

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

The Borough Code.

Section 1. Section 2730, act of May 4, 1927 (P. L. 519), known as "The Borough Code," reenacted and amended July 10, 1947 (P. L. 1621), is amended to read:

Section 2730, act of May 4, 1927, P. L. 519, reenacted and amended July 10, 1947, P. L. 1621, further amended.

Section 2730. Shade Tree Commission.—A borough by ordinance may establish a commission to be known as the Shade Tree Commission, *but in boroughs where the council shall not elect to create by ordinance a Shade Tree Commission council may exercise all the rights and perform the duties and obligations imposed by this article upon the Shade Tree Commission.*

APPROVED—The 11th day of March, A. D. 1959.

DAVID L. LAWRENCE

No. 6

AN ACT

Amending the act of May 4, 1927 (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," further providing for the election of councilmen upon the consolidation of boroughs.

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

The Borough Code.

Section 1. Section 216, act of May 4, 1927 (P. L. 519), known as "The Borough Code," reenacted and amended July 10, 1947 (P. L. 1621), is amended to read:

Section 216, act of May 4, 1927, P. L. 519, reenacted and amended July 10, 1947, P. L. 1621, further amended.

Section 216. Joint Agreement for Consolidation; Decree of Court.—Such consolidation shall be made under the following conditions:

(a) The councils of the boroughs may of their own initiative, or shall, within sixty days after each is requested in writing by at least ten per centum of the registered electors of the respective borough, enter into a joint agreement, under the corporate seal of each borough, for the consolidation thereof into one borough. The joint agreement shall set forth the name of the new borough, the number of wards, if any, into which the borough is to be divided, and the territorial boundaries thereof. Where such agreement provides for wards, if the consolidation becomes effective, *one or two councilmen shall be elected in each ward as the joint agreement for consolidation may provide.* It may also set forth such terms as have been agreed upon for the disposition of the assets of each of the boroughs, and for the liquidation of

the indebtedness of each of the boroughs, either jointly, separately, or in certain defined proportions, and the adjusting and paying of the same by separate rates of taxation on all property subject to taxation within the boundaries of such boroughs respectively.

(b) If the councils are unable to effect such joint agreement within sixty days after each shall have been requested so to do in writing as aforesaid, or if for any reason the councils fail to effect such joint agreement within said sixty-day period, the court of quarter sessions of the county or of any of the counties in which any of said boroughs are situate shall, if satisfied, after petition or petitions presented by at least ten per centum of the registered electors of each borough and hearing held thereon, that the councils have failed, after being duly requested in writing as aforesaid, to enter into such joint agreement, enter a decree for an election to be held in said boroughs on the question of consolidation of said boroughs into one borough. The decree of the court shall fix the date for such election, designate the name of the new borough (which name shall be as prayed for in the petition or petitions), the number of wards, if any, into which the consolidated borough is to be divided, the territorial boundaries thereof, and for the election of *one or two* councilmen in each such ward, and shall also set forth such terms as appear equitable, just and proper to the court for the disposition of the assets of each of the boroughs and for the liquidation of indebtedness of each of the boroughs, either jointly, separately, or in certain defined proportions, and the adjusting and paying of the same by separate rates of taxation on all property subject to taxation within the boundaries of such boroughs respectively.

The court shall direct the county board of elections to furnish to each election district in such boroughs the necessary ballots and supplies for such election.

On presentation of such petition or petitions, the court shall fix a date for hearing, which shall be held within thirty days from the date of presentation of the petition or petitions. Notice of the time and place of the hearing shall be given by the secretary of each of the boroughs at least fifteen days before the date fixed for the hearing in such manner as may be provided by order of court.

The petition or petitions, aforesaid, may be presented to court at any time after councils have failed to enter into a joint agreement in response to the written request aforesaid.

APPROVED—The 11th day of March, A. D. 1959.

DAVID L. LAWRENCE