

No. 1980-100

AN ACT

SB 623

Amending the act of February 1, 1966 (1965 P.L.1656, No.581), entitled "An act concerning boroughs, and revising, amending and consolidating the law relating to boroughs," providing for the powers of the mayor.

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

Section 1. Section 1028, act of February 1, 1966 (1965 P.L.1656, No.581), known as "The Borough Code," is amended to read:

Section 1028. General Powers of Mayor.—(a) The mayor shall have power:

(1) To administer oaths and affirmations in matters pertaining to borough affairs.

(b) In addition to the power granted to mayors by Part V of Title 35 of the Pennsylvania Consolidated Statutes (relating to emergency management services) and in order to enable him effectually to preserve the public peace within the borough, all the powers which are devolved by the laws of this Commonwealth upon sheriffs, to prevent and suppress mobs, riots and unlawful and tumultuous assemblies, are hereby conferred upon the mayor. When the mayor considers that a state of emergency exists, he may issue his proclamation, which shall be in writing and the contents of which shall be made available to all news media, declaring a state of emergency for a period not to exceed seven days, unless sooner rescinded, modified or ratified or extended by resolution of council. In his proclamation he may prohibit, for all or any part of the borough:

(1) Any person being on the public streets or in the public parks or at any other public place during the hours declared by him to be a period of curfew.

(2) The entry or departure of persons into or from any restricted area.

(3) The sale, purchase or dispensing of any commodities or goods, as designated by him.

(4) The transportation, possession or use of gasoline, kerosene or other combustible, flammable or explosive liquids or materials, except in connection with the normal operation of motor vehicles, normal home use or legitimate commercial use.

(5) Any other such activities as he reasonably believes should be prohibited to help preserve life, health, property or the public peace.

The proclamation shall describe any restrictive area with particularity and shall specify the hours during such restrictions are to be in effect.

Any person violating such proclamation of emergency shall be guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine not to exceed three hundred dollars (\$300) and costs or to undergo imprisonment not to exceed thirty days.

Section 2. This act shall take effect immediately.

APPROVED—The 10th day of July, A. D. 1980.

DICK THORNBURGH