

No. 9

AN ACT

SB 796

Amending the act of May 27, 1953 (P.L.249, No.35), entitled "An act providing that the town councils of incorporated towns shall have the right to declare vacant the seats of councilmen or presidents of town councils for failure to qualify and for failure to attend meetings or vote upon questions before the council," providing for the filling of certain vacancies.

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

Section 1. Sections 1 and 2, act of May 27, 1953 (P.L.249, No.35), entitled "An act providing that the town councils of incorporated towns shall have the right to declare vacant the seats of councilmen or presidents of town councils for failure to qualify and for failure to attend meetings or vote upon questions before the council," are amended and a section is added to read:

Section 1. Whenever any person elected or appointed a member or president of the town council of any incorporated town who has been notified of his election or appointment shall *because of death or other reasons* refuse or neglect to qualify as such member or president of such town council within ten days next succeeding the beginning of his term of office, unless prevented by sickness or prevented by necessary absence from the town, the town council acting without such person may declare his office as member or president of the town council vacant and such vacancy shall be filled [in the manner now provided by law] *by the town council, by appointing, by resolution, a registered elector of the town, to hold such office, if the term thereof continues so long, until the first Monday in January after the first municipal election occurring more than sixty days after the vacancy occurs, at which election an eligible person shall be elected to the office for the remainder of the term.* For such actions a majority of the remaining members of the council shall constitute a quorum.

Section 2. Whenever any member of the town council or the president of the town council of any incorporated town shall neglect or refuse to attend two successive regular meetings, unless detained by sickness or prevented by necessary absence from the town; or if a councilman in attendance at any meeting shall neglect or refuse to vote or by his withdrawal from council or otherwise refuse to act in his official capacity as a member of council; or if the president of the town council in attendance at any meeting shall neglect or refuse to cast the deciding vote; the town council acting without such person may declare his office as member of the town council or president of the town council vacant and such vacancy shall be filled [in the manner now provided by law] *by the town council, by*

appointing, by resolution, a registered elector of the town, to hold such office, if the term thereof continues so long, until the first Monday in January after the first municipal election occurring more than sixty days after the vacancy occurs, at which election an eligible person shall be elected to the office for the remainder of the term. For such actions a majority of the remaining members of the town council shall constitute a quorum.

Section 2.1. If the council of any incorporated town shall refuse, fail or neglect, or be unable, for any reason whatsoever, to fill any vacancy within thirty days after the vacancy happens, as provided in this act, then the court of common pleas shall, upon petition of the town council or five citizens of the town, fill the vacancy in such office, by the appointment of a qualified elector of the town to hold such office, if the term thereof continues so long, until the first Monday in January after the first municipal election occurring more than sixty days after the vacancy occurs, at which election an eligible person shall be elected to the office for the remainder of the term.

APPROVED—The 11th day of February, A. D. 1976.

MILTON J. SHAPP