

## No. 1988-40

## AN ACT

## HB 1099

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 providing for a decrease in the number of councilmen and for appropriations; and making an editorial change.

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

Section 1. Sections 806 and 818 of the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, are amended to read:

Section 806. Officers to be Elected.—It shall be lawful for the electors of the borough to elect:

(1) In boroughs not divided into wards, seven councilmen, one mayor, one assessor, except in those boroughs where, under the applicable county assessment law, the office of elected assessor in boroughs shall have been abolished; a tax collector and three auditors or one controller except in such boroughs where there shall be an appointed auditor in lieu of elected auditors or controller. In any borough with population, as determined by the latest official census, of less than **[one thousand] three thousand**, the total number of councilmen may be reduced from seven to five or to three upon petition to the court of **[quarter sessions] common pleas**, as provided in section 818 of this act.

(2) In boroughs divided into wards, at least one, and not more than two councilmen in each ward, except in boroughs where prior to the passage of this act three councilmen were elected in each ward. In such boroughs, the number of councilmen is fixed at three in each ward until such number is reduced in the manner provided by this act. Councilmen shall be residents of the ward from which they are elected, and chosen by the electors of the ward; also a mayor, a tax collector and three auditors or a controller, except in such boroughs where there shall be an appointed auditor in lieu of elected auditors or controller, and an assessor, except in those boroughs where, under the applicable county assessment law, the office of elected assessor shall have been abolished who shall be chosen by the electors of the boroughs at large.

Section 818. Decrease in Number of Councilmen.—The court of **[quarter sessions] common pleas** may, upon petition of at least five percent of the registered electors of any borough, which, according to the latest official census, had a population of not more than **[one thousand] three thousand**, reduce the total number of councilmen for such borough from seven to five or to three. The sufficiency of the number of signers to any such petition shall be ascertained as of the date when the petition is presented to court.

The court shall give notice of the filing of such petition by advertisement in the legal journal of the county, if one is published in the county, and in one newspaper of general circulation in the borough, and in such notice shall fix a day and time for hearing. After such hearing, the court may decrease the number of councilmen elected in such borough from seven to ~~five or three~~, as requested in the petition.

At the municipal election following the decrease in the number of councilmen in such borough, from seven to five, if four councilmen would otherwise have been elected, there shall instead be elected three councilmen; if three councilmen would otherwise have been elected there shall instead be elected two councilmen. At the second municipal election following the decrease in the number of councilmen in such borough, if four councilmen would otherwise have been elected, there shall instead be elected three councilmen; if three councilmen would otherwise have been elected, there shall be elected two councilmen. At all following municipal elections, there shall be elected the proper number of councilmen to correspond to the number of councilmen whose terms are to expire the first Monday of the following January.

At the municipal election following the decrease in the number of councilmen in such borough from seven to three, if four councilmen would otherwise have been elected there shall instead be elected two councilmen; if three councilmen would otherwise have been elected there shall instead be elected one councilman. At the second municipal election following the decrease in the number of councilmen in such borough, if four councilmen would otherwise have been elected, there shall instead be elected two councilmen; if three councilmen would otherwise have been elected, there shall be elected one councilman. At all the following municipal elections, there shall be elected the proper number of councilmen to correspond to the number of councilmen whose terms are to expire the first Monday of the following January.

In any borough where, under the provisions of this section, the number of councilmen shall be reduced, the councilmen then in office shall remain in office until the end of their respective terms. If any such borough shall thereafter attain a population in excess of ~~[one thousand]~~ *three thousand*, according to the latest official census, the number of councilmen shall automatically be increased from three or five to seven, following the reverse of the procedure set forth in the third or fourth paragraph of this section, as the case may be.

Section 2. Section 1202(67) of the act is amended and the section is amended by adding a clause to read:

Section 1202. Specific Powers.—The powers of the borough shall be vested in the corporate authorities. Among the specific powers of the borough shall be the following, and in the exercise of any of such powers involving the enactment of any ordinance or the making of any regulation, restriction or prohibition, the borough may provide for the enforcement thereof and may prescribe penalties for the violation thereof or for the failure to conform thereto:

\* \* \*

(67) Appropriation for civic purposes. To appropriate, in any year out of the general funds of the borough[, a sum not exceeding seven hundred fifty dollars (\$750)] for the observance of holidays or centennials or other anniversaries or for borough celebrations or other civic projects or programs.

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*(80) Appropriations to senior citizens organizations. To appropriate funds for programs which benefit senior citizens, or make grants to civic organizations which represent senior citizens, provide services to senior citizens, or of which its members are senior citizens.*

Section 3. This act shall take effect in 60 days.

APPROVED—The 30th day of March, A. D. 1988.

ROBERT P. CASEY