

No. 29

AN ACT

HB 311

Amending the act of May 1, 1933 (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," lowering the number of electors required for consent to contracts with water companies for placing of fire hydrants and the maintenance of adequate water pressure for fire purposes, and the levying of annual taxes to defray the expenses thereof.

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

Section 1. Clause XXII of section 702, act of May 1, 1933 (P. L. 103), known as "The Second Class Township Code," reenacted and amended July 10, 1947 (P. L. 1481), is 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—

* * *

XXII. Fire Hydrants and Water Supply; Special Tax.—With the consent of [two-thirds] fifty-one per centum of the electors of the township voting thereon, as hereinafter provided, to contract with water companies for the placing of fire hydrants, and for the maintenance of adequate water pressure for fire purposes, and to levy an annual tax, not exceeding two mills, for the purpose of defraying the expense thereof.

Whenever five per centum or more registered electors of the township shall petition the supervisors for the establishment and maintenance of fire hydrants and fire hydrant water service, and the levy of a tax, not exceeding two mills, to defray the expense thereof, and for a referendum thereon, the supervisors shall, if they approve thereof, cause a question to be submitted at the next municipal election occurring at least sixty days thereafter, by certifying a resolution duly adopted to the county board of elections for submission on the ballot or on voting machines, in the manner provided by the election laws of this Commonwealth. If [two-thirds] fifty-one per centum or more of the persons voting on such question in the township shall vote "Yes," then the

supervisors shall have power to enter into such contract and levy an annual tax as aforesaid: Provided, That no such question shall be submitted at any election unless the resolution of the board of supervisors authorizing the same shall be published once in a newspaper of general circulation published in the county in which the township is situated. If within thirty days after date of publication, taxpayers of the township whose property valuation as assessed for taxable purposes within the township shall amount to thirty-five per centum of the total property valuation as assessed for taxable purposes within the township, shall sign and file with the chairman of the board of supervisors a written protest against submitting such question at any election, then the board of supervisors shall not certify any resolution to the county board of elections as provided in this clause.

Section 2. Clause 5 of subsection A of section 905 of the act, amended May 20, 1949 (P. L. 1562), is amended 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.

* * *

5. A tax not exceeding two mills for the purpose of establishing and maintaining fire hydrants and fire hydrant water service, after obtaining the assent of [two-thirds] fifty-one per centum of the electors of the township voting thereon, in the manner provided in this act.

* * *

Section 3. This act shall take effect immediately.

APPROVED—The 3d day of May, A. D. 1965.

WILLIAM W. SCRANTON

No. 30

AN ACT

HB 327

Amending the act of May 1, 1933 (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," prohibiting auditors from holding certain other elective or appointive township or school district office or employment.

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