

HOUSE REPRINT

Printer's No.—1196

Previous Printer's Nos. 432, 596, 658, 1187

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 THIRD READING, IN HOUSE OF
REPRESENTATIVES, AUGUST 14, 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-

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

taries changing the time which may be expended by auditors in the completion of audits authorizing managers to attend 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 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-
10 ernmental functions other than those relating to roads more meetings
11 are necessary in which case the number of meetings for which the

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

9 Section 2 Subsection (h) of section 516 of the act amended May
10 20 1957 (P L. 174) is amended to read

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

14 * * *

15 (h) Attend road meetings and conventions authorized by the pro-
16 visions of this act when directed to do so by the board of supervisors
17 Any supervisor or qualified township employe may if directed by the
18 board of supervisors attend any school conducted in the [county or in
19 any adjacent county] State by a State or Federal agency

20 * * *

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

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

13 The secretary shall prepare and write the annual tax duplicate
14 of the township and shall receive such compensation therefor as shall
15 be fixed by the township supervisors The combined amount paid to
16 the secretary and treasurer for services exclusive of the compensation
17 for the preparation of the annual tax duplicate shall not exceed three
18 per centum of the money paid out by the treasurer but it shall not be
19 less than fifty dollars and the calculation of such maximum compensa-

1 tion shall not include any percentage upon moneys paid out by the
2 treasurer for the repayment of loans notes certificates or other evidences
3 of indebtedness or other borrowed moneys

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

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

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

16 On or before March first of each year the auditors shall make a
17 report as hereinafter provided of the affairs of the township executed
18 copies of which report shall be forthwith filed by the secretary of
19 the auditors with the secretary of the township the clerk of the court
20 of quarter sessions of the county the Department of Internal Affairs

1196—Printer's No. " "

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

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

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

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

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

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

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

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

13 Section 602 Who to Attend Compensation and Mileage The super-
14 visors of townships auditors assessors tax collectors managers solicitors
15 engineers and the secretary of the board of township supervisors when
16 not a member of the board shall attend such conventions whenever pos-
17 sible Each township supervisor auditor assessor tax collector manager
18 solicitor engineer and secretary attending such convention shall receive
19 a certificate signed by the presiding officer and acting secretary of the
20 convention attesting his presence at the convention Such certificate

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

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

10 Section 702 Supervisors to Exercise Powers The corporate powers
11 of townships of the second class shall be exercised by the township
12 supervisors Where no specific authority is given for the expenditures
13 incident to the exercise of any power hereinafter conferred or where
14 no specific fund is designated from which such expenditures shall be
15 made appropriations for such expenditures shall be made only from
16 the general township fund In addition to the duties imposed upon them
17 by section 516 hereof they shall have power

18 * * *

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

8 Section 7 6 Section 2005 of the act amended May 20 1949 (P L.
9 1562) is amended to read

10 Section 2005 Changes Such regulations restrictions and boundar-
11 ies may from time to time be amended supplemented changed modi-
12 fied or repealed In case however of a protest against such change signed
13 by the owners of twenty percent or more either of the area of the
14 lots included in such proposed change or of those immediately adjacent
15 in the rear or in the front or to either side thereof extending one
16 hundred feet from the street frontage of such opposite lots such
17 amendment shall not become effective except by the favorable vote of
18 a majority of the supervisors

19 Section 8 7 The act is amended by ¹⁵⁰ adding after section 2106 a new
20 section to read

- 1 Section 2107 Ordinances Affecting Public Utility Service The Penn-
2 sylvania Public Utility Commission upon its own motion or upon com-
3 plaint of any person and after public hearing shall have power and
4 duty to order the modification or annulment of any township ordinance
5 bylaw rule or regulation which adversely affects the quality quantity or
6 cost of service to consumers of public utility service outside the town-
7 ship Appeal from any such order may be taken in the same manner
8 as is prescribed by the act of May 28 1937 (P L 1053) known as the
9 "Public Utility Law" for appeals from other orders of the Commission
10 Nothing contained in this act shall be construed to repeal or supersede
11 any of the provisions of the Public Utility Law
12 Section 9 8 7 This act shall take effect immediately

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.

.....
Governor