the member's
23 service as a full-time police officer[;].

24 (3) [the] The termination date shall be at least thirty days
25 later than the date of notice to vest[;].

26 (4) [the] The member must be in good standing with the
27 police department on the date of notice to vest[; and].

28 (5) [the] The board shall indicate on the notice to vest the
29 rate of the monthly pay of the member as of the date of [said]
30 the notice to vest or the highest average annual salary which

1 the member received during any five years of service preceding
2 said date, whichever is the higher.

3 [(b)] (c) Upon reaching the date which would have been the
4 member's retirement date had the member continued [his or her]
5 the member's full-time employment with the police department,
6 the member shall notify the board, in writing, that the member
7 desires to collect [his or her] the member's pension. The amount
8 of retirement benefits the member is entitled to receive under
9 this section shall be computed as follows:

10 (1) [the] The initial determination of the member's base
11 retirement benefits shall be computed on the salary indicated on
12 the notice to vest[; and].

13 (2) [the] The portion of the base retirement benefits due
14 the member shall be determined by applying to the base amount
15 the percentage that [his or her] the member's years of service
16 actually rendered bears to the years of service which would have
17 been rendered had the member continued to be employed by the
18 department until [his or her] the member's minimum retirement
19 date.

20 Section 379. Section 4303 of the act, amended or added
21 January 18, 1952 (1951 P.L.2105, No.596), October 22, 1955
22 (P.L.723, No.207), November 25, 1970 (P.L.754, No.246), October
23 4, 1978 (P.L.950, No.188), December 17, 1990 (P.L.715, No.178),
24 December 12, 1994 (P.L.1033, No.140) and June 19, 2002 (P.L.442,
25 No.65), is amended to read:

26 Section 4303. Allowances and Service Increments.--(a)
27 Payments for allowances shall [not] only be a charge on the
28 police pension fund and shall not be a charge on any other fund
29 under the control, or in the treasury, of the city [or under its
30 control save the police pension fund herein provided for].

1 (b) The basis of the apportionment of the pension shall be
2 determined by the rate of the monthly pay of the member at the
3 date of injury, death, honorable discharge, vesting under
4 section 4302.1 or retirement, or the highest average annual
5 salary which the member received during any five years of
6 service preceding injury, death, honorable discharge, vesting
7 under section 4302.1 or retirement, whichever is the higher, and
8 except as to service increments provided for in subsection [(b)
9 of this section] (d), shall not in any case exceed in any year
10 one-half the annual pay of [such] the member computed at [such]
11 the monthly or average annual rate, whichever is the higher.

12 [(a.1)] (c) The provisions of subsection [(a)] (b) providing
13 that the apportionment of the pension shall not in any case
14 exceed in any year one-half the annual pay of [such] the member
15 computed at [such] the monthly or average annual rate, whichever
16 is the higher, shall not apply to a city of the third class
17 whether operating under an optional charter adopted in
18 accordance with the act of July 15, 1957 (P.L.901, No.399),
19 known as the "Optional Third Class City Charter Law," or under a
20 home rule charter adopted in accordance with 53 Pa.C.S. Pt. III
21 Subpt. E (relating to home rule and optional plan government),
22 which had in effect pension plans prior to the effective date of
23 this subsection that provided pensions in an amount greater than
24 fifty per centum of salary.

25 [(b)] (d) In addition to the retirement allowance which is
26 authorized to be paid from the police pension fund by this act,
27 and notwithstanding the limitations therein placed upon such
28 retirement allowances and upon contributions, every contributor
29 who shall become entitled to the retirement allowance shall also
30 be entitled to the payment of a "service increment" in

1 accordance with and subject to the conditions hereinafter set
2 forth.

3 (1) Service increment shall be the sum obtained by computing
4 the number of whole years after having served the minimum
5 required by this act during which a contributor has been
6 employed by [such] the city and paid out of the city treasury,
7 including credit for military service as provided in section
8 4302, and multiplying the said number of years so computed by an
9 amount equal to one-fortieth of the retirement allowance which
10 has become payable to [such] the contributor in accordance with
11 the provisions of this act. In computing the service increment,
12 no employment after the contributor has reached the age of
13 sixty-five years shall be included, and no service increment
14 shall be paid in excess of one hundred dollars (\$100.00) per
15 month.

16 (2) Each contributor, from and after [the effective date of
17 this amendment] January 1, 1952, shall pay into the retirement
18 fund a monthly sum in addition to [his or her] the contributor's
19 retirement contribution, which shall be equal to one-half of one
20 per centum of [his or her] the contributor's salary[: Provided,
21 That such], provided, however, that the payment shall not exceed
22 the sum of one dollar (\$1.00) per month[: And provided, That
23 such], and further provided that the service increment
24 contribution shall not be paid after a contributor has reached
25 the age of sixty-five years.

26 (3) Persons who are contributors on [the effective date of
27 this amendment] January 1, 1952, who have already reached the
28 age of sixty-five years shall have [his or her] the
29 contributor's service increment computed on the years of
30 employment prior to the date of reaching [his or her] the

1 contributor's sixty-fifth birthday.

2 (4) Service increment contributions shall be paid at the
3 same time and in the same manner as retirement contributions,
4 and may be withdrawn in full, without interest, by persons who
5 leave the employment of [such] the city, subject to the same
6 conditions by which retirement contributions may be withdrawn,
7 or by persons who retire before becoming entitled to any service
8 increment.

9 (5) All members of the police force who are now contributors
10 to the retirement fund and all those employed by the city after
11 [the effective date of this amendment] January 1, 1952, if
12 required to become contributors to the retirement fund, shall be
13 subject to the provisions of this act.

14 (6) After [the effective date of this clause] June 19, 2002,
15 a city may agree to make service increment payments in excess of
16 one hundred dollars (\$100) per month as long as [such] the
17 payments do not exceed five hundred dollars (\$500) per month,
18 and, in computing such service increments, no employment after
19 the contributor has reached the age of sixty-five years shall be
20 included[: Provided, That], provided that any agreement to
21 provide an increase in service increment payments shall include
22 a proportionate increase in the amount each contributor shall
23 pay into the retirement fund under clause (2), not to exceed
24 five dollars (\$5) per month.

25 [(c)] (e) The spouse of a member of the police force or a
26 member who retires on pension who dies or if no spouse survives
27 or if such person survives and subsequently dies or remarries,
28 then the child or children under the age of eighteen years of a
29 member of the police force or a member who retires on pension
30 who dies on or after [the effective date of this amendment]

1 August 1, 1963, shall, during the lifetime of the surviving
2 spouse, even if the surviving spouse remarries, or until
3 reaching the age of eighteen years in the case of a child or
4 children, be entitled to receive a pension calculated at the
5 rate of fifty per centum of the pension the member was receiving
6 or would have been receiving had [he] the member been retired at
7 the time of [his] the member's death and may receive the pension
8 the member was receiving or would have been receiving had [he]
9 the member been retired at the time of [his] the member's death.

10 [(d)] (f) Any police officer who has less than ten years of
11 service and who dies or is totally disabled due to injuries or
12 mental incapacities not in line of duty and is unable to perform
13 the duties of a police officer, may be entitled to a pension of
14 twenty-five per centum of [his] the police officer's annual
15 compensation. For death or injuries received after ten years of
16 service the compensation may be fifty per centum of [his] the
17 police officer's annual compensation.

18 (g) The disability pension may be payable to the police
19 officer during [his] the police officer's lifetime and if [he
20 shall die] the police officer dies, the pension payment that
21 [he] the police officer was receiving may be continued to be
22 paid to [his] the police officer's spouse if [such person] the
23 spouse survives or if [such person] the spouse subsequently dies
24 or remarries, then the child or children under the age of
25 eighteen years of the police officer.

26 Section 380. Section 4303.1 of the act, amended June 30,
27 1969 (P.L.98, No.36), is amended to read:

28 Section 4303.1. Increase of Allowances After Retirement.--

29 (a) Any city may, at any time, at its discretion, upon the
30 recommendation of the persons having custody and management of

1 the police pension fund, increase the allowances of persons
2 receiving allowances of any kind from the police pension fund by
3 reason of and after the termination of the services of any
4 member of said fund. [Such increases]

5 (b) Increases made pursuant to this section shall be in
6 conformity with a uniform scale, which may be based on the cost
7 of living, but the total of any such allowances shall not at any
8 time exceed one-half of the current salary being paid
9 [patrolmen] patrol persons of the highest pay grade.

10 Section 381. Section 4303.2 of the act, added October 3,
11 1988 (P.L.735, No.104), is amended to read:

12 Section 4303.2. Total Disability.--(a) Notwithstanding any
13 provision of this act, any police officer who becomes totally
14 disabled due to injuries sustained in the line of duty shall be
15 deemed to be fully vested in the police pension fund, regardless
16 of the actual number of years of credited service, and shall be
17 eligible for immediate retirement benefits.

18 (b) Claims under this section shall be decided by the
19 governing body of the city. Proof of disability shall be by
20 competent medical evidence provided by the claimant. The
21 governing body of the city may at any time have the claimant
22 examined by its own physician.

23 (c) Claims under this section may be brought as the
24 regulations of the city council prescribe. Hearings and appeals
25 shall be as provided in [Title 2 of the Pennsylvania
26 Consolidated Statutes] 2 Pa.C.S. (relating to administrative law
27 and procedure).

28 (d) The pension fund shall be subrogated to the right of the
29 claimant to the extent of any payments made under the act of
30 June 2, 1915 (P.L.736, No.338), known as ["The Pennsylvania

1 Workmen's Compensation Act,"] the "Workers' Compensation Act,"
2 or the act of June 28, 1935 (P.L.477, No.193), referred to as
3 the Enforcement Officer Disability Benefits Law.

4 (e) Definition.--As used in this section, "total disability"
5 shall mean permanent mental or physical impairment which renders
6 the police officer unable to perform [his] the officer's duties.

7 Section 382. Section 4304 of the act is amended to read:

8 Section 4304. Inalienable Rights in Fund.--Whenever any
9 person shall become entitled to receive an allowance from the
10 police pension fund, and shall have been admitted to participate
11 therein, [he] the person shall not be deprived of [his] the
12 person's right to an equal and proportionate participation
13 therein [upon] on the basis upon which [he] the person first
14 became entitled thereto.

15 Section 383. Section 4305 of the act, amended October 4,
16 1978 (P.L.950, No.188), is amended to read:

17 Section 4305. Payments to Police Pension [Funds by City.--
18 There] Fund by City.--Unless otherwise required by the act of
19 December 18, 1984 (P.L. 1005, No. 205), known as the "Municipal
20 Pension Plan Funding Standard and Recovery Act," or by any other
21 provision of law, this section shall govern the payment to the
22 police pension fund of moneys raised by taxes levied by the
23 city:

24 (1) A city shall [be paid] pay annually to the [organization
25 or association, constituting and having in charge the
26 distribution of police pension funds in every city] police
27 pension fund, a sum of money sufficient to meet the requirements
28 of and to maintain [such police pension] the fund which sum in
29 no year shall be less than one-half of one per centum nor more
30 than three per centum of all city taxes levied by the city,

1 other than taxes levied to pay interest on or extinguish the
2 debt of the city [or any part thereof].

3 (2) Council may exceed the limitations imposed by this
4 section if an additional amount is deemed necessary to provide
5 sufficient funds for payments to surviving spouses of members
6 retired on pension or killed or who die in the service[:
7 Provided, however, That], provided, however, that the city may
8 annually pay into [said] the fund not less than one-half of one
9 per centum of all city taxes levied by the city, other than
10 taxes levied to pay interest on or extinguish the debt of the
11 city [or any part thereof].

12 Section 384. Sections 4306 and 4307 of the act are amended
13 to read:

14 Section 4306. [Designation of Organization to Manage Pension
15 Fund.--The organization, having in charge the distribution of
16 police pension funds, herein mentioned, shall consist only of
17 such as is by ordinance designated as the official and
18 authorized organization or association to hold, receive, and
19 distribute the funds of moneys for the purpose of pensioning the
20 police officers of the city.] Management of Police Pension
21 Fund.--Only the persons designated, in accordance with section
22 4301(b)(2), shall be authorized to make decisions to hold,
23 receive and distribute the moneys of the police pension fund.

24 Section 4307. Trusts for Benefit of Police Pension Fund.--
25 Any city may take, by gift, grant, devise or bequest, any money
26 or property, real, personal or mixed, in trust for the benefit
27 of [such] the pension fund, and the care, management, investment
28 and disposal of [such] the trust funds or property shall be
29 vested in such officer or officers of the city, for the time
30 being, as the council may designate, and [such] the care,

1 management and disposal shall likewise be directed by ordinance
2 and the [said] trust funds shall be governed thereby, subject to
3 such directions, not inconsistent therewith, as the donors of
4 [such] the funds and property may prescribe.

5 Section 385. Section 4308 of the act, amended October 4,
6 1978 (P.L.950, No.188), is amended to read:

7 Section 4308. Repayment Before Retirement.--[If for any
8 cause any] (a) If a contributing member of the police [force
9 contributing to the] pension fund shall cease to be a member of
10 the police force before [he becomes] becoming entitled to a
11 pension, the total amount of the contributions paid into the
12 pension fund by [such] the member shall be refunded to [him] the
13 member in full, without interest.

14 (b) If [any such] a member shall have returned to [him] the
15 member the amount contributed, and shall afterward again become
16 a member of the police force, [he] the member shall not be
17 entitled to the pension designated until twenty years after
18 [his] the member's reemployment, unless [he shall return] the
19 member returns to the pension fund the amount withdrawn, in
20 which event the period of twenty years shall be computed from
21 the time the member first became a member of the police force,
22 excluding therefrom any period of time during which the member
23 was not employed by the police force.

24 (c) In the event of the death of a member of the police
25 force not in the line of service before the member becomes
26 entitled to [the pension aforesaid and such] a pension and if
27 the member is not survived by a spouse or family entitled to
28 payments as [hereinbefore] provided in this subdivision, the
29 total amount of contributions paid into the pension fund by the
30 member shall be paid over to [his] the member's estate.

1 Section 386. Section 4309 of the act, added December 17,
2 1990 (P.L.715, No.178), is amended to read:

3 Section 4309. Definitions.--As used in this subdivision, the
4 term "salary" is defined as the fixed amount of compensation
5 paid at regular, periodic intervals by the city to the member
6 and from which pension contributions have been deducted.

7 Section 387. Article XLIII subdivision (b) heading of the
8 act is amended to read:

9 (b) [Firemen] Firefighters

10 Section 388. Section 4320 of the act, amended October 4,
11 1978 (P.L.950, No.188), is amended to read:

12 Section 4320. [Firemen's] Firefighters' Pension Fund;
13 Management; Annuity Contracts.--(a) Except as hereinafter
14 provided, cities shall provide annuity contracts or establish,
15 by ordinance, a [firemen's] firefighters' pension fund[, to].

16 (b) The annuity contracts or pension fund shall be
17 maintained in part by an equal and proportionate monthly charge
18 against each member of the fire department, which shall not
19 exceed annually four per centum of the pay of such member, and
20 an additional amount not to exceed one per centum if deemed
21 necessary by the council to provide sufficient funds for
22 payments to surviving spouses of members retired on pension or
23 killed or who die in the service.

24 (c) In any case [where] in which there is an existing
25 organization or association for the benefit of fully paid
26 [firemen] firefighters, constituting and having in charge the
27 distribution of [firemen's] firefighters' pension funds, no
28 annuity contract shall be provided, nor shall any [firemen's]
29 firefighters' pension funds be established under the provisions
30 of this section unless and until the members of such

1 organization or association, by a two-thirds vote, elect to
2 transfer said existing fund into the pension fund required to be
3 established by this section.

4 (d) All pension funds established under the provisions of
5 this section shall be under the direction and control of a board
6 of managers [consisting of the mayor], which shall consist of
7 the following:

8 (1) Ex officio members as follows:

9 (i) the mayor;

10 (ii) the director of accounts and finance[,];

11 (iii) the director of the department having charge of the
12 fire department, or in cities where the mayor is also the
13 director of the department having charge[,] of the fire
14 department, then the director of public safety[,];

15 (iv) the city controller; and

16 (v) the chief of the bureau of fire[, ex officio, and two].

17 (2) Two members of the fire department to be chosen by the
18 members of the fire department.

19 (e) If a city does not establish a department whose director
20 is named as an ex officio member of the board of managers, then
21 the director of another department or such officers of the city
22 as may be designated by council shall be substituted on the
23 board of managers.

24 (f) Of the first [managers] members so chosen by the members
25 of the fire department to the board of managers, one shall be
26 chosen for a term of two years and one for a term of four years.
27 Biennially thereafter one [manager] fire department member shall
28 be chosen for a term of four years to take the place of the one
29 whose term expires. In case of vacancy among the managers chosen
30 by the fire department, a successor shall be chosen for the

1 unexpired term.

2 (g) The fund shall be applied, under [such] regulations [as]
3 prescribed by the board of managers [shall prescribe], for the
4 benefit of such members of the fire department [as shall] who
5 receive honorable discharge therefrom by reason of service or
6 age or disability, surviving spouses of retired members and the
7 families of [such as may be] members who are killed or who die
8 in the service. All [such] pensions [as shall be allowed] to
9 those who are retired by reason of [the disabilities or of]
10 disability or service or age shall be in conformity with a
11 uniform scale, together with service increments as hereinafter
12 provided. Benefits [allowed] from [such] the fund to families of
13 [such as] members who are killed or who die in service shall
14 take into consideration the member's surviving spouse and [his]
15 the member's minor children under eighteen years of age, if any
16 survive.

17 Section 389. Section 4320.1 of the act, added June 16, 1993
18 (P.L.97, No.21), is amended to read:

19 Section 4320.1. Limited Vested Benefit for Firefighters.--

20 (a) The ordinance establishing a firefighters' pension fund may
21 provide for a limited vested benefit if [such] it would conform
22 to section 305 of the act of December 18, 1984 (P.L.1005,
23 No.205), known as the "Municipal Pension Plan Funding Standard
24 and Recovery Act."

25 (a.1) Under [the provisions of the] a limited vested
26 benefit, [should] if a member of the firefighters' pension fund
27 [before completing the minimum age and] has not completed the
28 minimum period of continuous service [requirements but after
29 having] and any applicable minimum age requirement but has
30 completed twelve years of full-time service, and if, for any

1 reason, shall cease to be employed as a full-time firefighter,
2 the member shall be entitled to vest [his or her] the member's
3 retirement benefits subject to the following conditions:

4 (1) [the] The member must file with the management board of
5 the firefighters' pension fund a written notice of [his or her]
6 the member's intention to vest[;].

7 (2) [the] The member must include in the notice the date the
8 member intends to terminate [his or her] service as a full-time
9 firefighter[;].

10 (3) [the] The termination date shall be at least thirty days
11 later than the date of notice to vest[;].

12 (4) [the] The member must be in good standing with the fire
13 department on the date of notice to vest[; and].

14 (5) [the] The board shall indicate on the notice to vest the
15 rate of the monthly pay of the member as of the date of the
16 notice to vest or the highest average annual salary which the
17 member received during any five years of service preceding the
18 date, whichever is the higher.

19 (b) Upon reaching the date which would have been the
20 member's retirement date had the member continued [his or her]
21 full-time employment with the fire department, the member shall
22 notify the board in writing that the member desires to collect
23 [his or her] the member's pension. The amount of retirement
24 benefits the member is entitled to receive under this section
25 shall be computed as follows:

26 (1) [the] The initial determination of the member's base
27 retirement benefits shall be computed on the salary indicated on
28 the notice to vest[; and].

29 (2) [the] The portion of the base retirement benefits due
30 the member shall be determined by applying to the base amount

1 the percentage that [his or her] the member's years of service
2 actually rendered bears to the years of service which would have
3 been rendered had the member continued to be employed by the
4 department until [his or her] the member's minimum retirement
5 date.

6 Section 390. Section 4321 of the act, amended July 1, 1992
7 (P.L.347, No.74), is amended to read:

8 Section 4321. Retirement; Final Discharge.--[Such
9 regulations shall prescribe a] (a) With regard to continuous
10 service and minimum age requirements, the ordinance establishing
11 or regulations governing the firefighters' pension fund shall
12 prescribe as follows:

13 (1) A minimum period of continuous service[,] of not less
14 than twenty years [and, when].

15 (2) If any minimum age is prescribed, a minimum age of fifty
16 years[, after which members of the department may retire on
17 pension from active duty, and such members as are retired].

18 (b) Retired members, if not unfit by reason of age,
19 disability or otherwise shall be subject to service, from time
20 to time, as a [firemen's] firefighters' reserve in cases of
21 emergency [until unfitted for such service, when they may be
22 finally discharged by reason of age or disability], under terms
23 and conditions as my be established by council.

24 (c) With the approval of council, all members of the
25 [firemen's] firefighters' pension fund who are contributors and
26 who served in the armed forces of the United States subsequent
27 to September 1, 1940, and who were not members of the
28 [firemen's] firefighters' pension fund prior to such military
29 service, shall be entitled to have full credit for each year or
30 fraction thereof, not to exceed five years of such service upon

1 their payment to the [firemen's] firefighters' pension fund of
2 an amount equal to that which they would have paid had they been
3 members during the period for which they desire credit, and
4 their payment to such fund of an additional amount as the
5 equivalent of the contributions of the city plus any interest
6 the city would have been required to pay on the contributions on
7 account of such military service. Upon the death of a member who
8 retires on pension or is killed in the service on or after
9 January 1, 1960, or who dies in the service on or after January
10 1, 1968, payments as hereinafter provided shall be made to the
11 member's surviving spouse during the life of the spouse.

12 Section 391. Section 4322 of the act, amended or added
13 October 4, 1978 (P.L.950, No.188), June 16, 1993 (P.L.97, No.21)
14 and June 19, 2002 (P.L.442, No.65), is amended to read:

15 Section 4322. Pensions and Service Increments.--(a) The
16 following apply:

17 (1) Payments of pensions shall [not] only be a charge on
18 [any fund in the] the firefighters' pension fund and shall not
19 be a charge on any other fund under the control, or in the
20 treasury, of the city [or under its control save the firemen's
21 pension fund herein provided for].

22 (2) The basis of the pension of a member shall be determined
23 by the monthly salary of the member at the date of vesting under
24 section 4320.1 or retirement, or the highest average annual
25 salary which [he] the member received during any five years of
26 service preceding retirement, whichever is the higher, whether
27 for disability, or by reason of age or service, and except as to
28 service increments provided for in subsection (b) of this
29 section, shall be one-half the annual salary of [such] the
30 member at the time of vesting under section 4320.1 or retirement

1 computed at [such] the monthly or average annual rate, whichever
2 is the higher.

3 (3) In the case of the payment of pensions to members for
4 permanent injury incurred in service, and to families of members
5 killed or who die in service, the amount and commencement of the
6 payment of pensions shall be fixed by regulations of the board.
7 [Such] These regulations shall not take into consideration the
8 amount and duration of [workmen's] workers' compensation allowed
9 by law. Payments to surviving spouses of members retired on
10 pension or killed in the service on or after January 1, 1960, or
11 who die in the service on or after January 1, 1968, shall be the
12 amount payable to the member or which would have been payable
13 had [he] the member been retired at the time of [his] the
14 member's death.

15 (a.1) The provisions of subsection (a) providing that the
16 basis of the pension shall be one-half the annual salary of
17 [such] the member at the time of vesting under section 4320.1 or
18 retirement computed at [such] the monthly or average annual
19 rate, whichever is the higher, shall not apply to a city of the
20 third class whether operating under an optional charter adopted
21 in accordance with the act of July 15, 1957 (P.L.901, No.399),
22 known as the "Optional Third Class City Charter Law," or under a
23 home rule charter adopted in accordance with 53 Pa.C.S. Pt. III
24 Subpt. E (relating to home rule and optional plan government),
25 which had in effect pension plans prior to the effective date of
26 this subsection that provided pensions in an amount greater than
27 fifty per centum of salary.

28 (b) In addition to the pension which is authorized to be
29 paid from the [firemen's] firefighters' pension fund by this act
30 and notwithstanding the limitations therein placed upon such

1 pensions and upon contributions, every contributor who shall
2 become entitled to the pension shall also be entitled to the
3 payment of a "service increment" in accordance with and subject
4 to the conditions hereinafter set forth.

5 (1) Service increment shall be the sum obtained by computing
6 the number of whole years after having served the minimum
7 required by this act during which a contributor has been
8 employed by [such] the city and paid out of the city treasury,
9 including credit for military service as provided in section
10 4321, and multiplying the said number of years so computed by an
11 amount equal to one-fortieth of the retirement allowance which
12 has become payable to such contributor in accordance with the
13 provisions of this act. In computing the service increment, no
14 employment after the contributor has reached the age of sixty-
15 five years shall be included, and no service increment shall be
16 paid in excess of one hundred dollars (\$100) per month.

17 (2) Each contributor, from and after [the effective date of
18 this amendment] September 18, 1968, shall pay into the pension
19 fund a monthly sum in addition to [his] the contributor's
20 pension contribution, which shall not exceed the sum of one
21 dollar (\$1) per month[: And provided, That such], provided that
22 the service increment contribution shall not be paid after a
23 contributor has reached the age of sixty-five years.

24 (3) Any person who is a member of the department on [the
25 effective date of this amendment] September 18, 1968, who has
26 already reached the age of sixty-five years shall have [his] the
27 person's service increment computed on the years of employment
28 prior to the date of reaching [his] the person's sixty-fifth
29 birthday.

30 (4) Service increment contributions shall be paid at the

1 same time and in the same manner as pensions, and may be
2 withdrawn in full, without interest, by persons who leave the
3 employment of [such] the city, subject to the same conditions by
4 which retirement contributions may be withdrawn, or by persons
5 who retire before becoming entitled to any service increment.

6 (5) All members of the fire department who are now
7 contributors to the pension fund and all those employed by the
8 city after [the effective date of this amendment] September 18,
9 1968, if required to become contributors to the pension fund,
10 shall be subject to the provisions of this act.

11 (6) After the effective date of this clause, a city may
12 agree to make service increment payments in excess of one
13 hundred dollars (\$100) per month as long as such payments do not
14 exceed five hundred dollars (\$500) per month, and, in computing
15 such service increments, no employment after the contributor has
16 reached the age of sixty-five years shall be included[:
17 Provided, That], provided that any agreement to provide an
18 increase in service increment payments shall include a
19 proportionate increase in the amount each contributor shall pay
20 into the retirement fund under clause (2), not to exceed five
21 dollars (\$5) per month.

22 Section 392. Section 4322.1 of the act, amended June 30,
23 1969 (P.L.98, No.36), is amended to read:

24 Section 4322.1. Increase of Allowances After Retirement.--
25 (a) Any city may, at any time, at its discretion, upon the
26 recommendation of the persons having custody and management of
27 the [firemen's] firefighters' pension fund, increase the
28 allowances of persons receiving allowances of any kind from the
29 fund by reason of and after the termination of the services of
30 any member of the fund.

1 [Such increases] (b) Increases made pursuant to this section
2 shall be in conformity with a uniform scale, which may be based
3 on the cost of living, but the total of any such allowances
4 shall not at any time exceed one-half of the current salary
5 being paid [firemen] firefighters of the highest pay grade.

6 Section 393. Section 4323 of the act, amended August 14,
7 1959 (P.L.709, No.246), is amended to read:

8 Section 4323. Causes for Forfeiture of Rights in Fund; Other
9 Employments.--(a) Whenever any person shall become entitled to
10 receive a pension from the [firemen's] firefighters' pension
11 fund, and shall have been admitted to participate therein, [he]
12 the person shall not thereafter be deprived of [his] the
13 person's right to participation therein [upon] on the basis upon
14 which [he] the person first became entitled thereto, [except for
15 one or more of the following causes, that is to say:

16 Conviction of a felony or misdemeanor, becoming an habitual
17 drunkard, or failing to comply with some general regulation
18 relating to the management of said fund which may be made by the
19 managers, and which may provide that a failure to comply
20 therewith shall terminate the right to participate in the
21 pension fund.] unless otherwise required by the act of July 8,
22 1978 (P.L.752, No.140), known as the "Public Employee Pension
23 Forfeiture Act."

24 (b) Any termination of a pension shall be only after [such]
25 due notice and hearing as shall be prescribed by regulation of
26 the managers.

27 Section 394. Section 4324 of the act, amended October 4,
28 1978 (P.L.950, No.188), is amended to read:

29 Section 4324. Payments to [Firemen's] Firefighters' Pension
30 [Funds] Fund by City.--[There] Unless otherwise required by the

1 act of December 18, 1984 (P.L.1005, No.205), known as the
2 "Municipal Pension Plan Funding Standard and Recovery Act," or
3 by any other provision of law, this section shall govern the
4 payment to the firefighters' pension fund of money raised by
5 taxes levied by the city:

6 (1) A city shall [be paid] pay to the [firemen's]
7 firefighters' pension [funds by every city] fund annually [the]
8 a sum of money not less than one-half of one per centum nor more
9 than three per centum of all city taxes levied by the city,
10 other than taxes levied to pay interest on or extinguish the
11 debt of the city [or any part thereof].

12 (2) Council may exceed the limitations imposed by this
13 section if an additional amount is deemed necessary to provide
14 sufficient funds for payments to surviving spouses of members
15 retired on pension or killed or who die in the service[:
16 Provided, however, That], provided, however, that the city shall
17 annually pay into said fund not less than one-half of one per
18 centum of all city taxes levied by the city, other than taxes
19 levied to pay interest on or extinguish the debt of the city [or
20 any part thereof].

21 Section 395. Sections 4325 and 4326 of the act are amended
22 to read:

23 Section 4325. [Transfer of Funds] Transfers from Other
24 Pension Funds.--(a) In any city wherein the members of the fire
25 department are members of a pension fund not established solely
26 for the purpose of pensioning members of the fire department,
27 there shall be transferred from such other pension fund into the
28 [firemen's] firefighters' pension fund required to be
29 established by this act, the moneys contributed thereto by
30 members of the fire department who have not been retired, and a

1 just and equitable proportion of the moneys contributed by the
2 city to such other pension fund for the future retirement of
3 members of the fire department. [Such] The transfers may be made
4 by the transfer of securities. The amounts to be transferred
5 shall be amicably adjusted by the managers of the [firemen's]
6 firefighters' pension fund and the pension board having the
7 charge of such other pension fund. In case of disagreement as to
8 the amount [so] to be transferred, the disagreement shall be
9 resolved by the city council, whose action thereon shall be
10 final.

11 (b) Nothing contained in this section shall be construed to
12 relieve any existing pension fund of its liability to continue
13 the payment of pensions to retired members of the fire
14 department in accordance with the laws and regulations under
15 which such members were retired.

16 Section 4326. Trusts for Benefit of [Firemen's]
17 Firefighters' Pension Fund.--Any [such] city may take, by gift,
18 grant, devise or bequest, any money or property, real, personal
19 or mixed, in trust for the benefit of [such] the pension fund[,
20 and the]. The care, management, investment and disposal of
21 [such] the trust funds or property shall be vested in [such] the
22 officer or officers of [such] the city, for the time being, as
23 the [said] city may designate[, and such]. The care, management
24 and disposal shall likewise be directed by ordinance and the
25 [said] trust funds shall be governed thereby, subject to [such]
26 directions, not inconsistent therewith, as the donors of [such]
27 the funds and property may prescribe.

28 Section 396. Section 4327 of the act, amended July 20, 1968
29 (P.L.434, No.204), is amended to read:

30 Section 4327. Repayment Before Retirement.--(a) If [for any

1 cause any] a contributing member of the [fire department
2 contributing to the] firefighters' pension fund shall cease to
3 be a member of the fire department before [he] the member
4 becomes entitled to a pension, the total amount of the
5 contributions paid into the pension fund by [such] the member
6 shall be refunded [to him] in full without interest.

7 (b) If [any such] a member shall have returned to [him] the
8 member the amount contributed, and shall afterward again become
9 a member of the fire department, [he] the member shall not be
10 entitled to the pension designated until twenty years after
11 [his] the member's reemployment, unless [he shall return] the
12 member returns to the pension fund the amount withdrawn, in
13 which event the period of twenty years shall be computed from
14 the time the member first became a member of the fire
15 department, excluding therefrom any period of time during which
16 the member was not employed by the fire department.

17 (c) In the event of the death of a member of the fire
18 department not in the line of service before the member becomes
19 entitled to [the] a pension [aforesaid] and [such] if the member
20 [is not survived by a widow] has no surviving spouse or family
21 entitled to payments as [hereinbefore] provided in this
22 subdivision, the total amount of contributions paid into the
23 pension fund by the member shall be paid over to [his] the
24 member's estate.

25 Section 397. Section 4328 of the act, added June 16, 1993
26 (P.L.97, No.21), is reenacted to read:

27 Section 4328. Definitions.--As used in this subdivision, the
28 term "salary" is defined as the fixed amount of compensation
29 paid at regular, periodic intervals by the city to the member
30 and from which pension contributions have been deducted.

1 Section 398. Article XLIII subdivision (c) heading of the
2 act, amended August 17, 1951 (P.L.1251, No.292), is amended to
3 read:

4 (c) Pension Funds for Employes Other Than [Policemen] Police
5 Officers and City-Paid [Firemen] Firefighters

6 Section 399. Section 4340 of the act, amended October 4,
7 1978 (P.L.950, No.188), is amended to read:

8 Section 4340. Pension Funds for Employes other than Police
9 or City-Paid [Firemen] Firefighters.--(a) Cities may create a
10 pension fund for the pensioning of employes [of said cities] who
11 are not members of the police force or city-paid fire department
12 [thereof], surviving spouses of retired members if council so
13 elects and the families of [such] employes as may be injured or
14 killed in the service, in the manner, under the conditions and
15 subject to the qualifications [following] set forth in this
16 subdivision.

17 (b) As used in this subdivision "employes" includes officers
18 and officials of the city, whether elected or appointed.

19 Section 400. Section 4341 of the act, amended June 21, 1984
20 (P.L.428, No.87), is amended to read:

21 Section 4341. Pension Board; Duties.--(a) In any city which
22 creates [such] a pension fund in accordance with this
23 subdivision, there shall be created a board to be known as the
24 pension board, consisting of the mayor, the city controller, the
25 superintendent of finance, two employes to be chosen by the
26 employes contributing to the pension fund and, if members of
27 council participate in the pension fund and are members of the
28 fund, a member of council[,] chosen by council.

29 (b) It shall be the duty of [said] the board to register all
30 persons employed by the [said] city, and to administer the

1 collections and distribution of the pension fund [herein
2 provided for], and make such reasonable rules [in the premises]
3 as [such] the board may deem necessary [to carry into effect the
4 provisions of this act].

5 Section 401. Section 4342 of the act is amended to read:

6 Section 4342. Retirement Age.--[Every person, now or
7 hereafter employed by any] In a city which has created [such] a
8 pension fund and pension board [as hereinbefore provided,] in
9 accordance with this subdivision, an employe of the age of sixty
10 years, and upwards, who shall have been [so] employed for a
11 period of twenty years or more, shall, upon application to the
12 board of pensions [herein created,] be retired from service and
13 shall, subject to qualifications provided in this subdivision
14 during the remainder of [his or her] the employe's life, receive
15 the pension or compensation fixed by this [act, subject to such
16 qualifications as are herein contained] subdivision.

17 Section 402. Section 4343 of the act, amended October 4,
18 1978 (P.L.950, No.188), is amended to read:

19 Section 4343. Retirement Allowance; Proof of Disability;
20 Joint and Single Coverage Members Defined.--(a) During the
21 lifetime of any person in the employment of any city creating
22 [such] the pension fund and pension board [as hereinbefore
23 provided, he or she] in accordance with this subdivision, the
24 person shall be entitled to receive as a pension annually, from
25 the fund set aside for the purpose, fifty per centum of the
26 amount which would constitute the average annual salary or wages
27 which [he or she] the person received during the last or any
28 five years of [his or her] the person's employment by the [said]
29 city, whichever is the higher, [said] the pension to be paid in
30 semi-monthly payments. Should any persons so employed, after

1 twenty years of service, be dismissed, voluntarily retired, or
2 be in any manner deprived of [his or her] the person's position
3 or employment, before attaining the age of sixty years, upon
4 continuing a monthly payment to the fund equal to the last
5 amount due and paid monthly while in active service, [said] the
6 person shall be entitled to the pension above-mentioned,
7 notwithstanding [he or she] that the person has not attained the
8 age of sixty years at the time of [his or her] the person's
9 separation from the service of [such] the city, but [said] the
10 pension shall not commence until [he or she] the person has
11 attained the age of sixty years. Should any employe, however,
12 become totally and permanently disabled, after ten years of
13 service and before attaining the age of sixty years, [he or she]
14 the person shall be entitled to the [said] pension. Proof of
15 total and permanent disability shall consist of the sworn
16 statement of three practicing physicians, designated by the
17 board, that the employe is in a permanent condition of health
18 which would permanently disable [him or her] the person from
19 performing the duties of [his or her] the person's position or
20 office.

21 (b) For the purpose of this article on pensions, the
22 following words shall have the meaning herein assigned to them:

23 (1) "Joint Coverage Member" of the retirement system shall
24 mean a city employe who shall have become a member of the
25 retirement system subsequent to the last date permitted by
26 [such] the city for statement or preference concerning social
27 security coverage, or who, having become a member on or before
28 [such] that date, shall have filed with the Retirement Board a
29 written statement that [he or she] the member elects social
30 security coverage under an agreement with the [Federal]

1 Secretary of Health[, Education and Welfare] and Human Services
2 entered into by the Commonwealth.

3 (2) "Single Coverage Member" of the retirement system shall
4 mean a city employe who shall have become a member of the
5 retirement system on or before the last date permitted by [such]
6 the city for statement of preference concerning social security
7 coverage and who either shall have filed with the Retirement
8 Board a written statement that [he or she] the member does not
9 elect social security coverage under any agreement with the
10 [Federal] Secretary of Health[, Education and Welfare] and Human
11 Services entered into by the Commonwealth, or shall not have
12 filed with the Retirement Board any written statement.

13 (c) Where a city has entered into an agreement with the
14 Commonwealth to place certain employes under the Federal Social
15 Security Act, the pension to be paid joint coverage members
16 according to the provisions of this section payable after the
17 age and upon that portion of annual compensation on which social
18 security benefits are payable, shall be reduced by an amount
19 equal to forty (40) per centum of the primary insurance amount
20 of social security paid or payable to the member. [Such] The
21 reduction shall be subject to the following provisions:

22 (1) Upon attainment of the age at which social security
23 benefits are payable by a beneficiary receiving a pension or
24 upon retirement of a contributor after attaining that age, [his]
25 the person's eligibility to the old age insurance benefit and
26 the primary insurance amount of social security upon which the
27 reduction in the pension shall be based, shall be computed by
28 the board in the manner specified in the Federal Social Security
29 Act, except that in determining such eligibility and such amount
30 only wages or compensation for services performed in the employ

1 of the city shall be included.

2 (2) The reduction shall not apply to a pension for total and
3 permanent disability payable under this section.

4 (3) Whenever the amount of the reduction from the pension
5 shall have been once determined, it shall remain fixed for the
6 duration of the pension, except that any decrease in the primary
7 insurance amount under the Social Security Act shall result in a
8 corresponding decrease in the amount of the reduction from the
9 pension.

10 (4) The total sum, including social security benefits, to be
11 received upon retirement by an employe who is a member of the
12 system at the time of the agreement shall not be less than the
13 allowance that would be paid by the retirement system in the
14 absence of the agreement.

15 (d) If council elects, by ordinance, to make such payments,
16 the surviving spouse of an employe who retired on pension or is
17 killed in the service on or after January 1, 1960, shall, during
18 [his] the surviving spouse's lifetime or so long as [he] the
19 surviving spouse does not remarry, be entitled to receive a
20 pension calculated at the rate of fifty per centum of the
21 pension the member was receiving or would have been entitled to
22 had [he] the member been retired at the time of [his] the
23 member's death.

24 Section 403. Section 4343.1 of the act, amended June 11,
25 1968 (P.L.160, No.90), is amended to read:

26 Section 4343.1. Retirement Allowances; Full Coverage;
27 Payments.--(a) Where a city has entered into an agreement with
28 the Commonwealth to place certain employes under the Federal
29 Social Security Act, the pension board may authorize any joint
30 coverage member of the retirement system to elect according to

1 the provisions of this section to receive compensation without
2 the reduction provided for in section 4343, provided [he] the
3 member shall make a lump-sum payment to the pension board, or
4 installment payments as may be approved by the board, equal to
5 the difference between the amount of the accumulated fund to
6 [his] the member's credit in the fund as of the last date for
7 which salary or wages was paid and the amount which would have
8 been to [his] the member's credit in [such] the fund if
9 contributions had been made on that portion of [his] the
10 member's salary or wages on which social security allowances are
11 payable, at the same rate as made on that portion of [his] the
12 member's salary or wages in excess thereof, from the time that
13 [such] the salary or wages became subject to social security
14 coverage. Such election shall be made, in writing, in the form
15 prescribed by the pension board, and shall be accompanied by the
16 lump-sum payment or an agreement as to installment payments
17 herein required.

18 (b) The pension board may authorize any such member to make
19 the election herein provided at any time, and if made prior to
20 retirement, [such] the member shall, in addition to any lump-sum
21 or installment payments required, pay to the board contributions
22 on [his] the member's entire salary or wages thereafter received
23 at the rate provided in this act for monthly salary or wages in
24 excess of that on which social security allowances are payable.

25 Section 404. Section 4343.2 of the act, added July 11, 1996
26 (P.L.647, No.109), is amended to read:

27 Section 4343.2. Limited Vested Benefit.--(a) The ordinance
28 creating a pension fund in accordance with this subdivision may
29 provide for a limited vested benefit if [such] it would conform
30 to section 305 of the act of December 18, 1984 (P.L.1005,

1 No.205), known as the "Municipal Pension Plan Funding Standard
2 and Recovery Act."

3 (a.1) Under [the provisions of the benefit, should a member
4 of the pension fund terminate] a limited vested benefit, if a
5 member of the pension fund terminates employment before reaching
6 the date which would have been the member's earliest retirement
7 date had the member continued employment by meeting the minimum
8 age and minimum period of continuous service requirements but
9 after having completed twelve years of full-time service, the
10 member shall be entitled to vest [his or her] the member's
11 retirement benefits subject to the following conditions:

12 (1) [the] The member must file with the management board of
13 the pension fund a written notice of [his or her] the member's
14 intention to vest[;].

15 (2) [the] The member must include in the notice the date the
16 member intends to terminate [his or her] the member's service as
17 an employe[;].

18 (3) [the] The termination date shall be at least thirty days
19 later than the date of notice to vest[;].

20 (4) [the] The member must be in good standing with the city
21 on the date of notice to vest[; and].

22 (5) [the] The board shall indicate on the notice to vest the
23 rate of monthly pay of the member as of the date of [said] the
24 notice to vest or the highest average annual salary which the
25 member received during any five years of service preceding
26 [said] the date, whichever is the higher.

27 (b) Upon reaching the date which would have been the
28 member's earliest retirement date had the member continued [his
29 or her] the member's employment with the city, the member shall
30 notify the board, in writing, that the member desires to collect

1 [his or her] the member's pension. The amount of retirement
2 benefits the member is entitled to receive under this section
3 shall be computed as follows:

4 (1) [the] The initial determination of the member's base
5 retirement benefits shall be computed on the salary indicated on
6 the notice to vest[; and].

7 (2) [the] The portion of the base retirement benefits due
8 the member shall be determined by applying to the base amount
9 the percentage that [his or her] the member's years of service
10 actually rendered bears to the years of service which would have
11 been rendered had the member continued to be employed by the
12 city until[his or her] the member's earliest retirement date.

13 Section 405. Section 4344 of the act, amended October 4,
14 1978 (P.L.950, No.188), is amended to read:

15 Section 4344. Amount of Payments into Fund; Repayment before
16 Retirement.--The employes of any city, creating [such] a pension
17 fund and pension board in accordance with this subdivision,
18 shall pay into the board of pensions monthly an amount equal to
19 two per centum of their monthly salaries or wages, and if
20 council elects, by ordinance, to make [such] payments, an
21 additional amount not to exceed one per centum if deemed
22 necessary by council to provide sufficient funds for payments to
23 the surviving spouses of members who were retired on pension or
24 killed in the service, which shall be applied to the purposes of
25 the fund. Payment of the monthly amount or contribution herein
26 mentioned shall cease and be discontinued at the time the
27 beneficiary receives the pension herein provided. If for any
28 cause any employe contributing to the pension fund shall cease
29 to be an employe of the city before the [said] employe becomes
30 entitled to a pension, the total amount of the contributions

1 paid into the pension fund by [such] the employe shall be
2 refunded to [him or her] the employe in full, without interest.
3 If any [such] employe shall have returned to [him or her] the
4 employe the amount contributed as aforesaid, and shall afterward
5 reenter the employ of the city, [said] the employe shall not be
6 entitled to the pension designated until twenty years after
7 [said] reemployment, unless [he or she] the employe shall return
8 to the pension fund the amount withdrawn, in which event that
9 period of twenty years shall be computed from the time [said]
10 the employe first enters the service of the city. In the event
11 of the death of any [such] employe, before the [said] employe
12 becomes entitled to the pension aforesaid, the [said] total
13 amount of contributions paid into the pension fund by [said] the
14 employe shall be paid over to the estate of [said] the deceased
15 employe.

16 Section 406. Section 4344.1 of the act, amended July 21,
17 1959 (P.L.553, No.169), is amended to read:

18 Section 4344.1. Determination of Liability Upon Extension of
19 Social Security.--(a) Where a city has entered into an
20 agreement with the Commonwealth to place its employes under the
21 Federal Social Security Act, the pension board shall appoint an
22 actuary, and may fix [his] the employe's compensation. The
23 actuary shall determine the present value of the liability on
24 account of pensions payable under the provisions of section 4343
25 [of this act] to employes who are members of the system on the
26 effective date of the agreement, and shall offset the value of
27 any assets in the pension fund to determine the unfunded
28 liability. The city may make [such] the payments as it desires
29 toward the unfunded liability until the accumulated reserve
30 equals the present value of the liability. The actuary shall

1 also determine the amount which shall be contributed, annually,
2 into the fund on account of service of all new and original
3 members subsequent to the effective date of the agreement.

4 (b) Employes shall pay into the board of pensions, monthly,
5 an amount equal to three and one-half per centum of that portion
6 of monthly compensation on which social security allowances are
7 payable and five per centum of any monthly compensation in
8 excess of that on which social security allowances are payable.
9 The remainder of the needed annual contribution for service
10 subsequent to the date of the agreement, as determined by the
11 actuary, shall become the obligation of the city, and shall be
12 paid by it to the board of pensions by annual appropriations.
13 The provisions of this section shall, in all applicable cases,
14 supersede the provisions relating to contributions in section
15 4344 and section 4348 [of this act].

16 Section 407. Section 4345 of the act is amended to read:

17 Section 4345. Payments by Laborers Optional.--Any person
18 holding a position in any [such] city as a laborer, at a per
19 diem wage, shall not be compelled to pay or contribute toward
20 the pension fund herein provided for, but shall have the option
21 or choice of so doing and, in that event only, of becoming
22 entitled to the pension provided by this act.

23 Section 408. Section 4346 of the act, amended August 17,
24 1951 (P.L.1251, No.292), is amended to read:

25 Section 4346. Heads of Departments to Certify List of
26 Employes.--The head of every department and office employing
27 persons entitled to receive a pension shall certify to the board
28 of pensions all persons so employed and the amount of salary or
29 wages which is paid to [said] employes, together with
30 dismissals, resignations, or terminations of service and, from

1 the records of their office or department, shall furnish [such]
2 other relevant information as the board of pensions shall
3 require. In the case of a volunteer [fireman] firefighter, "head
4 of department or office" shall mean the president or secretary
5 of the board of trustees of the volunteer fire company involved.

6 Section 409. Section 4347 of the act is amended to read:

7 Section 4347. Receipt, Investment and Payment of Funds.--It
8 shall be the duty of the board of pensions to receive and retain
9 and, when deemed advisable, to invest the funds payable in
10 accordance with the provisions of this subdivision [of this
11 article], and to pay over by warrant or check the amount due to
12 [said] employes.

13 Section 410. Sections 4348 and 4349 of the act, amended
14 August 17, 1951 (P.L.1251, No.292), are amended to read:

15 Section 4348. Appropriations and Contributions to Fund.--The
16 council may annually set aside, apportion, and appropriate, out
17 of all taxes and income of [such] the city, unto the board of
18 pensions, a sum sufficient to maintain the pensions or
19 compensations due hereunder on account of the city contributions
20 for all employes except volunteer [firemen] firefighters. On
21 account of volunteer [firemen] firefighters who become members
22 of the pension fund, the board of trustees of the volunteer fire
23 company employing and paying them shall annually contribute to
24 the board of pensions a sum equal to the same percentage of its
25 participating payroll as the amount contributed by the city for
26 the same year bears to its participating payroll.

27 Section 4349. Application.--(a) The benefits conferred by
28 this subdivision [of this article] shall apply to all persons
29 employed in any capacity by, or holding positions in, or, in the
30 case of a volunteer [fireman] firefighter, rendering services

1 recognized and accepted by, the cities creating a pension fund
2 and pension board in accordance with its provisions, but this
3 subdivision shall not apply to employes of [such] departments,
4 bureaus, or offices as are otherwise protected by pension
5 authorized by this act.

6 **(b)** Any volunteer [fireman] firefighter may become a member
7 of [such] a pension fund, as of the date of [his] the volunteer
8 firefighter's original employment or of the inception of the
9 pension fund, whichever is later, upon [his] the volunteer
10 firefighter making back contributions, and if the volunteer fire
11 company or board of trustees thereof employing and paying [him]
12 the volunteer firefighter agrees to contribute and contributes
13 to the pension fund, from time to time, the sums hereinbefore
14 required.

15 Section 411. Sections 4350 and 4351 of the act are reenacted
16 to read:

17 Section 4350. Computation of Time of Service.--The time of
18 service herein specified, namely, twenty years, shall be
19 computed from the time of the first or original employments,
20 said employment to consist of service to the city and need not
21 be continuous.

22 Section 4351. Funds Payable to be Free of Attachment.--The
23 compensation or pension herein mentioned shall not be subject to
24 attachment or execution, and shall be payable only to the
25 beneficiary designated, and shall not be subject to assignment
26 or transfer.

27 Section 412. Section 4352 of the act, amended August 17,
28 1951 (P.L.1251, No.292), is amended to read:

29 Section 4352. Definitions.--The term or phrase "employe,"
30 "employed," "employed by the city," or "in the employment of any

1 city," as used in this subdivision, is meant to include all
2 persons in the service of cities creating a pension fund and a
3 pension board in accordance with the provisions thereof, who are
4 not now otherwise protected by pensions authorized by this act,
5 and any volunteer [fireman] firefighter who becomes a member of
6 the pension fund.

7 "Volunteer [fireman] firefighter" shall mean a driver of
8 fire-fighting apparatus or ambulances, regularly employed and
9 paid by a volunteer fire company, rendering services recognized
10 and accepted by a city.

11 Section 413. Section 4353 of the act, amended July 5, 2005
12 (P.L.70, No.28), is reenacted to read:

13 Section 4353. Beneficiaries of Fund not to be Employed by
14 City.--No person or persons who shall have become a beneficiary
15 shall be employed by the said city in any capacity. Subject to
16 the provisions of section 4361, nothing herein shall be
17 construed as prohibiting a person or persons who shall have
18 become a beneficiary from serving in an elective city office.

19 Section 414. Article XLIII subdivision (d) heading of the
20 act, added July 5, 2005 (P.L.70, No.28), is reenacted to read:

21 (d) Beneficiaries Serving in Elective Office

22 Section 415. Section 4361 of the act, added July 5, 2008
23 (P.L.70, No.28), is reenacted and amended to read:

24 Section 4361. Right to a Pension if Salary Refused.--In any
25 city governed by the provisions of this act, the act of July 15,
26 1957 (P.L.901, No.399), known as the "Optional Third Class City
27 Charter Law," or 53 Pa.C.S. Pt. III Subpt. E (relating to home
28 rule and optional plan government), a beneficiary serving in an
29 elective city office shall not be prohibited from receiving a
30 pension for any month in which [he or she] the beneficiary does

1 not accept a salary from serving in the elective office.

2 Section 416. Article XLIV heading of the act is reenacted to
3 read:

4 ARTICLE XLIV

5 CIVIL SERVICE

6 Section 417. Section 4401 of the act is amended to read:

7 Section 4401. Examinations Required of All Appointees.--No
8 person or persons may be appointed to any [position whatever in
9 the police department, or in the engineering department or
10 electrical department, except as otherwise provided by law, or
11 in the position of building inspector, or as health officers
12 other than registered physicians, or as sanitary policemen or
13 inspectors of the health department] uniformed position in the
14 police or fire departments, excluding chiefs, without having
15 first passed all the examinations hereinafter provided for[,]
16 and without having been appointed in the manner and according to
17 the terms and provisions and conditions of this article.

18 Section 418. Section 4402 of the act, amended April 18, 1978
19 (P.L.37, No.19), is amended to read:

20 Section 4402. Appointment of Examining [Boards] Board.--
21 There shall be [the following civil service boards in each city:
22 (a) A board for] a civil service board in each city that shall
23 provide for and oversee the examination of applicants for
24 appointment to and promotion to any position in the police
25 [department; (b) a board for the examination of applicants for
26 appointment as health officers other than registered physicians,
27 or as sanitary policemen or inspectors of the health department;
28 (c) a board for the examination of applicants for appointment to
29 any position in the engineering or electrical departments,
30 except as otherwise provided for by law, or to the position of

1 building inspectors.

2 Each of said boards shall consist of three citizens, who
3 shall be elected] or fire departments. The board shall consist
4 of three citizens who shall be appointed by council for terms of
5 four years or until their successors are [elected and qualified]
6 appointed and qualified except for the initial appointment of
7 board members as provided for in section 4403. Any person who is
8 a registered elector of the city may be appointed to [one or
9 more of said boards] the board. No city officer, official or
10 employe shall be eligible for appointment to [any] the civil
11 service board.

12 Section 419. The act is amended by adding a section to read:

13 Section 4402.1. Existing Civil Service Positions.--All
14 nonuniformed employes in city positions that were subject to
15 civil service regulation immediately prior to the effective date
16 of this section shall continue to be subject to civil service
17 regulation otherwise provided in this article for uniformed
18 employes with regard to the nonuniformed positions.

19 Section 420. Section 4403 of the act is amended to read:

20 Section 4403. Terms; Filling of Vacancies; Compensation;
21 Quorum.--[At the first election in newly created cities, council
22 shall elect to each of said boards] In a city in which the civil
23 service board is first established, terms of members of the
24 board shall be staggered. Council shall initially appoint to the
25 board one person to serve for two years, one person to serve for
26 three years, and one person to serve for four years. Upon the
27 expiration of the term of any member [of any of said boards, in
28 any city, one person shall be elected] a successor shall be
29 appointed by the city council to serve upon [said] the board for
30 [the] a term of four years. If any vacancies occur, they shall

1 be filled by the city council for the unexpired term. Each of
2 [said] the members, before entering upon the duties of [his]
3 office, shall take and subscribe to the oath of office
4 prescribed by [this act] 53 Pa.C.S. § 1141 (relating to form of
5 oaths of office) and file the same, duly certified by the
6 officer administering it, with the [controller of the city] city
7 administrator or, in cities without a city administrator, the
8 city clerk. No salary or other compensation shall be paid to any
9 member of the [said boards] board. Two members of the board
10 shall constitute a quorum necessary for the transaction of
11 business of that board. [Said boards] The board shall organize
12 for the purpose of transacting all business immediately after
13 [their first appointment and, from time to time,] the first
14 appointments and thereafter as new appointments to [such] the
15 board are made. After organizing, the board shall elect one of
16 its members as chairperson and one as secretary.

17 Section 421. The act is amended by adding sections to read:

18 Section 4403.1. Alternate Board Members.--Council may
19 appoint no more than three qualified electors of the city to
20 serve as alternate members of the civil service board. The term
21 of office of the alternate members shall be four years. If, by
22 reason of absence or disqualification of a member, a quorum is
23 not reached, the chairperson shall designate as many alternate
24 members of the board to sit on the board as may be needed to
25 provide a quorum. When seated pursuant to this section, an
26 alternate shall be entitled to participate in all proceedings
27 and discussions of the board to the extent as provided by law
28 for board members, including specifically the right to cast a
29 vote as a voting member during the proceedings, and shall have
30 all the powers and duties set forth in this act and as otherwise

1 provided by law. Any alternate member of the board shall
2 continue to serve on the board in all proceedings involving the
3 matter or case for which the alternate was initially designated
4 until the board has made a final determination of the matter or
5 case. Designation of an alternate pursuant to this section shall
6 be made on a case-by-case basis in rotation according to
7 declining seniority among all alternates. Alternates shall hold
8 no other office in the city. Any alternate may participate in
9 any proceeding or discussion of the board but shall not be
10 entitled to vote as a member of the board unless designated as a
11 voting alternate member pursuant to this section.

12 Section 4403.2. Investigations and Subpoenas.--(a) The
13 board shall have the power to make investigations concerning all
14 matters relating to the administration and enforcement of its
15 rules and regulations. The chairperson shall be authorized to
16 administer oaths and affirmations for witnesses testifying in
17 matters before the board.

18 (b) The board shall have the power to issue subpoenas over
19 the signature of the chairperson or designee and to require the
20 attendance of witnesses and the production of records and papers
21 pertaining to matters before the board, including any background
22 investigation conducted pursuant to any applicable rules and
23 regulations.

24 Section 422. Section 4404 of the act is amended to read:

25 Section 4404. Rules and Regulations; Examinations.--[Each of
26 said boards shall prepare and adopt such rules and regulations
27 to cover the selection and appointment of all persons as
28 hereinbefore provided, to be hereafter employed or appointed in
29 said cities, as in the judgment of said boards shall be best
30 adapted to securing the best service for the public. Such rules

1 and regulations] (a) The board shall have the power and its
2 duty shall be to prepare and adopt rules and regulations,
3 subject to approval by council, which, in the board's
4 discretion, are best adapted to securing and maintaining the
5 best service for the public for the selection, appointment and
6 promotion of persons who are qualified to perform the work which
7 is the subject of the civil service examination as provided in
8 this article, and who are to be employed, appointed or promoted
9 by the city. The rules and regulations adopted by the board
10 shall provide for ascertaining and determining, so far as
11 possible, [the physical qualifications, habits, reputation,
12 standing, experience and education of all applicants for such
13 positions, respectively; and they] the knowledge, skills,
14 aptitude, mental and physical abilities, experience, education
15 and character of all applicants as these criteria would
16 reasonably apply to the respective positions; and the rules and
17 regulations shall provide for examinations upon any and all
18 subjects deemed proper or necessary by [said boards] the board
19 for the purpose of determining [their qualifications for the
20 position sought and applied for] the qualifications of
21 applicants for the respective positions sought and for which
22 application is made.

23 (b) The civil service board shall, in accordance with this
24 act, adopt rules and regulations concerning the following
25 matters that may include:

26 (1) minutes of proceedings;

27 (2) rules of procedure;

28 (3) records of examinations;

29 (4) annual report to council;

30 (5) notice of the rules and regulations and any amendments

- 1 or repeals to the rules and regulations;
2 (6) application forms;
3 (7) further provisions concerning the duties of the
4 chairperson and secretary;
5 (8) appointment of examiners; and
6 (9) other administrative matters.

7 Section 423. Section 4404.1 of the act, added October 19,
8 2010 (P.L.533, No.77), is amended to read:

9 Section 4404.1. Physical and Psychological Medical
10 Examinations.--(a) [A] The board may require that an applicant
11 conditionally appointed in accordance with section 4406 [of this
12 act] undergo a physical or psychological medical examination as
13 a condition of permanent appointment. Physical medical
14 examinations, if required, shall be under the direction of a
15 physician or other qualified medical professional. Psychological
16 medical examinations, if required, shall be under the direction
17 of a psychiatrist or psychologist.

18 (b) A physician, other qualified medical professional,
19 psychiatrist or psychologist shall be appointed by council and
20 shall render an opinion as to whether the conditional appointee
21 has a physical or mental condition which calls into question the
22 individual's ability to perform all of the essential functions
23 of the position for which the individual was conditionally
24 appointed.

25 (c) If the opinion rendered by the physician, other
26 qualified medical professional, psychiatrist or psychologist
27 calls into question the conditional appointee's ability to
28 perform all essential functions of a position, the director of
29 the department within which the position is to be filled shall
30 meet with the conditional appointee for the purpose of having

1 one or more interactive discussions on whether the conditional
2 appointee can, with or without reasonable accommodation, perform
3 all the essential functions of the position.

4 (d) If, at the conclusion of the interactive discussion
5 under subsection (c), the department director determines that
6 the conditional appointee is not qualified, the department
7 director shall give written notice to the conditional appointee
8 and the board.

9 (e) Nothing in this act shall be construed to authorize
10 physical or psychological medical examinations prior to
11 conditional appointment in accordance with section 4406 of this
12 act.

13 (f) As used in this section, the following definitions shall
14 apply:

15 "Medical examination" shall mean any examination, procedure,
16 inquiry or test designed to obtain information about medical
17 history or a physical or mental condition which might disqualify
18 an applicant if it would prevent the applicant from performing,
19 with or without reasonable accommodation, all of the essential
20 functions of the position.

21 "Physician" shall have the meaning given to it in 1 Pa.C.S. §
22 1991 (relating to definitions).

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

26 (1) as a physician assistant pursuant to the act of December
27 20, 1985 (P.L.457, No.112), known as the "Medical Practice Act
28 of 1985," or the act of October 5, 1978 (P.L.1109, No.261),
29 known as the "Osteopathic Medical Practice Act"; or

30 (2) as a certified registered nurse practitioner pursuant to

1 the act of May 22, 1951 (P.L.317, No.69), known as "The
2 Professional Nursing Law."

3 Section 424. Section 4405 of the act, amended October 19,
4 2010 (P.L.533, No.77), is repealed:

5 [Section 4405. Grading for Discharged Servicemen.--When any
6 person who was engaged in the military service of the United
7 States during any military engagement in which the United States
8 participated, and has an honorable discharge therefrom, shall
9 take any examination for appointment, the examination shall be
10 marked or graded in the same manner as provided for all other
11 examinations. When the examination of the discharged individual
12 is completed and graded, if the grade is passing, the grading or
13 percentage as the examination merits shall be increased by
14 fifteen per centum, and the total mark or grade shall represent
15 the final grade or classification of the discharged individual
16 and shall determine the individual's order of standing on the
17 eligibility list. For the purpose of this article:

18 (1) "Military service" means the army, navy, marines, air
19 force, coast guard, and any branch or unit thereof.

20 (2) "Servicemen" means members of the military service,
21 including women.

22 (3) "Military engagement" includes land, naval and air
23 engagements.]

24 Section 425. The act is amended by adding a section to read:

25 Section 4405.1. Veterans' Preference.--In accordance with 51
26 Pa.C.S. Ch. 71 (relating to veterans' preference) the following
27 shall apply to the appointment of a uniformed civil service
28 position:

29 (1) A veteran who meets the qualifications for and
30 conditions of the position under uniform eligibility rules,

1 which include successful passage of an examination, shall
2 receive an additional ten points on the examination pursuant to
3 51 Pa.C.S. § 7103(a) (relating to additional points in grading
4 civil service examinations).

5 (2) If, after the additional ten points are granted, a
6 veteran is on the list of three eligible applicants, the veteran
7 shall receive a preference in hiring over nonveterans on that
8 list.

9 (3) The preference provided by this section shall constitute
10 the only preference with regard to a uniformed civil service
11 position to which a veteran is entitled under this act.

12 Section 426. Section 4406 of the act, amended or added
13 October 19, 2010 (P.L.533, No.77), is amended to read:

14 Section 4406. Selection of Appointee from Certified List of
15 Applicants.--[The boards] The following shall apply to civil
16 service selection, conditional appointments and appointments and
17 shall be incorporated by reference in the rules and regulations
18 of the board:

19 (1) The civil service board shall make and keep, in
20 numerical order, a list containing the names of all applicants
21 for civil service positions in the city who [may] pass the
22 required examinations, including any required physical fitness
23 or agility examinations that are job-related and consistent with
24 business necessity. [Where]

25 (2) Physical fitness or agility examinations shall be
26 conducted on a pass-fail basis.

27 (3) Written and oral examinations used to establish an
28 eligibility list shall offer the opportunity to achieve one
29 hundred points.

30 (4) If both written and oral examination methods are used in

1 conjunction with each other, the board, prior to initiating
2 testing, shall establish what constitutes a passing score on
3 each portion of the examination. If only a written examination
4 method is used, the board shall establish the passing score
5 before the examination is conducted.

6 (5) When more than one person takes examinations for any
7 position at the same time, the names of all those successfully
8 passing the examination shall be entered upon the eligibility
9 list in the order of their respective [percentages] point
10 totals, the highest coming first.

11 (6) The board shall furnish to council a certified copy of
12 all lists so prepared and kept. [Wherever any vacancy shall
13 occur in any civil service position in the city, the city
14 council] Such lists shall be maintained for a period of two
15 years or until a new list is certified to council, whichever
16 occurs first and are public records.

17 (7) Whenever council shall determine an initial appointment
18 is to be made to a civil service position in the city, the
19 director of the department in which the appointment is to be
20 made shall make written application to the [president of the
21 proper] chair of the board, who shall forthwith certify to the
22 city council, in writing, the three names on the eligibility
23 list of applicants for the position having the highest
24 [percentage, but if there be] number of points, unless there are
25 less than three eligible names on the list, in which event the
26 board shall certify the names. The director of the department in
27 which the appointment is to be made shall nominate to the city
28 council a person from the eligibility list submitted to fill the
29 vacancy.

30 (8) If the city council approves the nomination, the person

1 nominated shall be conditionally appointed by council to fill
2 the vacancy, and shall be assigned for service in the
3 department, subject to any required physical or psychological
4 medical examinations that may be required by the [appropriate
5 examining] board as a condition of permanent appointment in
6 accordance with section 4404.1 [of this act].

7 (9) If the council does not approve the nomination, or if
8 the appointee is determined by the medical examination process
9 to be unqualified, then the director of the department in which
10 the appointment is to be made shall submit another nomination
11 for the position from the remaining names, if any[, and if]. If
12 the nomination is not approved by the council, or if the
13 appointee is determined by the medical examination process to be
14 unqualified, the director shall submit the third name, if any.

15 (10) The person whose nomination by the director is approved
16 by the city council shall be appointed to fill the [position in
17 the department or as building inspector] civil service position
18 under consideration.

19 (11) The name of the person so appointed shall be
20 immediately stricken from the [eligibility] certified list of
21 the board, and, except as otherwise provided in this clause, the
22 names of the [rejected] nonappointed persons shall immediately
23 be restored to their proper place on the [eligibility list:
24 Provided, however, That if] certified list. If the name of any
25 applicant has been submitted to the council and been rejected
26 three times or the [appointee] council and the conditional
27 applicant has not been appointed for three such times or the
28 conditional applicant has been determined by the medical
29 examination process to be unqualified, then the name shall be
30 stricken from the [eligibility] certified list.

1 (12) Examinations for promotions for civil service positions
2 in the city shall be pursuant to section 4406.1 [of this act].

3 (13) As used in this section, the term "medical examination"
4 shall have the meaning given it in section 4404.1 [of this act].

5 Section 427. Section 4406.1 of the act, amended November 9,
6 2011 (P.L.408, No.99), is amended to read:

7 Section 4406.1. Promotions.--(a) The [civil service boards
8 may recommend those in the employ of a department for promotion
9 if the person recommended is competent for the higher position.
10 If an examination is required, the] city council shall notify
11 the [applicable] civil service board of a civil service vacancy
12 in the city which is to be filled by promotion and shall request
13 the certification of an eligibility list as provided in this
14 article. The board shall certify for each vacancy the names of
15 three persons on the eligibility list who have received the
16 highest average in the last preceding promotional examination
17 held within the period of two years preceding the date of the
18 request for the eligibility list. If three names are not
19 available, the board shall certify the names remaining on the
20 list. The city council shall make an appointment from the names
21 certified, based solely on the merits and fitness of the
22 candidates, unless the city council makes objections to the
23 board regarding one or more of the persons on the eligibility
24 list. The city council shall have power to determine in each
25 instance whether an increase in salary shall constitute a
26 promotion.

27 (b) Notwithstanding subsection (a), the mayor or other
28 elected or appointed official of a city that has adopted one of
29 the following shall retain the power to promote a candidate
30 pursuant to that law:

1 (1) An optional charter pursuant to the act of July 15, 1957
2 (P.L.901, No.399), known as the "Optional Third Class City
3 Charter Law."

4 (2) An optional plan pursuant to 53 Pa.C.S. Chs. 30
5 (relating to types of optional plans of government) and 31
6 (relating to general provisions common to optional plans).

7 (3) Any other law authorizing or permitting the mayor or
8 other elected or appointed official to promote a candidate.

9 (c) The provisions of this section shall not apply to the
10 mayor's designation or appointment of the chief of police
11 pursuant to section 2002 or the mayor's designation or
12 appointment of a fire chief pursuant to section 2101.1.

13 Section 428. Section 4407 of the act is amended to read:

14 Section 4407. [Tenure; Preference in Appointment to
15 Discharged Serviceman; Temporary Appointments.--] Tenure;
16 Temporary Appointments.--(a) All appointments made pursuant to
17 the provisions of this article shall be for and during good
18 behavior, and no employe hired pursuant to the provisions of
19 this article shall be removed or transferred for any political
20 reasons whatever. [Among those persons possessing qualifications
21 and eligibility for appointment, preference in appointment shall
22 be given to honorably discharged servicemen and their spouses
23 and surviving spouses as provided by law.

24 All persons holding appointments in said several departments
25 or as building inspectors of said cities, at the time this act
26 goes into effect, shall retain their positions without being
27 required to pass examination, and be removed only in accordance
28 with the provisions of this article.]

29 (b) In case of riot or emergency, temporary appointments to
30 positions in the civil service may be made without complying

1 with the provisions of this article.

2 Section 429. Section 4408 of the act, amended October 4,
3 1978 (P.L.950, No.188), is amended to read:

4 Section 4408. [~~Suspension and Discharge~~] Suspension,
5 Discharge and Discipline; Reduction of Employees; Appeals.--(a)

6 All employes subject to civil service shall be subject to
7 suspension, discharge and discipline by the director of the
8 department in which the employe works for misconduct[,] or
9 violation of any law of this Commonwealth, [any] ordinance of
10 the city, or regulation of the department. [, pending action by
11 the city council upon the charges made against any of such
12 employes. On hearing before the city council, where they may be
13 represented by counsel, they may be fined or suspended for a
14 period not exceeding thirty days with or without pay, or they
15 may be discharged by city council, if found guilty of the
16 charges made against them. The director of each such department
17 may, for misconduct or violation as aforesaid, suspend any
18 employe of such department for a period of ten days, with or
19 without pay, without preferring charges and without a hearing of
20 council; but no employe shall be suspended more than one time
21 for the identical or same violation or act of misconduct.] If it
22 should become necessary to reduce the number of employes in said
23 department for purposes of economy, seniority rights shall
24 prevail, and any and all removals for such cause or causes shall
25 be from the members last appointed, and the member or members
26 serving the shortest time shall be removed first; but members
27 with longer times of service may be discharged for cause. Any
28 employe aggrieved by the suspension, discharge or discipline
29 imposed by a department director more serious than a suspension
30 of three days without pay may request a hearing before the city

1 council, or by the civil service board if designated by
2 ordinance. At the hearing, the employe may be represented by
3 counsel.

4 (a.1) Any civil service employe aggrieved by the [action]
5 decision of the council [in fining, suspending or discharging
6 him shall have the right to appeal by petition to the court of
7 common pleas within thirty days after the suspension or after
8 receipt of written notice of such action by council which it
9 shall be the duty of the council to give and the court shall
10 hear the charges made against him de novo] or the civil service
11 board shall have the right to appeal in accordance with 2
12 Pa.C.S. Ch. 7 Subch. B (relating to judicial review of local
13 agency action). This review shall be exclusive. Where no such
14 appeal is taken within the time prescribed by law, the decision
15 by the city council or the civil service board shall become
16 final in accordance with the law. The issue before the court
17 shall be whether the action of the council or the civil service
18 board shall be affirmed or be modified in any respect or whether
19 the charges should be dismissed or whether the suspension or
20 demotion made by the director shall be affirmed or rescinded.
21 Where any [such] employe has been suspended and the charges are
22 dismissed or the suspension rescinded on appeal, [he] the
23 employe shall receive full compensation for the entire period of
24 suspension.

25 (b) In any case in which a police officer or firefighter who
26 is a member of a bargaining unit is subject to suspension,
27 discharge or discipline, the police officer or firefighter shall
28 have the option of challenging the suspension, discharge or
29 discipline imposed by using the procedures provided in
30 subsection (a) or by a proceeding in grievance arbitration. A

1 choice to proceed either by subsection (a) or by grievance
2 arbitration shall foreclose the opportunity to proceed in the
3 alternative method.

4 Section 430. Sections 4409 and 4410 of the act are amended
5 to read:

6 Section 4409. [Secretaries of Boards; Compensation.--Each of
7 said civil service boards may] Secretary; Compensation.--The
8 civil service board shall appoint a secretary and prescribe [his
9 duties. He] the secretary's duties, and shall have the power to
10 change these duties. The secretary shall be subject to removal
11 at any time by the board [appointing him, and such board shall
12 have power to change his duties. The compensation to be paid
13 said secretaries and all necessary stationery and supplies for
14 said boards shall be such as council shall by ordinance direct].
15 Council shall establish the compensation to be paid to the
16 secretary, and all necessary stationery and supplies for the use
17 of the board shall be supplied by the city.

18 Section 4410. Review of Eligibility Lists.--The lists of
19 eligible names kept by [each] the civil service board shall be
20 annually examined by the board for the purpose of deleting
21 therefrom persons who are permanently unavailable for or
22 disqualified for the position or positions involved, either by
23 death, permanent removal from the area, written desire to be
24 removed therefrom, or by other permanent cause[,] in conformity
25 with the board's rules and regulations adopted pursuant to
26 section [four thousand four hundred four] 4404.

27 Section 431. The act is amended by adding an article to
28 read:

29 ARTICLE XLIV-A

30 VETERANS' AFFAIRS

1 (a) Support of Veterans' Organizations

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

3 Council may appropriate annually to organizations of veterans
4 of the United States armed services or veterans' parents to aid
5 in defraying the expenses of Memorial Day and Veterans Day, or
6 other expenses such as payment of rent of any building or rooms
7 where the organization has its regular meetings. Payments shall
8 be made to defray actual expenses only. Before any payment is
9 made, the organization receiving the same shall submit verified
10 accounts of their expenditures.

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

12 Council may provide, upon application, to an organization
13 composed of veterans of the United States armed services, a
14 facility in any public building of the city, sufficient for the
15 periodic meeting of each of the organizations.

16 (b) Pennsylvania National Guard

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

18 Council may appropriate annually a sum for the support and
19 maintenance, discipline and training of any troop, company or
20 similar unit of the Pennsylvania National Guard. If the units
21 are organized as a battalion, regiment or similar organization,
22 the total amount due may be paid to the commanding officer of
23 the battalion, regiment or similar organization. Any money
24 appropriated shall be paid by warrant drawn to the order of the
25 commanding officer of the company, battalion, regiment or
26 similar organization, only when it shall be certified to the
27 city, by the Adjutant General of the Commonwealth, that the
28 company has satisfactorily passed the annual inspection provided
29 by law. The money appropriated shall be used and expended solely
30 and exclusively for the support and maintenance, discipline and

1 training of the company, battalion, regiment or similar
2 organization; and the commanding officer shall account, by
3 proper vouchers to the city each year, for the expenditure of
4 the money appropriated. No appropriation shall be made for any
5 subsequent year until the expenditure of the previous year is
6 duly and satisfactorily accounted for. The accounts of the
7 expenditures shall be subject to the inspection of the
8 Department of Military Affairs, and shall be audited by the city
9 controller in the manner provided by this act for the audit of
10 accounts of city money.

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

12 Council may appropriate money or convey land, either
13 independently or in conjunction with any other political
14 subdivision, to the Commonwealth, for the purpose of assisting
15 the State Armory Board in the erection of armories for the use
16 of the Pennsylvania National Guard, and to furnish water, sewer
17 services, light or fuel free of cost to the Commonwealth for use
18 in any armory of the Pennsylvania National Guard. Council may do
19 all things necessary to accomplish the purpose of this section.

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

21 Council may take, by right of eminent domain, for the purpose
22 of appropriating to itself for the use of the Pennsylvania
23 National Guard public lands, easements and public property in
24 its possession or control and used or held by it for any other
25 purpose. Such right, however, shall not be exercised as to any
26 street or wharf.

27 Section 4414-A. Lands for armory purposes.

28 Council may acquire, by purchase or by gift, or by the right
29 of eminent domain, any land for the use of the Pennsylvania
30 National Guard and may convey lands so acquired to the

1 Commonwealth in order to assist the State Armory Board in the
2 erection of armories. The power conferred by this section shall
3 not be exercised to take any church property, graveyard or
4 cemetery. Lands within three miles outside the limits of the
5 city may be acquired in like manner for the use of the
6 Pennsylvania National Guard provided that if the land is
7 acquired by eminent domain that the taking shall be subject to
8 the limitations in 26 Pa.C.S. § 206 (relating to
9 extraterritorial takings).

10 (c) Burials and Memorials

11 Section 4421-A. Purchase of burial grounds for deceased service
12 persons.

13 Council may appropriate money for and purchase plots of
14 ground in any cemetery or burial ground, within its respective
15 city limits, for the interment of deceased service persons who
16 die within the city, or die beyond the city but have a legal
17 residence within the city at the time of their deaths, and whose
18 bodies are entitled to be buried by the county under the
19 provisions of existing laws.

20 Section 4422-A. Care of memorials.

21 Council may take charge of, care for, maintain and keep in
22 good order and repair, at the expense of the city, any soldier's
23 monument, gun or carriage or similar memorial, situate in the
24 city which is not in the charge or care of any person, body or
25 organization and which is not put up or placed by the Government
26 of the United States, the Commonwealth or the commissioners of
27 the county or by the direction or authority of any other state.
28 Council may receive from any person or organization any money or
29 funds which can be used for the benefit of the memorials, and
30 expend the money.

1 Section 4423-A. Memorial trees.

2 Council may provide for or authorize provision for memorial
3 trees for residents of the city who died while in the military
4 service of the United States or in consequence thereof. Council
5 may make appropriations or accept contributions for this
6 purpose. Such trees shall bear some permanent indication of
7 their purpose.

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

9 Any person willfully, maliciously or negligently destroying
10 or injuring any trees planted pursuant to the provisions of
11 section 4423-A commits a misdemeanor and shall, upon conviction,
12 be liable to a fine not exceeding \$500, or imprisonment not
13 exceeding three months, or both, in the discretion of the court.

14 Section 432. Article XLV heading and sections 4501, 4502,
15 4503, 4504 and 4505 of the act are repealed:

16 [ARTICLE XLV

17 CHARITIES AND WELFARE

18 Section 4501. Creation of Department of Charity.--Council,
19 by ordinance, may create a bureau for the purpose of
20 administering charity and for support of the poor, create any
21 office which may be deemed necessary for the proper government,
22 support, and management of said bureau, and regulate and
23 prescribe the powers, duties, and compensation of all such
24 officers. Such bureau shall have the care, management,
25 administration, and supervision of the charities, almshouses,
26 poorhouses, and the relief of the poor of the city, subject,
27 however, to the control of the council.

28 Section 4502. Power to Levy Special Tax.--Council may levy a
29 tax annually, not exceeding ten mills on the dollar, on all
30 persons and property taxable by the city for city purposes, for

1 the support of said bureau.

2 Section 4503. Hospitals; Appropriations; Free Treatment for
3 Poor.--Any city may acquire, by gift, devise, or bequest, lands,
4 chattels, securities and funds for the establishment and
5 maintenance of a hospital, for the purposes of caring for the
6 sick and injured residents of such city and the vicinity
7 thereof, and, for such purposes, to appropriate and expend money
8 of the city: Provided, That the poor residents of such city
9 shall receive free treatment to the extent that it is possible
10 to provide for same with the means available. Such hospital, or
11 any ward therein, may be named in accord with the wishes of any
12 person making a substantial donation thereto by will or
13 otherwise.

14 Section 4504. Appointment of Trustees for Gifts; Powers.--
15 Such gifts, devises, bequests and appropriated funds shall be
16 under the supervision of a board of trustees, to be appointed by
17 council, consisting of at least nine trustees, three of whom
18 shall be members of council, three of whom shall be licensed and
19 practicing physicians in such city and the vicinity thereof, and
20 the remainder of which board shall consist of residents of such
21 city and vicinity thereof. Said appointments shall at all times
22 be made subject to the approval of the orphans' court of the
23 county in which said city is situated. Said board of trustees
24 shall at all times be subject to the resolutions of council and
25 the jurisdiction of said court, which shall have power to remove
26 any of them upon petition of such city. Any vacancy in such
27 board may be filled by a new appointment in manner aforesaid.
28 Said board of trustees shall make reasonable rules for the
29 management of such hospital, and appoint and remove the
30 physicians, surgeons, nurses, and other employes necessary for

1 the conduct thereof.

2 Section 4505. Appropriations or Other Assistance for
3 Hospitals.--Council may make appropriations for the support or
4 assistance of hospitals within or near the city or, in lieu
5 thereof, council may provide for services to such hospitals at
6 the city's expense and with materials or equipment of the city.]

7 Section 433. The act is amended by adding an article to
8 read:

9 ARTICLE XLV-A

10 ASSESSMENTS FOR PUBLIC IMPROVEMENTS

11 Section 4501-A. Authority to assess.

12 (a) Authority.--In cases in which one or more properties are
13 benefited from a public improvement, unless otherwise provided
14 for in this act, a city shall be authorized to assess, as
15 provided in this article, all or any portion of the costs of the
16 public improvement, including any related administrative fees,
17 against those properties that are benefited by the public
18 improvement.

19 (b) Payment of costs.--Unless otherwise provided in this
20 act, in addition to the authority to assess the cost of public
21 improvements against properties benefited, a city shall have the
22 power to pay for the cost of public improvements, in whole or in
23 part, from general city funds or, if authorized, from a special
24 city fund dedicated to that purpose.

25 (c) Indebtedness.--If a city incurs indebtedness pursuant to
26 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and
27 borrowing) for the purposes of funding the cost and expense of
28 making public improvements for which assessments can be made in
29 accordance with this article, and assessments are made, payments
30 made on the assessments must be applied to pay the debt service

1 for the indebtedness incurred for funding the cost and expense
2 of making the public improvements.

3 (d) Definition.--As used in this article, unless the context
4 clearly indicates otherwise, the term "public improvement" may
5 include, but shall not be limited to, the building, paving,
6 grading, rebuilding, repaving and regrading of streets,
7 sidewalks, curbs and gutters; the creation, extension and
8 renovation of water and sewerage collection, transmission,
9 treatment and disposal systems; the creation, extension and
10 renovation of storm, surface and subsurface drainage systems;
11 the construction, reconstruction and repair of wharves and
12 docks; the installation of pipes, wires and conduits relating to
13 city-supplied utility services; the installation, maintenance or
14 operation of ~~ornamental street~~ lighting THAT SERVICES THE <--
15 STREETS AND SIDEWALKS WITHIN THE CITY; or the planting,
16 maintaining, trimming, transplanting, removal and protection of
17 shade trees.

18 Section 4502-A. Method of assessment.

19 (a) Ordinance.--In any case in which council elects to
20 exercise the power to make assessments for a given public
21 improvement as authorized in section 4501-A, it shall, by
22 ordinance and in conformity with this article, establish the
23 method and procedure pursuant to which assessments shall be
24 made.

25 (b) Allocation of costs and expenses.--Council may, by
26 ordinance, determine to make the assessment by any means that
27 results in fairly allocating all or a portion of the costs and
28 expenses of the public improvement among all properties
29 benefited thereby in reasonable proportion to the benefits
30 conferred upon each property. The methods that may be used to

1 make assessments in accordance with this subsection may include,
2 but shall not be limited to, an equal assessment per front foot,
3 lot, parcel, dwelling unit or square foot or by an assessment
4 made by viewers.

5 (c) Front foot method.--If the front foot method is used:

6 (1) The cost to be collected shall be divided by the
7 total number of linear feet of street frontage of all
8 properties benefited.

9 (2) The assessment against each property shall be that
10 portion of the cost which is determined by multiplying the
11 dividend under paragraph (1) by the number of linear feet for
12 street frontage of that property.

13 (3) Council shall have the power and its duty shall be,
14 in the case of corner or irregularly shaped lots or where
15 special conditions exist, to provide for an equitable
16 adjustment, as necessary, to prevent an unjust or excessive
17 assessment.

18 (d) Assessment based on report of viewers.--In order to pay
19 for all or a portion of the cost or expenses of a public
20 improvement, council may determine to assess properties
21 benefited based upon a report of viewers. Three disinterested
22 persons shall be appointed by council as viewers. A majority of
23 the viewers shall assess the cost against each property
24 benefited in reasonable proportion to the benefits conferred
25 upon each property. The viewers, or a majority of them, shall
26 make a report in writing which shall specify the amount assessed
27 upon each property and shall present the report directly to
28 council or file it with the city clerk, as council directs.

29 Section 4503-A. Notice of assessment.

30 (a) Personal notice.--After the amounts to be assessed

1 against the properties to be benefited by the public improvement
2 have been calculated pursuant to the method and procedures as
3 prescribed by ordinance, the city shall give personal notice of
4 the assessment to the owner of each property that is being
5 assessed. The notice shall also state that the owner has 30 days
6 from receipt of the notice to appeal the assessment.

7 (b) Assessment effective.--An assessment made pursuant to
8 this article shall become effective 30 days after personal
9 notice is given by any of the following means:

10 (1) Personal service on the owner.

11 (2) Certified mail, addressee only, return receipt
12 requested, to the owner at the owner's last known address.

13 (3) Posting notice at or upon the property, after
14 reasonable attempts to give personal notice pursuant to
15 paragraphs (1) and (2) have failed.

16 Section 4504-A. Appeals to court.

17 Within 30 days after receipt of the notice of assessment, an
18 owner of property shall have the right to appeal the assessment
19 to the court of common pleas in the county in which the assessed
20 property is located. On appeal, unless the court finds fraud,
21 mistake or illegality, the court shall be restricted to
22 determining the questions of whether the property assessed
23 received any special benefits from the improvement and whether
24 the assessment made exceeds the special benefits received.

25 Section 4505-A. Benefits and damages.

26 In any proceeding in which damages to property are being
27 sought as a result of a public improvement for which an
28 assessment of benefits has been made, the excess of damages over
29 benefits, or the excess of benefits over damages, or nothing in
30 case the benefits and damages are equal, shall be awarded to or

1 assessed against the owner of land and property affected by the
2 public improvement.

3 Section 4506-A. Return by city of assessments paid on property
4 unlawfully assessed.

5 The following shall apply with regard to the return of
6 payments made on an unlawful assessment:

7 (1) If, after a timely appeal, a court makes a final
8 determination that a property was unlawfully assessed or that
9 the amount assessed exceeded, to a substantial amount, the
10 benefits received by the property assessed from the public
11 improvement, a city that received money in payment of the
12 assessment shall repay the money in an amount as ordered by
13 the court.

14 (2) Within two years of receiving payment of an
15 assessment, the city may repay such money voluntarily if the
16 city determines that the assessment or part thereof was made
17 erroneously.

18 (3) Repayments to property owners pursuant to paragraph
19 (1) or (2) shall include interest from the date of payment of
20 the unlawful or erroneous assessment at the rate of interest
21 that is provided for in 53 Pa.C.S. § 8426 (relating to
22 interest on overpayment).

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

24 (a) Authorization.--An ordinance providing for a public
25 improvement the expense of which is to be defrayed by an
26 assessment against properties benefited by the public
27 improvement may authorize the payment of the assessments in
28 installments. The ordinance shall set a time when the
29 installment payments shall commence and shall specify the length
30 of time over which the installments may be extended and whether

1 payments are to be made by equal annual or more frequent
2 installments. The period during which installments may be paid
3 shall not exceed the lesser of ten years or the number of years
4 equal to the period of maturity of the bonds issued to fund the
5 public improvement.

6 (b) Interest rate.--The ordinance shall set forth the rate
7 of interest for the installments, which shall not be more than
8 10% per year unless a bond is issued for the improvement, in
9 which case the maximum interest rate on the installment payments
10 shall be pursuant to section 9 of the Municipal Claim and Tax
11 Lien Law.

12 (c) Written agreement.--The city shall enter into a written
13 installment agreement with each property owner that will pay the
14 assessment in installments, subject to the requirements of the
15 ordinance pertaining to such agreements and this article.

16 (d) Installments not paid.--If any of the installments shall
17 remain unpaid for 60 days after the same has become due and
18 payable, the entire unpaid assessment plus unpaid accrued
19 interest and any costs shall be due and payable and the city may
20 proceed to collect them by filing a lien in the same manner as
21 municipal claims are filed or by action in assumpsit.

22 (e) Advance payments.--Any property owner upon whom an
23 assessment has been made may pay all or as many of the
24 installments before they are due, with interest and costs to the
25 due date of the next installment.

26 Section 4508-A. Collection of assessments.

27 (a) Authority.--Council shall have the power to authorize
28 the city treasurer or other city official to collect
29 assessments.

30 (b) Procedure.--The following shall apply to the collection

1 of assessments:

2 (1) A city may collect an assessment that remains unpaid
3 for 60 days after personal notice was given pursuant to
4 section 4503-A, unless an installment agreement has been
5 entered into pursuant to section 4507-A.

6 (2) An assessment made pursuant to this article may be
7 collected in the same manner as municipal claims in the
8 Municipal Claim and Tax Lien Law or by an action of assumpsit
9 against the owner of the property benefited.

10 (3) Interest on an unpaid assessment shall begin to
11 accrue from the time of completion of the improvement at a
12 rate of 10% per year unless a bond is issued for the
13 improvement, in which case the maximum interest rate shall be
14 pursuant to section 9 of the Municipal Claim and Tax Lien
15 Law.

16 (4) If a property owner has two or more lots against
17 which there is an assessment for the same improvement, all of
18 the lots may be embraced in one claim.

19 (5) Assessments, whether paid one time or by
20 installments, shall be payable at the office of the city
21 treasurer or any other place designated by ordinance.

22 Section 434. Article XLVI heading of the act is reenacted to
23 read:

24 ARTICLE XLVI

25 COLLECTION OF MUNICIPAL CLAIMS BY SUIT AND

26 COMPROMISE OF CLAIMS

27 Section 435. Section 4601 of the act, amended July 25, 1963
28 (P.L.283, No.153), is amended to read:

29 Section 4601. Collection of Municipal Claims by Suit.--In
30 addition to the remedies provided by this act or any other law

1 for the filing of liens for the collection of municipal claims,
2 including, but not limited to, water rates, sewer rates and the
3 removal of nuisances, all cities may proceed for the recovery
4 and collection of municipal claims by action of assumpsit
5 against the person or persons who were the owner or owners of
6 the property at the time of the completion of the improvement,__
7 or at the time the water or sewer rates or the cost of the
8 removal of nuisances first became payable, notwithstanding the
9 fact that there was a failure on the part of [any such] the
10 city, or its agents, to enter [any such] the municipal claim as
11 a lien against the property assessed for the improvement or for
12 the furnishing of water or sewer services or for the removal of
13 nuisances, and for the recovery of which the action of assumpsit
14 was brought. [Any such] The action in assumpsit shall be
15 commenced either within six years after the completion of the
16 improvement from which [said] the claim arises or within six
17 years after the water or sewer rates or the cost of abating a
18 nuisance first became payable.

19 This section shall extend to all municipal claims [where the
20 improvement was] for improvements heretofore made, where the
21 action of assumpsit has been instituted under the provisions of
22 prior acts of Assembly, and where the claim was not barred by
23 the statute of limitations affecting actions of assumpsit.

24 Section 436. Section 4602 of the act is amended to read:

25 Section 4602. Compromise of Municipal Claims[; Court
26 Approval.--Whenever].--(a) If any city has any municipal claim
27 entered in the office of the prothonotary as a lien against real
28 estate, [which said] and if the claim has existed for ten years
29 or more, council may[, with the approval of the court of common
30 pleas,] agree with the owner of [such] the real estate to

1 accept, in compromise or reduction of the amount of the claim
2 and the interest charges, expenses and fees added thereto and
3 due thereon, any sum less than the whole of such amount so due.

4 (b) Upon receipt of the compromise amount as agreed upon,
5 the city shall cause the lien to be properly satisfied on the
6 record, which satisfaction shall be as effective as if the whole
7 amount of the claim, interest, charges, expenses and fees had
8 been paid, and the claim shall no longer be a lien against the
9 real estate or a claim against the owner thereof.

10 (c) The provisions of this section permitting compromise of
11 municipal claims 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 the contractor under terms of the contract for the
18 improvement for which the assessment was levied.

19 Section 437. Sections 4603 and 4604 of the act are repealed:

20 [Section 4603. Satisfaction.--Upon receipt of the compromise
21 amount so agreed upon and approved, the city shall cause the
22 lien to be properly satisfied on the record, which satisfaction
23 shall be as effective as if the whole amount of the claim,
24 interest, charges, expenses and fees had been paid, and such
25 claim shall no longer be a lien against the real estate or a
26 claim against the said owner thereof.

27 Section 4604. Certain Claims Excluded.--The provisions of
28 sections four thousand six hundred two and four thousand six
29 hundred three shall not apply to or in any manner affect any
30 claims, the assessments for which are the sole basis of

1 improvement bonds issued by any political subdivision and which
2 are the security for the payment thereof, or any claims, the
3 assessments for which have heretofore been assigned by any
4 political subdivision to any contractor in payment of the amount
5 due him under terms of the contract for the improvement for
6 which the assessment was levied.]

7 Section 438. Article XLVII heading of the act is reenacted
8 to read:

9 ARTICLE XLVII

10 ACTS OF ASSEMBLY REPEALED; SAVING CLAUSE

11 Section 439. Section 4701 of the act is amended to read:

12 Section 4701. Repeals and Saving Clause.--(a) Nothing
13 contained in this act revives any act, or part of any act,
14 repealed by the act reenacted, amended or revised by this act.

15 (b) The following acts and parts of acts of Assembly are
16 hereby repealed as particularly set forth:

17 The act, approved the twenty-fifth day of March, one thousand
18 eight hundred seventy-eight (Pamphlet Laws 8), entitled "An act
19 authorizing cities of the third class to levy and collect taxes
20 for park purposes, and curing any defects in previous levies,"
21 absolutely.

22 The act, approved the thirty-first day of May, one thousand
23 nine hundred nineteen (Pamphlet Laws 358, Number 172), "An act
24 to amend section three, article five of the act, approved the
25 twenty-seventh day of June, one thousand nine hundred thirteen
26 (Pamphlet Laws 568), entitled 'An act providing for the
27 incorporation, regulation, and government of cities of the third
28 class; regulating nomination and election of municipal officers
29 therein; and repealing, consolidating, and extending existing
30 laws in relation thereto,' by adding thereto clause forty-nine

1 relative to the collection and disposal of garbage, ashes, and
2 other waste and refuse matter," absolutely.

3 The act, approved the fourth day of June, one thousand nine
4 hundred nineteen (Pamphlet Laws 373), entitled "An act to amend
5 section three, article five of the act, approved the twenty-
6 seventh day of June, one thousand nine hundred thirteen
7 (Pamphlet Laws, five hundred and sixty-eight), entitled 'An act
8 providing for the incorporation, regulation, and government of
9 cities of the third class; regulating nomination and election of
10 municipal officers therein; and repealing, consolidating, and
11 extending existing laws in relation thereto,' by adding thereto
12 clause forty-nine, relative to appropriations for municipal
13 music," absolutely.

14 The act, approved the tenth day of March, one thousand nine
15 hundred twenty-one (Pamphlet Laws 29, Number 10), entitled "An
16 act for the relief of certain county treasurers and county tax
17 collectors, in the settlement of county, poor, and State taxes,
18 in cities of the third class," absolutely.

19 The act, approved the twenty-second day of April, one
20 thousand nine hundred twenty-seven (Pamphlet Laws 358), entitled
21 "An act authorizing and empowering cities of the third class to
22 recognize the moral obligation of the city to pay just claims
23 against the city, although under existing laws no legal recovery
24 could be had against the city," absolutely.

25 Section seven hundred twenty-three of the act, approved the
26 first day of May, one thousand nine hundred twenty-nine
27 (Pamphlet Laws 905), entitled "An act for the protection of the
28 public safety; regulating the use of highways, and the operation
29 of vehicles, tractors, street cars, trackless trolley omnibuses,
30 bicycles, pedestrians, and the riding of animals upon the

1 highways of this Commonwealth; providing for the titling,
2 including liens, encumbrances, and legal claims; registration of
3 certain vehicles and licensing the operators thereof, upon
4 payment of prescribed fees; prescribing and limiting the powers
5 of local authorities to deal with the subject matter of this
6 act; conferring powers and imposing duties upon the Department
7 of Revenue, the Department of Highways, peace officers, mayors,
8 burgesses, magistrates, aldermen, justices of the peace, the
9 courts and the clerks thereof, owners of vehicles, and garage
10 keepers; providing that records are admissible as evidence;
11 imposing upon owners, counties, cities, boroughs, incorporated
12 towns, townships, within the Commonwealth, liability for damages
13 caused by the negligent operation of their motor vehicles;
14 imposing penalties; imposing certain costs upon counties;
15 providing for the disposition of fines, forfeitures, fees, and
16 miscellaneous receipts; making an appropriation and providing
17 for refunds," in so far as inconsistent with the provisions of
18 this act.

19 The act, approved the seventeenth day of May, one thousand
20 nine hundred twenty-nine (Pamphlet Laws 1801), entitled "An act
21 authorizing cities of the third class to provide, by ordinance,
22 for the payment for public work or improvements heretofore made
23 for or furnished to the city, and accepted and used by the city,
24 where no legal or valid contract was entered into as required by
25 law," absolutely.

26 The act, approved the twenty-second day of May, one thousand
27 nine hundred thirty-three (Pamphlet Laws 923), entitled "An act
28 to authorize cities of the third class to sue out writs of scire
29 facias on certain municipal claims, where more than five years
30 have elapsed since said claims were filed, and to reduce such

1 claims to judgment; and providing for the revival and collection
2 of such judgments," absolutely.

3 The act, approved the thirty-first day of May, one thousand
4 nine hundred thirty-three (Pamphlet Laws 1108, Number 272),
5 entitled "An act providing for the appointment, promotion,
6 reduction, removal and reinstatement of paid officers, firemen
7 and employes of fire departments and of fire alarm operators and
8 fire box inspectors in the bureaus of electricity in cities of
9 the third class; defining the powers and duties of civil service
10 commissions for such purposes; and fixing penalties,"
11 absolutely.

12 The act, approved the sixteenth day of May, one thousand nine
13 hundred thirty-five (Pamphlet Laws 176, Number 82), entitled "An
14 act requiring cities of the second and third class to allow
15 members of the police departments, twenty-four consecutive hours
16 of rest each week, and fourteen days vacation each year, except
17 in emergency cases," so far as it relates to cities of the third
18 class.

19 The act, approved the first day of May, one thousand nine
20 hundred thirty-nine (Pamphlet Laws 40), entitled "An act to
21 amend the title and the act, approved the sixteenth day of May,
22 one thousand nine hundred thirty-five (Pamphlet Laws, one
23 hundred seventy-six), entitled 'An act requiring cities of the
24 second and third class to allow members of the police
25 departments, twenty-four consecutive hours of rest each week,
26 and fourteen days vacation each year, except in emergency
27 cases,' extending the provisions of said act to cities of the
28 second class A," so far as it relates to cities of the third
29 class.

30 Sections six hundred eighty-two and six hundred ninety of the

1 act, approved the twenty-fourth day of June, one thousand nine
2 hundred thirty-nine (Pamphlet Laws 872), entitled "An act to
3 consolidate, amend and revise the penal laws of the
4 Commonwealth," so far as they relate to cities of the third
5 class and are inconsistent with the provisions of this act.

6 The act, approved the twenty-third day of May, one thousand
7 nine hundred forty-five (Pamphlet Laws 907), entitled "An act
8 authorizing cities of the third class, with the approval of the
9 court of common pleas, to accept less than the full amount of
10 certain municipal claims filed as a lien against real estate in
11 compromise settlements thereof," absolutely.

12 The act, approved the second day of May, one thousand nine
13 hundred forty-seven (Pamphlet Laws 149), entitled "An act
14 authorizing cities to enact ordinances prohibiting smoking or
15 the carrying of lighted cigarettes, cigars, pipes or matches or
16 using matches or other fire producing devices in certain retail
17 stores within such cities and to provide penalties therefor," so
18 far as it relates to cities of the third class.

19 (c) All other acts or parts of acts of Assembly supplied by
20 or inconsistent with the provisions of this act are hereby
21 repealed. It is the intention that this act shall furnish a
22 complete and exclusive system for the government and regulation
23 of cities of the third class, except as to the several matters
24 enumerated in section [one hundred and three of this act] 103.

25 [But nothing] (d) Nothing contained in this act shall be
26 construed to repeal any local or special laws; or to repeal the
27 provisions of 66 Pa.C.S. Pt. I, known as the Public Utility
28 [Law] Code; or any law relating to the Board of Commissioners of
29 Navigation for the River Delaware and its navigable tributaries;
30 or the provisions of any law, the enforcement of which is vested

1 in the Department of Health or the [Sanitary Water Board]
2 Department of Environmental Protection; or the provisions of any
3 law, the enforcement of which is vested in the Department of
4 [Forests and Waters] Conservation and Natural Resources [or the
5 Water and Power Resources Board]; or the provisions of 74
6 Pa.C.S. Ch. 59, Subch. B, known as the Airport Zoning Act; [or
7 any of the provisions of the act, approved the thirty-first day
8 of May, one thousand nine hundred thirty-three (Pamphlet Laws
9 1108)]; or any of the provisions of the act, approved the
10 thirteenth day of May, one thousand nine hundred thirty-seven
11 (Pamphlet Laws 620); or any of the provisions of the act,
12 approved the second day of July, one thousand nine hundred
13 thirty-seven (Pamphlet Laws 2803),] ; or any of the provisions of
14 the act, approved [the twenty-third day of May, one thousand
15 nine hundred forty-five (Pamphlet Laws 903)] May 23, 1945
16 (P.L.903, No.362); or any amendments or supplements of them; or
17 any laws or parts of laws pertaining to civil defense.

18 (e) Nothing in this act shall be construed to repeal any
19 provision in or the act of February 14, 2008 (P.L.6, No.3),
20 known as the "Right-to-Know Law," any provision of 45 Pa.C.S.
21 (relating to legal notices) or any provision of 65 Pa.C.S.
22 (relating to public officers).

23 Section 440. Termination and continuation of civil service
24 boards. Civil service boards shall be terminated and continued
25 as follows:

26 (1) All civil service boards created prior to the
27 effective date of this section, and pursuant to the act,
28 whether for uniformed or nonuniformed employees, or pursuant
29 to the act of May 31, 1933 (P.L.1108, No.272) entitled "An
30 act validating sheriff's sales of real estate on judgments of

1 foreclosure in scire facias sur mortgage cases when the
2 release of the mortgagor from liability was not filed with
3 the praecipe," shall be abolished except as provided in
4 paragraph (2).

5 (2) No civil service board before which proceedings
6 under section 4408 of the act or under section 10 of the act
7 of May 31, 1933 (P.L.1108, No.272), have been initiated or
8 are pending as of the effective date of this section may be
9 abolished until the conclusion of those proceedings before
10 the respective board.

11 (3) Any civil service proceedings initiated after the
12 effective date of this section shall be before the new civil
13 service board created in accordance with Article XLIV of the
14 act.

15 Section 441. Base amount adjustment.

16 The term "base amount" as used in sections 1901.1, 1901.2,
17 1901.4, 1902 and 1909 of the act refers to the base amount as
18 adjusted by the Department of Labor and Industry and reported in
19 ~~42 Pa.B. 7616 for use in 2013~~ THE PENNSYLVANIA BULLETIN FOR USE <--
20 IN THE YEAR OF THE EFFECTIVE DATE OF THIS ACT.

21 Section 442. This act shall take effect in 60 days.