

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 877 Session of 2021

INTRODUCED BY KEARNEY, HUTCHINSON, J. WARD, DUSH AND SCHWANK,
SEPTEMBER 28, 2021

REFERRED TO LOCAL GOVERNMENT, SEPTEMBER 28, 2021

AN ACT

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

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

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

9 SUBCHAPTER B

10 MUNICIPAL BOUNDARY CHANGE

11 Sec.

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15 § 711. Scope of subchapter.
16 This subchapter relates to municipal boundary changes and
17 adjustments to municipal indebtedness and property rights
18 following boundary change.
19 § 712. Definitions.
20 The following words and phrases when used in this subchapter
21 shall have the meanings given to them in this section unless the
22 context clearly indicates otherwise:
23 "Abutting municipal corporations." Municipal corporations
24 that share contiguous territory.
25 "Boundary ascertainment." Establishment of a municipal
26 boundary between abutting municipal corporations by judicial
27 decree.
28 "Boundary change" or "change of boundary." Any change in the
29 municipal boundary between abutting municipal corporations,
30 other than as a result of a merger or consolidation under

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

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

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

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

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

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

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

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

29 § 713. Interpretation.

30 (a) Certain actions unaffected.--Nothing in this act shall

1 preclude, restrict or limit successive changes in boundaries and
2 territorial limits of any municipal corporation.

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

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

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

22 § 714. Stream boundaries.

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

28 (b) Prior actions unaffected.--Nothing in this section shall
29 be construed to affect any boundary established prior to the
30 effective date of this section between municipal corporations or

1 repeal any local or special law contrary to this section.
2 § 715. Boundary change agreement by abutting municipal
3 corporations.

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

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

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

11 (b) Prohibition on unincorporated territory.--No boundary
12 change may result in territory not incorporated in any municipal
13 corporation.

14 (c) Contents of ordinance.--An ordinance under this section
15 shall provide a description of the territory to be transferred
16 by a change of boundary, or territorial boundary to be
17 established within the impacted territory, and shall contain or
18 have attached a plot showing the courses and distances of the
19 boundaries of the municipal corporations as follows:

20 (1) In the case of a transfer of territory, municipal
21 boundaries before and after the proposed change in the
22 boundaries or territorial limits.

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

26 (d) Notification of ordinance.--Within 15 days after
27 enactment of an ordinance under this subchapter, the governing
28 body of a municipal corporation shall perform all of the
29 following acts:

30 (1) Assign, for reference, a distinctive designation to

1 any impacted territory.

2 (2) File with the clerk of court and board of
3 commissioners of the county, a certified copy of the
4 ordinance by which the change was effected, together with a
5 plot, showing the courses and distances of the boundaries
6 before and after the change and clearly indicating any
7 designation or designations, as provided in paragraph (1). If
8 the impacted territory is located in more than one county,
9 the documents and information shall be filed in each
10 impacted county.

11 (3) Notify the record owner of each impacted property in
12 writing.

13 (e) Petition and suspension of ordinance.--A boundary change
14 under an ordinance enacted under this section shall be suspended
15 following the presentation of a petition, in writing, to the
16 municipal secretary of at least one impacted municipal
17 corporation protesting the proposed boundary change. A valid
18 petition under this section shall be composed of:

19 (1) at least 20% of registered electors of the municipal
20 corporation. Petitioners must provide their address on the
21 petition along with their respective signatures; or

22 (2) at least one owner of an impacted property.

23 (f) Deadline for filing petition and notice.--A petition
24 under subsection (e) shall be filed with the secretary or clerk
25 of the municipal corporation where the registered electors
26 reside no later than the 20th day after the date on which the
27 municipal corporation files its documents under subsection (d)
28 (2) in the county. If the required number of registered electors
29 have signed the petition, the municipal secretary or clerk shall
30 provide notice of the petition to the governing body of all

1 impacted municipal corporations.

2 (g) Referendum.--The following shall apply:

3 (1) If the required number of electors or owners have
4 signed the petition as provided in subsection (e) in any
5 impacted municipal corporation, the governing body of each
6 impacted municipal corporation shall call for a referendum to
7 be held at the time of the next general, municipal or primary
8 election occurring at least 90 days after the petition has
9 been filed, at which election the question of whether the
10 boundary change as provided in the ordinance of each affected
11 municipality will be submitted to the electors of each
12 affected municipality. Notice of the election and the text of
13 the question to be submitted to the electors shall be
14 published in the same manner as publication is required in
15 section 1201 of the act of June 3, 1937 (P.L.1333, No.320),
16 known as the Pennsylvania Election Code.

17 (2) The question to be submitted to the electors on the
18 ordinance shall be framed to identify the ordinance, followed
19 by the words "yes" and "no." The question shall be placed on
20 the ballot which shall be counted, returned and computed in
21 accordance with the election laws of this Commonwealth.

22 (3) If the majority of the qualified electors of the
23 municipal corporation voting on the ordinance vote for the
24 ordinance in all impacted municipal corporations, the
25 boundary change shall take effect.

26 § 716. Petition and establishment of disputed boundaries by
27 judicial ascertainment.

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

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

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

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

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

10 § 717. Judicial ascertainment procedure.

11 (a) Appointment.--Upon application by petition under section
12 716 (relating to petition and establishment of disputed
13 boundaries by judicial ascertainment), the court shall appoint
14 three impartial individuals as commissioners, one of whom must
15 be a surveyor or registered engineer.

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

20 (c) Stay of proceedings.--In the event that the governing
21 body of a municipal corporation notifies the court that the
22 impacted municipal corporations intend to resolve the disputed
23 boundary by agreement under this act, the court shall stay any
24 proceedings under this section for 90 days. A stay may be
25 extended at the discretion of the court if it appears that the
26 impacted parties are pursuing an agreement in good faith.

27 (d) Report.--A majority of the commissioners shall issue the
28 report and recommendations to the court, accompanied by a plot
29 or draft of the lines and boundaries proposed to be ascertained
30 and established if the lines and boundaries cannot be fully

1 designated by natural lines or boundaries.

2 (e) Exceptions.--Exceptions to the report under subsection
3 (d) may be filed within 30 days after the filing of the report
4 by an interested person or political subdivision. The court
5 shall set and provide notice of a hearing on the exceptions.
6 After a hearing under this subsection, the court may sustain or
7 dismiss the exceptions. If the court has sustained the
8 exceptions, the court may refer the report back to the same or
9 new commissioners with the authority to make another report.

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

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

16 (2) Direct publication of the decree under paragraph
17 (1).

18 (3) Order that the boundary line be marked by
19 appropriate monuments.

20 (g) Compensation, expenses and costs.--The compensation and
21 expenses of commissioners appointed under subsection (a) shall
22 be in a reasonable amount as approved by the court. The court
23 shall, by order, provide how costs and expenses of the
24 proceedings shall be paid and may assess the costs individually
25 or in apportioned amounts against the following:

26 (1) The petitioners.

27 (2) Any interested municipal corporation.

28 § 718. Effective date of boundary change.

29 (a) Change by ordinance.--The change in boundaries under an
30 ordinance shall take effect on January 1 of the year following

1 the date on which all of the documents under section 715(d) (2)
2 (relating to boundary change agreement by abutting municipal
3 corporations) have been filed, unless:

4 (1) the filing date is within 60 days prior to the end
5 of a calendar year, in which case the change shall take
6 effect as of January 1 of the second year following the
7 filing date; or

8 (2) a timely petition is filed under section 715 in
9 which case the petition shall act as a supersedeas and the
10 change in boundaries in all impacted municipal corporations
11 shall only take effect if the referendum under section 715
12 passes, where the boundary change shall take effect on
13 January 1 of the year following the referendum.

14 (b) Change by ascertainment.--A change of boundaries by
15 judicial ascertainment shall take effect on the effective date
16 of the decree.

17 (c) Change by referendum.--In the event of a change of
18 boundary under the provisions of section 8 of Article IX of the
19 Constitution of Pennsylvania by referendum, the change of
20 boundary shall take effect on January 1 of the year following
21 the referendum.

22 § 719. Notification of boundary change.

23 (a) General rule.--Within 15 days after a change in
24 boundaries has taken effect, the governing body of a municipal
25 corporation shall file a final report of the boundary change
26 containing the following information with the County Board of
27 Elections, the Department of Community and Economic Development,
28 the Department of Transportation, the Governor's Office of
29 Policy Development or its successor, the Department of Education
30 and the State Tax Equalization Board:

1 (1) The name of the impacted municipal corporations.

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

4 (3) The location of the monuments along the new boundary
5 line.

6 (4) The total assessed valuation of the impacted
7 territory.

8 (5) The approximate population of the impacted
9 territory.

10 (6) The designation, as provided for in section 715(d)
11 (1) (relating to boundary change agreement by abutting
12 municipal corporations), by which the impacted territory is
13 to be known.

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

16 (b) Combined notifications authorized.--All municipal
17 corporations impacted by a boundary change may jointly provide
18 for a combined final report under subsection (a).

19 § 720. Monuments.

20 The impacted municipal corporations shall provide for the
21 placement of monuments, no more than 1,500 feet apart, along the
22 newly established boundary line, other than where a natural line
23 can be described, in a manner adequate that the entire territory
24 in question can be depicted and represented for the future. The
25 coordinates of monuments shall be expressed in terms of the
26 State Plane Coordinate System in effect on the date of the
27 change of boundary.

28 § 721. Wards.

29 (a) Increased municipal territory.--If a municipal
30 corporation gaining territory is divided among wards, the

1 governing body shall, within 30 days after the change in
2 boundaries is effective, provide for the distribution of the
3 gained territory among the wards of the municipal corporation or
4 for the creation of one or more wards out of the gained
5 territory.

6 (b) Decreased municipal territory.--If the municipal
7 corporation decreasing territory is divided among wards, the
8 governing body of the municipal corporation, shall within 30
9 days after the change in boundaries is effective, provide for
10 the alteration of wards among the remaining territory.

11 § 722. Collection of taxes levied prior to change of boundary
12 and authorized expenditures.

13 (a) Taxes.--All taxes assessed and levied against property
14 in an impacted territory prior to the effective date of the
15 boundary change shall be paid to the municipal corporation which
16 levied the tax, and the collection and enforcement of taxes
17 under this subsection shall be as though the change of boundary
18 had not taken place.

19 (b) Expenditures.--A municipal corporation initiating a
20 boundary change by ordinance under this subchapter is authorized
21 to make reasonable expenditures for surveys required to describe
22 the property under consideration, or for any other necessary
23 purpose.

24 § 723. Election districts and officers.

25 All election districts in the impacted territory shall remain
26 as constituted prior to the boundary change and shall become
27 election districts of the municipal corporation gaining
28 territory on the change in designation in accordance with the
29 act of June 3, 1937 (P.L.1333, No.320), known as the
30 Pennsylvania Election Code. All election district officers shall

1 continue in office until the expiration of the officer's term,
2 unless the office is vacated.

3 § 724. Governing body agreements.

4 (a) General rule.--Prior to the effective date of a boundary
5 change, an impacted municipal corporation may execute an
6 agreement fully resolving:

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

9 (2) The sharing of costs associated with the territorial
10 alteration or clarification.

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

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

16 (b) Exception.--In the event that an agreement under this
17 section is incorporated in an ordinance, sections 725 (relating
18 to adjustment of indebtedness), 726 (relating to judicial
19 adjustment award proceedings), 727 (relating to compensation,
20 expenses and costs), 728 (relating to territory located in
21 multiple counties) and 729 (relating to bond issues) shall not
22 apply.

23 § 725. Adjustment of indebtedness.

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

25 (1) Following a boundary change under this subchapter or
26 any other provision of law, the governing bodies of the
27 impacted municipal corporations shall make an equitable
28 adjustment and apportionment of all the public real and
29 personal property impacted by the change of boundary.

30 (2) Except as provided under paragraph (3), the property

1 under paragraph (1) shall include funds and indebtedness.

2 (3) If adjusting property and indebtedness under
3 paragraph (1), streets, sewers and utilities may not be
4 considered except to the extent that current and unpaid
5 indebtedness was incurred for the construction and
6 improvement of the property.

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

9 (1) The municipal corporation gaining territory shall be
10 entitled to a division of the property and indebtedness in
11 the same proportion that the assessed valuation of the
12 taxable real estate included within the territorial limits of
13 the newly gained territory bears to the assessed valuation of
14 the taxable real estate in the municipal corporation losing
15 territory immediately prior to the boundary change. The
16 municipal corporation losing territory shall be entitled to
17 the remainder of the property and indebtedness.

18 (2) If indebtedness was incurred by the municipal
19 corporation losing territory for an improvement located
20 wholly within the territorial limits of the newly transferred
21 territory, the indebtedness shall be assumed by the municipal
22 corporation gaining territory.

23 (3) If only part of the improvement is located within
24 the newly transferred territory, the part of the indebtedness
25 representing the part of the improvement located within
26 transferred territory shall be assumed by the municipal
27 corporation gaining territory and the adjustment and
28 apportionment of any remaining debt shall be retained by the
29 municipal corporation losing territory.

30 (c) Form.--The adjustment and apportionment made under this

1 section must meet all of the following:

2 (1) Be in writing and duly executed and acknowledged by
3 the secretary or clerk of each impacted municipal
4 corporation.

5 (2) Be filed in the office of the clerk of the court of
6 common pleas of the county.

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

9 (d) Petition for judicial adjustment.--If the governing
10 bodies of the impacted municipal corporations cannot make an
11 amicable adjustment and apportionment of the property and
12 indebtedness within six months after the effective date of the
13 change in boundaries, the governing body of a municipal
14 corporation may present a petition to the court of common pleas
15 requesting a judicial adjustment.

16 (e) Appointment.--After receiving a petition under
17 subsection (d), the court shall appoint three disinterested
18 commissioners who meet all of the following requirements:

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

20 (2) Are not residents of or own real estate in an
21 impacted municipal corporation.

22 (f) Report.--The individuals appointed under subsection (e)
23 shall hold a hearing and make a report to the court containing
24 an adjustment and apportionment of all the property and the
25 indebtedness between the impacted municipal corporations. Notice
26 shall be made as provided by the court. The report shall state
27 the amount due to, payable from and the amount of indebtedness
28 that shall be assumed by each impacted municipal corporation.

29 § 726. Judicial adjustment award proceedings.

30 (a) Notice.--The commissioners appointed under section

1 725(e) (relating to adjustment of indebtedness) shall give the
2 impacted municipal corporations at least five days' notice of
3 the filing of the report under section 725(f).

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

7 (c) Confirmation.--Unless exceptions are filed to the report
8 within 30 days after the date of the filing, the report shall be
9 confirmed by the court and the court shall issue an appropriate
10 order effectuating the report.

11 § 727. Compensation, expenses and costs.

12 The commissioners appointed under section 725(e) (relating to
13 adjustment of indebtedness) shall receive compensation and
14 expenses for their services as provided by the court. The costs
15 of the proceedings, including the compensation and expenses of
16 the commissioners, shall be apportioned by the court between the
17 impacted municipal corporations.

18 § 728. Territory located in multiple counties.

19 If the impacted territory is located in two or more counties,
20 Commonwealth Court shall have exclusive jurisdiction over the
21 proceedings to adjust and apportion the indebtedness between the
22 municipal corporations.

23 § 729. Bond issues.

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

1 Section 2. Repeals are as follows:

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

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

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

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

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

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

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

27 (vi) The act of June 15, 1939 (P.L.372, No.217),
28 entitled "An act affecting cities of the second class A,
29 authorizing the annexation of boroughs and townships
30 thereto under certain conditions, and, in connection

1 therewith, placing duties upon or affecting courts of
2 quarter sessions, county boards of elections, and
3 officers of boroughs, townships and cities of the second
4 class A, and providing for the payment of the
5 indebtedness of the various territorial units involved."

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

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

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

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

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