

No. 7

AN ACT

SB 794

Amending the act of February 1, 1966 (1965 P.L.1656, No.581), entitled "An act concerning boroughs, and revising, amending and consolidating the law relating to boroughs," further regulating the filling of certain vacancies in office.

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

Section 1. Section 901, act of February 1, 1966 (1965 P.L.1656, No.581), known as "The Borough Code," is amended to read:

Section 901. Filling Vacancies in Elective Borough Offices.—If any vacancy shall occur in the office of the mayor, member of council, auditor, controller, or tax collector, by death, resignation, removal from the borough, or from a ward in the case of a ward office, or by failure to take the required oath or to give bond as provided by law or ordinance, or in any other manner whatsoever, the borough council shall fill such vacancy by appointing, by resolution, a registered elector of the borough, or of the ward in case of a ward office, to hold such office **[for the unexpired term of the office]** *if the term thereof continues so long, until the first Monday in January after the first municipal election occurring more than sixty days after the vacancy occurs, at which election an eligible person shall be elected to the office for the remainder of the term.*

The person appointed shall give bond if required by law or ordinance.

In cases where the person elected to the office shall fail to give bond, if any, required or to take the required oath, the borough council, before making the appointment, shall declare the office vacant.

If the council of any borough shall refuse, fail or neglect, or be unable, for any reason whatsoever, to fill any vacancy within thirty days after the vacancy happens, as provided in this section, then the court of **[quarter sessions]** *common pleas* shall, upon petition of the mayor or council or five citizens of the borough, fill the vacancy in such office, by the appointment of a qualified resident of the borough **[for the unexpired term of the office]** *if the term thereof continues so long, until the first Monday in January after the first municipal election occurring more than sixty days after the vacancy occurs, at which election an eligible person shall be elected to the office for the remainder of the term.*

APPROVED—The 11th day of February, A. D. 1976.

MILTON J. SHAPP