

No. 2002-196

AN ACT

HB 2971

Amending the act of May 17, 1949 (P.L.1406, No.419), entitled "An act providing for the payment of salaries to the president and members of the town council of incorporated towns, at the discretion of the town council, and for the collection and docketing of costs and fees by the president of town council acting as justice of the peace," further limiting salaries of president and members of town council; and making editorial changes.

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

Section 1. The title and section 1 of the act of May 17, 1949 (P.L.1406, No.419), entitled "An act providing for the payment of salaries to the president and members of the town council of incorporated towns, at the discretion of the town council, and for the collection and docketing of costs and fees by the president of town council acting as justice of the peace," are amended to read:

AN ACT

Providing for the payment of salaries to the [president] *mayor* and members of the town council of incorporated towns, at the discretion of the town council, and for the collection and docketing of costs and fees by the [president of town council] *mayor of the town* acting as justice of the peace.

Section 1. Salary of [President of Town Council] *Mayor of Town* Fixed by Ordinance.—The salary of the [president of the town council] *mayor of the town* of incorporated towns may be fixed by ordinance to be paid from the town treasury in monthly or semi-monthly installments on warrants authorized by the council. The salary or compensation of a [president of a town council] *mayor of a town* shall not be increased or decreased oftener than once in two years.

Section 2. Section 2 of the act, amended November 2, 1973 (P.L.327, No.107), is amended to read:

Section 2. Salary of [President of Town Council] *Mayor of Town* Limited.—The salary of a [president of a town council] *mayor of a town* shall not exceed per annum [two hundred dollars (\$200) per thousand for the first ten thousand (10,000) population or fraction thereof, the population to be determined by the last United States decennial census or by two and one-half (2 1/2) times the number of registered voters in the town, as shown by the last registration thereof, whichever may be the greater: Provided, That in any town whose population shall exceed ten thousand (10,000), the town council may by ordinance fix the salary of the president of the town council at any sum not exceeding three thousand dollars (\$3000), and in towns whose population shall exceed

twenty thousand (20,000), the town council may by ordinance fix the salary of the president of the town council at any sum not exceeding four thousand dollars (\$4000) *the amounts set forth in section 1025 of the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, based on the same population provisions set forth therein and as determined by the latest official census figures.*

Section 3. Sections 3 and 4 of the act are amended to read:

Section 3. Salaried [**President of Town Council**] *Mayor of Town* Not to Receive Fees.—Any salary paid pursuant to an ordinance shall be in lieu of all costs and fees allowed a [**president of the town council**] *mayor of the town*, whether acting as [**president of the town council**] *mayor of the town* or justice of the peace, and in such case, the costs and fees shall be taxed and collected by the [**president of the town council**] *mayor of the town* and turned into the town treasury.

Section 4. [**President of Town Council**] *Mayor of Town* to Collect Costs and Fees.—In all cases where a [**president of the town council**] *mayor of the town* is given the jurisdiction of a justice of the peace, he shall collect the same costs and fees as is charged by justices of the peace for like services, and in all other cases he may collect such costs and fees as are allowed by law to a justice of the peace for services of a similar character. He shall procure a docket in book or loose-leaf form wherein he shall enter all cases and charges, which docket shall be open to public inspection at reasonable times.

Section 4. Section 5 of the act, amended November 2, 1973 (P.L.327, No.107), is amended to read:

Section 5. Salary of Members of Town Council.—(a) The councilmen of any incorporated town may receive compensation to be fixed by ordinance at any time and from time to time [as follows: (1) in towns whose population is seven hundred fifty (750) or less, a maximum of ten dollars (\$10) a month; (2) in towns whose population is more than seven hundred fifty (750) and not more than fifteen hundred (1500), a maximum of twenty dollars (\$20) a month; (3) in towns whose population is more than fifteen hundred (1500) and not more than twenty-five hundred (2500), a maximum of thirty dollars (\$30) a month; (4) in towns whose population is more than twenty-five hundred (2500) and not more than five thousand (5000), a maximum of forty dollars (\$40) a month; (5) in towns whose population is more than five thousand (5000), a maximum of fifty dollars (\$50) a month] *the amounts set forth in section 1001 of the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, based on the same population provisions set forth therein.*

(b) The population shall be determined by the last United States decennial census or by two and one-half (2 1/2) times the number of registered voters in the town as shown by the last registration thereof, whichever may be the greater.

Section 5. This act shall be construed as follows:

(1) Any salary of a mayor of a town that was paid after December 31, 1995, but prior to the effective date of this act and in excess of the applicable amount set forth in section 2 of the act in effect prior to the effective date of this act but not in excess of the applicable amount set forth in section 1025 of the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, based on the same population figures set forth therein is hereby ratified.

(2) Any salary of a member of a town council that was paid after December 31, 1995, but prior to the effective date of this act and not in excess of the applicable amount set forth in section 5 of the act in effect prior to the effective date of this act but within the applicable amount set forth in section 1001 of the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, based on the same population figures set forth therein is hereby ratified.

Section 6. This act shall take effect immediately.

APPROVED—The 9th day of December, A.D. 2002.

MARK S. SCHWEIKER