

No. 146

AN ACT

HB 367

Amending the act of May 2, 1945 (P.L.382, No.164), entitled "An act providing for the incorporation as bodies corporate and politic of 'Authorities' for municipalities, counties and townships; prescribing the rights, powers and duties of such Authorities heretofore or hereafter incorporated; authorizing such Authorities to acquire, construct, improve, maintain and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and conferring exclusive jurisdiction on certain courts over rates," making rates of certain solid waste authorities optional.

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

Section 1. Clause (h) of subsection B of section 4, act of May 2, 1945 (P.L.382, No.164), known as the "Municipality Authorities Act of 1945," amended October 7, 1955 (P.L.671, No.185) and repealed in part June 3, 1971 (P.L.118, No.6), is amended to read:

Section 4. Purposes and Powers; General.—* * *

B. Every Authority is hereby granted, and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes, including but without limiting the generality of the foregoing, the following rights and powers:

* * *

(h) To fix, alter, charge and collect rates and other charges in the area served by its facilities at reasonable and uniform rates to be determined exclusively by it, for the purpose of providing for the payment of the expenses of the Authority, the construction, improvement, repair, maintenance and operation of its facilities and properties, the payment of the principal of and interest on its obligations, and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations, or with the municipality incorporating or municipalities which are members of said Authority or with any municipality, served or to be served by said Authority, and to determine by itself exclusively the services and improvements required to provide adequate, safe and reasonable service, including extensions thereof, in the areas served: Provided, That if the service area includes more than one municipality, the revenues from any project shall not be expended directly or indirectly on any other project, unless such expenditures are made for the benefit of the entire service area. Any person questioning the reasonableness or

uniformity of any rate fixed by any Authority or the adequacy, safety and reasonableness of the Authority's services, including extensions thereof, may bring suit against the Authority in the court of common pleas of the county wherein the project is located, or if the project is located in more than one county then in the court of common pleas of the county wherein the principal office of the project is located. The court of common pleas shall have exclusive jurisdiction to determine all such questions involving rates or service. ***Except in municipal corporations having a population density of three hundred persons or more per square mile, all owners of real property in eighth class counties may decline, in writing, the services of a solid waste authority.***

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Section 2. The provisions added by this amendatory act shall not apply to those services rendered and for which payment is due.

Section 3. This act shall take effect immediately.

APPROVED—The 16th day of December, A. D. 1975.

MILTON J. SHAPP