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THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 689 Session of 1995

INTRODUCED BY ROBBINS, CORMAN, BAKER, STOUT AND STEWART,  
MARCH 7, 1995

AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF  
REPRESENTATIVES, AS AMENDED, OCTOBER 8, 1996

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania  
2 Consolidated Statutes, adding revised, codified and compiled  
3 provisions relating to local government; and making repeals.

4 TITLE 53

5 MUNICIPALITIES GENERALLY

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 16 Subchapter D. Sale of Bonds and Notes  
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 18 § 8162. Contents of public advertisement and of official notice  
 19 of sale.  
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 22 § 8165. Determination of highest and best bid.  
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28 Chapter 82. Miscellaneous Provisions

29 Subchapter A. Department of Community Affairs

- 30 § 8201. Certification to department of bond or note transcript  
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 2 agreement.  
 3 § 8202. Filing of statements of noncompletion of sale with  
 4 department.  
 5 § 8203. Fees for filing.  
 6 § 8204. Certificate of approval of transcript.  
 7 § 8205. Certificate of disapproval and correction of  
 8 proceedings.  
 9 § 8206. Effect of failure of timely action by department.  
 10 § 8207. Records of department.  
 11 § 8208. Invalidity of instruments which are delivered without  
 12 compliance with requirements or conditions precedent  
 13 to issuance or delivery.  
 14 § 8209. Finality of proceedings as to validity of instruments.  
 15 § 8210. Power of department to define terms, issue rules and  
 16 regulations and prescribe forms.  
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 20 § 8221. Creation of sinking funds and deposits, reserves and  
 21 surplus funds.  
 22 § 8222. Assessment fund.  
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 24 § 8224. Deposit and investment of moneys in sinking funds and  
 25 other funds.  
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29 Subchapter C. Refunding of Debt

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- 1 § 8242. Treatment of costs upon refunding.  
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- 3 § 8244. Effect of debt limits on refunding nonelectoral bonds
- 4 or notes or lease rental debt.
- 5 § 8245. Refunding of electoral debt.
- 6 § 8246. Procedure for authorization, sale, issue and approval
- 7 of refunding bonds or notes.
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- 9 § 8248. Approval of refunding by the electors.
- 10 § 8249. Refunding with bonds of another type.
- 11 § 8250. Use of proceeds of refunding bonds and when refunded
- 12 bonds are no longer deemed outstanding.
- 13 § 8251. Cessation of interest on called bonds or notes.

14 Subchapter D. Remedies

- 15 § 8261. Failure to budget debt service.
- 16 § 8262. Failure to pay principal or interest.
- 17 § 8263. Trustee for bondholders.
- 18 § 8264. Receiver for revenue projects.
- 19 § 8265. Costs of suits or proceedings.
- 20 § 8266. Distribution of moneys realized for bondholders.

21 Subchapter E. Penalties

- 22 § 8271. Failure to obey sinking fund directive of department.
- 23 The General Assembly of the Commonwealth of Pennsylvania
- 24 hereby enacts as follows:

25 Section 1. Title 53 of the Pennsylvania Consolidated  
 26 Statutes is amended by adding parts to read:

27 TITLE 53

28 MUNICIPALITIES GENERALLY

29 Part

30 I. Preliminary Provisions

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- 1 II. Creation, Territory, Alteration and Dissolution
- 2 III. Government and Administration
- 3 V. Public Improvements, Utilities and Services
- 4 VII. Taxation and Fiscal Affairs

5 PART I

6 PRELIMINARY PROVISIONS

7 Chapter

8 1. General Provisions

9 CHAPTER 1

10 GENERAL PROVISIONS

11 Sec.

12 101. Short title of title.

13 § 101. Short title of title.

14 This title shall be known and may be cited as the General  
 15 Local Government Code.

16 PART II

17 CREATION, TERRITORY, ALTERATION AND DISSOLUTION

18 Chapter

19 9. Municipal Reapportionment

20 CHAPTER 9

21 MUNICIPAL REAPPORTIONMENT

22 Sec.

23 901. Short title and scope of chapter.

24 902. Definitions.

25 903. Reapportionment by governing body.

26 904. Reapportionment by court upon petition.

27 905. Compensation of commissioners and payment of costs.

28 906. Contest of reapportionment by governing body.

29 907. Costs and expenses of contest.

30 908. Retention in office and new elections.

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1 § 901. Short title and scope of chapter.

2 (a) Short title of chapter.--This chapter shall be known and  
3 may be cited as the Municipal Reapportionment Act.

4 (b) Scope of chapter.--This chapter applies to the following  
5 entities:

6 (1) Municipalities.

7 (2) Units of government created and existing under  
8 Subpart E of Part III (relating to home rule and optional  
9 plan government).

10 (3) Similar general purpose units of local government  
11 created by statute.

12 § 902. Definitions.

13 The following words and phrases when used in this chapter  
14 shall have the meanings given to them in this section unless the  
15 context clearly indicates otherwise:

16 "District." Includes a ward whenever wards are used as a  
17 subdivision for the election of members of the governing body.

18 "Governing body." A board of county commissioners, city  
19 council, borough council, incorporated town council, board of  
20 township commissioners or board of township supervisors, the  
21 governing council of any unit of government created and existing  
22 under Subpart E of Part III (relating to home rule and optional  
23 plan government), or the governing council of any similar  
24 general purpose unit of government created by statute.

25 § 903. Reapportionment by governing body.

26 (a) General rule.--Within the year following that in which  
27 the Federal census, decennial or special, is officially and  
28 finally reported, and at such other times as the governing body  
29 deems necessary, each entity having a governing body not  
30 entirely elected at large shall be reapportioned into districts

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1 by its governing body. The governing body shall number the  
2 districts.

3 (b) Composition of districts.--Districts shall be composed  
4 of compact and contiguous territory as nearly equal in  
5 population as practicable as officially and finally reported in  
6 the most recent Federal census, decennial or special.

7 § 904. Reapportionment by court upon petition.

8 (a) Petition.--If there has not been a reapportionment by  
9 the governing body within the year following that in which the  
10 Federal census, decennial or special, is officially and finally  
11 reported, a petition, signed by one or more electors who are  
12 residents of the entity, may be submitted to the court of common  
13 pleas which may then reapportion in accordance with this  
14 chapter.

15 (b) Appointment of commissioners.--Upon receiving the  
16 petition to reapportion, the court may appoint three impartial  
17 persons as commissioners.

18 (c) Report to court.--The commissioners appointed by the  
19 court or any two of them shall make a report to the court within  
20 the time the court directs and shall include with it a plot  
21 showing the boundaries of the present districts and a plot  
22 showing the districts as proposed by them, along with pertinent  
23 information relating to population and area of the proposed  
24 districts.

25 (d) Action on report.--Upon presentation, the court shall  
26 confirm the report nisi and shall direct that notice of the  
27 filing of the report shall be given by publication once in a  
28 newspaper of general circulation stating that exceptions may be  
29 filed to the report within 30 days after the report was filed.

30 If no exceptions are filed or if the court dismisses the  
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1 exceptions, the court shall confirm the report absolutely and  
2 issue a decree. The court in its decree shall designate a number  
3 for each of the districts.

4 § 905. Compensation of commissioners and payment of costs.

5 (a) Compensation of commissioners.--The commissioners  
6 appointed by the court shall each receive compensation for their  
7 services as the court shall fix.

8 (b) Payment of costs and expenses.--All cost and expenses  
9 incurred in the proceedings to reapportionment shall be paid by the  
10 entity.

11 § 906. Contest of reapportionment by governing body.

12 (a) General rule.--In the event there has been a  
13 reapportionment by the governing body pursuant to section 903(a)  
14 (relating to reapportionment by governing body) or 904 (relating  
15 to reapportionment by court upon petition), the reapportionment  
16 may be contested as not being in compliance with the criteria  
17 for reapportionment as set forth in section 903(b).

18 (b) Petition to court.--In order to contest a  
19 reapportionment, a petition signed by ten electors who are  
20 residents of the entity shall be submitted to the court of  
21 common pleas.

22 (c) Action on petition.--The court shall review the  
23 reapportionment plan and either accept the reapportionment plan  
24 and dismiss the petition or reject the reapportionment plan and  
25 return it to the local governing body for correction and  
26 resubmission to the court.

27 (d) Appointment of commissioners.--If the court sets the  
28 reapportionment aside, the court may appoint three impartial  
29 persons as commissioners.

30 (e) Report to court.--The commissioners appointed by the

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1 court or any two of them shall make a report to the court within  
2 the time the court directs and shall include with it a plot  
3 showing the boundaries of the present districts and a plot  
4 showing the districts as proposed by them, along with pertinent  
5 information relating to population and area of the proposed  
6 districts.

7 (f) Action on report.--Upon presentation, the court shall  
8 confirm the report nisi and shall direct that notice of the  
9 filing of the report shall be given by publication once in a  
10 newspaper of general circulation stating that exceptions may be  
11 filed to the report within 30 days after the report was filed.  
12 If no exceptions are filed or if the court dismisses the  
13 exceptions, the court shall confirm the report absolutely and  
14 issue a decree. The court in its decree shall designate a number  
15 for each of the districts.

16 § 907. Costs and expenses of contest.

17 (a) General rule.--All cost and expenses incurred in a  
18 proceeding described in section 906 (relating to contest of  
19 reapportionment by governing body) challenging a reapportionment  
20 shall be paid by the entity or the petitioners as the court  
21 directs, but if the court reapportions the entity, the costs and  
22 expenses shall be paid by the entity.

23 (b) Bond to secure payment.--If a reapportionment is  
24 challenged by petition as described in section 906, the  
25 petitioners may be required to post a bond set by the court to  
26 secure the payment of costs and expenses.

27 § 908. Retention in office and new elections.

28 (a) Retention of existing members in office.--The members of  
 29 the governing body in office at the time of the reapportionment  
 30 shall retain their offices until the end of their respective  
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 1 terms.

2 (b) Election of members following reapportionment.--The  
 3 election of members of the governing body under the  
 4 reapportionment shall be held in accordance with law relating to  
 5 the entity and the act of June 3, 1937 (P.L.1333, No.320), known  
 6 as the Pennsylvania Election Code.

7 PART III

8 GOVERNMENT AND ADMINISTRATION

9 Subpart

- 10 A. General Provisions
- 11 B. Governing Body
- 12 C. Executive Departments, Officers and Employees
- 13 D. Area Government and Intergovernmental Cooperation
- 14 E. Home Rule and Optional Plan Government

15 SUBPART A

16 GENERAL PROVISIONS

17 Chapter

18 11. General Provisions

19 CHAPTER 11

20 GENERAL PROVISIONS

21 Subchapter

- 22 A. (Reserved)
- 23 B. Emergency Seat of Government
- 24 C. Emergency Succession of Officers

25 SUBCHAPTER A (RESERVED)

26 SUBCHAPTER B

27 EMERGENCY SEAT OF GOVERNMENT

28 Sec.

- 29 1121. Scope of subchapter.
- 30 1122. Establishment and designation.

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1 1123. Exercise of powers and functions.

2 1124. Applicability of subchapter.

3 § 1121. Scope of subchapter.

4 This subchapter applies to all political subdivisions.

5 § 1122. Establishment and designation.

6 Whenever, due to an emergency resulting from the effects of  
 7 enemy attack or the anticipated effects of a threatened enemy  
 8 attack, it becomes imprudent, inexpedient or impossible to  
 9 conduct the affairs of local government at the regular or usual  
 10 place, the governing body of each political subdivision of this  
 11 Commonwealth may meet at any place, within or without the  
 12 territorial limits of the political subdivision. The meeting may  
 13 be held on the call of the presiding officer or any two members  
 14 of the governing body and shall proceed to establish and  
 15 designate, by ordinance, resolution or other manner, alternate  
 16 or substitute sites or places as the emergency temporary  
 17 location or locations of government, where all or any part of  
 18 the public business may be transacted and conducted during the  
 19 emergency situation. These sites or places may be within or  
 20 without the territorial limits of the political subdivision and  
 21 may be within or without this Commonwealth.

22 § 1123. Exercise of powers and functions.

23 During the period when the public business is being conducted  
 24 at the emergency temporary location or locations, the governing  
 25 body and other officers of a political subdivision of this

26 Commonwealth shall exercise at the location or locations all of  
 27 the executive, legislative and judicial powers and functions  
 28 conferred upon the governing body and officers by law. These  
 29 powers and functions may be exercised in the light of the  
 30 exigencies of the emergency situation without regard to time

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1 consuming procedures and formalities prescribed by law and  
 2 pertaining to them, and all acts of the governing body and  
 3 officers shall be as valid and binding as if performed within  
 4 the territorial limits of their political subdivision.  
 5 § 1124. Applicability of subchapter.

6 The provisions of this subchapter shall control, in the event  
 7 it shall be employed, notwithstanding any statutory charter or  
 8 ordinance provision to the contrary or in conflict with this  
 9 subchapter.

#### 10 SUBCHAPTER C

#### 11 EMERGENCY SUCCESSION OF OFFICERS

12 Sec.

13 1131. Scope of subchapter.

14 1132. Declaration of policy.

15 1133. Definitions.

16 1134. Enabling authority for emergency interim successors for  
 17 local offices.

18 1135. Emergency interim successors for local officers.

19 1136. Formalities of taking office.

20 1137. Succession period.

21 1138. Term and removal of designees.

22 § 1131. Scope of subchapter.

23 This subchapter applies to all municipalities.

24 § 1132. Declaration of policy.

25 Because of the existing possibility of attack upon the United  
 26 States of unprecedented size and destructiveness and in order,  
 27 in the event of such an attack, to assure continuity of  
 28 government through legally constituted authority and  
 29 responsibility in offices of the municipalities of this  
 30 Commonwealth, to provide for the effective operation of

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1 government during an emergency and to facilitate the early  
 2 resumption of functions temporarily suspended, it is found and  
 3 declared to be necessary to provide for emergency interim  
 4 succession to offices of the municipalities of this Commonwealth  
 5 in the event the incumbents and their deputies authorized to  
 6 exercise all of the powers and discharge the duties of these  
 7 offices, referred to in this subchapter as deputies, are  
 8 unavailable to exercise the powers and perform the duties of  
 9 these offices.

10 § 1133. Definitions.

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

14 "Attack." Any attack on the United States which causes or  
 15 may cause substantial damage or injury to civilian persons or  
 16 property in any manner by sabotage or by the use of bombs,  
 17 missiles, shellfire or by atomic, radiological, chemical,  
 18 bacteriological or biological means or other weapons or  
 19 processes.

20 "Emergency interim successor." A person designated, in the  
 21 event the officer is unavailable, to exercise the powers and  
 22 discharge the duties of an office until a successor is appointed  
 23 or elected and qualified as may be provided by the Constitution

24 of Pennsylvania, statutes, charters and ordinances or until the  
 25 lawful incumbent is able to exercise the powers and discharge  
 26 the duties of the office.

27 "Office." All local offices, the powers and duties of which  
 28 are defined by the Constitution of Pennsylvania or a statute,  
 29 charter or ordinance.

30 "Unavailable." When a vacancy in office exists and there is  
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1 no deputy authorized to exercise all of the powers and discharge  
 2 the duties of the office or when the lawful incumbent of the  
 3 office or any deputy exercising the powers and discharging the  
 4 duties of an office because of a vacancy and his authorized  
 5 deputy are absent or unable to exercise the powers and discharge  
 6 the duties of the office.

7 § 1134. Enabling authority for emergency interim successors for  
 8 local offices.

9 With respect to local offices for which the legislative  
 10 bodies of municipalities may enact resolutions or ordinances  
 11 relative to the manner in which vacancies will be filled or  
 12 temporary appointments to office made, the legislative bodies  
 13 are authorized to enact resolutions or ordinances providing for  
 14 emergency interim successors to offices. The resolutions and  
 15 ordinances shall not be inconsistent with this subchapter.

16 § 1135. Emergency interim successors for local officers.

17 This section is applicable to officers of municipalities not  
 18 included in section 1134 (relating to enabling authority for  
 19 emergency interim successors for local offices). Each officer,  
 20 subject to any regulations as the executive head of the  
 21 municipality may issue, shall designate by title, if feasible,  
 22 or by named person, emergency interim successors and specify  
 23 their order of succession. The officer shall review and revise,  
 24 as necessary, designations made pursuant to this subchapter. The  
 25 officer will designate a sufficient number of persons so that  
 26 there will be not less than three deputies or emergency interim  
 27 successors, or any combination of them. If any officer or deputy  
 28 of any municipality is unavailable, the powers of the office  
 29 shall be exercised and the duties discharged by his designated  
 30 emergency interim successors in the order specified. The

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1 emergency interim successors, in the order specified, shall  
 2 exercise the powers and discharge the duties of the office to  
 3 which designated until the vacancy is filled in accordance with  
 4 the Constitution of Pennsylvania or statutes or until the  
 5 officer, or his deputy or a preceding emergency interim  
 6 successor, ceases to be unavailable.

7 § 1136. Formalities of taking office.

8 Prior to taking up the duties to which they may temporarily  
 9 succeed, emergency interim successors shall take an oath as may  
 10 be required for the office to which they may succeed.

11 § 1137. Succession period.

12 Emergency interim successors may exercise the powers and  
 13 discharge the duties of an office as authorized in this  
 14 subchapter only after an attack has occurred. The General  
 15 Assembly, by concurrent resolution, may terminate the authority  
 16 of the emergency interim successors to exercise the powers and  
 17 discharge the duties of office as provided under this  
 18 subchapter.

19 § 1138. Term and removal of designees.

20 Until the persons designated as emergency interim successors  
 21 are authorized to exercise the powers and discharge the duties

22 of an office in accordance with this subchapter, including  
 23 section 1137 (relating to succession period), these persons may  
 24 be removed or replaced by the designating authority at any time,  
 25 with or without cause.

26 SUBPART B  
 27 GOVERNING BODY

28 Chapter  
 29 13. General Provisions

30 CHAPTER 13

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- 27 -

1 GENERAL PROVISIONS

2 Subchapter  
 3 A. through E. (Reserved)  
 4 F. Records

5 SUBCHAPTERS A THROUGH E (RESERVED)

6 SUBCHAPTER F

7 RECORDS

8 Sec.  
 9 1381. Short title and scope of subchapter.  
 10 1382. Definitions.  
 11 1383. Disposition of public records.  
 12 1384. Proposed retention and disposal schedules.  
 13 1385. Local Government Records Committee.  
 14 1386. Effect of approval of schedule.  
 15 1387. Nonliability of official.  
 16 1388. Destruction of original records.  
 17 1389. Applicability of other statutes.

18 § 1381. Short title and scope of subchapter.  
 19 (a) Short title of subchapter.--This subchapter shall be  
 20 known and may be cited as the Municipal Records Act.

21 (b) Scope of subchapter.--This subchapter applies to the  
 22 following entities:

- 23 (1) Municipal corporations.
- 24 (2) Municipal authorities created by any municipal  
 25 corporation.

26 This subchapter does not apply to cities of the first class,  
 27 second class or second class A.

28 § 1382. Definitions.

29 The following words and phrases when used in this subchapter  
 30 shall have the meanings given to them in this section unless the

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1 context clearly indicates otherwise:

2 "Commission." The Pennsylvania Historical and Museum  
 3 Commission.

4 "Committee." The Local Government Records Committee.

5 "Public records." Any papers, books, maps, photographs or  
 6 other documentary materials, regardless of physical form or  
 7 characteristics, made or received by an entity under law or in  
 8 connection with the exercise of its powers and the discharge of  
 9 its duties.

10 § 1383. Disposition of public records.

11 Public records, archives or printed public documents, whether  
 12 or not in current use, in the custody of any person or office  
 13 shall be destroyed, sold or otherwise disposed of if the  
 14 disposition is in conformity with schedules and regulations  
 15 which are promulgated by the committee as established by section  
 16 1385 (relating to Local Government Records Committee).

17 § 1384. Proposed retention and disposal schedules.

18 The commission, in cooperation with the several associations  
 19 of municipal officials and related Commonwealth agencies, shall

20 make a study of public records and shall prepare proposed  
21 retention and disposal schedules for submission to the committee  
22 for its approval and advise each of them of all applicable  
23 operative schedules. No such schedule shall be operative unless  
24 approved by the committee.

25 § 1385. Local Government Records Committee.

26 (a) Establishment.--There shall be established under the  
27 commission the Local Government Records Committee which shall  
28 consist of the Auditor General, the State Treasurer, the General  
29 Counsel, the Executive Director of the Historical and Museum  
30 Commission, the Secretary of Community Affairs and five other  
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1 members to be appointed by the Governor to represent each of the  
2 following municipal associations: the League of Cities, the  
3 State Association of Boroughs, the State Association of Township  
4 Commissioners, the State Association of Township Supervisors and  
5 the Municipal Authorities' Association. Each ex officio member  
6 of the committee may designate in writing a representative to  
7 act in place of the member. The Secretary of Community Affairs  
8 shall serve as chairman and the executive director of the  
9 commission shall serve as secretary. Meetings of the committee  
10 shall be at the call of the chairman.

11 (b) Powers and duties.--The committee shall have the powers  
12 and duties vested in and imposed upon it by this subchapter and  
13 shall promulgate regulations not inconsistent with law necessary  
14 to adequately effectuate its powers and duties.

15 § 1386. Effect of approval of schedule.

16 Whenever a schedule is approved by the committee, a copy  
17 shall be filed with the commission which shall, through  
18 appropriate means, notify the entities that the schedule has  
19 been approved. Upon such notification, the schedule becomes  
20 effective and may be acted upon by them until superseded by a  
21 subsequent duly approved schedule. Each entity shall declare its  
22 intent to follow the schedule by ordinance or resolution. Each  
23 individual act of disposition shall be approved by resolution of  
24 the governing body.

25 § 1387. Nonliability of official.

26 An official shall not be held liable on his official bond for  
27 damages for loss or in any other manner, civil or criminal,  
28 because of the disposition of public records pursuant to the  
29 provisions of this subchapter.

30 § 1388. Destruction of original records.

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1 (a) Destruction authorized.--Whenever any officer,  
2 commission or agency has photographed, microphotographed or  
3 microfilmed any public record with the approval of and in  
4 conformance with standards established by the committee, the  
5 original record may be destroyed, provided written consent is  
6 given to the destruction or other disposition.

7 (b) Evidence of records.--Upon destruction or other  
8 disposition of any public records under this section, the  
9 photograph, microphotograph or microfilm, or a certified copy  
10 thereof, shall be receivable in evidence in any court or  
11 proceeding and shall have the same force and effect as though  
12 the original public record had been produced and proved.

13 § 1389. Applicability of other statutes.

14 This subchapter is intended as a supplement to existing  
15 statutes. The existing statutes which provide for destruction  
16 may be utilized by officials in lieu of compliance with this  
17 subchapter. Nothing in this subchapter shall prevent officials



18 from retaining records longer than the periods which may be  
 19 provided in schedules approved by the committee.

20 SUBPART C  
 21 EXECUTIVE DEPARTMENTS, OFFICERS AND EMPLOYEES

22 Chapter  
 23 21. Employees

24 CHAPTER 21  
 25 EMPLOYEES

26 Subchapter

27 A. through C. (Reserved)

28 D. Municipal Police Education and Training

29 SUBCHAPTERS A THROUGH C (RESERVED)

30 SUBCHAPTER D

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1 MUNICIPAL POLICE EDUCATION AND TRAINING

2 Sec.

3 2161. Establishment of program and scope of subchapter.

4 2162. Definitions.

5 2163. Commission members.

6 2164. Powers and duties of commission.

7 2165. Meetings and quorum of commission.

8 2166. Applicability to civil service laws.

9 2167. Police training.

10 2168. Automatic certification.

11 2169. In-service training by existing personnel.

12 2170. Reimbursement of expenses.

13 2171. Payment of certain county costs.

14 § 2161. Establishment of program and scope of subchapter.

15 (a) Municipal police officers' education and training  
 16 program.--The commission shall establish a municipal police  
 17 officers' education and training program in accordance with the  
 18 provisions of this subchapter. The administration of this  
 19 program shall be the responsibility of the Pennsylvania State  
 20 Police.

21 (b) Scope of subchapter.--This subchapter applies to all  
 22 municipalities.

23 § 2162. Definitions.

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

27 "Certification." The assignment of a certification number to  
 28 a police officer after successful completion of a mandatory  
 29 basic training course or receipt of a waiver of basic training  
 30 from the commission and successful completion of mandatory in-

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1 service training. Certification is for a period of two years.

2 "College." A college which has a campus police department,  
 3 as used in section 2416 of the act of April 9, 1929 (P.L.177,  
 4 No.175), known as The Administrative Code of 1929, certified by  
 5 the Office of Attorney General as a criminal justice agency  
 6 under the definition of "criminal justice agency" in 18 Pa.C.S.  
 7 § 9102 (relating to definitions). The term does not include the  
 8 State System of Higher Education and its members institutions.

9 "Commission." The Municipal Police Officers' Education and  
 10 Training Commission.

11 "Commissioner." The Commissioner of the Pennsylvania State  
 12 Police.

13 "Police department." Any of the following:

14 (1) A public agency of a political subdivision having  
 15 general police powers and charged with making arrests in

16 connection with the enforcement of the criminal or traffic  
 17 laws. This paragraph ~~does not include~~ INCLUDES the sheriff's <--  
 18 office in a county of the second class.

19 (2) A campus police or university police department, as  
 20 used in section 2416 of the act of April 9, 1929 (P.L.177,  
 21 No.175), known as The Administrative Code of 1929, certified  
 22 by the Office of Attorney General as a criminal justice  
 23 agency under the definition of "criminal justice agency" in  
 24 18 Pa.C.S. § 9102 (relating to definitions). This paragraph  
 25 does not include a campus police or university police  
 26 department of the State System of Higher Education and its  
 27 member institutions.

28 "Police officer." Any full-time or part-time employee of a  
 29 city, borough, town, township, campus police or university  
 30 police or county police department assigned to criminal or  
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1 traffic law enforcement duties; any deputy sheriff of a county  
 2 of the second class; and, for the purpose of training only,  
 3 security officers of a first class city housing authority. The  
 4 term excludes persons employed to check parking meters or to  
 5 perform only administrative duties and auxiliary and fire  
 6 police.

7 "School." A training school or academy which provides a  
 8 basic police training course within the functional organization  
 9 of a police department or departments or any educational  
 10 facility in this Commonwealth.

11 "University." A university which has a campus police  
 12 department, as used in section 2416 of the act of April 9, 1929  
 13 (P.L.177, No.175), known as The Administrative Code of 1929,  
 14 certified by the Office of Attorney General as a criminal  
 15 justice agency under the definition of "criminal justice agency"  
 16 in 18 Pa.C.S. § 9102 (relating to definitions). The term does  
 17 not include the State System of Higher Education and its members  
 18 institutions.

19 § 2163. Commission members.

20 (a) Selection.--The commission shall be composed of 20  
 21 members as follows:

22 (1) The following members shall serve by virtue of their  
 23 office:

- 24 (i) The Commissioner of the Pennsylvania State
- 25 Police who shall serve as chairman of the commission.
- 26 (ii) The Secretary of Community Affairs.
- 27 (iii) The Attorney General.
- 28 (iv) The police commissioner of a city of the first
- 29 class or his designee.

30 (2) The following members shall be appointed by the  
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1 President pro tempore of the Senate and the Speaker of the  
 2 House of Representatives:

- 3 (i) A member of the Senate.
- 4 (ii) A member of the House of Representatives.

5 (3) The following members shall be appointed by the  
 6 Governor.

- 7 (i) A borough official, a first class township
- 8 official, a second class township official and a city
- 9 official.
- 10 (ii) Four incumbent chiefs of police from the
- 11 various municipalities of this Commonwealth, at least one
- 12 to be a chief of a borough police department, at least
- 13 one to be a chief of a township police department and at

- 14 least one to be a chief of a city police department.  
 15 (iii) One Federal Bureau of Investigation special  
 16 agent-in-charge.  
 17 (iv) One educator qualified in the field of law  
 18 enforcement.  
 19 (v) One member representing the public at large.  
 20 (vi) Two noncommissioned police officers.  
 21 (vii) A director of one of the certified training  
 22 schools.

23 (b) Terms of office.--All members of the commission  
 24 appointed by the Governor shall serve for a period of three  
 25 years. Any member of the commission, immediately upon  
 26 termination of holding the position by virtue of which the  
 27 member was eligible for membership or appointed as a member of  
 28 the commission, shall cease to be a member of the commission.

29 (c) Vacancies.--A member appointed to fill a vacancy not  
 30 created by the expiration of a term shall be appointed for the  
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1 unexpired term of the member whom he is to succeed in the same  
 2 manner as the original appointment.

3 (d) Compensation and expenses.--The members of the  
 4 commission shall serve without compensation but shall be  
 5 reimbursed the necessary and actual expenses incurred in  
 6 attending the meetings of the commission and in the performance  
 7 of their duties under this subchapter.

8 (e) Removal from office.--Members of the commission may be  
 9 removed by the Governor for cause after written notice from the  
 10 Governor.

11 (f) Affiliation.--The designated public member may not at  
 12 any time have been a police officer or have been affiliated with  
 13 a police department or training school.

14 § 2164. Powers and duties of commission.

15 The powers and duties of the commission shall be as follows:

16 (1) To establish and administer the minimum courses of  
 17 study for basic and in-service training for police officers  
 18 and to revoke an officer's certification when an officer  
 19 fails to comply with the basic and in-service training  
 20 requirements or is convicted of a criminal offense or the  
 21 commission determines that the officer is physically or  
 22 mentally unfit to perform the duties of his office.

23 (2) To approve or revoke the approval of any school  
 24 which may be utilized to comply with the educational and  
 25 training requirements as established by the commission.

26 (3) To establish the minimum qualifications for  
 27 instructors, to approve or revoke the approval of any  
 28 instructor and to develop the requirements for continued  
 29 certification.

30 (4) To promote the most efficient and economical program  
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1 for police training by utilizing existing facilities,  
 2 programs and qualified Federal, State and local police  
 3 personnel.

4 (5) To make an annual report to the Governor and to the  
 5 General Assembly concerning the administration of the  
 6 Municipal Police Officers' Education and Training Program and  
 7 the activities of the commission, together with  
 8 recommendations for executive or legislative action necessary  
 9 for the improvement of law enforcement and the administration  
 10 of justice.

11 (6) To require every police officer to attend a minimum

12 number of hours of in-service training as provided for by  
 13 regulation, unless the officer's employer files a show cause  
 14 document with the commission requesting additional time for  
 15 the officer to comply with the in-service training  
 16 requirements. Approval of this request shall be made by the  
 17 commission on a case-by-case basis.

18 (7) To require all police officers to undergo a  
 19 background investigation to determine the individual's  
 20 suitability for employment as a police officer. This  
 21 investigation shall be completed prior to the employment of  
 22 the officer and shall include a criminal history check, a  
 23 credit check, personal interviews and any other applicable  
 24 means of determining eligibility. An applicant who has been  
 25 convicted of a felony or serious misdemeanor shall not be  
 26 eligible for employment as a police officer.

27 (8) To require minimum standards for physical fitness,  
 28 psychological evaluation and education as prerequisites to  
 29 employment as a police officer.

30 (9) To appoint an executive director to administer the  
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1 training program established by this subchapter. The position  
 2 of executive director shall be filled by the commission which  
 3 shall select the best qualified person from a list of three  
 4 persons nominated by the chairman. The person who receives a  
 5 simple majority of those members present and voting shall  
 6 become the executive director. If the commission rejects all  
 7 nominees, then the process shall be repeated until a person  
 8 is selected. The executive director shall be directly  
 9 responsible to the commission and may be dismissed only by  
 10 two-thirds vote of the commission. The executive director  
 11 shall employ a sufficient staff, including professional,  
 12 administrative and clerical personnel, to perform the tasks  
 13 of the office, including the preparation of an annual budget.

14 (10) To consult and cooperate with universities,  
 15 colleges, community colleges and institutes for the  
 16 development of specialized courses for police officers.

17 (11) To consult and cooperate with departments and  
 18 agencies of this Commonwealth and other states and the  
 19 Federal Government concerned with police training.

20 (12) To certify police officers who have satisfactorily  
 21 completed basic educational and training requirements as  
 22 established by the commission and to issue appropriate  
 23 certificates to those police officers.

24 (13) To visit and inspect approved schools at least once  
 25 a year.

26 (14) To make such rules and regulations and to perform  
 27 such other duties as may be reasonably necessary or  
 28 appropriate to implement the education and training program  
 29 for police officers.

30 (15) To grant waivers of mandatory basic training to  
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1 police officers who have successfully completed previous  
 2 equivalent training or who have acceptable full-time police  
 3 experience, or both.

4 § 2165. Meetings and quorum of commission.

5 The commission shall meet at least four times each year.  
 6 Special meetings may be called by the chairman of the commission  
 7 or upon written request of five members. A quorum shall consist  
 8 of 11 members.

9 § 2166. Applicability to civil service laws.

10 This subchapter shall not be construed to exempt any police  
 11 officer or other officer or employee from the provisions of the  
 12 existing civil service or tenure laws.

13 § 2167. Police training.

14 (a) General rule.--All municipalities of this Commonwealth  
 15 or groups of municipalities acting in concert and all colleges  
 16 and universities shall be required to train all members of their  
 17 police departments pursuant to this subchapter prior to their  
 18 enforcing criminal laws, enforcing moving traffic violations  
 19 under Title 75 (relating to vehicles) or being authorized to  
 20 carry a firearm.

21 (b) Ineligibility for compensation.--Any person hired as a  
 22 police officer by any municipality or group of municipalities  
 23 acting in concert or by any college or university shall be  
 24 ineligible to receive any salary, compensation or other  
 25 consideration for the performance of duties as a police officer  
 26 unless the person has met all of the requirements as established  
 27 by the commission and has been duly certified as having met  
 28 those requirements by the commission.

29 (c) Penalty.--Any official of any municipality or of any  
 30 college or university who orders, authorizes or pays as salary  
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1 to a person in violation of the provisions of this subchapter  
 2 commits a summary offense and shall, upon conviction, be  
 3 sentenced to pay a fine of \$100 or be imprisoned for a term not  
 4 to exceed a period of 30 days. The commission may stop payment  
 5 of all funds paid or payable to municipalities under this  
 6 subchapter for any violation of this subchapter. It shall notify  
 7 the State Treasurer to discontinue disbursement of any State  
 8 funds until a municipality is in compliance with this  
 9 subchapter.

10 § 2168. Automatic certification.

11 (a) General rule.--All police officers, including deputy  
 12 sheriffs in counties of the second class, hired prior to June  
 13 18, 1974, shall be automatically certified for basic training  
 14 but shall be required to complete the in-service training as set  
 15 forth in section 2164(7) (relating to powers and duties of  
 16 commission).

17 (b) Campus or university police.--Any campus or university  
 18 police officer who, as of the effective date of this subsection,  
 19 has successfully completed a basic training course similar to  
 20 that required under this subchapter shall, after review by the  
 21 commission, be certified as having met the basic training  
 22 requirements of this subchapter. Any campus or university police  
 23 officer who, as of the effective date of this subsection, has  
 24 not successfully completed a basic training course similar to  
 25 that required under this subchapter which qualifies the police  
 26 officer for certification under this subsection shall be able to  
 27 perform the duties of a campus or university police officer  
 28 until certified by the commission, but no longer than one year  
 29 from the effective date of this subsection.

30 (c) Deputy sheriffs in counties of the second class.--Deputy  
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1 sheriffs in counties of the second class who have successfully  
 2 completed the basic training course under this subchapter prior  
 3 to the effective date of this subsection shall be assigned a  
 4 certification number under this subchapter.

5 § 2169. In-service training by existing personnel.

6 The requirements of section 2164(7) (relating to powers and  
 7 duties of commission) shall apply to every police officer.

8 § 2170. Reimbursement of expenses.  
 9 (a) General rule.--The commission shall provide for  
 10 reimbursement to each municipality of the entire amount of the  
 11 allowable tuition and the ordinary and necessary living and  
 12 travel expenses incurred by their police officers while  
 13 attending certified municipal police basic training schools if  
 14 the municipality adheres to the training standards established  
 15 by the commission. The regular salary of police officers while  
 16 attending approved schools shall be paid by the employing  
 17 municipality. The commission shall reimburse the employing  
 18 municipality for 60% of the regular salaries of police officers  
 19 while attending schools approved under this subchapter. The  
 20 commission shall require written documentation of all expenses  
 21 incurred by municipalities relating to the training of municipal  
 22 police officers for the purposes of reimbursement by the  
 23 commission. All municipalities shall annually audit these funds  
 24 as part of their annual audit and submit a copy of the audit to  
 25 the commission. Failure to perform the audit and submit a copy  
 26 of it to the commission shall render the municipality in  
 27 violation of this subchapter.

28 (b) Grants for training other police.--The commission may  
 29 approve in-service training grants for actual expenses incurred  
 30 by municipalities for the providing for nonmandatory training  
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1 programs to police officers in accordance with this subchapter.

2 (c) Application for funding.--All municipalities of this  
 3 Commonwealth or groups of municipalities acting in concert may  
 4 make application to the commission for funding pursuant to the  
 5 provisions of this subchapter. The application shall be  
 6 accompanied by a certified copy of a resolution adopted by its  
 7 governing body. The resolution shall provide that, while  
 8 receiving any State funds pursuant to this subchapter, the  
 9 municipality agrees to adhere to the standards for training  
 10 established by the commission. The application shall contain any  
 11 information that the commission requests.

12 (d) Subsequent employment with another municipality.--If a  
 13 police officer, within two years following certification,  
 14 terminates his employment with the municipality by which the  
 15 officer was employed at the time he was certified as having met  
 16 the commission's requirement and subsequently obtains employment  
 17 as a police officer with another municipality, the municipality <--  
 18 which employs the previously certified police officer shall  
 19 reimburse the municipality which formerly employed the police  
 20 officer for the nonreimbursable portion of the salary paid to  
 21 the police officer while complying with the provisions of this  
 22 subchapter.

23 (e) Payment of mandatory in-service training.--The  
 24 commission may pay for the cost of mandatory in-service training  
 25 for all police officers to the extent determined by the  
 26 commission. However, a college or university shall not be  
 27 eligible for reimbursement of any expense under this section  
 28 incurred during campus or university police officer training.  
 29 Section 2171. Payment of certain county costs.

30 Counties of the second class shall be liable for costs  
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1 incurred for the certification of deputy sheriffs. The costs  
 2 shall not exceed the sum per police officer assessed against  
 3 municipalities.

4 SUBPART D  
 5 AREA GOVERNMENT AND INTERGOVERNMENTAL COOPERATION

6 Chapter  
 7 23. General Provisions  
 8 25. Environmental Improvement Compacts  
 9 CHAPTER 23  
 10 GENERAL PROVISIONS

11 Subchapter  
 12 A. Intergovernmental Cooperation  
 13 B. Environmental Advisory Councils  
 14 C. Regional Planning  
 15 SUBCHAPTER A  
 16 INTERGOVERNMENTAL COOPERATION

17 Sec.  
 18 2301. Scope of subchapter.  
 19 2302. Definitions.  
 20 2303. Intergovernmental cooperation authorized.  
 21 2304. Intergovernmental cooperation.  
 22 2305. Ordinance.  
 23 2306. Initiative and referendum.  
 24 2307. Content of ordinance.  
 25 2308. Bids for certain joint purchases.  
 26 2309. Direct purchases.  
 27 2310. Joint purchases with private educational  
 28 establishments.  
 29 2311. Written or telephonic price quotations required.  
 30 2312. Division of transactions provided.

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1 2313. Penalty.  
 2 2314. Review of agreement by Local Government Commission.  
 3 2315. Effect of joint cooperation agreements.  
 4 § 2301. Scope of subchapter.  
 5 This subchapter applies to all local governments.  
 6 § 2302. Definitions.  
 7 The following words and phrases when used in this subchapter  
 8 shall have the meanings given to them in this section unless the  
 9 context clearly indicates otherwise:

10 "Local government." A county, city of the second class,  
 11 second class A and third class, borough, incorporated town,  
 12 township, school district or any other similar general purpose  
 13 unit of government created by the General Assembly after July  
 14 12, 1972.

15 § 2303. Intergovernmental cooperation authorized.  
 16 (a) General rule.--Two or more local governments in this  
 17 Commonwealth may jointly cooperate, or any local government may  
 18 jointly cooperate with any similar entities located in any other  
 19 state, in the exercise or in the performance of their respective  
 20 governmental functions, powers or responsibilities.

21 (b) Joint agreements.--For the purpose of carrying the  
 22 provisions of this subchapter into effect, the local governments  
 23 or other entities so cooperating shall enter into any joint  
 24 agreements as may be deemed appropriate for those purposes.

25 § 2304. Intergovernmental cooperation.  
 26 A municipality by act of its governing body may, or upon  
 27 being required by initiative and referendum in the area affected  
 28 shall, cooperate or agree in the exercise of any function, power  
 29 or responsibility with, or delegate or transfer any function,  
 30 power or responsibility to, one or more other local governments,

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1 the Federal Government or any other state or its government.

2 § 2305. Ordinance.

3 A local government may enter into intergovernmental

4 cooperation with or delegate any functions, powers or  
 5 responsibilities to another governmental unit or local  
 6 government upon the passage of an ordinance by its governing  
 7 body. If mandated by initiative and referendum in the area  
 8 affected, the local government shall adopt such an ordinance.  
 9 § 2306. Initiative and referendum.

10 (a) Initiative.--An initiative under this subchapter shall  
 11 be commenced by filing with the appropriate election officials  
 12 at least 90 days prior to the next primary or general election a  
 13 petition containing a proposal for referendum signed by electors  
 14 comprising 5% of the number of electors voting for the office of  
 15 Governor in the last gubernatorial election in each local  
 16 government or area affected. The applicable election officials  
 17 shall place the proposal on the ballot in a manner fairly  
 18 representing the content of the petition for decision by  
 19 referendum at the election. Initiative on a similar question  
 20 shall not be submitted more often than once in five years.

21 (b) Referendum.--The question shall be placed on the ballot  
 22 as a referendum and shall become effective by a majority vote of  
 23 the electors voting thereon.

24 § 2307. Content of ordinance.

25 The ordinance adopted by the governing body of a local  
 26 government entering into intergovernmental cooperation or  
 27 delegating or transferring any functions, powers or  
 28 responsibilities to another local government or to a council of  
 29 governments, consortium or any other similar entity shall  
 30 specify:

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1 (1) The conditions of agreement in the case of  
 2 cooperation with or delegation to other local governments,  
 3 the Commonwealth, other states or the Federal Government.

4 (2) The duration of the term of the agreement.

5 (3) The purpose and objectives of the agreement,  
 6 including the powers and scope of authority delegated in the  
 7 agreement.

8 (4) The manner and extent of financing the agreement.

9 (5) The organizational structure necessary to implement  
 10 the agreement.

11 (6) The manner in which real or personal property shall  
 12 be acquired, managed, licensed or disposed of.

13 (7) That the entity created under this section shall be  
 14 empowered to enter into contracts for policies of group  
 15 insurance and employee benefits, including Social Security,  
 16 for its employees.

17 § 2308. Bids for certain joint purchases.

18 All joint purchases involving an expenditure of more than  
 19 \$10,000 shall be made by contract, in writing, only after notice  
 20 for bids once a week for two weeks in at least one and not more  
 21 than two newspapers of general circulation in the joining local  
 22 governments. All contracts shall be let to the lowest  
 23 responsible bidder. Every contract for the construction,  
 24 reconstruction, alteration, repair, improvement or maintenance  
 25 of public works shall comply with the provisions of the act of  
 26 March 3, 1978 (P.L.6, No.3), known as the Steel Products  
 27 Procurement Act.

28 § 2309. Direct purchases.

29 In addition to joint purchases authorized by section 2308  
 30 (relating to bids for certain joint purchases), local

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1 governments may make direct purchases from vendors or suppliers



2 of goods, materials or equipment without compliance with  
 3 existing and otherwise applicable statutory requirements  
 4 governing competitive bidding and execution of contracts as  
 5 follows:

6 (1) Any county may by appropriate resolution, and  
 7 subject to such reasonable regulations as it may prescribe,  
 8 permit any local government within the county to participate  
 9 in or purchase off contracts for goods, materials or  
 10 equipment entered into by the county.

11 (2) Any local government desiring to participate in  
 12 purchase contracts shall file with the county purchasing  
 13 agency and with the county solicitor a certified copy of an  
 14 ordinance or resolution of its governing body requesting that  
 15 it be authorized to participate in purchase contracts of the  
 16 county and agreeing that it will be bound by the terms and  
 17 conditions as the county prescribes and that it will be  
 18 responsible for payment directly to the vendor under each  
 19 purchase contract.

20 (3) The county may permit participation by local  
 21 governments only where the solicitation for bids and  
 22 specifications for the county contracts, and the contracts  
 23 themselves, expressly provide for and inform prospective and  
 24 successful bidders that the contract to be let is intended to  
 25 be subject to this subchapter and to regulations adopted by  
 26 the county.

27 (4) Among the terms and conditions as the county may  
 28 specify, it shall prescribe that all prices shall be F.O.B.  
 29 destination.

30 § 2310. Joint purchases with private educational

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1 establishments.

2 Any local government may, by ordinance, authorize joint  
 3 purchases of materials, supplies and equipment with any private  
 4 school, parochial school, private college or university or  
 5 nonprofit human services agency within the local government. The  
 6 ordinance shall require that the school, college or agency shall  
 7 be bound by the terms and conditions of purchasing agreements  
 8 which the local government prescribes and that the school,  
 9 college or agency shall be responsible for payment directly to  
 10 the vendor under each purchase contract. Schools, colleges and  
 11 agencies shall be exempt from any existing statutory  
 12 requirements governing competitive bidding and execution of  
 13 contracts with respect to purchases under this section.

14 § 2311. Written or telephonic price quotations required.

15 Written or telephonic price quotations from at least three  
 16 qualified and responsible contractors shall be requested for all  
 17 contracts that exceed \$4,000 but are less than the amount  
 18 requiring advertisement and competitive bidding or, in lieu of  
 19 price quotations, a memorandum shall be kept on file showing  
 20 that fewer than three qualified contractors exist in the market  
 21 area within which it is practicable to obtain quotations. A  
 22 written record of telephonic price quotations shall be made and  
 23 shall contain at least the date of the quotation, the name of  
 24 the contractor and the contractor's representative, the  
 25 construction, reconstruction, repair, maintenance or work which  
 26 was the subject of the quotation and the price, written price  
 27 quotations, written records of telephonic price quotations and  
 28 memoranda shall be retained for a period of three years.

29 § 2312. Division of transactions provided.

30 No local government shall evade the provisions of section

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1 2308 (relating to bids for certain joint purchases) as to  
 2 advertising for bids or purchasing materials or contracting for  
 3 services piece-meal, for the purpose of obtaining prices under  
 4 \$10,000 upon transactions which should in the exercise of  
 5 reasonable discretion and prudence be conducted as one  
 6 transaction amounting to more than \$10,000. This provision is  
 7 intended to make unlawful the practice of evading advertising  
 8 requirements by making a series of purchases or contracts each  
 9 for less than the advertising requirement price, or by making  
 10 several simultaneous purchases or contracts each below such  
 11 price, when in either case the transaction involved should have  
 12 been made as one transaction for one price.  
 13 § 2313. Penalty.

14 Any member of a governing body of a local government who  
 15 votes to unlawfully evade the provisions of section 2308  
 16 (relating to bids for certain joint purchases) and who knows  
 17 that the transaction upon which he so votes is or ought to be a  
 18 part of a larger transaction and that it is being divided in  
 19 order to evade the requirements as to advertising for bids,  
 20 commits a misdemeanor of the third degree for each contract  
 21 entered into as a direct result of that vote.

22 § 2314. Review of agreement by Local Government Commission.

23 Every agreement between a local government and the  
 24 Commonwealth, any other state, government of another state or  
 25 the Federal Government under the provisions of this subchapter  
 26 shall, prior to and as a condition precedent to enactment of an  
 27 ordinance, be submitted to the Local Government Commission for  
 28 review and recommendation. The commission shall within 60 days  
 29 of receipt of the agreement determine whether it is in proper  
 30 form and compatible with the laws of this Commonwealth. Failure

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1 of the commission to make recommendations within 60 days of  
 2 receipt of the agreement shall constitute a recommendation in  
 3 favor of the agreement.

4 § 2315. Effect of joint cooperation agreements.

5 Any joint cooperation agreement shall be deemed in force as  
 6 to any local government when the agreement has been adopted by  
 7 ordinance by all cooperating local governments. After adoption  
 8 by all cooperating local governments, the agreement shall be  
 9 binding upon the local government, and its covenants may be  
 10 enforced by appropriate remedy by any one or more of the local  
 11 governments against any other local government which is a party  
 12 to the agreement.

#### SUBCHAPTER B ENVIRONMENTAL ADVISORY COUNCILS

15 Sec.

16 2321. Scope of subchapter.

17 2322. Establishment of Environmental Advisory Council.

18 2323. Composition and organization of council.

19 2324. Powers and duties of council.

20 2325. Records and reports.

21 2326. Appropriations for expenses of council.

22 2327. Status of existing agencies unaffected.

23 2328. Assistance from Department of Environmental Resources.

24 2329. Assistance from Department of Community Affairs.

25 § 2321. Scope of subchapter.

26 This subchapter applies to all municipal corporations.

27 § 2322. Establishment of Environmental Advisory Council.

28 The governing body of any municipal corporation, or group of

29 two or more municipal corporations, may by ordinance establish  
 30 an environmental advisory council to advise other local

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1 governmental agencies, including, but not limited to, the  
 2 planning commission, park and recreation boards and elected  
 3 officials, on matters dealing with protection, conservation,  
 4 management, promotion and use of natural resources, including  
 5 air, land and water resources, located within its or their  
 6 territorial limits.

7 § 2323. Composition and organization of council.

8 (a) Composition.--An environmental advisory council shall be  
 9 composed of no less than three nor more than seven residents of  
 10 the municipal corporation establishing the council, who shall be  
 11 appointed and all vacancies filled by the governing body. Where  
 12 two or more municipal corporations jointly establish an  
 13 environmental advisory council, the members shall be appointed  
 14 in the same manner by each of the respective municipal  
 15 corporations establishing the council, each constituent  
 16 municipal corporation to have equal membership on the joint  
 17 council.

18 (b) Term of office.--Council members shall serve for three  
 19 years except that initial appointments shall be so staggered  
 20 that the terms of approximately one-third of the membership  
 21 shall expire each year, the terms of their successors to be of  
 22 three years each.

23 (c) Compensation and expenses.--Members shall receive no  
 24 compensation for their services, but shall be reimbursed for the  
 25 expenses actually and necessarily incurred by them in the  
 26 performance of their duties.

27 (d) Chairman.--The appointing authority shall designate the  
 28 chairman of the council except that in joint councils the  
 29 chairman shall be elected by the duly selected members. Whenever  
 30 possible, one member shall also be a member of the municipal

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1 planning board.

2 § 2324. Powers and duties of council.

3 (a) General rule.--An environmental advisory council shall  
 4 have the power to:

5 (1) Identify environmental problems and recommend plans  
 6 and programs to the appropriate agencies for the promotion  
 7 and conservation of the natural resources and for the  
 8 protection and improvement of the quality of the environment  
 9 within its territorial limits.

10 (2) Make recommendations as to the possible use of open  
 11 land areas of the municipal corporations within its  
 12 territorial limits.

13 (3) Promote a community environmental program.

14 (4) Keep an index of all open areas, publicly or  
 15 privately owned, including flood-prone areas, swamps and  
 16 other unique natural areas, for the purpose of obtaining  
 17 information on the proper use of those areas.

18 (5) Advise the appropriate local government agencies,  
 19 including the planning commission and recreation and park  
 20 board or, if none, the elected governing body or bodies  
 21 within its territorial limits, in the acquisition of both  
 22 real and personal property by gift, purchase, grant, bequest,  
 23 easement, devise or lease, in matters dealing with the  
 24 purposes of this subchapter.

25 (b) Limitation.--An environmental advisory council shall not  
 26 exercise any powers or perform any duties which by law are

27 conferred or imposed upon a Commonwealth agency. "

28 § 2325. Records and reports.

29 An environmental advisory council shall keep records of its  
30 meetings and activities and shall make an annual report which

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1 shall be printed in the annual report of the municipal  
2 corporation or, if none, otherwise made known and available.

3 § 2326. Appropriations for expenses of council.

4 The governing body of any municipal corporation establishing  
5 an environmental advisory council may appropriate funds for the  
6 expenses incurred by the council. Appropriations may be expended  
7 for those administrative, clerical, printing and legal services  
8 as may be required and as shall be within the limit of funds  
9 appropriated to the council. The whole or any part of any funds  
10 so appropriated in any year may be placed in a conservation fund  
11 and allowed to accumulate from year to year or may be expended  
12 in any year.

13 § 2327. Status of existing agencies unaffected.

14 This subchapter shall not be construed to require a municipal  
15 corporation to abolish an existing commission with a related  
16 responsibility or to prevent its establishment.

17 § 2328. Assistance from Department of Environmental Resources.

18 The State Conservation Commission in the Department of  
19 Environmental Resources shall establish a program of assistance  
20 to environmental advisory councils that may include educational  
21 services, exchange of information, assignment of technical  
22 personnel for natural resources planning assistance and the  
23 coordination of State and local conservation activities.

24 § 2329. Assistance from Department of Community Affairs.

25 The Department of Community Affairs shall establish a program  
26 of assistance to environmental advisory councils in planning for  
27 the management, use and development of open space and recreation  
28 areas.

29  
30 SUBCHAPTER C  
REGIONAL PLANNING

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1 Sec.

2 2341. Short title and scope of subchapter.

3 2342. Definitions.

4 2343. Declaration of policy.

5 2344. Establishment and organization of regional planning  
6 commission.

7 2345. Finances, staff and program.

8 2346. Commission to prepare master plan.

9 2347. Cooperation between commission, municipalities and  
10 others.

11 2348. Interstate participation.

12 § 2341. Short title and scope of subchapter.

13 (a) Short title of subchapter.--This subchapter shall be  
14 known and may be cited as the Regional Planning Law.

15 (b) Scope of subchapter.--This subchapter applies to all  
16 municipalities; but it shall not operate as a reenactment of any  
17 provisions repealed by section 1202 of the act of July 31, 1968  
18 (P.L.805, No.247), known as the Pennsylvania Municipalities  
19 Planning Code.

20 § 2342. Definitions.

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

24 "Commission." A regional planning commission created in

25 accordance with the terms of this subchapter.  
 26 "Governing body." The body or board authorized by law to  
 27 enact ordinances or adopt resolutions for the municipality.  
 28 "Region." An area comprised of two or more municipalities  
 29 which have joined in creating a regional planning commission.  
 30 § 2343. Declaration of policy.

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1 For the purpose of promoting health, safety, morals and the  
 2 general welfare of the regions in this Commonwealth, through  
 3 effective development, the powers set forth in this subchapter  
 4 for the establishment of regional planning commissions are  
 5 granted.

6 § 2344. Establishment and organization of regional planning  
 7 commission.

8 (a) General rule.--The governing body of two or more  
 9 municipalities may, by ordinance or resolution, authorize the  
 10 establishment or membership in and support of a regional  
 11 planning commission. The number and qualifications of the  
 12 members of any commission and their terms and method of  
 13 appointment or removal shall be determined and agreed upon by  
 14 the governing bodies. A majority of the members of the  
 15 commission shall at the time of appointment to the commission  
 16 and throughout the duration of their service on the commission  
 17 be locally elected officials. Members of the commission shall  
 18 serve without salary but may be paid expenses incurred in the  
 19 performance of their duties. The commission shall elect a  
 20 chairman whose term shall not exceed one year and who shall be  
 21 eligible for reelection. The commission may create and fill  
 22 other offices as it may determine.

23 (b) Rules and records.--The commission shall adopt rules for  
 24 the transaction of business and shall keep a record of its  
 25 resolutions, transactions, findings and determinations, which  
 26 shall be a public record.

27 (c) Assistance from municipality.--Any municipality may,  
 28 upon the request of the commission, assign or detail to the  
 29 commission any employees of a municipality to make special  
 30 surveys or studies requested by the commission.

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1 § 2345. Finances, staff and program.

2 (a) General rule.--The governing bodies of municipalities  
 3 may appropriate funds for the purpose of contributing to the  
 4 operation of the commission. The commission may, with the  
 5 consent of all the governing bodies, also receive grants from  
 6 the Federal or State governments or from individuals or  
 7 foundations, and shall have the authority to contract therewith.  
 8 The commission may appoint such employees and staff as it deems  
 9 necessary for its work and contract with planners and other  
 10 consultants for the services it may require. The commission may  
 11 also perform planning services for any municipality which is not  
 12 a member thereof and may charge fees for the work. The  
 13 commission may also prepare and sell maps, reports, bulletins or  
 14 other material and establish reasonable charges therefor.

15 (b) Planning assistance.--The commission may provide  
 16 planning assistance and do planning work, including surveys,  
 17 land use studies, urban renewal plans, technical services and  
 18 other elements of comprehensive planning programs, for any  
 19 municipalities within the region. For this purpose, the  
 20 commission may, with the consent of all the governing bodies,  
 21 accept any funds, personnel or other assistance made available  
 22 by the Federal or State government or from individuals or

23 foundations and, for the purposes of receiving and using Federal  
 24 or State planning grants for provision of urban planning  
 25 assistance, the commission may enter into contracts regarding  
 26 the acceptance or use of the funds or assistance.

27 § 2346. Commission to prepare master plan.

28 The commission shall prepare a master plan, and the surveys  
 29 and studies essential thereto, for the guidance of the physical  
 30 development of the region.

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1 § 2347. Cooperation between commission, municipalities and  
 2 others.

3 The commission shall encourage the cooperation of the  
 4 municipalities within the region in matters which concern the  
 5 integrity of the master plan or maps prepared by the commission  
 6 and, as an aid toward coordination, all municipalities and  
 7 public officials shall, upon request, furnish the commission  
 8 within a reasonable time the available maps, plans, reports and  
 9 statistical or other information it may require for its work.

10 § 2348. Interstate participation.

11 Whenever a regional planning commission has been or is being  
 12 established to serve the Pennsylvania portion of an area which,  
 13 for planning purposes, constitutes a logical region as approved  
 14 by the State Planning Board and which extends beyond the  
 15 boundaries of this Commonwealth, the commission may admit to  
 16 membership municipalities that are part of the same region but  
 17 located in other states. Municipalities may participate, through  
 18 membership and financial support, in commissions that have been  
 19 or are being established in other states when the municipalities  
 20 are part of the same region served by the out-of-State  
 21 commission.

22 CHAPTER 25  
 23 ENVIRONMENTAL IMPROVEMENT COMPACTS

24 Subchapter

- 25 A. Preliminary Provisions
- 26 B. Initiative
- 27 C. Municipal Referendum Ordinance
- 28 D. Referendum
- 29 E. Election of Board
- 30 F. Organization of Board

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1 SUBCHAPTER A  
 2 PRELIMINARY PROVISIONS

3 Sec.

4 2501. Short title and scope of chapter.

5 2502. Definitions.

6 § 2501. Short title and scope of chapter.

7 (a) Short title of chapter.--This chapter shall be known and  
 8 may be cited as the Environmental Improvement Compact Act.

9 (b) Scope of chapter.--This chapter applies to all  
 10 municipalities.

11 § 2502. Definitions.

12 The following words and phrases when used in this chapter  
 13 shall have the meanings given to them in this section unless the  
 14 context clearly indicates otherwise:

15 "Board." The Environmental Improvement Compact Board elected  
 16 under this chapter.

17 "Election officials." The county boards of election, except  
 18 in Philadelphia where the term means the city commissioners.

19 "Electors." The registered voters of any municipality  
 20 involved in proceedings relating to the environmental

21 improvement compact.  
 22 "Environmental improvement compact." A structure of  
 23 government and powers concerning one or more municipal functions  
 24 involving two or more municipalities in this Commonwealth under  
 25 procedures provided in this chapter.

26 SUBCHAPTER B  
 27 INITIATIVE

28 Sec.  
 29 2511. Proposal by electors.

30 2512. Initiative petition.

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1 2513. Review of initiative petition.

2 2514. Petition as public record.

3 2515. Distribution of petition.

4 § 2511. Proposal by electors.

5 A referendum on the question of the creation of an  
 6 environmental improvement compact may be initiated by electors  
 7 of two or more municipalities as provided in this chapter.

8 § 2512. Initiative petition.

9 (a) Filing.--A petition containing a proposal for referendum  
 10 on the question of adopting an environmental improvement compact  
 11 on one or more municipal functions, signed by electors  
 12 comprising 2% of the number of electors voting for the office of  
 13 Governor in the last gubernatorial general election in each  
 14 municipality involved, may be filed with the election officials  
 15 at least 90 days prior to the next primary held in an even-  
 16 numbered year or general election.

17 (b) Size of board.--The petition shall designate a five,  
 18 seven or nine member board.

19 (c) Designation of petitioners.--The name and address of the  
 20 person filing the petition shall be clearly stated on the  
 21 petition.

22 § 2513. Review of initiative petition.

23 The election officials shall, within ten days after filing,  
 24 review the initiative petition as to the number and  
 25 qualifications of signers. If the petition appears to be  
 26 defective, the election officials shall immediately notify the  
 27 person filing the petition of the defect.

28 § 2514. Petition as public record.

29 The initiative petition as submitted to the election  
 30 officials along with the list of signatories shall be open to

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1 public inspection in the office of the election officials.

2 § 2515. Distribution of petition.

3 When the election officials find that the petition as  
 4 submitted is in proper order, they shall send copies of the  
 5 initiative petition without signatures thereon to the governing  
 6 body of the municipalities involved and to the Department of  
 7 Community Affairs.

8 SUBCHAPTER C  
 9 MUNICIPAL REFERENDUM ORDINANCE

10 Sec.

11 2521. Referendum ordinance.

12 2522. Filing of referendum ordinance.

13 2523. Notice to governing bodies of referendum date.

14 § 2521. Referendum ordinance.

15 The governing bodies of two or more municipalities may, by  
 16 ordinance in each municipality, provide for a referendum on the  
 17 question of adopting an environmental improvement compact. The  
 18 ordinance shall designate a five, seven or nine member board.

19 § 2522. Filing of referendum ordinance.

20 (a) Election officials.--The referendum ordinance shall be  
21 filed with the election officials at least 90 days prior to the  
22 next primary or general election.

23 (b) Department of Community Affairs.--When the ordinances  
24 are filed with the election officials, copies of the referendum  
25 ordinance shall be immediately filed with the Department of  
26 Community Affairs.

27 § 2523. Notice to governing bodies of referendum date.

28 The election officials shall notify the governing bodies of  
29 the municipalities involved of the date set for the referendum  
30 election on the proposal at least 30 days before the election.

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1 SUBCHAPTER D  
2 REFERENDUM

3 Sec.

4 2531. Referendum procedures.

5 2532. Placing question on ballot.

6 2533. Date of election.

7 2534. Public notice of referendum.

8 2535. Approval.

9 2536. Results of election.

10 § 2531. Referendum procedures.

11 (a) Authorization.--A referendum on the question of the  
12 adoption of an environmental improvement compact shall be held  
13 when initiated by electors of the municipalities in accordance  
14 with Subchapter B (relating to initiative) or after  
15 authorization by ordinance of the governing bodies of the  
16 municipalities in accordance with Subchapter C (relating to  
17 municipal referendum ordinance).

18 (b) Procedure.--The procedure for the referendum shall be  
19 governed by the act of June 3, 1937 (P.L.1333, No.320), known as  
20 the Pennsylvania Election Code.

21 § 2532. Placing question on ballot.

22 When the election officials find the ordinances authorized by  
23 the governing bodies of the municipalities or the initiative  
24 petition as submitted by the electors meets the requirements of  
25 this chapter, they shall place the proposal on the ballot in a  
26 manner fairly representing the content of the ordinances or of  
27 the initiative petition for decision by referendum at the proper  
28 election.

29 § 2533. Date of election.

30 The election officials shall certify the date for the

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1 referendum, and shall so notify the governing bodies of the  
2 municipalities at least 30 days prior to that date.

3 § 2534. Public notice of referendum.

4 At least 30 days' notice of the referendum shall be given by  
5 proclamation of the mayors of the cities, boroughs or  
6 incorporated towns, by the chairmen of the boards of county  
7 commissioners, by the presidents of the boards of township  
8 commissioners or by the chairmen of the boards of township  
9 supervisors, as the case may be. A copy of the proclamation  
10 shall be posted at each polling place of the municipalities on  
11 the day of the election and shall be published once in at least  
12 one newspaper of general circulation in the municipalities  
13 during the 30-day period prior to the election.

14 § 2535. Approval.

15 Approval of a referendum for the adoption of an environmental  
16 improvement compact shall be by a majority vote of those voting



17 in each municipality involved.  
 18 § 2536. Results of election.  
 19 The election officials shall certify the results of the  
 20 referendum to the governing bodies and the Department of  
 21 Community Affairs.

22 SUBCHAPTER E  
 23 ELECTION OF BOARD

24 Sec.  
 25 2541. Election of board.  
 26 2542. Nomination of candidates.  
 27 2543. Election returns.  
 28 § 2541. Election of board.  
 29 (a) Petition for election.--If a referendum for the adoption  
 30 of an environmental improvement compact is approved by a  
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1 majority of voters in each municipality involved, the governing  
 2 bodies shall, within 30 days of the certification of the results  
 3 of the referendum election, submit to the election officials a  
 4 petition to provide for the election of the board.

5 (b) Terms of office.--The majority of the members to be  
 6 elected to the first board receiving the highest number of votes  
 7 in the election shall serve for four-year terms, while the  
 8 remainder shall serve for two-year terms. Thereafter, all  
 9 candidates for the board shall have four-year terms.

10 (c) Election.--Members of the board shall be elected at the  
 11 next municipal election not less than 90 days from the date of  
 12 the referendum.

13 § 2542. Nomination of candidates.

14 Candidates for membership on the board shall be electors of  
 15 the municipalities involved. Each shall be nominated by  
 16 nomination papers signed by a number of electors in their  
 17 municipality or residence which is affected by the compact equal  
 18 to at least 2% of the largest vote cast for any elected officer  
 19 of the municipality elected at the last preceding municipal  
 20 election. Nomination shall be in the manner provided by and  
 21 subject to the provisions of the act of June 3, 1937 (P.L.1333,  
 22 No.320), known as the Pennsylvania Election Code, which relate  
 23 to the nomination of candidates nominated by nomination papers  
 24 filed by political bodies for other offices elected by the  
 25 voters of the municipality. Nomination papers shall not be  
 26 circulated prior to 30 days before the last day on which the  
 27 papers may be filed and shall be filed with the election  
 28 officials not less than 44 days prior to the date of the  
 29 election.

30 § 2543. Election returns.

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1 The result of the votes cast for members of the board at the  
 2 municipal election shall be returned by the election officials  
 3 to the governing bodies of municipalities involved and to the  
 4 Department of Community Affairs.

5 SUBCHAPTER F  
 6 ORGANIZATION OF BOARD

7 Sec.  
 8 2551. Membership of board.  
 9 2552. Compensation of board.  
 10 2553. Organization of board.  
 11 2554. Secretary and treasurer of board.  
 12 2555. Purposes and powers of board.  
 13 § 2551. Membership of board.  
 14 The board shall be composed of five, seven or nine members as

15 provided in Subchapter E (relating to election of board).

16 § 2552. Compensation of board.

17 A majority of all the members of the governing bodies of the  
18 municipalities involved shall set the annual compensation for  
19 the members of the board.

20 § 2553. Organization of board.

21 On the first Monday of January following the municipal  
22 election, members of the board shall assemble at a designated  
23 meeting place and shall organize by electing one of their own  
24 members as chairman. This member shall preside at all meetings  
25 and perform other duties as the board may prescribe. In the  
26 absence of the chairman, the board shall elect a temporary  
27 presiding officer. The board shall adopt rules for its procedure  
28 and conduct of business. Any vacancy shall be filled by an  
29 elector from the municipalities involved appointed by the  
30 remaining members of the board.

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1 § 2554. Secretary and treasurer of board.

2 (a) Secretary.--The board shall appoint a secretary who  
3 shall keep the records and minutes of the board proceedings,  
4 maintain a record of other official activities and perform other  
5 functions as required by law.

6 (b) Treasurer.--The board shall appoint a treasurer. The  
7 treasurer shall collect or receive taxes, assessments and other  
8 funds due the board.

9 § 2555. Purposes and powers of board.

10 (a) Status and purposes.--Every board created under this  
11 chapter shall be a body corporate and politic and shall be for  
12 the purpose of acquiring, holding, constructing, improving,  
13 maintaining and operating, owning or leasing, either in the  
14 capacity of lessor or lessee, for any government function of two  
15 or more municipalities.

16 (b) Powers and duties.--The board shall have and may  
17 exercise all powers necessary or convenient for the carrying out  
18 of the purposes under subsection (a), including the following  
19 powers and duties:

20 (1) Sue and be sued.

21 (2) Adopt, use and alter at will a seal of the board.

22 (3) Acquire, purchase, hold, lease as lessee and use any  
23 franchise, property, real, personal or mixed, tangible or  
24 intangible, or any interest therein necessary or desirable  
25 for carrying out the purposes of the board, and sell, lease  
26 as lessor, transfer and dispose of any property or interest  
27 acquired by it.

28 (4) Acquire by purchase, lease or otherwise and  
29 construct, improve, maintain, repair and operate projects.

30 (5) Make bylaws for the management and regulation of its  
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1 affairs.

2 (6) Appoint officers, agents, employees and servants,  
3 prescribe their duties and fix their compensation.

4 (7) Fix and collect taxes not to exceed two mills of  
5 real estate within the municipalities involved and charge and  
6 collect rates and other charges in the area served by its  
7 facilities, at reasonable and uniform rates to be determined  
8 by it, for the purpose of providing for the payment of the  
9 expenses of the board, the construction, improvement, repair,  
10 maintenance and operation of its facilities and properties  
11 and the payment of the principal and interest on its  
12 obligations and to fulfill the terms of any agreements made

13 with the holders of any such obligations or with  
 14 municipalities served or to be served by the board. Any  
 15 person questioning the reasonableness or uniformity of any  
 16 rate fixed by the board or the adequacy, safety and  
 17 reasonableness of the board's services may bring suit against  
 18 the board in the court of common pleas of the county where  
 19 the project is located. If the project is located in more  
 20 than one county, the suit may be brought in the court of  
 21 common pleas of the county where the principal office of the  
 22 project is located.

23 (8) Borrow money and make and issue negotiable notes,  
 24 bonds, refunding bonds and other evidences of indebtedness or  
 25 obligations of the board. These instruments shall have a  
 26 maturity date not longer than 30 years from the date of  
 27 issue, except that no refunding bonds shall have a maturity  
 28 date later than the life of the board. The board may secure  
 29 the payment of the instruments or any part of them by pledge  
 30 or deed of trust of all or any of its revenues and receipts

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1 and make agreements with the holders of these instruments, or  
 2 with others in connection with these instruments, whether  
 3 issued or to be issued, as the board deems advisable. The  
 4 board shall provide for the security for these instruments  
 5 and the rights of the holders of them, and in respect to any  
 6 project constructed and operated under agreement with any  
 7 board or any public authority of any adjoining state, and may  
 8 borrow money and issue notes, bonds and other evidences of  
 9 indebtedness and obligations jointly with any authority.

10 (9) Make contracts and execute all instruments necessary  
 11 or convenient for the carrying on of its powers and duties.

12 (10) Without limitation of the foregoing, borrow money  
 13 and accept grants from and enter into contracts, leases or  
 14 other transactions with any Federal agency or Commonwealth  
 15 municipality, school district, corporation or authority.

16 (11) Have the power of eminent domain, with the consent  
 17 of the county commissioners of the county where the land is  
 18 located and with the consent of council in cities of the  
 19 first class.

20 (12) Pledge, hypothecate or otherwise encumber all or  
 21 any of the revenues or receipts of the board as security for  
 22 the obligations of the board.

23 (13) Do all acts and things necessary or convenient for  
 24 the promotion of its business and the general welfare of the  
 25 board in order to carry out the powers granted to it by this  
 26 chapter or any other statutes.

27 (14) Enter into contracts of group insurance for the  
 28 benefit of its employees and set up a retirement or pension  
 29 fund for employees.

SUBPART E

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HOME RULE AND OPTIONAL PLAN GOVERNMENT

Chapter

- 29. General Provisions
- 30. Types of Optional Plans of Government
- 31. General Provisions Common to Optional Plans

CHAPTER 29

GENERAL PROVISIONS

Subchapter

- A. Preliminary Provisions
- B. Procedure for Adoption of Home Rule Charter or

- 11 Optional Plan of Government
- 12 C. Amendment of Existing Charter or Optional Plan
- 13 D. Conduct of Election
- 14 E. General Powers and Limitations of Home Rule Charter
- 15 Municipalities
- 16 F. General Provisions and Limitations for Optional Plan
- 17 Municipalities
- 18 G. Miscellaneous Provisions

SUBCHAPTER A  
PRELIMINARY PROVISIONS

- 21 Sec.
- 22 2901. Short title and scope of subpart.
- 23 2902. Definitions.
- 24 § 2901. Short title and scope of subpart.
- 25 (a) Short title of subpart.--This subpart shall be known and
- 26 may be cited as the Home Rule Charter and Optional Plans Law.
- 27 (b) Scope of subpart.--This subpart applies to all
- 28 municipalities except cities of the first class and counties of
- 29 the first class.
- 30 § 2902. Definitions.

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- 1 Subject to additional definitions contained in subsequent
- 2 provisions of this subpart which are applicable to specific
- 3 provisions of this subpart, the following words and phrases when
- 4 used in this subpart shall have the meanings given to them in
- 5 this section unless the context clearly indicates otherwise:
- 6 "Council." County commissioner, city council, borough
- 7 council, town council, township commissioner in a township of
- 8 the first class and supervisor in a township of the second
- 9 class.
- 10 "Election officials." The county boards of elections.
- 11 "Electors." The registered voters of any municipality
- 12 involved in proceedings relating to the adoption and repeal of
- 13 optional forms of government.
- 14 "Governing body." Board of county commissioners, city
- 15 council, borough or incorporated town council, commissioners of
- 16 a township of the first class and supervisors of a township of
- 17 the second class or their successor forms of government.
- 18 "Government study commission" or "commission." The body
- 19 elected under the provisions of Subchapter B (relating to
- 20 procedure for adoption of home rule charter or optional plan of
- 21 government).
- 22 "Home rule charter." A written document defining the powers,
- 23 structure, privileges, rights and duties of the municipal
- 24 government and limitations thereon. The charter shall also
- 25 provide for the composition and election of the governing body,
- 26 which in all cases shall be chosen by popular elections.
- 27 "Local municipality." Municipal corporation except a city of
- 28 the first class.
- 29 "Nonresident." Any person or entity not a resident within
- 30 the meaning of this subpart.

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- 1 "Optional forms." Includes home rule charters and optional
- 2 plans.
- 3 "Optional plans." Optional municipal powers, procedures and
- 4 administrative structures as provided by this subpart.
- 5 "Rate of taxation." The amount of tax levied by a
- 6 municipality on a permissible subject of taxation.
- 7 "Resident." Any person or other entity living in or
- 8 maintaining a permanent or fixed place of abode in a

9 municipality or conducting or engaging in a business for profit  
 10 within a municipality.

11 "Subject of taxation." Any person, business, corporation,  
 12 partnership, entity, real property, tangible or intangible  
 13 personal property, property interest, transaction, occurrence,  
 14 privilege, transfer, occupation or any other levy which is  
 15 determined to be taxable by the General Assembly. The term shall  
 16 not be construed to mean the rate of tax which may be imposed on  
 17 a permissible subject of taxation.

18 SUBCHAPTER B

19 PROCEDURE FOR ADOPTION OF HOME RULE CHARTER  
 20 OR OPTIONAL PLAN OF GOVERNMENT

21 Sec.

22 2911. Submission of question for election of government study  
 23 commission.

24 2912. Election of members of commission.

25 2913. Nomination of candidates.

26 2914. Results of election.

27 2915. Oath of office of members of commission.

28 2916. First meeting of commission.

29 2917. Vacancies.

30 2918. Function and duty of commission.

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1 2919. Compensation and personnel.

2 2920. Hearings and public forums.

3 2921. Report of findings and recommendations.

4 2922. Discharge of petition and amended reports.

5 2923. Types of action recommended.

6 2924. Specificity of recommendations.

7 2925. Form of question on form of government.

8 2926. Submission of question on form of government.

9 2927. Limitation on enactment of ordinance or filing  
 10 of petition.

11 2928. Time when change of form of government takes effect.

12 2929. Limitation on changing new form of government.

13 2930. Status of forms of government provided in subpart.

14 § 2911. Submission of question for election of government study  
 15 commission.

16 (a) General rule.--Whenever authorized by ordinance of the  
 17 governing body or upon petition of the electors to the county  
 18 board of electors of the county wherein the municipality is  
 19 located, an election shall be held upon one of the following  
 20 questions:

21 Shall a government study commission of (seven, nine  
 22 or eleven) members be elected to study the existing form  
 23 of government of the municipality, to consider the  
 24 advisability of the adoption of an optional form of  
 25 government and to recommend whether or not an optional  
 26 plan of government should be adopted?

27 Shall a government study commission of (seven, nine  
 28 or eleven) members be elected to study the existing form  
 29 of government of the municipality, to consider the  
 30 advisability of the adoption of a home rule charter, and

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1 if advisable, to draft and to recommend a home rule  
 2 charter?

3 Shall a government study commission of (seven, nine  
 4 or eleven) members be elected to study the existing form  
 5 of government of the municipality, to consider the  
 6 advisability of the adoption of an optional form of

7 government or a home rule charter, to recommend the  
8 adoption of an optional form of government or to draft  
9 and recommend a home rule charter?

10 (b) Petition for election.--The petition calling for the  
11 election shall be in the form required by subsection (e) and  
12 shall be signed by electors comprising 5% of the number of  
13 electors voting for the office of Governor in the last  
14 gubernatorial general election.

15 (c) Ordinance authorizing election.--Within five days after  
16 the final enactment of an ordinance authorizing the election,  
17 the municipal clerk or secretary shall file a certified copy of  
18 the ordinance with the county board of elections, together with  
19 a copy of the question to be submitted to the electors.

20 (d) Duty of election board.--At the next general or  
21 municipal or primary election occurring not less than the 13th  
22 Tuesday after the filing of the ordinance or the petition with  
23 the county board of elections, it shall cause the appropriate  
24 question to be submitted to the electors as other questions are  
25 submitted under the act of June 3, 1937 (P.L.1333, No.320),  
26 known as the Pennsylvania Election Code.

27 (e) Requirements for petitions.--A referendum petition under  
28 this section shall be filed not later than the 13th Tuesday  
29 prior to the election, and the petition and the proceedings  
30 therein shall be in the manner and subject to the provisions of

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1 the election laws which relate to the signing, filing and  
2 adjudication of nomination petitions insofar as those provisions  
3 are applicable. No referendum petition may be signed or  
4 circulated prior to the 20th Tuesday before the election nor  
5 later than the 13th Tuesday before the election. No candidate's  
6 nomination petition may be signed or circulated prior to the  
7 13th Tuesday before the election nor later than the tenth  
8 Tuesday before the election. Any petition under this section  
9 shall be filed on or before the tenth Tuesday before the  
10 election.

11 § 2912. Election of members of commission.

12 (a) General rule.--A governmental study commission of seven,  
13 nine or eleven members, as designated in the question, shall be  
14 elected by the qualified voters at the same election the  
15 question is submitted to the electors.

16 (b) Nomination of candidates.--Each candidate for the office  
17 of member of the commission shall be nominated and placed upon  
18 the ballot containing the question in the manner provided by and  
19 subject to the provisions of the act of June 3, 1937 (P.L.1333,  
20 No.320), known as the Pennsylvania Election Code, which relate  
21 to the nomination of a candidate nominated by nomination papers  
22 filed for other offices elective by the voters. Each candidate  
23 shall be nominated and listed without any political designation  
24 or slogan, and no nomination paper shall be signed or circulated  
25 prior to the 13th Tuesday before the election, nor later than  
26 the tenth Tuesday before the election. No signature shall be  
27 counted unless it bears a date within this period.

28 (c) Instructions to electors.--Each elector shall be  
29 instructed to vote on the question and, regardless of the manner  
30 of his vote on the question, to vote for the designated number

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1 of members of a government study commission who shall serve if  
2 the question is or has been determined in the affirmative.

3 (d) Insufficient number of candidates or members.--If an  
4 insufficient number of nominating papers is filed to fill all of

5 the designated positions on the study commission, the question  
 6 of establishing a commission shall be placed on the ballot, and,  
 7 unless a sufficient number of study commission members are  
 8 elected by receiving at least as many votes as signature <--  
 9 SIGNATURES are required to file a nominating position, then the <--  
 10 question of creating a study commission shall be deemed to have  
 11 been rejected.

12 § 2913. Nomination of candidates.

13 (a) General rule.--All candidates for the government study  
 14 commission shall be electors. Each candidate shall be nominated  
 15 by nomination papers signed by a number of electors equal at  
 16 least to 2% of the number of electors voting for the office of  
 17 Governor in the last gubernatorial general election or 200  
 18 electors, whichever is less, and filed with the county board of  
 19 elections not later than the tenth Tuesday prior to the date of  
 20 the election.

21 (b) Content and signing of nomination papers.--Each  
 22 nomination paper shall set forth the name, place of residence  
 23 and post office address of the candidate thereby nominated, that  
 24 the nomination is for the office of government study  
 25 commissioner and that the signers are legally qualified to vote  
 26 for the candidate. An elector may not sign nomination papers for  
 27 more candidates for the commission than he could vote for at the  
 28 election. Every elector signing a nomination paper shall write  
 29 his place of residence, post office address and street number,  
 30 if any, on the petition.

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1 (c) Acceptance by candidate.--Each nomination paper shall,  
 2 before it may be filed with the county board of elections,  
 3 contain under oath of the candidate an acceptance of the  
 4 nomination in writing, signed by the candidate therein  
 5 nominated, upon or annexed to the paper, or, if the same person  
 6 be named in more than one paper, upon or annexed to one of the  
 7 papers. The acceptance shall certify that the candidate is an  
 8 elector, that the nominee consents to run as a candidate at the  
 9 election and that, if elected, the candidate agrees to take  
 10 office and serve.

11 (d) Verification of nomination papers.--Each nomination  
 12 paper shall be verified by an oath of one or more of the  
 13 signers, taken and subscribed before a person qualified under  
 14 the laws of this Commonwealth to administer an oath, to the  
 15 effect that the paper was signed by each of the signers in his  
 16 proper handwriting, that the signers are, to the best knowledge  
 17 and belief of the affiant, electors and that the nomination  
 18 paper is prepared and filed in good faith for the sole purpose  
 19 of endorsing the person named therein for election as stated in  
 20 the paper.

21 § 2914. Results of election.

22 The result of the votes cast for and against the question as  
 23 to the election of a government study commission shall be  
 24 returned by the election officers, and a canvass of the election  
 25 had, as is provided by law in the case of other public questions  
 26 put to the electors. The votes cast for members of the  
 27 commission shall be counted and the result returned by the  
 28 county board of electors, and a canvass of the election had, as  
 29 is provided by law in the case of election of members of  
 30 municipal councils or boards. The designated number of

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1 candidates receiving the greatest number of votes shall be  
 2 elected and shall constitute the commission. If a majority of

3 those voting on the question vote against the election of a  
 4 commission, none of the candidates shall be elected. If two or  
 5 more candidates for the last seat shall be equal in number of  
 6 votes, they shall draw lots to determine which one shall be  
 7 elected.

8 § 2915. Oath of office of members of commission.

9 (a) Members elected on countywide basis.--As soon as  
 10 possible, and in any event no later than ten days after its  
 11 certification of election, the members of a government study  
 12 commission elected on a countywide basis shall, before a judge  
 13 of a court of common pleas, make oath to support the  
 14 Constitution of the United States and the Constitution of  
 15 Pennsylvania, and to perform the duties of the office with  
 16 fidelity.

17 (b) Other members.--As soon as possible and in any event no  
 18 later than ten days after its certification of election, the  
 19 members of a government study commission elected on other than a  
 20 countywide basis shall, before a district justice or a justice  
 21 of the peace, make oath to support the Constitution of the  
 22 United States and the Constitution of Pennsylvania, and to  
 23 perform the duties of the office with fidelity.

24 § 2916. First meeting of commission.

25 (a) Procedure.--As soon as possible and in any event no  
 26 later than 15 days after its certification of election, the  
 27 government study commission shall organize and hold its first  
 28 meeting and elect one of its members chairman and another member  
 29 vice chairman, fix its hours and place of meeting and adopt  
 30 rules for the conduct of its business it deems necessary and

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1 advisable.

2 (b) Quorum.--A majority of the members of the commission  
 3 shall constitute a quorum for the transaction of business, but  
 4 no recommendation of the commission shall have any legal effect  
 5 unless adopted by a majority of the whole number of the members  
 6 of the commission.

7 § 2917. Vacancies.

8 In case of a vacancy in the government study commission, the  
 9 remaining members of the commission shall fill it by appointing  
 10 thereto some other properly qualified elector.

11 § 2918. Function and duty of commission.

12 The government study commission shall study the form of  
 13 government of the municipality to compare it with other  
 14 available forms under the laws of this Commonwealth and  
 15 determine whether or not in its judgment the government could be  
 16 strengthened or made more clearly responsible or accountable to  
 17 the people or whether its operation could become more economical  
 18 or efficient under a changed form of government.

19 § 2919. Compensation and personnel.

20 (a) Compensation and expenses of members.--Members of the  
 21 government study commission shall serve without compensation,  
 22 but shall be reimbursed by the municipality for their necessary  
 23 expenses incurred in the performance of their duties. Council  
 24 shall appropriate moneys necessary for this purpose.

25 (b) Appointment and compensation of personnel.--Within the  
 26 limits of the appropriations and other public and privately  
 27 contributed funds and services made available to it, the  
 28 commission may appoint one or more consultants and clerical and  
 29 other assistants to serve at the pleasure of the commission and  
 30 may fix reasonable compensation therefor to be paid the

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1 consultants and clerical and other assistants.

2 § 2920. Hearings and public forums.

3 The government study commission shall hold one or more public  
4 hearings, may hold private hearings and sponsor public forums  
5 and generally shall provide for the widest possible public  
6 information and discussion respecting the purposes and progress  
7 of its work.

8 § 2921. Report of findings and recommendations.

9 (a) General rule.--The government study commission shall  
10 report its findings and recommendations to the citizens of the  
11 municipality within nine months from the date of its election  
12 except that it shall be permitted an additional nine months if  
13 it elects to prepare and submit a proposed home rule charter and  
14 an additional two months if it chooses to elect its municipal  
15 council by districts. It shall publish or cause to be published  
16 sufficient copies of its final report for public study and  
17 information and shall deliver to the municipal clerk or  
18 secretary sufficient copies of the report to supply it to any  
19 interested citizen upon request. If the commission recommends  
20 the adoption of a home rule charter or any of the optional plans  
21 of government as authorized in this subpart, the report shall  
22 contain the complete plans as recommended.

23 (b) List of resources used.--There shall be attached to each  
24 copy of the report of the commission, as a part thereof, a  
25 statement sworn to by the members of the commission listing in  
26 detail the funds, goods, materials and services, both public and  
27 private, used by the commission in the performance of its work  
28 and the preparation and filing of the report. In addition, the  
29 list shall identify specifically the supplier of each item  
30 thereon.

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1 (c) Filing copy with Department of Community Affairs.--A  
2 copy of the final report of the commission with its findings and  
3 recommendations shall be filed with the Department of Community  
4 Affairs.

5 (d) Disposition of records.--All the records, reports,  
6 tapes, minutes of meetings and written discussions of the  
7 commission shall, upon its discharge, be turned over to the  
8 municipal clerk or secretary for permanent safekeeping and made  
9 available for public inspection at any time during regular  
10 business hours.

11 § 2922. Discharge of petition and amended reports.

12 (a) General rule.--The government study commission shall be  
13 discharged upon the filing of its report, but if the  
14 commission's recommendations require further procedure in the  
15 form of a referendum on the part of the electors, the commission  
16 shall not be discharged until the procedure has been finally  
17 concluded. At any time prior to 60 days before the date of the  
18 referendum, the commission may modify or change any  
19 recommendation set forth in the final report by publishing an  
20 amended report.

21 (b) Effect of amended report.--Whenever a commission issues  
22 an amended report pursuant to subsection (a), the amended report  
23 shall supersede the final report and the final report shall  
24 cease to have any legal effect.

25 (c) Procedure under amended report.--The procedure to be  
26 taken under the amended report shall be governed by the  
27 provisions of this subpart applicable to the final report of a  
28 commission submitted pursuant to section 2921 (relating to  
29 report of findings and recommendations).

30 § 2923. Types of action recommended.

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1 The government study commission shall report and recommend in  
2 accordance with the question presented to the electorate as  
3 provided in section 2911 (relating to submission of question for  
4 election of government study commission):

5 (1) That a referendum shall be held to submit to the  
6 electors the question of adopting one of the optional plans  
7 of government authorized by this subpart to be specified by  
8 the commission.

9 (2) That a referendum shall be held to submit to the  
10 electors the question of adopting a home rule charter as  
11 prepared by the commission and as authorized by this subpart.

12 (3) That the form of government shall remain unchanged.

13 (4) Such other action as it deems advisable consistent  
14 with its functions as set forth in this subpart.

15 § 2924. Specificity of recommendations.

16 (a) Optional plan of government.--

17 (1) If the government study commission report recommends  
18 the adoption or the amendment of any of the optional plans of  
19 government set forth in this subpart, except the optional  
20 county plan, the report of the commission may specify the  
21 following:

22 (i) That the municipal council shall consist of  
23 three, five, seven or nine members, except that under the  
24 small municipality plan and under the optional county  
25 plan the number of council members shall be as provided  
26 in sections 3073 (relating to election of council  
27 members) and 3092 (relating to county officers).

28 (ii) That the office of treasurer shall be omitted  
29 or that it shall be filled by election by the electors  
30 rather than by appointment.

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1 (iii) That the office of controller shall be omitted  
2 or that it shall be filled by election by the electors  
3 rather than by appointment.

4 (2) If a commission report, initiative petition or  
5 ordinance shall recommend any optional plan, except for the  
6 optional county plan, it may specify that the then existing  
7 basis for electing council members shall be changed to an at-  
8 large or district or combination at-large and district basis.

9 (3) If a commission report, initiative petition or  
10 ordinance recommends the adoption of the council-manager form  
11 of government, it may specify that the mayor or president of  
12 council or chairman be elected directly by the electors  
13 rather than by council.

14 (4) If a commission report, initiative petition or  
15 ordinance for a county recommends the adoption of any of the  
16 optional plans, except the optional county plan, it may  
17 specify that the sheriff be elected directly by the voters of  
18 the county as provided in section 3094 (relating to  
19 additional options for election of county sheriff).

20 (5) In all cases, except for the council-manager plan,  
21 the commission report, initiative petition or ordinance shall  
22 specify whether the executive (mayor) shall be called  
23 "executive" or "mayor."

24 (b) Home rule charter.--If the commission recommends the  
25 adoption of a home rule charter, it shall specify the number to  
26 be on the municipal council, all offices to be filled by  
27 election and whether elections shall be on an at-large, district

28 or combination district and at-large basis.

29 (c) Elections in new or revised districts.--Notwithstanding  
30 any other provisions of this subpart, if an approved home rule  
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1 charter or optional plan of government or other form of  
2 government adopted pursuant to the provisions of this subpart  
3 specifies that the election of the municipal council shall be on  
4 an at-large or district or combination district and at-large  
5 basis, and the basis recommended differs from the existing basis  
6 and therefore requires eliminating districts or establishing  
7 revised or new districts, then election of municipal officials  
8 shall not take place on the new basis until the municipal  
9 election following the next primary election taking place more  
10 than 180 days after the election at which the referendum on the  
11 question of a new form of government has been approved by the  
12 electorate. The new form of government shall not go into effect  
13 until the first Monday in January following the election of  
14 municipal officials on the new basis. New or revised districts  
15 shall be established by the government study commission and  
16 included in the proposed charter.

17 § 2925. Form of question on form of government.

18 The question to be submitted to the voters for the adoption  
19 of a home rule charter or any of the optional plans of  
20 government authorized by this subpart shall be submitted in one  
21 of the following forms or such part of them as shall be  
22 applicable.

23 Shall the Home Rule Charter contained in the report,  
24 dated (insert date), of the government study commission,  
25 prepared in accordance with the Home Rule Charter and  
26 Optional Plans Law, be adopted by the (insert type and  
27 name of municipality)?

28 Shall (insert name of plan), including  
29 recommendations pertaining to optional provisions  
30 contained in the report of the government study

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1 commission, dated (insert date), as authorized by the  
2 Home Rule Charter and Optional Plans Law, be adopted by  
3 the (insert type and name of municipality)?

4 Shall the (Home Rule Charter) (Optional Plan) of the  
5 (insert type and name of municipality) be repealed, and  
6 the form of government recommended in the report of the  
7 government study commission, dated (insert date), be  
8 adopted as authorized by the Home Rule Charter and  
9 Optional Plans Law?

10 Shall an Optional Plan for the (insert type and name  
11 of municipality) be amended as specified in the report of  
12 the government study commission filed with the election  
13 officials of the County of (insert name of county), on  
14 (insert date), as authorized by the Home Rule Charter and  
15 Optional Plans Law?

16 § 2926. Submission of question on form of government.

17 If the government study commission recommends that the  
18 question of adopting a home rule charter or one of the optional  
19 plans of government authorized by this subpart shall be  
20 submitted to the electors, the municipal clerk or secretary  
21 shall, within five days thereafter, certify a copy of the  
22 commission's report to the county board of elections, which  
23 shall cause the question of adoption or rejection to be placed  
24 upon the ballot or voting machines at the time as the commission  
25 specifies in its report. The commission may cause the question

26 to be submitted to the electors at the next primary, municipal  
 27 or general election occurring not less than 60 days following  
 28 the filing of a copy of the commission's report with the county  
 29 board of elections, at the time the commission's report directs.  
 30 At the election, the question of adopting that form of

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1 government recommended by the commission shall be submitted to  
 2 the electors by the county board of elections in the same manner  
 3 as other questions are submitted to the electors under the act  
 4 of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania  
 5 Election Code. The commission shall frame the question to be  
 6 placed upon the ballot as provided for in section 2925 (relating  
 7 to form of question on form of government) and, if it deems  
 8 appropriate, an interpretative statement to accompany the  
 9 question.

10 § 2927. Limitation on enactment of ordinance or filing of  
 11 petition.

12 (a) General rule.--An ordinance may not be passed and a  
 13 petition may not be filed for the election of a government study  
 14 commission pursuant to section 2911 (relating to submission of  
 15 question for election of government study commission) while  
 16 proceedings are pending under any other petition or ordinance  
 17 filed or passed under the authority of this subpart nor on the  
 18 same question if it has been defeated within four years after an  
 19 election has been held pursuant to any such ordinance or  
 20 petition passed or filed.

21 (b) Time for commencement of proceedings.--For the purpose  
 22 of this section, proceedings shall be considered as having  
 23 started:

24 (1) In the case of an ordinance, upon the final vote of  
 25 council in favor of the ordinance, notwithstanding the fact  
 26 that the ordinance cannot take effect until a certain number  
 27 of days thereafter.

28 (2) In the case of a petition, as soon as it is properly  
 29 signed by one-third of the number of registered voters  
 30 required for the petition and written notice thereof filed in

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1 the office of the county board of elections and in the office  
 2 of the municipal clerk or secretary, who shall cause the  
 3 notice to be immediately posted in a conspicuous place in the  
 4 office, open to public inspection.

5 § 2928. Time when change of form of government takes effect.

6 Whenever the electors by a majority of those voting on the  
 7 question vote in favor of adopting a change in their form of  
 8 government pursuant to this subpart, the proposed form shall  
 9 take effect according to its terms and the provisions of this  
 10 subpart.

11 § 2929. Limitation on changing new form of government.

12 The voters of any municipality which has adopted a home rule  
 13 charter or an optional plan of government pursuant to this  
 14 subpart may not vote on the question of changing the form of  
 15 government until five years after the home rule charter or  
 16 optional plan became effective.

17 § 2930. Status of forms of government provided in subpart.

18 For the purposes of this subpart, each of the optional forms  
 19 of government provided by this subpart and each of those  
 20 optional forms as modified by any available provisions  
 21 concerning size of council, election of municipal officials and  
 22 the basis for electing councilmen is hereby declared to be a  
 23 complete and separate form of government provided by the General

24 Assembly for submission to the electors.

25 SUBCHAPTER C

26 AMENDMENT OF EXISTING CHARTER OR OPTIONAL PLAN

27 Sec.

28 2941. Procedure for amendment of charter or optional plan.

29 2942. Initiation of amendment by electors or council.

30 2943. Petition for referendum or ordinance proposing amendment.

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1 2944. Time and manner of submission of question.

2 § 2941. Procedure for amendment of charter or optional plan.

3 (a) Procedure.--The procedure for amending a home rule  
4 charter or optional plan of government shall be through the  
5 initiative procedure and referendum or ordinance of the  
6 governing body as provided for in this subpart.

7 (b) Changes in method of election.--Changes in the method of  
8 election of a municipal governing body from at-large elections  
9 to elections by district, maintain at-large elections or a  
10 combination of at-large elections and elections by district may  
11 be implemented by amending a home rule charter or optional plan  
12 without creation of a government study commission.

13 (c) Conflict in the question.--If two or more questions  
14 appear on the ballot at the same election and such questions are  
15 in conflict and more than one receives the approval of the  
16 voters, the question which receives the largest number of  
17 affirmative votes shall prevail over the others.

18 (d) Initial apportionment.--If the referendum on the  
19 question results in the approval by the voters to amend the home  
20 rule charter or optional plan to provide for the election of the  
21 governing body either by districts or partially by districts and  
22 partially at large or in a change in the number of members of  
23 the governing body, the initial apportionment of the districts  
24 shall be made by an apportionment commission consisting of seven  
25 members, all of whom shall reside in such municipality. Two  
26 members of the apportionment commission shall be appointed by  
27 the mayor. Two members of the apportionment commission shall be  
28 appointed by the governing body; one shall be appointed by the  
29 mayor from a list of at least three qualified persons  
30 recommended by the municipal committee of the political party

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1 whose mayoral candidate received the highest number of votes  
2 cast in the most recent mayoral election and one shall be  
3 appointed by the mayor from a list of at least three qualified  
4 persons recommended by the municipal committee of the political  
5 party whose mayoral candidate received the second highest votes  
6 in the most recent mayoral election. The seventh member of the  
7 commission shall be elected at large by a majority vote of the  
8 other six members and shall serve as chairman of the commission.  
9 § 2942. Initiation of amendment by electors or council.

10 A referendum on the question of amendment of a home rule  
11 charter or an optional plan of government may be initiated by  
12 petition of the electors or such a referendum may be initiated  
13 by an ordinance of the governing body. A proposal for amendment  
14 of an optional plan shall be limited to the additional options  
15 provided for in section 2924 (relating to specificity of  
16 recommendations).

17 § 2943. Petition for referendum or ordinance proposing  
18 amendment.

19 (a) Filing.--A petition containing a proposal for referendum  
20 on the question of amending a home rule charter or an optional  
21 plan of government signed by electors comprising 10% of the

22 number of electors voting for the office of Governor in the last  
 23 gubernatorial general election in the municipality, or an  
 24 ordinance of the municipal governing body proposing amendment of  
 25 a home rule charter or an optional plan, shall be filed with the  
 26 election officials not later than the 13th Tuesday prior to the  
 27 next primary, municipal or general election. The petition and  
 28 the proceedings therein shall be in the manner and subject to  
 29 the provisions of the election laws which relate to the signing,  
 30 filing and adjudication of nomination petitions insofar as such  
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1 provisions are applicable, except that no referendum petition  
 2 shall be signed or circulated prior to the 20th Tuesday before  
 3 the election nor later than the 13th Tuesday before the  
 4 election. The name and address of the person filing the petition  
 5 shall be clearly stated on the petition.

6 (b) Review and disposition of petition.--The election  
 7 officials shall review the initiative petition as to the number  
 8 and qualifications of signers. If the petition appears to be  
 9 defective, the election officials shall immediately notify the  
 10 persons filing the petition of the defect. When the election  
 11 officials find that the petition as submitted is in proper  
 12 order, they shall send copies of the initiative petition without  
 13 signatures thereon to the governing body and to the Department  
 14 of Community Affairs. The initiative petition as submitted to  
 15 the election officials, along with a list of signatories, shall  
 16 be open to inspection in the office of the election officials.  
 17 § 2944. Time and manner of submission of question.

18 A referendum on the question of the amendment of a home rule  
 19 charter or an optional plan of government shall be held when the  
 20 election officials find that the initiative petition or  
 21 ordinance of the governing body is in proper order. The  
 22 referendum shall be governed by the provisions of the act of  
 23 June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania  
 24 Election Code. The election officials shall cause the question  
 25 to be submitted to the electors at the next primary, general or  
 26 municipal election occurring not less than the 13th Tuesday  
 27 following the filing of the initiative petition or ordinance  
 28 with county board of elections. At the election, the question  
 29 shall be submitted to the voters in the same manner as other  
 30 questions are submitted under the Pennsylvania Election Code.  
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1 The county board of elections shall frame the question to be  
 2 placed upon the ballot.

#### 3 SUBCHAPTER D 4 CONDUCT OF ELECTION

5 Sec.

6 2951. Conduct and results of election.

7 2952. Notice of election.

8 § 2951. Conduct and results of election.

9 All elections provided for in this subpart shall be conducted  
 10 by the election officials for such municipality in accordance  
 11 with the act of June 3, 1937 (P.L.1333, No.320), known as the  
 12 Pennsylvania Election Code. The election officials shall count  
 13 the votes cast and make return thereof to the county board of  
 14 elections. The results of the election shall be computed by the  
 15 county board of elections in the same manner as is provided by  
 16 law for the computation of similar returns. Certificates of the  
 17 results of the election shall be filed by the county board of  
 18 elections with the municipal council or board, the Department of  
 19 State and the Department of Community Affairs.

20 § 2952. Notice of election.

21 At least 30 days' notice of each election provided for under  
22 this subpart shall be given by the clerk or secretary of the  
23 municipality. A copy of the notice shall be posted at each  
24 polling place on the day of the election and shall be published  
25 in at least one newspaper of general circulation in the  
26 municipality once a week for three consecutive weeks during the  
27 period of 30 days prior to the election.

28 SUBCHAPTER E

29 GENERAL POWERS AND LIMITATIONS OF  
30 HOME RULE CHARTER MUNICIPALITIES

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1 Sec.

2 2961. Scope of powers of home rule.

3 2962. Limitations on municipal powers.

4 2963. Exercise of municipal powers by home rule county.

5 2964. General powers of municipalities.

6 2965. Recording and filing of charter.

7 2966. Continuation of office of existing elective officials.

8 2967. Repeal of home rule charter.

9 § 2961. Scope of powers of home rule.

10 A municipality which has adopted a home rule charter may  
11 exercise any powers and perform any function not denied by the  
12 Constitution of Pennsylvania, by statute or by its home rule  
13 charter. All grants of municipal power to municipalities  
14 governed by a home rule charter under this subchapter, whether  
15 in the form of specific enumeration or general terms, shall be  
16 liberally construed in favor of the municipality.

17 § 2962. Limitation on municipal powers.

18 (a) Powers granted by statute.--With respect to the  
19 following subjects, the home rule charter shall not give any  
20 power or authority to the municipality contrary to, or in  
21 limitation or enlargement of, powers granted by statutes which  
22 are applicable to a class or classes of municipalities:

23 (1) The filing and collection of municipal tax claims or  
24 liens and the sale of real or personal property in  
25 satisfaction of them.

26 (2) The procedures in the exercise of the powers of  
27 eminent domain and the assessment of damages and benefits for  
28 property taken, injured or destroyed.

29 (3) Boundary changes.

30 (4) Regulation of public schools.

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1 (5) The registration of electors and the conduct of  
2 elections.

3 (6) The fixing of subjects of taxation.

4 (7) The fixing of the rates of nonproperty or personal  
5 taxes levied upon nonresidents.

6 (8) The assessment of real or personal property and  
7 persons for taxation purposes.

8 (9) Defining or providing for the punishment of any  
9 felony or misdemeanor.

10 (10) Municipal planning under the act of July 31, 1968  
11 (P.L.805, No.247), known as the Pennsylvania Municipalities  
12 Planning Code.

13 (b) Taxing power.--Unless prohibited by the Constitution of  
14 Pennsylvania, the provisions of this subpart or any other  
15 statute or its home rule charter, a municipality which has  
16 adopted a home rule charter shall have the power and authority  
17 to enact and enforce local tax ordinances upon any subject of

18 taxation granted by statute to the class of municipality of  
 19 which it would be a member but for the adoption of a home rule  
 20 charter at any rate of taxation determined by the governing  
 21 body. No home rule municipality shall establish or levy a rate  
 22 of taxation upon nonresidents which is greater than the rate  
 23 which a municipality would have been authorized to levy on  
 24 nonresidents but for the adoption of a home rule charter. The  
 25 governing body shall not be subject to any limitation on the  
 26 rates of taxation imposed upon residents.

27 (c) Prohibited powers.--A municipality shall not:  
 28 (1) Engage in any proprietary or private business except  
 29 as authorized by statute.

30 (2) Exercise powers contrary to, or in limitation or  
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1 enlargement of, powers granted by statutes which are  
 2 applicable in every part of this Commonwealth.

3 (3) Be authorized to diminish the rights or privileges  
 4 of any former municipal employee entitled to benefits or any  
 5 present municipal employee in his pension or retirement  
 6 system.

7 (4) Enact or promulgate any ordinance or regulation with  
 8 respect to definitions, sanitation, safety, health, standards  
 9 of identity or labeling pertaining to the manufacture,  
 10 processing, storage, distribution and sale of any foods,  
 11 goods or services subject to any Commonwealth statutes and  
 12 regulations unless the municipal ordinance or regulation is  
 13 uniform in all respects with the Commonwealth statutes and  
 14 regulations thereunder. This paragraph does not affect the  
 15 power of any municipality to enact and enforce ordinances  
 16 relating to building codes or any other safety, sanitation or  
 17 health regulation pertaining thereto.

18 (5) Enact any provision inconsistent with any statute  
 19 heretofore enacted prior to April 13, 1972, affecting the  
 20 rights, benefits or working conditions of any employee of a  
 21 political subdivision of this Commonwealth.

22 (d) Reduction of police force.--Notwithstanding any  
 23 provision of this subpart or any other statute to the contrary,  
 24 any municipality that is or was a city of the second class A may  
 25 reduce its police force or its firefighting force for economic  
 26 reasons, as determined by ordinance.

27 (e) Statutes of general application.--Statutes that are  
 28 uniform and applicable in every part of this Commonwealth shall  
 29 remain in effect and shall not be changed or modified by this  
 30 subpart. Statutes shall supersede any municipal ordinance or

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 1 resolution on the same subject.

2 (f) Regulation of business and employment.--A municipality  
 3 which adopts a home rule charter shall not determine duties,  
 4 responsibilities or requirements placed upon businesses,  
 5 occupations and employers, including the duty to withhold, remit  
 6 or report taxes or penalties levied or imposed upon them or upon  
 7 persons in their employment, except as expressly provided by  
 8 statutes which are applicable in every part of this Commonwealth  
 9 or which are applicable to all municipalities or to a class or  
 10 classes of municipalities. This subsection shall not be  
 11 construed as a limitation in fixing rates of taxation on  
 12 permissible subjects of taxation.

13 (g) Regulation of firearms.--A municipality shall not enact  
 14 any ordinance or take any other action dealing with the  
 15 regulation of the transfer, ownership, transportation or



16 possession of firearms.

17 (h) Levying taxes.--This section does not limit or take away  
18 any right of a municipality which adopts a home rule charter  
19 from levying any tax which it had the power to levy had it not  
20 adopted a home rule charter.

21 (i) Establishment of rates of taxation.--No provision of  
22 this subpart or any other statute shall limit a municipality  
23 which adopts a home rule charter from establishing its own rates  
24 of taxation upon all authorized subjects of taxation except  
25 those specified in subsection (a) (7).

26 (j) Retroactive fee increase prohibited.--A municipality  
27 which adopts a home rule charter may not retroactively increase  
28 any fee or charge for any municipal service which has been  
29 provided.

30 § 2963. Exercise of municipal powers by home rule county.

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1 A county which has adopted a home rule charter shall not at  
2 any time thereafter exercise within any municipality in the  
3 county a power or function being exercised by that municipality,  
4 except under all of the following conditions:

5 (1) The exercise of such power or function by the county  
6 shall be authorized by ordinance of the governing body of the  
7 county, which ordinance, in addition to such other filings as  
8 may be required by law, shall be filed with the clerk or  
9 secretary of each local municipality within the county within  
10 30 days of its enactment.

11 (2) The transfer of a power or function to the county  
12 from any local municipality within the county, as authorized  
13 by the ordinance, shall not become effective for at least 15  
14 months from the date of adoption of the ordinance.

15 (3) Within 120 days from the adoption of the ordinance,  
16 the governing body of any local municipality, exercising on  
17 the date of the adoption of the ordinance any power or  
18 function authorized by ordinance of the county to be  
19 exercised by the county, may elect by ordinance to be  
20 excluded from the county's exercise of the power or function.  
21 Within 60 days after the date of adoption by the governing  
22 body of a local municipality of an ordinance excluding the  
23 local municipality from the exercise by the county of a power  
24 or function, or in the absence of any action of the governing  
25 body, the qualified electors of the local municipality may  
26 initiate a petition requiring that the question of inclusion  
27 or exclusion from the exercise of the power or function by  
28 the county be submitted to a referendum of the electorate at  
29 the election held on the date of the next ensuing primary,  
30 municipal or general election not less than 60 days after the

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1 filing of the initiative petition with the county board of  
2 elections. The initiative and referendum procedures set forth  
3 in this subchapter or Subchapter F (relating to general  
4 provisions and limitations for optional plan municipalities)  
5 shall be followed, except where the same may be inconsistent  
6 with any of the provisions of this section. In the event the  
7 county determines there is insufficient interest or that it  
8 is not feasible to establish the proposed municipal function  
9 or power as provided for in the ordinance passed by the  
10 county, the county may repeal the county ordinance prior to  
11 the effective date of the ordinance.

12 (4) The governing body of any local municipality may by  
13 ordinance, subsequent to the time limit for action as set

14 forth in paragraph (3), request the county to be included in  
 15 a municipal power or function being exercised by the county.  
 16 However, the county may specify the terms and conditions for  
 17 acceptance or denial of the power or function requested by  
 18 the local municipality to be exercised by the county, which  
 19 shall be subject to court review if the local municipality  
 20 determines that the terms and conditions as set forth by the  
 21 county are unreasonable.

22 (5) No assessment, tax, fee or levy in the nature  
 23 thereof made by the governing body of a county in support of  
 24 the exercise of a power or function as authorized by  
 25 ordinance of the county shall be applicable in any local  
 26 municipality within the county which is providing the same  
 27 municipal power or function.

28 (6) If the electors of a local municipality by  
 29 referendum vote to exclude the local municipality from the  
 30 exercise of a power or function by the county, a petition may  
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1 not be initiated nor may a referendum be held on the same  
 2 question more often than every five years thereafter.

3 (7) A local municipality may, by action of the governing  
 4 body, or by initiative and referendum, withdraw from a power  
 5 or function which it was exercising at the date of the  
 6 adoption of the county home rule charter which it transferred  
 7 to a county, provided it again assumes and exercises the  
 8 power or function, but may not vote on the question of  
 9 withdrawing sooner than four years from the time the county  
 10 assumed the power or function of the local municipality.

11 § 2964. General powers of municipalities.

12 Municipalities adopting a home rule charter shall have the  
 13 power to:

- 14 (1) Sue and be sued.
- 15 (2) Have a corporate seal.
- 16 (3) Contract and be contracted with.
- 17 (4) Buy, sell, lease, hold and dispose of real and  
 18 personal property.
- 19 (5) Appropriate and expend moneys.
- 20 (6) Adopt, amend and repeal any ordinances and  
 21 resolutions as may be required.

22 § 2965. Recording and filing of charter.

23 The municipal clerk or secretary shall have the new charter  
 24 as approved by the qualified electors recorded in the ordinance  
 25 books and shall also file a certified copy of the charter with  
 26 the Department of State, the Department of Community Affairs and  
 27 the county board of elections.

28 § 2966. Continuation of office of existing elective officials.

29 All elective officials in office at the time of the adoption  
 30 of a home rule charter shall continue in office until their  
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1 terms expire.

2 § 2967. Repeal of home rule charter.

3 (a) General rule.--The procedure for repeal of a home rule  
 4 charter shall be the same as for adoption of a home rule  
 5 charter. Whenever the electors, by a majority vote of those  
 6 voting on the question, vote in favor of repeal of a home rule  
 7 charter and the establishment of a particular form of  
 8 government, the municipality shall be governed under the form of  
 9 government selected by the electors from the first Monday of  
 10 January following the municipal election at which the elective  
 11 officials of the form of government selected by the electors

12 shall have been elected. The government study commission shall  
 13 provide in its report for the new form of government to be  
 14 established.

15 (b) Election of new officials.--The elective officials under  
 16 a new form of government selected by the electors shall be  
 17 elected at the first municipal election held after the  
 18 referendum on the repeal of a home rule charter or at a later  
 19 date as may be specified by the commission in its report.

20 SUBCHAPTER F  
 21 GENERAL PROVISIONS AND LIMITATIONS FOR  
 22 OPTIONAL PLAN MUNICIPALITIES

23 Sec.

- 24 2971. Law applicable to optional plan.
- 25 2972. Recording and filing of plan.
- 26 2973. Scope of powers of optional plan.
- 27 2974. Limitation on powers of optional plan.
- 28 § 2971. Law applicable to optional plan.

29 Upon the adoption by the electors of any of the optional  
 30 plans of government as set forth in this subpart, the

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1 municipality shall thereafter be governed by the plan adopted  
 2 and by the provisions of general law applicable to that class or  
 3 classes of municipality except as otherwise provided in this  
 4 subpart. Until the municipality adopts another form of  
 5 government, the plan adopted and the provisions of general law  
 6 applicable to that class or classes of municipality shall be  
 7 law. All statutes affecting the organization, government and  
 8 powers of the municipality which are not inconsistent or in  
 9 conflict with this subpart shall remain in full force until  
 10 modified or repealed.

11 § 2972. Recording and filing of plan.

12 The municipal clerk or secretary shall immediately cause the  
 13 new plan of government as adopted to be recorded in the  
 14 ordinance book of the municipality and shall also file a  
 15 certified copy thereof with the Department of State, the  
 16 Secretary of Community Affairs and the county board of  
 17 elections.

18 § 2973. Scope of powers of optional plan.

19 The general grant of municipal power under this subpart is  
 20 intended to confer the greatest power of self government  
 21 consistent with the Constitution of Pennsylvania and with the  
 22 provisions of and the limitations prescribed by this subpart.  
 23 Any specific enumeration of municipal powers contained in this  
 24 subpart or in other statutes does not limit the general  
 25 description of power contained in this subpart. Any specifically  
 26 enumerated municipal powers are in addition and supplementary to  
 27 the powers conferred in general terms by this subchapter. All  
 28 grants of municipal power to municipalities governed by an  
 29 optional plan under this subpart, whether in the form of  
 30 specific enumeration or general terms, shall be liberally

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1 construed in favor of the municipality.

2 § 2974. Limitation on powers of optional plan.

3 The optional plan of any municipality adopted in accordance  
 4 with this subpart shall not give any power or authority to  
 5 diminish any rights or privileges of any present municipal  
 6 employee in his pension or retirement system. No municipality  
 7 shall exercise any powers or authority beyond the municipal  
 8 limits except those conferred by statute, and no municipality  
 9 shall engage in any proprietary or private business except as

10 authorized by the General Assembly.

11 SUBCHAPTER G

12 MISCELLANEOUS PROVISIONS

13 Sec.

14 2981. Limitation on local municipality.

15 2982. Retention of existing form of government.

16 2983. Retention of existing form of government when electors  
17 disapprove proposal.

18 2984. Assumption of functions previously assumed by other  
19 municipality.

20 § 2981. Limitation on local municipality.

21 No local municipality within a county shall supersede or  
22 exercise any power, function or service presently exercised by  
23 the county.

24 § 2982. Retention of existing form of government.

25 Each municipality which does not adopt a home rule charter or  
26 an optional plan under this subpart shall retain its existing  
27 form of government as otherwise provided by law.

28 § 2983. Retention of existing form of government when electors  
29 disapprove proposal.

30 In case the electors of any municipality disapprove a

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1 proposal to adopt a home rule charter or an optional plan of  
2 government, the municipality shall retain its existing form of  
3 government.

4 § 2984. Assumption of functions previously assumed by other  
5 municipality.

6 (a) Assumption of indebtedness.--A municipality assuming a  
7 function previously performed by another municipality under the  
8 terms of this subchapter shall also assume all the indebtedness  
9 and obligations of the municipality relating to the function. If  
10 property, indebtedness or obligations of another municipality  
11 not within the boundaries of the municipality assuming the  
12 function is involved, the governing bodies of the respective  
13 municipalities shall make an adjustment and apportionment of all  
14 public property involved.

15 (b) Procedure for adjustment and apportionment.--The  
16 adjustment and apportionment shall be reduced to a written  
17 agreement which shall be filed with the court of common pleas of  
18 the county and the Department of Community Affairs.

19 (c) Petition for adjustment and apportionment.--In case the  
20 municipalities cannot make an amicable adjustment and  
21 apportionment of the property, obligations and indebtedness  
22 within six months after the function is assumed, any of the  
23 municipalities may present a petition to the court of common  
24 pleas. The court shall then appoint three disinterested  
25 commissioners, all residents and taxpayers of the county, but  
26 none residing in or owners of real property in any of the  
27 municipalities. After hearing, notice of which shall be given to  
28 the municipalities as the court shall direct, the commissioners  
29 shall file a report with the court making an adjustment and  
30 apportionment of all the property as well as the obligations or

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1 indebtedness. The report shall state the amount that shall be  
2 due and payable from each municipality, the forms of payment and  
3 the amount of obligations and indebtedness that shall be assumed  
4 by each.

5 (d) Notice to municipalities.--The commissioners shall give  
6 the municipalities at least five days' written notice of the  
7 filing of their report. Unless exceptions are filed to the

8 report within 30 days after the date of the filing, the report  
 9 shall be confirmed by the court absolutely. Any sum awarded by  
 10 the report shall be a legal and valid claim in its favor against  
 11 the municipality charged. Any real or personal property given to  
 12 a municipality shall become its property. Any claim or  
 13 indebtedness charged against the municipality may be collected  
 14 from it.

15 (e) Exceptions to report.--If exceptions are filed to the  
 16 report of the commissioners, the court shall dispose of them,  
 17 taking testimony if it deems advisable. The court shall enter  
 18 its decree confirming the award of the commissioners or  
 19 modifying the same as appears just and proper.

20 (f) Compensation to commissioners.--The commissioners shall  
 21 be allowed any compensation and expenses for their services as  
 22 the court shall fix. The costs of the proceedings, including the  
 23 compensation and expenses of the commissioners, shall be  
 24 apportioned by the court between the municipalities as it deems  
 25 proper.

26 (g) Jurisdiction of court.--If a municipality or part of a  
 27 municipality is located in two or more counties, the court of  
 28 common pleas of the county where the larger part of the  
 29 municipality assuming the function is located shall have  
 30 exclusive jurisdiction over the proceedings.

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CHAPTER 30

TYPES OF OPTIONAL PLANS OF GOVERNMENT

Subchapter

- A. Executive (Mayor) - Council Plan A
- B. Executive (Mayor) - Council Plan B
- C. Executive (Mayor) - Council Plan C
- D. Council-Manager Plan
- E. Small Municipality Plan
- F. Optional County Plan

SUBCHAPTER A

EXECUTIVE (MAYOR) - COUNCIL PLAN A

Sec.

- 3001. Designation and applicability of plan.
- 3002. Officers and employees.
- 3003. Election and term of office of officials.
- 3004. Election and term of office of council members.
- 3005. First election of council members.
- 3006. Legislative power vested in council.
- 3007. Organization of council.
- 3008. Powers of council concerning officers and agencies.
- 3009. Appointment and duties of municipal clerk or secretary.
- 3010. Executive power vested in executive.
- 3011. Powers and duties of executive.
- 3012. Approval or veto of ordinances.
- 3013. Mayor, departments and department heads.
- 3014. Department of administration.
- 3015. Budget.
- 3016. Form and adoption of budget.
- 3017. Amended budget.
- 3018. Council amendments to budget.

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§ 3001. Designation and applicability of plan.

The form of government provided in this subchapter shall be known as the "Executive (Mayor) - Council Plan A" and shall, together with the laws applicable to that class of municipality and Subchapter F of Chapter 29 (relating to general provisions

6 and limitations for optional plan municipalities) and Chapter 31  
 7 (relating to general provisions common to optional plans),  
 8 govern any municipality the electors of which have adopted it  
 9 under this subpart.

10 § 3002. Officers and employees.

11 Each municipality under this subchapter shall be governed by  
 12 an elected council, an elected executive who may be called  
 13 mayor, as determined by the government study commission, an  
 14 elected district attorney in the case of counties and, when  
 15 recommended by the commission and adopted by the voters, an  
 16 elected treasurer, an elected controller and by such other  
 17 officers and employees as may be duly appointed pursuant to this  
 18 subchapter or other applicable law.

19 § 3003. Election and term of office of officials.

20 The executive (mayor), the treasurer, if elected, the  
 21 district attorney in the case of counties and the controller, if  
 22 elected, shall be elected by the electors at a regular municipal  
 23 election and shall serve for a term of four years beginning on  
 24 the first Monday of January next following his election.

25 § 3004. Election and term of office of council members.

26 The council shall consist of five members unless, under the  
 27 authority granted under section 2924 (relating to specificity of  
 28 recommendations), the municipality shall be governed by a  
 29 council of three, seven or nine members. Members of the council  
 30 shall be elected at large by the electors unless, under the

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1 authority granted pursuant to section 2924, members shall be  
 2 elected on a district basis in which each district is as equal  
 3 in population as is feasible, or on a combination at-large and  
 4 district basis as determined by the government study commission,  
 5 or as specified in an initiative petition or ordinance of the  
 6 governing body under the provisions of sections 2942 (relating  
 7 to initiation of amendment by electors or council), 2943  
 8 (relating to petition for referendum or ordinance proposing  
 9 amendment) and 2944 (relating to time and manner of submission  
 10 of question) at a regular municipal election and shall serve for  
 11 a term of four years, except as otherwise provided in this  
 12 subchapter, beginning on the first Monday of January next  
 13 following their elections.

14 § 3005. First election of council members.

15 At the first municipal election following the adoption of  
 16 this plan, council members shall be elected and shall serve for  
 17 the terms as provided in section 3162 (relating to status and  
 18 term of office of officials).

19 § 3006. Legislative power vested in council.

20 The legislative power of the municipality as provided by laws  
 21 applicable to that class of municipality shall be exercised by  
 22 the municipal council, except as may otherwise be provided for  
 23 under this subpart.

24 § 3007. Organization of council.

25 On the first Monday of January following the regular  
 26 municipal election, the members of council shall assemble at the  
 27 usual place of meeting, organize and elect a president from  
 28 among its members, who shall preside at its meetings and perform  
 29 such other duties as council may prescribe, and a vice  
 30 president, who shall preside in the absence of the president. If

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1 the first Monday is a legal holiday, the meeting shall be held  
 2 on the next day.

3 § 3008. Powers of council concerning officers and agencies.

4 The council, in addition to other powers and duties as may be  
5 conferred upon it by general law, may require any municipal  
6 officer to prepare and submit sworn statements regarding the  
7 performance of the officer's official duties and may otherwise  
8 investigate the conduct of any department, office or agency of  
9 the municipal government.

10 § 3009. Appointment and duties of municipal clerk or secretary.

11 A municipal clerk or secretary shall be appointed in the  
12 manner set forth in the administrative ordinance as provided  
13 pursuant to section 3146 (relating to passage of administrative  
14 ordinance). The municipal clerk or secretary shall serve as  
15 clerk of the council, keep its minutes and records of its  
16 proceedings, maintain and compile its ordinances and resolutions  
17 as this subpart requires and perform such functions as may be  
18 required by law or by local ordinance. The municipal clerk  
19 shall, prior to the appointment, have been qualified by training  
20 or experience to perform the duties of the office.

21 § 3010. Executive power vested in executive.

22 The executive power of the municipality shall be exercised by  
23 the executive (mayor).

24 § 3011. Powers and duties of executive.

25 The executive (mayor) shall enforce the plan and ordinances  
26 of the municipality and all general laws applicable to them. The  
27 executive shall, annually, report to the council and the public  
28 on the work of the previous year and on the condition and  
29 requirements of the municipal government and shall, from time to  
30 time, make these recommendations for action by the council as he

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1 deems in the public interest. He shall supervise the departments  
2 of the municipal government and shall require each department to  
3 make annual and other reports of its work as he deems desirable.

4 § 3012. Approval or veto of ordinances.

5 (a) General rule.--Ordinances adopted by the council shall  
6 be submitted to the executive (mayor) who shall, within ten days  
7 after receiving any ordinance, either approve the ordinance by  
8 affixing his signature thereto, or veto the ordinance by  
9 delivering it to the municipal clerk together with a statement  
10 setting forth his objections. The clerk shall immediately notify  
11 the council of the veto. No ordinance or any item or part  
12 thereof shall take effect without the executive's (mayor's)  
13 approval, unless the executive (mayor) fails to return an  
14 ordinance to the clerk within ten days after it has been  
15 presented to him, or unless council upon reconsideration of the  
16 veto on or after the third day following its return by the  
17 executive (mayor) shall override the executive's (mayor's) veto  
18 by a vote of a majority plus one of the members.

19 (b) Attendance at meetings of council.--The executive  
20 (mayor) may attend meetings of council and may take part in  
21 discussions of council but shall have no vote except in the case  
22 of a tie on the question of filling a vacancy in the council, in  
23 which case he may cast the deciding vote.

24 § 3013. Mayor, departments and department heads.

25 (a) Inability of executive to perform duties.--The executive  
26 (mayor) shall designate any department head to act as executive  
27 (mayor) whenever the executive (mayor) shall be prevented, by  
28 absence from the municipality, disability or other cause, from  
29 attending to the duties of his office. During such time the  
30 person so designated by the executive (mayor) shall possess all

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1 the rights, powers and duties of the executive (mayor). Whenever

2 the executive (mayor) has been unable to attend to the duties of  
3 his office for a period of 60 consecutive days for any of the  
4 reasons stated in this subsection, a member of council shall be  
5 appointed by the council as acting executive (mayor), who shall  
6 succeed to all the rights, powers and duties of the executive  
7 (mayor) or the then acting executive (mayor), until he shall  
8 return or his disability ceases.

9 (b) Establishment and exercise of functions of department.--  
10 The municipality may have a department of administration and  
11 shall have such other departments as council may establish by  
12 ordinance. All of the administrative functions, powers and  
13 duties of the municipality, other than those vested in the  
14 office of the clerk, treasurer, if elected, and controller,  
15 shall be assigned among and within the departments.

16 (c) Appointment and term of department heads and  
17 solicitor.--Each department shall be headed by a director who  
18 shall be appointed by the executive (mayor) with the advice and  
19 consent of the council. Each municipality shall also have a  
20 solicitor who shall be appointed by the executive (mayor) with  
21 the advice and consent of the council. Each department head and  
22 the solicitor shall serve during the term of office of the  
23 executive (mayor) appointing him, and until the appointment and  
24 qualification of his successor. No member of municipal council  
25 shall head a department.

26 (d) Removal of department head.--The executive (mayor) may  
27 remove any department head after notice and an opportunity to be  
28 heard. Prior to removing a department head, the executive  
29 (mayor) shall first file written notice of his intention with  
30 the council. The removal shall become effective 20 days after

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1 the filing of the notice.

2 (e) Department officers and employees.--Department heads  
3 shall appoint subordinate officers and employees within their  
4 departments under procedures established in section 3122  
5 (relating to appointment of subordinate officers and employees).  
6 § 3014. Department of administration.

7 (a) Department heads.--Where a department of administration  
8 is established, it shall be headed by a director. The director  
9 shall be chosen solely on the basis of his executive and  
10 administrative qualifications with special reference to his  
11 actual experience in, or his knowledge of, accepted practice in  
12 respect to the duties of his office. At the time of appointment,  
13 the director need not be a resident of the municipality or this  
14 Commonwealth. He shall have, exercise and discharge the  
15 functions, powers and duties of the department.

16 (b) Department functions.--The department, under the  
17 direction and supervision of the executive (mayor), shall have  
18 the following powers and duties:

19 (1) To assist in the preparation of the budget.

20 (2) To administer a centralized purchasing system.

21 (3) To establish and administer a centralized personnel  
22 system.

23 (4) To establish and maintain a centralized accounting  
24 system which shall be so designed as to accurately reflect  
25 the assets, liabilities, receipts and expenditures of the  
26 municipality.

27 (5) To perform any other duties as council may prescribe  
28 through the administrative ordinance or as the executive  
29 (mayor) may direct.

30 § 3015. Budget.



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1 The municipal budget shall be prepared by the executive  
2 (mayor) with the assistance of the director of the department of  
3 administration or other officer designated by the executive  
4 (mayor).

5 § 3016. Form and adoption of budget.

6 The budget shall be in the form required by council and shall  
7 have appended to it a detailed analysis of the various items of  
8 expenditure and revenue. The budget as submitted and adopted  
9 shall be balanced. Council may reduce any item or items in the  
10 executive's (mayor's) budget by a vote of a majority of the  
11 council, but an increase in any item or items therein shall  
12 become effective only upon an affirmative vote of a majority  
13 plus one of the members of council. Council shall, upon the  
14 introduction of the proposed budget, fix a date for adoption,  
15 which shall except as otherwise provided be not later than  
16 December 31 immediately following.

17 § 3017. Amended budget.

18 During January next following any municipal election, the  
19 executive (mayor) may submit an amended budget to council.  
20 Council shall consider it in the same manner as provided in  
21 section 3016 (relating to form and adoption of budget), but  
22 final consideration of the amended budget shall be completed by  
23 February 15 of the same year.

24 § 3018. Council amendments to budget.

25 Council may amend the budget during January next following  
26 any municipal election. Final adoption of the amended budget  
27 shall be completed by February 15 of the same year.

#### 28 SUBCHAPTER B

#### 29 EXECUTIVE (MAYOR) - COUNCIL PLAN B

30 Sec.

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1 3031. Designation and applicability of plan.

2 3032. Departments.

3 3033. Mandatory department of administration.

4 § 3031. Designation and applicability of plan.

5 The form of government provided in this subchapter shall be  
6 known as the "Executive (Mayor) - Council Plan B" and shall,  
7 together with Subchapter F of Chapter 29 (relating to general  
8 provisions and limitations for optional plan municipalities),  
9 Subchapter A of Chapter 30 (relating to executive (mayor)  
10 council plan A) and Subchapter A of Chapter 31 (relating to  
11 officers and employees), with the exception of section 3013(b)  
12 (relating to mayor, departments and department heads), govern  
13 any municipality the voters of which have adopted it pursuant to  
14 this subpart.

15 § 3032. Departments.

16 The municipality shall have a department of administration  
17 and shall have such other departments as council may establish  
18 by ordinance. The administrative functions, powers and duties of  
19 the municipality, other than those vested in the office of the  
20 clerk, treasurer and controller, if provided for, shall be  
21 allocated and assigned among and within the departments except  
22 that the functions specified in section 3014 (relating to  
23 department of administration) shall be assigned to the  
24 department of administration.

25 § 3033. Mandatory department of administration.

26 Under Executive (Mayor) - Council Plan B a department of  
27 administration shall be established.

28 SUBCHAPTER C

## EXECUTIVE (MAYOR) - COUNCIL PLAN C

29

30 Sec.

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1 3041. Designation and applicability of plan.

2 3042. Powers and duties of executive.

3 3043. Appointment and duties of managing director.

4 § 3041. Designation and applicability of plan.

5 The form of government provided in this subpart shall be  
6 known as the "Executive (Mayor) - Council Plan C" and shall,  
7 together with Subchapter F of Chapter 29 (relating to general  
8 provisions and limitations for optional plan municipalities),  
9 Subchapter A of Chapter 30 (relating to executive (mayor) -  
10 council plan A) and Subchapter A of Chapter 31 (relating to  
11 officers and employees), with the exception of section 3011  
12 (relating to powers and duties of executive), govern any  
13 municipality the voters of which have adopted it pursuant to  
14 this subpart.

15 § 3042. Powers and duties of executive.

16 The executive (mayor) shall enforce the plan and ordinances  
17 of the municipality and all general laws applicable thereto. The  
18 executive shall, annually, report to the council and the public  
19 on the work of the previous year and on the condition and  
20 requirements of the municipal government and shall, from time to  
21 time, make those recommendations for action by the council he  
22 deems in the public interest.

23 § 3043. Appointment and duties of managing director.

24 (a) General rule.--The executive (mayor) shall appoint, with  
25 the advice and consent of the council, a managing director who  
26 shall supervise the departments of government and who shall be  
27 the contact officer between the mayor and the departments. The  
28 managing director shall make periodic reports with those  
29 recommendations as he deems appropriate to the executive (mayor)  
30 concerning the affairs of municipal government and particularly

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1 of the departments.

2 (b) Removal.--The executive (mayor) may remove a managing  
3 director after notice and an opportunity to be heard. Prior to  
4 removing a managing director, the executive (mayor) shall first  
5 file written notice of his intention with the council. The  
6 removal shall become effective 20 days after the filing of the  
7 notice.

8 SUBCHAPTER D  
9 COUNCIL-MANAGER PLAN

10 Sec.

11 3051. Designation and applicability of plan.

12 3052. Officers and employees.

13 3053. Election and term of office of elected officials.

14 3054. Election and term of office of council members.

15 3055. First election of council members.

16 3056. Selection of mayor, council president or chairman.

17 3057. Appointment and duties of municipal clerk or secretary.

18 3058. Powers and duties of council.

19 3059. Qualifications of municipal manager.

20 3060. Removal of municipal manager from office.

21 3061. Inability of municipal manager to perform duties.

22 3062. Powers and duties of municipal manager.

23 3063. Preparation and adoption of budget.

24 3064. Amended budget.

25 § 3051. Designation and applicability of plan.

26 The form of government provided in this subchapter shall be

27 known as the "Council-Manager Plan" and shall, together with  
 28 Subchapter F of Chapter 29 (relating to general provisions and  
 29 limitations for optional plan municipalities) and Subchapter A  
 30 of Chapter 31 (relating to officers and employees), govern any  
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1 municipality the voters of which have adopted this plan pursuant  
 2 to this subpart.

3 § 3052. Officers and employees.

4 Each municipality under this subchapter shall be governed by  
 5 an elected council one member of which shall be the mayor, or  
 6 president of council, or chairman chosen under sections 2924  
 7 (relating to specificity of recommendations) and 3056 (relating  
 8 to selection of mayor, council president or chairman), an  
 9 elected district attorney in the case of counties, and an  
 10 appointed municipal manager, and, if so provided under the plan,  
 11 an elected treasurer, an elected controller and by those other  
 12 officers and employees as may be duly appointed pursuant to this  
 13 subchapter, general law or ordinance.

14 § 3053. Election and term of office of elected officials.

15 The district attorney in the case of counties and the  
 16 treasurer and controller, if provided for and if elected, shall  
 17 be elected by the electors at a regular municipal election and  
 18 shall serve for a term of four years beginning the first Monday  
 19 of January next following the election.

20 § 3054. Election and term of office of council members.

21 The municipal council shall consist of five members unless,  
 22 under the authority granted pursuant to section 2924 (relating  
 23 to specificity of recommendations), the municipality shall be  
 24 governed by a council of three, seven or nine members. Members  
 25 of the municipal council shall be elected at large by the  
 26 electors unless, pursuant to the authority granted under section  
 27 2924, members shall be elected on a district basis in which each  
 28 district is as equal in population as is feasible, or on a  
 29 combination at large and district basis as determined by the  
 30 charter study commission or as specified in an initiative

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1 petition or ordinance of the governing body under the provisions  
 2 of sections 2942 (relating to initiation of amendment by  
 3 electors or council), 2943 (relating to petition for referendum  
 4 or ordinance proposing amendment) and 2944 (relating to time and  
 5 manner of submission of question), at a regular municipal  
 6 election. The members shall serve for a term of four years,  
 7 except as provided in this subchapter, beginning on the first  
 8 Monday of January next following their election. <--

9 § 3055. First election of council members.

10 At the first municipal election following the adoption by a  
 11 municipality of this charter plan, council members shall be  
 12 elected and shall serve for the terms as provided in section  
 13 3162 (relating to status and term of office of officials).

14 § 3056. Selection of mayor, council president or chairman.

15 (a) General rule.--On the first Monday of January following  
 16 the municipal election, the members of the municipal council  
 17 shall assemble at the usual place of meeting, organize and elect  
 18 one of their number as mayor or president of council or chairman  
 19 unless otherwise provided. The mayor or president of council or  
 20 chairman shall be chosen by ballot by majority vote of all  
 21 members of the municipal council. If the members shall be  
 22 unable, within five ballots to be taken within two days of the  
 23 organization meeting, to elect a mayor or president of council  
 24 or chairman, then the member who in the election for members of

25 the municipal council received the greatest number of votes  
 26 shall be the mayor, president of council or chairman. If that  
 27 person declines to accept the office, then the person receiving  
 28 the next highest vote shall be the mayor, president of council  
 29 or chairman, and so on, until the office is filled. The mayor,  
 30 or president of council, or chairman shall preside at all

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1 meetings of the municipal council and shall have a voice and  
 2 vote in its proceedings.

3 (b) Election of mayor.--On the recommendation of the  
 4 government study commission as provided under section 2924  
 5 (relating to specificity of recommendations), or as specified in  
 6 an initiative petition or ordinance of the governing body as  
 7 authorized by sections 2942 (relating to initiation of amendment  
 8 by electors or council), 2943 (relating to petition for  
 9 referendum or ordinance proposing amendment) and 2944 (relating  
 10 to time and manner of submission of question), the mayor shall  
 11 be elected directly by the electors at the regular municipal  
 12 election in lieu of being chosen as provided in subsection (a).  
 13 § 3057. Appointment and duties of municipal clerk or secretary.

14 A municipal clerk or secretary shall be appointed in the  
 15 manner set forth in the administrative ordinance as provided in  
 16 section 3146 (relating to passage of administrative ordinance).  
 17 The municipal clerk or secretary shall serve as clerk of the  
 18 council, keep its minutes and records of its proceedings,  
 19 maintain and compile its ordinances and resolutions as this  
 20 subpart requires and perform any functions as may be required by  
 21 law or ordinance. The municipal clerk shall, prior to his  
 22 appointment, have been qualified by training or experience to  
 23 perform the duties of the office.

24 § 3058. Powers and duties of council.

25 (a) General rule.--All powers as provided by laws applicable  
 26 to that class of municipality shall be vested in the municipal  
 27 council, except as otherwise provided by this subchapter, and  
 28 the council shall provide for the exercise thereof and for the  
 29 performance of all duties imposed on the municipality by law.

30 (b) Adoption of administrative ordinance.--The council shall

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1 by ordinance adopt an administrative ordinance defining the  
 2 responsibilities of the municipal departments and agencies as it  
 3 deems necessary and proper for the efficient conduct of  
 4 municipal affairs.

5 (c) Appointment of municipal manager.--The municipal council  
 6 shall appoint a municipal manager. The office of municipal  
 7 manager and municipal clerk or secretary may be held by the same  
 8 person.

9 (d) Investigations.--The council may make investigations  
 10 into the affairs of the municipality and the conduct of any  
 11 municipal department, office or agency.

12 (e) Administrative departments, boards and offices.--The  
 13 municipal council shall continue or create, and determine and  
 14 define, the powers and duties of any executive and  
 15 administrative departments, boards and offices, in addition to  
 16 those provided for in this subpart, as it deems necessary for  
 17 the proper and efficient conduct of the affairs of the  
 18 municipality, including the office of deputy manager. Any  
 19 department, board or office so continued or created may be  
 20 abolished by the municipal council. No member of municipal  
 21 council shall head an administrative department.

22 (f) Additional powers and limitations.--It is the intention

23 of this subchapter that the municipal council shall act in all  
 24 matters as a body, and it is contrary to the spirit of this  
 25 subchapter for any of its members to seek individually to  
 26 influence the official acts of the municipal manager or any  
 27 other officer, or for the council or any of its members to  
 28 direct or request the appointment of any person to or his  
 29 removal from office, or to interfere in any way with the  
 30 performance by the officers of their duties. The council and its  
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1 members shall deal with the administrative service solely  
 2 through the municipal manager and shall not give orders to any  
 3 subordinates of the municipal manager, either publicly or  
 4 privately. This subchapter does not prevent the municipal  
 5 council from appointing committees of its own members or of  
 6 citizens to conduct investigations into the conduct of any  
 7 officer or department, or any matter relating to the welfare of  
 8 the municipality, and delegating to those committees such powers  
 9 of inquiry as the municipal council deems necessary.  
 10 § 3059. Qualifications of municipal manager.

11 The municipal manager shall be chosen by the council on the  
 12 basis of his executive and administrative qualifications. At the  
 13 time of his appointment, he need not be a resident of the  
 14 municipality or this Commonwealth. The municipal manager shall  
 15 not hold any elective governmental office.

16 § 3060. Removal of municipal manager from office.

17 The municipal manager shall be appointed for an indefinite  
 18 term and may be removed by a majority vote of the council. At  
 19 least 30 days before the removal becomes effective, the council  
 20 shall notify the municipal manager of its decision to remove him  
 21 from office, by a majority vote of its members, stating the  
 22 reasons for his removal. The municipal manager may reply in  
 23 writing and may request a public hearing, which shall be held  
 24 not earlier than 20 days nor later than 30 days after the filing  
 25 of the request. After the public hearing, if one is requested,  
 26 and after full consideration, the council by majority vote of  
 27 its members may adopt a final resolution of removal. By the  
 28 preliminary resolution, the council may suspend the municipal  
 29 manager from duty, but may, in any case, cause to be paid  
 30 immediately any unpaid balance of his salary and his salary for  
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1 the next three calendar months.

2 § 3061. Inability of municipal manager to perform duties.

3 The municipal manager may designate a qualified  
 4 administrative officer of the municipality to perform his duties  
 5 during his temporary absence or disability. In the event of his  
 6 failure to make a designation, or if the absence or disability  
 7 continues more than 30 days, the council may appoint an officer  
 8 of the municipality to perform the duties of the manager during  
 9 the absence or disability until the manager returns or his  
 10 disability ceases.

11 § 3062. Powers and duties of municipal manager.

12 The municipal manager shall have the following powers and  
 13 duties:

- 14 (1) To be the chief executive and administrative  
 15 official of the municipality.
- 16 (2) To execute all laws and ordinances.
- 17 (3) To appoint and remove department heads and the  
 18 deputy manager, if one is authorized by council, and appoint  
 19 subordinate officers and employees under procedures  
 20 established in section 3122 (relating to appointment of

21 subordinate officers and employees).  
 22 (4) To negotiate contracts for the municipality, subject  
 23 to the approval of the municipal council, make  
 24 recommendations concerning the nature and location of  
 25 municipal improvements and execute municipal improvements as  
 26 determined by the municipal council.

27 (5) To assure that all terms and conditions imposed in  
 28 favor of the municipality or its inhabitants in any statute,  
 29 public utility franchise or other contract are faithfully  
 30 kept and performed and, upon knowledge of any violation, to

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1 call the same to the attention of the municipal council.

2 (6) To prepare the agenda for and attend all meetings of  
 3 the municipal council with the right to take part in the  
 4 discussions, but without the right to vote.

5 (7) To make such recommendations to the council  
 6 concerning policy formulation as he deems desirable and keep  
 7 the council and the public informed as to the conduct of  
 8 municipal affairs.

9 (8) To prepare and submit the annual budget to the  
 10 council together with such explanatory comment as he deems  
 11 desirable and to administer the municipal budget.

12 (9) To perform such other duties as may be required of  
 13 the municipal manager by ordinance or resolution of the  
 14 municipal council.

15 (10) To be responsible to the council for carrying out  
 16 all policies established by it and for the proper  
 17 administration of all affairs of the municipality within the  
 18 jurisdiction of the council.

19 § 3063. Preparation and adoption of budget.

20 The municipal manager shall submit to council his recommended  
 21 budget, together with any explanatory comment or statement he  
 22 deems desirable. The budget shall be in such form as is required  
 23 by council for municipal budgets and shall in addition have  
 24 appended thereto a detailed analysis of the various items of  
 25 expenditure and revenue. The budget as submitted and adopted  
 26 shall be balanced. Council shall upon introduction of the  
 27 proposed budget fix a date for adoption thereof which shall be  
 28 not later than December 31 immediately following submission.

29 § 3064. Amended budget.

30 During January next following any municipal election, council

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1 may request the manager to submit an amended budget to council  
 2 which shall consider it in the same manner as provided in  
 3 section 3063 (relating to preparation and adoption of budget),  
 4 except that final adoption of the amended budget shall not be  
 5 later than February 15 of the same year.

6 SUBCHAPTER E

7 SMALL MUNICIPALITY PLAN

8 Sec.

9 3071. Designation and applicability of plan.

10 3072. Officers.

11 3073. Election of council members.

12 3074. Organization of council.

13 3075. Powers and duties of council.

14 3076. Municipal clerk or secretary, solicitor and agencies.

15 3077. Powers and duties of executive.

16 3078. Appointment of officers and employees by executive.

17 3079. Preparation and adoption of budget.

18 3080. Amended budget.

19 § 3071. Designation and applicability of plan.

20 The form of government provided in this subchapter shall be  
 21 known as the "Small Municipality Plan." It may be adopted by any  
 22 municipality having a population of less than 7,500 inhabitants  
 23 by the last Federal census. The plan, together with Subchapter F  
 24 of Chapter 29 (relating to general provisions and limitations  
 25 for optional plan municipalities) and Subchapter A of Chapter 31  
 26 (relating to officers and employees), shall govern any  
 27 municipality the voters of which have adopted it pursuant to  
 28 this subpart.

29 § 3072. Officers.

30 Each municipality shall be governed by an elected executive  
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1 (mayor) and council members, an elected district attorney in the  
 2 case of counties and, if so provided under the plan, an elected  
 3 treasurer or elected controller and any other officers as shall  
 4 be appointed pursuant to this subchapter, general law or  
 5 ordinance.

6 § 3073. Election of council members.

7 The council shall consist of the executive (mayor), who shall  
 8 be elected at large, and two council members unless pursuant to  
 9 the authority granted under section 2924 (relating to  
 10 specificity of recommendations) the municipality is governed by  
 11 an executive (mayor) and four council members, an executive  
 12 (mayor) and six council members, or an executive (mayor) and  
 13 eight council members. Members of the council shall be elected  
 14 at large unless the plan provides that members shall be elected  
 15 on a district basis in which each district is as equal in  
 16 population as is feasible, or on a combination at large and  
 17 district basis as determined by the government study commission  
 18 or as specified in an initiative petition or ordinance of the  
 19 governing body under the provisions of sections 2942 (relating  
 20 to initiation of amendment by electors or council), 2943  
 21 (relating to petition for referendum or ordinance proposing  
 22 amendment) and 2944 (relating to time and manner of submission  
 23 of question), at a regular municipal election by the voters of  
 24 the municipality. The members of the council shall serve a term  
 25 of four years beginning on the first Monday in January next  
 26 following their election, except as provided in this subpart.

27 § 3074. Organization of council.

28 On the first Monday of January following the regular  
 29 municipal election, the members of the council shall assemble at  
 30 the usual place of meeting and organize. The executive (mayor)

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1 shall preside at all meetings of the council and shall have a  
 2 voice and vote on its proceedings. The council shall select from  
 3 among its members a president of the council who shall serve in  
 4 place of the executive (mayor) in the event of his absence or  
 5 disability.

6 § 3075. Powers and duties of council.

7 The legislative power of the municipality shall be exercised  
 8 by the council, except as may be otherwise provided by general  
 9 law. A majority of the whole number of the council shall  
 10 constitute a quorum for the transaction of business, but a  
 11 smaller number may meet and adjourn from time to time.

12 § 3076. Municipal clerk or secretary, solicitor and agencies.

13 (a) Municipal clerk or secretary.--A municipal clerk or  
 14 secretary shall be appointed in the manner set forth in the  
 15 administrative ordinance, as provided pursuant to section 3146  
 16 (relating to passage of administrative ordinance). The municipal

17 clerk or secretary shall serve as clerk of the council, keep its  
 18 minutes and records of its proceedings, maintain and compile its  
 19 ordinances and resolutions as this subpart requires and perform  
 20 any functions as may be required by law. The clerk shall, prior  
 21 to his appointment, have been qualified by training or  
 22 experience to perform the duties of the office.

23 (b) Solicitor and agencies.--The council may, consistent  
 24 with statutes applicable to that class of municipality, provide  
 25 for the manner of appointment of a solicitor, any planning  
 26 board, zoning board of adjustment, zoning hearing board or  
 27 personnel board in the municipality and may create commissions  
 28 and other bodies with advisory powers.

29 § 3077. Powers and duties of executive.

30 The executive power of the municipality shall be exercised by  
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1 the executive (mayor). The executive shall see that all laws and  
 2 ordinances in force and effect within the municipality are  
 3 observed. He shall address the council and report to the  
 4 residents, annually and at any other times as he deems  
 5 desirable, on the condition of the municipality and upon its  
 6 problems of government. The executive (mayor) shall also appoint  
 7 a finance committee of the council, which shall consist of one  
 8 or more council members, and may appoint and designate other  
 9 committees of council of similar composition.

10 § 3078. Appointment of officers and employees by executive.

11 The executive (mayor) shall appoint subordinate officers and  
 12 employees with the advice and consent of council under  
 13 procedures established in section 3122 (relating to appointment  
 14 of subordinate officers and employees), except that, in  
 15 counties, the office of prothonotary and clerk of courts,  
 16 register of wills and clerk of orphans court shall be filled by  
 17 appointment by the president judge of the appropriate court with  
 18 advice and consent of a majority of the council.

19 § 3079. Preparation and adoption of budget.

20 The municipal budget shall be prepared by the executive  
 21 (mayor) and shall be submitted to council in the form required  
 22 by council. The budget as submitted and adopted shall be  
 23 balanced. Council shall, upon introduction of the proposed  
 24 budget, fix a date for adoption thereof which shall be not later  
 25 than December 31 immediately following.

26 § 3080. Amended budget.

27 During the month of January next following any municipal  
 28 elections, the executive (mayor), upon his own initiative or at  
 29 the request of council, may submit an amended budget to council,  
 30 which shall consider it in the same manner as provided in

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1 section 3079 (relating to preparation and adoption of budget),  
 2 except that final adoption of the amended budget shall not be  
 3 later than February 15 of the same year.

#### 4 SUBCHAPTER F 5 OPTIONAL COUNTY PLAN

6 Sec.

7 3091. Designation and applicability of plan.

8 3092. County officers.

9 3093. Powers.

10 3094. Additional options for election of county sheriff.

11 3095. Approval of plan.

12 § 3091. Designation and applicability of plan.

13 The form of government provided in this subpart shall be  
 14 known as the "Optional County Plan" and shall, together with



15 Subchapter F of Chapter 29 (relating to general provisions and  
 16 limitations for optional plan municipalities) and Subchapter A  
 17 of Chapter 31 (relating to officers and employees), govern any  
 18 county the voters of which have adopted this plan pursuant to  
 19 this subpart. This option shall be available only to counties.

20 § 3092. County officers.

21 (a) Enumeration.--The county officers shall be as follows:

- 22 (1) County commissioner.
- 23 (2) Controller or auditor.
- 24 (3) District attorney.
- 25 (4) Public defender.
- 26 (5) Treasurer.
- 27 (6) Sheriff.
- 28 (7) Register of wills.
- 29 (8) Recorder of deeds.
- 30 (9) Prothonotary.

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1 (10) Clerk of the courts.

2 (b) Election and term of office.--County officers, except  
 3 for public defenders, who shall be appointed as provided by law,  
 4 shall be elected at the municipal election and shall hold their  
 5 offices for the term of four years, beginning on the first  
 6 Monday of January next after their election, and until their  
 7 successors are duly qualified. Vacancies shall be filled in the  
 8 manner provided by law.

9 (c) Salaries and fees.--County officers shall be paid only  
 10 by salary as provided by law for services performed for the  
 11 county or any other governmental unit. Fees incidental to the  
 12 conduct of any county office shall be payable directly to the  
 13 county or the Commonwealth or as otherwise provided by law.

14 (d) County commissioners.--Three county commissioners shall  
 15 be elected in each county. In the election of these officers,  
 16 each qualified elector shall vote for not more than two persons,  
 17 and the three persons receiving the highest number of votes  
 18 shall be elected.

19 (e) Coroner or medical examiner.--The coroner or medical  
 20 examiner shall be a statutory office elected at the municipal  
 21 election and shall hold the office for the term of four years,  
 22 beginning on the first Monday of January next after election,  
 23 and until his successor is duly qualified. He shall be paid only  
 24 by salary as provided by law. Vacancies shall be filled in the  
 25 manner provided by law.

26 (f) Jury commissioners.--Jury commissioners shall be  
 27 statutory officers and shall be elected at the municipal  
 28 election and shall hold their office for the term of four years,  
 29 beginning on the first Monday of January next after election,  
 30 and until their successors are duly qualified. The salary board

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1 shall fix the salary of the jury commissioners. Vacancies in the  
 2 office of jury commissioner shall be filled by the president  
 3 judge of the court of common pleas.

4 § 3093. Powers.

5 All county officers may exercise those powers granted by  
 6 general law to county offices of the class of county to which it  
 7 belongs.

8 § 3094. Additional options for election of county sheriff.

9 A government study commission created and constituted as  
 10 provided in Subchapter B of Chapter 29 (relating to procedure  
 11 for adoption of a home rule charter or optional plan of  
 12 government) for counties, or an initiative petition or ordinance

13 of the governing body as authorized by sections 2942 (relating  
 14 to initiation of amendment by electors or council), 2943  
 15 (relating to petition for referendum or ordinance proposing  
 16 amendment) and 2944 (relating to time and manner of submission  
 17 of question), may recommend and cause to be placed on the  
 18 ballot, as a part of the question submitted to the voters for  
 19 approval, additional options as part of the optional plans as  
 20 set forth in this chapter providing for the election of the  
 21 county sheriff.

22 § 3095. Approval of plan.

23 If the optional plan, including an additional option or  
 24 options as provided in section 3091 (relating to designation and  
 25 applicability of plan), is approved by the voters, the county  
 26 shall be governed by the provisions of the subchapter providing  
 27 the basic optional plan and by the provisions of Subchapter F of  
 28 Chapter 29 (relating to general provisions and limitations for  
 29 optional plan municipalities) and Subchapter A of Chapter 31  
 30 (relating to officers and employees), except that the elected

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1 sheriff shall be subject to the provisions pertaining to that  
 2 office as provided in this subchapter.

3 CHAPTER 31

4 GENERAL PROVISIONS COMMON TO OPTIONAL PLANS

5 Subchapter

- 6 A. Officers and Employees
- 7 B. Treasurer
- 8 C. Appointment Power and Personnel
- 9 D. Filling Vacancies in Elected Office
- 10 E. Legislation by Council
- 11 F. Audit and Control
- 12 G. Transition to Optional Plan Government
- 13 H. Repeal of Optional Plan

14 SUBCHAPTER A  
 15 OFFICERS AND EMPLOYEES

16 Sec.

17 3101. Adverse interest in contracts for purchase or services.

18 3102. Acceptance of services at more favorable terms.

19 3103. Gift or promise of thing of value to influence  
 20 political support.

21 3104. Refusal or failure to appear or testify before court.

22 § 3101. Adverse interest in contracts for purchase or services.

23 (a) General rule.--If a municipal officer or official  
 24 elected or appointed knows or by the exercise of reasonable  
 25 diligence should know that he is interested to any appreciable  
 26 degree, either directly or indirectly, in any contract for the  
 27 sale or furnishing of any personal property for the use of the  
 28 municipality, or for any services to be rendered for the  
 29 municipality involving the expenditure of more than \$300 in any  
 30 year, he shall notify council. Any such contract shall not be

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1 passed and approved by council except by an affirmative vote of  
 2 at least three-fourths of the members. If the interested officer  
 3 is a member of council, he shall refrain from voting upon the  
 4 contract.

5 (b) Exception.--This section does not apply to cases where  
 6 the officer or official is an employee of the person, firm or  
 7 corporation to which money is to be paid in a capacity with no  
 8 possible influence on the transaction and in which he cannot  
 9 possibly be benefited either financially or in any other  
 10 material manner.

11 (c) Penalties.--Any officer or official who knowingly  
 12 violates this section shall be liable to the municipality upon  
 13 his bond, if any, or personally, to the extent of the damage  
 14 shown to be sustained by the municipality and to ouster from  
 15 office, and commits a misdemeanor of the third degree and shall,  
 16 upon conviction, be sentenced to pay a fine not exceeding \$500,  
 17 or imprisonment not exceeding one year, or both.

18 § 3102. Acceptance of services at more favorable terms.

19 An officer or employee shall not accept or receive, directly  
 20 or indirectly, from any person operating within the territorial  
 21 limits of a municipality any interurban railway, bus line,  
 22 street railway, gas works, waterworks, electric light or power  
 23 plant, heating plant, telegraph line, telephone exchange or  
 24 other business using or operating under a public franchise, any  
 25 frank, free pass, free ticket or free service, or accept or  
 26 receive, directly or indirectly, from any person, any other  
 27 service upon terms more favorable than is granted to the public  
 28 generally, except that the prohibition of free transportation  
 29 shall not apply to police officers or firefighters in uniform.  
 30 Free service to the municipal officials provided by any

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1 franchise or ordinance shall not be affected by this section.

2 § 3103. Gift or promise of thing of value to influence  
 3 political support.

4 (a) General rule.--A candidate for office, appointment or  
 5 employment, or an officer, appointee or employee in any  
 6 municipality shall not, directly or indirectly, give or promise  
 7 to any person any office, position, employment, benefit or  
 8 anything of value for the purpose of influencing or obtaining  
 9 the political support, aid or vote of any person.

10 (b) Penalty.--Any person who violates subsection (a) shall  
 11 be disqualified to hold the office or employment to which he may  
 12 be or may have been elected or appointed.

13 § 3104. Refusal or failure to appear or testify before court.

14 Any person elected or appointed to any office or position in  
 15 a municipality governed under this subpart who, after lawful  
 16 notice or process, willfully refuses or fails to appear before  
 17 any court, any legislative committee or the Governor, or having  
 18 appeared refuses to testify or to answer any question regarding  
 19 the property, government or affairs of the municipality, or  
 20 regarding his nomination, election, appointment or official  
 21 conduct on the ground that his answer would tend to incriminate  
 22 him, or refuses to waive immunity from prosecution on account of  
 23 any matter in relation to which he may be asked to testify, may  
 24 be removed from office by the council of the municipality.

#### SUBCHAPTER B

#### TREASURER

25  
 26  
 27 Sec.

28 3111. Selection and duties of municipal treasurer.

29 § 3111. Selection and duties of municipal treasurer.

30 (a) General rule.--Under any of the optional plans as set

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1 forth in this subpart, except for the plan set forth in  
 2 Subchapter F of Chapter 30 (relating to optional county plan),  
 3 the office of municipal treasurer may be omitted, or may be  
 4 filled by appointment or by election, as provided in the plan.  
 5 If the office of municipal treasurer is to be filled by  
 6 appointment, the appointment shall be made in accordance with  
 7 the appointment procedures for other department heads.

8 (b) Powers and duties of elected treasurer.--The municipal

9 treasurer, if elected, shall perform the functions and duties  
 10 and have the powers relating to the collection, receiving,  
 11 safekeeping and payment over of public moneys, including  
 12 municipal, county, institution district and school district  
 13 taxes, as provided by law and shall have any other functions,  
 14 powers and duties assigned to him by the executive of the  
 15 municipality.

16 SUBCHAPTER C  
 17 APPOINTMENT POWER AND PERSONNEL

18 Sec.

19 3121. Appointment of members of boards and commissions.

20 3122. Appointment of subordinate officers and employees.

21 § 3121. Appointment of members of boards and commissions.

22 The appointment power of the chief executive of the  
 23 municipality under any of the plans authorized by this subpart  
 24 shall include the appointment of members of boards and  
 25 commissions authorized by this subpart, by law, or by action of  
 26 municipal council. All such appointments shall be with the  
 27 advice and consent of a majority of municipal council.

28 § 3122. Appointment of subordinate officers and employees.

29 (a) General rule.--Appointments and promotions of  
 30 subordinate officers and employees within departments shall be  
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1 made by the department head on the basis of a personnel system  
 2 which shall include written procedures for appointment and  
 3 promotion based on merit and fitness as demonstrated by  
 4 examination or other evidence of competence for the position.

5 (b) Personnel rules.--The personnel system shall be governed  
 6 by personnel rules which shall be prepared by the executive  
 7 (mayor) or manager and submitted to the municipal council which  
 8 shall adopt them with or without amendments unless otherwise  
 9 provided for or arrived at by collective bargaining. The  
 10 personnel rules may provide for:

11 (1) The classification of all municipal positions, based  
 12 on the duties, authority and responsibility of each position,  
 13 with adequate provision for reclassification of any position  
 14 whenever warranted by change of circumstances.

15 (2) A pay plan for all municipal positions.

16 (3) Methods for determining the merit and fitness of  
 17 candidates for appointment or promotion.

18 (4) The policies and procedures regulating reduction in  
 19 force and disciplinary action, including suspension and  
 20 removal of employees.

21 (5) The hours of work and provisions for sick and  
 22 vacation leave and holidays and overtime compensation.

23 (6) Grievance procedures, including procedures for the  
 24 hearing of grievances.

25 (7) Other practices and procedures necessary to the  
 26 administration of the municipal personnel system.

27 SUBCHAPTER D  
 28 FILLING VACANCIES IN ELECTED OFFICE

29 Sec.

30 3131. Applicability of subchapter.

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1 3132. Manner of filling vacancies in office.

2 § 3131. Applicability of subchapter.

3 This subchapter shall apply to the filling of vacancies in  
 4 elected office in all optional plans and options except those  
 5 set forth in Subchapter F of Chapter 30 (relating to optional  
 6 county plan).

7 § 3132. Manner of filling vacancies in office.

8 (a) Members of council.--

9 (1) If a vacancy exists in the municipal council, the  
 10 municipal council shall, by a majority of its remaining  
 11 members, fill the vacancy, within 30 days thereafter, by  
 12 electing a qualified person to serve until that first Monday  
 13 of January when his successor is duly sworn into office for  
 14 the remainder of the term of the person originally elected to  
 15 the office. The successor shall be elected at the next  
 16 municipal election occurring at least 50 days after the  
 17 vacancy begins.

18 (2) In case vacancies should exist whereby the offices  
 19 of a majority or more members of the municipal council become  
 20 vacant, the remaining members shall fill the vacancies, one  
 21 at a time, giving each new appointee reasonable notice of his  
 22 appointment as will enable him to meet and act with the then  
 23 qualified member or members of the municipal council in  
 24 making further appointments until a bare majority of members  
 25 of municipal council members have been qualified. At that  
 26 time these members shall appoint persons to fill the  
 27 remaining vacancies at a meeting attended by the majority  
 28 members of municipal council, such appointees to receive a  
 29 majority of the votes of the members present at the meeting.  
 30 Each person selected to fill the vacancy or vacancies shall

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1 hold his office as provided in this subsection.

2 (3) If, by reason of a tie vote or otherwise, the  
 3 vacancy shall not have been filled by the remaining members  
 4 of municipal council within the time as limited in this  
 5 subsection, the court of common pleas, upon the petition of  
 6 ten or more qualified electors, shall fill the vacancy by the  
 7 appointment of a qualified person for the portion of the  
 8 unexpired term as provided in this subsection.

9 (b) Other officers.--

10 (1) If a vacancy occurs in the office of executive  
 11 (mayor), municipal treasurer, if elected, municipal  
 12 controller, if elected, county district attorney or county  
 13 sheriff, if elected, the municipal council shall fill the  
 14 vacancy within 30 days thereafter by choosing an executive  
 15 (mayor), a municipal treasurer, a municipal controller, a  
 16 county district attorney or a county sheriff, as the case may  
 17 be, to serve until his successor is elected by the qualified  
 18 electors at the next municipal election, occurring at least  
 19 50 days after the vacancy occurs, and is duly sworn into  
 20 office. The person so elected shall serve from the first  
 21 Monday of January next succeeding his election for the  
 22 remainder of the term of the person originally elected to the  
 23 office.

24 (2) If, by reason of a tie vote or otherwise, a vacancy  
 25 in the office of executive (mayor), treasurer, controller,  
 26 county district attorney or county sheriff has not been  
 27 filled by council within the time as limited in this  
 28 subsection, the court of common pleas, upon petition of ten  
 29 or more qualified electors, shall fill the vacancy by the  
 30 appointment of a qualified person for the portion of the

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1 unexpired term as provided in this subsection.

2 SUBCHAPTER E  
 3 LEGISLATION BY COUNCIL

4 Sec.

- 5 3141. Regular and special meetings of council.  
 6 3142. Procedure and functions of council.  
 7 3143. Adoption of ordinances.  
 8 3144. Recording and compilation of ordinances and resolutions.  
 9 3145. Filing and publication of rules and regulations.  
 10 3146. Passage of administrative ordinance.

11 § 3141. Regular and special meetings of council.

12 The council shall, by ordinance or resolution, designate the  
 13 time of holding regular meetings which shall be at least  
 14 monthly. The executive (mayor) or the president of council may  
 15 and, upon written request of a majority of the members of the  
 16 council, shall call a special meeting of the council. In the  
 17 call, he shall designate the purpose of the special meeting and  
 18 no other business shall be considered. All meetings of the  
 19 council shall be open to the public. The municipal clerk or  
 20 secretary shall keep a journal of its proceedings and record the  
 21 minutes of every meeting.

22 § 3142. Procedure and functions of council.

23 (a) Rules of procedure.--Council shall determine its own  
 24 rules of procedure, not inconsistent with ordinance or statute.  
 25 A majority of the whole number of members of the council shall  
 26 constitute a quorum, and no ordinance shall be adopted by the  
 27 council without the affirmative vote of a majority of all the  
 28 members of the council.

29 (b) Adoption of ordinances and resolutions.--Each ordinance  
 30 or resolution shall be presented and considered as determined by

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1 council rules of procedure. The vote upon every motion,  
 2 resolution or ordinance shall be taken by roll call, and the  
 3 yeas and nays shall be entered on the minutes. The minutes of  
 4 each meeting shall be signed by the officer presiding at the  
 5 meeting and by the municipal clerk or secretary.

6 (c) Administrative ordinance.--Council shall adopt by  
 7 ordinance an administrative ordinance which shall provide for  
 8 the establishment and filling of additional administrative  
 9 offices which it deems necessary and shall provide for  
 10 administrative procedures not otherwise provided for in this  
 11 subpart or by general law.

12 (d) Compensation of controller and treasurer.--The  
 13 compensation of the controller and treasurer shall be fixed by  
 14 the council.

15 § 3143. Adoption of ordinances.

16 (a) General rule.--Except as may otherwise be provided in  
 17 this subpart, all ordinances shall be adopted and published as  
 18 provided by law. Any ordinance may incorporate by reference any  
 19 standard technical regulation or code, official or unofficial,  
 20 which need not be so published whenever ten copies of the  
 21 regulations or code have been placed on file in the office of  
 22 the municipal clerk or secretary and in the office of the body  
 23 or department charged with the enforcement of the ordinance.

24 (b) Effective date.--No ordinance, other than the local  
 25 budget ordinance, shall take effect less than ten days after its  
 26 final passage by council and approval by the executive (mayor)  
 27 where that approval is required, unless the council adopts a  
 28 resolution declaring an emergency and at least a majority plus  
 29 one of all the members of the council vote in favor of the  
 30 resolution.

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1 § 3144. Recording and compilation of ordinances and  
 2 resolutions.

3 The municipal clerk or secretary shall record all ordinances  
 4 and resolutions adopted by council and, at the close of each  
 5 year, with the advice and assistance of the municipal solicitor,  
 6 shall bind, compile or codify all the ordinances and  
 7 resolutions, or true copies thereof, which then remain in force  
 8 and effect. He shall also properly index the record books,  
 9 compilation or codification of ordinances and resolutions.

10 § 3145. Filing and publication of rules and regulations.

11 No rule or regulation made by any department, officer, agency  
 12 or authority of the municipality, except as it relates to the  
 13 organization or internal management of the municipal government  
 14 or a part thereof, shall take effect until it is filed either  
 15 with the municipal clerk or secretary or in any other manner  
 16 provided by ordinance. The council shall provide for the prompt  
 17 publication of such rules and regulations.

18 § 3146. Passage of administrative ordinance.

19 The council shall prepare and pass an administrative  
 20 ordinance which shall provide for the manner of appointment of a  
 21 solicitor, clerk or secretary, may create commissions and other  
 22 bodies with advisory powers and may include additional  
 23 provisions relating to the internal structure of the  
 24 municipality as long as the provisions of the administrative  
 25 ordinance are not in conflict with this subpart.

#### 26 SUBCHAPTER F

#### 27 AUDIT AND CONTROL

28 Sec.

29 3151. Exercise of financial management control functions.

30 3152. Post audits by independent auditor.

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1 3153. Selection of controller.

2 § 3151. Exercise of financial management control functions.

3 The council shall provide by separate ordinance or in the  
 4 administrative ordinance for the exercise of a control function  
 5 in the management of the finances of the municipality by the  
 6 municipal controller or an independent auditor or, in the case  
 7 of the optional plan set forth in Subchapter F of Chapter 30  
 8 (relating to optional county plan), by the controller or  
 9 auditors.

10 § 3152. Post audits by independent auditor.

11 The council may provide for annual post audits of all  
 12 accounts by an independent auditor who shall be a certified  
 13 public accountant registered in this Commonwealth or a firm of  
 14 certified public accountants registered in this Commonwealth.

15 § 3153. Selection of controller.

16 Under any of the optional plans as set forth in this subpart,  
 17 except for the plans set forth in Subchapter F of Chapter 30  
 18 (relating to optional county plan), the office of controller may  
 19 be omitted or it may be filled by election by the electors  
 20 rather than by appointment when recommended by the government  
 21 study commission and adopted by the electors. If the office of  
 22 controller is to be filled by appointment, a controller shall be  
 23 appointed for an indefinite term by a majority of the members of  
 24 the governing body.

#### 25 SUBCHAPTER G

#### 26 TRANSITION TO OPTIONAL PLAN GOVERNMENT

27 Sec.

28 3161. Applicability of plan.

29 3162. Status and term of office of officials.

30 3163. Compensation of elected officials.

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1 3164. Status of existing ordinances and resolutions.

2 3165. Abolishment of existing appointive offices.

3 3166. Pending actions and proceedings.

4 § 3161. Applicability of plan.

5 Whenever the electors of a municipality adopt any of the  
6 optional plans provided by this subpart at any election for that  
7 purpose, the municipality shall be governed under the provisions  
8 of that plan, the provisions of law applicable to that class of  
9 municipality and this subpart from the first Monday in January  
10 following the municipal election occurring after the next  
11 succeeding primary election, except as provided in section 2924  
12 (c) (relating to specificity of recommendations).

13 § 3162. Status and term of office of officials.

14 (a) Existing elected official.--Any elected municipal  
15 official in office at the time of the adoption of any optional  
16 plan provided by this subpart shall continue in office only  
17 until the new plan of government goes into effect as provided in  
18 section 3161 (relating to applicability of plan), except as  
19 otherwise provided in subsections (c) and (d).

20 (b) Members of council.--At the municipal election next  
21 succeeding the adoption of one of the optional plans provided  
22 for in this subpart, if four or fewer council members are  
23 elected, they shall serve for terms of four years. If five are  
24 elected, the four successful candidates receiving the highest  
25 percentage of the votes cast for the office to which they are  
26 elected shall serve for terms of four years, and the candidate  
27 receiving the next highest percentage of votes shall serve for a  
28 term of two years. If six or more council members are elected,  
29 the five candidates receiving the highest percentage of the  
30 votes cast for the office to which they are elected shall serve

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1 for terms of four years, and the remaining successful candidates  
2 receiving the next highest percentage of votes shall serve for  
3 terms of two years. Thereafter, all council members shall be  
4 elected for terms of four years. Where the term of office for  
5 council members under the adopted plan is different from the  
6 term of office for council members under an existing form of  
7 government, the terms of office for council members so elected  
8 shall be established so that, at each subsequent municipal  
9 election at which council members are elected, the number of  
10 council members to be elected shall be as nearly equal as  
11 possible to the number of council members to be elected at every  
12 other regular municipal election at which council members are  
13 elected.

14 (c) Treasurer, controller, district attorney and sheriff.--  
15 If an elected municipal treasurer or elected municipal  
16 controller, elected county district attorney or elected county  
17 sheriff is in office at the time of the adoption of an optional  
18 plan under the provisions of this subpart, a treasurer,  
19 controller, district attorney or sheriff, as the case may be,  
20 shall not be elected or appointed to take office until after the  
21 resignation, death, removal or expiration of the term of the  
22 incumbent in the office. At the expiration of the term of the  
23 incumbent, a treasurer, controller, district attorney or  
24 sheriff, as the case may be, shall be elected or appointed for  
25 the full term for the office as provided by the optional plan  
26 adopted.

27 (d) Continuation of existing members of council in office.--  
28 Any member of a municipal governing body in office at the time  
29 of the adoption of an optional plan shall remain in office,



30 continuing as an at-large or district council member, as the  
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1 case may be, until the expiration of this term in office and  
 2 shall receive the compensation provided by law at that time:

3 (1) If that council member was elected on an at-large  
 4 basis, the newly adopted optional plan provides for a total  
 5 number of at-large council members equal to or exceeding the  
 6 total number of at-large council members under the existing  
 7 form of government.

8 (2) If that council member was elected on a district  
 9 basis, the district from which that council member was  
 10 elected remains unchanged and continues to encompass the  
 11 exact same geographical area under the newly adopted optional  
 12 plan as under the existing form of government and the number  
 13 of council members to be elected from that district under the  
 14 newly adopted optional plan is equal to or exceeds the number  
 15 elected from that district under the existing form of  
 16 government.

17 Any council member may, by writing filed with the municipal  
 18 treasurer, direct that any portion of his annual compensation  
 19 for serving in office be returned to the municipal treasury. For  
 20 the purpose of this section, an executive or mayor who is also a  
 21 member of the council under an existing plan shall be considered  
 22 as a member of the council, and after the new plan goes into  
 23 effect, his duties shall be only those of a member of council as  
 24 prescribed by the new plan.

25 (e) Number of members of council to be elected.--At the  
 26 municipal election next succeeding the adoption of one of the  
 27 optional plans provided for in this subpart, the number of  
 28 council members prescribed by the terms in the plan less the  
 29 number of council members then in office whose terms do not  
 30 expire on the first Monday of January next following, as may be  
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1 determined by subsection (d), shall be elected.

2 (f) Filling vacancies on council existing prior to  
 3 election.--If there are vacancies in council occurring by reason  
 4 of resignation, death or removal 90 days or more before the  
 5 election, they shall be filled for the remainder of the term of  
 6 the person originally elected to that office.  
 7 § 3163. Compensation of elected officials.

8 (a) Officials elected prior to transition year.--The annual  
 9 compensation of the executive (mayor) and council members  
 10 elected to their offices in the year prior to the transition  
 11 year under any of the optional plans, except the plan set forth  
 12 in Subchapter F of Chapter 30 (relating to optional county  
 13 plan), adopted pursuant to this subpart, shall be established by  
 14 the commission as part of its recommendations or by the  
 15 initiative petition or ordinance of the governing body  
 16 authorized by sections 2942 (relating to initiation of amendment  
 17 by electors or council), 2943 (relating to petition for  
 18 referendum or ordinance proposing amendment) and 2944 (relating  
 19 to time and manner of submission of question).

20 (b) Officials elected subsequent to transition.--The  
 21 compensation of the executive (mayor), council members,  
 22 controller and treasurer elected to their offices subsequent to  
 23 the transition to any of the optional plans set forth in this  
 24 subpart, except for the plan set forth in Subchapter F of  
 25 Chapter 30, shall be fixed by ordinance of council adopted at  
 26 least two days prior to the last day fixed by law for candidates  
 27 to withdraw their names from nomination previous to the

28 municipal election. After the compensation is fixed by  
 29 ordinance, only an increase or decrease thereof need be fixed by  
 30 the ordinance.

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1 § 3164. Status of existing ordinances and resolutions.  
 2 On the effective date of an optional plan adopted pursuant to  
 3 this subpart, all ordinances and resolutions of the municipality  
 4 to the extent that they are not inconsistent with the provisions  
 5 of this subpart shall remain in full force and effect.  
 6 § 3165. Abolishment of existing appointive offices.  
 7 (a) General rule.--On the effective date of an optional plan  
 8 adopted pursuant to this subpart, all appointive offices then  
 9 existing in such municipality shall be abolished and the terms  
 10 of all appointed officers shall immediately cease and terminate.  
 11 This section does not abolish the office or terminate the terms  
 12 of office of any alderman or constable or of any official or  
 13 employee now protected by any tenure of office or civil service  
 14 law, or of any police officer or firefighter, whether or not  
 15 protected by a tenure of office law.  
 16 (b) Use of resolution to govern interim proceedings.--  
 17 Provisions for officers and for the organization and  
 18 administration of the municipal government under the optional  
 19 plan may be made by resolution pending the adoption of  
 20 ordinances, but any such resolution shall expire not later than  
 21 60 days after the effective date of the optional plan.

22 § 3166. Pending actions and proceedings.  
 23 All actions and proceedings of a legislative, executive or  
 24 judicial character, pending upon the effective date of an  
 25 optional plan, may continue. The appropriate officer or employee  
 26 under the optional plan shall be substituted for the officer or  
 27 employee exercising or discharging the function, power or duty  
 28 involved in the action or proceeding before the effective date.

#### SUBCHAPTER H

#### REPEAL OF OPTIONAL PLAN

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1 Sec.  
 2 3171. Repeal of optional plan and establishment of new  
 3 form of government.  
 4 § 3171. Repeal of optional plan and establishment of new form  
 5 of government.  
 6 (a) General rule.--The procedure for repeal of an optional  
 7 plan shall be the same as for adoption of an optional plan as  
 8 provided in Subchapter B of Chapter 29 (relating to procedure  
 9 for adoption of a home rule charter or optional plan of  
 10 government), excluding the procedure provided in sections 2942  
 11 (relating to initiation of amendment by electors or council),  
 12 2943 (relating to petition for referendum or ordinance proposing  
 13 amendment) and 2944 (relating to time and manner of submission  
 14 of question). Whenever the electors, by a majority vote of those  
 15 voting on the question, vote in favor of repeal of an optional  
 16 plan and the establishment of a particular form of government,  
 17 the municipality shall be governed under the form of government  
 18 selected by the electors. The form of government so approved  
 19 shall take effect on the first Monday of January following the  
 20 municipal election at which the elective officials of the form  
 21 of government selected by the electors shall have been elected.  
 22 The government study commission shall provide in its report for  
 23 the new form of government to be established.  
 24 (b) Amendment procedure.--This section does not prohibit or  
 25 limit the procedure provided in sections 2942, 2943 and 2944 to

26 amend an optional plan.

27 PART V  
 28 PUBLIC IMPROVEMENTS, UTILITIES AND SERVICES

29 Subpart

30 A. General Provisions

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1 SUBPART A  
 2 GENERAL PROVISIONS

3 Chapter

4 54. Business Improvement Districts

5 CHAPTER 54  
 6 BUSINESS IMPROVEMENT DISTRICTS

7 Sec.

8 5401. Short title and scope of chapter.

9 5402. Definitions.

10 5403. Powers of governing body.

11 5404. Administrative services provided by cities of the  
 12 second class.

13 5405. Assessment authorized.

14 5406. Method and payment of assessment.

15 § 5401. Short title and scope of chapter.

16 (a) Short title of chapter.--This chapter shall be known and  
 17 may be cited as the Business Improvement District Act.

18 (b) Scope of chapter.--This chapter applies to municipal  
 19 corporations.

20 § 5402. Definitions.

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

24 "Costs of improvements." Engineering, architectural,  
 25 attorney or other consulting fees, preliminary planning,  
 26 feasibility studies, financing costs and other costs necessary  
 27 and incidental to the completion of the improvement.

28 § 5403. Powers of governing body.

29 The governing body of every municipal corporation shall have  
 30 the power:

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1 (1) To establish within the municipal corporation an  
 2 area or areas designated as a business improvement district  
 3 which district or districts may be designated as all or part  
 4 of any community which is zoned commercial or which is used  
 5 for general commercial purposes.

6 (2) To appropriate and expend those amounts as may be  
 7 necessary for preliminary planning or feasibility studies to  
 8 determine needed improvements in business improvement  
 9 districts, to recommend improvement to individual properties  
 10 and to provide where required basic design criteria. Public  
 11 hearings shall be required before passage of the enabling  
 12 ordinance at which any interested party may be heard. Notice  
 13 of the hearings shall be advertised at least ten days prior  
 14 thereto in a newspaper circulating in the municipal  
 15 corporation. The ordinance shall specify improvements, with  
 16 respective costs. The ordinance shall not become effective  
 17 if, before the expiration of 20 days after its enactment,  
 18 property owners of the proposed district whose property  
 19 valuation as assessed for taxable purposes amounts to more  
 20 than 50% of the total property valuation of the district sign  
 21 and file, in the office of the prothonotary of the court of  
 22 common pleas, a written protest against the ordinance.

23 (3) To appropriate and expend in accordance with the

24 specific provisions of the enabling ordinance such amounts as  
 25 may be required to acquire by purchase or lease real or  
 26 personal property to effectuate the purposes of the  
 27 improvement district, including sidewalks, retaining walls,  
 28 street paving, street lighting, parking lots, parking  
 29 garages, trees and shrubbery purchased and planted,  
 30 pedestrian walks, sewers, water lines and rest areas and  
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1 acquisition and remodeling or demolition of blighted  
 2 buildings and similar or comparable structures. No  
 3 improvement shall be made to property which has not been  
 4 acquired.

5 (4) To acquire by gift, purchase or eminent domain,  
 6 land, real property or rights-of-way which may be needed for  
 7 the purposes of the projected improvements within the  
 8 district.

9 (5) To issue bonds, notes or guarantees in accordance  
 10 with the provisions of general laws authorizing borrowing by  
 11 cities of the first class or in accordance with Subpart B of  
 12 Part VII (relating to indebtedness and borrowing), whichever  
 13 is applicable, in the amounts and for the periods necessary  
 14 to finance the projected improvements for any district.

15 § 5404. Administrative services provided by cities of the  
 16 second class.

17 In addition to the powers of the governing body established  
 18 in section 5403 (relating to powers of governing body), cities  
 19 of the second class shall have the power to provide  
 20 administrative services, that is, those services which improve  
 21 the ability of the commercial establishments of the district to  
 22 serve the consumer, including, but not limited to, free or  
 23 reduced fee parking for customers, transportation repayments,  
 24 public relations programs, group advertising, and district  
 25 maintenance and security services.

26 § 5405. Assessment authorized.

27 The governing body may impose an assessment on each benefited  
 28 property within a business improvement district which shall be  
 29 determined by the total cost of the improvements in the district  
 30 but not in excess of the amount legally assessable.

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1 § 5406. Method and payment of assessment.

2 (a) Method.--The total cost of the administrative services  
 3 or improvements in the district shall be assessed to all of the  
 4 benefited properties in the district by one of the following  
 5 methods:

6 (1) By an assessment determined by multiplying the total  
 7 service and improvement cost by the ratio of the assessed  
 8 value of the benefited property to the total assessed  
 9 valuation of all benefited properties in the district.

10 (2) By an assessment upon the several properties in the  
 11 district in proportion to benefits as ascertained by viewers  
 12 appointed in accordance with law.

13 (3) In the case of improvements by an assessment upon  
 14 the several properties in the district abutting the  
 15 improvements or benefiting from the services, or, where more  
 16 than one type of improvement or service is involved,  
 17 designated types, by the front-foot method, with equitable  
 18 adjustments for corner properties and other cases provided  
 19 for in the assessment ordinance. Any property which cannot be  
 20 equitably assessed by the front-foot method may be assessed  
 21 by the method provided in paragraph (2).

22 (b) Payment.--The governing body may by ordinance authorize  
 23 the payment of the assessment in equal annual or more frequent  
 24 installments over such time and bearing interest at the rate  
 25 specified in the ordinance. If bonds have been issued and sold,  
 26 or notes or guarantees have been given or issued, to provide for  
 27 the cost of the services and improvements, the assessment in  
 28 equal installments shall not be payable beyond the term for  
 29 which the bonds, notes or guarantees are payable.

30 (c) Claims to secure assessments.--Claims to secure the  
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1 assessments shall be entered in the prothonotary's office at the  
 2 time and in the form and shall be collected in the manner that  
 3 municipal claims are filed and collected. If installment  
 4 payments are authorized pursuant to subsection (b), the  
 5 ordinance may contain any or all of the following provisions:

6 (1) Notwithstanding the filing of the claims, all  
 7 assessments which are made payable in installments shall  
 8 constitute liens and encumbrances upon the respective  
 9 benefited properties, at the beginning of each calendar year,  
 10 except as provided in paragraph (2), only in an amount equal  
 11 to the sum of:

12 (i) the annual or other installments becoming  
 13 payable in such year, with interest and penalties, if  
 14 any, thereon; and

15 (ii) the total of all installments, with interest  
 16 and penalties thereon, which became due during prior  
 17 years and which remain due and unpaid at the beginning of  
 18 the current year.

19 (2) In the case of default in the payment of any  
 20 installment and interest for a period of 90 days after the  
 21 payment becomes due, the assessment ordinance may provide  
 22 either for the entire assessment, with accrued interest and  
 23 penalties to become due and become a lien from the due date  
 24 of the installment, or may provide solely for the enforcement  
 25 of the claim as to the overdue installment, with interest and  
 26 penalties, in which case the ordinance shall further provide  
 27 that if any installment or portion thereof remains due and  
 28 unpaid for one year after it has become due and payable, then  
 29 the entire assessment with accrued interest and penalties  
 30 shall become due and become a lien from the due date of the

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1 installment.  
 2 (3) No action taken to enforce a claim for any  
 3 installment or installments shall affect the status of any  
 4 subsequent installment of the same assessment, each of which  
 5 shall continue to become a lien upon the property annually  
 6 pursuant to paragraph (1).

7 (4) The ordinance may contain any other provision  
 8 relating to installment assessments which is not inconsistent  
 9 with applicable law.

10 (d) Payment in full.--Any owner of property, against whom an  
 11 assessment has been made, may pay the assessment in full, at any  
 12 time, with accrued interest and costs thereon, and such a  
 13 payment shall discharge the lien of the assessment, or  
 14 installments then constituting a lien, and shall also release  
 15 the claim to any later installments.

16 (e) Benefits from administrative services.--No residential  
 17 property shall be assessed under this chapter for any benefit  
 18 received from administrative services.

19 (f) Construction of chapter.--Any reference in this chapter

20 to services shall mean only those services provided by a city of  
 21 the second class.

22 PART VII  
 23 TAXATION AND FISCAL AFFAIRS

24 Subpart

25 B. Indebtedness and Borrowing

26 SUBPART B  
 27 INDEBTEDNESS AND BORROWING

28 Chapter

29 80. General Provisions

30 81. Incurring Debt and Issuing Bonds and Notes

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1 82. Miscellaneous Provisions

2 CHAPTER 80  
 3 GENERAL PROVISIONS

4 Subchapter

5 A. Preliminary Provisions

6 B. Limitations on Debt of Local Government Units

7 C. Procedure for Securing Approval of Electors

8 SUBCHAPTER A  
 9 PRELIMINARY PROVISIONS

10 Sec.

11 8001. Short title, scope and applicability of subpart.

12 8002. Definitions.

13 8003. Advertisement and effectiveness of ordinances.

14 8004. When lease or other agreement evidences acquisition  
 15 of capital asset.

16 8005. Classification and authority to issue bonds and notes.

17 8006. Preliminary cost estimates.

18 8007. Cost of project.

19 8008. Home rule.

20 8009. Guaranty funds and compulsory associations.

21 § 8001. Short title, scope and applicability of subpart.

22 (a) Short title of subpart.--This subpart shall be known and  
 23 may be cited as the Local Government Unit Debt Act.

24 (b) Scope of subpart.--This subpart shall apply to all local  
 25 government units.

26 (c) Exemption of bonds and notes from taxation in this  
 27 Commonwealth.--All bonds or notes, including tax anticipation  
 28 notes issued by any local government unit under this subpart or  
 29 the act of June 25, 1941 (P.L.159, No.87), known as the  
 30 Municipal Borrowing Law, their transfer and the income

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1 therefrom, including any profits made on the sale thereof, shall  
 2 be free from taxation for State and local purposes within this  
 3 Commonwealth. This exemption does not apply to inheritance and  
 4 estate taxes under Article XXI of the act of March 4, 1971  
 5 (P.L.6, No.2), known as the Tax Reform Code of 1971, or any  
 6 other taxes not levied directly on the bonds or notes, the  
 7 transfer, the income or the realization of profits on the sale.

8 (d) Exclusive procedure.--A local government unit may borrow  
 9 money on bonds or notes, including tax anticipation notes, only  
 10 as provided in this subpart. This subpart provides an exclusive  
 11 and uniform system on the subjects covered by this subpart.

12 § 8002. Definitions.

13 (a) Classification of debt.--With respect to classifications  
 14 of debt and subject to additional definitions contained in  
 15 subsequent provisions of this subpart which are applicable to  
 16 specific provisions of this subpart, the following words and  
 17 phrases when used in this subpart shall have the meanings given

18 to them in this section unless the context clearly indicates  
19 otherwise:

20 "Debt." The amount of all obligations for the payment of  
21 money incurred by the local government unit, whether due and  
22 payable in all events, or only upon the performances of work,  
23 possession of property as lessee, rendering of services by  
24 others or other contingency, except the following:

25 (1) Current obligations for the full payment of which  
26 current revenues have been appropriated, including tax  
27 anticipation notes, and current payments for the funding of  
28 pension plans.

29 (2) Obligations under contracts for supplies, services  
30 and pensions allocable to current operating expenses of  
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1 future years in which the supplies are to be expended or  
2 furnished, the services rendered or the pensions paid.

3 (3) Rentals or payments payable in future years under  
4 leases, guaranties, subsidy contracts or other forms of  
5 agreement not evidencing the acquisition of capital assets.  
6 This exception shall not apply to rentals or payments under  
7 any instruments which would constitute lease rental debt but  
8 for the fact that the lessor or obligee is not an entity  
9 described in section 8004(a)(1) (relating to when lease or  
10 other agreement evidences acquisition of capital assets).

11 (4) Interest or assumed taxes payable on bonds or notes  
12 which interest or taxes is not yet overdue.

13 "Electoral debt." All net debt incurred with the assent of  
14 the electors, given as provided in this subpart whether issued  
15 by a local government unit or through an authority.

16 "Lease rental debt." The principal amount of authority bonds  
17 or notes or bonds or notes of another local government unit to  
18 be repaid from payments of the local government unit made  
19 pursuant to leases, guaranties, subsidy contracts or other forms  
20 of agreement where those payments are or may be made out of the  
21 tax and other general revenues of a local government unit under  
22 leases, guaranties, subsidy contracts or other forms of  
23 agreement which evidence the acquisition of capital assets,  
24 excluding any amount which has been approved by the electors.

25 "Net lease rental debt." A portion of lease rental debt as  
26 determined under Subchapter B (relating to limitations on debt  
27 of local government units).

28 "Net nonelectoral debt." A portion of nonelectoral debt as  
29 determined in accordance with Subchapter B (relating to  
30 limitations on debt of local government units).

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1 "Nonelectoral debt." All debt determined as provided in this  
2 subpart, incurred or authorized to be incurred, except electoral  
3 debt and lease rental debt, in each case whether authorized  
4 before or after July 12, 1972, and whether before or after the  
5 debt is incurred.

6 (b) Exclusions from debt.--With respect to exclusions from  
7 any particular category of debt and subject to additional  
8 definitions contained in subsequent provisions of this subpart  
9 which are applicable to specific provisions of this subpart, the  
10 following words and phrases when used in this subpart shall have  
11 the meanings given to them in this section unless the context  
12 clearly indicates otherwise:

13 "Self-liquidating debt." Debt payable solely from rents,  
14 rates or other charges to the ultimate users of the project, to  
15 be financed in whole or in part by that debt, or payable solely

16 from special levies or assessments of benefits lawfully  
 17 earmarked exclusively for that purpose. The term also includes  
 18 debt or any portion thereof at the time qualified as self-  
 19 liquidating pursuant to this subpart, whether or not solely  
 20 payable from those sources. The term "ultimate users" includes  
 21 the local government unit itself only where its use of the  
 22 project is incidental to the use of the project by other users.  
 23 "Subsidized debt." The amount of debt which is self-  
 24 liquidating to the local government unit because the annual debt  
 25 service on the amount for the fiscal year next following the  
 26 time of determination will be covered by one of the following:

27 (1) Payments of subsidies on account of the cost of the  
 28 project or on account of operations, but measured by the cost  
 29 of the project, or which will be covered by capital account  
 30 reimbursements, which subsidies or reimbursements will be  
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1 paid by either the Commonwealth or the Federal Government, or  
 2 both, where such payments under the legislation in force at  
 3 the time of determination are stated to be of a recurring  
 4 nature, if the Commonwealth or the Federal Government shall  
 5 have preliminarily or finally qualified the project for the  
 6 subsidy or reimbursement, all as determined under section  
 7 8024 (relating to exclusion of subsidized debt from net  
 8 nonelectoral debt or net lease rental debt).

9 (2) Payments under a subsidy contract with another local  
 10 government unit or under a subsidy contract with an authority  
 11 and the amount is lawful lease rental debt as to the other  
 12 local government unit as determined under section 8024.

13 (c) Other definitions.--Subject to additional definitions  
 14 contained in subsequent provisions of this subpart which are  
 15 applicable to specific provisions of this subpart, the following  
 16 words and phrases when used in this subpart shall have the  
 17 meanings given to them in this section unless the context  
 18 clearly indicates otherwise:

19 "Accountant." A certified public accountant or public  
 20 accountant or a firm of either of them.

21 "Authority." An authority or nonprofit corporation organized  
 22 under any statute by or on behalf of the Commonwealth or any  
 23 local government unit or jointly by any one or more of them.

24 "Bond or note." Any instrument issued by a local government  
 25 unit imposing an obligation for the repayment of money borrowed,  
 26 but not including a guaranty endorsed on an instrument issued by  
 27 an authority. Unless otherwise indicated, the term does not  
 28 include tax anticipation notes. A bond or a note which is a  
 29 security as defined in 13 Pa.C.S. Div. 8 (relating to investment  
 30 securities) shall be governed by 13 Pa.C.S. Div. 8 and every  
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1 other bond or note shall be governed by Subchapter C (relating  
 2 to procedure for securing approval of electors), except in each  
 3 case as otherwise provided in this subchapter.

4 "Borrowing base." The annual arithmetic average of the total  
 5 revenues for the three full fiscal years ended next preceding  
 6 the date of the incurring of nonelectoral debt or lease rental  
 7 debt as set forth in a certificate stating the total revenues in  
 8 each of these years and stating the average, executed by the  
 9 authorized officials of the local government unit or by an  
 10 independent accountant. If, within that three-year period, there  
 11 has been an expansion or contraction of the territorial or  
 12 functional jurisdiction of a local government unit through  
 13 transfer, merger, annexation or assumption, in whole or in part,



14 in relation to another local government unit or an authority,  
 15 the borrowing base shall be calculated as if the expansion or  
 16 contraction had occurred within or prior to the commencement of  
 17 the three-year period in the manner as the statutes, charter  
 18 provisions or court decree provide or direct or, in the absence  
 19 of those provisions, as the department approves.

20 "Department." The Department of Community Affairs of the  
 21 Commonwealth.

22 "General obligation." In the title of a bond or note, means  
 23 a bond or note for the payment of which the full faith, credit  
 24 and taxing power of the local government unit is pledged, for  
 25 the payment of which the local government unit has entered into  
 26 the required covenant under section 8104 (relating to covenant  
 27 to pay bonds or notes or a guaranty), and for the payment of  
 28 which no specific revenues are pledged.

29 "Governing body." The authorities in each local government  
 30 unit authorized by law to levy taxes or fix the tax rate of the  
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1 local government unit. The term also includes the school board  
 2 of a school district and the board or officers authorized to  
 3 make binding commitments for joint local government units, even  
 4 though that body has no power to levy taxes.

5 "Guaranteed revenue." In the title of a bond or note, means  
 6 a bond or note of a local government unit payable in whole or in  
 7 part from pledged revenues, but which becomes wholly or partly a  
 8 general obligation of the local government unit, as guarantor in  
 9 the event of deficiency in the pledged revenues.

10 "Guaranty." A guaranty, whether conditional or unconditional  
 11 and whether full or partial, to or for the benefit of holders of  
 12 bonds or notes of the local government unit or holders of bonds  
 13 or notes or other obligations of an authority or another local  
 14 government unit, of the payment of the principal of and interest  
 15 on the bonds or notes, the premium, if any, and assumed taxes,  
 16 if any, on those obligations.

17 "Incur" or "incurred." When used with respect to debt, means  
 18 the point in time when, in the case of debt assented to by the  
 19 electors, the assent has been given, and, in the case of  
 20 nonelectoral or other debt the first ordinance or in the case of  
 21 small borrowings under section 8109 (relating to small borrowing  
 22 for capital purposes), the resolution authorizing the debt has  
 23 been finally enacted or adopted, unless the authority for the  
 24 debt has been canceled or terminated as provided in this  
 25 subpart. Final enactment or adoption means the final act  
 26 necessary to make an ordinance or resolution, as the case may  
 27 be, effective pursuant to all requirements of law, including any  
 28 necessary approval by a mayor or other executive officer or  
 29 failure of action by the mayor or officer within a specified  
 30 statutory time limit, or passage over the veto of a mayor or of  
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1 the officer, but does not include any required advertising  
 2 subsequent to the date of adoption by the governing body of the  
 3 local governing unit.

4 "Issue." All bonds authorized to be sold in respect of a  
 5 particular project, whether authorized to be sold at one time or  
 6 from time to time in one or more series.

7 "Local government unit." A county, county institution  
 8 district, city, borough, incorporated town, township, school  
 9 district or any similar, general or limited purpose unit of  
 10 local government or any unit created by joint action of two or  
 11 more local government units which is authorized to be created by

12 law. The term does not include a city or county of the first  
 13 class, an authority as defined in this section or any unit  
 14 created by joint action of two or more local government units  
 15 which have not been granted by statute the power to issue bonds.  
 16 The term includes school districts of the first class presently  
 17 operating under a home rule charter or home rule charter  
 18 supplement and the provisions of this subpart shall govern over  
 19 inconsistent charter provisions.

20 "Ordinance." The formal action of a local government unit,  
 21 whether, under the law applicable to the local government unit,  
 22 the action is taken by ordinance or by resolution, to which the  
 23 requirements of section 8003 (relating to advertisement and  
 24 effectiveness of ordinances) applies.

25 "Project." Includes any of the following:

26 (1) Items of construction, acquisition, extraordinary  
 27 maintenance or repair which have been undertaken by a local  
 28 government unit.

29 (2) Preliminary studies, surveying, planning, testing or  
 30 design work for any undertaking described in paragraph (1).

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1 (3) Lands or rights in land to be acquired.

2 (4) Furnishings, machinery, apparatus or equipment  
 3 normally classified as capital items, but these items must  
 4 have a useful life of five years or more if financed  
 5 separately and not as a part of a construction or acquisition  
 6 project.

7 (5) The local government unit's share of the cost of a  
 8 project undertaken jointly with one or more other local  
 9 government units or the Commonwealth or one of its agencies.

10 (6) County-wide revision of assessment of real property.

11 (7) Funding of all or any portion of a reserve, or a  
 12 contribution toward a combined reserve, pool or other  
 13 arrangement, relating to self-insurance, which has been  
 14 established by one or more local government units, pursuant  
 15 to 42 Pa.C.S. § 8564 (relating to liability insurance and  
 16 self-insurance), up to, but not exceeding, the amount  
 17 provided in section 8007 (relating to cost of project).

18 (8) Funding of an unfunded actuarial accrued liability  
 19 or a portion of an unfunded actuarial accrued liability.

20 (9) Funding or refunding of debt incurred for any or all  
 21 of the foregoing purposes.

22 (10) Any combination of any or all of the foregoing as  
 23 any or all of the above may be designated as a project by the  
 24 governing body for the financing of which it desires to incur  
 25 debt.

26 (11) Any deficit to be funded by bonds or notes as  
 27 provided in this subpart or the creation of a revolving fund  
 28 for specific improvements.

29 (12) Where a local government unit has adopted a capital  
 30 budget, any unfunded portion of the capital budget selected

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1 by ordinance for current funding.

2 "Resolution." A formal action of a governmental unit other  
 3 than an ordinance, whether, under the law applicable to the  
 4 local government unit, the action is taken by ordinance or by  
 5 resolution, to which section 8003 (relating to advertisement and  
 6 effectiveness of ordinances) does not apply.

7 "Revenue." In the title of a bond or note not preceded by  
 8 the word guaranteed, means a bond or note payable solely from  
 9 user charges, rates, revenues, rentals, fees, special

10 assessments and receipts pledged for the purpose.  
 11 "Series." All the bonds or notes to be sold and delivered at  
 12 one time in respect of one project or of any two or more  
 13 projects which have been combined for purposes of financing or  
 14 where the bonds or notes have been combined for sale as provided  
 15 in this subpart.

16 "Sinking fund." The special fund created pursuant to section  
 17 8221 (relating to creation of sinking funds and deposits,  
 18 reserves and surplus funds) for the payment of the principal of  
 19 and interest on bonds or notes, premium, if any, and assumed  
 20 taxes, if any, or for the payment of a guaranty.

21 "Tax anticipation notes." Notes issued in anticipation of  
 22 taxes, in anticipation of revenues or in anticipation of both as  
 23 designated in the notes.

24 "Total revenues." All moneys received by the local  
 25 government unit in a fiscal year from whatever source derived,  
 26 except the following:

27 (1) Subsidies or reimbursements from the Federal  
 28 Government or from the Commonwealth measured by the cost of,  
 29 or given or paid on account of, a particular project financed  
 30 by debt.

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1 (2) Project revenues, rates, receipts, user charges,  
 2 special assessments and special levies which are or will be  
 3 pledged or budgeted for specific self-liquidating debt, or  
 4 for payments under leases, guaranties, subsidy contracts or  
 5 other forms of agreement which could constitute lease rental  
 6 debt except that the payments are payable solely from these  
 7 sources, but that portion thereof that has been returned to  
 8 or retained by the local government unit shall not be  
 9 excluded.

10 (3) Interest on moneys in sinking funds, reserves and  
 11 other funds, which interest is pledged or budgeted for the  
 12 payment or security of outstanding debt, and interest on bond  
 13 or note proceeds, if similarly pledged.

14 (4) Grants and gifts in aid of or measured by the  
 15 construction or acquisition of specified projects.

16 (5) Proceeds from the disposition of capital assets, and  
 17 other nonrecurring items including bond or note proceeds not  
 18 considered income under generally accepted municipal  
 19 accounting principles.

20 "Unfunded actuarial accrued liability." With respect to a  
 21 local government unit retirement system, pension plan or pension  
 22 trust fund, the excess of the actuarial accrued liability over  
 23 the actuarial value of assets of the retirement system, pension  
 24 plan or pension trust fund, computed as follows:

25 (1) In the case of a local government unit that is  
 26 subject to the act of December 18, 1984 (P.L.1005, No.205),  
 27 known as the Municipal Pension Plan Funding Standard and  
 28 Recovery Act, in accordance with the ~~requirement~~ REQUIREMENTS <--  
 29 of that act.

30 (2) In the case of a local government unit that is not

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1 subject to the Municipal Pension Plan Funding Standard and  
 2 Recovery Act, in accordance with the applicable laws for that  
 3 local government unit regarding minimum funding requirements  
 4 for the unit's retirement system, pension plan or pension  
 5 trust fund or, if there are no such laws, in accordance with  
 6 the ordinance, resolution or contract under which the local  
 7 government unit participates in the retirement system,

8 pension plan or pension trust fund.  
 9 In the case of a local government unit that participates in a  
 10 retirement system, pension plan or pension trust fund for  
 11 employees of more than one local government unit, including an  
 12 association of local government units cooperating under  
 13 Subchapter A of Chapter 23 (relating to intergovernmental  
 14 cooperation), the term includes the local government unit's pro  
 15 rata share of the total unfunded actuarial accrued liability of  
 16 the retirement system, pension plan or pension trust fund, as  
 17 the pro rata share may be determined under the applicable laws  
 18 or, if there are no applicable laws, under the ordinance,  
 19 resolution or contract under which the local government unit  
 20 participates in the retirement system, pension plan or pension  
 21 trust fund.

22 § 8003. Advertisement and effectiveness of ordinances.

23 (a) Advertisement of ordinances.--Notwithstanding any other  
 24 statute to the contrary, an ordinance required to be adopted by  
 25 this subpart shall be advertised not less than three nor more  
 26 than 30 days prior to its enactment. The advertisement shall  
 27 appear once in a newspaper of general circulation in the area of  
 28 the local government unit, shall set forth a summary of the  
 29 contents of the ordinance and shall state that a copy of the  
 30 full proposed text thereof may be examined by any citizen in the

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1 office of the secretary of the local government unit at the  
 2 address and during the reasonable hours stated in the  
 3 advertisement.

4 (b) Notice of enactment.--Not later than 15 days after the  
 5 final enactment of the ordinance, a notice of the enactment  
 6 shall be advertised once in a newspaper of general circulation  
 7 in the local government unit. This notice shall state:

8 (1) Briefly, the substance of any amendments made during  
 9 final passage, and, where applicable:

10 (i) in respect of lease rental debt the range of  
 11 lease rental payments; and

12 (ii) in other cases, the price bid for bonds or  
 13 notes and the range of interest rates named in the  
 14 successful bid.

15 (2) That the final text of the ordinance as enacted may  
 16 be examined by any citizen in the office of the secretary of  
 17 the local government unit at the address and during the  
 18 reasonable hours stated in the notice.

19 (c) Effectiveness of ordinance.--The ordinance shall be  
 20 valid and effective for all purposes on the fifth day after the  
 21 second advertisement. The second advertisement shall be  
 22 conclusive, so far as concerns the effectiveness of the  
 23 ordinance or the validity of any debt incurred, as to the  
 24 existence of all matters recited or referred to therein unless  
 25 an action questioning the validity or effectiveness has been  
 26 filed in timely manner as provided in this subpart, but the  
 27 conclusiveness shall not affect the liability of any person for  
 28 failure to permit inspection. No other or different publication  
 29 shall be required notwithstanding the provisions of any other  
 30 statute.

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1 § 8004. When lease or other agreement evidences acquisition of  
 2 capital asset.

3 (a) General rule.--A lease, guaranty, subsidy contract or  
 4 other agreement entered into by a local government unit shall  
 5 evidence the acquisition of a capital asset if:

6 (1) the lessee or obligor is a local government unit and  
 7 the lessor or obligee is an authority organized under any law  
 8 of this Commonwealth, another local government unit, a  
 9 nonprofit corporation, the State Public School Building  
 10 Authority or other agency or authority of the Commonwealth;

11 (2) the payments, or any portion thereof, which are  
 12 payable in a subsequent fiscal year or subsequent fiscal  
 13 years and which are applicable to debt service requirements  
 14 or capital costs are payable, whether in all events or only  
 15 upon the happening of certain events, under the terms of the  
 16 instrument from the tax or general revenues of the local  
 17 government unit; and

18 (3) upon termination of the lease guaranty, subsidy  
 19 contract or other agreement or upon dissolution of the lessor  
 20 or obligee, whether before or after the termination of the  
 21 lease, title to the subject project or premises or a given  
 22 part thereof or undivided interest therein, shall or, at the  
 23 option of the local government unit, may vest by agreement or  
 24 operation of law in the local government unit or in the  
 25 Commonwealth.

26 (b) Agreement exceeding useful life of asset.--A lease,  
 27 guaranty, subsidy contract or other form of agreement entered  
 28 into by a local government unit shall also evidence the  
 29 acquisition of a capital asset if the payments to be made in a  
 30 subsequent fiscal year or subsequent fiscal years applicable to

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1 debt service requirements or capital costs are payable, whether  
 2 in all events or only upon the happening of certain events,  
 3 under the provisions of the instrument from the tax or general  
 4 revenues of the local government unit and the term of the  
 5 instrument is equal to or exceeds the useful life of the asset,  
 6 regardless of the nature of the lessor or obligee.

7 § 8005. Classification and authority to issue bonds and notes.

8 (a) Classification.--Bonds or notes prior to the  
 9 authorization thereof shall be classified by the issuing local  
 10 government unit as one of the following three types of  
 11 obligation:

12 (1) General obligation bonds or notes.

13 (2) Guaranteed revenue bonds or notes.

14 (3) Revenue bonds or notes.

15 (b) Guaranteed revenue bonds or notes.--Guaranteed revenue  
 16 bonds or notes may have either a general or a limited guaranty  
 17 as the governing body of the local government unit may  
 18 determine, but if the guaranty is less than a full unconditional  
 19 guaranty, the title of the bond or note shall contain the word  
 20 "limited" before the word "guaranteed." The guaranty of the  
 21 local government may be of its own revenue bonds or notes or of  
 22 the revenue bonds or notes of an authority or another local  
 23 government unit subject, however, to the provisions of  
 24 subsection (c).

25 (c) Authority to issue bonds and notes.--Notwithstanding any  
 26 other law to the contrary, every local government unit shall  
 27 have full power and authority to issue bonds or notes, and make  
 28 guaranties, leases, subsidy contracts or other agreements  
 29 evidencing the acquisition of capital assets payable out of  
 30 taxes and other general revenues, to provide funds for and

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1 towards the cost of or the cost of completing any project or  
 2 combination of projects which the local government unit is  
 3 authorized to own, acquire, subsidize, operate or lease, or to

4 participate in owning, acquiring, subsidizing, operating or  
 5 leasing with others, to issue tax anticipation notes and funding  
 6 bonds or notes as provided in this subpart, and to contract for  
 7 insurance covering the risks of nonpayment of principal,  
 8 interest and premium of bonds, notes, tax anticipation notes and  
 9 guaranties.

10 (d) Nature of guaranty.--For the purpose of this subpart,  
 11 unless debt evidenced by a guaranty has been approved as  
 12 electoral debt in accordance with Subchapter C (relating to  
 13 procedure for securing approval of electors), the guaranty shall  
 14 be deemed to be nonelectoral debt if the local government unit  
 15 guaranties its own bonds or notes and shall be deemed to be  
 16 lease rental debt if it guaranties the bonds or notes of an  
 17 authority or another local government unit. For the purpose of  
 18 all other statutes, the guaranty shall be deemed to create debt  
 19 or indebtedness of the local government unit making the  
 20 guaranty.

21 § 8006. Preliminary cost estimates.

22 Prior to the initial authorization of bonds or notes or the  
 23 issuance of any guaranty to finance any project involving  
 24 construction or acquisition, the governing body shall obtain  
 25 realistic cost estimates through actual bids, option agreements  
 26 or professional estimates from registered architects,  
 27 professional engineers or other persons qualified by experience.  
 28 Any local government unit may retain the services of a financial  
 29 advisor. Costs of preliminary estimates and the fees of  
 30 financial advisors may, if initially paid by the local

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1 government unit, be reimbursed out of the net proceeds of the  
 2 issue of bonds or notes as a cost of the project.

3 § 8007. Cost of project.

4 The cost of a project includes the amount of all payments to  
 5 contractors or for the acquisition of a project or for lands,  
 6 easements, rights and other appurtenances deemed necessary for  
 7 the project, fees of architects, engineers, appraisers,  
 8 consultants, financial advisors and attorneys incurred in  
 9 connection with the project financing costs, costs of necessary  
 10 printing and advertising, costs of preliminary feasibility  
 11 studies and tests, cost estimates and interest on money borrowed  
 12 to finance the project, if capitalized, to the date of  
 13 completion of construction and, if deemed necessary, for one  
 14 year thereafter, amounts to be placed in reserve funds, if any,  
 15 a reasonable initial working capital for operating the project  
 16 and a proper allowance for contingencies and any amount which  
 17 constitutes, under generally accepted accounting principles, a  
 18 cost of, and which has been determined by an independent actuary  
 19 or other expert to be required for the purposes of, a reserve or  
 20 a contribution toward a combined reserve, pool or other  
 21 arrangement, for losses or liabilities covered by a self-  
 22 insurance arrangement established by one or more local  
 23 government units.

24 § 8008. Home rule.

25 Every local government unit obtaining a home rule charter  
 26 after July 12, 1972, shall be subject to the substantive  
 27 provisions of this subpart applicable to it as if it were a  
 28 local government unit and may adopt the procedural provisions of  
 29 this subpart, by incorporation thereof by reference, in its home  
 30 rule charter.

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1 § 8009. Guaranty funds and compulsory associations.

2 (a) Self-insurance.--No self-insurance program funded  
 3 pursuant to this subpart shall be required or permitted to join  
 4 or contribute financially to any insurance insolvency guaranty  
 5 fund, or similar mechanism, in this Commonwealth, nor shall any  
 6 such self-insurance program funded pursuant to this subpart, or  
 7 its insureds or claimants against its insureds, receive any  
 8 benefit from any such fund for claims arising under the coverage  
 9 provided by such self-insurance program.

10 (b) Exception.--When a local government unit or group of  
 11 local government units obtains insurance from a self-insurance  
 12 program funded pursuant to this subpart, such risks, wherever  
 13 resident or located, shall not be covered by any insurance  
 14 guaranty fund or similar mechanism in this Commonwealth.

#### 15 SUBCHAPTER B

#### 16 LIMITATIONS ON DEBT OF LOCAL GOVERNMENT UNITS

17 Sec.

18 8021. No limitation on debt approved by electors.

19 8022. Limitations on incurring of other debt.

20 8023. Transfer to electoral debt of debt incurred without  
 21 approval of electors.

22 8024. Exclusion of subsidized debt from net nonelectoral debt  
 23 or net lease rental debt.

24 8025. Exclusion of self-liquidating debt evidenced by revenue  
 25 bonds or notes to determine net nonelectoral debt.

26 8026. Exclusion of other self-liquidating debt to determine net  
 27 nonelectoral debt or net lease rental debt.

28 8027. Effect of debt limitations on outstanding debt.

29 8028. Determination of existing net nonelectoral debt and net  
 30 nonelectoral plus net lease rental debt.

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1 8029. Determination of debt limits.

2 § 8021. No limitation on debt approved by electors.

3 All debt of any classification, whenever incurred, which is  
 4 approved, either before or after the debt is incurred, by  
 5 majority of the votes cast upon the question of incurring the  
 6 debt at a general or special election held as provided by  
 7 applicable law, is excluded from the nonelectoral debt or the  
 8 lease rental debt, as the case may be, of a local government  
 9 unit and the limitations imposed by this subpart upon the debt  
 10 of the classification shall not apply to such debt.

11 § 8022. Limitations on incurring of other debt.

12 (a) Nonelectoral debt.--Except as provided in subsections  
 13 (c), (d) and (e) and as otherwise specifically provided in this  
 14 subpart, a local government unit shall not incur any new  
 15 nonelectoral debt if the aggregate net principal amount of the  
 16 new nonelectoral debt, together with all other net nonelectoral  
 17 debt outstanding, would cause the total net nonelectoral debt of  
 18 the local government unit to exceed any of the following:

19 (1) One hundred percent of its borrowing base in the  
 20 case of a school district of the first class.

21 (2) Three hundred percent of its borrowing base in the  
 22 case of a county.

23 (3) Two hundred fifty percent of its borrowing base in  
 24 the case of any other local government unit.

25 (b) Nonelectoral debt plus lease rental debt.--Except as  
 26 provided in subsections (c), (d) and (e) or as otherwise  
 27 specifically provided in this subpart, in the exercise of  
 28 legislative control over the budgets and expenditures of local  
 29 government units and of the purposes for which tax moneys and  
 30 general revenues of local government units may be expended, a

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1 local government unit shall not incur any new lease rental debt  
 2 or nonelectoral debt if the aggregate net principal amount of  
 3 the new debt, together with any other net nonelectoral debt and  
 4 net lease rental debt then outstanding, would cause the  
 5 outstanding total of net nonelectoral debt plus net lease rental  
 6 debt of the local government unit to exceed any of the  
 7 following:

8 (1) Two hundred percent of the borrowing base in the  
 9 case of a school district of the first class.

10 (2) Four hundred percent of its borrowing base in the  
 11 case of a county.

12 (3) Three hundred fifty percent of its borrowing base in  
 13 the case of all other local government units.

14 (c) Self-liquidating or subsidized debt.--The limitations  
 15 and prohibitions of subsections (a) and (b), referred to as the  
 16 "regular debt limits," shall not apply to electoral debt; to  
 17 debt excluded in computing net amounts of nonelectoral debt or  
 18 of lease rental debt, as self-liquidating or because subsidized,  
 19 when the exclusion is made pursuant to sections 8024 (relating  
 20 to exclusion of subsidized debt from net nonelectoral debt or  
 21 net lease rental debt), 8025 (relating to exclusion of self-  
 22 liquidating debt evidenced by revenue bonds or notes to  
 23 determine net nonelectoral debt) and 8026 (relating to exclusion  
 24 of other self-liquidating debt to determine net nonelectoral  
 25 debt or net lease rental debt); nor to debt incurred to fund an  
 26 unfunded actuarial accrued liability except to the extent that  
 27 bonds or notes issued to fund an unfunded actuarial accrued  
 28 liability shall be limited to the principal amount necessary,  
 29 after deduction of costs of issuance, underwriter's discount and  
 30 original issue discount, to fund the unfunded actuarial accrued

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1 liability.

2 (d) Additional nonelectoral or lease rental debt.--  
 3 Additional nonelectoral or additional lease rental debt or both  
 4 in the aggregate amount of 100% of the borrowing base may be  
 5 incurred by a county which has assumed countywide responsibility  
 6 or, where the county has not assumed countywide responsibility,  
 7 by a local government unit which has assumed responsibility for  
 8 its and its adjacent areas for hospitals and other public health  
 9 services, air and water pollution control, flood control,  
 10 environmental protection, water distribution and supply systems,  
 11 sewage and refuse collection and disposal systems, education at  
 12 any level, highways, public transportation or port operations.  
 13 The additional debt limit may be so utilized only to provide  
 14 funds for and towards the cost of capital facilities for any or  
 15 any combination of the foregoing purposes. Debt, other than  
 16 electoral debt, at any time incurred for such purposes or any of  
 17 them may be assigned by ordinance to this additional debt limit  
 18 if the remaining borrowing capacity within the regular limits is  
 19 insufficient to finance other projects deemed necessary by the  
 20 governing body of the local government unit.

21 (e) Emergency debt.--If replacement of assets is required as  
 22 a result of fire, flood, storm, war, riot, civil commotion or  
 23 other catastrophe, or the replacement or any improvements are  
 24 required for the prevention of dangers to health or safety, or  
 25 if funds are required for the payment of tort liability not  
 26 covered by insurance, or if funds are required to be used for  
 27 and towards the costs of mandated installations of health,  
 28 safety, antipollution, environmental protection and control



29 facilities or of complying with other mandated Federal or State  
 30 programs, a local government unit lacking sufficient remaining

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1 borrowing capacity as nonelectoral or lease rental debt or being  
 2 otherwise prohibited by section 8045 (relating to effect of  
 3 defeat of question) from incurring debt for the purpose, upon  
 4 petition to the court of common pleas alleging the catastrophe,  
 5 or the danger to health and safety, or the mandated nature of  
 6 the program and the estimated costs of the proposed facilities,  
 7 and upon proof thereof to the satisfaction of the court, shall  
 8 be authorized, notwithstanding section 8045 or the insufficiency  
 9 of nonelectoral or lease rental borrowing capacity, to incur  
 10 debt, as either lease rental or nonelectoral debt, up to an  
 11 additional 50% of its borrowing base, if the increase is found  
 12 by the court to have been made necessary under this subsection  
 13 by reason of the causes set forth in the petition. The increase,  
 14 together with all outstanding other additional emergency debt  
 15 which may have been previously authorized under this subsection  
 16 excluding any allocated to the additional debt limit under  
 17 subsection (d), shall not exceed 50% of the borrowing base.  
 18 Public notice of the intention to file such a petition and of  
 19 the purpose for which the additional emergency debt is to be  
 20 incurred shall be given by advertisement in at least one and not  
 21 more than two newspapers of general circulation and in the legal  
 22 journal not less than five nor more than 20 days before the  
 23 filing thereof. The additional emergency debt may be incurred  
 24 only for the purposes and upon the terms approved by the court.  
 25 The amount of the debt initially in excess of the regular debt  
 26 limits shall not thereafter be included in computing net amounts  
 27 of nonelectoral or lease rental debt.

28 § 8023. Transfer to electoral debt of debt incurred without  
 29 approval of electors.

30 The governing body of any local government unit may, by

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1 resolution, signify a desire to have any debt theretofore  
 2 incurred without the approval of the electors transferred to the  
 3 electoral debt. The resolution shall direct the holding of an  
 4 election for the purpose of obtaining the approval of the  
 5 electors to the debt in the manner provided for securing the  
 6 approval of electoral debt. The question shall be whether the  
 7 remaining unpaid debt incurred without the approval of the  
 8 electors for the project named in the question shall be removed  
 9 from the category of nonelectoral or lease rental debt. If a  
 10 majority of the votes cast upon the question at the election  
 11 favor transfer to electoral debt, a certified copy of the  
 12 resolution, proof of due advertisement of the election and a  
 13 certified return of the election shall be filed with the  
 14 department. If the department finds the proceedings to have been  
 15 taken in conformity with the law, it shall endorse its approval  
 16 on a duplicate original and return it to the local government  
 17 unit. The debt shall thereupon be no longer classified as  
 18 nonelectoral or lease rental debt.

19 § 8024. Exclusion of subsidized debt from net nonelectoral debt  
 20 or net lease rental debt.

21 (a) Filings with department.--Subsidized debt shall not be  
 22 excluded from nonelectoral debt or lease rental debt, as the  
 23 case may be, for the purposes of establishing net outstanding  
 24 debt of either category until the following have been filed with  
 25 and approved by the department:

26 (1) A copy, certified by the secretary of the board of

27 the local government unit or of the authority, of the  
 28 permanent or preliminary approval from the Commonwealth or  
 29 from the Federal Government of the project of the related  
 30 bonds or notes, or of the interest thereon, for subsidization  
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1 or for reimbursement of all or part of debt service or on  
 2 account of operations, but measured by the cost of the  
 3 project or a certified copy of the subsidy contract with  
 4 another local government unit or an authority.

5 (2) Evidence satisfactory to the department from the  
 6 subsidizing agency as to the indicated annual amount of the  
 7 subsidy.

8 (3) Appropriate reference to the legislation authorizing  
 9 the reimbursement or subsidy indicating the legislated  
 10 recurring nature of the subsidy or, in the case of a subsidy  
 11 contract with another local government unit, evidence  
 12 satisfactory to the department that the amount to be excluded  
 13 is within the debt limitations of the other local government  
 14 unit or has been approved as electoral debt.

15 (4) A computation, in reasonable detail, certified by  
 16 the proper officers of the local government unit or of the  
 17 authority, or by the financial advisor if one be retained,  
 18 showing the principal amount of the bonds to be serviced by  
 19 the reimbursement or subsidy, determined in the proportion  
 20 that the total indicated subsidy or reimbursement to be  
 21 received over the remaining life of the issue bears to the  
 22 total debt service to be paid over the remaining life of the  
 23 issue, computed to stated maturity or earlier mandatory call  
 24 dates.

25 The principal amount of the bonds or notes of the local  
 26 government unit of the authority which will constitute  
 27 subsidized debt shall, in those instances where the subsidy is  
 28 related to a percentage of lease rentals or to a percentage of  
 29 sinking fund payments, in either case applicable solely to debt  
 30 service, be that stated percentage of the bonds or notes. That  
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1 proportion of the bonds or of lease rental debt shall be  
 2 excluded as subsidized debt. The filing may be made  
 3 simultaneously with the filing for the approval of the balance  
 4 of the bonds then being issued or may be made or corrected at a  
 5 later date.

6 (b) Incurring new debt.--Each time any new debt is to be  
 7 incurred, if subsidized debt is to be excluded, a new  
 8 certification shall be made to the department, stating one of  
 9 the following:

10 (1) That there has been no decrease in the subsidy.

11 (2) That there has been a decrease, in which case the  
 12 certification shall include a recomputation of the principal  
 13 amount to be excluded.

14 (3) That there has been an increase and the local  
 15 government unit desires an increased exclusion certifying all  
 16 matters so changed and recomputing the principal amount to be  
 17 excluded.

18 (c) Approval by department.--If the department approves the  
 19 exclusion of the principal amount of bonds or notes or lease  
 20 rental debt as being subsidized debt in accordance with this  
 21 subpart, originally or upon any recertification it shall return  
 22 a duplicate original of the filing to the local government unit  
 23 with its approval endorsed thereon. Upon receipt of the approval  
 24 by the local government unit, the principal amount of bonds

25 shall be excluded from nonelectoral debt or lease rental debt  
 26 for the purpose of determining net debt in each category.  
 27 § 8025. Exclusion of self-liquidating debt evidenced by revenue  
 28 bonds or notes to determine net nonelectoral debt.

29 Self-liquidating debt evidenced by revenue bonds or notes  
 30 shall not be excluded from nonelectoral debt for the purpose of  
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1 establishing net nonelectoral debt until the following have been  
 2 filed with the department:

3 (1) A statement by the proper officials of the local  
 4 government unit certifying the amount of the debt, the  
 5 project for which it was incurred and the nature of the  
 6 revenues from which the debt is to be repaid.

7 (2) A certificate from a qualified professional engineer  
 8 or architect, or other person qualified by experience  
 9 appropriate to the project, estimating the revenues and  
 10 operating expenses of the project and showing that the net  
 11 revenues so estimated will be sufficient to pay the annual  
 12 debt service as it falls due.

13 (3) An opinion of the bond counsel approving the issue  
 14 to the effect that the holders of the bonds or notes have no  
 15 claim upon the taxing power or tax revenues of the local  
 16 government unit issuing the bonds or notes, but only claims  
 17 upon the specific revenues pledged and rights to the  
 18 enforcement of any covenants as to the levying or collection  
 19 of rates and charges for the use of the project being  
 20 financed or any covenants as to the assessment of benefits  
 21 upon properties serviceable by the project as provided in the  
 22 covenants with the holders of the revenue bonds.

23 § 8026. Exclusion of other self-liquidating debt to determine  
 24 net nonelectoral debt or net lease rental debt.

25 (a) Filings with department.--Self-liquidating debt shall  
 26 not be excluded in determining net nonelectoral debt or net  
 27 lease rental debt for the purpose of establishing net debt of  
 28 either category where the debt is evidenced by general  
 29 obligation bonds or notes, by bonds, notes or other obligations  
 30 of an authority or of another local government unit or by a

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 1 guaranty until there has been filed with and approved by the  
 2 department a report to the local government unit from qualified  
 3 registered engineers or architects or other persons qualified by  
 4 experience appropriate to the project, setting forth:

5 (1) The estimated or, if available, the actual cost of  
 6 construction, acquisition or improvement of the project  
 7 financed or to be financed.

8 (2) The principal amount of the general obligation bonds  
 9 or notes, the bonds, notes or obligations guaranteed or the  
 10 bonds or notes of an authority or another local government  
 11 unit secured by an instrument evidencing lease rental debt  
 12 which are to be issued, the dates, interest rate and amounts  
 13 of each stated maturity thereof and, set forth separately,  
 14 the same information with respect to the outstanding bonds,  
 15 notes or obligations.

16 (3) The amount or the estimated amount of the annual  
 17 debt service for each year during the life of all the bonds,  
 18 notes or obligations or the bonds or notes of an authority or  
 19 another local government unit secured by an instrument  
 20 evidencing lease rental debt issued and intended to be issued  
 21 to finance the project.

22 (4) The date or estimated date of the completion of the

23 project.

24 (5) The estimated net revenues of the project for each  
 25 year of the remaining life of the bonds, notes or obligations  
 26 with a computation showing, in reasonable detail, that the  
 27 net revenues, together with other available funds to be  
 28 received in respect of the project, will be sufficient in  
 29 each year to pay the annual debt service, other than  
 30 capitalized debt service, on the bonds, notes or obligations  
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1 or a specified aggregate principal amount thereof.

2 (6) The qualified person's certificate that the  
 3 estimates of net revenues have been computed from the  
 4 person's best estimate of the gross revenues to be obtained  
 5 from the rentals, rates, tolls and charges, interest to be  
 6 received on reserve accounts, established or to be  
 7 established by ordinance or from payments under bulk service  
 8 or other contracts with other local government units or  
 9 authorities for the use of the project, or the gross revenues  
 10 to be received from special assessments levied to finance the  
 11 project, by deducting from the gross revenues, in each year,  
 12 the total estimated costs of operation and maintenance of the  
 13 project chargeable against the revenues or assessments and  
 14 any State taxes assumed on such bonds or notes all based on  
 15 assumptions deemed reasonable for the purpose by that person.

16 (7) The qualified person's further certificate that he  
 17 is qualified to act with regard to the type of project being  
 18 financed, stating his experience.

19 (b) Approval by department.--If the department approves the  
 20 exclusion of the principal amount of bonds, notes or obligations  
 21 or bonds or notes of an authority of another local government  
 22 unit secured by an instrument evidencing lease rental debt  
 23 stated in the report as being self-liquidating debt as being in  
 24 accordance with law, it shall endorse its approval upon a  
 25 duplicate original of the proceedings and return it to the local  
 26 government unit. Upon receipt of the approval by the local  
 27 government unit, the principal amount of bonds, notes or  
 28 obligations shall be excluded from nonelectoral debt or net  
 29 lease rental debt, as the case may be, during the period of  
 30 construction and thereafter until new electoral, nonelectoral or  
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1 lease rental debt is to be incurred. At that time, if the  
 2 principal is to be excluded, a certification of no decrease,  
 3 other than decreases resulting from the payment of bonds or  
 4 notes, in the amount to be excluded shall be included in the  
 5 debt statement to be filed pursuant to section 8110 (relating to  
 6 debt statement). If there is a decrease, or if more of the debt  
 7 is desired to be excluded as self-liquidating, a new  
 8 certification shall be filed.

9 § 8027. Effect of debt limitations on outstanding debt.

10 Notwithstanding anything in other law or in this subpart,  
 11 this subpart shall not be construed to invalidate any debt which  
 12 was lawful when incurred or which could have been lawfully  
 13 incurred if this subpart had been in effect, whether incurred  
 14 before or after the passage of this subpart, and the percentage  
 15 limitations set forth in section 8022 (relating to limitations  
 16 on incurring of other debt) shall be deemed increased to the  
 17 extent necessary to cover such incurred debt. This subpart shall  
 18 not be construed to subject any debt incurred and voted upon  
 19 prior to July 12, 1972, as electoral debt to any of the  
 20 limitations herein imposed by this subpart on nonelectoral debt.

21 § 8028. Determination of existing net nonelectoral debt and net  
 22 nonelectoral plus net lease rental debt.

23 (a) Gross nonelectoral and lease rental debt.--From the  
 24 gross principal amount of all incurred debt shall be subtracted  
 25 gross incurred electoral debt. The amount remaining shall then  
 26 be separated into gross incurred nonelectoral debt and gross  
 27 incurred lease rental debt.

28 (b) Net nonelectoral and lease rental debt.--Net  
 29 nonelectoral and net lease rental debt shall then be determined  
 30 by subtracting separately from gross nonelectoral debt and gross  
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1 lease rental debt respectively, as may be applicable, and as the  
 2 local government unit may desire to claim the following:

3 (1) All funds in the applicable sinking funds, whether  
 4 controlled by the local government unit or by the authority  
 5 which incurred the debt, reserve funds or accounts, except  
 6 maintenance and replacement reserve funds or accounts, and  
 7 net bond proceeds, held for the payment of the cost of a  
 8 project financed by the debt, including, in each case,  
 9 interest accrued thereon, but only to the extent that those  
 10 funds are available for payment of the principal amount of  
 11 the debt.

12 (2) The current appropriation for the payment of the  
 13 principal of and overdue interest on the nonelectoral debt or  
 14 for the payment of the net lease rental in the case of lease  
 15 rental debt, except to the extent that the same has already  
 16 been deposited in sinking funds.

17 (3) The uncollected amount of the benefits or costs or  
 18 the estimates thereof which have been or are authorized to be  
 19 assessed against owners of property and for which liens may  
 20 be legally filed, to the extent that the assessments are  
 21 available for the payment of the principal amount of the  
 22 debt.

23 (4) The amount of delinquent taxes from prior years and  
 24 other undisputed municipal liens actually filed against  
 25 property less the sum of:

26 (i) A reserve, reasonable in amount, for so much  
 27 thereof as may not be collected.

28 (ii) The amount thereof appropriated for current  
 29 expenses in the current year's budget.

30 (5) The amount of self-liquidating debt, subsidized debt  
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1 and debt issued to fund an unfunded actuarial accrued  
 2 liability, properly excluded and concurrently excludable from  
 3 each respective category being computed.

4 (6) The amount of surplus cash not specifically  
 5 appropriated to any purpose and available for the payment of  
 6 the principal amount of debt, but if this deduction is  
 7 claimed, the amount so claimed may not thereafter be  
 8 appropriated to any purpose except the payment of debt.

9 (7) All other solvent debts due the local government  
 10 unit directly, the payment of which can be enforced as one of  
 11 the unit's quick assets, and which have not been committed to  
 12 any other purpose.

13 (8) The amount of any insurance coverage indemnifying  
 14 the local government unit against any outstanding liability  
 15 to the extent the liability is debt.

16 (c) Priority of applying exclusions.--In determining net  
 17 nonelectoral debt, the amounts claimed under subsection (b) (8)  
 18 shall be exclusively applicable to nonelectoral debt, and

19 subsection (b) (4), (6) and (7) shall be first applied against  
 20 nonelectoral debt, with any excess being applicable against  
 21 lease rental debt.

22 (d) Valuation of legal investments.--In computing the value  
 23 of any funds, all legal investments therein shall be computed at  
 24 current market values.

25 (e) Use of debt determinations.--The net nonelectoral debt  
 26 so determined shall be used in determining compliance with the  
 27 limit imposed by section 8022(a) (relating to limitations on  
 28 incurring of other debt). The sum of the net nonelectoral debt  
 29 and the net lease rental debt so determined shall be used in  
 30 determining compliance with the limit imposed by section

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1 8022(b).

2 § 8029. Determination of debt limits.

3 Whenever it is necessary to determine the limitations on the  
 4 amount of nonelectoral debt, or nonelectoral debt plus lease  
 5 rental debt that may be incurred by any local government unit,  
 6 the appropriate percentage limitations of section 8022 (relating  
 7 to limitations on incurring of other debt) shall be applied to  
 8 the borrowing base of the local government unit. The certificate  
 9 as to the borrowing base shall be made a part of all proceedings  
 10 for the sale of bonds or notes, for the guaranty of authority  
 11 obligations or for the incurring of lease rental debt and a copy  
 12 shall be filed with the department as a part of all proceedings  
 13 required to be filed for its approval. The borrowing base set  
 14 forth in the certificate and a similar certificate as to net  
 15 nonelectoral debt or net lease rental debt outstanding shall be  
 16 conclusive as to the respective figures for the purposes of this  
 17 subpart, upon the approval of the proceedings by the department,  
 18 unless contested within the specified time limits as provided in  
 19 this subpart.

#### 20 SUBCHAPTER C

#### 21 PROCEDURE FOR SECURING APPROVAL OF ELECTORS

22 Sec.

23 8041. Desire resolution and expense of certain elections.

24 8042. Advertisement of election.

25 8043. Conduct of election.

26 8044. Finality of result of election.

27 8045. Effect of defeat of question.

28 8046. Issuance of bonds, notes or other instruments to evidence  
 29 electoral debt.

30 8047. Cancellation or termination of approval of electors.

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1 8048. Limitation on use of proceeds of electoral debt.

2 8049. Manner of changing purpose of electoral debt.

3 § 8041. Desire resolution and expense of certain elections.

4 (a) Resolution.--Whenever the governing body of any local  
 5 government unit shall determine that it is advisable to make an  
 6 increase in the debt of the local government unit with the  
 7 assent of the electors, or to obtain the assent of the electors  
 8 to transfer any debt previously incurred without the approval of  
 9 the electors to electoral debt, it shall adopt a resolution  
 10 signifying that determination, calling an election for the  
 11 purpose of obtaining the assent and approving the content and  
 12 substantial form of notice of election.

13 (b) Date of election.--The date fixed shall be that of a  
 14 municipal, general, primary or special election for other  
 15 purposes, but if the date of the nearest of the elections is  
 16 more than 90 or less than 30 days from the effective date of the

17 desire resolution, the governing body may fix a date for a  
18 special election.

19 (c) Payment of expense of special election.--In the case of  
20 a special election to increase debt not held concurrently with  
21 an election for other purposes, the expense of holding the  
22 election shall be paid by the local government unit for whose  
23 benefit it is held.

24 § 8042. Advertisement of election.

25 (a) General rule.--Notice of the election shall be given in  
26 one but not more than two newspapers of general circulation in  
27 the local government unit and in the legal journal, if any,  
28 designated by the rules of court of the county in which the  
29 local government unit is located for the publication of legal  
30 notices and advertisements. If only newspaper publication is

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1 done, the notice shall be published three times at intervals of  
2 not less than three days, but if published in a weekly newspaper  
3 and in the legal journal, it shall be published only twice, once  
4 a week for two successive weeks. The first publication in at  
5 least one newspaper shall be not less than 14 nor more than 21  
6 days before the election, but all publications shall be after  
7 the effective date of the resolution and need not be upon the  
8 same dates in different newspapers.

9 (b) Content of election notice.--The election notice shall  
10 contain and state:

11 (1) The date upon which the election is to be held.

12 (2) The estimated amount of the debt to be incurred or  
13 to be approved by the electors if already incurred.

14 (3) The project for which the debt will be or was  
15 incurred.

16 (4) The estimated cost of the project.

17 (5) The question to be submitted to the electors at the  
18 election, which shall be substantially in the following  
19 appropriate form:

20 Shall debt in the sum of (insert amount) dollars for  
21 the purpose of financing (insert brief description of  
22 project) be (authorized to be incurred as)  
23 (transferred from nonelectoral debt to) debt approved  
24 by the electors?

25 § 8043. Conduct of election.

26 (a) Certification of resolution and question.--The governing  
27 body, at least 45 days before any election called pursuant to  
28 section 8041 (relating to desire resolution and expense of  
29 certain elections) shall cause to be certified to the county  
30 board of elections of each county in which the election is to be

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1 held a copy of the desire resolution and the form of the  
2 question to be submitted to the electors.

3 (b) Regulation of election.--An election called pursuant to  
4 section 8041 shall be held at the place, during the hours and  
5 under the same regulations as provided by law for the holding of  
6 municipal elections. In receiving, counting and making returns  
7 of the votes cast, the inspectors, judges and clerks of the  
8 election shall be governed by the act of June 3, 1937 (P.L.1333,  
9 No.320), known as the Pennsylvania Election Code.

10 (c) Qualification of electors.--At the elections, only  
11 qualified electors of the local government unit, the debt of  
12 which is to be increased or approved by the electors may vote.

13 (d) Election returns.--The election officers and clerks  
14 shall make return on forms provided by the county board of

15 elections of the votes cast on the question to the county board  
 16 of elections. The county board of elections shall compute the  
 17 vote and transmit a certified return thereof to the governing  
 18 body of the local government unit, which shall enter the same on  
 19 its minutes. If the certified return shows that a majority of  
 20 those voting on the question have voted in favor thereof,  
 21 irrespective of any other statute requiring a greater  
 22 percentage, the local government unit shall file with the  
 23 department a certified copy of the desire resolution, the  
 24 certified return and proofs of publication of the notice of  
 25 election, whereupon the amount of the debt so approved shall  
 26 constitute electoral debt from the date of the election, subject  
 27 to the provisions of section 8044 (relating to finality of  
 28 result of election).

29 § 8044. Finality of result of election.

30 Any interested party or any taxpayer may contest the validity  
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1 of any election proceedings under this subchapter by filing with  
 2 the court a complaint in equity, specifically alleging any  
 3 errors complained of in the proceedings, and the petitioner  
 4 shall have the burden of proof. If no complaint has been filed  
 5 or if a complaint has been filed and has been finally dismissed,  
 6 the election shall be conclusively deemed to be valid. If, prior  
 7 to the timely filing of a complaint, further proceedings in  
 8 connection with the incurring of the debt have been filed with  
 9 the department, then any contest shall proceed by way of an  
 10 appeal from the action of the department upon the proceedings.  
 11 The petition or appeal provided by this section shall be the  
 12 party's or the taxpayer's sole and exclusive remedies.

13 § 8045. Effect of defeat of question.

14 If at the election the question is defeated, another election  
 15 for the same purpose may not be held until 155 days have elapsed  
 16 since the prior election. During the interim no bonds or notes  
 17 may be issued and no lease rental debt may be incurred for such  
 18 purpose, except that nonelectoral or lease rental debt may be  
 19 incurred if required to complete projects already under  
 20 construction, to finance a different portion or portions of a  
 21 capital budget or to evidence debt incurred for purposes and  
 22 pursuant to a court approval obtained in accordance with section  
 23 8022(e) (relating to limitations on incurring of other debt).

24 § 8046. Issuance of bonds, notes or other instruments to  
 25 evidence electoral debt.

26 If, at the election, the question is approved, the governing  
 27 body shall issue bonds or notes as electoral debt as obligations  
 28 of the local government unit or shall authorize execution and  
 29 delivery of an instrument which, but for the electoral approval,  
 30 would evidence lease rental debt at the times and evidencing the

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1 amounts of obligations not exceeding in the aggregate the  
 2 estimated amount approved by the electors, subject to the  
 3 provisions of Subchapter C of Chapter 81 (relating to provisions  
 4 of bonds and notes). The bonds, notes or obligations shall  
 5 continue for such term as may have been stated in the notice of  
 6 election or, if none was stated, for the term the governing body  
 7 determines. The initial series may be of bond anticipation notes  
 8 or of notes to be refunded by a bond issue. If the governing  
 9 body determines it advisable, the initial series of bonds or  
 10 notes constituting a part of the issue may be for a shorter term  
 11 of years, with the maturity of subsequent series stated to  
 12 mature later than the last stated maturity of the preceding



13 series for the same project. This subchapter shall not preclude  
 14 the issue of additional nonelectoral debt or lease rental debt  
 15 to complete the project or the issue of additional electoral  
 16 debt for that purpose if authorized by a subsequent election.

17 § 8047. Cancellation or termination of approval of electors.

18 (a) Lapse of time.--On the tenth anniversary of the date on  
 19 which an assent of the electors obtained under this subpart  
 20 became final, the authority to issue any or any further bonds or  
 21 notes, other than as nonelectoral debt or lease rental debt  
 22 subject to the limitations imposed by this subpart, shall  
 23 terminate.

24 (b) Resolution of governing body.--The governing body of any  
 25 local government unit may by resolution, without the assent of  
 26 the electors, rescind or cancel, in whole or in part, the  
 27 authorization to incur electoral debt for any reason stated in  
 28 the resolution, and thereupon the assent of the electors shall  
 29 be of no further effect. A certified copy of the resolution with  
 30 proof of the due publication thereof shall be filed with the

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1 department.

2 § 8048. Limitation on use of proceeds of electoral debt.

3 Where bonds or notes have been issued pursuant to an assent  
 4 of the electors given under this subpart, the proceeds thereof  
 5 shall be kept in a separate account and shall be invested and  
 6 used only for the cost, including the retirement of notes  
 7 previously issued for the same project with the proceeds of  
 8 bonds, of the project for which the assent was obtained unless  
 9 such purpose is changed as provided in this subpart. Otherwise,  
 10 the proceeds shall be kept invested and used for the retirement  
 11 at maturity, or earlier call date, of the fifth or any  
 12 subsequent stated maturity of the relevant series of bonds or  
 13 notes, unless the proceeds were previously used to purchase the  
 14 bonds or notes in the open market or upon tenders at prices not  
 15 exceeding the principal amount thereof plus accrued and unpaid  
 16 interest to the date of purchase.

17 § 8049. Manner of changing purpose of electoral debt.

18 If the governing body determines it to be advisable either  
 19 before or after the issue of bonds or notes to use the proceeds,  
 20 or any part thereof, of bonds or notes evidencing electoral debt  
 21 for any purpose other than the project approved by the electors  
 22 or the payment or prior redemption or purchase of bonds or notes  
 23 evidencing debt incurred for the project, the governing body  
 24 shall by resolution express its desire to do so, specifying the  
 25 project for which the funds are proposed to be used, and shall  
 26 provide for an election to be held in like manner, time and  
 27 place as provided in this subchapter for elections to secure the  
 28 assent of the electors to the increase of debt, except that the  
 29 notice of the election shall state:

30 (1) The date on which such election is to be held.

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1 (2) The date and amount of money theretofore borrowed  
 2 and the project for which borrowed.

3 (3) The amount of money remaining unused.

4 (4) The new purpose for which the local government unit  
 5 desires to make use of the money.

6 (5) The reason why the money is not being used for the  
 7 purpose for which it was borrowed.

8 (6) The question to be submitted to the electors, which  
 9 shall be substantially in the following form:

10 Shall the sum of (insert amount) dollars heretofore

11 borrowed or authorized to be borrowed by this local  
 12 government unit for the purpose of (state purpose) be  
 13 used for the purpose of (state purpose)?  
 14 The election shall be conducted, return made thereon, notices of  
 15 election published and certificates filed and recorded as  
 16 provided in section 8043 (relating to conduct of election). If  
 17 it appears that a majority of those voting on the question have  
 18 voted in favor of using the funds for the changed purpose,  
 19 irrespective of any other statute requiring a greater  
 20 percentage, the funds specified may be used for the changed  
 21 purpose.

22 CHAPTER 81  
 23 INCURRING DEBT AND ISSUING BONDS AND NOTES

24 Subchapter

- 25 A. General Provisions
- 26 B. Tax Anticipation Notes and Funding Debt
- 27 C. Provisions of Bonds and Notes
- 28 D. Sale of Bonds and Notes

29 SUBCHAPTER A  
 30 GENERAL PROVISIONS

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- 1 Sec.
- 2 8101. Combining projects for financing or series of bonds  
 3 or notes for sale.
- 4 8102. Preliminary authorizations as to financing.
- 5 8103. Ordinance authorizing issuance of documents evidencing  
 6 lease rental debt.
- 7 8104. Covenant to pay bonds or notes or a guaranty.
- 8 8105. Additional provisions in ordinance authorizing issuance  
 9 of revenue or guaranteed revenue bonds or notes.
- 10 8106. Sinking fund depository and trustee for bondholders  
 11 or noteholders.
- 12 8107. Award of bonds or notes.
- 13 8108. Bond anticipation notes.
- 14 8109. Small borrowing for capital purposes.
- 15 8110. Debt statement.
- 16 8111. Submission to department.
- 17 8112. Agreements with bondholders or noteholders.
- 18 8113. Lost, stolen, destroyed or mutilated bonds or notes.
- 19 8114. Evidence of signatures of holders and of ownership of  
 20 bonds, notes and tax anticipation notes.
- 21 8115. Contractual effect of ordinances and resolutions.
- 22 8116. Unfunded actuarial accrued liability - condition  
 23 precedent.
- 24 § 8101. Combining projects for financing or series of bonds or  
 25 notes for sale.
- 26 The governing body of a local government unit may by  
 27 ordinance take any of the following actions in connection with  
 28 the issuance of bonds or notes or the authorization of the  
 29 instrument creating lease rental debt:

30 (1) In lieu of combining two or more items or elements

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1 permitted to be combined under the definition of project in  
 2 section 8002 (relating to definitions) as a single project,  
 3 designate any one or more of the items or elements as a  
 4 project and combine the projects for financing purposes by  
 5 one series of bonds or notes. If the series of bonds or notes  
 6 are revenue bonds or notes, all projects so combined shall be  
 7 revenue producing projects, all or a portion of the rates,  
 8 rentals, receipts, tolls and charges may be combined, common

9 reserve funds may be created and common or cross covenants  
10 may be made in respect of each project.

11 (2) Offer for simultaneous sale under separate or  
12 combined bids any two or more series of bonds or notes of any  
13 type.

14 (3) Provide for the financing of a project or projects  
15 by the issuance, either simultaneously or in succession, of  
16 any combination of instruments evidencing debt applicable to  
17 the project or projects and authorized by this subpart.

18 Any ordinance required by this section may be included in any  
19 authorizing ordinance required by section 8103 (relating to  
20 ordinance authorizing issuance of documents evidencing lease  
21 rental debt).

22 § 8102. Preliminary authorizations as to financing.

23 The governing body of a local government unit may express its  
24 intent to evidence debt as electoral debt, nonelectoral debt or  
25 lease rental debt. Action may be taken either by resolution,  
26 which may also provide for the submission of proposals to  
27 purchase any bonds or notes, or by ordinance. But neither bonds  
28 or notes nor lease, guaranty, subsidy contract or other  
29 agreement evidencing lease rental debt shall be authorized other  
30 than by the enactment of any ordinances required by this

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1 subchapter or, in the case of notes issued under section 8109  
2 (relating to small borrowing for capital purposes), other than  
3 by adoption of the resolution required under section 8109.

4 § 8103. Ordinance authorizing issuance of documents evidencing  
5 lease rental debt.

6 (a) General rule.--The ordinance or ordinances or, in the  
7 case of notes issued under section 8109 (relating to small  
8 borrowing for capital purposes), the resolution authorizing the  
9 issuance of bonds or notes or the execution of a lease,  
10 guaranty, subsidy contract or other agreement evidencing lease  
11 rental debt by a local government unit shall contain, in  
12 substance:

13 (1) In all cases, including lease rental debt, the  
14 following:

15 (i) A brief description of the project for which the  
16 debt is to be incurred and, if a capital project, a  
17 realistic estimated useful life thereof.

18 (ii) A statement of the aggregate principal amount  
19 of bonds or notes proposed to be issued pursuant to the  
20 ordinance or, as the case may be, to be secured by the  
21 instrument evidencing lease rental debt.

22 (iii) A statement whether the debt is to be incurred  
23 as electoral debt, nonelectoral debt or lease rental  
24 debt.

25 (iv) An authorization and direction to one or more  
26 specified officers and their successors to prepare and  
27 certify and, except in the case of notes issued under  
28 section 8109, to file the debt statement required by  
29 section 8110 (relating to debt statement), to execute and  
30 deliver the bonds or notes or the instrument evidencing

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1 lease rental debt and to take other necessary action.  
2 This designation may be changed from time to time  
3 thereafter.

4 (v) In the case of nonelectoral or lease rental debt  
5 which is subject to exclusion as subsidized debt or self-  
6 liquidating debt if the exclusion is presently desired,

7 an authorization to the proper officers of the local  
 8 government unit to prepare and file any statements  
 9 required by Subchapter B of Chapter 80 (relating to  
 10 limitations on debt of local government units) which are  
 11 necessary to qualify all or any portion of the debt for  
 12 exclusion from the appropriate debt limit as self-  
 13 liquidating debt or subsidized debt.

14 (2) In every case except that of lease rental debt, the  
 15 following:

16 (i) A statement whether the bonds or notes when  
 17 issued will be general obligation bonds or notes,  
 18 guaranteed revenue bonds or notes or revenue bonds or  
 19 notes.

20 (ii) The covenant required by section 8104 (relating  
 21 to covenant to pay bonds or notes or a guaranty) if the  
 22 bonds or notes when issued will be general obligation  
 23 bonds or notes or guaranteed revenue bonds or notes and  
 24 the pledge of specific rents, revenues or receipts, if  
 25 the bonds or notes when issued will be guaranteed revenue  
 26 bonds or revenue bonds, and if limited guaranteed revenue  
 27 bonds or notes, a statement of the limitations on the  
 28 guaranty.

29 (iii) The substantial form of the bonds or notes to  
 30 be issued, including the substantial form of any coupon  
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 1 or authentication certificate.

2 (iv) A schedule of stated principal maturity or  
 3 mandatory redemption amounts and dates, the rate or rates  
 4 of interest and interest payment dates, places of  
 5 payment, and, if desired, provisions for prior  
 6 redemption, including call dates and call prices, all of  
 7 which shall conform with Subchapter C (relating to  
 8 provision of bonds and notes).

9 (v) A statement of the manner in which the bonds or  
 10 notes are to be or have been sold and, if to be sold at  
 11 public sale, the matters required or permitted by  
 12 Subchapter D (relating to sale of bonds and notes) or, if  
 13 to be sold at negotiated sale, there may be included the  
 14 matters required or permitted by section 8107 (relating  
 15 to award of bonds or notes).

16 (vi) Except in the case of notes issued under  
 17 section 8109, a covenant creating the sinking fund  
 18 required by Subchapter B of Chapter 82 (relating to  
 19 sinking funds and other funds and accounts).

20 (vii) A statement of any tax or taxes the payment of  
 21 which is assumed by the local government unit in  
 22 consideration of the purchase of the bonds or notes and,  
 23 if desired, authorization for the purchase of bond  
 24 insurance.

25 (viii) The authorization to the proper officials of  
 26 the local government unit to contract with one or more  
 27 banks or bank and trust companies for services as  
 28 trustee, fiscal agent, sinking fund depository or paying  
 29 agent, and to contract with any additional copaying  
 30 agents desired, but compliance with this subparagraph  
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1 shall not be required in the case of notes issued under  
 2 section 8109.

3 (3) In the case of lease rental debt, the authorization  
 4 to the proper officials of the local government unit to

5 execute and deliver a lease, guaranty, subsidy contract or  
 6 other agreement, the annual or semiannual rental or payment  
 7 to be paid thereunder, any sources of payment and, in the  
 8 case of a guaranty, the covenant required by section 8104.

9 (4) In the case of revenue or guaranteed revenue bonds  
 10 or notes, the inclusion of the matters set forth in sections  
 11 8105 (relating to additional provisions in ordinance  
 12 authorizing issuance of revenue or guaranteed revenue bonds  
 13 or notes), 8147 (relating to pledge of revenues) and 8148  
 14 (relating to deeds of trust and other agreements with  
 15 bondholders and noteholders).

16 (b) Date of incurring nonelectoral and lease rental debt.--  
 17 The nonelectoral debt evidenced by the issuance of bonds or  
 18 notes or the lease rental debt evidenced by the execution of a  
 19 lease, guaranty, subsidy contract or other agreement shall be  
 20 deemed to have been incurred upon the final enactment of the  
 21 ordinance required by this section or, in the case of small  
 22 borrowings, upon final adoption of the resolution required by  
 23 section 8109. Electoral debt is incurred when the assent of the  
 24 electors has been given.

25 (c) Change in purpose of nonelectoral general obligation  
 26 debt.--In the case of nonelectoral general obligation debt, the  
 27 purpose may be changed by similar action at any time.  
 28 § 8104. Covenant to pay bonds or notes or a guaranty.

29 (a) General rule.--The local government unit shall, in the  
 30 ordinance authorizing the issue of bonds or notes or a guaranty

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1 or in such bonds or notes, or in the trust indenture securing  
 2 the same, or in the instrument of guaranty, covenant with the  
 3 holders from time to time of the bonds or notes or guaranteed  
 4 bonds or notes, and of the coupons thereto appertaining, that  
 5 the local government unit shall do the following:

6 (1) Include the amount of the debt service, or the  
 7 amounts payable in respect of its guaranty, in each case  
 8 specified in the covenant, for each fiscal year in which the  
 9 sums are payable in its budget for that year.

10 (2) Appropriate those amounts from its general or  
 11 specially pledged revenues, as the case may be, for the  
 12 payment of the debt service or guaranty.

13 (3) Duly and punctually pay or cause to be paid from its  
 14 sinking fund or any other of its revenues or funds the  
 15 principal of and interest on every bond or note or, to the  
 16 extent of its obligation, the amount payable in respect of  
 17 the guaranty, at the dates and places and in the manner  
 18 stated in the bonds and in the coupons thereto appertaining  
 19 or in the guaranty, according to the true intent and meaning  
 20 thereof.

21 (b) Obligation of government unit.--For budgeting,  
 22 appropriation and payment in respect of its general obligation  
 23 bonds or notes, its guaranteed revenue bonds or notes or its  
 24 guaranty of the bonds or notes of an authority or other local  
 25 government unit, the local government unit shall pledge its full  
 26 faith, credit and taxing power unless a guaranty is limited to  
 27 specified revenues of the guarantor. Nothing in the covenant  
 28 shall obligate the local government unit to budget, appropriate  
 29 or make any payments on limited guaranteed revenue bonds or on a  
 30 limited guaranty of bonds or notes of any authority or other

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1 local government unit beyond the stated terms of its guaranty.  
 2 The covenant shall be specifically enforceable. This section

3 does not give any local government unit any taxing power not  
4 granted by another provision of law.

5 § 8105. Additional provisions in ordinance authorizing issuance  
6 of revenue or guaranteed revenue bonds or notes.

7 In addition to the provisions required or permitted by  
8 sections 8103 (relating to ordinance authorizing issuance of  
9 documents evidencing lease rental debt), 8147 (relating to  
10 pledge of revenues) and 8148 (relating to deeds of trust and  
11 other agreements with bondholders and noteholders), the  
12 ordinance authorizing the issuance of revenue bonds or notes or  
13 guaranteed revenue bonds or notes may also contain the  
14 following:

15 (1) Covenants or provisions with respect to the  
16 collection, custody, investment and disbursement of rents,  
17 revenues, rates and charges for the use of the project as may  
18 be desired.

19 (2) Covenants as to the fixing and collection of rents,  
20 rates and charges for the use of the project as may be  
21 desired and deemed necessary for the lawful security of the  
22 holders of the bonds or notes, except that no covenant and no  
23 agreement with the holders of bonds or notes shall require an  
24 increase in the rents, rates, tolls and charges to a level  
25 which, in the opinion of the registered professional engineer  
26 advising the local government unit, will result in a decrease  
27 in gross revenues over what would have been received at a  
28 somewhat lower rate level.

29 (3) Provisions granting a security interest in the  
30 rents, revenues, rates, tolls and charges for the security

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1 and benefit of the holders of the notes, bonds and coupons.

2 (4) Provisions creating such reserve funds or accounts  
3 as deemed desirable for the future security of the notes,  
4 bonds and coupons and requiring the observance of such  
5 covenants on the part of the local government unit deemed  
6 necessary or desirable for the protection of the holders of  
7 the notes, bonds and coupons or for the maintenance and  
8 preservation of the project.

9 (5) Authorization to the proper officers of the local  
10 government unit to execute and deliver any trust indenture  
11 containing any other, further and lawful provisions desired.

12 § 8106. Sinking fund depository and trustee for bondholders or  
13 noteholders.

14 (a) General rule.--Every local government unit issuing bonds  
15 or notes other than notes issued under section 8109 (relating to  
16 small borrowing for capital purposes) shall appoint a sinking  
17 fund depository which may also serve as paying agent for the  
18 bonds or notes. The sinking fund depository shall be a bank or  
19 bank and trust company authorized to do business in this  
20 Commonwealth and may serve as one for one or more series of  
21 bonds or notes. Funds, which may include interest accrued and to  
22 accrue on lawful investments, in an amount sufficient for the  
23 payment of the principal of, and the interest on, the bonds or  
24 notes shall be deposited with the sinking fund depository not  
25 later than the date fixed for the disbursement thereof, unless  
26 the ordinance authorizing the issuance of the bonds or notes  
27 requires that the deposits be made on an earlier date or on  
28 earlier dates.

29 (b) Fiscal agent or trustee.--If the ordinance authorizing  
30 the issuance of the bonds or notes provides for a fiscal agent,

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1 or authorizes the execution of a trust indenture appointing a  
2 trustee, the fiscal agent or trustee shall also be the sinking  
3 fund depository.

4 (c) Remedy for failure to make deposit.--If the local  
5 government unit shall fail or refuse to make any required  
6 deposit in the sinking fund, the sinking fund depository, the  
7 fiscal agent or the trustee, as the case may be, may and, upon  
8 request of the holders of 25% in principal amount of the  
9 outstanding notes and bonds and upon being indemnified against  
10 cost and expense, shall exercise any remedy provided in this  
11 subpart or at law or in equity, for the equal and ratable  
12 benefit of the holders of the outstanding notes, bonds and  
13 coupons, and shall disburse all funds so collected equally and  
14 ratably to the holders of the notes, bonds and coupons as  
15 provided in the ordinance authorizing the bonds, subject to any  
16 limitations contained in Subchapter D of Chapter 82 (relating to  
17 remedies).

18 § 8107. Award of bonds or notes.

19 When an acceptable proposal for the purchase of the bonds or  
20 notes, or any part thereof offered separately, has been received  
21 and is in conformity with the terms of the official invitation  
22 for proposals or is an acceptable proposal at a negotiated or  
23 invited sale, and is in compliance with the provisions of this  
24 subpart, it may be accepted by resolution or by ordinance. If  
25 the acceptance is made by resolution, the acceptance shall be  
26 conditional upon compliance with section 8103 (relating to  
27 ordinance authorizing issuance of documents evidencing lease  
28 rental debt). If the acceptance is made by ordinance, the  
29 ordinance shall also fix any details of the series of bonds or  
30 notes being sold, not fixed by prior ordinance, and award the

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1 bonds or notes, or those which have been sold, to specified  
2 purchasers at prices specified in the ordinance. These  
3 provisions may be included in the ordinance adopted pursuant to  
4 section 8103. Notwithstanding any other provision of this  
5 subpart or of any other statute, as between the local government  
6 unit and the purchasers, an awarding resolution or ordinance  
7 shall be effective upon its final adoption or enactment by the  
8 governing body. The advertisement of the ordinance prior to  
9 enactment shall be sufficient if it describes the items to be  
10 completed from the proposal.

11 § 8108. Bond anticipation notes.

12 (a) Issuance.--The governing body may evidence all or part  
13 of any electoral or nonelectoral debt by the issue of a series  
14 of bond anticipation notes. These notes shall be payable by  
15 exchange for, or out of the proceeds of, the sale of a  
16 designated series of bonds referred to in the bond anticipation  
17 notes. The reference to the bonds shall specify a maximum rate  
18 of interest to be borne by the series of bonds and provide that  
19 the series shall be offered for sale but, if no proposals are  
20 received, the sole remedy of the holders of the bond  
21 anticipation notes shall be either to accept the bonds at the  
22 specified maximum interest rate, or to extend the maturity of  
23 the bond anticipation notes for one or more specified additional  
24 periods of not less than six months each during which time  
25 additional offers of the bonds may be made.

26 (b) Procedure.--Bond anticipation notes may be authorized,  
27 issued and sold in the same manner as the bonds in anticipation  
28 whereof the notes are being issued and principal amounts thereof  
29 shall be retired in accordance with the specified stated

30 maturity dates of the bonds occurring prior to the refunding of  
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1 the notes.

2 § 8109. Small borrowing for capital purposes.

3 (a) General rule.--Any local government unit may incur debt  
4 by resolution rather than by ordinance to be evidenced by notes  
5 to provide funds for a project as defined in this subpart  
6 without complying with the requirements of Subchapter A of  
7 Chapter 82 (relating to Department of Community Affairs) if:

8 (1) The aggregate amount of the debt outstanding at any  
9 one time shall not exceed the lesser of \$100,000 or 30% of  
10 the borrowing base.

11 (2) The principal of each debt shall mature not later  
12 than five years from the date of issuance.

13 (3) The incurrence of the debt shall not cause the debt  
14 limits of Subchapter B of Chapter 80 (relating to limitations  
15 on debt or local government units) to be exceeded.

16 (4) The provisions of section 10 of Article IX of the  
17 Constitution of Pennsylvania shall have been observed.

18 (5) The provisions of section 8208 (relating to  
19 invalidity of instruments which are delivered without  
20 compliance with requirements or conditions precedent to  
21 issuance or delivery) shall apply to notes issued in  
22 violation of the requirements of this subsection.

23 (b) Applicability of other provisions.--Except as otherwise  
24 specifically stated in this section or in Subchapters A  
25 (relating to general provisions), C (relating to provisions of  
26 bonds and notes) and D (relating to sale of bonds and notes),  
27 the provisions of Subchapter A applicable to ordinances  
28 authorizing general obligation bonds or notes and the provisions  
29 of Subchapters C and D applicable to general obligation bonds or  
30 notes shall apply, respectively, to resolutions authorizing

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1 notes and to the notes authorized under this section.

2 (c) Sale of notes.--Notes authorized under this section may  
3 be sold, without formal documents of sale, by delivery of the  
4 notes upon receipt of the purchase price, or at the option of  
5 the local government unit, they may be sold in compliance with  
6 section 8107 (relating to award of bonds or notes) in which  
7 event the term "ordinance" in section 8107 shall have reference  
8 to the authorizing resolution required by this section.

9 (d) Refunding notes.--Refunding notes may be issued in  
10 compliance with this section and with the provisions of  
11 Subchapter C of Chapter 82 (relating to refunding of debt) for  
12 the purpose of refunding notes previously issued under this  
13 section provided that the maturity of the refunding notes shall  
14 not extend beyond five years from the date of issuance of the  
15 notes originally evidencing the debt refunded.

16 § 8110. Debt statement.

17 (a) General rule.--Before delivering any general obligation  
18 bonds or notes or guaranteed revenue bonds or notes constituting  
19 nonelectoral debt or before executing an instrument evidencing  
20 lease rental debt, the officer or officers of a local government  
21 unit shall prepare and verify under oath a debt statement as of  
22 a date not more than 60 days before the filing with the  
23 department or, in the case of notes issued under section 8109  
24 (relating to small borrowing for capital purposes), before the  
25 final adoption of the resolution authorizing their issue,  
26 showing:

27 (1) The gross indebtedness of the local government unit



28 giving prospective effect to the provisions of section  
 29 8250(b) (relating to use of proceeds of refunding bonds and  
 30 when refunded bonds are no longer deemed outstanding) if debt  
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1 is to be refunded.

2 (2) By items, the claimed credits and exclusions from  
 3 the gross indebtedness permitted by this subpart in  
 4 determining net debt.

5 (3) The aggregate principal amount of the bonds or notes  
 6 being issued or evidencing lease rental debt.

7 (4) The borrowing base of the local government unit as  
 8 shown by an appended borrowing base certificate.

9 (5) The applicable nonelectoral debt limit and the limit  
 10 for nonelectoral plus lease rental debt computed as provided  
 11 in this subpart.

12 (6) In the case of a refunding, the principal amount of  
 13 bonds or notes which will no longer be deemed to be  
 14 outstanding pursuant to section 8250(b) after settlement of  
 15 the issue.

16 (b) Previously excluded self-liquidating or subsidized  
 17 debt.--Where debt has previously been excluded as self-  
 18 liquidating or subsidized debt, the debt statement shall be  
 19 accompanied by a certification that no decrease in the amounts  
 20 to be excluded is required by any change of circumstances or, if  
 21 there has been a change, other than decreases resulting from the  
 22 payments of bonds or notes, so that less debt is to be excluded.  
 23 If it has become possible to exclude a greater amount of debt,  
 24 and the local government unit desires to do so, the debt  
 25 statement shall be accompanied by appropriate certificates  
 26 supporting the revised amount to be excluded, and a revised  
 27 approval shall be obtained from the department.  
 28 § 8111. Submission to department.

29 (a) General rule.--Before delivering any bonds or notes  
 30 other than notes representing small borrowings issued under  
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1 section 8109 (relating to small borrowing for capital purposes),  
 2 the local government unit shall apply for and receive or be  
 3 deemed to have received the approval of the department under  
 4 section 8204 (relating to certificate of approval of transcript)  
 5 or 8206 (relating to effect of failure of timely action by  
 6 department). The application, in such form as the department  
 7 prescribes, shall be accompanied by a transcript of the  
 8 proceedings consisting of certified copies of any of the  
 9 following, not previously filed, which are applicable:

10 (1) The ordinance calling the election in the case of  
 11 electoral debt with proofs of all proper advertisements.

12 (2) The return of election.

13 (3) The ordinance or ordinances authorizing the bonds or  
 14 notes with proofs of proper publication.

15 (4) The accepted proposal for the purchase of the bonds  
 16 or notes.

17 (5) The ordinance or resolution awarding the bonds or  
 18 notes with proofs of proper publication of the ordinance.

19 (6) The debt statement if required by section 8110  
 20 (relating to debt statement) prepared pursuant thereto.

21 (7) Any certificates and proofs that may be necessary  
 22 for the exclusion of any portion of the series proposed to be  
 23 delivered or any prior series as self-liquidating debt or  
 24 subsidized debt if the exclusion is desired by the local  
 25 government unit.

26 (b) Lease rental debt submissions.--Before becoming bound on  
 27 any lease, guaranty, subsidy contract or other agreement  
 28 evidencing lease rental debt, a local government unit shall  
 29 apply for and receive or be deemed to have received the approval  
 30 of the department under section 8204 or 8206. The application,  
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1 in a form the department prescribes, shall be accompanied by  
 2 certified copies of the following:

3 (1) The ordinance authorizing the execution of the  
 4 lease, guaranty, subsidy contract or other agreement with  
 5 proofs of proper publication.

6 (2) The debt statement prepared pursuant to section  
 7 8110.

8 (c) Validity of lease rental debt agreements.--No lease,  
 9 guaranty, subsidy contract or other agreement evidencing lease  
 10 rental debt executed and delivered after July 12, 1972, and  
 11 prior to the approval pursuant to section 8204 or 8206 of the  
 12 department shall be valid or obligatory. Except as reference is  
 13 made in this subpart to lease rental debt, this subpart shall  
 14 have no application to the authorization, issue or sale of its  
 15 obligations by any authority.

16 (d) Number of counterparts.--The application may be made in  
 17 as many counterparts as desired. The department, if it approves  
 18 the application, shall return all counterparts, except one, with  
 19 its certificate of approval appended to each.  
 20 § 8112. Agreements with bondholders or noteholders.

21 Except as otherwise specified in this subpart, a local  
 22 government unit may enter into and perform contracts with the  
 23 holders of its bonds or notes binding upon the original  
 24 purchasers and their respective transferees placing greater  
 25 reasonable and lawful restrictions on the local government unit  
 26 or on the action of individual holders of bonds or notes than  
 27 are provided in this subpart, but no additional agreement  
 28 restricting the action of a holder of a bond or note shall be  
 29 binding upon a remote holder of a bond or note unless the  
 30 substance of the agreement is set forth in the text of the bond  
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1 or note, or set forth in a bond resolution or indenture of trust  
 2 which is kept available in one or more designated public offices  
 3 and to all of which a reference is made in the text of the bond  
 4 or note.

5 § 8113. Lost, stolen, destroyed or mutilated bonds or notes.

6 (a) General rule.--If any temporary or definitive bond or  
 7 note, including any tax anticipation note, lawfully issued under  
 8 this subpart or under applicable law prior to July 12, 1972,  
 9 becomes mutilated or is destroyed, stolen or lost, the local  
 10 government unit shall execute, and any sinking fund depository,  
 11 fiscal agent or trustee for bondholders shall, if required,  
 12 authenticate and deliver a new bond or note, with appropriate  
 13 coupons attached in the case of a bond or note in coupon form,  
 14 of like series and principal amount as the bond or note and  
 15 attached coupons, if any, so mutilated, destroyed, stolen or  
 16 lost, upon surrender and cancellation of the mutilated bond or  
 17 note and attached coupons, if any, or in lieu of and in  
 18 substitution for the bond or note and coupons, if any,  
 19 destroyed, stolen or lost.

20 (b) Procedure.--The local government unit shall proceed as  
 21 required under subsection (a) upon filing with the local  
 22 government unit or, if so provided in the bond ordinance, with  
 23 the sinking fund depository, fiscal agent or trustee, evidence

24 satisfactory to it that the bond or note and attached coupons,  
 25 if any, have been destroyed, stolen or lost and proof of  
 26 ownership thereof and upon furnishing of satisfactory indemnity  
 27 and complying with such other reasonable regulations as the  
 28 local government unit shall prescribe, and paying any reasonable  
 29 expenses, including counsel fees, as the local government unit  
 30 or the sinking fund depository, fiscal agent or trustee may

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1 incur. Mutilated bonds or notes and appurtenant coupons, if any,  
 2 surrendered shall be canceled.

3 (c) Status of replacement bonds and notes.--The new bonds or  
 4 notes and coupons, if any, so issued shall be independent  
 5 obligations and all limitations and debt limits shall be deemed  
 6 increased to the extent necessary to validate the new bonds or  
 7 notes and any appurtenant coupons.

8 § 8114. Evidence of signatures of holders and of ownership of  
 9 bonds, notes and tax anticipation notes.

10 Any request, consent or other instrument which may be  
 11 required or permitted to be executed by the holders of bonds or  
 12 notes, including tax anticipation notes, may be in one or more  
 13 instruments of similar tenor and shall be signed or executed by  
 14 the holders in person or by their attorneys appointed in  
 15 writing. Proof of the execution of the instrument, or of an  
 16 instrument appointing any such attorney, or the holding by any  
 17 person of bonds or notes or coupons appertaining thereto, shall  
 18 be sufficient for the purposes of this subpart and any  
 19 proceeding thereunder if made in the following manner:

20 (1) The certificate shall state that the person or  
 21 persons signing the instrument were known to be such persons  
 22 by the individual certifying and that the person or persons  
 23 acknowledged the execution of the instrument as his or their  
 24 act. The authority of an attorney or agent may be proven by  
 25 like statement of the principal acknowledged in a like  
 26 manner, but a certificate as to authority shall not be  
 27 necessary if an instrument is executed on behalf of a  
 28 corporate holder of bonds, notes or coupons by a person  
 29 purporting to be the president or a vice president of the  
 30 corporation with the corporate seal affixed and attested by a

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1 person purporting to be its secretary or an assistant  
 2 secretary. The fact and date of the execution by the holder  
 3 of any bond, note or coupon, or the attorney thereof, of any  
 4 instrument may be proved by the certificate, which, except as  
 5 provided in this section, need not be acknowledged or  
 6 verified, of any of the following:

7 (i) An officer of any bank or bank and trust company  
 8 which is in this Commonwealth or which has a  
 9 correspondent in this Commonwealth certifying to the  
 10 authenticity of its certificate.

11 (ii) An authorized signer for any broker or dealer  
 12 in securities doing business in this Commonwealth or  
 13 having a correspondent in this Commonwealth certifying to  
 14 the authenticity of its certificate.

15 (iii) Any notary public or other officer authorized  
 16 to take acknowledgments of deeds to be recorded in the  
 17 state in which he purports to act.

18 (iv) Any other witness to the execution whose  
 19 certificate must be verified before a notary public or  
 20 other officer authorized to take acknowledgments of deeds  
 21 in the state in which he purports to act.

22 (2) The ownership of fully registered bonds or notes or  
 23 of notes issued payable to the order of a named person, or  
 24 bonds or notes registered as to principal, and the amount,  
 25 number and date of holding them shall be proved by the  
 26 registry records maintained for the series in question.

27 (3) The amount of bonds or notes transferable by  
 28 delivery held by any person executing any instrument as the  
 29 holder of a bond, note or coupon, the number thereof and the  
 30 date of holding the bond, note or coupon may be proved by a

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1 like certificate of any person mentioned in paragraph (1) (i)  
 2 or (ii) stating that the holder exhibited to the person  
 3 executing the certificate, or had on deposit with him, the  
 4 bonds or notes described in the certificate. For purposes of  
 5 action to be taken by the holders of the bonds, notes or  
 6 coupons, the holder shall be deemed to continue if he acts  
 7 for a period of nine months after the date of the proof of  
 8 holding. Continued ownership after this period shall require  
 9 a new certificate or shall be taken as continuing if the  
 10 original certificate contains a statement that the bonds,  
 11 notes or coupons are on deposit with the signer and an  
 12 undertaking not to release them, and not to attorn to any new  
 13 owner, unless the certificate is presented to the depository.

14 (4) Any request, consent or vote of the owner of any  
 15 bond, note or coupon shall bind all future holders thereof if  
 16 a notation of the action is placed on the bond, note or  
 17 coupon, and also, even if not so noted, if notice thereof is  
 18 given once by publication in a newspaper of general  
 19 circulation in the county in which the local government unit  
 20 is located and in a journal of general circulation among  
 21 dealers in investment securities.

22 (5) In cases of disputed ownership, and in other cases,  
 23 in its discretion, a court, a local government unit or  
 24 trustee or fiscal or paying agent may require further or  
 25 other proof in cases where it deems it desirable.

26 § 8115. Contractual effect of ordinances and resolutions.

27 Except as otherwise provided in any ordinance or resolution  
 28 authorizing or awarding bonds or notes or tax anticipation  
 29 notes, the terms thereof and of this subpart as in effect when  
 30 the bonds or notes were authorized shall constitute a contract

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1 between the local government unit and the holders from time to  
 2 time of the bonds and notes subject to modification by the vote  
 3 of a majority of the holders or such larger portion thereof as  
 4 may be provided in the bond or note.

5 § 8116. Unfunded actuarial accrued liability - condition  
 6 precedent.

7 No bond or note issued to fund an unfunded actuarial accrued  
 8 liability shall be valid or obligatory in the hands of an  
 9 original purchaser until certified copies of the ordinance or  
 10 ordinances authorizing bonds or notes, the ordinance or  
 11 resolution awarding the bonds or notes and the certificate of  
 12 approval of the department have been filed with the Public  
 13 Employee Retirement Commission. No approval of the Public  
 14 Employee Retirement Commission shall be required.

#### 15 SUBCHAPTER B

#### 16 TAX ANTICIPATION NOTES AND FUNDING DEBT

17 Sec.

18 8121. Power to issue tax anticipation notes.

19 8122. Limitation on amount of tax anticipation notes.

- 20 8123. Maturity date and time of payment of interest.  
 21 8124. Other terms of tax anticipation notes.  
 22 8125. Security for tax anticipation notes and sinking fund.  
 23 8126. Certification as to taxes and revenues to be collected.  
 24 8127. Sale of tax anticipation notes.  
 25 8128. Condition precedent to validity of tax anticipation notes.  
 26 8129. Scope of unfunded debt.  
 27 8130. Approval by court to fund unfunded debt.  
 28 § 8121. Power to issue tax anticipation notes.

29 A local government unit may have power and authority, by  
 30 resolution of its governing body, to borrow money from time to  
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1 time in any fiscal year in anticipation of the receipt of  
 2 current taxes or current revenues, or both, to evidence the  
 3 obligation by notes, appropriately designated, and to authorize,  
 4 issue and sell the notes in the manner, and subject to the  
 5 limitations provided therefor in this subchapter. References in  
 6 this subpart to tax anticipation notes include also revenue  
 7 anticipation notes and tax and revenue anticipation notes.  
 8 Limitations imposed by this subpart on the incurring of  
 9 nonelectoral debt shall not apply to the obligations evidenced  
 10 by tax anticipation notes. The power to borrow from time to time  
 11 shall include the power to make a single authorization and then  
 12 issue and sell portions of that amount of authorized notes  
 13 whenever desired during the fiscal year.

14 § 8122. Limitation on amount of tax anticipation notes.

15 (a) General rule.--No local government unit shall authorize  
 16 or issue tax anticipation notes in any one fiscal year which in  
 17 the aggregate shall exceed 85% of:

18 (1) In the case of notes solely payable from and secured  
 19 by a pledge of taxes, the amount of the taxes levied for the  
 20 current fiscal year.

21 (2) In the case of notes solely payable from and secured  
 22 by a pledge of revenues other than tax revenues, the amount  
 23 of the revenues pledged.

24 (3) In the case of notes payable from and secured by a  
 25 pledge of taxes and other revenues, the sum of the taxes  
 26 levied and the revenues pledged.

27 The taxes or revenues or both shall be certified, pursuant to  
 28 section 8126 (relating to certification as to taxes and revenues  
 29 to be collected), as remaining to be collected or received in  
 30 the fiscal year during the period when the notes will be  
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1 outstanding. The certificate shall be as of a date not more than  
 2 30 days prior to, and no later than, the date of the vote on the  
 3 resolution authorizing the issue and sale of the tax  
 4 anticipation notes.

5 (b) Computation of notes outstanding.--In computing the  
 6 aggregate amount of tax anticipation notes outstanding at any  
 7 given time during the fiscal year for the purpose of the  
 8 limitation imposed by this section, allowance shall be made for  
 9 notes that have already been fully paid and for amounts already  
 10 paid into appropriate sinking funds, if any.

11 § 8123. Maturity date and time of payment of interest.

12 No tax anticipation notes shall be stated to mature beyond  
 13 the last day of the fiscal year in which the tax anticipation  
 14 notes are issued. Interest on tax anticipation notes from the  
 15 date thereof shall be payable at the maturity of the notes or  
 16 payable in installments at such earlier dates and at such annual  
 17 rate or rates determined by the governing body of the local

18 government unit.

19 § 8124. Other terms of tax anticipation notes.

20 Tax anticipation notes shall be issued in denominations,  
21 shall be subject to rights of prior redemption, shall have  
22 privileges of interchange and registration, shall be dated,  
23 shall be stated to mature, subject to the provisions of section  
24 8123 (relating to maturity date and time of payment of  
25 interest), on dates and in amounts, shall be in registered or  
26 bearer form with or without coupons, shall be payable in such  
27 coin or currency as at the place and at the time of payment is  
28 legal tender for the payment of public and private debts and  
29 shall be payable at any place or places, one of which shall be  
30 in this Commonwealth, all as the governing body of the issuing  
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1 local government unit may determine by resolution.

2 § 8125. Security for tax anticipation notes and sinking fund.

3 (a) General rule.--All tax anticipation notes issued in a  
4 single fiscal year shall be equally and ratably secured by the  
5 pledge of, security interest in, and a lien and charge on, the  
6 taxes or revenues, or both, of the local government unit  
7 specified in the authorizing resolution to be received during  
8 the period when the notes will be outstanding. The pledge, lien  
9 and charge shall be fully perfected as against the local  
10 government unit, all creditors thereof and all third parties in  
11 accordance with the terms of the resolution from and after the  
12 filing of any financing statement or statements required under  
13 Title 13 (relating to commercial code). For the purpose of this  
14 filing, the sinking fund depository, if any, otherwise the  
15 fiscal agent or paying agent designated in the notes, may act as  
16 the representative of noteholders and, in such capacity, execute  
17 and file the financing statement and any continuation or  
18 termination statements as secured party. The authorizing  
19 resolution may establish one or more sinking funds and provide  
20 for periodic or other deposits therein and may contain covenants  
21 or other provisions as the local government unit determines. The  
22 amount of any tax anticipation notes issued in compliance with  
23 this subpart shall be general obligations of the local  
24 government unit and, if the amounts are not paid within the  
25 fiscal year in which the notes were issued, they shall be deemed  
26 to be nonelectoral debt enforceable in the manner of a general  
27 obligation which, unless funded pursuant to this subpart, shall  
28 be included in the budget of the local government unit for the  
29 ensuing fiscal year and shall be payable from the taxes and  
30 revenues of the ensuing year notwithstanding that the amount  
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1 thereof shall cause the nonelectoral debt of the local  
2 government unit to exceed the limitations of Subchapter B of  
3 Chapter 80 (relating to limitations on debt of local government  
4 units).

5 (b) First class school districts.--The holder of the tax  
6 anticipation notes issued by a first class school district or  
7 the sinking fund depository of the applicable sinking fund, if  
8 any, shall have the right to enforce the pledge of security  
9 interest in and lien and charge on the pledged taxes and  
10 revenues of the first class school district against all  
11 Commonwealth and local public officials in possession of any of  
12 the taxes and revenues at any time which may be collected  
13 directly from the officials upon notice by the holder or  
14 depository for application to the payment as and when due or for  
15 deposit in the applicable sinking fund at the times and in the

16 amounts specified in the tax anticipation notes. Any  
 17 Commonwealth or local public official in possession of any of  
 18 the taxes and revenues shall make payment, against receipt  
 19 therefor, directly to the holder of the tax anticipation notes  
 20 or to the depository upon the notice and shall thereby be  
 21 discharged from any further liability or responsibility for the  
 22 taxes and revenues. If the payment is to a holder of tax  
 23 anticipation notes, it shall be made against surrender of the  
 24 notes to the payor for delivery to the first class school  
 25 district in the case of payment in full; otherwise it shall be  
 26 made against production of the notes for notation thereon of the  
 27 amount of the payment. The provisions of this subsection with  
 28 respect to the enforceability and collection of taxes and  
 29 revenues which secure tax anticipation notes of a first class  
 30 school district shall supersede any contrary or inconsistent  
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1 statutory provision or rule of law. This subsection shall be  
 2 construed and applied to fulfill the legislative purpose of  
 3 clarifying and facilitating temporary borrowings by a first  
 4 class school district by assuring to holders of tax anticipation  
 5 notes the full and immediate benefit of the security therefor  
 6 without delay, diminishment or interference based on any  
 7 statute, decision, ordinance or administrative rule or practice.  
 8 § 8126. Certification as to taxes and revenues to be collected.

9 Prior to each authorization of tax anticipation notes,  
 10 authorized officers of the local government unit shall make an  
 11 estimate of the moneys to be received during the period when the  
 12 notes will be outstanding from taxes then levied and assessed  
 13 and revenues, including subsidies or reimbursements to be  
 14 received. The estimate shall take due account of the past and  
 15 anticipated collection experience of the local government unit  
 16 and of current economic conditions. The estimate shall be  
 17 certified by the officers and their written certificate dated  
 18 not more than 30 days prior to the date of the authorization of  
 19 the notes and filed with the proceedings authorizing the tax  
 20 anticipation notes with the department.

21 § 8127. Sale of tax anticipation notes.

22 Tax anticipation notes may be sold at public, private or  
 23 invited sale as the governing body of the local government unit  
 24 may determine. Any public sale shall be advertised and conducted  
 25 in the manner and subject to the conditions provided for a  
 26 public sale of bonds in Subchapter D (relating to sale of bonds  
 27 and notes), except as modified by this subchapter. The governing  
 28 body of the local government unit shall award the notes by  
 29 resolution to specified purchasers at a specified price, not  
 30 less than the principal amount. At the time of delivery of each  
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1 issue, series or subseries of tax anticipation notes, authorized  
 2 officers of the local government unit shall certify to the  
 3 original purchasers that the amount of all such notes to remain  
 4 outstanding will not exceed the limitations of section 8122  
 5 (relating to limitation on amount of tax anticipation notes)  
 6 calculated, however, from the date of the certificate to the  
 7 respective maturity dates of all the notes to remain  
 8 outstanding. The certificate need not be filed with the  
 9 department, but a copy of it shall be retained by the local  
 10 government unit until all tax anticipation notes issued during  
 11 the fiscal year have been paid in full.

12 § 8128. Condition precedent to validity of tax anticipation  
 13 notes.

14 No tax anticipation note shall be valid or obligatory in the  
 15 hands of an original purchaser until certified copies of the  
 16 authorizing and awarding resolution, the certificate as to the  
 17 taxes and revenues remaining to be collected and a true copy of  
 18 the accepted proposal for the purchase of the tax anticipation  
 19 notes shall have been filed with the department. No approval by  
 20 the department shall be required.

21 § 8129. Scope of unfunded debt.

22 For the purpose of this subchapter, unfunded debt means  
 23 obligations of the same or one or more prior years incurred for  
 24 current expenses, including tax anticipation notes, due and  
 25 owing or judgments against the local government unit entered by  
 26 a court after adversary proceedings, for the payment of either  
 27 of which category the taxes and other revenues remaining to be  
 28 collected in the fiscal year and funds on hand will not be  
 29 sufficient without a curtailment of municipal services to an  
 30 extent endangering the health or safety of the public or proper

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1 public education and the local government unit either may not  
 2 legally levy a sufficient tax for the balance of the fiscal  
 3 year, or a sufficient tax, if legally leviable, would not be in  
 4 the public interest. Unfunded debt does not, however, include  
 5 debt incurred under this subpart or obligations in respect of a  
 6 project or part of a project as incurred in respect of the cost  
 7 of a project.

8 § 8130. Approval by court to fund unfunded debt.

9 (a) General rule.--Whenever the governing body of a local  
 10 government unit shall be of the opinion that it has outstanding  
 11 unfunded debt, it may, by petition to the court of common pleas  
 12 setting forth the facts, request approval for the issuance of  
 13 bonds or notes to fund the unfunded debt. After hearing, on such  
 14 notice to the local government unit and its taxpayers as the  
 15 court may prescribe, the court shall make an order granting  
 16 authority to fund all or a part of the unfunded debt if the  
 17 court finds that the unfunded debt is a lawful obligation of the  
 18 local government unit; that there has been an unforeseeable  
 19 decline in revenues, or that taxes levied have not produced the  
 20 revenues anticipated or that it was not reasonable to foresee  
 21 the obligation; that paying the debt by curtailing municipal  
 22 services will be dangerous to the public health, safety or  
 23 education; and that it is not feasible or not in the public  
 24 interest to levy additional taxes in the current fiscal year.  
 25 The funding debt so approved shall be stated to mature in the  
 26 amounts and over the number of years, not exceeding ten, as the  
 27 court finds will accomplish the payment of the debt without  
 28 endangering the rendering of municipal services or requiring the  
 29 levying of excessive taxes. If the funding of the unfunded debt  
 30 has not been approved by a vote of the electors, the order of

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1 the court upon cause shown may fix the portion, if any, which  
 2 shall not be charged against the nonelectoral debt limitations  
 3 of the local government unit under sections 8022 (relating to  
 4 limitations on incurring of other debt) and 8125 (relating to  
 5 security for tax anticipation notes and sinking fund) during the  
 6 time the funding debt is outstanding.

7 (b) Issuance and sale of bonds or notes.--The bonds or notes  
 8 representing funding debt so authorized by the court shall be  
 9 issued and sold by the governing body as provided by other  
 10 provisions of this subpart in respect of general obligation  
 11 bonds except as these provisions are modified by this section or



12 by orders of the court issued under this section, and the  
13 proceedings filed by the local government unit in respect of the  
14 funding bonds under section 8201 (relating to certification to  
15 department of bond or note transcript or lease, guaranty,  
16 subsidy contract or other agreement) shall include certified  
17 copies of the petition and of the order of the court.

18 (c) Applicability.--This section shall not apply to the  
19 funding of obligations in respect of a project or part of a  
20 project or incurred in respect of the cost of a project.

21 SUBCHAPTER C

22 PROVISIONS OF BONDS AND NOTES

23 Sec.

- 24 8141. Form of bonds or notes.
- 25 8142. Limitations on stated maturity dates.
- 26 8143. Disposition of proceeds notwithstanding certain  
27 limitations.
- 28 8144. Number of interest rates.
- 29 8145. Place and medium of payment.
- 30 8146. Execution of bonds or notes.

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1 8147. Pledge of revenues.  
 2 8148. Deeds of trust and other agreements with bondholders  
 3 and noteholders.  
 4 8149. Negotiable qualities of bonds and notes.  
 5 8150. Temporary bonds or notes or interim receipts.  
 6 § 8141. Form of bonds or notes.  
 7 Bonds or notes may be issued in such denominations, in coupon  
 8 form payable to bearer or registrable as to principal, or in  
 9 fully registered form, with such provisions for exchangeability  
 10 and interchangeability; shall bear such identifying designation  
 11 or title, including words indicating whether the bonds or notes  
 12 are general obligation, revenue, guaranteed revenue or limited <--  
 13 guaranty revenue bonds or notes; shall be dated; shall bear such  
 14 rate or rates of interest, including supplemental, contingent or  
 15 variable interest, but if contingent or variable interest is  
 16 specified, a maximum rate or amount shall also be specified;  
 17 shall be payable on those dates; may be subject to such  
 18 provisions for prior redemption in whole or in part or both, at  
 19 such price or prices and at such times; shall be stated to  
 20 mature, or may be payable in installments, on a date or dates  
 21 and in such amounts; may provide for the payment by the issuer  
 22 of such tax or taxes on the bonds or notes, either absolutely or  
 23 out of pledged revenues; and may provide for such pledge of  
 24 revenues, the establishment of such reserves and other terms; as  
 25 the governing body of the issuing local government unit may  
 26 determine by ordinance or ordinances adopted prior to the  
 27 delivery of the bonds or notes, subject to the limitations and  
 28 restrictions specified in this subpart.

29 § 8142. Limitations on stated maturity dates.

30 (a) General rule.--No bonds or notes shall be issued with a  
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- 1 stated maturity date exceeding the sooner to occur of:
- 2 (1) Forty years from the date of the series of any bonds  
 3 or notes issued to evidence debt for the purpose of financing  
 4 the cost of actually constructing, acquiring or improving a  
 5 project or a separately financed portion of a project or  
 6 funding an unfunded actuarial accrued liability.
- 7 (2) (i) The useful life of the project being financed  
 8 as stated in the ordinance of the local government unit  
 9 enacted in connection with the series of bonds or notes

10 to be issued for the project, which statement in the  
 11 ordinance shall be conclusive for all purposes. If  
 12 projects have been combined for financing pursuant to  
 13 section 8101 (relating to combining projects for  
 14 financing or series of bonds or notes for sale) and the  
 15 projects have different useful lives, it is sufficient  
 16 for this section if an aggregate principal amount of  
 17 bonds or notes equal to the separate cost of each project  
 18 having a shorter useful life have been stated to mature  
 19 prior to the end of the useful life, and the balance  
 20 prior to the end of the longest useful life. For the  
 21 purpose of this paragraph, the inclusion of furnishings,  
 22 machinery, apparatus or equipment for a construction or  
 23 acquisition project shall not be deemed to be the  
 24 combining of projects but the useful life of the project  
 25 shall be that of the building, structure or improvement  
 26 constructed or acquired.

27 (ii) Where capital budgeting is practiced and bonds  
 28 are issued to fund the current portion of a capital  
 29 budget involving projects of varying useful lives, a  
 30 uniform term of 30 years may be used.

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1 (iii) Where the project being financed is a  
 2 countywide revision of assessment of real property, the  
 3 useful life shall be a term of no more than ten years.

4 (iv) Where a project consists of the funding of all  
 5 or a portion of a reserve, or a contribution toward a  
 6 combined reserve, pool or other arrangement, relating to  
 7 self-insurance, the useful life shall be the term  
 8 specified in the ordinance of the local government unit,  
 9 not to exceed 20 years, or if none is specified, then the  
 10 useful life shall be deemed to be 20 years.

11 (b) Mandatory redemption and stated maturities or  
 12 installments.--Bonds or notes may be serial bonds or notes or  
 13 term bonds or notes or any combination thereof that may be  
 14 selected by the governing body of the issuing local government  
 15 unit. Except for bonds or notes issued to fund an unfunded  
 16 actuarial accrued liability, if term bonds or notes are issued,  
 17 the bonds or notes shall be subject to mandatory redemption,  
 18 and, if serial or installment bonds or notes, the amounts of the  
 19 stated maturities or installments shall be fixed:

20 (1) so as to amortize the issue on at least an  
 21 approximately level annual debt service plan during the  
 22 period specified for the payment of principal in subsection

23 (c); or

24 (2) so that the debt service on outstanding debt of the  
 25 same classification, and for this purpose lease rental debt  
 26 shall be considered as the same classification as general  
 27 obligation debt, will be brought more nearly into an over-all  
 28 level annual debt service plan.

29 (c) Deferral of stated installments or maturities or  
 30 mandatory redemption.--Except as provided by subsection (e),

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1 stated installments or maturities of principal of any series of  
 2 bonds or notes or the mandatory redemption of the principal may  
 3 not be deferred beyond the later of two years from date of issue  
 4 or one year after estimated completion of construction. In the  
 5 case of revenue or guaranteed revenue bonds, this provision will  
 6 be satisfied by a covenant for the mandatory application to term  
 7 bonds of such revenues as may remain after payment of interest

8 and operating expenses up to a fixed amount conforming to  
 9 subsection (b) as shall be specified in the ordinance pursuant  
 10 to which the bonds or notes are issued.

11 (d) Fixing earlier maturity dates.--This section does not  
 12 prevent the fixing of the amount of stated maturity dates so  
 13 that a greater percentage of a series will mature on earlier  
 14 dates than those allowable by this subpart.

15 (e) Maturity dates for different series.--This section does  
 16 not prevent the authorization of bonds or notes of an issue for  
 17 sale in one or more series, in which case the first stated  
 18 maturity of a later series may be later than, but not more than  
 19 15 months later than, the last stated maturity of the next  
 20 preceding series.

21 § 8143. Disposition of proceeds notwithstanding certain  
 22 limitations.

23 A local government unit which issues bonds or notes to fund  
 24 an unfunded actuarial accrued liability shall contribute to the  
 25 applicable pension trust fund the proceeds of the bonds or  
 26 notes, after deduction of costs of issuance, underwriter's  
 27 discount and original issue discount, notwithstanding that the  
 28 contribution may exceed a limitation on contributions to  
 29 retirement systems, pension plans or pension trust funds  
 30 otherwise applicable to the local government unit.

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1 § 8144. Number of interest rates.

2 A series of bonds or notes may have any number of interest  
 3 rates, subject to any limitation on such number fixed by the  
 4 governing body of the issuing local government unit, but, unless  
 5 further limited by the issuing local government unit in the  
 6 official notice of sale, no fixed interest rate for any stated  
 7 maturity date in the last two-thirds of the period of the series  
 8 may be less than that stated for the immediately preceding year  
 9 which falls within the last two-thirds period.

10 § 8145. Place and medium of payment.

11 Bonds or notes shall be payable in such coin or currency as  
 12 at the respective dates of payment thereof shall be legal tender  
 13 for the payment of public and private debts at the place or  
 14 places of payment. Both principal and interest shall be payable  
 15 at the place or places determined by the local government unit.  
 16 If more than one place of payment is specified, one or more of  
 17 the additional places of payment may be outside of this  
 18 Commonwealth or outside of the United States.

19 § 8146. Execution of bonds or notes.

20 Bonds or notes, including tax anticipation notes, shall be  
 21 signed by such officers of the local government unit, and coupon  
 22 bonds shall have attached thereto interest coupons bearing the  
 23 facsimile signature of such officer of the local government  
 24 unit, and the bonds or notes may be sealed with the seal of the  
 25 local government unit or a facsimile thereof, all as may be  
 26 determined by the governing body. Bonds or notes may provide  
 27 that they are not valid or enforceable unless authenticated by a  
 28 specified bank, bank and trust company or trust company. If any  
 29 one signature on a bond or note, including the signature of the  
 30 authenticating party, is manual, all other signatures may be by

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1 facsimile. If any officer whose signature, or a facsimile of  
 2 whose signature, appears on any notes, bonds or coupons ceases  
 3 to be such officer before the delivery of the notes or bonds,  
 4 the signature or the facsimile shall nevertheless be valid and  
 5 sufficient for all purposes as if he had remained in office

6 until delivery. Any note, bond or coupon may bear the facsimile  
 7 signature of, or may be signed by, those persons as at the  
 8 actual time of the execution of the note, bond or coupon were  
 9 the proper officers to sign although at the date of the  
 10 instrument these persons may not be such officers.

11 § 8147. Pledge of revenues.

12 The governing body of any local government unit which has  
 13 determined to issue any revenue bonds or notes, or any  
 14 guaranteed revenue bonds or notes, may provide, by ordinance,  
 15 for such pledges of or priorities in such rentals, revenues,  
 16 receipts, rates and charges to be received from projects of the  
 17 issuing local government unit as may be desirable. The pledge or  
 18 priority shall be perfected as a security interest against all  
 19 creditors of the local government unit and all third parties, in  
 20 accordance with the terms of the ordinance, from and after the  
 21 filing of a financing statement or statements in accordance with  
 22 Title 13 (relating to commercial code). For the purpose of  
 23 filing, the sinking fund depository may act as representative of  
 24 the bond or note holders and, in that capacity, execute and file  
 25 the financing statement and any continuation or termination  
 26 statements as secured party.

27 § 8148. Deeds of trust and other agreements with bondholders  
 28 and noteholders.

29 (a) General rule.--A local government unit shall have the  
 30 power to enter into any deed of trust, trust indenture or other  
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1 agreement with any bank, bank and trust company, trust company  
 2 or other person or persons in the United States having power to  
 3 enter into such agreements or accept such trusts, including any  
 4 Federal agency, as security for any notes or bonds of the local  
 5 government unit providing for the following:

6 (1) The payment of the interest on and principal of the  
 7 notes or bonds; the authentication of the original issue; the  
 8 custody of sinking funds or other funds held or to be held  
 9 pending presentation of coupons, notes or bonds for payment;  
 10 the custody of debt service reserve funds or other funds to  
 11 be held as reserves; the disbursement of interest to holders  
 12 of fully registered bonds or notes; the cremation or other  
 13 destruction of coupons, bonds or notes which have been paid;  
 14 and registration, exchanges and transfers and the maintenance  
 15 of records of those transactions.

16 (2) The construction, improvement, operation,  
 17 maintenance and repair of any project being financed.

18 (3) Limitations on the purposes to which the proceeds of  
 19 the bonds then or thereafter to be issued in connection with  
 20 the project, or of any loan or grant by the United States or  
 21 the Commonwealth may be applied.

22 (4) The rights and remedies of such trustee or other  
 23 person and the holder of the bonds or notes, which may  
 24 include reasonable restrictions upon the individual right of  
 25 action of the holders.

26 (5) The terms and provisions, including stated  
 27 maturities and sinking fund and other reserve fund  
 28 provisions, not in conflict with the limitations imposed by  
 29 this subpart, but which may be more limiting, of, or provided  
 30 for, the bonds or notes being issued or which may hereafter  
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1 be issued in connection with the project being financed.

2 (b) Revenue and guaranteed revenue bonds.--In connection  
 3 with any revenue bonds or guaranteed revenue bonds, such deeds

4 of trust, trust indentures or other agreements may contain  
 5 provisions as to the following:

6 (1) The rate of rents, charges, rates or tolls to be  
 7 imposed for the use of the project being financed or the  
 8 rendering of services through the use of the project, or  
 9 both, to ensure a sufficiency of revenues to cover operating  
 10 expenses, debt service and an appropriate surplus.

11 (2) The setting aside of reserves or other earmarked  
 12 funds, and limitation upon the use, investment and  
 13 disposition thereof for the better security of the bonds or  
 14 notes.

15 (3) Limitations on the issue of additional bonds or  
 16 notes ranking equally or having priority in claim on revenues  
 17 with the bonds being issued.

18 (4) Any other or additional agreements with the holders  
 19 of bonds or notes as may be customary in these agreements,  
 20 provided no delegation of essential governmental powers is  
 21 made.

22 (c) Ordinance provisions in lieu of agreement.--In lieu of a  
 23 deed of trust, trust indenture or other agreement specified in  
 24 this section, the bond ordinance of the local government unit  
 25 may contain similar provisions which shall be a contract between  
 26 the local government unit and the holders from time to time of  
 27 its bonds or notes.

28 (d) Limitation on delegation of function.--No deed of trust  
 29 shall delegate the performance of essential governmental  
 30 functions to a trustee, fiscal agent or receiver. For purposes

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1 of this section, the matters enumerated are not deemed to be  
 2 essential governmental functions.

3 § 8149. Negotiable qualities of bonds and notes.

4 (a) Securities.--Bonds or notes issued pursuant to this  
 5 subpart, including tax anticipation notes, which have all the  
 6 qualities and incidents of securities under Title 13 (relating  
 7 to commercial code), shall be negotiable instruments.

8 (b) Commercial paper.--Such bonds and notes issued pursuant  
 9 to this subpart which are not securities shall have all the  
 10 qualities and incidents of commercial paper under Title 13 and  
 11 shall be negotiable instruments notwithstanding any references  
 12 in them to the terms of the authorizing bond ordinance or any  
 13 trust indenture, deed of trust or other agreement, or any  
 14 variations in the rate of interest provided in the note, or any  
 15 limitation upon the funds from which or limitations as to the  
 16 bonds with which the notes may be paid or any restriction upon  
 17 the remedies of the holders.

18 § 8150. Temporary bonds or notes or interim receipts.

19 Pending the preparation of definitive bonds or notes,  
 20 including tax anticipation notes, temporary bonds or notes or  
 21 interim receipts may be issued in such form and containing such  
 22 terms and such provisions for exchange for definitive bonds or  
 23 notes as the local government unit may determine.

24 SUBCHAPTER D

25 SALE OF BONDS AND NOTES

26 Sec.

27 8161. Manner of sale of bonds or notes.

28 8162. Contents of public advertisement and of official notice  
 29 of sale.

30 8163. Proposals for purchase.

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1 8164. Opening of bids.

2 8165. Determination of highest and best bid.  
 3 8166. Required bid security.  
 4 8167. Reserved right to reject bids.  
 5 8168. Failure to receive conforming bid.  
 6 8169. Determination of net interest cost and net interest  
 7 rate.  
 8 § 8161. Manner of sale of bonds or notes.  
 9 (a) General rule.--Except as otherwise specifically provided  
 10 in this subpart and subject to subsection (b), bonds or notes  
 11 may be sold at public or private sale by negotiation or upon  
 12 invitation and at the price the governing body of the issuing  
 13 local government unit shall determine. Before making any private  
 14 sale by negotiation of bonds or notes, the governing body shall  
 15 adopt a resolution finding that a private sale by negotiation is  
 16 in the best financial interest of the local government unit.  
 17 Bonds or notes may be conditionally sold before the final  
 18 details of the series are fixed.  
 19 (b) Public sale.--Bonds or notes, if sold at public sale,  
 20 shall be sold to the highest responsible bidder or bidders after  
 21 one public notice by advertisement of either the official notice  
 22 of sale, or of the availability of the official notice of sale,  
 23 in at least one and not more than two newspapers of general  
 24 circulation in the county in which the local government unit is  
 25 located. The advertisement may also be published in a financial  
 26 journal circulating among the underwriters of securities.  
 27 Advertisements shall be published not less than ten nor more  
 28 than 30 days prior to the date fixed for opening proposals and  
 29 need not appear on the same date nor successively in each  
 30 newspaper or journal.

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1 § 8162. Contents of public advertisement and of official notice  
 2 of sale.  
 3 (a) Advertisement.--The advertisement of the availability of  
 4 the official notice of sale shall contain the following:  
 5 (1) The title, designation and principal amount of the  
 6 bonds or notes to be sold.  
 7 (2) A general statement of the term of the issue and  
 8 whether it will consist of term bonds or notes, serial bonds  
 9 or notes, or both.  
 10 (3) A statement whether proposals must be for all but  
 11 not less than all of the notes or bonds being sold, or, if  
 12 separate lots may be bid separately, a statement as to the  
 13 composition of each lot.  
 14 (4) The place and time for the receipt of sealed  
 15 proposals.  
 16 (5) The amount of the bid security to be furnished by  
 17 the bidder and the method selected for determining net  
 18 interest cost.  
 19 (6) A statement of the names and addresses of the  
 20 officer and any other persons from whom an official notice of  
 21 sale, other details concerning the issuing local government  
 22 unit, the project, and the official form of proposal, if any,  
 23 may be obtained.  
 24 (b) Official notice of sale.--The local government unit  
 25 shall adopt an official notice of sale which shall set forth,  
 26 succinctly all of the following:  
 27 (1) The time and place for the receipt of proposals and  
 28 the officer designated to receive them.  
 29 (2) A description of the bonds or notes being offered,  
 30 including:

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- 1 (i) The title and type of bonds or notes being  
 2 offered.  
 3 (ii) The date thereof.  
 4 (iii) The stated maturity dates and amounts at each  
 5 date.  
 6 (iv) The dates of interest payments.  
 7 (v) The place or places of payment of interest and  
 8 principal, which amounts, dates and places may be left  
 9 open to selection by the successful bidder.  
 10 (vi) The form and denominations of the notes or  
 11 bonds being offered.  
 12 (vii) Any provisions for registration, exchange and  
 13 interchange.  
 14 (viii) The terms of any sinking fund or reserve  
 15 funds to be established.  
 16 (ix) The terms of other provisions made for the  
 17 security of the bonds or notes.  
 18 (x) The dates, prices and terms of any provision for  
 19 the redemption thereof prior to stated maturity dates.  
 20 (3) A statement of the terms of the bidding, including:  
 21 (i) The method for determining net interest cost.  
 22 (ii) Whether bids must be for all but not less than  
 23 all or, if separate bids for separate lots may be  
 24 submitted, a description of each lot.  
 25 (iii) The limitation on the number and variation  
 26 between high and low interest rates to be permitted.  
 27 (iv) The required bid security.  
 28 (v) The permitted discount from par, if any.  
 29 (vi) The funds in which the balance of the purchase  
 30 price shall be paid.

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- 1 (vii) The place at which the balance may be paid or  
 2 the method of determining that place.  
 3 (viii) The effect on the obligation to purchase the  
 4 notes or bonds of litigation pending or change in tax or  
 5 other applicable laws occurring before the settlement for  
 6 the bonds or notes.  
 7 (ix) The nature of the opinion of bond counsel to be  
 8 delivered at the time of payment for the bonds or notes  
 9 and the effect of any failure to deliver such opinion.  
 10 (x) The reserved right to reject bids provided for  
 11 in section 8167 (relating to reserved right to reject  
 12 bids).  
 13 (4) Such additional provisions as may be desired,  
 14 including statements as to the furnishing of copies of  
 15 documents, including an official statement of essential  
 16 facts, the estimated date for delivery of bonds or notes and  
 17 whether the bonds or notes will be delivered in definitive or  
 18 temporary form and, if temporary, the time and manner of  
 19 exchange for definitive bonds or notes.  
 20 § 8163. Proposals for purchase.  
 21 Every bid or proposal for bonds or notes shall be in writing,  
 22 shall be properly executed and, in the case of public sale,  
 23 shall be placed in a sealed envelope sufficiently labeled to  
 24 indicate that it is a bid or proposal for the bonds or notes  
 25 being sold, before being delivered to the officer designated to  
 26 receive it, or to an authorized delegate.  
 27 § 8164. Opening of bids.  
 28 In the case of public sale, at the time and place fixed in

29 the notice, the bids or proposal received shall be publicly  
 30 opened by the designated officer, or his authorized delegate,  
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1 and publicly read aloud, unless the governing body determines to  
 2 return all bids unopened.

3 § 8165. Determination of highest and best bid.

4 (a) General rule.--The highest responsible bidder shall be  
 5 the one who, having complied with the terms of the official  
 6 notice of sale, offers to take all of the bonds or notes, or any  
 7 separate lot thereof on which separate bids may be made, at the  
 8 lowest net interest cost to the local government unit, or if  
 9 required by the terms of any agreement with the Federal  
 10 government or the Commonwealth or any agency of either of them,  
 11 the highest responsible bidder shall be the one bidding in  
 12 conformity with the requirements for the successful bidder  
 13 stipulated in the agreement. The net interest cost shall be  
 14 computed in accordance with section 8169 (relating to  
 15 determination of net interest cost and net interest rate).

16 (b) Tie bids.--If two or more proposals are found to be the  
 17 highest and best bids on identical terms conforming to the  
 18 offering, the bonds or notes shall, with the consent of the  
 19 bidders, be awarded to them jointly or, absent such consent, may  
 20 be awarded to any one of the bidders selected by lot in any  
 21 manner deemed fair by the local government unit.

22 § 8166. Required bid security.

23 In the case of public sale, bid security shall be given by  
 24 each bidder, shall be in cash or by certified or official bank  
 25 check payable to the local government unit and shall be not less  
 26 than 2% of the principal amount of the bonds or notes to be  
 27 purchased. The bid security of the unsuccessful bidder or  
 28 bidders shall be returned to each unsuccessful bidder, without  
 29 interest, in accordance with written instructions of the bidder  
 30 conforming to the official notice of sale, promptly upon an

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1 award of the bonds or notes or upon the rejection of all bids.  
 2 The bid security of the successful bidder shall be retained by  
 3 the treasurer of the local government unit and, with or without  
 4 allowance for interest as the official notice of sale may  
 5 specify, shall be applied on the purchase price when the bonds  
 6 or notes are actually delivered and paid for, retained as  
 7 liquidated damages if the bidder defaults, or returned to the  
 8 bidder with interest at the judgment rate if, after an  
 9 acceptance of the proposal, the bonds or notes are not issued  
 10 for any reason not constituting a default by the bidder. Unless  
 11 required by the local governing body, no bid security shall be  
 12 required in the case of tax anticipation notes, bond  
 13 anticipation notes or notes to be issued under section 8109  
 14 (relating to small borrowing for capital purposes).

15 § 8167. Reserved right to reject bids.

16 Every official notice of sale of bonds or notes shall provide  
 17 that the right is reserved to the governing body of the local  
 18 government unit to reject all bids or proposals, but in a case  
 19 where conforming bids have been received, opened and rejected,  
 20 any subsequent sale within a period of two calendar months of  
 21 bonds or notes in substantially the same amount and for the same  
 22 purpose must be a public sale to be held at such later time as  
 23 the governing body may determine to be advantageous.

24 § 8168. Failure to receive conforming bid.

25 If bonds or notes are advertised for public sale and no  
 26 conforming bid is received or if all bids are returned unopened,



27 then the local government unit may cancel the sale and devise a  
 28 new series for sale or, in the alternative, it may sell the  
 29 series parts, from time to time, during the ensuing six months  
 30 at private sale in accordance with the terms originally

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1 advertised with any changes in call price or dates of call for  
 2 prior redemption or both as may be deemed desirable. After the  
 3 six-month period, the local government unit may sell any unsold  
 4 portion of the series in any manner permitted by this subpart,  
 5 with such appropriate changes in the call prices or dates or  
 6 call for prior redemption or both or in other terms as may be  
 7 deemed advisable, provided that as so changed, the two portions  
 8 of the series when combined and any issue of which the series is  
 9 a part are in conformity with the requirements of this subpart  
 10 as to term, interest rate and stated maturities.

11 § 8169. Determination of net interest cost and net interest  
 12 rate.

13 (a) Net interest cost.--Net interest cost may be determined  
 14 by using either the street method or the present worth method  
 15 whichever method shall be specified in the official notice of  
 16 sale.

17 (b) Street method.--Under the street method, a dollar amount  
 18 shall be determined by computing the total amount of interest  
 19 payable over the life of the series to stated maturity dates or  
 20 earlier mandatory call dates and subtracting therefrom the  
 21 amount of any premium paid above the aggregate principal amount  
 22 of the bonds or notes or adding thereto the amount of any  
 23 discount lawfully allowed in the sale.

24 (c) Present worth method.--Under the present worth method  
 25 there shall be ascertained the semiannual rate, compounded  
 26 semiannually, necessary to discount to present worth as of the  
 27 date of the bonds or notes, the amounts payable on each interest  
 28 payment date and on each stated maturity or earlier mandatory  
 29 redemption date so that the aggregate of such amounts will equal  
 30 the purchase price offered therefor exclusive of interest

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1 accrued to the date of delivery. The net interest cost shall be  
 2 stated in terms of an annual percentage rate and shall be that  
 3 rate of interest which is twice the semiannual rate so  
 4 ascertained.

5 (d) Net interest rate.--The net interest rate for a series  
 6 sold under the present worth method shall be the rate of the net  
 7 interest cost. For a series sold under the street method, the  
 8 net interest rate shall be determined by dividing the net  
 9 interest cost by the product of \$1,000 multiplied by the number  
 10 of bond years from the date of the bonds or notes to the stated  
 11 maturity or earlier mandatory call dates. A bond year shall be  
 12 one full year that \$1,000 of principal amount shall be  
 13 outstanding and less than full years shall be fractionalized on  
 14 a 360-day year basis.

15 CHAPTER 82  
 16 MISCELLANEOUS PROVISIONS

17 Subchapter

- 18 A. Department of Community Affairs
- 19 B. Sinking Funds and Other Funds and Accounts
- 20 C. Refunding of Debt
- 21 D. Remedies
- 22 E. Penalties

23 SUBCHAPTER A  
 24 DEPARTMENT OF COMMUNITY AFFAIRS

25 Sec.  
 26 8201. Certification to department of bond or note  
 27 transcript or lease, guaranty, subsidy contract or other  
 28 agreement.  
 29 8202. Filing of statements of noncompletion of sale with  
 30 department.

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1 8203. Fees for filing.  
 2 8204. Certificate of approval of transcript.  
 3 8205. Certificate of disapproval and correction of  
 4 proceedings.  
 5 8206. Effect of failure of timely action by department.  
 6 8207. Records of department.  
 7 8208. Invalidity of instruments which are delivered without  
 8 compliance with requirements or conditions precedent  
 9 to issuance or delivery.  
 10 8209. Finality of proceedings as to validity of  
 11 instruments.  
 12 8210. Power of department to define terms, issue rules and  
 13 regulations and prescribe forms.  
 14 8211. Petitions for declaratory orders and complaints to  
 15 department.

16 § 8201. Certification to department of bond or note transcript  
 17 or lease, guaranty, subsidy contract or other  
 18 agreement.

19 (a) General rule.--The governing body of each local  
 20 government unit shall, before any bonds or notes, except tax  
 21 anticipation notes issued pursuant to section 8121 (relating to  
 22 power to issue tax anticipation notes) and notes representing  
 23 small borrowings issued pursuant to section 8109 (relating to  
 24 small borrowing for capital purposes), are actually delivered to  
 25 the initial purchasers, or before becoming bound on any lease,  
 26 guaranty, subsidy contract or other agreement, evidencing lease  
 27 rental debt cause to be certified to the department, under the  
 28 signature of the clerk or secretary of the governing body and  
 29 its corporate seal, a complete and accurate copy of the  
 30 proceedings for the incurring of debt, as provided in section

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1 8111 (relating to submission to department).  
 2 (b) Other requirements unaffected.--The provisions of this  
 3 section do not eliminate the filing requirements of sections  
 4 8024 (relating to exclusion of subsidized debt from net  
 5 nonelectoral or net lease rental debt), 8025 (relating to  
 6 exclusion of self-liquidating debt evidenced by revenue bonds or  
 7 notes to determine nonelectoral debt), 8026 (relating to  
 8 exclusion of other self-liquidating debt to determine net  
 9 nonelectoral debt or net lease rental debt), 8126 (relating to  
 10 certification as to taxes and revenues to be collected) and 8128  
 11 (relating to condition precedent to validity of tax anticipation  
 12 notes).

13 § 8202. Filing of statements of noncompletion of sale with  
 14 department.

15 If settlement for an issue of bonds or notes or bonds or  
 16 notes representing lease rental debt, which have received a  
 17 required approval by the department, fails of completion, in  
 18 whole, or in part, the local government unit shall file with the  
 19 department a notification of noncompletion of sale, stating what  
 20 part of the issue has been delivered.

21 § 8203. Fees for filing.

22 Every filing with the department shall be accompanied by a

23 filing fee as determined in section 605-A of the act of April 9,  
 24 1929 (P.L.177, No.175), known as The Administrative Code of  
 25 1929. No submission shall constitute a filing until the proper  
 26 fee is paid. All fees received under this section shall be paid  
 27 by the department into the State Treasury through the Department  
 28 of Revenue.

29 § 8204. Certificate of approval of transcript.

30 The department shall, upon receipt of any bond or note

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1 transcripts or other filings, carefully examine them to  
 2 determine whether the debt outstanding and to be outstanding is  
 3 within the applicable limitations imposed by this subpart and  
 4 whether the proceedings for incurring the debt, for issuing and  
 5 selling the bonds or notes and for excluding self-liquidating  
 6 and subsidized debt have been taken in conformity with the  
 7 Constitution of Pennsylvania and this subpart. If, upon  
 8 completion of its examination, a transcript or other filing is  
 9 found by the department to be in conformity with the  
 10 Constitution of Pennsylvania and this subpart, the department  
 11 shall certify its approval to the local government unit, if  
 12 required under other provisions of this subpart.

13 § 8205. Certificate of disapproval and correction of  
 14 proceedings.

15 If the department, upon completion of its examination, finds  
 16 it cannot issue a certificate of approval, it shall notify the  
 17 local government unit of the reasons why it cannot do so. If the  
 18 proceedings or any prior filings are subject to correction for  
 19 demonstrated typographical or computational error, or otherwise,  
 20 or for failure to include a necessary document or certification  
 21 and the correction is approved by the department, the error  
 22 shall be corrected in all places or the additional document or  
 23 certification shall be furnished to the department within ten  
 24 days and upon any other terms the department specifies.  
 25 Thereupon the department shall certify its approval. If the  
 26 deficiency is not subject to correction, the department shall  
 27 certify its disapproval to the local government unit.

28 § 8206. Effect of failure of timely action by department.

29 If the local government unit has submitted a filing to the  
 30 department by certified mail, return receipt requested, or

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1 otherwise has an official receipt from the department, and the  
 2 local government unit has not, within 20 days of the date of  
 3 receipt of the filing by the department, received the  
 4 certificate of approval or disapproval or notification of  
 5 correctable error, the filing shall be deemed to have been  
 6 approved for all purposes, unless the local government unit has  
 7 extended the time within which the department may act by written  
 8 communication to the department or by failure to object to a  
 9 written communication from the department requesting the  
 10 extension. Extensions shall not exceed one additional period of  
 11 20 days.

12 § 8207. Records of department.

13 (a) Retention period.--The department shall keep all  
 14 proceedings on file for a period of not less than four months  
 15 after issuance of its certificate of approval or disapproval and  
 16 thereafter as long as any appeal respecting the proceedings is  
 17 pending and not finally determined.

18 (b) Content.--The department shall keep a public record with  
 19 respect to each local government unit showing:

20 (1) The name of the local government unit.

21 (2) The purpose of each series issued or lease executed.  
 22 (3) Whether the series represents nonelectoral, lease  
 23 rental or electoral debt, and the extent to which the debt is  
 24 subsidized or self-liquidating, and, if subsidized or self-  
 25 liquidating in part, the principal amount thereby eliminated  
 26 from nonelectoral debt.  
 27 (4) The schedule of stated maturity dates, interest  
 28 rates and mandatory sinking fund payments for each  
 29 outstanding issue of bonds or notes or the schedule of lease  
 30 rentals.

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1 (5) The dates and designations of each issue of bonds or  
 2 notes, lease or other document to be executed with the  
 3 approval number assigned to the issue, lease or other  
 4 document approved.  
 5 (6) The local government unit's most recently certified  
 6 borrowing base and regular debt limits computed therefrom.  
 7 (7) The date and manner of authorization of any use of  
 8 any additional debt limit.

9 (c) Records open for inspection.--The records of the  
 10 department shall be public records, available for examination by  
 11 any citizen of this Commonwealth or any bondholders or  
 12 noteholders.

13 § 8208. Invalidity of instruments which are delivered without  
 14 compliance with requirements or conditions precedent  
 15 to issuance or delivery.

16 (a) General rule.--In all cases in which the approval of the  
 17 department is required by this subpart prior to the issuance of  
 18 bonds or notes or the execution of a lease, guaranty, subsidy  
 19 contract or other agreement evidencing lease rental debt, in the  
 20 case of small borrowings evidenced by notes in respect of which  
 21 compliance with the conditions of section 8109 (relating to  
 22 small borrowing for capital purposes) is required, and in the  
 23 case of tax anticipation notes in respect of which compliance  
 24 with the conditions of sections 8126 (relating to certification  
 25 as to taxes and revenues to be collected), 8127 (relating to  
 26 sale of tax anticipation notes) and 8128 (relating to condition  
 27 precedent to validity of tax anticipation notes) is required, if  
 28 the bonds or notes or the lease or other instrument is sold, or  
 29 executed, and delivered prior to receipt of actual or deemed  
 30 approval under section 8204 (relating to certificate of approval

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1 of transcript) or 8206 (relating to effect of failure of timely  
 2 action by department), or as the case may be, without compliance  
 3 with applicable conditions of issuance, or prior to a required  
 4 filing with the department, the bonds, notes, lease or other  
 5 instrument shall be invalid and of no effect in the hands of or  
 6 for the security of the holder of the bonds or notes or of the  
 7 obligations secured by the lease or other instrument, except to  
 8 the extent provided in this section.

9 (b) Bona fide purchasers.--If the bonds or notes or the  
 10 obligations secured by the lease or other instrument are held by  
 11 a bona fide purchaser, other than an initial purchaser or member  
 12 of an underwriting or selling group, for value without actual  
 13 notice of a lack of such prior approval, filing or compliance as  
 14 the case may be, and such bonds, notes or other obligations  
 15 contain a recital that such prior approval, filing or compliance  
 16 was received, made or observed, then the bonds, notes, lease or  
 17 other instrument shall be valid and enforceable in accordance  
 18 with their terms, and any applicable debt limits shall be deemed

19 increased to the extent necessary to validate and keep valid the  
 20 bonds, notes, lease or other instrument, but not for the purpose  
 21 of reducing the liability of any person under this section.

22 (c) Recovery of interest, principal and other amounts.--The  
 23 local government unit may recover all interest and principal or  
 24 other amounts payable thereon from the initial purchasers and  
 25 the individuals, including the officers of the local government  
 26 unit, responsible for making the unapproved or unauthorized  
 27 delivery. Notwithstanding the invalidity of the instruments as  
 28 to them, the initial purchasers and such individuals shall be  
 29 entitled to credit, in any action determining the invalidity or  
 30 for the recovery provided by this subsection for the amount of

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1 the following:

2 (1) Any proceeds of the sale of the instruments still  
 3 held unexpended by the local government unit.

4 (2) The lesser of the following:

5 (i) The cost or fair market value, whichever is the  
 6 lesser, of any capital project or part thereof or  
 7 interest therein acquired by the local government unit by  
 8 an expenditure of a portion or all of the proceeds of the  
 9 bonds, notes or other obligations.

10 (ii) The remaining nonelectoral borrowing capacity  
 11 of the local government unit.

12 § 8209. Finality of proceedings as to validity of instruments.

13 (a) General rule.--Where a certificate of approval has been  
 14 issued by the department or has been deemed issued under section  
 15 8206 (relating to effect of failure of timely action by  
 16 department) or, in the case of tax anticipation notes, where the  
 17 filing with the department required by section 8128 (relating to  
 18 condition precedent to validity of tax anticipation notes) has  
 19 occurred and no petition for a declaratory order or complaint  
 20 has been filed within the applicable time limits specified in  
 21 section 8211 (relating to petitions for declaratory orders and  
 22 complaints to the department) or, when after a petition for a  
 23 declaratory order or complaint has been filed, the proceedings  
 24 have been approved finally by the department and no appeal to  
 25 court has been taken, or if an appeal to court has been taken  
 26 and the proceedings have been approved finally by the court or  
 27 the appeal has been dismissed, the validity of the proceedings,  
 28 the right of the local government unit lawfully to issue its  
 29 bonds or notes or to enter into a lease, guaranty, subsidy  
 30 contract or other agreement evidencing lease rental debt

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1 pursuant to those proceedings, and the validity and due  
 2 enforceability of the bonds, notes or other instruments in  
 3 accordance with their terms shall not thereafter be inquired  
 4 into judicially, in equity, at law or by civil or criminal  
 5 proceedings, or otherwise, either directly or collaterally. The  
 6 effect of the approval by the department or by the court on  
 7 appeal or, in the case of tax anticipation notes, the effect of  
 8 filing in compliance with section 8128 shall be to ratify,  
 9 validate and confirm the proceedings absolutely, including the  
 10 lawful nature of the project and, in the case of tax  
 11 anticipation notes, the accuracy of the estimates contained in  
 12 the certificate as to taxes and revenues to be collected,  
 13 notwithstanding any defect or error in the proceedings, except  
 14 as specifically provided otherwise in this section, and any debt  
 15 limit imposed by this subpart shall be deemed increased to the  
 16 extent necessary to validate the debt or obligation. This

17 section does not relieve an initial purchaser of bonds or notes  
 18 from liability to a local government unit for the payment of the  
 19 consideration agreed in the contract of sale or make the bonds  
 20 or notes valid and enforceable in the hands of an initial  
 21 purchaser unless the issuer has received a substantial  
 22 consideration for the series as a whole.

23 (b) Liability for willful violations or fraud.--This section  
 24 does not relieve any person participating in the proceedings  
 25 from liability for knowingly participating in an ultra vires act  
 26 of a local government unit or from any civil or criminal  
 27 liability for false statements in any certificates filed or  
 28 delivered in the proceedings.

29 § 8210. Power of department to define terms, issue rules and  
 30 regulations and prescribe forms.

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1 Subject to the definitions in section 8002 (relating to  
 2 definitions), the department may define terms and prescribe  
 3 other rules and regulations regarding, and prescribe forms for,  
 4 reports and filings to be submitted to the department pursuant  
 5 to this subpart.

6 § 8211. Petitions for declaratory orders and complaints to  
 7 department.

8 (a) General rule.--If proceedings for the incurring of debt  
 9 represented by bonds or notes or by a lease, guaranty, subsidy  
 10 contract or other agreement evidencing the acquisition of a  
 11 capital asset, for the issuance of tax anticipation notes or for  
 12 the exclusion of debt as self-liquidating or subsidized, have  
 13 been taken by a local government unit, the local government  
 14 unit, or any taxpayer of the local government unit or other  
 15 interested party, may file with the department a petition for a  
 16 declaratory order asserting the validity or a complaint  
 17 asserting the invalidity of the proceedings, or any part  
 18 thereof.

19 (b) Time for filing.--A complaint asserting the invalidity  
 20 of the proceedings or part thereof taken under section 8109  
 21 (relating to small borrowing for capital purposes) may be filed  
 22 not later than one year after final adoption of the resolution  
 23 authorizing the debt. Any such complaint asserting the  
 24 invalidity of the proceedings or part thereof excluding debt as  
 25 self-liquidating under section 8025 (relating to exclusion of  
 26 self-liquidating debt evidenced by revenue bonds or notes to  
 27 determine net nonelectoral debt) or authorizing tax anticipation  
 28 notes under Subchapter B of Chapter 81 (relating to tax  
 29 anticipation notes and funding debt) may be filed at any time  
 30 not later than 15 days after the filing with the department of

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1 the documents required by section 8025 or of the proceedings  
 2 pursuant to section 8126 (relating to certification as to taxes  
 3 and revenues to be collected), as the case may be. A complaint  
 4 asserting the invalidity of any such proceedings or part thereof  
 5 in cases in which, under this subpart, the approval or deemed  
 6 approval of the department is required, may be filed with the  
 7 department not later than the later of:

8 (1) fifteen days after the date of the submission of the  
 9 proceedings by the local government unit to the department  
 10 for approval even though the proceeding may be subject to  
 11 correction as provided in section 8205 (relating to  
 12 certificate of disapproval and correction of proceedings), or  
 13 otherwise; or

14 (2) five days after the date of the last submission of

15 any corrected document or certification to the department.  
 16 (c) Departmental approval pending proceeding.--If a petition  
 17 for a declaratory order or complaint is filed in respect of  
 18 proceedings requiring the approval of the department after the  
 19 submission of the proceedings to the department but prior to  
 20 approval, disapproval or deemed approval, the department shall  
 21 not be deemed to have approved the proceedings during the  
 22 pendency of the matter before the department.

23 (d) Jurisdiction and authority of department.--The  
 24 department has exclusive jurisdiction to hear and determine all  
 25 procedural and substantive matters arising from the proceedings  
 26 of a local government unit taken under this subpart, including  
 27 the regularity of the proceedings, the validity of the bonds,  
 28 notes, tax anticipation notes or other obligations of the local  
 29 government unit and the legality of the purpose for which the  
 30 obligations are to be issued. If a local government unit files a  
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1 petition for a declaratory order with the department relating to  
 2 proceedings, the department may require service by publication  
 3 on taxpayers as the circumstances warrant. In all other respects  
 4 the proceedings before the department shall be governed by  
 5 regulations of the department. The department may, after  
 6 appropriate proceedings in accordance with its regulations,  
 7 approve or disapprove the proceedings of the local government  
 8 unit or to direct correction as provided in section 8205. A  
 9 determination by the department under this subpart shall, except  
 10 as provided in this subsection, be conclusive and binding as to  
 11 all procedural and substantive matters which were or could have  
 12 been presented to the department hereunder. All determinations  
 13 by the department under this subpart are reviewable as provided  
 14 in 2 Pa.C.S. Ch. 7 (relating to judicial review).

15 SUBCHAPTER B

16 SINKING FUNDS AND OTHER FUNDS AND ACCOUNTS

17 Sec.

18 8221. Creation of sinking funds and deposits, reserves and  
 19 surplus funds.

20 8222. Assessment fund.

21 8223. Duty of treasurer.

22 8224. Deposit and investment of moneys in sinking funds and  
 23 other funds.

24 8225. Management of sinking and other funds.

25 8226. Inspection of sinking funds and orders to comply.

26 8227. Sinking fund not required for small borrowings.

27 § 8221. Creation of sinking funds and deposits, reserves and  
 28 surplus funds.

29 (a) General rule.--Every local government unit having  
 30 outstanding any bonds or notes, other than tax anticipation  
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1 notes and other than notes issued under section 8109 (relating  
 2 to small borrowing for capital purposes), shall create  
 3 forthwith, subject to the terms of any existing contracts with  
 4 the holders of such bonds or notes, and every local government  
 5 unit issuing any bonds or notes shall create simultaneously with  
 6 or prior to the delivery of the bonds or notes, and thereafter  
 7 maintain until the bonds or notes are paid in full, a sinking  
 8 fund:

9 (1) for the aggregate or for one or more issues or  
 10 series of its general obligation bonds and notes; and

11 (2) separately for each project or combination of  
 12 projects financed by revenue or guaranteed revenue bonds or

13 notes as to which different revenues are pledged.  
 14 If a sinking fund is established for more than one issue of  
 15 bonds, a separate debt service account for each issue may be  
 16 established in the sinking fund. The sinking fund shall be  
 17 maintained with a bank, trust company or bank and trust company  
 18 located and lawfully conducting a banking or trust business in  
 19 this Commonwealth and appointed from time to time as a sinking  
 20 fund depository.

21 (b) Deposit of moneys.--Moneys for the payment of taxes  
 22 assumed and principal and interest on outstanding bonds or notes  
 23 shall be deposited in the applicable sinking fund or sinking  
 24 fund account from the sources, at the times and in the amounts  
 25 provided in any contract with the holders of the bonds and notes  
 26 but, in any event, prior to the time when payment of the taxes,  
 27 principal and interest become due and payable. All moneys  
 28 deposited in sinking funds as required by this subpart and all  
 29 investments and proceeds of investments thereof shall, without  
 30 further action or filing, be subject to a perfected security

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1 interest for the holders of the bonds or notes for which the  
 2 sinking fund is held until the money or investments have been  
 3 properly disbursed or sold.

4 (c) Revenues from use of capital project.--A local  
 5 government unit pledging the rates, rentals, receipts, charges  
 6 and tolls from the use of a capital project, for the security of  
 7 revenue or guaranteed revenue bonds or notes, may by ordinance  
 8 provide for the deposit thereof as and when received in the  
 9 sinking fund for the project.

10 (d) Other funds and accounts.--A local government unit may  
 11 provide by ordinance for the creation and maintenance of other  
 12 accounts in the sinking fund or of other funds for revenue or  
 13 guaranteed revenue bonds or notes, including operating accounts  
 14 or funds for financed projects, reserve accounts or funds for  
 15 various purposes, a bond or note redemption account or fund and  
 16 a surplus account or fund, and may prescribe the purposes for  
 17 which the moneys and investments in each account or fund may be  
 18 withdrawn and the amounts, times and sources of deposits  
 19 therein. No ordinance shall restrict the application of the  
 20 rates, receipts, charges and tolls received in respect of a  
 21 capital project or combined capital projects, exclusive of  
 22 assessments and contributions for capital improvements, in any  
 23 fiscal year in excess of the amount required during the year for  
 24 operating expenses, plus 140% or such lesser percent as may be  
 25 fixed by ordinance of the amount required to be deposited during  
 26 the year from the revenues in the applicable sinking fund for  
 27 the payment, at maturity or scheduled mandatory redemption, of  
 28 the principal of and interest on the related bonds or notes.  
 29 This excess shall at all times be available for use by the local  
 30 government unit for any lawful purpose and no contract with the

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1 holders of bonds or notes shall provide to the contrary.

2 § 8222. Assessment fund.

3 If a local government unit issues bonds or notes as general  
 4 obligation bonds or guaranteed revenue bonds to provide funds  
 5 for and towards the cost of making permanent street, sidewalk,  
 6 water or sewer improvements or other assessable improvements,  
 7 and the cost is assessed against the properties benefited, the  
 8 assessments as collected shall be paid into a separate  
 9 assessment fund. Moneys to the credit of the assessment fund may  
 10 be used for any one or more of the following purposes in any



11 proportions and subject to any priorities set forth in the  
 12 ordinance incurring the debt:

- 13 (1) Payments to the sinking fund.
- 14 (2) Payment of the cost of such improvements.
- 15 (3) Creation and maintenance of a revolving fund if
- 16 permitted by the laws governing the local government unit.
- 17 (4) Payment to the general fund or any other fund of the
- 18 local government unit.

19 The fund may be continued as a revolving fund, if permitted by  
 20 law, or discontinued at any time. Unless otherwise provided in  
 21 the ordinance incurring the debt, upon discontinuance of the  
 22 fund the proceeds of the assessments shall be used to pay any  
 23 bonds or notes remaining outstanding and to reimburse the  
 24 general fund of the local government unit for the moneys paid on  
 25 account of the bonds or notes.

26 § 8223. Duty of treasurer.

27 The treasurer of each local government unit shall deposit  
 28 into the applicable sinking fund or other fund the moneys to be  
 29 deposited therein pursuant to the pledge or covenant made or  
 30 adopted by the local government unit at the times and in the  
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1 amounts provided in the pledge or covenant or, if no pledge or  
 2 covenant has been made or adopted, as provided in the  
 3 appropriations made by the governing body. If no appropriation  
 4 of moneys has been made or if it appears that, as a result of  
 5 other expenditures, the appropriated revenues will not be  
 6 received in sufficient amounts in time to make either the  
 7 deposits required to be made for the payment of the taxes  
 8 assumed and the interest on and principal of general obligation  
 9 bonds and notes or the amount due on a guaranty of guaranteed  
 10 revenue bonds or notes or on a guaranty of any authority or  
 11 other local government unit obligation, the treasurer shall pay  
 12 into the applicable sinking fund or other fund that portion of  
 13 each receipt of tax moneys and other available revenues,  
 14 subject, in the case of a limited guaranty, to the terms  
 15 thereof, as will result in the deposit of sufficient moneys in  
 16 the sinking fund or other fund to pay the taxes assumed and the  
 17 principal of the interest on the bonds or notes or to meet the  
 18 guaranty obligation of the local government unit as and when  
 19 they become due and payable. The governing body of a local  
 20 government unit may issue its tax anticipation notes under  
 21 Subchapter B of Chapter 81 (relating to tax anticipation notes  
 22 and funding debt) to provide all or any part of any moneys  
 23 needed for deposit in the sinking funds or other funds.

24 § 8224. Deposit and investment of moneys in sinking funds and  
 25 other funds.

26 (a) Deposit with financial institutions.--Any moneys in  
 27 sinking funds and other funds established by ordinance as  
 28 provided in this subpart, if not required for prompt  
 29 expenditure, may be deposited at interest in time accounts or  
 30 certificates of deposit of any bank or bank and trust company,  
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1 accounts with any savings bank or deposits in building and loan  
 2 associations or savings and loan associations. Moneys required  
 3 for prompt expenditure shall be held in demand deposits. To the  
 4 extent that the deposits or accounts are insured by the Federal  
 5 Deposit Insurance Corporation or the Federal Savings and Loan  
 6 Insurance Corporation, they need not be secured; otherwise, the  
 7 deposits shall be secured as public deposits whether or not  
 8 title, by virtue of the deposit with a fiscal agent or trustee

9 for bondholders, is in the fiscal agent or trustee, except that  
 10 moneys held by the fiscal agent, trustee or sinking fund  
 11 depository itself may be secured as trust funds.

12 (b) Investment in securities.--Any moneys in funds or  
 13 accounts not required for prompt expenditure and not deposited  
 14 at interest shall, to the extent practicable and reasonable, be  
 15 invested in any securities in which the Commonwealth may, at the  
 16 time of investment, invest moneys of the Commonwealth not  
 17 required for prompt expenditure, subject to any stricter  
 18 requirements in any contract with the holders of bonds or notes  
 19 for which the particular fund or account was created or  
 20 maintained.

21 (c) Control of account.--All such deposits and investments  
 22 shall be in the name of the local government unit, but moneys  
 23 and investments in the sinking fund shall be subject to  
 24 withdrawal or collection only by the sinking fund depository for  
 25 proper purposes in accordance with this subpart.

26 (d) Disposition of income.--Income received from any deposit  
 27 or investment shall be a part of the fund or account invested  
 28 and may be applied if so desired by the local government unit in  
 29 reduction of or to complete any required deposits in the fund or  
 30 account.

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1 (e) Combining accounts.--For the purposes of investment or  
 2 deposit at interest, all accounts in a sinking fund or other  
 3 accounts or funds established in respect of one or more series  
 4 of bonds or notes having the same depository may be combined,  
 5 and each combined account shall be entitled to its pro rata  
 6 share of each deposit or investment.

7 (f) Return of unclaimed moneys.--The sinking fund depository  
 8 shall return to the local government unit all moneys deposited  
 9 in a sinking fund for the payment of bonds, notes or coupons  
 10 which have not been claimed by the holders thereof after two  
 11 years from the date when payment is due, except where the funds  
 12 are held for the payment of outstanding checks, drafts or other  
 13 instruments of the sinking fund depository. This subsection or  
 14 any action taken under this subsection does not relieve the  
 15 local government unit of its liability to the holders of  
 16 unrepresented bonds, notes or coupons.

17 (g) Sale of investments.--Any investments of a sinking fund,  
 18 including bonds of the local government unit held therein, may  
 19 be sold at any time by the sinking fund depository if cash is  
 20 required for expenditure, or as directed by the managers of the  
 21 sinking fund, through any broker or dealer in securities, any  
 22 other law concerning dispositions of assets of a local  
 23 government unit to the contrary notwithstanding.

24 § 8225. Management of sinking and other funds.

25 The management and control of sinking and other funds, and  
 26 investments thereof, subject to the provisions of this subpart  
 27 shall be vested in the governing body of the local government  
 28 unit except:

29 (1) Where by any other law there has been created any  
 30 board or commission for the management and control of sinking

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1 funds of a particular class of local government units, in  
 2 which case the board or commission shall have the management  
 3 and control of the sinking funds of the local government  
 4 units.

5 (2) To the extent otherwise lawfully provided in any  
 6 contract with the holders of bonds or notes.

7 § 8226. Inspection of sinking funds and orders to comply.  
 8 (a) General rule.--The department may from time to time  
 9 audit the sinking funds and all records pertaining thereto of  
 10 local government units which have any outstanding debt, except  
 11 those annually submitting to the department reports of their  
 12 sinking funds audited by an independent public accountant and  
 13 except for school districts of the first class or cities of the  
 14 second class and second class A.

15 (b) Order to comply.--If such audit or reports disclose that  
 16 any local government unit has refused or neglected to establish  
 17 sinking funds as required by this subpart, or has failed to  
 18 provide sufficient moneys for any sinking fund to meet the  
 19 payments of assumed taxes, principal and interest to be made  
 20 therefrom, is not investing a sufficient amount of the sinking  
 21 fund moneys or is otherwise in violation of this subchapter, the  
 22 department shall make an order requiring the local government  
 23 unit or any officer thereof or the governing body to take any  
 24 steps as, in the opinion of the department, will cause the  
 25 sinking funds to comply with this subchapter or to be  
 26 sufficient.

27 (c) Mandamus to compel compliance with order.--In addition  
 28 to the criminal prosecutions provided for in Subchapter E  
 29 (relating to penalties) or, in lieu thereof, the department may  
 30 apply to the court for an order in mandamus to issue to the

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1 officer or governing body of the local government unit to compel  
 2 compliance with the order of the department or with the order  
 3 with any modifications thereof as to the court may seem just and  
 4 proper.

5 § 8227. Sinking fund not required for small borrowings.

6 A local government unit may, but shall not be required to,  
 7 comply with the provisions of this subchapter in respect of  
 8 notes issued in compliance with section 8109 (relating to small  
 9 borrowing for capital purposes).

10 SUBCHAPTER C  
 11 REFUNDING OF DEBT

12 Sec.

13 8241. Power to refund.

14 8242. Treatment of costs upon refunding.

15 8243. Limitation on extending term of debt by refunding.

16 8244. Effect of debt limits on refunding nonelectoral bonds  
 17 or notes or lease rental debt.

18 8245. Refunding of electoral debt.

19 8246. Procedure for authorization, sale, issue and approval  
 20 of refunding bonds or notes.

21 8247. Special limitation on refunding of funding debt.

22 8248. Approval of refunding by the electors.

23 8249. Refunding with bonds of another type.

24 8250. Use of proceeds of refunding bonds and when refunded  
 25 bonds are no longer deemed outstanding.

26 8251. Cessation of interest on called bonds or notes.

27 § 8241. Power to refund.

28 (a) General rule.--Subject to the provisions of the  
 29 outstanding bonds, notes or obligations evidencing lease rental  
 30 debt and subject to the provisions of this subchapter, a local

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1 government unit may refund any outstanding debt, in whole or in  
 2 part, at any time and may refund any outstanding notes with  
 3 bonds or bonds with notes.

4 (b) Authorized purposes.--The refunding may be for any one

5 or more of the following purposes:

6 (1) Reducing total debt service over the life of the  
7 series.

8 (2) Reducing the annual debt service in any particular  
9 year or years, by extending the life of the issue subject to  
10 the limitations imposed by section 8247 (relating to special  
11 limitation on refunding of funding debt).

12 (3) Eliminating any covenant or restriction in, or  
13 applicable to, any outstanding series or issue of bonds or  
14 notes determined by the local government unit to be unduly  
15 burdensome or restrictive.

16 (4) Refunding any maturity or maturities or any portions  
17 thereof to a later date subject to the limitations imposed by  
18 section 8247.

19 (5) Substituting bonds for notes or bond anticipation  
20 notes or substituting notes for bonds.

21 (6) Adjusting lease rentals upon refunding of lease  
22 rental debt for any one or more of the foregoing purposes.  
23 It is immaterial whether or not any such refunding under  
24 paragraph (2), (3), (4) or (5) increases the total debt service  
25 payable over the life of the series.

26 (c) Definition.--As used in this section, the term "refund"  
27 and its variations shall mean the issuance and sale of  
28 obligations the proceeds of which are used or are to be used for  
29 the payment or redemption of outstanding obligations upon or  
30 prior to maturity.

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1 § 8242. Treatment of costs upon refunding.

2 (a) General rule.--In any refunding, a principal amount of  
3 refunding bonds or notes or obligations evidencing lease rental  
4 debt equal to the sum of the following:

5 (1) the call premium payable on the bonds, notes or  
6 obligations being refunded;

7 (2) the discount allowed on the sale of the refunding  
8 bonds, notes or obligations;

9 (3) any funds borrowed to pay interest on bonds, notes  
10 or obligations being refunded; and

11 (4) the costs of issue and sale of the refunding bonds,  
12 notes or obligations;

13 may be considered as interest on the refunding bonds, notes or  
14 obligations and may be separately stated in all reporting of  
15 debt and in all computation of debt limits and, if so considered  
16 and reported by the local government unit, shall not be  
17 considered as electoral, nonelectoral or lease rental debt. In  
18 subsequent debt statements, any such separately stated principal  
19 amount of bonds, notes or obligations shall be reported as being  
20 amortized in the same proportion as the series of which they are  
21 a part.

22 (b) Comparison of debt service.--For the purpose of  
23 computing whether savings are being effected, the comparison of  
24 debt service which would be payable on the refunded bonds, notes  
25 or obligations shall be with debt service on the refunding  
26 bonds, notes or obligations without reference to the designation  
27 of the costs in subsection (a) (1) through (4), adjusted in each  
28 case by projected receipt of interest on invested funds of  
29 excess revenues or application of reserves to make the  
30 comparison reasonable and proper.

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1 § 8243. Limitation on extending term of debt by refunding.

2 (a) General rule.--Subject to the terms of section 8247

3 (relating to special limitation on refunding of funding debt)  
 4 and to the terms of subsection (b), a local government unit  
 5 shall not extend the term of outstanding debt through refunding  
 6 to a maturity date that could not have been included in the  
 7 original issue, except in the case of an emergency refunding of  
 8 stated maturity date to avoid a default occasioned by an  
 9 unforeseen shortage in total revenues proven to the satisfaction  
 10 of the department upon petition, filed by the governing body of  
 11 the local government unit, alleging the emergency and the  
 12 unforeseen loss of revenues. Public notice of the intention to  
 13 file a petition shall be given by advertisement not less than  
 14 five nor more than 20 days before the filing thereof. The  
 15 emergency refunding shall be made only in the amount and with  
 16 the stated maturity date or dates approved by the department.  
 17 The first maturity of a refunding issue need not occur until the  
 18 year after the last stated maturity date of the bonds not called  
 19 in the series being refunded.

20 (b) Increasing amount of principal payable.--Except in the  
 21 case of refundings for the purposes specified in section  
 22 8241(b)(1) and (5) (relating to power to refund) and except for  
 23 emergency refundings approved by the department, no refunding  
 24 bonds shall be issued which will increase the amount of  
 25 principal payable, after provision for earlier mandatory calls,  
 26 in any year or years after the latest stated maturity date of  
 27 the bonds being refunded, over the amount of the principal which  
 28 would have been payable on the bonds or notes originally issued  
 29 for the project in each such year if the original bonds or notes  
 30 had been structured on a 6% level annual debt service plan to  
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1 the last stated maturity date of the proposed refunding bonds,  
 2 computed to the nearest whole multiple of \$5,000, as the amounts  
 3 shall be computed by a financial advisor, other qualified person  
 4 or public accountant.

5 § 8244. Effect of debt limits on refunding nonelectoral bonds  
 6 or notes or lease rental debt.

7 If any debt originally incurred was lawfully incurred and  
 8 issued and, at the time the debt was incurred, the portion  
 9 constituting nonelectoral debt or lease rental debt was within  
 10 the limitations imposed thereon by law, the issue of refunding  
 11 bonds or notes or the adjustment of lease rentals in respect of  
 12 the debt shall be lawful and valid, notwithstanding that the  
 13 aggregate of outstanding debt shall thereby exceed the then  
 14 applicable limitations set by section 8022 (relating to  
 15 limitations on incurring of other debt), which limitations shall  
 16 be deemed increased but only to the extent necessary to  
 17 effectuate and amortize the refunding lawfully. Any portion of  
 18 the refunding bonds, notes or obligations may be excluded from  
 19 nonelectoral debt or lease rental debt, either as subsidized  
 20 debt or self-liquidating debt, in accordance with the procedure  
 21 provided in Subchapter B of Chapter 80 (relating to limitations  
 22 on debt of local government units).

23 § 8245. Refunding of electoral debt.

24 A local government unit may, by action of its governing body  
 25 and in accordance with the limitations of this subchapter,  
 26 refund any debt originally incurred as electoral debt. The  
 27 refunding bonds, notes or obligations so issued shall not  
 28 thereby be considered nonelectoral debt or lease rental debt for  
 29 any purpose.

30 § 8246. Procedure for authorization, sale, issue and approval  
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1 of refunding bonds or notes.

2 Bonds or notes issued for refunding purposes shall be  
3 authorized, issued, sold, approved and settled and refunding of  
4 lease rental debt shall be authorized and approved in the manner  
5 provided in this subpart for the authorization, issue, sale and  
6 approval of the original debt, subject to any additional  
7 limitations provided in this subchapter. No refunding bonds or  
8 notes shall be delivered to the purchasers thereof unless,  
9 simultaneously therewith, the notes or bonds being refunded  
10 become no longer outstanding in accordance with section 8250  
11 (relating to use of proceeds of refunding bonds and when  
12 refunded bonds are no longer deemed outstanding). No adjustment  
13 in lease rentals shall be made unless appropriate provision for  
14 the retirement of the outstanding lease rental debt has been  
15 made.

16 § 8247. Special limitation on refunding of funding debt.

17 A debt incurred for funding purposes pursuant to section 8130  
18 (relating to approval by court to fund unfunded debt) or under  
19 law in existence prior to July 12, 1972, shall not be refunded  
20 except under section 8241(b)(1) (relating to power to refund)  
21 until the refunding has been approved as necessary by the court  
22 of common pleas. The approval shall be obtained by petition to  
23 reopen the proceedings in which the funding debt was originally  
24 incurred, and the court shall grant the petition if, after  
25 hearing, the court is satisfied that the refunding is necessary  
26 and is in the public interest. Public notice of the filing of  
27 the petition shall be given by advertisement not less than five  
28 nor more than 20 days before the filing thereof. All subsequent  
29 proceedings in respect of the refunding of the funding debt  
30 shall be taken in accordance with the provisions of this subpart

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1 applicable to the incurring of the original debt. Bonds or notes  
2 issued to refund funding debt shall be stated to mature at the  
3 dates and in the amounts on each date as may be approved by the  
4 court, notwithstanding any limitation on the term of funding  
5 debt imposed elsewhere in this subpart.

6 § 8248. Approval of refunding by the electors.

7 The governing body of any local government unit may also  
8 obtain the approval of the electors to any refunding of  
9 nonelectoral or lease rental debt in the manner prescribed for  
10 an original issue by Subchapter C of Chapter 80 (relating to  
11 procedure for securing approval of electors) and may issue  
12 general obligation bonds or guaranteed revenue bonds or incur  
13 other obligations in the refunding if approved by the electors  
14 regardless of the class of bonds, notes or obligations  
15 originally issued.

16 § 8249. Refunding with bonds of another type.

17 Subject to the limitations of section 8022 (relating to  
18 limitations on incurring of other debt) or after a referendum  
19 held pursuant to section 8248 (relating to approval of refunding  
20 by the electors), the governing body of any local government  
21 unit may for any purpose specified in section 8241 (relating to  
22 power to refund) refund with its general obligation bonds or  
23 notes or its guaranteed revenue bonds or notes all or any part  
24 of any outstanding revenue bonds or notes or bonds, notes or  
25 obligations of any authority or other local governmental unit  
26 constituting lease rental debt of the local government unit or  
27 may refund any outstanding revenue bonds or guaranteed revenue  
28 bonds or notes with like bonds or notes. The local government  
29 unit may also refund any general obligation or guaranteed

30 revenue bonds with its revenue bonds, by the incurring of lease  
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1 rental debt or by guaranteeing the obligations of an authority.  
2 § 8250. Use of proceeds of refunding bonds and when refunded  
3 bonds are no longer deemed outstanding.

4 (a) General rule.--The proceeds of refunding bonds, together  
5 with any other moneys made available for the purpose, shall be  
6 used solely for the purpose of retiring the bonds being refunded  
7 and for the purpose of paying the costs of the refunding.

8 (b) When obligations no longer deemed outstanding.--Any  
9 bonds or notes to be redeemed or paid shall no longer be deemed  
10 to be outstanding for the purpose of determining the net debt of  
11 the local government unit or for the purposes of any indenture  
12 limitations on repledging revenues when the local government  
13 unit has irrevocably deposited with a bank or bank and trust  
14 company in a sufficient amount:

15 (1) Moneys.

16 (2) Noncallable securities of the Federal Government or  
17 of the Commonwealth maturing or payable at par at the option  
18 of the holders at or prior to the dates needed for  
19 disbursement.

20 (3) Time deposits or certificates of deposit, with a  
21 firm rate of interest or stated minimum rate of interest,  
22 issued by a bank or bank and trust company and insured or  
23 adequately secured as required by section 8224 (relating to  
24 deposit and investment of moneys in sinking funds and other  
25 funds).

26 (4) Any combination of the foregoing.

27 (c) Deposits equal to principal and interest.--Subject to  
28 any relevant contrary law or regulation, the amount deposited  
29 may be equal to the principal and interest to become due on the  
30 bonds or notes being refunded to the date on which the bonds or  
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1 notes are stated to mature or any lesser amount computed in  
2 accordance with the provisions of subsection (d).

3 (d) Test of sufficiency.--The deposited amount shall be  
4 sufficient when it, together with the interest to be earned  
5 thereon, will equal the principal, premium and interest to  
6 become due on the bonds or notes being refunded to the earlier  
7 of the date at which any bonds or notes are stated to mature, or  
8 have been called for prior redemption, except that the local  
9 government unit shall simultaneously have given the bank or bank  
10 and trust company instructions and authority, stated to be  
11 irrevocable, to publish any notices of redemption remaining to  
12 be published.

13 (e) Irrevocable call for redemption.--When stated to be  
14 irrevocable, the instructions and authority to call bonds or  
15 notes for redemption shall become irrevocable upon the delivery  
16 thereof, or upon the deposit of the moneys or securities in a  
17 sufficient amount to effect the redemption, whichever occurs  
18 later. Until the irrevocability has occurred, a call for  
19 redemption may be revoked by notice given in the same manner as  
20 the notice of redemption.

21 § 8251. Cessation of interest on called bonds or notes.

22 Upon the date fixed for redemption, if the irrevocable  
23 deposit has been made and the required notice of the redemption  
24 has been given, no further interest on the bonds or notes so  
25 called for redemption shall accrue. This subchapter does not  
26 relieve the issuing local government unit of its obligation to  
27 see that the holders of the bonds or notes called for redemption

28 are paid in full on the date fixed for redemption. From and  
 29 after that date, if the irrevocable deposit was made at the  
 30 proper amount on that date, the holders of bonds or notes called  
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1 for redemption shall have no rights against the local government  
 2 unit except to receive payment from the deposited funds or from  
 3 the local government unit to the extent of the moneys returned  
 4 to it pursuant to section 8224(f) (relating to deposit and  
 5 investment of moneys in sinking funds and other funds).

6 SUBCHAPTER D  
 7 REMEDIES

8 Sec.

- 9 8261. Failure to budget debt service.  
 10 8262. Failure to pay principal or interest.  
 11 8263. Trustee for bondholders.  
 12 8264. Receiver for revenue projects.  
 13 8265. Costs of suits or proceedings.  
 14 8266. Distribution of moneys realized for bondholders.  
 15 § 8261. Failure to budget debt service.

16 If a local government unit having outstanding any general  
 17 obligation bonds or notes or guaranteed revenue bonds or notes,  
 18 lease rental debt or guaranty of authority obligations fails or  
 19 refuses to make adequate provision in its budget for any fiscal  
 20 year for the sums payable in respect of the bonds or notes,  
 21 lease rental or guaranty in the year or fails to appropriate or  
 22 pay the moneys necessary in that year for the payment of the  
 23 amount of the lease rental or guaranty, as the case may be, of  
 24 the maturing principal of and the interest on the bonds or notes  
 25 or any of them, or any tax anticipation notes, or any sinking  
 26 fund obligation for the bonds or notes or tax anticipation  
 27 notes, or guaranty or the lease rental payment coming due in the  
 28 fiscal year of the budget or for which the appropriations or  
 29 payments should have been made, then at the suit of the holder  
 30 of any bond, note or tax anticipation note or coupon or

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1 guaranty, or the holder of any authority obligation secured by a  
 2 lease evidencing the acquisition of a capital asset or of any  
 3 taxpayer of the local government unit, the court of common pleas  
 4 shall, after a hearing held upon such notice to the local  
 5 government unit as the court may direct and upon a finding of  
 6 such failure or neglect, by order of mandamus require the  
 7 treasurer of the local government unit to pay into the sinking  
 8 fund for each series of bonds or notes then outstanding, or for  
 9 each guaranty or lease rental payment, the first tax moneys or  
 10 other available revenues or moneys thereafter received in the  
 11 fiscal year by the treasurer, equally and ratably for each  
 12 series for which provision has not been made in proportion to  
 13 debt service for the year on each series then outstanding, or  
 14 the amounts due upon guaranties or as payments with respect to  
 15 lease rental debt, as the case may be. Any priority on incoming  
 16 tax moneys accorded to a separate sinking fund for tax  
 17 anticipation notes under the authority of section 8125 (relating  
 18 to security for tax anticipation notes and sinking fund) shall  
 19 not be affected by this provision until the sum on deposit in  
 20 each sinking fund equals the moneys that should have been  
 21 budgeted or appropriated for each series.

22 § 8262. Failure to pay principal or interest.

23 (a) General rule.--If a local government unit fails or  
 24 neglects to pay the interest or principal on any of its general  
 25 obligation bonds or notes or tax anticipation notes as the same



26 becomes due and payable, whether at the stated maturity date or  
 27 upon an unrevoked call for prior redemption, or to perform its  
 28 payment obligations with respect to any lease rental debt or  
 29 guaranteed revenue bonds or notes, and the failure continues for  
 30 30 days, the holder thereof may, subject to priorities created  
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1 under sections 8125 (relating to security for tax anticipation  
 2 notes and sinking fund), 8261 (relating to failure to budget  
 3 debt service) and 8263 (relating to trustee for bondholders) and  
 4 to any limitations upon individual rights of action properly  
 5 provided in the bond ordinance or any indenture, recover the  
 6 amount due in an action in the court of common pleas. The  
 7 judgment recovered shall have an appropriate priority upon the  
 8 moneys next coming into the treasury of the local government  
 9 unit and shall be a judgment upon which funding bonds may be  
 10 issued pursuant to Subchapter B of Chapter 81 (relating to tax  
 11 anticipation notes and funding debt).

12 (b) Revenue bonds and notes.--If a local government unit  
 13 fails or neglects to pay or cause to be paid the principal of or  
 14 the interest upon any revenue bond or note as the same shall  
 15 become due, whether at the stated maturity or upon call for  
 16 prior redemption, the holder thereof may, subject to priorities  
 17 created under sections 8125, 8262 (relating to failure to pay  
 18 principal or interest) and 8263 and to any limitations upon  
 19 individual rights of action properly provided in the bond  
 20 ordinance or any indenture, recover the amount due in an action  
 21 in the court of common pleas but the judgment shall be limited  
 22 to payment out of the assessments, revenues, rates, rents, tolls  
 23 and charges from the project which are pledged for the payment  
 24 of the bonds or notes.  
 25 § 8263. Trustee for bondholders.

26 (a) Appointment.--Notwithstanding any provision in the bonds  
 27 or notes or in any authorizing ordinance, if a local government  
 28 unit defaults in the payment of the principal of or the interest  
 29 on any series of bonds or notes after it becomes due, whether at  
 30 the stated maturity or upon call for prior redemption, and the  
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1 default continues for 30 days, or if the local government unit  
 2 fails to comply with any provision of the bonds or notes, or in  
 3 any authorizing resolution or indenture of trust, the holders of  
 4 25% in aggregate principal amount of the bonds or notes of the  
 5 series then outstanding, by an instrument or instruments filed  
 6 in the office of the recorder of deeds in the county in which  
 7 the local government unit is located, signed and acknowledged as  
 8 a deed to be recorded, may appoint a trustee, who may be the  
 9 sinking fund depository, to represent the holders of all the  
 10 bonds or notes, and the representation shall be exclusive for  
 11 the purposes provided in this section.

12 (b) Powers and duties.--The trustee may and, upon written  
 13 request of the holders of 25% in principal amount of the bonds  
 14 or notes then outstanding and upon being furnished with  
 15 indemnity satisfactory to it, shall, in his or its own name take  
 16 one or more of the following actions, and the taking of such  
 17 action shall preclude similar action whether previously or  
 18 subsequently initiated by individual holders of bonds or notes:

19 (1) By mandamus or other proceeding at law or in equity,  
 20 enforce all rights of the holders of the bonds or notes,  
 21 including, in the case of revenue or guaranteed revenue  
 22 obligations, the right to require the local government unit  
 23 to:

24 (i) impose and collect rents, rates, tolls and  
 25 charges adequate to carry out any agreement or covenant  
 26 as to, or pledge of, the rents, rates, tolls or charges,  
 27 for the use of the project or projects financed by the  
 28 bonds or notes; or

29 (ii) carry out any other agreements with the holders  
 30 of the bonds or notes.

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1 (2) Bring suit on the bonds or notes without the  
 2 necessity for producing the bonds or notes, and with the same  
 3 effect as a suit by any holder.

4 (3) In the case of revenue or guaranteed revenue bonds  
 5 or notes, require the local government unit to account, as if  
 6 it were the trustee of an express trust for the holders of  
 7 the bonds or notes, for any pledged revenues received.

8 (4) In the case of general obligation bonds or notes,  
 9 petition the court to levy, after a hearing upon such notice  
 10 to the owners of assessable real estate as the court may  
 11 prescribe, the amount due before or after the exercise of any  
 12 right of acceleration on the bonds or notes, plus estimated  
 13 costs of collection as an assessment upon the properties  
 14 benefited by the improvement pursuant to the front-foot rule  
 15 if the project is an assessable improvement, otherwise upon  
 16 all taxable real estate and other property subject to ad  
 17 valorem taxation in the local government unit, in proportion  
 18 to the value thereof as assessed for tax purposes, and the  
 19 trustee may collect or cause the local government unit to  
 20 collect such assessments as by foreclosure of a mortgage or  
 21 security interest on the realty or other property if not paid  
 22 on demand.

23 (5) In the case of guaranteed revenue bonds or notes or  
 24 a guarantee of authority obligations or unpaid lease rentals  
 25 under leases evidencing the acquisition of capital assets, to  
 26 petition the court to levy, after hearing upon the notice to  
 27 the owners of assessable real estate and other property  
 28 subject to ad valorem taxation as the court may prescribe,  
 29 the amount due on the guaranty or under the lease plus  
 30 estimated costs of collection as an annual assessment for the

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1 current and future years upon all taxable real estate and  
 2 other properties subject to ad valorem taxation in the local  
 3 government unit in proportion to the value thereof as  
 4 assessed for tax purposes, and the trustee may collect or  
 5 cause the local government unit to collect the assessments as  
 6 by foreclosure of a mortgage or security interest on the  
 7 realty or other property if not paid on demand. The levy  
 8 shall bear interest, until paid, at a rate sufficient to  
 9 cover accruing interest on the bonds or notes.

10 (6) By suit in equity, enjoin any acts or things which  
 11 may be unlawful or in violation of the rights of the holders  
 12 of the bonds, notes, guaranty or authority obligations under  
 13 a lease evidencing the acquisition of capital assets.

14 (7) After 30 days' prior written notice to the local  
 15 government unit and subject to any limitations in the bond  
 16 ordinance or relevant indenture, declare the unpaid principal  
 17 of all the bonds or notes to be immediately due and payable  
 18 with interest at the rates stated in the bonds until final  
 19 payment. If all defaults are made good, the trustee may annul  
 20 the declaration and its consequences.

21 Any assessment levied pursuant to paragraphs (4) and (5) shall

22 have the same priority and preference as to other liens or  
23 mortgages on the real estate or security interests in fixtures  
24 thereon or other property as a lien for unpaid taxes.

25 (c) Installment payments.--The court of common pleas in  
26 cases of extreme hardship may provide for the payment of sums  
27 levied in five or fewer annual installments with interest at a  
28 rate sufficient to cover the interest accruing on the bonds or  
29 notes.

30 (d) Trustee or fiscal agent under original issue.--If a  
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1 trustee or fiscal agent for the bondholders or noteholders was  
2 appointed in connection with the original issue of the bonds or  
3 notes and is willing to serve and exercise the powers conferred  
4 upon a trustee appointed by this section, the trustee appointed  
5 in the manner provided in this section shall have the powers set  
6 forth unless the appointment under this section was executed by  
7 or pursuant to the authority of the holders of a principal  
8 amount of the bonds or notes sufficient to remove the originally  
9 appointed trustee or fiscal agent.

10 § 8264. Receiver for revenue projects.

11 (a) Appointment.--A trustee for the holders of defaulted  
12 bonds or notes, whether or not the series of bonds represented  
13 by the trustee has been declared to be and has become  
14 immediately due and payable, shall be entitled as of right to  
15 the appointment, by the court of common pleas, of a receiver of  
16 all or any part or parts of a project or the projects, the  
17 rents, rates, revenues, tolls and charges of which are pledged  
18 for the security of the bonds or notes of the series.

19 (b) Powers and duties.--Except as otherwise provided in this  
20 section, the receiver may not sell, assign, mortgage or  
21 otherwise dispose of, but may enter and take possession of, the  
22 project or projects or part or parts thereof and, subject to the  
23 equal or prior rights of the holders of any other series of  
24 bonds or notes, shall take possession of all moneys and other  
25 property derived from or applicable to the construction,  
26 operation, maintenance, repair and reconstruction of the project  
27 or projects or parts thereof. The receiver may thereafter  
28 proceed with any construction or other work thereon which the  
29 local government unit is under obligation to do. The receiver  
30 may operate, maintain, repair and reconstruct the project or  
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1 projects or parts thereof and collect and receive all rents,  
2 rates, receipts, tolls, other charges and revenues arising  
3 therefrom, subject to the equal or prior rights of the holders  
4 of any other series of bonds or notes therein. As part of his  
5 power to operate and maintain a project, the receiver may sell  
6 or otherwise dispose of equipment which is no longer used or  
7 usable by the project. The receiver shall perform the public  
8 duties and carry out the lawful agreements and obligations of  
9 the local government unit with respect to the project or  
10 projects or parts thereof, all under the direction of the court,  
11 but shall not perform any essential governmental functions.

12 § 8265. Costs of suits or proceedings.

13 In any suit, action or proceeding by or on behalf of the  
14 holders of defaulted bonds or notes of a local government unit  
15 brought under this subpart, the fees and expenses of a trustee  
16 or receiver, including operating costs of a project and  
17 reasonable counsel fees, shall constitute taxable costs, and all  
18 costs and disbursements allowed by the court shall be deemed  
19 additional principal due on the bonds or notes and shall be paid

20 in full from any recovery prior to any distribution to the  
 21 holders of the bonds or notes.

22 § 8266. Distribution of moneys realized for bondholders.

23 Moneys or funds collected for the holders of defaulted bonds  
 24 or notes entitled to share equally and ratably therein shall,  
 25 after the payment of costs and fees as provided in section 8265  
 26 (relating to costs of suits or proceedings), be applied by the  
 27 trustee or receiver, unless the terms of the bonds or notes  
 28 provide otherwise, as follows:

29 (1) Unless the principal of all of the bonds or notes  
 30 represented has become or has been declared due and payable:

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1 (i) To the payment to the persons entitled thereto  
 2 of all installments of interest then due in the order of  
 3 the stated maturity dates of the installments of the  
 4 interest and, if the amount available is not sufficient  
 5 to pay any installment in full, then to the payment  
 6 ratably, according to the amounts due on the installment,  
 7 to the persons entitled thereto, without any  
 8 discrimination or preference except as to any difference  
 9 in the respective rates of interest expressed in the  
 10 bonds or notes or coupons for interest.

11 (ii) To the payment to the persons entitled thereto  
 12 of the unpaid principal of any bonds or notes which has  
 13 become due, whether at stated maturity dates or by call  
 14 for redemption, in the order of their respective due  
 15 dates and, if the amount available is not sufficient to  
 16 pay in full all the bonds or notes due on any date, then  
 17 to the payment ratably, according to the amounts of  
 18 principal due on the dates, to the persons entitled  
 19 thereto without any discrimination or preference.

20 (2) If the principal of all of the bonds or notes  
 21 entitled to share equally in the moneys has become or has  
 22 been declared due and payable, to the payment of the  
 23 principal and interest then due and unpaid upon the bonds or  
 24 notes without preference or priority of principal over  
 25 interest or interest over principal, or of any installment of  
 26 interest over any other installment of interest, or of any  
 27 bond or note over any other bond or note, ratably according  
 28 to the amounts due respectively for principal and interest,  
 29 to the persons entitled thereto without any discrimination or  
 30 preference except as to any difference in the respective

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1 rates of interest specified in the bonds, notes and coupons.

2 (3) If more than one series is involved and the  
 3 principal of all bonds or notes of one or more series has  
 4 become or has been declared due and payable, and that if one  
 5 or more others has not, the funds available shall be  
 6 apportioned to each series according to the respective  
 7 amounts of principal of each series then outstanding less, as  
 8 to each series any amounts held earmarked for the series, and  
 9 distribution to the holders of the bonds, notes and coupons  
 10 of each series shall be made according to whichever of  
 11 paragraphs (1) and (2) may be applicable.

12 SUBCHAPTER E  
 13 PENALTIES

14 Sec.

15 8271. Failure to obey sinking fund directive of department.

16 § 8271. Failure to obey sinking fund directive of department.

17 Any officer or any member of the governing body of any local

18 government unit who refuses or neglects to obey any order of the  
 19 department made under Subchapter B (relating to sinking funds  
 20 and other funds and accounts) concerning sinking funds or who  
 21 refuses to furnish requested information required by the  
 22 department, or refuses agents of the department access to any  
 23 books, records or documents relating to sinking funds, commits a  
 24 misdemeanor of the third degree and shall, upon conviction, be  
 25 sentenced to pay a fine not more than \$500 for each day of  
 26 violation.

27 Section 2. (a) The following acts and parts of acts are  
 28 repealed:

29 Act of May 29, 1956 (1955 P.L.1845, No.611), known as the  
 30 Regional Planning Law.

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1 Act of July 28, 1959 (P.L.579, No.188), entitled "An act to  
 2 authorize political subdivisions of this Commonwealth to  
 3 establish an emergency temporary location or locations for their  
 4 seats of government and to exercise governmental powers and  
 5 functions thereat."

6 Act of November 30, 1967 (P.L.658, No.305), known as the  
 7 Business Improvement District Act of 1967.

8 Act of January 18, 1968 (1967 P.L.961, No.428), known as the  
 9 Municipal Records Act.

10 Act of March 16, 1972 (P.L.108, No.39), known as the  
 11 Environmental Improvement Compact.

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

14 Act of July 12, 1972 (P.L.762, No.180), referred to as the  
 15 Intergovernmental Cooperation Law.

16 Act of July 12, 1972 (P.L.781, No.185), known as the Local  
 17 Government Unit Debt Act.

18 Act of December 21, 1973 (P.L.425, No.148), referred to as  
 19 the Municipal Environmental Advisory Council Law.

20 Act of June 18, 1974 (P.L.359, No.120), referred to as the  
 21 Municipal Police Education and Training Law.

22 Act of December 13, 1974 (P.L.947, No.312), known as the  
 23 Municipal Reapportionment Act.

24 (b) The act of October 23, 1959 (P.L.1369, No.474), known as  
 25 the Emergency Interim Executive and Judicial Succession Act of  
 26 1959, is repealed as to political subdivisions.

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

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SOURCE TABLE

PROPOSED GENERAL LOCAL GOVERNMENT CODE  
 PREPARED BY THE JOINT STATE GOVERNMENT COMMISSION

Proposed GLGC	P.L. Citation	Section	Purdon's Citation
53 Pa.C.S. 901	1974-947-312	1	53 P.S. 11601
53 Pa.C.S. 902	1974-947-312	2	53 P.S. 11602
53 Pa.C.S. 903	1974-947-312	3	53 P.S. 11603
53 Pa.C.S. 904	1974-947-312	4	53 P.S. 11604
53 Pa.C.S. 905	1974-947-312	5	53 P.S. 11605
53 Pa.C.S. 906	1974-947-312	6	53 P.S. 11606
53 Pa.C.S. 907	1974-947-312	7	53 P.S. 11607
53 Pa.C.S. 908	1974-947-312	8	53 P.S. 11608
53 Pa.C.S. 1121	New		None

16	53	Pa.C.S.	1122	1959-579-188	1	71	P.S.	777.1
17	53	Pa.C.S.	1123	1959-579-188	2	71	P.S.	777.2
18	53	Pa.C.S.	1124	1959-579-188	3	71	P.S.	777.3
19	53	Pa.C.S.	1131	1959-1369-474	1	71	P.S.	779.1
20	53	Pa.C.S.	1132	1959-1369-474	2	71	P.S.	779.2
21	53	Pa.C.S.	1133	1959-1369-474	3	71	P.S.	779.3
22	53	Pa.C.S.	1134	1959-1369-474	6	71	P.S.	779.6
23	53	Pa.C.S.	1135	1959-1369-474	7	71	P.S.	779.7
24	53	Pa.C.S.	1136	1959-1369-474	9	71	P.S.	779.9
25	53	Pa.C.S.	1137	1959-1369-474	10	71	P.S.	779.10
26	53	Pa.C.S.	1138	1959-1369-474	11	71	P.S.	779.11
27	53	Pa.C.S.	1381	1968 (1967) -961-428	1	53	P.S.	9001
28	53	Pa.C.S.	1382	1968 (1967) -961-428	2	53	P.S.	9002
29	53	Pa.C.S.	1383	1968 (1967) -961-428	3	53	P.S.	9003
30	53	Pa.C.S.	1384	1968 (1967) -961-428	4	53	P.S.	9004
31	53	Pa.C.S.	1385	1968 (1967) -961-428	5	53	P.S.	9005
32	53	Pa.C.S.	1386	1968 (1967) -961-428	6	53	P.S.	9006
33	53	Pa.C.S.	1387	1968 (1967) -961-428	7	53	P.S.	9007
34	53	Pa.C.S.	1388	1968 (1967) -961-428	8	53	P.S.	9008
35	53	Pa.C.S.	1389	1968 (1967) -961-428	9	53	P.S.	9009
36	53	Pa.C.S.	2161	1974-359-120	1	53	P.S.	740
37	53	Pa.C.S.	2162	1974-359-120	2	53	P.S.	741
38	53	Pa.C.S.	2163	1974-359-120	4	53	P.S.	743
39	53	Pa.C.S.	2164	1974-359-120	5	53	P.S.	744
40	53	Pa.C.S.	2165	1974-359-120	7	53	P.S.	746
41	53	Pa.C.S.	2166	1974-359-120	8	53	P.S.	747
42	53	Pa.C.S.	2167	1974-359-120	9	53	P.S.	748
43	53	Pa.C.S.	2168	1974-359-120	9.1	53	P.S.	748.1
44	53	Pa.C.S.	2169	1974-359-120	9.2	53	P.S.	748.2
45	53	Pa.C.S.	2170	1974-359-120	10	53	P.S.	749
46	53	Pa.C.S.	2171	New	None			
47	53	Pa.C.S.	2301	1972-762-180	1	53	P.S.	481
48	53	Pa.C.S.	2302	1972-762-180	2	53	P.S.	482
49	53	Pa.C.S.	2303	1972-762-180	3	53	P.S.	483
50	53	Pa.C.S.	2304	1972-762-180	4	53	P.S.	484
51	53	Pa.C.S.	2305	1972-762-180	5	53	P.S.	485
52	53	Pa.C.S.	2306	1972-762-180	6	53	P.S.	486
53	53	Pa.C.S.	2307	1972-762-180	7	53	P.S.	487
54	53	Pa.C.S.	2308	1972-762-180	7.1	53	P.S.	487.1
55	53	Pa.C.S.	2309	1972-762-180	7.2	53	P.S.	487.2
56	53	Pa.C.S.	2310	1972-762-180	7.3	53	P.S.	487.3
57	53	Pa.C.S.	2311	1972-762-180	7.4	None		
58	53	Pa.C.S.	2312	1972-762-180	7.5	None		

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1	53	Pa.C.S.	2313	1972-762-180	7.6	None		
2	53	Pa.C.S.	2314	1972-762-180	8	53	P.S.	488
3	53	Pa.C.S.	2315	1972-762-180	9	53	P.S.	489
4	53	Pa.C.S.	2321	New	None			
5	53	Pa.C.S.	2322	1973-425-148	1	53	P.S.	11501
6	53	Pa.C.S.	2323	1973-425-148	2	53	P.S.	11502
7	53	Pa.C.S.	2324	1973-425-148	3	53	P.S.	11503
8	53	Pa.C.S.	2325	1973-425-148	4	53	P.S.	11504
9	53	Pa.C.S.	2326	1973-425-148	5	53	P.S.	11505
10	53	Pa.C.S.	2327	1973-425-148	6	53	P.S.	11506
11	53	Pa.C.S.	2328	1973-425-148	7	53	P.S.	11507
12	53	Pa.C.S.	2329	1973-425-148	8	53	P.S.	11508
13	53	Pa.C.S.	2341	1955-1845-611	101	53	P.S.	491
14	53	Pa.C.S.	2342	1955-1845-611	102	53	P.S.	492
15	53	Pa.C.S.	2343	1955-1845-611	201	53	P.S.	493

16	53	Pa.C.S.	2344	1955-1845-611	202	53	P.S.	494
17	53	Pa.C.S.	2345	1955-1845-611	203	53	P.S.	495
18	53	Pa.C.S.	2346	1955-1845-611	204	53	P.S.	496
19	53	Pa.C.S.	2347	1955-1845-611	205	53	P.S.	497
20	53	Pa.C.S.	2348	1955-1845-611	206	53	P.S.	498
21	53	Pa.C.S.	2501	1972-108-39	101	53	P.S.	11400-101
22	53	Pa.C.S.	2502	1972-108-39	102	53	P.S.	11400-102
23	53	Pa.C.S.	2511	1972-108-39	201	53	P.S.	11400-201
24	53	Pa.C.S.	2512	1972-108-39	202	53	P.S.	11400-202
25	53	Pa.C.S.	2513	1972-108-39	203	53	P.S.	11400-203
26	53	Pa.C.S.	2514	1972-108-39	204	53	P.S.	11400-204
27	53	Pa.C.S.	2515	1972-108-39	205	53	P.S.	11400-205
28	53	Pa.C.S.	2521	1972-108-39	301	53	P.S.	11400-301
29	53	Pa.C.S.	2522	1972-108-39	302	53	P.S.	11400-302
30	53	Pa.C.S.	2523	1972-108-39	303	53	P.S.	11400-303
31	53	Pa.C.S.	2531	1972-108-39	401	53	P.S.	11400-401
32	53	Pa.C.S.	2532	1972-108-39	402	53	P.S.	11400-402
33	53	Pa.C.S.	2533	1972-108-39	403	53	P.S.	11400-403
34	53	Pa.C.S.	2534	1972-108-39	404	53	P.S.	11400-404
35	53	Pa.C.S.	2535	1972-108-39	405	53	P.S.	11400-405
36	53	Pa.C.S.	2536	1972-108-39	406	53	P.S.	11400-406
37	53	Pa.C.S.	2541	1972-108-39	501	53	P.S.	11400-501
38	53	Pa.C.S.	2542	1972-108-39	502	53	P.S.	11400-502
39	53	Pa.C.S.	2543	1972-108-39	503	53	P.S.	11400-503
40	53	Pa.C.S.	2551	1972-108-39	601	53	P.S.	11400-601
41	53	Pa.C.S.	2552	1972-108-39	602	53	P.S.	11400-602
42	53	Pa.C.S.	2553	1972-108-39	603	53	P.S.	11400-603
43	53	Pa.C.S.	2554	1972-108-39	604	53	P.S.	11400-604
44	53	Pa.C.S.	2555	1972-108-39	605	53	P.S.	11400-605
45	53	Pa.C.S.	2901	1972-184-62	101	53	P.S.	1-101
46	53	Pa.C.S.	2902	1972-184-62	102	53	P.S.	1-102
47	53	Pa.C.S.	2911	1972-184-62	201	53	P.S.	1-201
48	53	Pa.C.S.	2912	1972-184-62	202	53	P.S.	1-202
49	53	Pa.C.S.	2913	1972-184-62	203	53	P.S.	1-203
50	53	Pa.C.S.	2914	1972-184-62	204	53	P.S.	1-204
51	53	Pa.C.S.	2915	1972-184-62	204.1	53	P.S.	1-204.1
52	53	Pa.C.S.	2916	1972-184-62	205	53	P.S.	1-205
53	53	Pa.C.S.	2917	1972-184-62	206	53	P.S.	1-206
54	53	Pa.C.S.	2918	1972-184-62	207	53	P.S.	1-207
55	53	Pa.C.S.	2919	1972-184-62	208	53	P.S.	1-208
56	53	Pa.C.S.	2920	1972-184-62	209	53	P.S.	1-209
57	53	Pa.C.S.	2921	1972-184-62	210	53	P.S.	1-210
58	53	Pa.C.S.	2922	1972-184-62	211	53	P.S.	1-211
59	53	Pa.C.S.	2923	1972-184-62	212	53	P.S.	1-212

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1	53	Pa.C.S.	2924	1972-184-62	213	53	P.S.	1-213
2	53	Pa.C.S.	2925	1972-184-62	214	53	P.S.	1-214
3	53	Pa.C.S.	2926	1972-184-62	215	53	P.S.	1-215
4	53	Pa.C.S.	2927	1972-184-62	216	53	P.S.	1-216
5	53	Pa.C.S.	2928	1972-184-62	217	53	P.S.	1-217
6	53	Pa.C.S.	2929	1972-184-62	218	53	P.S.	1-218
7	53	Pa.C.S.	2930	1972-184-62	219	53	P.S.	1-219
8	53	Pa.C.S.	2941	1972-184-62	221	53	P.S.	1-221
9	53	Pa.C.S.	2942	1972-184-62	231	53	P.S.	1-231
10	53	Pa.C.S.	2943	1972-184-62	232	53	P.S.	1-232
11	53	Pa.C.S.	2944	1972-184-62	233	53	P.S.	1-233
12	53	Pa.C.S.	2951	1972-184-62	241	53	P.S.	1-241
13	53	Pa.C.S.	2952	1972-184-62	242	53	P.S.	1-242
14	53	Pa.C.S.	2961	1972-184-62	301	53	P.S.	1-301

15	53	Pa.C.S.	2962	1972-184-62	302	53	P.S.	1-302
16	53	Pa.C.S.	2963	1972-184-62	303	53	P.S.	1-303
17	53	Pa.C.S.	2964	1972-184-62	304	53	P.S.	1-304
18	53	Pa.C.S.	2965	1972-184-62	305	53	P.S.	1-305
19	53	Pa.C.S.	2966	1972-184-62	306	53	P.S.	1-306
20	53	Pa.C.S.	2967	1972-184-62	307	53	P.S.	1-307
21	53	Pa.C.S.	2971	1972-184-62	401	53	P.S.	1-401
22	53	Pa.C.S.	2972	1972-184-62	402	53	P.S.	1-402
23	53	Pa.C.S.	2973	1972-184-62	403	53	P.S.	1-403
24	53	Pa.C.S.	2974	1972-184-62	404	53	P.S.	1-404
25	53	Pa.C.S.	2981	1972-184-62	1302	53	P.S.	1-1302
26	53	Pa.C.S.	2982	1972-184-62	1303	53	P.S.	1-1303
27	53	Pa.C.S.	2983	1972-184-62	1304	53	P.S.	1-1304
28	53	Pa.C.S.	2984	1972-184-62	1305	53	P.S.	1-1305
29	53	Pa.C.S.	3001	1972-184-62	501	53	P.S.	1-501
30	53	Pa.C.S.	3002	1972-184-62	502	53	P.S.	1-502
31	53	Pa.C.S.	3003	1972-184-62	503	53	P.S.	1-503
32	53	Pa.C.S.	3004	1972-184-62	504	53	P.S.	1-504
33	53	Pa.C.S.	3005	1972-184-62	505	53	P.S.	1-505
34	53	Pa.C.S.	3006	1972-184-62	511	53	P.S.	1-511
35	53	Pa.C.S.	3007	1972-184-62	512	53	P.S.	1-512
36	53	Pa.C.S.	3008	1972-184-62	513	53	P.S.	1-513
37	53	Pa.C.S.	3009	1972-184-62	514	53	P.S.	1-514
38	53	Pa.C.S.	3010	1972-184-62	521	53	P.S.	1-521
39	53	Pa.C.S.	3011	1972-184-62	522	53	P.S.	1-522
40	53	Pa.C.S.	3012	1972-184-62	523	53	P.S.	1-523
41	53	Pa.C.S.	3013	1972-184-62	524	53	P.S.	1-524
42	53	Pa.C.S.	3014	1972-184-62	525	53	P.S.	1-525
43	53	Pa.C.S.	3015	1972-184-62	531	53	P.S.	1-531
44	53	Pa.C.S.	3016	1972-184-62	532	53	P.S.	1-532
45	53	Pa.C.S.	3017	1972-184-62	533	53	P.S.	1-533
46	53	Pa.C.S.	3018	1972-184-62	534	53	P.S.	1-534
47	53	Pa.C.S.	3031	1972-184-62	601	53	P.S.	1-601
48	53	Pa.C.S.	3032	1972-184-62	602	53	P.S.	1-602
49	53	Pa.C.S.	3033	1972-184-62	603	53	P.S.	1-603
50	53	Pa.C.S.	3041	1972-184-62	701	53	P.S.	1-701
51	53	Pa.C.S.	3042	1972-184-62	702	53	P.S.	1-702
52	53	Pa.C.S.	3043	1972-184-62	703	53	P.S.	1-703
53	53	Pa.C.S.	3051	1972-184-62	801	53	P.S.	1-801
54	53	Pa.C.S.	3052	1972-184-62	802	53	P.S.	1-802
55	53	Pa.C.S.	3053	1972-184-62	803	53	P.S.	1-803
56	53	Pa.C.S.	3054	1972-184-62	804	53	P.S.	1-804
57	53	Pa.C.S.	3055	1972-184-62	805	53	P.S.	1-805
58	53	Pa.C.S.	3056	1972-184-62	811	53	P.S.	1-811
59	53	Pa.C.S.	3057	1972-184-62	812	53	P.S.	1-812

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1	53	Pa.C.S.	3058	1972-184-62	813	53	P.S.	1-813
2	53	Pa.C.S.	3059	1972-184-62	821	53	P.S.	1-821
3	53	Pa.C.S.	3060	1972-184-62	822	53	P.S.	1-822
4	53	Pa.C.S.	3061	1972-184-62	823	53	P.S.	1-823
5	53	Pa.C.S.	3062	1972-184-62	824	53	P.S.	1-824
6	53	Pa.C.S.	3063	1972-184-62	825	53	P.S.	1-825
7	53	Pa.C.S.	3064	1972-184-62	826	53	P.S.	1-826
8	53	Pa.C.S.	3071	1972-184-62	901	53	P.S.	1-901
9	53	Pa.C.S.	3072	1972-184-62	902	53	P.S.	1-902
10	53	Pa.C.S.	3073	1972-184-62	911	53	P.S.	1-911
11	53	Pa.C.S.	3074	1972-184-62	912	53	P.S.	1-912
12	53	Pa.C.S.	3075	1972-184-62	913	53	P.S.	1-913
13	53	Pa.C.S.	3076	1972-184-62	914	53	P.S.	1-914



14	53	Pa.C.S.	3077	1972-184-62	921	53	P.S.	1-921
15	53	Pa.C.S.	3078	1972-184-62	922	53	P.S.	1-922
16	53	Pa.C.S.	3079	1972-184-62	941	53	P.S.	1-941
17	53	Pa.C.S.	3080	1972-184-62	942	53	P.S.	1-942
18	53	Pa.C.S.	3091	1972-184-62	1001	53	P.S.	1-1001
19	53	Pa.C.S.	3092	1972-184-62	1002	53	P.S.	1-1002
20	53	Pa.C.S.	3093	1972-184-62	1003	53	P.S.	1-1003
21	53	Pa.C.S.	3094	1972-184-62	1101	53	P.S.	1-1101
22	53	Pa.C.S.	3095	1972-184-62	1102	53	P.S.	1-1102
23	53	Pa.C.S.	3101	1972-184-62	1201	53	P.S.	1-1201
24	53	Pa.C.S.	3102	1972-184-62	1202	53	P.S.	1-1202
25	53	Pa.C.S.	3103	1972-184-62	1203	53	P.S.	1-1203
26	53	Pa.C.S.	3014	1972-184-62	1204	53	P.S.	1-1204
27	53	Pa.C.S.	3111	1972-184-62	1211	53	P.S.	1-1211
28	53	Pa.C.S.	3121	1972-184-62	1221	53	P.S.	1-1221
29	53	Pa.C.S.	3122	1972-184-62	1222	53	P.S.	1-1222
30	53	Pa.C.S.	3131	1972-184-62	1231	53	P.S.	1-1231
31	53	Pa.C.S.	3132	1972-184-62	1232	53	P.S.	1-1232
32	53	Pa.C.S.	3141	1972-184-62	1241	53	P.S.	1-1241
33	53	Pa.C.S.	3142	1972-184-62	1242	53	P.S.	1-1242
34	53	Pa.C.S.	3143	1972-184-62	1243	53	P.S.	1-1243
35	53	Pa.C.S.	3144	1972-184-62	1244	53	P.S.	1-1244
36	53	Pa.C.S.	3145	1972-184-62	1245	53	P.S.	1-1245
37	53	Pa.C.S.	3146	1972-184-62	1246	53	P.S.	1-1246
38	53	Pa.C.S.	3151	1972-184-62	1251	53	P.S.	1-1251
39	53	Pa.C.S.	3152	1972-184-62	1252	53	P.S.	1-1252
40	53	Pa.C.S.	3153	1972-184-62	1253	53	P.S.	1-1253
41	53	Pa.C.S.	3161	1972-184-62	1261	53	P.S.	1-1261
42	53	Pa.C.S.	3162	1972-184-62	1262	53	P.S.	1-1262
43	53	Pa.C.S.	3163	1972-184-62	1263	53	P.S.	1-1263
44	53	Pa.C.S.	3164	1972-184-62	1264	53	P.S.	1-1264
45	53	Pa.C.S.	3165	1972-184-62	1265	53	P.S.	1-1265
46	53	Pa.C.S.	3166	1972-184-62	1266	53	P.S.	1-1266
47	53	Pa.C.S.	3171	1972-184-62	1271	53	P.S.	1-1271
48	53	Pa.C.S.	5401	1967-658-305	1	53	P.S.	1551
49	53	Pa.C.S.	5402	1967-658-305	2	53	P.S.	1552
50	53	Pa.C.S.	5403	1967-658-305	2	53	P.S.	1552
51	53	Pa.C.S.	5404	1967-658-305	2.1	53	P.S.	1552.1
52	53	Pa.C.S.	5405	1967-658-305	3	53	P.S.	1553
53	53	Pa.C.S.	5406	1967-658-305	4	53	P.S.	1554
54	53	Pa.C.S.	8001	1972-781-185	101	53	P.S.	6780-1
55	53	Pa.C.S.	8002	1972-781-185	102	53	P.S.	6780-2
56	53	Pa.C.S.	8003	1972-781-185	103	53	P.S.	6780-3
57	53	Pa.C.S.	8004	1972-781-185	104	53	P.S.	6780-4
58	53	Pa.C.S.	8005	1972-781-185	105	53	P.S.	6780-5
59	53	Pa.C.S.	8006	1972-781-185	106	53	P.S.	6780-6

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1	53	Pa.C.S.	8007	1972-781-185	107	53	P.S.	6780-7
2	53	Pa.C.S.	8008	1972-781-185	108	53	P.S.	6780-8
3	53	Pa.C.S.	8009	1972-781-185	109		None	
4	53	Pa.C.S.	8021	1972-781-185	201	53	P.S.	6780-51
5	53	Pa.C.S.	8022	1972-781-185	202	53	P.S.	6780-52
6	53	Pa.C.S.	8023	1972-781-185	203	53	P.S.	6780-53
7	53	Pa.C.S.	8024	1972-781-185	204	53	P.S.	6780-54
8	53	Pa.C.S.	8025	1972-781-185	205	53	P.S.	6780-55
9	53	Pa.C.S.	8026	1972-781-185	206	53	P.S.	6780-56
10	53	Pa.C.S.	8027	1972-781-185	207	53	P.S.	6780-57
11	53	Pa.C.S.	8028	1972-781-185	208	53	P.S.	6780-58
12	53	Pa.C.S.	8029	1972-781-185	209	53	P.S.	6780-59

13	53	Pa.C.S.	8041	1972-781-185	301	53	P.S.	6780-101
14	53	Pa.C.S.	8042	1972-781-185	302	53	P.S.	6780-102
15	53	Pa.C.S.	8043	1972-781-185	303	53	P.S.	6780-103
16	53	Pa.C.S.	8044	1972-781-185	304	53	P.S.	6780-104
17	53	Pa.C.S.	8045	1972-781-185	305	53	P.S.	6780-105
18	53	Pa.C.S.	8046	1972-781-185	306	53	P.S.	6780-106
19	53	Pa.C.S.	8047	1972-781-185	307	53	P.S.	6780-107
20	53	Pa.C.S.	8048	1972-781-185	308	53	P.S.	6780-108
21	53	Pa.C.S.	8049	1972-781-185	309	53	P.S.	6780-109
22	53	Pa.C.S.	8101	1972-781-185	401	53	P.S.	6780-151
23	53	Pa.C.S.	8102	1972-781-185	402	53	P.S.	6780-152
24	53	Pa.C.S.	8103	1972-781-185	403	53	P.S.	6780-153
25	53	Pa.C.S.	8104	1972-781-185	404	53	P.S.	6780-154
26	53	Pa.C.S.	8105	1972-781-185	405	53	P.S.	6780-155
27	53	Pa.C.S.	8106	1972-781-185	406	53	P.S.	6780-156
28	53	Pa.C.S.	8107	1972-781-185	407	53	P.S.	6780-157
29	53	Pa.C.S.	8108	1972-781-185	408	53	P.S.	6780-158
30	53	Pa.C.S.	8109	1972-781-185	409	53	P.S.	6780-159
31	53	Pa.C.S.	8110	1972-781-185	410	53	P.S.	6780-160
32	53	Pa.C.S.	8111	1972-781-185	411	53	P.S.	6780-161
33	53	Pa.C.S.	8112	1972-781-185	412	53	P.S.	6780-162
34	53	Pa.C.S.	8113	1972-781-185	413	53	P.S.	6780-163
35	53	Pa.C.S.	8114	1972-781-185	414	53	P.S.	6780-164
36	53	Pa.C.S.	8115	1972-781-185	415	53	P.S.	6780-165
37	53	Pa.C.S.	8116	New	None			
38	53	Pa.C.S.	8121	1972-781-185	501	53	P.S.	6780-201
39	53	Pa.C.S.	8122	1972-781-185	502	53	P.S.	6780-202
40	53	Pa.C.S.	8123	1972-781-185	503	53	P.S.	6780-203
41	53	Pa.C.S.	8124	1972-781-185	504	53	P.S.	6780-204
42	53	Pa.C.S.	8125	1972-781-185	505	53	P.S.	6780-205
43	53	Pa.C.S.	8126	1972-781-185	506	53	P.S.	6780-206
44	53	Pa.C.S.	8127	1972-781-185	507	53	P.S.	6780-207
45	53	Pa.C.S.	8128	1972-781-185	508	53	P.S.	6780-208
46	53	Pa.C.S.	8129	1972-781-185	509	53	P.S.	6780-209
47	53	Pa.C.S.	8130	1972-781-185	510	53	P.S.	6780-210
48	53	Pa.C.S.	8141	1972-781-185	601	53	P.S.	6780-251
49	53	Pa.C.S.	8142	1972-781-185	602	53	P.S.	6780-252
50	53	Pa.C.S.	8143	New	None			
51	53	Pa.C.S.	8144	1972-781-185	603	53	P.S.	6780-253
52	53	Pa.C.S.	8145	1972-781-185	604	53	P.S.	6780-254
53	53	Pa.C.S.	8146	1972-781-185	605	53	P.S.	6780-255
54	53	Pa.C.S.	8147	1972-781-185	606	53	P.S.	6780-256
55	53	Pa.C.S.	8148	1972-781-185	607	53	P.S.	6780-257
56	53	Pa.C.S.	8149	1972-781-185	608	53	P.S.	6780-258
57	53	Pa.C.S.	8150	1972-781-185	609	53	P.S.	6780-259
58	53	Pa.C.S.	8161	1972-781-185	701	53	P.S.	6780-301
59	53	Pa.C.S.	8162	1972-781-185	702	53	P.S.	6780-302

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1	53	Pa.C.S.	8163	1972-781-185	703	53	P.S.	6780-303
2	53	Pa.C.S.	8164	1972-781-185	704	53	P.S.	6780-304
3	53	Pa.C.S.	8165	1972-781-185	705	53	P.S.	6780-305
4	53	Pa.C.S.	8166	1972-781-185	706	53	P.S.	6780-306
5	53	Pa.C.S.	8167	1972-781-185	707	53	P.S.	6780-307
6	53	Pa.C.S.	8168	1972-781-185	708	53	P.S.	6780-308
7	53	Pa.C.S.	8169	1972-781-185	709	53	P.S.	6780-309
8	53	Pa.C.S.	8201	1972-781-185	801	53	P.S.	6780-351
9	53	Pa.C.S.	8202	1972-781-185	802	53	P.S.	6780-352
10	53	Pa.C.S.	8203	1972-781-185	803	53	P.S.	6780-353
11	53	Pa.C.S.	8204	1972-781-185	804	53	P.S.	6780-354

12	53 Pa.C.S.	8205	1972-781-185	805	53 P.S.	6780-355
13	53 Pa.C.S.	8206	1972-781-185	806	53 P.S.	6780-356
14	53 Pa.C.S.	8207	1972-781-185	807	53 P.S.	6780-357
15	53 Pa.C.S.	8208	1972-781-185	808	53 P.S.	6780-358
16	53 Pa.C.S.	8209	1972-781-185	809	53 P.S.	6780-359
17	53 Pa.C.S.	8210	1972-781-185	810	53 P.S.	6780-360
18	53 Pa.C.S.	8211	1972-781-185	901	53 P.S.	6780-401
19	53 Pa.C.S.	8221	1972-781-185	1001	53 P.S.	6780-451
20	53 Pa.C.S.	8222	1972-781-185	1002	53 P.S.	6780-452
21	53 Pa.C.S.	8223	1972-781-185	1003	53 P.S.	6780-453
22	53 Pa.C.S.	8224	1972-781-185	1004	53 P.S.	6780-454
23	53 Pa.C.S.	8225	1972-781-185	1005	53 P.S.	6780-455
24	53 Pa.C.S.	8226	1972-781-185	1006	53 P.S.	6780-456
25	53 Pa.C.S.	8227	1972-781-185	1007	53 P.S.	6780-457
26	53 Pa.C.S.	8241	1972-781-185	1101	53 P.S.	6780-501
27	53 Pa.C.S.	8242	1972-781-185	1102	53 P.S.	6780-502
28	53 Pa.C.S.	8243	1972-781-185	1103	53 P.S.	6780-503
29	53 Pa.C.S.	8244	1972-781-185	1104	53 P.S.	6780-504
30	53 Pa.C.S.	8245	1972-781-185	1105	53 P.S.	6780-505
31	53 Pa.C.S.	8246	1972-781-185	1106	53 P.S.	6780-506
32	53 Pa.C.S.	8247	1972-781-185	1107	53 P.S.	6780-507
33	53 Pa.C.S.	8248	1972-781-185	1108	53 P.S.	6780-508
34	53 Pa.C.S.	8249	1972-781-185	1109	53 P.S.	6780-509
35	53 Pa.C.S.	8250	1972-781-185	1110	53 P.S.	6780-510
36	53 Pa.C.S.	8251	1972-781-185	1111	53 P.S.	6780-511
37	53 Pa.C.S.	8261	1972-781-185	1201	53 P.S.	6780-551
38	53 Pa.C.S.	8262	1972-781-185	1202	53 P.S.	6780-552
39	53 Pa.C.S.	8263	1972-781-185	1203	53 P.S.	6780-553
40	53 Pa.C.S.	8264	1972-781-185	1204	53 P.S.	6780-554
41	53 Pa.C.S.	8265	1972-781-185	1205	53 P.S.	6780-555
42	53 Pa.C.S.	8266	1972-781-185	1206	53 P.S.	6780-556
43	53 Pa.C.S.	8271	1972-781-185	1302	53 P.S.	6780-602

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DISPOSITION TABLE

PROPOSED GENERAL LOCAL GOVERNMENT CODE  
 PREPARED BY THE JOINT STATE GOVERNMENT COMMISSION  
 (All citations are to the proposed code except  
 those indicated in the Disposition Table)

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	Repealed Act	Section	Purdon's Citation	Proposed GLGC
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9	1955-1845-611	101	53 P.S. 491	53 Pa.C.S. 2341
10	1955-1845-611	102	53 P.S. 492	53 Pa.C.S. 2342
11	1955-1845-611	201	53 P.S. 493	53 Pa.C.S. 2343
12	1955-1845-611	202	53 P.S. 494	53 Pa.C.S. 2344
13	1955-1845-611	203	53 P.S. 495	53 Pa.C.S. 2345
14	1955-1845-611	204	53 P.S. 496	53 Pa.C.S. 2346
15	1955-1845-611	205	53 P.S. 497	53 Pa.C.S. 2347
16	1955-1845-611	206	53 P.S. 498	53 Pa.C.S. 2348
17	1955-1845-611	207	53 P.S. 499	Omitted
18	1955-1845-611	208	None	Omitted
19	1959-579-188	1	71 P.S. 777.1	53 Pa.C.S. 1122
20	1959-579-188	2	71 P.S. 777.2	53 Pa.C.S. 1123

21	1959-579-188	3	71 P.S. 777.3	53 Pa.C.S. 1124
22	1959-579-188	4	None	Omitted
23	1959-1369-474	1	71 P.S. 779.1	53 Pa.C.S. 1131
24	1959-1369-474	2	71 P.S. 779.2	53 Pa.C.S. 1132
25	1959-1369-474	3	71 P.S. 779.3	53 Pa.C.S. 1133
26	1959-1369-474	4	71 P.S. 779.4	Omitted
27	1959-1369-474	5	71 P.S. 779.5	Omitted
28	1959-1369-474	6	71 P.S. 779.6	53 Pa.C.S. 1134
29	1959-1369-474	7	71 P.S. 779.7	53 Pa.C.S. 1135
30	1959-1369-474	8	71 P.S. 779.8	Omitted
31	1959-1369-474	9	71 P.S. 779.9	53 Pa.C.S. 1136
32	1959-1369-474	10	71 P.S. 779.10	53 Pa.C.S. 1137
33	1959-1369-474	11	71 P.S. 779.11	53 Pa.C.S. 1138
34	1959-1369-474	12	71 P.S. 779.12	Omitted
35	1959-1369-474	13	None	Omitted
36	1967-658-305	1	53 P.S. 1551	53 Pa.C.S. 5401
37	1967-658-305	2	53 P.S. 1552	53 Pa.C.S. 5402
38	1967-658-305	2	53 P.S. 1552	53 Pa.C.S. 5403
39	1967-658-305	2.1	53 P.S. 1552.1	53 Pa.C.S. 5404
40	1967-658-305	3	53 P.S. 1553	53 Pa.C.S. 5405
41	1967-658-305	4	53 P.S. 1554	53 Pa.C.S. 5406
42	1968 (1967) -961-428	1	53 P.S. 9001	53 Pa.C.S. 1381
43	1968 (1967) -961-428	2	53 P.S. 9002	53 Pa.C.S. 1382
44	1968 (1967) -961-428	3	53 P.S. 9003	53 Pa.C.S. 1383
45	1968 (1967) -961-428	4	53 P.S. 9004	53 Pa.C.S. 1384
46	1968 (1967) -961-428	5	53 P.S. 9005	53 Pa.C.S. 1385
47	1968 (1967) -961-428	6	53 P.S. 9006	53 Pa.C.S. 1386
48	1968 (1967) -961-428	7	53 P.S. 9007	53 Pa.C.S. 1387
49	1968 (1967) -961-428	8	53 P.S. 9008	53 Pa.C.S. 1388
50	1968 (1967) -961-428	9	53 P.S. 9009	53 Pa.C.S. 1389
51	1968 (1967) -961-428	10	53 P.S. 9010	Omitted
52	1972-108-39	101	53 P.S. 11400-101	53 Pa.C.S. 2501
53	1972-108-39	102	53 P.S. 11400-102	53 Pa.C.S. 2502
54	1972-108-39	103	53 P.S. 11400-103	Omitted
55	1972-108-39	201	53 P.S. 11400-201	53 Pa.C.S. 2511
56	1972-108-39	202	53 P.S. 11400-202	53 Pa.C.S. 2512
57	1972-108-39	203	53 P.S. 11400-203	53 Pa.C.S. 2513
58	1972-108-39	204	53 P.S. 11400-204	53 Pa.C.S. 2514
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1	1972-108-39	205	53 P.S. 11400-205	53 Pa.C.S. 2515
2	1972-108-39	301	53 P.S. 11400-301	53 Pa.C.S. 2521
3	1972-108-39	302	53 P.S. 11400-302	53 Pa.C.S. 2522
4	1972-108-39	303	53 P.S. 11400-303	53 Pa.C.S. 2523
5	1972-108-39	401	53 P.S. 11400-401	53 Pa.C.S. 2531
6	1972-108-39	402	53 P.S. 11400-402	53 Pa.C.S. 2532
7	1972-108-39	403	53 P.S. 11400-403	53 Pa.C.S. 2533
8	1972-108-39	404	53 P.S. 11400-404	53 Pa.C.S. 2534
9	1972-108-39	405	53 P.S. 11400-405	53 Pa.C.S. 2535
10	1972-108-39	406	53 P.S. 11400-406	53 Pa.C.S. 2536
11	1972-108-39	501	53 P.S. 11400-501	53 Pa.C.S. 2541
12	1972-108-39	502	53 P.S. 11400-502	53 Pa.C.S. 2542
13	1972-108-39	503	53 P.S. 11400-503	53 Pa.C.S. 2543
14	1972-108-39	601	53 P.S. 11400-601	53 Pa.C.S. 2551
15	1972-108-39	602	53 P.S. 11400-602	53 Pa.C.S. 2552
16	1972-108-39	603	53 P.S. 11400-603	53 Pa.C.S. 2553
17	1972-108-39	604	53 P.S. 11400-604	53 Pa.C.S. 2554
18	1972-108-39	605	53 P.S. 11400-605	53 Pa.C.S. 2555
19	1972-108-39	701	53 P.S. 11400-701	Omitted
20	1972-184-62	101	53 P.S. 1-101	53 Pa.C.S. 2901

21	1972-184-62	102	53 P.S. 1-102	53 Pa.C.S. 2902
22	1972-184-62	201	53 P.S. 1-201	53 Pa.C.S. 2911
23	1972-184-62	202	53 P.S. 1-202	53 Pa.C.S. 2912
24	1972-184-62	203	53 P.S. 1-203	53 Pa.C.S. 2913
25	1972-184-62	204	53 P.S. 1-204	53 Pa.C.S. 2914
26	1972-184-62	204.1	53 P.S. 1-204.1	53 Pa.C.S. 2915
27	1972-184-62	205	53 P.S. 1-205	53 Pa.C.S. 2916
28	1972-184-62	206	53 P.S. 1-206	53 Pa.C.S. 2917
29	1972-184-62	207	53 P.S. 1-207	53 Pa.C.S. 2918
30	1972-184-62	208	53 P.S. 1-208	53 Pa.C.S. 2919
31	1972-184-62	209	53 P.S. 1-209	53 Pa.C.S. 2920
32	1972-184-62	210	53 P.S. 1-210	53 Pa.C.S. 2921
33	1972-184-62	211	53 P.S. 1-211	53 Pa.C.S. 2922
34	1972-184-62	212	53 P.S. 1-212	53 Pa.C.S. 2923
35	1972-184-62	213	53 P.S. 1-213	53 Pa.C.S. 2924
36	1972-184-62	214	53 P.S. 1-214	53 Pa.C.S. 2925
37	1972-184-62	215	53 P.S. 1-215	53 Pa.C.S. 2926
38	1972-184-62	216	53 P.S. 1-216	53 Pa.C.S. 2927
39	1972-184-62	217	53 P.S. 1-217	53 Pa.C.S. 2928
40	1972-184-62	218	53 P.S. 1-218	53 Pa.C.S. 2929
41	1972-184-62	219	53 P.S. 1-219	53 Pa.C.S. 2930
42	1972-184-62	221	53 P.S. 1-221	53 Pa.C.S. 2941
43	1972-184-62	231	53 P.S. 1-231	53 Pa.C.S. 2942
44	1972-184-62	232	53 P.S. 1-232	53 Pa.C.S. 2943
45	1972-184-62	233	53 P.S. 1-233	53 Pa.C.S. 2944
46	1972-184-62	241	53 P.S. 1-241	53 Pa.C.S. 2951
47	1972-184-62	242	53 P.S. 1-242	53 Pa.C.S. 2952
48	1972-184-62	301	53 P.S. 1-301	53 Pa.C.S. 2961
49	1972-184-62	302	53 P.S. 1-302	53 Pa.C.S. 2962
50	1972-184-62	303	53 P.S. 1-303	53 Pa.C.S. 2963
51	1972-184-62	304	53 P.S. 1-304	53 Pa.C.S. 2964
52	1972-184-62	305	53 P.S. 1-305	53 Pa.C.S. 2965
53	1972-184-62	306	53 P.S. 1-306	53 Pa.C.S. 2966
54	1972-184-62	307	53 P.S. 1-307	53 Pa.C.S. 2967
55	1972-184-62	401	53 P.S. 1-401	53 Pa.C.S. 2971
56	1972-184-62	402	53 P.S. 1-402	53 Pa.C.S. 2972
57	1972-184-62	403	53 P.S. 1-403	53 Pa.C.S. 2973
58	1972-184-62	404	53 P.S. 1-404	53 Pa.C.S. 2974
59	1972-184-62	501	53 P.S. 1-501	53 Pa.C.S. 3001

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1	1972-184-62	502	53 P.S. 1-502	53 Pa.C.S. 3002
2	1972-184-62	503	53 P.S. 1-503	53 Pa.C.S. 3003
3	1972-184-62	504	53 P.S. 1-504	53 Pa.C.S. 3004
4	1972-184-62	505	53 P.S. 1-505	53 Pa.C.S. 3005
5	1972-184-62	511	53 P.S. 1-511	53 Pa.C.S. 3006
6	1972-184-62	512	53 P.S. 1-512	53 Pa.C.S. 3007
7	1972-184-62	513	53 P.S. 1-513	53 Pa.C.S. 3008
8	1972-184-62	514	53 P.S. 1-514	53 Pa.C.S. 3009
9	1972-184-62	521	53 P.S. 1-521	53 Pa.C.S. 3010
10	1972-184-62	522	53 P.S. 1-522	53 Pa.C.S. 3011
11	1972-184-62	523	53 P.S. 1-523	53 Pa.C.S. 3012
12	1972-184-62	524	53 P.S. 1-524	53 Pa.C.S. 3013
13	1972-184-62	525	53 P.S. 1-525	53 Pa.C.S. 3014
14	1972-184-62	531	53 P.S. 1-531	53 Pa.C.S. 3015
15	1972-184-62	532	53 P.S. 1-532	53 Pa.C.S. 3016
16	1972-184-62	533	53 P.S. 1-533	53 Pa.C.S. 3017
17	1972-184-62	534	53 P.S. 1-534	53 Pa.C.S. 3018
18	1972-184-62	601	53 P.S. 1-601	53 Pa.C.S. 3031
19	1972-184-62	602	53 P.S. 1-602	53 Pa.C.S. 3032

20	1972-184-62	603	53 P.S. 1-603	53 Pa.C.S. 3033
21	1972-184-62	701	53 P.S. 1-701	53 Pa.C.S. 3041
22	1972-184-62	702	53 P.S. 1-702	53 Pa.C.S. 3042
23	1972-184-62	703	53 P.S. 1-703	53 Pa.C.S. 3043
24	1972-184-62	801	53 P.S. 1-801	53 Pa.C.S. 3051
25	1972-184-62	802	53 P.S. 1-802	53 Pa.C.S. 3052
26	1972-184-62	803	53 P.S. 1-803	53 Pa.C.S. 3053
27	1972-184-62	804	53 P.S. 1-804	53 Pa.C.S. 3054
28	1972-184-62	805	53 P.S. 1-805	53 Pa.C.S. 3055
29	1972-184-62	811	53 P.S. 1-811	53 Pa.C.S. 3056
30	1972-184-62	812	53 P.S. 1-812	53 Pa.C.S. 3057
31	1972-184-62	813	53 P.S. 1-813	53 Pa.C.S. 3058
32	1972-184-62	821	53 P.S. 1-821	53 Pa.C.S. 3059
33	1972-184-62	822	53 P.S. 1-822	53 Pa.C.S. 3060
34	1972-184-62	823	53 P.S. 1-823	53 Pa.C.S. 3061
35	1972-184-62	824	53 P.S. 1-824	53 Pa.C.S. 3062
36	1972-184-62	825	53 P.S. 1-825	53 Pa.C.S. 3063
37	1972-184-62	826	53 P.S. 1-826	53 Pa.C.S. 3064
38	1972-184-62	901	53 P.S. 1-901	53 Pa.C.S. 3071
39	1972-184-62	902	53 P.S. 1-902	53 Pa.C.S. 3072
40	1972-184-62	911	53 P.S. 1-911	53 Pa.C.S. 3073
41	1972-184-62	912	53 P.S. 1-912	53 Pa.C.S. 3074
42	1972-184-62	913	53 P.S. 1-913	53 Pa.C.S. 3075
43	1972-184-62	914	53 P.S. 1-914	53 Pa.C.S. 3076
44	1972-184-62	921	53 P.S. 1-921	53 Pa.C.S. 3077
45	1972-184-62	922	53 P.S. 1-922	53 Pa.C.S. 3078
46	1972-184-62	941	53 P.S. 1-941	53 Pa.C.S. 3079
47	1972-184-62	942	53 P.S. 1-942	53 Pa.C.S. 3080
48	1972-184-62	1001	53 P.S. 1-1001	53 Pa.C.S. 3091
49	1972-184-62	1002	53 P.S. 1-1002	53 Pa.C.S. 3092
50	1972-184-62	1003	53 P.S. 1-1003	53 Pa.C.S. 3093
51	1972-184-62	1101	53 P.S. 1-1101	53 Pa.C.S. 3094
52	1972-184-62	1102	53 P.S. 1-1102	53 Pa.C.S. 3095
53	1972-184-62	1201	53 P.S. 1-1201	53 Pa.C.S. 3101
54	1972-184-62	1202	53 P.S. 1-1202	53 Pa.C.S. 3102
55	1972-184-62	1203	53 P.S. 1-1203	53 Pa.C.S. 3103
56	1972-184-62	1204	53 P.S. 1-1204	53 Pa.C.S. 3104
57	1972-184-62	1211	53 P.S. 1-1211	53 Pa.C.S. 3111
58	1972-184-62	1221	53 P.S. 1-1221	53 Pa.C.S. 3121
59	1972-184-62	1222	53 P.S. 1-1222	53 Pa.C.S. 3122

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1	1972-184-62	1231	53 P.S. 1-1231	53 Pa.C.S. 3131
2	1972-184-62	1232	53 P.S. 1-1232	53 Pa.C.S. 3132
3	1972-184-62	1241	53 P.S. 1-1241	53 Pa.C.S. 3141
4	1972-184-62	1242	53 P.S. 1-1242	53 Pa.C.S. 3142
5	1972-184-62	1243	53 P.S. 1-1243	53 Pa.C.S. 3143
6	1972-184-62	1244	53 P.S. 1-1244	53 Pa.C.S. 3144
7	1972-184-62	1245	53 P.S. 1-1245	53 Pa.C.S. 3145
8	1972-184-62	1246	53 P.S. 1-1246	53 Pa.C.S. 3146
9	1972-184-62	1251	53 P.S. 1-1251	53 Pa.C.S. 3151
10	1972-184-62	1252	53 P.S. 1-1252	53 Pa.C.S. 3152
11	1972-184-62	1253	53 P.S. 1-1253	53 Pa.C.S. 3153
12	1972-184-62	1261	53 P.S. 1-1261	53 Pa.C.S. 3161
13	1972-184-62	1262	53 P.S. 1-1262	53 Pa.C.S. 3162
14	1972-184-62	1263	53 P.S. 1-1263	53 Pa.C.S. 3163
15	1972-184-62	1264	53 P.S. 1-1264	53 Pa.C.S. 3164
16	1972-184-62	1265	53 P.S. 1-1265	53 Pa.C.S. 3165
17	1972-184-62	1266	53 P.S. 1-1266	53 Pa.C.S. 3166
18	1972-184-62	1271	53 P.S. 1-1271	53 Pa.C.S. 3171

19	1972-184-62	1301	53 P.S. 1-1301	Omitted
20	1972-184-62	1302	53 P.S. 1-1302	53 Pa.C.S. 2981
21	1972-184-62	1303	53 P.S. 1-1303	53 Pa.C.S. 2982
22	1972-184-62	1304	53 P.S. 1-304	53 Pa.C.S. 2983
23	1972-184-62	1305	53 P.S. 1-305	53 Pa.C.S. 2984
24	1972-184-62	1306	53 P.S. 1-306	Omitted
25	1972-184-62	1307	53 P.S. 1-307	Omitted
26	1972-184-62	1308	53 P.S. 1-308	Omitted
27	1972-184-62	1309	53 P.S. 1-309	Omitted
28	1972-762-180	1	53 P.S. 481	53 Pa.C.S. 2301
29	1972-762-180	2	53 P.S. 482	53 Pa.C.S. 2302
30	1972-762-180	3	53 P.S. 483	53 Pa.C.S. 2303
31	1972-762-180	4	53 P.S. 484	53 Pa.C.S. 2304
32	1972-762-180	5	53 P.S. 485	53 Pa.C.S. 2305
33	1972-762-180	6	53 P.S. 486	53 Pa.C.S. 2306
34	1972-762-180	7	53 P.S. 487	53 Pa.C.S. 2307
35	1972-762-180	7.1	53 P.S. 487.1	53 Pa.C.S. 2308
36	1972-762-180	7.2	53 P.S. 487.2	53 Pa.C.S. 2309
37	1972-762-180	7.3	53 P.S. 487.3	53 Pa.C.S. 2310
38	1972-762-180	7.4	None	53 Pa.C.S. 2311
39	1972-762-180	7.5	None	53 Pa.C.S. 2312
40	1972-762-180	7.6	None	53 Pa.C.S. 2313
41	1972-762-180	8	53 P.S. 488	53 Pa.C.S. 2314
42	1972-762-180	9	53 P.S. 489	53 Pa.C.S. 2315
43	1972-762-180	10	53 P.S. 490	Omitted
44	1972-762-180	11	None	Omitted
45	1972-781-185	101	53 P.S. 6780-1	53 Pa.C.S. 8001
46	1972-781-185	102	53 P.S. 6780-2	53 Pa.C.S. 8002
47	1972-781-185	103	53 P.S. 6780-3	53 Pa.C.S. 8003
48	1972-781-185	104	53 P.S. 6780-4	53 Pa.C.S. 8004
49	1972-781-185	105	53 P.S. 6780-5	53 Pa.C.S. 8005
50	1972-781-185	106	53 P.S. 6780-6	53 Pa.C.S. 8006
51	1972-781-185	107	53 P.S. 6780-7	53 Pa.C.S. 8007
52	1972-781-185	108	53 P.S. 6780-8	53 Pa.C.S. 8008
53	1972-781-185	109	None	53 Pa.C.S. 8009
54	1972-781-185	201	53 P.S. 6780-51	53 Pa.C.S. 8021
55	1972-781-185	202	53 P.S. 6780-52	53 Pa.C.S. 8022
56	1972-781-185	203	53 P.S. 6780-53	53 Pa.C.S. 8023
57	1972-781-185	204	53 P.S. 6780-54	53 Pa.C.S. 8024
58	1972-781-185	205	53 P.S. 6780-55	53 Pa.C.S. 8025
59	1972-781-185	206	53 P.S. 6780-56	53 Pa.C.S. 8026

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1	1972-781-185	207	53 P.S. 6780-57	53 Pa.C.S. 8027
2	1972-781-185	208	53 P.S. 6780-58	53 Pa.C.S. 8028
3	1972-781-185	209	53 P.S. 6780-59	53 Pa.C.S. 8029
4	1972-781-185	301	53 P.S. 6780-101	53 Pa.C.S. 8041
5	1972-781-185	302	53 P.S. 6780-102	53 Pa.C.S. 8042
6	1972-781-185	303	53 P.S. 6780-103	53 Pa.C.S. 8043
7	1972-781-185	304	53 P.S. 6780-104	53 Pa.C.S. 8044
8	1972-781-185	305	53 P.S. 6780-105	53 Pa.C.S. 8045
9	1972-781-185	306	53 P.S. 6780-106	53 Pa.C.S. 8046
10	1972-781-185	307	53 P.S. 6780-107	53 Pa.C.S. 8047
11	1972-781-185	308	53 P.S. 6780-108	53 Pa.C.S. 8048
12	1972-781-185	309	53 P.S. 5780-109	53 Pa.C.S. 8049
13	1972-781-185	401	53 P.S. 6780-151	53 Pa.C.S. 8101
14	1972-781-185	402	53 P.S. 6780-152	53 Pa.C.S. 8102
15	1972-781-185	403	53 P.S. 6780-153	53 Pa.C.S. 8103
16	1972-781-185	404	53 P.S. 6780-154	53 Pa.C.S. 8104
17	1972-781-185	405	53 P.S. 6780-155	53 Pa.C.S. 8105

18	1972-781-185	406	53 P.S.	6780-156	53 Pa.C.S.	8106
19	1972-781-185	407	53 P.S.	6780-157	53 Pa.C.S.	8107
20	1972-781-185	408	53 P.S.	6780-158	53 Pa.C.S.	8108
21	1972-781-185	409	53 P.S.	6780-159	53 Pa.C.S.	8109
22	1972-781-185	410	53 P.S.	6780-160	53 Pa.C.S.	8110
23	1972-781-185	411	53 P.S.	6780-161	53 Pa.C.S.	8111
24	1972-781-185	412	53 P.S.	6780-162	53 Pa.C.S.	8112
25	1972-781-185	413	53 P.S.	6780-163	53 Pa.C.S.	8113
26	1972-781-185	414	53 P.S.	6780-164	53 Pa.C.S.	8114
27	1972-781-185	415	53 P.S.	6780-165	53 Pa.C.S.	8115
28	1972-781-185	501	53 P.S.	6780-201	53 Pa.C.S.	8121
29	1972-781-185	502	53 P.S.	6780-202	53 Pa.C.S.	8122
30	1972-781-185	503	53 P.S.	6780-203	53 Pa.C.S.	8123
31	1972-781-185	504	53 P.S.	6780-204	53 Pa.C.S.	8124
32	1972-781-185	505	53 P.S.	6780-205	53 Pa.C.S.	8125
33	1972-781-185	506	53 P.S.	6780-206	53 Pa.C.S.	8126
34	1972-781-185	507	53 P.S.	6780-207	53 Pa.C.S.	8127
35	1972-781-185	508	53 P.S.	6780-208	53 Pa.C.S.	8128
36	1972-781-185	509	53 P.S.	6780-209	53 Pa.C.S.	8129
37	1972-781-185	510	53 P.S.	6780-210	53 Pa.C.S.	8130
38	1972-781-185	601	53 P.S.	6780-251	53 Pa.C.S.	8141
39	1972-781-185	602	53 P.S.	6780-252	53 Pa.C.S.	8142
40	1972-781-185	603	53 P.S.	6780-253	53 Pa.C.S.	8144
41	1972-781-185	604	53 P.S.	6780-254	53 Pa.C.S.	8145
42	1972-781-185	605	53 P.S.	6780-255	53 Pa.C.S.	8146
43	1972-781-185	606	53 P.S.	6780-256	53 Pa.C.S.	8147
44	1972-781-185	607	53 P.S.	6780-257	53 Pa.C.S.	8148
45	1972-781-185	608	53 P.S.	6780-258	53 Pa.C.S.	8149
46	1972-781-185	609	53 P.S.	6780-259	53 Pa.C.S.	8150
47	1972-781-185	701	53 P.S.	6780-301	53 Pa.C.S.	8161
48	1972-781-185	702	53 P.S.	6780-302	53 Pa.C.S.	8162
49	1972-781-185	703	53 P.S.	6780-303	53 Pa.C.S.	8163
50	1972-781-185	704	53 P.S.	6780-304	53 Pa.C.S.	8164
51	1972-781-185	705	53 P.S.	6780-305	53 Pa.C.S.	8165
52	1972-781-185	706	53 P.S.	6780-306	53 Pa.C.S.	8166
53	1972-781-185	707	53 P.S.	6780-307	53 Pa.C.S.	8167
54	1972-781-185	708	53 P.S.	6780-308	53 Pa.C.S.	8168
55	1972-781-185	709	53 P.S.	6780-309	53 Pa.C.S.	8169
56	1972-781-185	801	53 P.S.	6780-351	53 Pa.C.S.	8201
57	1972-781-185	802	53 P.S.	6780-352	53 Pa.C.S.	8202
58	1972-781-185	803	53 P.S.	6780-353	53 Pa.C.S.	8203
59	1972-781-185	804	53 P.S.	6780-354	53 Pa.C.S.	8204

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1	1972-781-185	805	53 P.S.	6780-355	53 Pa.C.S.	8205
2	1972-781-185	806	53 P.S.	6780-356	53 Pa.C.S.	8206
3	1972-781-185	807	53 P.S.	6780-357	53 Pa.C.S.	8207
4	1972-781-185	808	53 P.S.	6780-358	53 Pa.C.S.	8208
5	1972-781-185	809	53 P.S.	6780-359	53 Pa.C.S.	8209
6	1972-781-185	810	53 P.S.	6780-360	53 Pa.C.S.	8210
7	1972-781-185	901	53 P.S.	6780-401	53 Pa.C.S.	8211
8	1972-781-185	902	53 P.S.	6780-402	Omitted	
9	1972-781-185	1001	53 P.S.	6780-451	53 Pa.C.S.	8221
10	1972-781-185	1002	53 P.S.	6780-452	53 Pa.C.S.	8222
11	1972-781-185	1003	53 P.S.	6780-453	53 Pa.C.S.	8223
12	1972-781-185	1004	53 P.S.	6780-454	53 Pa.C.S.	8224
13	1972-781-185	1005	53 P.S.	6780-455	53 Pa.C.S.	8225
14	1972-781-185	1006	53 P.S.	6780-456	53 Pa.C.S.	8226
15	1972-781-185	1007	53 P.S.	6780-457	53 Pa.C.S.	8227
16	1972-781-185	1101	53 P.S.	6780-501	53 Pa.C.S.	8241



17	1972-781-185	1102	53 P.S. 6780-502	53 Pa.C.S. 8242
18	1972-781-185	1103	53 P.S. 6780-503	53 Pa.C.S. 8243
19	1972-781-185	1104	53 P.S. 6780-504	53 Pa.C.S. 8244
20	1972-781-185	1105	53 P.S. 6780-505	53 Pa.C.S. 8245
21	1972-781-185	1106	53 P.S. 6780-506	53 Pa.C.S. 8246
22	1972-781-185	1107	53 P.S. 6780-507	53 Pa.C.S. 8247
23	1972-781-185	1108	53 P.S. 6780-508	53 Pa.C.S. 8248
24	1972-781-185	1109	53 P.S. 6780-509	53 Pa.C.S. 8249
25	1972-781-185	1110	53 P.S. 6780-510	53 Pa.C.S. 8250
26	1972-781-185	1111	53 P.S. 6780-511	53 Pa.C.S. 8251
27	1972-781-185	1201	53 P.S. 6780-551	53 Pa.C.S. 8261
28	1972-781-185	1202	53 P.S. 6780-552	53 Pa.C.S. 8262
29	1972-781-185	1203	53 P.S. 6780-553	53 Pa.C.S. 8263
30	1972-781-185	1204	53 P.S. 6780-554	53 Pa.C.S. 8264
31	1972-781-185	1205	53 P.S. 6780-555	53 Pa.C.S. 8265
32	1972-781-185	1206	53 P.S. 6780-556	53 Pa.C.S. 8266
33	1972-781-185	1301	53 P.S. 6780-601	Omitted
34	1972-781-185	1302	53 P.S. 6780-602	53 Pa.C.S. 8271
35	1972-781-185	1303	53 P.S. 6780-603	53 Pa.C.S. 8001 (c)
36	1972-781-185	1304	53 P.S. 6780-604	53 Pa.C.S. 8001 (d)
37	1972-781-185	1305	53 P.S. 6780-605	Omitted
38	1972-781-185	1306	53 P.S. 6780-606	Omitted
39	1972-781-185	1307	53 P.S. 6780-607	Omitted
40	1973-425-148	1	53 P.S. 11501	53 Pa.C.S. 2322
41	1973-425-148	2	53 P.S. 11502	53 Pa.C.S. 2323
42	1973-425-148	3	53 P.S. 11503	53 Pa.C.S. 2324
43	1973-425-148	4	53 P.S. 11504	53 Pa.C.S. 2325
44	1973-425-148	5	53 P.S. 11505	53 Pa.C.S. 2326
45	1973-425-148	6	53 P.S. 11506	53 Pa.C.S. 2327
46	1973-425-148	7	53 P.S. 11507	53 Pa.C.S. 2328
47	1973-425-148	8	53 P.S. 11508	53 Pa.C.S. 2329
48	1973-425-148	9	None	Omitted
49	1974-359-120	1	53 P.S. 740	53 Pa.C.S. 2161
50	1974-359-120	2	53 P.S. 741	53 Pa.C.S. 2162
51	1974-359-120	3	53 P.S. 742	Omitted
52	1974-359-120	4	53 P.S. 743	53 Pa.C.S. 2163
53	1974-359-120	5	53 P.S. 744	53 Pa.C.S. 2164
54	1974-359-120	6	53 P.S. 745	Omitted
55	1974-359-120	7	53 P.S. 746	53 Pa.C.S. 2165
56	1974-359-120	8	53 P.S. 747	53 Pa.C.S. 2166
57	1974-359-120	9	53 P.S. 748	53 Pa.C.S. 2167
58	1974-359-120	9.1	53 P.S. 748.1	53 Pa.C.S. 2168
59	1974-359-120	9.2	53 P.S. 748.2	53 Pa.C.S. 2169
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1	1974-359-120	10	53 P.S. 749	53 Pa.C.S. 2170
2	1974-359-120	11	None	Omitted
3	1974-359-120	12	None	Omitted
4	1974-359-120	13	None	Omitted
5	1974-947-312	1	53 P.S. 11601	53 Pa.C.S. 901
6	1974-947-312	2	53 P.S. 11602	53 Pa.C.S. 902
7	1974-947-312	3	53 P.S. 11603	53 Pa.C.S. 903
8	1974-947-312	4	53 P.S. 11604	53 Pa.C.S. 904
9	1974-947-312	5	53 P.S. 11605	53 Pa.C.S. 905
10	1974-947-312	6	53 P.S. 11606	53 Pa.C.S. 906
11	1974-947-312	7	53 P.S. 11607	53 Pa.C.S. 907
12	1974-947-312	8	53 P.S. 11608	53 Pa.C.S. 908
13	1974-947-312	9	53 P.S. 11609	Omitted

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