

No. 603

AN ACT

SB 1251

Amending the act of May 4, 1927 (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," transferring certain powers and duties from the Department of Internal Affairs to the Department of Community Affairs and transferring records, appropriations and equipment relative thereto.

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

Section 1. Section 210, act of May 4, 1927 (P. L. 519), known as "The Borough Code," reenacted and amended July 10, 1947 (P. L. 1621), is amended to read:

Section 210. Certificates of Clerk of Court; Fees; Penalty.—When a borough is created, the clerk of the court of quarter sessions in each county within thirty days shall certify to the Department of Highways and to the [Secretary of Internal] Department of Community Affairs a copy of the decree of court incorporating such borough. For such services the clerk shall be allowed a fee of three dollars and fifty cents (\$3.50) to be paid as part of the costs of the proceeding.

Any clerk of the court who shall fail, neglect or refuse to furnish such certifications or either of them, as herein provided, shall upon conviction, in a summary proceeding be sentenced to pay a fine of not more than fifty dollars.

Section 2. Subsection (a) of section 428 of the act, added August 11, 1959 (P. L. 692), is amended to read:

Section 428. Annexation by Ordinance; Procedure.—(a) Any borough which, on the effective date of this act, owns territory in a township, which territory is contiguous to the borough, may annex such territory by ordinance, such ordinance to set forth a description ¹ of the territory to be annexed and the courses and distances of the boundaries of the territory. A copy of such ordinance shall be certified to the Department of [Internal] Community Affairs. * * *

Section 3. Subsection (e) of section 1035 of the act, amended September 8, 1959 (P. L. 810), is amended to read:

Section 1035. Auditors to Meet Yearly, and Audit Accounts; Uniform Forms.— * * *

(e) After such report has been prepared and executed by the auditors, it shall be the duty of the auditors to file a copy of the report with the

¹"to" in original.

secretary of the borough and to file a copy of the report with the clerk of the court of quarter sessions of the county and the Department of [Internal] Community Affairs. Such reports shall be filed by the auditors of the borough not later ¹ than the fifteenth day of April. Any auditors of the borough refusing or wilfully neglecting to file such report shall upon conviction in a summary proceeding, be sentenced to pay a fine of five dollars for each day's delay beyond the last day for filing such report and costs, but the total fine which may be imposed and collected for any such offense shall not exceed two hundred dollars (\$200). If the failure to file such report within the period specified is due to the failure of the auditors to prepare the statement upon which said report is to be based, said fine shall be imposed upon all of the auditors. The limit of two hundred dollars (\$200) fixed by this amendment as the total amount of the fine which can be imposed and collected for a violation of this subsection shall apply to violations committed prior to this amendment in cases where the fines have not already been paid.

* * *

Section 4. Clause LXI of section 1202 of the act, amended July 31, 1963 (P. L. 387), is amended to read:

Section 1202. Specific Powers.—The powers of the borough shall be vested in the corporate officers. They shall have power: * * *

LXI. Building and Plumbing Codes by Reference.—To enact and enforce suitable ordinances relating to buildings and housing, their construction, alteration, extension, repair, maintenance and all facilities and services in or about such buildings and housing, and for the enforcement thereof, and provide for the enforcement thereof by a reasonable fine, and by instituting appropriate actions or proceedings at law, or in equity, to effect the purposes of this provision and ordinances thereunder. At least one week and not more than three weeks prior to the presentation of the proposed building code ordinance and housing code ordinance to council, an informative notice of intention to consider such proposed ordinance and a brief summary setting forth the principal provisions of the proposed ordinance in such reasonable detail as will give adequate notice of its contents, pursuant to a uniform form which shall be prepared or approved by the Department of [Internal] Community Affairs, and a reference to the place or places within the borough where copies of the proposed building code and housing code may be examined or obtained, shall be published in the manner provided by law for the publication of ordinances.

¹ "then" in original.

To enact suitable ordinances relating to plumbing, in the same manner and to the same effect as herein provided for building codes and housing codes. The building code, housing code and plumbing code may be combined or separately enacted.

The provisions of the ordinance need not be advertised or recorded as in other cases, but may be supplied by reference to a standard building code and to a standard housing code, approved by the Department of [Internal] Community Affairs of the Commonwealth, or to parts thereof, determined by council, or the provisions of the ordinance may be supplied by reference to a typed or printed building code and to a typed or printed housing code, prepared under the direction of or accepted by the borough council, or the provisions may consist of a standard code approved as aforesaid, or parts thereof, and also further provisions typed or printed as aforesaid. Copies of the ordinance thus adopted by reference shall be made available to any interested party at the cost thereof, or may be furnished or loaned without charge, and a copy of such ordinance whether by reference to a standard building code, a standard housing code or to a typed or printed code, or a combination of them, shall be attached to the ordinance book with the same force and effect as if duly recorded therein. The procedure set forth relating to the adoption of the ordinance, by reference, may likewise be adopted in amending, supplementing or repealing any of the provisions of the ordinance.

* * *

Section 5. Sections 1308 and 1311 of the act, added July 10, 1947 (P. L. 1621), are amended to read:

Section 1308. Adoption of Budget; Tax Ordinance.—Upon completion of the budget, containing the estimated receipts and expenditures, and its adoption by motion in council, it shall be the duty of the council to adopt an ordinance levying the tax for the fiscal year for approval of the burgess or passage over his veto.

The fixing or changing of the compensation or bonds of officials may be made by vote of the council or may be embodied in the tax ordinance. Any ordinance relating to the fiscal affairs of the borough may include the tax ordinance aforesaid instead of a separate tax ordinance, and it may include therein any matters requiring the formalities of an ordinance or deemed informative by council.

Copy of the budget together with the tax ordinance shall be filed with the Department of [Internal] Community Affairs by the secretary of the borough, within fifteen days after the adoption of the tax ordinance.

Section 1311. Uniform Budget and Financial Report Forms.—The uniform forms for the annual budget, the annual auditor's report and

the annual financial statement required to be made by the auditors or the controller shall be prepared by a committee consisting of four representatives from the Pennsylvania State Association of Boroughs, and the Secretary of [Internal] Community Affairs, or his agent.

Such representatives of boroughs shall be appointed by the president of the organization. Such representatives shall be chosen from among finance officers or other officers of boroughs who have knowledge of their fiscal procedures. As far as possible, they shall be chosen to represent boroughs in the various population groups. The president of the organization shall supply to the Department of [Internal] Community Affairs the names and addresses of such representatives immediately upon their appointment.

Such representatives shall serve without compensation, but shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the committee. The committee shall meet at the call of the Secretary of [Internal] Community Affairs, or his agent, who shall serve as chairman of the committee.

In preparing such uniform forms, the committee shall give careful consideration to the fiscal needs and procedures of boroughs of the various population groups, producing separate forms if necessary, to the end that such forms shall not be inconsistent with the general administrative practices of boroughs of various types and sizes.

It shall be the duty of the Secretary of [Internal] Community Affairs, or his agent, to see to it that the forms required by this article are prepared in cooperation with such committee. In the event that the committee should for any reason fail to furnish such cooperation, the Secretary of [Internal] Community Affairs, or his agent, shall prepare the forms. After their preparation, he shall issue such forms and distribute them annually, as needed to the proper officers of each borough.

Section 6. All contracts, books, records, materials, statutes, classified data, files, maps, forms and equipment heretofore used by the Department of Internal Affairs in the functions, transferred herewith from the Department of Internal Affairs to the Department of Community Affairs, are hereby transferred to the Department of Community Affairs.

Section 7. This act shall take effect January 17, 1967.

APPROVED—The 2d day of February, A. D. 1966.

WILLIAM W. SCRANTON