

First Class Township Code Rewrite

Summary of Act 96 of 2020
(House Bill 2073)



- This PowerPoint summarizes the changes to the First Class Township Code by article
- Editorial updates are not summarized, for example:
 - Reformatting of sections for ease of reading
 - Addition of gender neutral language
 - References to current law
- Major changes to the Code are highlighted in this presentation by breaking down changes section by section for each article
- We encourage an in-depth review of the Rewrite beyond this summary by your township solicitor



Article I

Preliminary Provisions

- Section 102 – Definitions are added for...
 - “Board of commissioners” – The board of township commissioners of a township of the first class
 - “Individual” – A natural person
 - “Municipal corporation” – A city, borough, incorporated town, township of the first or second class or any home rule municipality other than a county
 - “Municipality” – A county, city, borough, incorporated town, township of the first or second class or any home rule municipality



Article I (continued)

Preliminary Provisions - definitions

- “Municipal authority” or “municipality authority” – A body politic and corporate created under 53 Pa. C. S. Ch. 56 (relating to municipal authorities)
- “Pennsylvania Municipalities Planning Code” – The act of July 31, 1968 (P.L.805, No. 247), known as the “Pennsylvania Municipalities Planning Code”
- “Person” – Includes a natural person, corporation partnership, limited liability company, business trust, other association, government entity other than the commonwealth, estate, trust or foundation
- Other changes in this Article are editorial



Article II

Classification, Creation, Reestablishment and Change of Name of Townships

- New Section 205.1 – The procedure for creating a first class township from a second class township is significantly modified and streamlined. Follows language in the Second Class Township Code used to reestablish a second class township from a first class township, plus:
 - Density requirement of 300 inhabitants per square mile
 - Procedure can be followed any time
 - Procedure is not triggered by reaching the population density
- New Section 209.1 – Cross references the Second Class Township Code when reverting back to a second class township from a first class township
 - Second class township reversion is not tied to population density or actions of county commissioners
 - Cannot revert back to second class township any sooner than five years after becoming a first class township



Article II.I

Change of Name of Township of First Class (Repealed)

- The provisions of this article have been moved to Article II



Article III

Township Lines and Boundaries

- Section 302 – Updates language to follow case law:
 - The Court of Common Pleas may not alter adjoining municipal boundaries “to suit the convenience of the inhabitants” as boundaries may only be altered by initiative and referendum
 - The Court retains jurisdiction to ascertain disputed boundaries when presented a petition



Article IV

Wards

- Section 401 – Township commissioners, not the Court of Common Pleas, are now empowered to create, alter and abolish wards
 - All wards need to be contiguous and as equal in population as possible
- New Section 402.1 – At least five percent of the township's registered electors may petition the board of commissioners to initiate proceedings under Section 401
 - If the board does not approve a motion within 90 days of receiving the petition, 10 registered electors may petition the court and contest that the existing wards are not in compliance with the First Class Township Code or PA Constitution
- New Section 403.1 – A copy of the ordinance enacted pursuant to Section 401 and the new ward map shall be provided to the county
- New Section 409 – Article V of the PA Election Code preserves the power of the court and board of elections



Article V

Election of Officers; Vacancies in Office

Requirements for elected commissioners, tax collectors, auditors and controllers remain largely the same, except as below:

- New Subsection 501(c) – No individual may hold more than one elected township office at the same time
- New Subsection 503(a)(2)(ii) – If a person, other than an individual, is appointed tax collector, no individual employed by the appointed tax collector shall be required to become a qualified tax collector or to file a criminal history
- Section 530 – A person, other than an individual, appointed tax collector is not required to file a residency affidavit, nor is an individual appointed under sections 4.2 or 4.4 of the Local Tax Collection Law



Article VI

General Provisions Relating to Township Officers

- New Subsection 602(b) – Authorizes the board of commissioners to purchase insurance in lieu of a bond if the insurance covers the same events of loss and insures against the same misconduct as the bond
- New Subsection 603(a.1) – Clarifies that a township treasurer, who is also the elected tax collector, may receive a salary, compensation or emoluments of office notwithstanding the limitation for total compensation for tax collectors provided in the Local Tax Collection Law
- New Subsection 605(d) – Provides that upon the effective date of this subsection, a township may not provide for an annuity in lieu of employees joining a pension or retirement system
 - the rights of current or retired employees entitled to payments in accordance with any annuity entered into prior to the effective date of this subsection are not impacted



Article VI (continued)

General Provisions Relating to Township Officers

Township associations and training:

- Section 620 – Broadens the purpose of the state association
 - powers relating to annual meetings now include educational conferences
 - expenses for annual meetings may be paid by the member townships
- Section 624.1 – Broadens the purpose of county or regional associations
 - references to conventions is deleted
- Section 624.2 – Adds newly elected officials (not yet sworn in) to those officials authorized to attend training and receive reimbursement for expenses



Article VI (continued)

General Provisions Relating to Township Officers

Civil service for police and paid firefighters:

- Subsection 625(d) – The phrase “reduced in rank” is changed to “demoted”
- New Subsection 625(e) – Provides that nothing in this subdivision shall apply to retirement or may be construed to prevent a township from adopting a compulsory retirement age for its employees or any class of employees or from retiring the township employees automatically when they reach that age
- Section 628 – Authorizes a civil service commission to meet and organize within 30 days of the first Monday of each even numbered year
- Section 629 – Authorizes the appointment of a solicitor paid for by the township
 - township may place a reasonable limit on the amount of compensation for the solicitor’s service to the civil service commission



Article VI (continued)

General Provisions Relating to Township Officers

Rules and regulations of the civil service commission:

- Subsection 630(a) – Provides township commissioners shall not have the power to promulgate the rules and regulations of the civil service commission, or amendments to them, but may make suggestions
 - township commissioners continue to have the authority to approve rules, regulations and amendments
- New Subsection 630(b) – Provides that pursuant to an adopted resolution by the board of commissions, the rules and regulations of the civil service commission shall reflect any minimum qualifications for police or paid firefighters pertaining to age, educational background, years of experience and areas of desired special expertise or certifications



Article VI (continued)

General Provisions Relating to Township Officers

Subpoenas and examinations:

- Subsection 633(c) – Increases the fine for individuals refusing to obey a subpoena issued by the civil service commission from \$100 to a range of \$250 to \$500
- Section 636 – Keeps the requirement to formally apply for examination, but removes the specific list of information requested on an application
- Subsection 637(b) – Adds clarification that either an applicant or aggrieved person may request counsel and a public hearing; deliberations on evidentiary or procedural issues may be conducted in executive session; and final decisions of the commission must occur at a public meeting



Article VI (continued)

General Provisions Relating to Township Officers

Hearings Dismissals and Demotions:

- Subsection 645(a) – Adds new language stating the failure of the commission to hold a hearing within 10 days does not result in the dismissal of charges
- Subsection 645(d) – Adds new language stating unless the board of commissioners or the individual who is subject to suspension, removal or demotion requests that the disciplinary hearing before the commission be open to the public, the hearing will be closed; final disposition of the action shall occur in public
- New Subsection 645(e) – A police officer or firefighter subject to suspension, discharge or discipline has the option of challenging the discipline under the procedures of the section or by a proceeding in grievance arbitration, but not both



Article VII

Township Commissioners

- Subsection 702(b) – Adds language stating only commissioners physically present at the public meeting count toward a quorum
- New Subsection 702(b.1) – Authorizes the use of a telecommunications policy; such a policy allows a board of commissioners to use telecommunication devices to accommodate members not physically present; all participants must be able, at a minimum, to speak to and hear each other
 - if a member physically present is disqualified from voting, the members participating by telecommunication shall be counted to maintain a quorum
 - any changes to an established telecommunications policy shall become effective no sooner than 30 days following the vote to change the policy



Article VII (continued)

Township Commissioners

- **Chart**

- Subsection 703(a) – Increases the maximum allowable salary amount for commissioners; adds a new tier for townships with a population of 45,000 or more
- New Subsection 703(a.1) – Allows the board of commissioners to provide compensation based on a member’s meeting attendance
 - on a per-meeting basis, the board may provide for a forfeiture of a portion of the annual compensation or impose other penalties for unexcused absences
- Subsection 703(b) – Clarifies that a change in salary, compensation or emoluments shall become effective at the beginning of the next term of the commissioner

| Township Population | Maximum Salary/Year |
|---------------------|----------------------------------|
| 5,000 | \$3,145 |
| 5,000-9,999 | \$4,190 |
| 10,000-14,999 | \$5,450 |
| 15,000-24,999 | \$6,915 |
| 25,000-34,999 | \$7,335 |
| 35,000-44,999 | \$8,385 |
| 45,000 or more | \$210 a year per 1,000 residents |



Article VIII-A

Appointed Township Treasurer

- Subsection 801-A(a) – Clarifies a treasurer may not be a member of the board of commissioners
- Subsection 801-A(b) – Clarifies a treasurer, who is also the elected tax collector, may also receive compensation under the Local Tax Collection Law
- New Subsection 801-A(c) – Provides within 60 days of appointment, the treasurer shall nominate a deputy to serve if the treasurer is unable to perform the duties of the office
 - the board of commissioners has the power to appoint the nominated person, who meets the bonding requirements, or appoint a deputy if the treasurer is unable to perform their duties and failed to nominate a deputy
- Section 802-A – Bonding requirements also apply to the deputy treasurer
- New Subsection 802-A(b) – Instead of a bond, the board may purchase insurance in accordance with Subsection 602(b)



Article VIII-A (continued)

Appointed Township Treasurer

- Subsection 806-A(6) – Updates language to meet current standards for protecting deposited township funds
 - references Act 72 of 1971 that standardized procedures to secure deposits of public funds in accordance with FDI insurance
 - gives townships the option to enter into an agreement with the depository for more specific collateral



Article IX

Township Secretary

- Section 901 – Clarifies that the secretary is an appointed position serving at the pleasure of the board of commissioners
- Section 901.1 – Clarifies than an assistant secretary may assist the secretary with the performance of duties without the secretary being absent or under disability



Article X

Auditors – Subdivision (a) – Elected Auditors

- Subsection 1001(b)(3) – Clarifies that the board of commissioners may direct the auditor to audit and report on the accounts of any officer of the township upon death, resignation, removal or expiration of term
- Subsection 1002(2) – Provides that if a person refuses or neglects to appear, produce documents or testify upon being subpoenaed by the auditor, the auditor shall petition the Court of Common Pleas to issue a subpoena
- Subsection 1003(d) – Clarifies that the secretary of the auditors shall file a copy of the report with the township secretary and other necessary parties no later than 90 days after the close of the fiscal year
- Subsection 1006(b) – The auditors, with the agreement of the board of commissioners, shall determine the compensation of the attorney for the auditors, if one is needed; compensation shall be paid out of the general fund



Article X (continued)

Auditors

- New Section 1006.1 – Expands and clarifies surcharges imposed by auditors:
 - (a) – defines surcharge as a charge against an officer or person for a prohibited expenditure that causes a financial loss for the township
 - (b)(1) – a surcharge may not be in excess of the actual financial loss sustained by the township
 - (b)(3) – surcharge does not apply to cases of fraud or collusion or the accounts of the tax collector
 - (b)(4) – an official may not be surcharged if the official acted in good faith reliance on a written, non-confidential opinion of the solicitor or on an opinion of the solicitor publicly stated at an open meeting and recorded in the official meeting minutes



Article X (continued)

Auditors

- Section 1019 – Expands provisions for attorneys fees when a surcharge is appealed:
 - (1) – if the court finds the final determination of the appeal is more favorable to the officer than that awarded by the auditors, the township shall pay reasonable attorney fees incurred by the officer
 - (2) – if the court finds the final determination is more favorable to the township, the officer subject of the surcharge proceedings shall pay the reasonable attorney fees incurred by the township
 - (3) -- if the court finds partly for the township and partly for the officer, the court may order that both pay a portion of the reasonable fees



Article X (continued)

Auditors – New Subdivision (b) – Appointed Independent Auditor

- Pursuant to Subsection 503(a)(3) – a township may by ordinance utilize an independent auditor rather than elected auditors
- Section 1050 – Provides that the independent auditor shall be appointed by resolution and shall be a certified public accountant or a firm of certified public accountants
- Section 1051 – Provides that annual and interim audits shall consist of an examination in accordance with generally accepted auditing standards



Article X (continued)

Auditors – New Subdivision (b) – Independent Appointed Auditor

- Subsection 1052(c) – Notice that the annual audit is available for public inspection must be made through publication in at least one newspaper of general circulation
 - A copy, which may be provided in electronic format, of the complete annual audit, including the accompanying independent auditor's report, shall be supplied to the publishing newspaper when the request for publication is submitted
- Subsection 1052(e) – A registered elector or taxpayer may appeal an annual audit of the independent auditor in accordance with and subject to the procedures in Subdivision(a)



Article XI

Controller

- Subsection 1101(b) – Updates bond requirements from \$20,000 to a sum as determined by ordinance by the board
- New Section 1101(c) – Authorizes the board to purchase insurance in lieu of a bond
- Section 1102 – Provides that the controller’s salary be fixed by ordinance deleting the cap of \$5,000; adds new language regarding changes in salary, compensation or emoluments becoming effective at the beginning of the next term of the controller



Article XII

Township Solicitor

- Section 1201 – Eliminates the two-year term of the solicitor and provides:
 - the solicitor serves at the pleasure of the board of commissioners
 - special counsel may be appointed as needed for a specific matter
 - the solicitor or special counsel may be an individual or law firm, partnership, association or professional corporation
- Section 1202 – This section regarding solicitor bonds is deleted as Rule 1.15 of the Rules of Professional Conduct governs the handling of client funds



Article XIII

Township Engineer

- Section 1301 – Eliminates the two-year term of the engineer:
 - the engineer serves at the pleasure of the board of commissioners
 - the engineer may be one or more registered professional engineers or a firm of registered professional engineers
- Section 1302 – Language requiring a bond is deleted as the board is authorized to purchase insurance in lieu of a bond
- Section 1305 – Updates language - “time of completion” changed to “date of completion” to align with the Municipal Claims and Tax Lien Law
- Subdivision (b) – Real Estate Registry - is moved to new Article XV-A
- Section 1316 – Conservation District - is moved to Article XV



New Article XIII-A

Township Manager – derived from old Section 1502(IV)

- Subsection 1301-A (a) – Authorizes the board of commissioners to appoint an individual, partnership, limited partnership, an association or a professional corporation as manager
- Subsection 1302-A(3) – Provides an employment or professional services agreement with a manager executed on or after a municipal election, but before the first meeting in January the year after the election, shall be void
- Section 1303-A – Authorizes insurance as an alternate to a bond
- Section 1304-A – Provides the manager is not eligible to hold the office of township commissioner
 - when the manager is other than an individual, this restriction applies to all officers and employees directly providing services to the township



New Article XIII-B

Veterans' Affairs

This Article is a consolidation of the old Corporate Powers Subsections 1502(XXL), (XLI), (XLII), (XLVI), XLVII), (XLVII.I), (XLVIII) and (XXXVI) as they relate to township support of the PA National Guard and veteran's organizations and memorials

- Section 1312-B -- Expands township appropriations for expenses of services for Veterans' Day, in addition to Memorial Day and similar holidays under state or federal law



Article XIV

Police

- Subsection 1401(a) – Changes “shall” to “may” clarifying that a township is not required to maintain a police force
- New Subsection 1401(b) – Subject to the Intergovernmental Cooperation Law, a township may contract with and purchase police services from another municipal corporation or become a part of or establish a regional police department
- New Subsection 1401(d)(1) – No police officer shall at the same time hold any public office other than constable, health officer or school director of a school district situated within a county of the second class
- New Subsection 1401(e) – No police officer may participate in a political or election campaign while on duty or in uniform or while using township property other than to exercise the officer's right of suffrage



Article XIV (continued)

Police

Police Pension Fund:

- Section 1409 is expanded to include old Sections 1410 - 1415
- New Subsection 1409(c)(2) – The board of commissioners shall appoint by resolution a chief administrative officer who shall have the primary responsibility for the affairs of the pension plan, subject to the direction of the board of commissioners
- New Subsection 1409(h)(2) – Incorporates case law that no person entitled to receive a benefit from the police pension fund may be deprived of their right to an equal and proportionate share of the fund upon the basis that the person first became entitled to the benefit
- New Subsection 1409(j) – Act 600, the Municipal Police Pension Law, shall govern any township police pension fund not established under the provisions of this section



Article XV

Corporate Powers

Provisions have been renumbered

- New Subsection 1501(2) – Townships of the first class shall have and use a corporate seal and may alter the seal

Provisions relating to purchase, exchange, lease or sale of real and personal property have been split into Section 1501.1 (real property) and 1501.2 (personal property)

- New Subsection 1501.1(e) – The threshold value that requires advertising and bidding for the sale of real property is increased to \$6,000; a qualified real estate appraiser must value the property



Article XV (continued)

Corporate Powers

- New Subsection 1501.1(f) – The board of commissioners shall, by resolution, have the authority to exchange real property for real property of equal or greater if the property being acquired by the township is to be used for municipal purposes
 - Notice of the resolution, including a description of the properties to be exchanged, shall be published once in one newspaper of general circulation not more than 60 days nor fewer than seven days prior to adoption
- Section 1501.3 – Advertising and bidding are not required if the newly acquired real or personal property is to be sold to public entities
 - Newly added to this list of public entities is an authority or industrial and commercial authority as defined by the Economic Development Financing Law (Act 102 of 1967)



Article XV (continued)

Corporate Powers

Section 1502 - Specific Powers - following are notable changes:

- New Section 1502.4 – Rewards - the board of commissioners is authorized to offer rewards for information leading to the arrest and conviction of individuals guilty of crimes within the township
- Section 1502.7 – Fire Protection - townships may purchase fire engines and fire apparatus, in addition to the current powers of operation and maintenance; townships may contract with or make grants for fire protection
- New Section 1502.10 – Regulation of Business – combination of current and new language; provides broad authorization for townships to prohibit, license and regulate businesses unless prohibited by law



Article XV (continued)

Corporate Powers

- Section 1502.11 – Nuisances and Dangerous Structures - adds reference to dangerous structures, as well as language related to the prohibition and removal of weeds, accumulations of municipal waste and the storage of abandoned or junked automobiles
- New Section 1502.12 – Municipal Waste – consolidates sections of the old Code and delineates regulation of municipal waste on public and private property and recycling
- Section 1502.13 – Fireworks and Inflammable Articles - provides, in conformity with federal and state laws, for the granting of permits for display fireworks and for the imposition, by ordinance, of other safeguards concerning fireworks and inflammable articles as necessary for the health, safety and welfare of the public



Article XV (continued)

Corporate Powers

- New Section 1502.15 – Prohibition of Fire Producing Devices and Smoking – states no ordinance or resolution adopted under this section may regulate smoking in a manner that conflicts with the Clean Indoor Air Act (Act 27 of 2008)
- Section 1502.29 – Intergovernmental Cooperation - expands reference to the use of intergovernmental cooperation agreements, particularly as it applies to public safety services
- New Section 1502.34 – Operating Reserve Fund – permits townships to create a “rainy day” fund; limits amount in fund
- Section 1502.39 – Insurance – consolidates two paragraphs from old Code (XXIII and LXIII) relating to insurance



Article XV (continued)

Corporate Powers

- New Section 1502.53 – Mines and Quarries - the board of commissioners may require the owner, operator or superintendent of a mine or quarry to furnish maps, plans and drawings of workings, excavations and surface support
- New Section 1502.56 – Storm Water - authorizes a township, by ordinance, and after obtaining any required permit from the Department of Environment Protection (DEP) or other federal or state entity, to acquire, operate and maintain areas for the infiltration, detention or retention of storm water and for other methods of storm water management authorized by DEP



New Article XV-A

Real Estate Registry

Provisions related to the real estate registry are moved from subdivision (b) of Article XIII of the old Code and specifically provide for conformance with the Uniform Municipal Deed Registration Act, Act 110 of 2008



Article XVI

Public Health

- Section 1601 – Clarifies a township may, by ordinance, establish either a board of health or the office of health officer; an appointed health officer must be certified by the Department of Health within six months of appointment
- New Subsection 1601(c) – A township, by ordinance, can dissolve a board of health or the office of health officer and become subject to the jurisdiction of a county department of health
- New Subsection 1602(1) – permits a board of health to be comprised of 3-5 members; expands upon the required appointment of a health care professional; defines health care professional
- Section 1604 – The secretary of the board of health is required to keep and retain records in accordance with the Municipal Records Act



Article XVI (continued)

Public Health

- Section 1607 – A member of the board of health, a health officer, an employee or agent of the health board may enter a premise in the township where an infectious or contagious disease or nuisance to public health is suspected to examine and abate said nuisance
- New Subsection 1607(b) – If entry on the premises is refused, the officer or employee or agent may seek and obtain an administrative search warrant from a magisterial judge to enter the property
- New Subsection 1608(c) – Allows the board of commissioners the power to seek injunctive relief from a nuisance or threatened nuisance to public health



Article XVI (continued)

Public Health

- Section 1611 – Updates reference the Department of Health’s responsibilities under Article XXI of the Administrative Code of 1929
 - Permits the department to take full charge and control of township health regulations under certain conditions and to abate necessary nuisances at the expense of the township



Article XVII

Finance and Taxation

- Section 1701 – Reorganized to clarify the budget preparation process
- New Subsection 1701(b.1) – provides that notice of the proposed budget's availability for public inspection be published in a newspaper of general circulation
- Subsection 1701 (b.2) – The proposed budget shall be on file with the secretary for at least 20 days prior to the time fixed for the adoption
- Subsection (d) – Deletes the requirement that 2/3 of the board approve transfers of over five percent of an appropriation within a fund or from one fund to another



Article XVII (continued)

Finance and Taxation

- New Subsection 1705.1(a.1) – Provides the board shall have the power to invest township sinking funds pursuant to the Local Government Unit Debt Act
- Subsection 1705.1(d) – Cross references Act 53 of 1973 which authorizes specified investments
 - Subsection (d)(v) – Modified to provide that investments must also meet specified conditions regarding the management and rating of the investment company
 - Subsection (d)(vi) – For certificates of deposit, approved collateral as provided by law shall be pledged by the depository for amounts above the insured maximum



Article XVII (continued)

Finance and Taxation

- Section 1709(a)(1) – Streamlines the procedure when a petition has been filed with the court of common pleas to exceed the maximum levy of 30 mills for general township purposes
- Subsection 1709(a)(8) – moved from old Sections 2601 and 2602 – provides for a tax to create and maintain a revolving fund for improvements
- Subsection 1709(a)(9) – moved from old Sections 3001 and 3002 – provides for an annual tax for parks and recreation



Article XVIII

Contracts

- Subsection 1801(b) – Clarifies that the lowest responsible bidder need not be the bidder submitting the lowest dollar bid; a township may also consider the quality of goods or services supplied, ease of repair, compatibility with other township equipment or services, responsiveness, past performance of the bidder and any other reasonable factors specified in the advertisement for bids
- Subsection 1802(a) – Reduces advertisement of all contracts or purchases in excess of the annual base amount to once in one newspaper of general circulation
 - Deletes requirement for first advertisement to be 45 days before date of bid opening



Article XVIII (continued)

Contracts

- Section 1802(a.1) – Clarifies that written price quotations include e-mail
- Subsection 1802(b)(1) – Reorganizes the bid and bid opening requirements
- New Subsection 1802(b)(1)(ii) – (iv) –
 - Authorizes the board of commissioners to require bids to be accompanied by a form of surety specified in the advertisement
 - Bids shall be opened publically by the board of commissioners or the board's agent or employees; the amount of each bid and any other relevant information as may be specified by the board, together with the name of each bidder, shall be disclosed and recorded
 - At a public meeting of the board of commissioners, the board shall either award the contract or reject all bids



Article XVIII (continued)

Contracts

- Subsection 1802(d) – Contracts or purchases exempt from advertising
 - Adds a blanket provision that prohibits the board of commissioners from advertising, bidding or receiving price quotations if it determines it is in the public's interest to do so
- Subsection 1802(d)(3) – Adds the purchase of computer software and copyrighted products that are needed to ensure compatibility with existing systems, facilities or equipment
- Subsection 1802(d)(4.2) – Adds contracts or purchases with another entity under the Intergovernmental Cooperation Act



Article XVIII (continued)

Contracts

- New Subsections 1802(d)(6) - (10) – Adds exemptions from bidding for contracts or purchases for:
 - (d)(6) – materials, supplies, equipment under emergency conditions
 - (d)(7) – equipment rental if more than 50% of personnel hours are supplied by the township
 - (d)(8) – repair parts or materials for use in existing township equipment or facilities if a sole item of its kind or manufactured as a replacement for the original item
 - (d)(9) – emergency maintenance, repairs or replacements for water, electricity, or public works if not new additions or expansions
 - (d)(10) – mitigation of real or potential emergencies involving a clear and present danger
 - (9) and (10) – the actual emergency and nature of procurement must be stated in a resolution by the board and adopted at the next public meeting



Article XVIII (continued)

Contracts

- Section 1804 – Cross references the Public Works Contractors' Bond Law (Act 385 of 1967) and increases the threshold and bond amount
 - If the contract price exceeds \$10,000, the contractor shall furnish to the township a payment bond for 100 percent of the contract price
 - The bond requirement is in addition to any other bond required by law to be given in connection with the contract



Article XIX

Eminent Domain; Assessment of Damages and Benefits

- New Section 1902.1 – A township shall declare its intention to acquire, enter upon, take, use and appropriate any private property or land for any purposes authorized by this act by ordinance or resolution
- Procedural aspects of condemnation are linked to the Eminent Domain Code (Title 26 Pa. C. S.)



Article XX

Streets and Highways

- New Section 2002 – This is a new section comprised of definitions
- Section 2003 – Clarifies that streets planned before 1968 may not comport with provisions of the Municipalities Planning Code, but requires that future street plans do
- New Section 2004 – Requires that streets that have been used for public travel and has been maintained and repaired continuously by the township for at least 21 years are public streets, even if there is no public record of the laying out or dedication for public use
- New Section 2011.1 – Provides that a petition for opening of a street, etc. signed by a majority of property owners abutting the proposed improvement or vacation, may be presented to the board of commissioners along with necessary fees
- New Section 2011.2 – Provides for the public notice of the petition



Article XX

Streets and Highways

- Section 2012 -- Clarifies that the width of a street shall not be less than 24 feet
- New Section 2012 (b) – Provides that the width of an alley is at the discretion of the board of commissioners
- Section 2014(a)(1) – Expands list of township officials authorized to close a street during an emergency
- Section 2020(a) – Clarifies that the board of commissioners may accept land dedicated by deed to the township to be used for street purposes
- New Section 2020(c) – Provides that the MPC shall apply to the construction, security requirements and dedication of streets and connected drainage facilities if the proposed is part of a plan required by an ordinance and adopted under the MPC



Article XX

Streets and Highways

- New Subsection 2020(j) – Provides that approval of plans by the board of commissioners shall not obligate the township to construct, reconstruct, maintain, repair or grade streets
- New Section 2027 – Provides that if the board fails to hold a required hearing per this article, an aggrieved party may file a mandamus action in the Court of Common Pleas requesting that a hearing be held
- New Section 2029 – Authorizes the board to provide for the construction and maintenance of bike paths
- Section 2080.2 – Authorizes the board to provide street lights and ornamental lighting and make regulations for the protection of lighting, as well as traffic control signals and devices in accordance with the Vehicle Code
- Sections 2097 - 2099.1 – These sections are new and are derived from now deleted Article XXI relating to boundary streets



Article XXI

Boundary Roads and Streets (Repealed)

- The provisions of this Article have been incorporated into Article XX



Article XXII

Bridges

- Section 2201 – Reworded and restructured combining several old sections
- Subsection 2201(c) – Provides that nothing in this Article shall effect the powers or duties of the PA Public Utility Commission to the extent otherwise provided by law
- Subsection 2201(e) – updates several definitions including bridge, valley and stree
- Section 2220 – Clarifies the authority to enter into an agreement with another municipality sharing a boundary bridge for construction and maintenance



Article XXIII

Sidewalks

- Section 2301 – Updates township authority regarding sidewalks - a township may, by ordinance, layout and establish sidewalks, curbs, gutters and surface water drains along streets
- Subsection 2303(c) – Authorizes a penalty of 10 percent in addition to the costs to complete sidewalk work if the owner fails to do so after notice and work is incurred by the township
- New Subsection 2303(d) – Provides notice requirements:
 - directly to the property owner if they are a resident of the township
 - to an agent or tenant if the owner is not a resident of the township
 - if no agent or tenant, the notice is to be posted on the premises
 - gives owners not less than 60 days to complete the specified work



Article XXIII (continued)

Sidewalks

- New Section 2305 – Authorizes emergency repairs of sidewalks if a substantial and immediate danger exists to public health, safety and welfare; the township may make emergency repairs at the property owner's expense if the owner does not complete the repairs within the 48-hour notice
 - failure of the owner to make the necessary repairs will result in a lien, but may not include penalties
 - the amount of claims against the owner may also be collected by an action in assumpsit



Article XXIV

Sanitary Sewers and Drains

- New Subsection 2401(c) – Clarifies the board of commissioners' ability, by ordinance, to regulate the use and maintenance of the sanitary sewer and treatment system
- New Subsection 2401(d) – Clarifies that unpaid rates for use of the sanitary sewer system may be recovered through an action in assumpsit against the owner of the property or by a lien
- New Subsection 2401(h) – Requires a township to obtain the consent and required permits from federal, state or county entities for the laying out and construction of a sanitary sewer and treatment system



Article XXIV (continued)

Sanitary Sewers and Drains

- New Section 2401.1 – Requires mandatory connection to a sanitary sewer system established or constructed by not only a municipal authority, but also by the township or by a joint sanitary sewer board
- New Subsection 2401.1(b) – Requires connection if a property's principal building is within 150 feet from the sanitary sewer line
 - if the property owner fails to connect after a period of 60 days the board or its agent may enter the property and construct the connection
 - the board shall send an itemized cost of construction to the owner of the property
 - if the owner fails to pay the bill, a municipal lien may be filed



Article XXIV (continued)

Sanitary Sewers and Drains

- New Section 2401.2 – Requires notice of the construction of a sewer system once in a newspaper of general circulation
- Section 2407 – Authorizes the costs for a sanitary sewer system now may be charged to each district via resolution, rather than ordinance
- Section 2435 – Clarifies that a township may connect with the existing sanitary sewer of a municipal authority in addition to being authorized to connect with an adjacent municipal corporation



Article XXV

Collection by Installment of the Cost of Street, Curb, Sidewalk and Sewer Improvements (Repealed)

- Provisions of this Article have been moved to new Article XXV-A



New Article XXV-A

Assessments for Public Improvements

This new article consolidates methods for assessing of benefits on real property owners for various public improvements

- Section 2501-A – Provides a definition for “public improvement”
- Section 2502-A – Authorizes a township to pay for improvements from:
 - the general fund
 - special township funds created for a specified purpose
 - the front foot or benefit conferred method of assessment
- Section 2503-A – Provides for front foot and benefits conferred methods of assessment; the board of commissioners is required to establish the chosen method by ordinance



New Article XXV-A (continued)

Assessments for Public Improvements

- Section 2504-A – Provides for a petition to the Court of Common Pleas by the board of commissioners for viewers to assess the total cost of an improvement or so much of the cost as may be just and reasonable
- Section 2505-A – Provides for a petition to the Court for the appointment of viewers by property owners whose property is being assessed and who allege that the assessment insufficiently represents the benefits accruing
- Section 2506-A – Provides for a notice requirement to property owners regarding the assessment



Article XXVI

Revolving Fund for Street and Sewer Improvements (Repealed)

- Provisions of this Article have been moved to Section 1709(a)(8)



Article XXVII

Water Supply

- New Section 2701.1 – Provides that nothing in this code may be construed to repeal or supersede any of the provisions in the Public Utility Code
- New Section 2701.2 – For water supplied by the township, authorizes the board of commissioners to fix the rates charged to users of water or to owners whose properties are connected to the water system
 - the initial rate must be established by ordinance, but any subsequent rate adjustment may be by resolution provided the ordinance establishing the rate allows for future rate adjustments by resolution
- Subsection 2707(a) – Provides that the board of commissioners may, by ordinance, require a property owner to connect with and use a water system of the township, municipal authority or a joint water system in the following cases:
 - if the nearest property line is located within 150 feet of a water system or any part or extension of the system
 - if the property has no supply of water which is safe for human consumption



Article XXVII (continued)

Water Supply

- New Subsection 2707(b) – With respect for water supplied for human consumption, a property owner who is subject to mandatory connection pursuant to subsection (a) shall not be required to connect to the water system if all of the following conditions exist:
 - the water system or part of the system that is within 150 feet of the nearest property line was in existence on the effective date of the subsection
 - the property has its own water supply which is safe for human consumption
 - prior to the effective date of the subsection, the property owner was not required to connect to the system



Article XXVII (continued)

Water Supply

- Section 2707(c) – Clarifies that industries and farms with their own supply of water for use other than human consumption existing as of the effective date of this act, may continue to use their preexisting supply for that purpose, but are required to use the water system of the township or municipal authority to provide water for human consumption



Article XXVII (continued)

Water Supply

- New Subsection 2707(d) – Authorizes a township to require any owner of a property to install and maintain a backflow prevention device based on the degree of potential hazard of the connected property
- Subsection 2707(g)(2) – Reduces the interest rate for repaying the cost of construction of water connections in installments from seven to six percent to coincide with the interest rate for payment of assessments for public improvements by installments



Article XXVIII

Public Buildings

- Section 2801 – Clarifies that the board of commissioners may procure by purchase, gift, exchange or eminent domain a lot(s) located within the township for township purposes
- Section 2806 – Reduces the notice requirement when the board of commissioners desires to take any public land previously granted or dedicated to a use or purpose for which it is no longer used; the court need only provide notice in one newspaper of general circulation



Article XXIX

Licenses and License Fees

- New Subsection 2901(b) – Updates license fees for businesses regulated under this section; fees must bear a reasonable relationship to the cost of administering the ordinance and regulating, inspecting and supervising each business



Article XXX

Parks, Recreation Centers, Shade Trees and Forests

- Section 3009 – Clarifies that the board of commissioners may establish a recreation board and provide for its powers and duties by ordinance
- Section 3010 – Updates the composition of a recreation board to consist of residents or property owners in the township appointed by the board of commissioners
- Section 3024 – Reduces publication of the regulations of a shade tree commission to once in a newspaper of general circulation
- Section 3026 – Reduces publication of notice of meetings where work relating to shade trees will be considered to once in a newspaper of general circulation



Article XXX-A

Land Subdivision (Repealed)

- The sections within this Article were repealed by the enactment of the PA Municipalities Planning Code, Act 247 of 1968.



Article XXXI

Zoning (Repealed)

- The sections within this Article were repealed by the enactment of the PA Municipalities Planning Code, Act 247 of 1968.



Article XXXI-A

Uniform Construction Code, Property Maintenance Code and Reserved Powers

- No modifications have been made to this Article which was added to the First Class Township Code by Act 51 of 2015.



Article XXXII

Township Planning Commission (Repealed)

- The sections within this Article were repealed by the enactment of the PA Municipalities Planning Code, Act 247 of 1968.



Article XXXIII

Enforcement of Ordinances (Repealed)

- Provisions of this Article have either been moved to subdivision (b) in new Article XXXIII-A – Enforcement of Ordinances.



New Article XXXIII-A

Ordinances

This Article codifies all provisions relating to ordinances and were moved from Section 1502(I)

- Subsection 3301-A(b) – Clarifies that every legislative act of the board of commissioners shall be by ordinance, including but not limited to:
 - exercising the police power of the township
 - regulating land use, development and subdivision
 - imposing assessments on benefited property for public improvements
 - increasing the rate of taxation from the previous fiscal year
- Subsection 3301-A(c) – Clarifies that resolutions may be adopted for any purpose, including, but not limited to the following:
 - ceremonial or congratulatory expressions of the good will of the board of commissioners
 - statements of public policy
 - approval of formal agreements of the township (other than purchasing)
 - approval of administrative rules
 - levying taxes at the same rate as or a rate lower than the previous fiscal year



New Article XXXIII-A (continued)

Ordinances

- New Section 3321-A – Provides two methods of ordinance enforcement – civil and summary offenses
- New Subsections 3321-A (a)(2) and (3) – Provides that ordinances may provide for separate offenses for each day or each applicable section of the ordinance in which a violation is found to exist; court costs and fees may also be assessed via ordinance
- New Subsection 3321-A(b)(1) - Provides that most ordinances will be enforced through civil enforcement proceedings before a magisterial district judge
 - existing ordinances are deemed to be automatically amended so that they are enforced through civil enforcement proceedings
- Subsection 3321-A(b)(2) – Lists specific ordinances in which violations will be considered summary offenses



Article XXXIV

Actions By and Against Townships

- Section 3406 – Updates language to comply with Act 229 of 1929 - an action in assumpsit to collect municipal claims shall now be commenced within six years as apposed to three years



Article XXXV

Repeals

- In addition to updating outdated references to statutes and executive agencies, this Article enumerates three specific repeals:
 - The act of April 9, 1931 (P.L.22, No.20) regarding tax levies – Section 1709 (a)(1) now provides for up to 30 mills for general revenue purposes
 - The act of July 2, 1937 (P.L.2803, No.588) regarding boundary changes – PA Constitution now provides for boundary changes
 - The act of July 18, 1935 (P.L.1172, No.381) regarding tax collector bonds – The Local Tax Collection Law now provides for the bonds of tax collectors

