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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# SENATE BILL

No. **173**

Session of  
1961

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INTRODUCED BY MESSRS. STEVENSON, LANE, MALLERY,  
HAYS AND HALUSKA, FEBRUARY 8, 1961.

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REFERRED TO COMMITTEE ON LOCAL GOVERNMENT,  
FEBRUARY 8, 1961.

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## AN ACT

Amending the act of May 1 1933 (P L 103) entitled "An act concerning townships of the second class and amending revising consolidating and changing the law relating thereto" authorizing the condemnation of land for garbage disposal and land fill operations

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

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EXPLANATION—CAPITAL LETTERS indicate new matter added to bill. Matter stricken through is to be omitted from bill. Underlining indicates new matter added to existing law. [Brackets] indicate matter stricken from existing law.

1 Section 1 Clause VIII of section 702 act of May 1 1933 ( P L 103)  
2 known as "The Second Class Township Code" reenacted and amended  
3 July 10 1947 (P L 1481) amended July 2 1953 (P L 354) and July 1  
4 1955 (P L 249) is amended to read

5 Section 702 Supervisors to Exercise Powers The corporate powers  
6 of townships of the second class shall be exercised by the township  
7 supervisors Where no specific authority is given for the expenditures  
8 incident to the exercise of any power hereinafter conferred or where  
9 no specific fund is designated from which such expenditures shall be  
10 made appropriations for such expenditures shall be made only from  
11 the general township fund In addition to the duties imposed upon  
12 them by section five hundred sixteen hereof they shall have power

13 \* \* \*

14 VIII Ashes Garbage Rubbish and Other Refuse Materials To  
15 regulate or prohibit the dumping or otherwise depositing of ashes  
16 garbage rubbish and other refuse materials within the township To  
17 prohibit accumulations of ashes garbage rubbish and other refuse ma-  
18 terials upon private property including the imposition and collection of  
19 reasonable fees and charges for the collection removal and disposal  
20 thereof They shall also have power to

1 (1) Collect remove and dispose of or to provide by contract or  
2 otherwise for the collection removal and disposal by incineration land  
3 fill or other methods of ashes garbage rubbish and other refuse materials  
4 and to prescribe penalties for the enforcement thereof Any such  
5 contract may be made for a period not exceeding three years This  
6 limitation shall not apply to contracts entered into with any other  
7 political subdivision or with any municipality authority To acquire  
8 either amicably or by exercising the power of eminent domain in the  
9 manner provided in article ten of this act any real property and to  
10 erect maintain improve operate and lease either as lessor or lessee fa-  
11 cilities for incineration land fill or other methods of disposal either  
12 within or without the limits of the township including equipment either  
13 separately or jointly with any other political subdivision or with any  
14 municipality authority in order to provide for the destruction collection  
15 removal and disposal of ashes garbage rubbish and other refuse materials  
16 and to provide for the payment of the cost and expense thereof either  
17 in whole or part out of the funds of the township and to acquire either  
18 amicably or by exercising the power of eminent domain and to maintain  
19 lands and places for the dumping of ashes garbage rubbish and other

1 refuse material to fix alter charge and collect rates and other charges  
2 for the collection removal and disposal of ashes garbage rubbish and  
3 other refuse materials and the costs of including the payment of any  
4 indebtedness incurred for the construction purchase improvement re-  
5 pair maintenance and operation of any facilities therefor and the amount  
6 due under any contract with any other political subdivision or with any  
7 municipality authority furnishing any of such services or facilities To  
8 incur indebtedness and issue bonds for the costs of the construction pur-  
9 chase improvement and repair of any facilities for the collection removal  
10 and disposal of ashes garbage rubbish and other refuse materials in-  
11 cluding equipment to be used in connection therewith To make ap-  
12 propriations to any other political subdivision or any municipality au-  
13 thority out of its general funds or out of any other available funds in-  
14 cluding the proceeds of bonds of the township for the construction  
15 purchase improvement repair maintenance and operation of any facili-  
16 ties for the collection removal and disposal of ashes garbage rubbish  
17 and other refuse materials In the event that any such bonds were issued  
18 for such purposes pursuant to a vote of the electors any appropriation  
19 of such proceeds as above set forth shall not be deemed such a change  
20 of purpose from that for which such bonds were issued as shall require

1 the question to be again submitted to a vote of the electors under any  
2 existing law. Any such funds appropriated as herein authorized which  
3 represent the proceeds of any bonds heretofore or hereafter issued by  
4 the township for the above purposes shall be used by such other political  
5 subdivision or municipality authority for or toward the purpose or  
6 purposes for which such bonds were issued. In the absence of such  
7 collection removal and disposal plan for the entire township the super-  
8 visors shall

9 (2) on petition of a majority of the adult taxable residents of any  
10 territory within the township which has been definitely defined set apart  
11 and limited by the township supervisors with the approval of the town-  
12 ship auditors as a village prior to the filing of any such petition either  
13 with township employes and facilities or with independent contractors  
14 provide for the removal from the village of ashes or garbage or other  
15 refuse material as the case may be and for the disposal thereof. The  
16 Supervisors shall levy a per capita assessment upon all adult residents  
17 of any such village sufficient to defray the cost of such removal and  
18 disposal. Such assessment shall be collected in the same manner as per

- 1 capita taxes and the collector shall receive the same commission thereon
- 2 The treasurer of the board of supervisors shall receive all such assess-
- 3 ments collected and keep the same in a separate account and pay the
- 4 same out only upon orders signed by the chairman and attested by the
- 5 secretary of the board of supervisors The treasurer shall make an
- 6 annual report of the account to the auditors of the township
- 7 \* \* \*

We certify that this bill has passed the Senate and the House of Representatives.

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Chief Clerk, Senate

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President pro tempore, Senate

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Speaker, House of Representatives

Approved The ..... day of ..... A. D. 1961.

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Governor