

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. **401** Session of  
1961

MESSRS. STEVENSON, MALLERY, HALUSKA, HAYS AND  
LANE, IN PLACE, MARCH 13, 1961.

AS AMENDED ON SECOND READING, MAY 1, 1961.

AN ACT

Amending the act of May 1 1933 (P L 103) entitled "An act concern-  
ing townships of the second class and amending revising con-  
solidating and changing the law relating thereto" authorizing  
increase in the number of meetings for which supervisors may  
be paid without the prior approval of the auditors further pro-  
viding for the attendance of supervisors or employes at road  
meetings and conventions imposing duties on township secre-  
taries changing the time which may be expended by auditors  
in the completion of audits authorizing managers to attend

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.

meetings of county associations of township officers authorizing supervisors to exercise general powers further providing for the parties who may protest a change in zoning and ~~conferring powers and imposing duties on the Pennsylvania Public Utility Commission as to ordinances bylaws rules and regulations adversely affecting utility service to the public outside the township~~ PROVIDING FOR REVIEW OF TOWNSHIP ORDINANCES AND REGULATIONS ADVERSELY AFFECTING PUBLIC UTILITY SERVICE

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

1 Section 1 Section 512 act of May 1 1933 (P L 103) known as  
2 "The Second Class Township Code" reenacted and amended July 10  
3 1947 (P L 1481) and amended June 1 1956 (P L 2021) is amended  
4 to read

5 Section 512 Monthly Meetings Quorum Rent and Expenses The  
6 township supervisors shall meet for the transaction of business at  
7 least once each month at a time and place to be fixed by the board  
8 but they shall not be paid for more than sixteen meetings in any one  
9 year except in any township where on account of the exercise of gov-

1 ernmental functions other than those relating to roads more meetings  
2 are necessary in which case the number of meetings for which the  
3 supervisors may be paid may [with the prior approval of the auditors  
4 of the township] be increased to any number not exceeding twenty-  
5 four in any year in townships having a population of five thousand or  
6 less and in townships having more than five thousand population not  
7 exceeding fifty meetings in any year Two members shall constitute a  
8 quorum Necessary expenses incurred in such meetings including office  
9 rent stationery light and fuel shall be paid out of the general township  
10 fund

11 Section 2 Subsection (h) of section 516 of the act amended May  
12 20 1957 (P L 174) is amended to read

13 Section 516 Duties of Supervisors Township Superintendents and  
14 Roadmasters The township supervisors or the supervisors acting as  
15 superintendents or roadmasters shall

16 \* \* \*

17 (h) Attend road meetings and conventions authorized by the pro-  
18 visions of this act when directed to do so by the board of supervisors  
19 Any supervisor or qualified township employe may if directed by the

1 board of supervisors attend any school conducted in the [county or in  
2 any adjacent county] State by a State or Federal agency

3 \* \* \*

4 Section 3 Section 540 of the act amended July 2 1953 (P L 354)  
5 is amended to read

6 Section 540 Duties and Compensation The secretary in each town-  
7 ship shall be clerk to the board of supervisors He shall keep a record  
8 of the proceedings of said officers in a minute book in which he shall  
9 also record all court orders relative to the laying out opening and  
10 vacating of roads The minute book account book and other financial  
11 records shall be carefully preserved by the secretary and shall be turned  
12 over to his successor in office Miscellaneous records and papers of the  
13 township other than the minute book and account book may be destroyed  
14 with the consent of the supervisors after the lapse of six years from  
15 the date of such records

16 The secretary shall prepare and write the annual tax duplicate  
17 of the township and shall receive such compensation therefor as shall  
18 be fixed by the township supervisors The combined amount paid to  
19 the secretary and treasurer for services exclusive of the compensation  
20 for the preparation of the annual tax duplicate shall not exceed three

1 per centum of the money paid out by the treasurer but it shall not be  
2 less than fifty dollars and the calculation of such maximum compensa-  
3 tion shall not include any percentage upon moneys paid out by the  
4 treasurer for the repayment of loans notes certificates or other evidences  
5 of indebtedness or other borrowed moneys

6 The secretary shall inform all members of the board of super-  
7 visors of all functions and meetings including special meetings of the  
8 board

9 Section 4 Section 547 of the act amended May 20 1957 (P L 174)  
10 is amended to read

11 Section 547 Completion Filing and Publication of Annual Town-  
12 ship Report and Financial Statement The auditors shall complete their  
13 audit settlement and adjustment prior to March first of each year and  
14 in [no case shall] townships having a population of ten thousand  
15 (10,000 or less no more than twenty days shall be expended on such  
16 audit In townships having a population in excess of ten thousand  
17 (10,000) no more than forty days shall be expended on such audit

18 On or before March first of each year the auditors shall make a  
19 report as hereinafter provided of the affairs of the township executed  
20 copies of which report shall be forthwith filed by the secretary of

1 the auditors with the secretary of the township the clerk of the court  
2 of quarter sessions of the county the Department of Internal Affairs  
3 and the Department of Highways Each copy of such report shall be  
4 signed by at least a majority of the auditors and duly verified by the  
5 oath of the secretary of the auditors Any secretary of auditors refusing  
6 or wilfully neglecting to file such township report as hereinbefore pro-  
7 vided or to publish the financial statement herein required shall upon  
8 conviction thereof in a summary proceeding be sentenced to pay a fine  
9 of five dollars for each day's delay beyond the last day for filing such  
10 report and costs or in default of the payment of such fine and costs be  
11 sentenced to imprisonment not exceeding ten days

12 The township report shall be presented on a uniform form pre-  
13 pared and furnished as hereinafter provided

14 The township report shall contain the names and addresses of  
15 the chairman members and secretary-treasurer of the board of super-  
16 visors of the township a statement of the receipts of the township from  
17 all sources and of all accounts and revenue which may be due and  
18 uncollected at the close of the fiscal year a statement of the disburse-  
19 ments of the township during the fiscal year for the construction re-

1 construction maintenance and repair of the roads for the purchase and  
2 repair of road equipment and machinery the number of miles of road  
3 opened built and permanently improved and the total number of miles  
4 of road in the township a statement of the balance in the township  
5 treasury at the beginning of the fiscal year a statement of the re-  
6 sources and liabilities of the township at the end of the fiscal year  
7 a detailed statement of the indebtedness of the township at the close  
8 of the fiscal year the provisions made for the payment thereof together  
9 with the purposes for which it was incurred a statement of the cost  
10 of ownership and operation of each and every public service industry  
11 owned maintained or operated by the township and such more specific  
12 information as may be required as hereinafter provided

13       On or before March tenth of each year the auditors shall publish  
14 by advertisement once in at least one newspaper of general circulation  
15 published in the township or if no such newspaper is published in the  
16 township then in such a newspaper circulating in the township a con-  
17 cise financial statement setting forth the balance in the treasury at the  
18 beginning of the fiscal year all revenues received during the fiscal year  
19 by major classifications all expenditures made during the fiscal year  
20 by major functions and the current resources and liabilities of the

1 township at the end of the fiscal year the gross liability and net debt  
2 of the township the amount of the assessed valuation of the township  
3 the assets of the township with the character and value thereof the  
4 date of the last maturity of the respective forms of funded debt and  
5 the assets in the sinking fund Such publication shall be deemed com-  
6 pliance with the provisions of the Municipal Borrowing Law which  
7 requires the corporate authorities of townships to publish an annual  
8 statement of indebtedness

9 If any township has a population of less than two hundred as  
10 shown by the last preceding decennial census of the United States the  
11 auditors may post five copies of the above financial statement in public  
12 places in the township in lieu of publication in a newspaper

13 Section 5 Section 602 of the act amended July 2 1959 (P L 504)  
14 is amended to read

15 Section 602 Who to Attend Compensation and Milcage The super-  
16 visors of townships auditors assessors tax collectors managers solicitors  
17 engineers and the secretary of the board of township supervisors when  
18 not a member of the board shall attend such conventions whenever pos-  
19 sible Each township supervisor auditor assessor tax collector manager

1 solicitor engineer and secretary attending such convention shall receive  
2 a certificate signed by the presiding officer and acting secretary of the  
3 convention attesting his presence at the convention Such certificate  
4 shall entitle him to collect from the township treasurer the sum of ten  
5 dollars per day for each day's attendance and mileage at the rate of  
6 eight cents per mile traveled to be computed by the route usually  
7 traveled from his place of residence to the place where the convention  
8 is held No township supervisor auditor assessor tax collector manager  
9 solicitor engineer or secretary shall be paid for more than one day's  
10 attendance in any one year

11 Section 6 Section 702 of the act is amended by adding at the end  
12 thereof a new clause to read

13 Section 702 Supervisors to Exercise Powers The corporate powers  
14 of townships of the second class shall be exercised by the township  
15 supervisors Where no specific authority is given for the expenditures  
16 incident to the exercise of any power hereinafter conferred or where  
17 no specific fund is designated from which such expenditures shall be  
18 made appropriations for such expenditures shall be made only from

1 the general township fund In addition to the duties imposed upon them  
2 by section 516 hereof they shall have power

3 \* \* \*

4 LXI General Powers To make and adopt all such ordinances by-  
5 laws rules and regulations not inconsistent with or restrained by the  
6 Constitution and laws of this Commonwealth as may be deemed ex-  
7 pedient or necessary for the proper management care and control of  
8 the township and its finances and the maintenance of peace good gov-  
9 ernment and welfare of the township and its trade commerce and  
10 manufactures

11 Section 7 Section 2005 of the act amended May 20 1949 (P L  
12 1562) is amended to read

13 Section 2005 Changes Such regulations restrictions and boundar-  
14 ies may from time to time be amended supplemented changed modi-  
15 fied or repealed In case however of a protest against such change signed  
16 by the owners of twenty percent or more either of the area of the  
17 lots included in such proposed change or of those immediately adjacent  
18 in the rear or in the front or to either side thereof extending one  
19 hundred feet from the street frontage of such opposite lots such

1 amendment shall not become effective except by the favorable vote of  
2 a majority of the supervisors

3 Section 8 The act is amended by adding after section 2106 a new  
4 section to read

5 Section 2107 Ordinances Affecting Public Utility Service The Penn-  
6 sylvania Public Utility Commission upon its own motion or upon com-  
7 plaint of any person and after public hearing shall have power and  
8 duty to order the modification or annulment of any township ordinance  
9 bylaw rule or regulation which adversely affects the quality quantity or  
10 cost of service to consumers of public utility service outside the town-  
11 ship Appeal from any such order may be taken in the same manner  
12 as is prescribed by the act of May 28 1937 (P L 1053) known as the  
13 "Public Utility Law" for appeals from other orders of the Commission

14 NOTHING CONTAINED IN THIS ACT SHALL BE CONSTRUED  
15 TO REPEAL OR SUPERSEDE ANY OF THE PROVISIONS OF  
16 THE PUBLIC UTILITY LAW

17 Section 9 This act shall take effect immediately

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

.....  
Chief Clerk, Senate

.....  
President pro tempore, Senate

.....  
Speaker, House of Representatives

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

.....  
Governor