

No. 2000-34

## AN ACT

HB 1155

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," providing for attendance at national or State lodge of police officers; renaming special school police as school crossing guards; further providing for specific powers of a borough relating to towing equipment; providing for school crossing guards' powers and duties, for filing of budget and for uniform forms; and making editorial changes.

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

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

*Section 705. National or State Lodge of Police Officers.—Any borough council may grant any borough employe, who is a duly elected representative of any State lodge of police officers or any local lodge being a part of any national or State lodge of police officers, a leave of absence with pay to attend any annual national or State convention or conference of such lodge, for a period not to exceed four days, including necessary time for travel to and from same. Any employe receiving time off with pay under this section shall upon his return submit to his immediate superior a certificate testifying to his attendance at the convention or conference, signed by at least two responsible officers of the convention or conference. No more than two elected representatives who are employes of the same borough may attend any such convention or conference on behalf of any such lodge under this section.*

Section 2. Sections 1127 and 1202(51) of the act are amended to read:

Section 1127. **[Special School Police.—] School Crossing Guards.—(a)** Upon request of the board of school directors of the school district in which a borough is located, the borough council may appoint **[special school police] school crossing guards** who shall have the duty of controlling and directing traffic at or near schools and who shall be in suitable and distinctive uniform. **[and shall display a badge or other sign of authority. Such police shall be vested with all the power of local police officers and while] While** on duty, *these crossing guards* shall be under and subject to the direction of the mayor. They shall serve at the pleasure of the borough council, *except as noted in subsection (b)*, and shall not come within the civil service provisions of this act and shall not be entitled to participate in any **[police] borough** pension plan or plans now in effect or hereafter effective. The compensation of the school **[police] crossing guards**, if any, shall be fixed by the borough council and shall be jointly paid by the borough council and the board of school directors, in a

ratio to be determined by the borough council and board of school directors. If the borough council and board of school directors are unable to determine the ratio of compensation of the [police] *crossing guards* to be paid by the council and the board, each shall pay one-half of the compensation of such [police] *crossing guards*. Auxiliary policemen, appointed as prescribed by general law, may be designated to serve as [special school police.] *crossing guards*.

*(b) The borough council may approve an ordinance allowing a board of school directors to assume hiring and oversight of school crossing guards. Before the borough council may approve such an ordinance, the board of directors of the school district shall approve a resolution requesting the authority to assume the hiring and oversight of school crossing guards. The ordinance shall outline how the police department will provide any necessary training and assistance of the school crossing guards while on duty. Such school crossing guards shall be authorized only in the management of traffic and pedestrians in and around areas identified by the police department and the school district superintendent or his or her designees. The school crossing guards shall not come within the civil service provisions of this act, nor shall they fall under the bargaining unit of the school district nor be considered an employe as defined under section 1101-A of the act of March 10, 1949 (P.L.30, No.14), known as the "Public School Code of 1949," or a school employee as defined under 24 Pa.C.S. § 8102 (relating to definitions), or under any plans hereafter effective. Once the ordinance receives approval by the borough council, the school district shall assume the cost of compensation, including fixing such compensation, if any, of the school crossing guards. Auxiliary policemen, appointed as prescribed by general law, may be hired by the school district to serve as school crossing guards. The board of school directors shall notify the borough council of those hired to serve as school crossing guards and request the necessary training or assistance be provided as outlined by the ordinance.*

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:

\* \* \*

(51) Towing equipment. To purchase vehicles and other equipment necessary for the towing of motor vehicles, tractors, and other vehicles from roads, streets, and public property of the borough and to impose fees therefor whenever such towing equipment is used for the lawful removal of motor vehicles and other vehicles from highways, roads, streets, and public property of the borough and/or to authorize or contract with one or more

commercial towers as the official towers for the borough for the lawful removal of motor vehicles, tractors and other vehicles from highways, roads, streets and public property of the borough and to impose fees in the same manner as hereby authorized when the towing is performed with borough vehicles and equipment. *This clause shall apply only when the borough is requesting a vehicle to be towed. In all other cases, the owner or operator of a vehicle shall be permitted to select and pay for the tower.*

\* \* \*

Section 3. Sections 1310, 1311 and 1314 of the act, amended October 9, 1967 (P.L.399, No.181), are amended to read:

Section 1310. Adoption of Budget; Tax Ordinance.—Upon completion of the budget, containing the estimated receipts and expenditures, and its adoption by motion in council, which shall not be later than December thirty-first, it shall be the duty of the council to adopt an ordinance levying the taxes referred to in this act for the fiscal year for approval of the mayor or passage over his veto.

**[Copy of the budget, together with the tax ordinance, shall be filed with the Department of Community Affairs by the secretary of the borough, within fifteen days after the adoption of the tax ordinance.]**

Section 1311. Amending Budget; Notice.—During the month of January next following any municipal election the council of any borough may amend the budget and the levy and tax rate to conform with its amended budget. A period of ten days' public inspection at the office of the borough secretary of the proposed amended budget after notice by the borough secretary to that effect is published once in a newspaper as provided in section 109 of this act, shall intervene between the proposed amended budget and the adoption thereof. Any amended budget must be adopted by council on or before the fifteenth day of February.

**[Within fifteen days after the adoption of an amended budget the borough secretary shall file a copy thereof in the office of the Department of Community Affairs.]**

Section 1314. Uniform **[Budget and]** Financial Report; Forms.—The uniform forms for **[the annual budget, the annual auditors' report and]** the annual financial statement required to be made by the auditors or the controller shall be prepared by a committee consisting of four representatives from the Pennsylvania State Association of Boroughs, and the Secretary of Community **[Affairs] and Economic Development**, or his agent.

Such representatives of boroughs shall be appointed by the president of the organization. Such representatives shall be chosen from among the finance officers or other officers of the borough who have knowledge of their fiscal procedures. As far as possible, they shall be chosen to represent boroughs in the various population groups. The president of the organization shall supply to the Department of Community **[Affairs] and**

*Economic Development* the names and addresses of such representatives immediately upon their appointment.

Such representatives shall serve without compensation, but shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the committee. The committee shall meet at the call of Secretary of Community [Affairs] *and Economic Development*, or his agent, who shall serve as chairman of the committee.

**[In preparing such uniform forms, the committee shall give careful consideration to the fiscal needs and procedures of boroughs of the various population groups, producing separate forms if necessary, to the end that such forms shall not be inconsistent with the general administrative practices of boroughs of various types and sizes.]**

It shall be the duty of the Secretary of Community [Affairs] *and Economic Development*, or his agent, to see to it that the forms required by this article are prepared in cooperation with such committee. In the event that the committee should for any reason fail to furnish such cooperation, the Secretary of Community [Affairs] *and Economic Development*, or his agent, shall prepare the forms. After their preparation, he shall issue such forms and distribute them annually, as needed to the proper officers of each borough.

Section 4. This act shall take effect in 60 days.

APPROVED—The 22nd day of June, A.D. 2000.

THOMAS J. RIDGE