
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. **548** Session of
1961

INTRODUCED BY MR. BELL, APRIL 24, 1961.

REFERRED TO COMMITTEE ON JUDICIARY GENERAL,
APRIL 24, 1961.

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" providing that appeals to the court of common pleas from the board of adjustment shall be de novo

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

- 1 Section 1 Subsections (i) and (k) of section 2007 act of May 1 1933
- 2 (P L 103) known as "The Second Class Township Code" reenacted and

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 amended July 10 1947 (P L 1481) and amended August 25 1959 (P L
2 753) are amended to read

3 Section 2007 Board of Adjustment * * *

4 (i) Any person aggrieved by any decision of the board of adjustment
5 or any taxpayer or the board of supervisors may within thirty days after
6 such decision of the board appeal to the court of common pleas of the
7 county by petition duly verified setting forth that such decision is
8 arbitrary capricious an abuse of discretion or otherwise not in accordance
9 with law and specifying the grounds upon which he relies [Upon pre-
10 sentation of the petition in proper form the court shall forthwith issue
11 a writ of certiorari directed to the board of adjustment commanding it
12 within twenty days after the service thereof to certify to the court under
13 the certificate of its chairman its entire record in the matter in which the
14 appeal has been taken The prothonotary shall serve the board of adjust-
15 ment by registered mail with a copy of the writ and a copy of the appeal
16 petition On or before the return day of the writ the board of adjust-
17 ment shall file the entire record with the writ in the office of the pro-
18 thonotary]

19 * * *

1 (k) [If upon the hearing of the appeal it shall appear to the court
 2 that testimony is necessary for the proper disposition of the appeal it
 3 may take evidence or appoint a referee to take such evidence as it may
 4 direct and report the same to the court with his findings of fact and
 5 conclusions of law] The court shall hear the appeal de novo as to the
 6 facts and as to the law The court may reverse or affirm in whole or in
 7 part or may modify the decision appealed as to it may appear just and
 8 proper

9 * * *

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