

No. 88

AN ACT

HB 1370

Reenacting and amending clause XLI of section 702, act of May 1, 1933 (P.L.103, No.69), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," validating ordinances heretofore attached to the township ordinance book and not recorded directly upon the pages thereof.

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

Section 1. Clause XLI of section 702, act of May 1, 1933 (P.L.103, No.69), known as "The Second Class Township Code," reenacted and amended July 10, 1947 (P.L.1481, No.567), and amended June 6, 1963 (P.L.73, No.49), is reenacted and amended to read:

Section 702. Supervisors to Exercise Powers.—The corporate powers of townships of the second class shall be exercised by the township supervisors. Where no specific authority is given for the expenditures incident to the exercise of any power hereinafter conferred, or where no specific fund is designated from which such expenditures shall be made, appropriations for such expenditures shall be made only from the general township fund. In addition to the duties imposed upon them by section 516 hereof, they shall have power—

* * *

XLI. Ordinances.—To adopt ordinances prescribing the manner in which such specific powers of the township shall be carried out. All such ordinances, unless otherwise provided by law, shall be published not more than sixty days nor less than seven days prior to passage at least once in one newspaper circulating generally in the township. Such ordinances shall be recorded in the ordinance book of the township and shall become effective five days after such adoption. Any and all township ordinances, or portions thereof, the text of which, prior to the effective date of this *reenactment and* amendment, shall have been attached to the township ordinance book, shall be considered in force just as if such 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. In any case in which maps, plans, or drawings of any kind are adopted as part of an ordinance, the supervisors may, instead of publishing the same as part of the ordinance, refer in publishing the ordinance to the place where such maps, plans, or drawings are on file and may be examined. The board of supervisors may prescribe fines and penalties not exceeding three

hundred dollars in any instance for the violation of any such township ordinances, which fines and penalties may be collected by suit or summary proceeding brought in the name of the township before any justice of the peace. Proceedings for the violation of township ordinances and for the collection of fines and penalties imposed thereby may be commenced by warrant, or by summons, at the discretion of the justice of the peace before whom the proceeding is begun. No warrant shall be issued, except upon complaint on oath or affirmation specifying the ordinance for the violation of which the same is issued. All proceedings shall be directed to, and be served by, a constable of the township. Warrants shall be returnable forthwith and upon such return like proceeding shall be had, as in cases of summary conviction. All fines and penalties collected for the violation of township ordinances shall be paid over to the township treasury. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the township lockup for a period not exceeding five days, or to the county jail, or workhouse for a period not exceeding thirty days.

Any person aggrieved may, within thirty days after any ordinance or resolution takes effect, make complaint as to the legality of such ordinance or resolution to the court of [quarter sessions] *common pleas* upon entering into recognizance with sufficient surety to prosecute the same with effect, and for the payment of costs. The determination and order of the court thereon shall be conclusive.

* * *

Section 2. This act shall take effect immediately.

APPROVED—The 10th day of May, A. D. 1974.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 88.



Secretary of the Commonwealth.