

No. 1990-155

AN ACT

HB 2353

Amending the 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," providing for residence requirements for supervisors; further providing for the tax to support ambulance and rescue squads; authorizing the establishment of boards of health; providing for their powers and duties; and making repeals.

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

Section 1. Section 410 of the 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), is amended by adding a subsection to read:

Section 410. Supervisors.—***

(c) Supervisors shall reside in the township from which elected and shall have resided in that township continuously for at least one year before their election.

Section 2. Clause 8 of subsection A of section 905 of the act, added May 10, 1974 (P.L.294, No.92), is amended and the section is amended by adding a subsection to read:

Section 905. Township and Special Tax Levies.—A. The board of township supervisors may, by resolution, levy taxes upon all real property and upon all occupations, or upon real property alone, within the township made taxable for township purposes, as ascertained by the last adjusted valuation for county purposes, for the purposes and at the rates hereinafter specified. All taxes shall be collected in cash.

8. An annual tax, not exceeding one-half mill, for the purpose of supporting ambulance and rescue squads serving the township, *except as provided in subsection D.*

D. The tax for supporting ambulance and rescue squads serving the township shall not exceed the rate specified in clause 8 of subsection A, except when the question is submitted to the voters of the township in the form of a referendum which will appear on the ballot in accordance with the election laws of the Commonwealth in which case the rate shall not exceed two mills. The county board of elections shall frame the question to be submitted to the voters of the township in accordance with the election laws of the Commonwealth.

Section 3. Section 1901-A of the act is repealed.

Section 4. The act is amended by adding a section to read:

Section 1901-A.1. Establishment of Board of Health.—The board of supervisors may appoint a township board of health and township health

officer for the purpose of administration and enforcement of the health and sanitation laws of the township. Where a board of health is appointed, such board may appoint a health officer or inspector whose duties shall be to implement and enforce the health and sanitation laws of the township and actions of the board of health. Such health officer or inspector, whether appointed by the board of supervisors or by the board of health, shall not enter upon the performance of the duties of office until certified as a qualified health officer or inspector by the Department of Environmental Resources and the Department of Health.

Section 5. Sections 1902-A, 1903-A, 1904-A, 1905-A, 1906-A and 1907-A of the act, added March 22, 1956 (P.L.1323, No.419), are amended to read:

Section 1902-A. Members of [Sanitary] Board of Health.—[Where the township supervisors decide to appoint a sanitary board, said board] *A board of health appointed under the provisions of this article shall be composed of five members at least one of whom shall be a [reputable] licensed physician of not less than two years experience in the practice of his profession. The members of the board of health shall be appointed by the [township] board of supervisors. [At the first appointment] Upon the creation of a board of health one member shall be appointed to serve for one year, one for two years, one for three years, one for four years, and one for five years, and thereafter one member shall in like manner be appointed each year to serve for five years. Upon the creation of a board of health in a township which has an existing sanitary board, the township supervisors may continue the incumbent members of the sanitary board as members of the board of health.* The members of the [sanitary] board of health shall serve without compensation, but [if any member of the board shall be elected to the office of secretary he] *shall be reimbursed for actual and necessary expenses incurred in the performance of their duties. The secretary of the board of health shall be entitled to receive a salary fixed by the board of supervisors for that office.*

Section 1903-A. Oaths of Members, Secretary and [Sanitary Officer] *Health Officer and Inspectors.*—The members of the board of health shall, severally, take and subscribe to the oath prescribed by section five hundred one of this act, and shall, annually, organize by electing a [president] *chairman* from among the members of the board, a secretary who may or may not be a member of the board, and a [sanitary officer] *health officer and inspectors* who shall not be [a member] *members* of the board. The secretary and the [sanitary officer] *health officer and inspectors* shall receive such salary as may be fixed by the board [and ratified by the township] *of supervisors*, and shall serve for a period of one year or until such time thereafter as their successors may be [elected] *appointed* and qualified. [They shall, severally, give bond to the township in such sums as may be fixed by ordinance for the faithful discharge of their duties, and shall also take and subscribe to the oath required by members of the board.]

Section 1904-A. Duties of Secretary.—The secretary of the board of *health* shall keep the minutes of the proceedings of the board of *health*, shall

keep accurate accounts of the expenditures of the board *of health*, shall draw all requisitions for the payment of moneys on account of the [sanitary] board *of health* from appropriations made by the *board of* supervisors to the board *of health* and shall present [the same] *them* to the [president] *chairman* of the board *of health* for his approval, shall render statements of the expenditures to the board *of health* at each stated meeting or as frequently as the board *of health* may require, shall prepare under the directions of the board *of health* the annual report to the [township] *board of* supervisors together with the estimate of appropriation needed for the ensuing year, and shall make such other reports and perform such other duties as the board *of health* may require.

Section 1905-A. Powers and Duties of [Sanitary Officer] *Health Officers and Inspectors*.—It shall be the duty of the [sanitary officer] *health officer and inspectors* to attend all stated and special meetings of the [sanitary] board *of health* and at all times be ready and available for the prompt performance of [his] *their* official duties. [He] *They* shall make [sanitary] inspections, and shall execute the orders of the [sanitary] board *of health* [and shall, in the performance of his duties, have the power and authority of a policeman].

Section 1906-A. Powers of Board *of Health*.—The [sanitary] board *of health* shall [have the power, and it shall be its duty, to] enforce the *health and sanitation* laws of the Commonwealth[, the] *and any* regulations *promulgated thereunder* [of the State Department of Health,] and [to make and enforce such additional rules and regulations for abating and removing all nuisances which the board shall deem prejudicial to the public health, to mark infected houses or places, to prescribe rules for the construction and maintenance of house-drains, wash-pipes, soil-pipes and cesspools, and to make all such other rules and regulations as shall be deemed necessary for the preservation of the public health] *the health and sanitation laws and regulations of the township*.

[The board shall also have the power to make, enforce and cause to be published all necessary rules and regulations not inconsistent with law for carrying into effect the powers and functions with which they are invested by law and the power and authority relating to the public health conferred on the townships.] Such [rules and] regulations, when [approved by] *authorized by ordinance* of the township [supervisors] and when advertised in [the same manner as ordinances] *accordance with appropriate law*, shall have the force of ordinances of the township [and all]. *All* penalties [or punishment] prescribed for the violation thereof as well as the expenses actually and necessarily incurred in carrying such [rules] *ordinances* and regulations into effect shall be recoverable [for the use of the township in the same manner as penalties for violation of the ordinances of the township and subject to like limitations as to the amount thereof] *in enforcement proceedings and paid into the general township fund*. *Townships may establish and revise as necessary, such fees as are deemed appropriate for licenses or permits issued by the township.*

Section 1907-A. Entry Upon Premises.—[The sanitary board shall have the power as a body or by committee as well as the sanitary officer, together with their assistants, subordinates and workmen, under and by order of the said board to enter at any time upon any premises in the township upon which there is suspected to be any nuisance detrimental to the public health for the purpose of examining and abating the same.] *The board of health, health officer or inspectors, may enter upon any premises within the township where there is reasonably suspected to exist any health hazard or violation of health or sanitation laws or regulations, or which are of a type that may give rise to a health hazard. Such entry may be made with or without prior notice to the owner or occupant.*

Section 6. Section 1908-A of the act is repealed.

Section 7. The act is amended by adding a section to read:

Section 1908-A.1. Written Order for Violation.—*Where the board of health or health officer or inspectors determine that a health or sanitation hazard or violation exists, a written order shall be directed to the owner or occupant of the premises involved, ordering an abatement of the hazard or violation and the taking of such corrective action as the board of health or health officer or inspectors may deem necessary under the circumstances. Such order shall set forth a specific time in which the abatement and corrective action shall be accomplished. In the event the order is not complied with within the time provided, the board of health or health officer or inspectors may enter upon the premises and issue orders for the immediate termination of activities creating the violation, the potential violation and all acts of commerce conducted in, on or at the premises in question. In addition, the board of health, health officer or inspectors may proceed to enforce the law or regulation being violated in the same manner as ordinances of the township.*

Section 8. Section 1909-A of the act is repealed.

Section 9. The act is amended by adding a section to read:

Section 1909-A.1. Appropriations and Annual Report.—*The board of supervisors shall make an annual appropriation to the board of health or health officer in such amounts as the board of supervisors shall deem appropriate. The board of health or health officer shall, before the preparation of the annual budget of the township, submit to the board of supervisors the estimated expenses of the board of health or health officer for the ensuing year. The board of health or health officer shall by the first day of February of each year prepare and submit to the board of supervisors and the regional office of the Department of Environmental Resources and the Department of Health an annual report, in writing, setting forth the activities and expenditures of the board of health or health officer during the prior calendar year.*

Section 10. Section 1910-A of the act, added March 22, 1956 (P.L.1323, No.419), is amended to read:

Section 1910-A. Cooperation With Other [Units] Governmental Agencies.—*(a) Any township may cooperate [with the county or with any city, borough or township as well as with the State Department of Health] and enter into agreements with any other governmental agency in the administration and enforcement of health and sanitation laws.*

(b) If the board of supervisors abolishes the board of health or positions of health officer or inspectors and discontinues services under this article, the Department of Environmental Resources and the Department of Health shall be notified. An official copy of such action of the board of supervisors shall be transmitted to the regional office of the Department of Environmental Resources and the regional office of the Department of Health.

(c) The township may request assistance from the Department of Environmental Resources or the Department of Health where the township feels such assistance is necessary for the health and safety of its citizens.

Section 11. Sections 1911-A, 1912-A, 1913-A and 1914-A of the act are repealed.

Section 12. This act shall take effect as follows:

- (1) Section 1 (section 410) shall take effect in 60 days.
- (2) The remainder of this act shall take effect immediately.

APPROVED—The 29th day of November, A. D. 1990.

ROBERT P. CASEY