

be selected by such employes, one to be selected by the Board of School Directors or Board of Public Education and the two so selected to select a third member. The panel shall meet within fifteen (15) days and shall consider all grievances submitted to it by the authorized representatives of such employes. The members of the panel shall serve without compensation but shall receive all necessary traveling expenses which shall be paid by the school district involved.

APPROVED—The 15th day of December, A. D. 1955.

GEORGE M. LEADER

No. 262

AN ACT

Amending the act of May four, one thousand nine hundred twenty-seven (Pamphlet Laws 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," further regulating the incorporation of boroughs, changing certain penalties and making such changes retroactive, fixing the expense allowance for delegates to the meetings of the State Association of Boroughs, providing for the creation of capital reserve funds for capital expenditures and the advertising of notices relative to land subdivision ordinances.

The Borough
Code.

Sections 202,
1017, and sub-
section (e),
section 1035, act
of May 4, 1927,
P. L. 519, re-
enacted and
amended July
10, 1947, P. L.
1621, further
amended.

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

Section 1. Section two hundred two, section one thousand seventeen and subsection (e) of section one thousand thirty-five, act of May four, one thousand nine hundred twenty-seven (Pamphlet Laws 519), known as "The Borough Code," reenacted and amended July ten, one thousand nine hundred forty-seven (Pamphlet Laws 1621), are amended to read:

Section 202. Applications for Incorporation.—The application for incorporation shall be by a petition signed by a majority of the freeholders residing within the limits of the proposed borough, [which] *when all parts of the proposed borough are in the same township and, where portions of the proposed borough are in different townships, the petition shall be signed by a majority of the freeholders residing in each of such separate portions.* The signatures must be secured within three months immediately preceding the presentation thereof to the court. Such petition shall be subscribed by and sworn to by at least one of the signers. The

number of signers required to the petition shall be ascertained as of the date the petition was presented to court.

Section 1017. State Association of Boroughs.—The boroughs of the Commonwealth are authorized to organize a State Association of Boroughs for the purpose of advancing the interests of the boroughs. Any borough may join the said association by motion of council and payment of the annual dues. Council may designate one or more delegates from the elected or appointed officials of the borough to attend the annual meeting of the association, which shall be held in *the Commonwealth* in accordance with the procedure adopted by the association. In addition to any compensation allowed by law [the actual expenses of the delegates, including transportation incurred by delegates for or incident to such meeting, shall be paid by the borough.] *each delegate shall be allowed for his expenses incurred in attending the meeting twenty dollars per day, together with eight cents per mile in going to and returning from the meeting.* The time spent in attending said meeting shall not be more than three days, exclusive of the time employed in traveling thereto and therefrom. Each borough, becoming a member of the association, shall pay such reasonable dues as may be fixed by the association, but such dues for boroughs having a population of less than one thousand shall not exceed fifteen dollars.

The dues and other revenues received by the association shall be used to pay for services, publications and other expenses authorized or ratified by the association, or incurred in behalf of the association, by its officers and committees.

Section 1035. Auditors to Meet Yearly, and Audit Accounts; Uniform Forms.—

* * * * *

(e) After such report has been prepared and executed by the auditors, it shall be the duty of the secretary of the borough to retain a copy and to file a copy of the report with the clerk of the court of quarter sessions of the county and the Department of Internal Affairs. Such reports shall be filed by the secretary of the borough not later than the fifteenth day of April. Any secretary of the borough refusing or wilfully neglecting to file such report shall, upon conviction in a summary proceeding, be sentenced to pay a fine of five dollars for each day's delay beyond the last day for filing such report and costs, *but the total fine which may be imposed and collected for any such offense shall not exceed two hundred dollars (\$200).* If the failure to file such report within the period specified is due to the failure

of the auditors to prepare the statement upon which said report is to be based, said fine shall be imposed upon all of the auditors. *The limit of two hundred dollars (\$200) fixed by this amendment as the total amount of the fine which can be imposed and collected for a violation of this subsection shall apply to violations committed prior to this amendment in cases where the fines have not already been paid.*

Section 1202, act of May 4, 1927, P. L. 519, reenacted and amended July 10, 1947, P. L. 1621, amended by adding a new clause LVII.1.

Section 2. Section one thousand two hundred two of the act, reenacted and amended July ten, one thousand nine hundred forty-seven (Pamphlet Laws 1621), is amended by adding, after clause LVII, a new clause to read:

Section 1202. Specific Powers.—The powers of the borough shall be vested in the corporate officers. They shall have power:

* * * * *

LVII.1. Creation of Capital Reserve Fund for Anticipated Capital Expenditures.—To create and maintain a separate capital reserve fund for anticipated legal capital expenditures. The money in the fund shall be used, from time to time, for the construction, purchase or replacement of or addition to municipal buildings, equipment, machinery, motor vehicles or other capital assets of the borough and for no other purpose.

Council may appropriate moneys from the general borough funds to be paid into the capital reserve fund or place in the fund any moneys received from the sale, lease or other disposition of any borough property or from any other source, unless received or acquired for a particular purpose. The fund shall be controlled, invested, reinvested and administered and the moneys therein and income from such moneys expended for any of the purposes for which the fund is created in such manner as may be determined by council. The money in the fund, when invested, shall be invested in securities designated by law as legal investments for sinking funds of municipalities.

This clause shall not be construed to limit the powers of the borough to the use of moneys in the capital reserve fund in making lawful capital expenditures.

Section 1302, act of May 4, 1927, P. L. 519, reenacted and amended July 10, 1947, P. L. 1621, further amended.

Section 3. Section 1302 of the act, reenacted and amended July ten, one thousand nine hundred forty-seven (Pamphlet Laws 1621), is amended to read:

Section 1302. Special Levy to Pay Debts.—In addition to the [levy] *levies* provided for in [the] preceding [section] *sections*, when it shall be shown to the court of quarter sessions of the county that the corporate authorities refuse or neglect to levy a sufficient tax to

pay the debts due by the borough, the court may, after ascertaining the amount of such indebtedness of the borough, direct a writ of mandamus to the proper officers of such borough to collect by special taxation an amount sufficient to pay the same in one or more annual instalments, as may be adjudged reasonable by said court, during such years as may be required for the payment of the same.

Section 4. The act reenacted and amended July ten, one thousand nine hundred forty-seven (Pamphlet Laws 1621), is amended by adding, after section one thousand six hundred seventy-one, a new section to read:

Act of May 4,
1927, P. L. 519,
reenacted and
amended July
10, 1947, F. L.
1621, amended
by adding a new
section 1671.1.

Section 1671.1. Enactment of Land Subdivision Ordinance.—At least one week and not more than three weeks prior to the presentation of the ordinance adopting land subdivision regulations, an informative notice of intention to consider such proposed ordinance and a brief summary setting forth the principal provisions of the proposed ordinance, in such reasonable detail as will give notice of its contents and a reference to the place or places within the borough where copies of the proposed ordinance may be examined, shall be published in the manner provided by law for the publication of ordinances.

The provisions of the ordinance need not be advertised or recorded, as in other cases, but may be supplied by reference to a code or to parts thereof determined by the council, or such provisions of the ordinance may be supplied by reference to a typed or printed code prepared under the direction of or accepted by the council, or such provisions may consist of a standard code approved as aforesaid, or parts thereof, and also further provisions typed or printed as aforesaid. Copies of the provisions of the ordinance thus adopted by reference shall be made available to any interested party at the cost thereof or may be furnished or loaned without charge, and a copy of such provisions of the ordinance, whether by reference to a standard code or a combination of them, shall be attached to the ordinance book with the same force and effect as if duly recorded therein.

The procedure set forth relating to the adoption of the ordinance may likewise be adopted in amending, supplementing or repealing any of the provisions of the ordinance.

APPROVED—The 15th day of December, A. D. 1955.

GEORGE M. LEADER