

from extending usual and customary credit for liquor or malt or brewed beverages sold to customers or purchasers who live or maintain places of business outside of the Commonwealth of Pennsylvania, when the liquor or malt or brewed beverages so sold are actually transported and delivered to points outside of the Commonwealth: Provided, however, That as to all transactions affecting malt or brewed beverages to be resold or consumed within this Commonwealth, every licensee shall pay and shall require cash deposits on all returnable original containers which contain not more than one hundred twenty-eight fluid ounces, and all such cash deposits shall be refunded upon return of the original containers.

* * *

Section 2. This act shall take effect immediately.

APPROVED—The 9th day of October, A. D. 1967.

RAYMOND P. SHAFER

No. 181
AN ACT

HB 663

Amending the act of February 1, 1966 (P. L. 1656), entitled "An act concerning boroughs, and revising, amending and consolidating the law relating to boroughs," making technical and editorial changes; clarifying provisions relating to indebtedness of annexed territory, change of ward lines and removal of members of the fire force; further providing for the election of councilmen and for the advertisement of certain ordinances; and expressly providing for the disposition of fines, penalties and costs.

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

Section 1. Section 210, the last paragraph of section 213, subsection (a) of section 429, the last paragraph of section 441, the last paragraph of section 601, sections 602 and 811, subsection (a) of section 1008, sections 1009 and 1010, subsection (d) of section 1041, sections 1086 and 1152, the last paragraph of section 1190, subsection (e) of section 1196, clauses (14), (21), (24) and (70) of section 1202 and sections 1310, 1311, and 1314, act of February 1, 1966 (P. L. 1656), known as "The Borough Code," are 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 Affairs] 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 (\$50).

Section 213. Agreement to Adjust Indebtedness Where Borough Created.—* * *

The adjustment and apportionment as made shall be reduced to writing, and shall be duly executed and acknowledged by the secretary or clerk of the township and borough, and shall be filed in the office of the clerk of the court of quarter sessions of the county, and a copy thereof shall also be filed with the Department of [Internal] Community Affairs of the Commonwealth.

Section 429. 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 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 441. Adjustment of Indebtedness and Public Property Where Part of Township Annexed.—* * *

In adjusting property and indebtedness, streets, sewer and utilities shall not be considered except to the extent that current and unpaid indebtedness was incurred for the construction and improvement thereof. In making such adjustment and apportionment, the township shall be entitled a division of the property and indebtedness in proportion that the assessed valuation of the taxable real estate in the annexed portion of the township bears to the assessed valuation of the taxable real estate in the entire township immediately prior to the annexation and the borough shall be entitled to the remainder of such property and indebtedness. Where indebtedness was incurred by the township for an improvement located wholly within the limits of the territory annexed to the borough, such indebtedness shall be assumed by the borough and where any part of such improvement is located [wholly] partly within the limits of such annexed territory, the part of such indebtedness representing the part of the improvement located within such annexed territory shall be assumed by the borough, and the adjustment and apportionment of any remaining debt and public property of the township shall be made as hereinabove provided. Such adjustment and apportionment shall be reduced to writing, and shall be duly executed and acknowledged by the clerk or secretary of the borough and shall be filed with the clerk of the court of quarter sessions of the county or

counties in which the borough and the township are located, and a copy thereof shall also be filed with the Department of [Internal] Community Affairs of the Commonwealth.

Section 601. Power of Court to Erect, Abolish and Change Wards and to Adjust, Alter and Establish Lines.—* * *

If the latest official census of the United States shall disclose that in any borough the population of any ward exceeds by fifty percent or more or is fifty percent or more less than the average population of all the wards of such borough, the court of quarter sessions upon application of the borough council or, in case of failure of the council so to apply, upon petition of any citizen of the borough, shall adjust the boundaries of any or all of the wards in such borough, for the purpose of more nearly equalizing ward populations throughout the said borough. The provisions of sections 602, 603 and 604 of this act shall not apply in cases of ward boundary adjustment as provided for by this paragraph.

Section 602. Signing Petition; Appointment of Commissioners; Report.—The petition referred to in the first paragraph of section 601 of this act shall be presented by the council of the borough pursuant to a resolution of the council, or by at least five percent of the registered electors of the borough, or in case of a proposal affecting only a portion of the borough by at least five percent of the registered electors of the ward or wards which would be affected by such proposal, as the case may be. The court shall thereupon consider and determine the matter and may appoint three impartial persons, none of whom shall be residents or property owners in the borough, as commissioners to inquire into the propriety of granting the prayer in the petition. The commissioners, or any two of them, shall make a report to the court, within sixty days after their appointment and shall accompany it with a plot, showing the boundaries of the proposed wards of the borough, or the wards before and after the proposed change, as the case may be, whenever the same cannot be fully designated by natural lines, and with information on the population and the number of registered electors in the borough and in all wards and proposed new wards with which such report is concerned.

Section 811. Election of Councilmen.—At the municipal election to be held in the year 1967, there shall be elected in each borough a sufficient number of councilmen to equal one-half of the entire number of which such council is legally composed, to serve for a term of four years from the first Monday of January next succeeding, and, where such entire number is seven, nine, or eleven, then sufficient to constitute three, four, or five, as the case may be; the aforesaid councilmen, to be elected in the year 1967, being successors to those elected in the year 1963, whose terms, as heretofore provided by law, expire on the first Monday of January, 1968. All councilmen whose terms expire

on the first Monday of January, 1970 shall continue to hold their office until the first Monday of January, 1970, as now provided, and their successors shall be elected at the municipal election in the year [1967] 1969, to serve for a term of four years, from the first

Monday of January next succeeding. If for any reason councilmen are not elected as hereinabove provided, councilmen whose terms end on the same date shall cast lots to determine who shall serve for a two-year term and who shall serve for a four-year term. The secretary of the borough shall certify the results to the appropriate county board of elections. Biennially thereafter, at the municipal election, a sufficient number of councilmen shall be elected, for a term of four years from the first Monday of January next succeeding, to fill the places of those whose terms, under the provisions of this act, shall expire on the first Monday of January next following such election.

Section 1008. Recording, Advertising and Proof Of Ordinances; Codification of Ordinances.—(a) No ordinance, or resolution of a legislative character, in the nature of an ordinance, shall be considered in force until the same is recorded in the ordinance book of the borough and has been advertised as provided in this article. All ordinances, or resolutions of a legislative character in the nature of an ordinance, may be proved by the certificate of the borough secretary, under the corporate seal, and, when printed or published in book or pamphlet form and purporting to be published by the authority of the borough, shall be read and received as evidence in all courts and places without further proof. All borough ordinances shall, within one month after their enactment, be recorded by the borough secretary in a book provided for that purpose, which shall be at all times open to the inspection of citizens. The entry of the borough ordinance in the ordinance book by the secretary shall be sufficient, without the signature thereto of the president of council, mayor or other person.

Any and all borough ordinances or portions thereof, the text of which, prior to the effective date of this [amendment] act, shall have been attached to the ordinance book, shall be considered in force just as if the ordinances or portions thereof had been recorded directly upon the pages of such ordinance book: Provided, That all other requirements of this act applicable to the enactment, approval, advertising and recording of such ordinances or portions thereof were complied with within the time limits prescribed by this act.

* * *

Section 1009. Typewritten, Printed, Photostated and Microfilmed Records Valid; Recording or Transcribing Records.—All borough records, required to be recorded or transcribed, shall be deemed valid if typewritten, printed, photostated or microfilmed and where recording or transcribing in a specified book of record is required, such records may be recorded or transcribed directly upon the pages of such book of record or such records or copies thereof may be attached

to such book of record by stapling or by glue or by any other adhesive substance or material, and all records heretofore recorded or transcribed in any manner authorized by this section are validated. When any record shall be recorded or transcribed after the effective date of this [amendment] act by attaching such record or a copy thereof to the book of record as hereinabove provided, the borough seal shall be impressed upon each page to which such record is attached, each impression thereof covering both a portion of the attached record and a portion of the page of the book of record to which such record is attached.

Section 1010. Appeals from Ordinances.—Complaint as to the legality of any ordinance or resolution may be made to the court of quarter sessions, upon entering into recognizance with sufficient security to prosecute the same with effect and for the ¹ payment of costs, by any person aggrieved, within thirty days after the enactment of any ordinance or the adoption of any resolution, and the determination and order of the court thereon shall be conclusive. [In case of ordinances pertaining to change of boundaries or territorial limits of any borough, such complaint shall be as provided in section 411 of this act.] In cases of ordinances effecting change of boundaries or territorial limits of any borough or laying out streets over private lands, the court shall have jurisdiction to review the propriety as well as the legality of the ordinance. No such appeal shall act as a supersedeas unless the court shall so order or unless specifically otherwise provided in this or any other applicable act.

Section 1041. Auditors to Meet Yearly, and Audit Accounts; Uniform Forms.—* * *

(d) 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 secretary of the borough, with the clerk of the court of quarter sessions of the county and with the Department of [Internal] Community Affairs. Such reports shall be filed by the auditors of the borough not later than ninety days after the close of the fiscal year. Any auditor refusing or wilfully neglecting to file such report shall, upon conviction in a summary proceeding, be sentenced to pay a fine of five dollars (\$5) 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.

* * *

Section 1086. Powers and Duties of Tax Collector.—The tax collector shall be the collector of all State, county, borough, school, institution district and other taxes, levied within the borough by

¹ "payments" in original.

the authorities empowered to levy taxes, but he shall not collect any tax levied and imposed under the act of [June 25, 1947 (P. L. 1145)] December 31, 1965 (P. L. 1257) unless the ordinance imposing such

tax shall provide that he shall be the collector of the said tax. He shall, in addition to the powers, authority, duties and responsibilities provided for by this act, have all the powers, perform all the duties, and be subject to all the obligations and responsibilities, for the collection of such taxes, as are now vested in, conferred upon, or imposed upon tax collectors by law.

Section 1152. Commission to Receive Copies of Ordinances; Action Thereon.—The borough secretary shall, upon introduction or as soon as practicable thereafter, furnish to the borough planning commission for its consideration a copy of all proposed ordinances and all amendments thereto, relating to the location of any public building of the borough, and to the location, extension, widening, narrowing, enlargement, ornamentation and parking of any street, boulevard, parkway, park, playground, or other public ground, and to the relocation, vacation, curtailment, changes of use, or any other alteration of the borough plan with relation to any of the same, and to the location of any bridge, tunnel and subway, or any surface, underground, or elevated railway. The said commission may, at its discretion return any of such ordinances to the borough secretary [written] within ten days after receipt thereof, with its comments, suggestions and/or criticisms.

Section 1190. Removals.—* * *

If for reasons of economy or other reasons it shall be deemed necessary by any borough to reduce the number of paid employes of the police or fire force, then such borough shall apply the following procedure: (i) if there are any employes eligible for retirement under the terms of any retirement or pension law, then such reduction in ¹numbers shall be made by retirement of such employes, starting with the oldest employe and following in order of age respectively, (ii) if the number of paid employes in the police force or fire force

eligible to retirement is insufficient to effect the necessary reduction in numbers, or if there are no persons eligible for retirement, or if no retirement or pension fund exists, then the reduction shall be effected by furloughing the man or men, including probationers, last appointed to the respective force. Such removal shall be accomplished by furloughing in numerical order commencing with the man last appointed until such reduction shall have been accomplished. In the event the said police force or fire force shall again be increased the employes furloughed shall be reinstated in the order of their seniority in the service.

Section 1196. General Powers and Duties of Independent Auditor.—

¹ "number" in original.

* * *

(e) It shall be the duty of the independent auditor:

(1) To file a copy of the report with the secretary of the borough and the clerk of the court of quarter sessions of the county and the Department of [Internal] Community Affairs not later than the fifteenth day of April, and

(2) To publish within ten days thereafter, by advertisement in at least one newspaper of general circulation [published] in the borough, [or if no such newspaper is published in the borough, then in such a newspaper circulating in the borough,] a concise financial statement setting forth the balance in the treasury at the beginning of the fiscal year, all revenues received during the fiscal year by major classifications, all expenditures made during the fiscal year by major functions, and the current resources and liabilities of the borough at the end of the fiscal year, the gross liability and net debt of the borough, the amount of the assessed valuation of the borough, the assets of the borough with the character and value thereof, the date of the last maturity of the respective forms of funded debt, and the assets in each sinking fund. The independent auditor shall make his report on the uniform form prepared pursuant to article XIII of this act. Such publication shall be deemed compliance with the provisions of the act of June 25, 1941 (P. L. 159), known as the "Municipal Borrowing Law," which requires the corporate authorities of boroughs to publish an annual statement of indebtedness.

* * *

Section 1202. Specific Powers.—The powers of the boroughs shall be vested in the corporate authorities. Among the specific powers of the borough shall be the following, and in the exercise of any of such powers involving the enactment of any ordinance or the making of any regulation, restriction or prohibition, the borough may provide for the enforcement thereof and may prescribe penalties for the violation thereof or for the failure to conform thereto:

* * *

(14) Livestock, fowls and certain other animals. To prohibit and regulate, by ordinance, the running at large of livestock and fowls and any other animals not covered in clause (13) hereof, and to authorize their seizure and detention, prescribing reasonable charges therefor, and to provide for their sale for the benefit of the borough, in default of the redemption thereof by their owners.

* * *

(21) Fire regulations; fire prevention codes by reference. To make regulations, within the borough, or within such limits thereof as may be deemed proper, relative to the cause and management of fires and the prevention thereof. To enact and enforce suitable fire prevention codes, and to provide for the enforcement thereof by a suitable fine, and by instituting appropriate actions or proceedings, at law or in equity, to effect the purposes of this provision and ordinances there-

under. Such fire prevention code shall not be advertised by publication of the full text thereof, and, in place of such complete advertisement, an informative notice of intention to consider such proposed fire prevention code, and a brief summary, setting forth the principal provisions of such proposed fire prevention code in such reasonable detail as will give adequate notice of its contents and a reference to the place or places within the borough where copies of such proposed fire prevention code may be examined or obtained shall be published [in the manner and within the time limit provided by this act for publication of notice of other proposed ordinances.] once in one newspaper of general circulation in the borough at least one week and not more than three weeks prior to the presentation of the proposed fire prevention code to council. No further advertisement or notice need be published following enactment of the fire prevention code.

The fire prevention code may be adopted by reference to a standard fire prevention code, or to parts thereof, determined by council, or the provisions of the code may be supplied by ¹reference to a typed or printed fire prevention code, prepared under the direction of or accepted by the council, or the provisions may consist of a standard code, or parts thereof, and also further provisions typed or printed as aforesaid. Copies of the fire prevention code thus adopted by reference shall be made available to any interested party at the cost thereof, or may be furnished or loaned without charge. Such fire prevention code need not be recorded in or attached to the ordinance book, but it shall be deemed to have been legally recorded if the ordinance by which such fire prevention code was adopted by reference shall have been recorded, with an accompanying notation stating where the full text of the fire prevention code shall have been filed.

* * *

(24) Building, housing and plumbing regulations. To enact and enforce ordinances relating to buildings and housing, their construction, alteration, extension, repair and maintenance and all facilities and services in or about such buildings or housing, to require that, before any work of construction, alteration, extension, or repair of any building is begun, approval of the plans and specifications therefor be secured; to provide for the inspection of such work of construction, alteration, extension and repair, including the appointment of one or more building inspectors and/or housing inspectors; to prescribe limits wherein none but buildings of noncombustible material and fireproof roofs shall be erected, or substantially reconstructed, or moved thereinto; to provide for enforcement of such regulations by a reasonable fine, and by instituting appropriate actions or proceedings at law, or in equity, to effect the purposes of this provision and

¹ "reference" in original.

ordinances enacted thereunder. Any building or housing or part thereof erected, altered, extended, reconstructed or removed, contrary to any of the provisions of any ordinance passed for any of the purposes specified in this clause is declared to be a public nuisance and abatable as such.

Any such ordinance may be adopted by reference to a standard building code or housing code, 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, or housing code, prepared under the direction of or accepted by council, or the provisions may consist of a standard building code or housing code, or parts thereof, and also further provisions typed or printed as ¹ aforesaid. Such building code or housing code shall not be advertised either in advance

of or following enactment, by publication of the full text thereof,

and, in place of such complete advertisement, an informative notice of intention to consider such proposed building code or housing code, and a brief summary, setting forth the principal provisions of such proposed building code or housing code in such reasonable detail as will give adequate notice of its contents and a reference to the place or places within the borough where copies of such proposed building code or housing code may be examined or obtained shall be published [in the manner and within the time limit provided by this act for publication of notice of other proposed ordinances.] once in one news-

paper of general circulation in the borough at least one week and not

more than three weeks prior to the presentation of the proposed

building code or housing code to council. No further advertisement or

notice need be published following enactment of the building code

or housing code. Copies of the building code or housing code thus

adopted by reference shall be made available to any interested party at the cost thereof, or may be furnished or loaned without charge. Such building code or housing code need not be recorded in or attached to the ordinance book, but it shall be deemed to have been legally recorded if the ordinance by which such building code or housing code was adopted by reference shall have been recorded, with an accompanying notation stating where the full text of such building code or housing code shall have been filed. The procedure set forth relating to the adoption of the building code or housing code, by reference, may likewise be adopted in amending, supplementing or repealing any of the provisions of the building code or housing code.

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

¹ "a" in original.

Any housing ordinance previously enacted by a borough which provides for the purposes authorized by this clause is hereby validated.

* * *

(70) Appropriations to tourist promotion agencies. To appropriate annually, such amount of money but not in excess of ten cents (10¢) for each resident of the borough, as determined by the [last] latest official census, which may be deemed necessary, to any "tourist promotion agency," as defined in the act of April 28, 1961 (P. L. 111), known as the "Tourist Promotion Law," to assist such agencies in carrying out tourist promotional activities.

* * *

Section 1310. Adoption of Budget; Tax Ordinance.—Upon completion of the budget, containing the estimated receipts and expenditures, and its adoption by motion in council, which shall not be later than December thirty-first, it shall be the duty of the council to adopt an ordinance levying the taxes referred to in this act for the fiscal year for approval of the mayor or passage over his veto.

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. Amending Budget; Notice.—During the month of January next following any municipal election the council of any borough may amend the budget and the levy and tax rate to conform with its amended budget. A period of ten days' public inspection at the office of the borough secretary of the proposed amended budget after notice by the borough secretary to that effect is published once in a newspaper as provided in section 109 of this act, shall intervene between the proposed amended budget and the adoption thereof. Any amended budget must be adopted by council on or before the fifteenth day of February.

Within fifteen days after the adoption of an amended budget the borough secretary shall file a copy thereof in the office of the Department of [Internal] Community Affairs.

Section 1314. Uniform Budget and Financial Report; Forms.—The uniform forms for the annual budget, the annual auditors' 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 the finance officers or other officers of the borough 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 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 2. The act is amended by adding after section 1502, a new section to read:

Section 1503. Application of the Act of June 22, 1964 (P. L. 84).—
Notwithstanding any of the provisions of this act, all eminent domain proceedings shall conform to the provisions of the act of June 22, 1964 (P. L. 84), known as the "Eminent Domain Code."

Section 3. Sections 1602, 2006, 3103, 3204 and 3301 of the act are amended to read:

Section 1602. Enactment of Land Subdivision Ordinance.—The provisions of the land subdivision ordinance may be adopted by reference to a code or to parts thereof determined by the council, or such provisions of the ordinance may be supplied by reference to a typed or printed code prepared under the direction of or accepted by the council, or such 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 provisions of the ¹ 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. Such land subdivision ordinance shall not be advertised by publication of the full text thereof, and, in place of such complete advertisement, an informative notice of intention to consider such proposed land subdivision ordinance in such reasonable detail as will give adequate

¹ "odrinance" in original.

notice of its contents and a reference to the place or places within the borough where such proposed land subdivision ordinance may be examined or obtained shall be published [in the manner and within the time limit provided by this act for publication of notice of other proposed ordinances.] once in one newspaper of general circulation in the borough at least one week and not more than three weeks prior to the presentation of the proposed land subdivision ordinance to council. No further advertisement or notice need be published following enactment of the land subdivision ordinance. Such land subdivision ordinance need not be recorded in or attached to the ordinance book, but it shall be deemed to have been legally recorded if the ordinance by which the land subdivision ordinance was adopted by reference shall have been recorded, with an accompanying notation stating where the full text of the land subdivision ordinance shall have been filed.

The procedure set forth relating to the adoption of the ordinance may likewise be adopted in amending, supplementing or repealing any of the provisions of the ordinance.

Section 2006. Assessments of Cost.—Whenever any borough shall construct any sanitary sewer and assess the cost thereof by the foot-front rule, the assessment, duly certified under the seal of the borough, attested by the [new] president of council and secretary, shall be collectible from the owner of property benefited, improved or accommodated thereby.

Such certificate of assessment shall be prima facie evidence, in any suit for the recovery of same, of the correctness and validity of such assessment.

The assessment herein referred to shall be computed under the terms of the ordinance, but the individual assessments need not be expressed therein.

Section 3103. Oaths of Members, Secretary and Health ¹ Officer; Organization; Bonds.—The members of the board shall severally take and subscribe to the oath prescribed for borough councilmen together with such loyalty oath as is prescribed and required by law; and shall annually organize by electing a president from among the members of the board, a secretary who may or may not be a member of the board, and a health officer shall receive such salary as may be fixed by the board, and ratified by the borough council, and shall serve for a period until such time as their successors may be elected and qualified. If the borough council shall so require, they shall severally give bond to the borough in such sums as council shall prescribe [For] for the faithful discharge of their duties [they]. They shall take and subscribe to the oaths required of members of the board.

Section 3204. Exercise by Council of Zoning Power; Notice.—The

¹ "Officers" in original.

council shall exercise the powers granted in this article by ordinance which shall provide for effecting of its purposes and for the enforcement of the regulations and restrictions established therein by reasonable fines and by instituting appropriate actions or proceedings at law or in equity.

The provisions of the ordinance may be adopted by reference to a typed or printed code prepared under the direction of, or accepted by, the council. 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. Such zoning ordinance shall not be advertised by publication of the full text thereof, and, in place of such complete advertisement, an informative notice to consider such proposed zoning ordinance in such reasonable detail as will give adequate notice of its contents and a reference to the place or places within the borough where such proposed zoning ordinance may be examined or obtained shall be published [in the manner and within the time limit provided by this act for publication of notice of other proposed ordinances.] once in one newspaper of general circulation in the borough at least one week and not more than three weeks prior to the presentation of the proposed zoning ordinance to council. No further advertisement or notice need be published following enactment of the zoning ordinance. Such zoning ordinance need not be recorded in or attached to the ordinance book, but it shall be deemed to have been legally recorded if the ordinance by which the zoning ordinance was adopted by reference shall have been recorded, with an accompanying notation stating where the full text of the zoning ordinance shall have been filed. The procedure set forth relating to the adoption of the ordinance may likewise be adopted in amending, supplementing or repealing any of the provisions of the ordinance.

Section 3301. Prosecution of Ordinance Violators; Disposition of Fines, Penalties and Costs.—Any violation or failure to comply with any [provisions] provision of any borough ordinance shall constitute a summary offense and prosecution for every such offense shall be according to the practice in the case of summary convictions, before the mayor or any justice of the peace of the borough. All fines, penalties and costs imposed, when collected, shall forthwith be payable to the treasurer of the borough.

Section 4. This act shall take effect immediately.

APPROVED—The 9th day of October, A. D. 1967.

RAYMOND P. SHAFER