

No. 1990-186

AN ACT

HB 2130

Amending the act of June 24, 1931 (P.L.1206, No.331), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," further providing for the election of commissioners in townships that are not divided into wards; and further providing for the tax to support ambulance and rescue squads.

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

Section 1. Section 505 of the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, reenacted and amended May 27, 1949 (P.L.1955, No.569), is amended to read:

Section 505. Number and Election of Commissioners in Townships Not Divided into Wards.—In townships not divided into wards, the number of township commissioners shall be five, who shall be elected at large by the voters of the township. At each municipal election, two or three township commissioners, as the case may be, shall be elected for terms of four years each, from the first Monday of January next succeeding, to take the place of the commissioners whose terms then expire. *Commissioners 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. Section 1709 of the act, amended November 22, 1972 (P.L.1239, No.276), May 10, 1974 (P.L.295, No.93), July 16, 1975 (P.L.63, No.38) and May 22, 1981 (P.L.78, No.25), is amended to read:

Section 1709. Tax Levies.—(a) The board of township commissioners may levy taxes upon all property and upon all occupations within the township made taxable for township purposes, as ascertained by the valuation for county purposes made by the assessors of the several counties of this Commonwealth for the year for which the township taxes are levied, for the purposes and at the rate hereinafter specified: Provided, however, That such valuation shall be subject to correction by the county commissioners of the several counties, and to appeal by the taxable persons in accordance with existing laws.

One. An annual tax for general township purposes, not exceeding thirty mills, unless the board of township commissioners by majority action shall, upon due cause shown by resolution, petition the court of quarter sessions, in which case the court may order a rate of not more than five mills additional to be levied: Further provided, That if, at the hearing before the court of quarter sessions upon said petition, of which notice shall be given as the court may direct, which hearing shall be held not less than ten nor more than fifteen days after said petition shall be presented, the owners of real estate having assessed valuation of fifty per centum of the total assessed valuation of real estate in said township shall, by petition, object to the making of an

order for any additional tax levy, the court shall thereupon deny the prayer of said petition.

Two. An annual tax not exceeding three mills for the purpose of building and maintaining suitable places for the housing of fire apparatus and for the purpose of purchasing, maintaining and operating fire apparatus and for the purposes of making of appropriations to fire companies within or without the township and of contracting with adjacent municipalities or volunteer fire companies therein for fire protection. If an annual tax for the purposes specified in this clause is proposed to be set at a level higher than three mills the question shall be submitted to the voters of the township, and the county board of elections shall frame the question in accordance with the election laws of the Commonwealth for submission to the voters of the township.

Three. An annual tax, not exceeding one-tenth of one mill, for the purpose of caring for trees planted under the supervision of the shade-tree commission, and for the purpose of publishing notices of meetings to consider the planting, removing, or changing of trees. In lieu of the tax provided for in this clause, the township commissioners may, by specific appropriation, provide for the maintenance of such trees from the general funds of the township.

Four. An annual tax so long as necessary, for the purpose of procuring a lot and/or erecting a building thereon for a townhouse, and for the payment of indebtedness incurred in connection therewith.

Five. An annual tax sufficient to pay interest and principal on any indebtedness incurred pursuant to the act of July 12, 1972 (P.L.781, No.185), known as the "Local Government Unit Debt Act," or any prior or subsequent act governing the incurrence of indebtedness of the township.

Six. The commissioners of the township shall have the power to levy and collect annually on the valuation assessed for general township purposes as now is or may be provided by law, an additional tax not exceeding one-half (1/2) mill to provide for pensions, retirement, or the purchase of annuity contracts for township employes. This tax shall be kept in a separate fund and used only for the purposes herein provided.

Seven. 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 (c).*

(b) This section does not include the levy of any taxes upon particular districts, or parts of any township, for particular purposes, nor special levies otherwise provided for in this act.

(c) *The tax for supporting ambulance and rescue squads serving the township shall not exceed the rate specified in clause seven 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. This act shall take effect in 60 days.

APPROVED—The 17th day of December, A. D. 1990.

ROBERT P. CASEY