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Section 4. <sup>1</sup>This act shall take effect immediately.

APPROVED—The 5th day of October, A. D. 1967.

RAYMOND P. SHAFER

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No. 143

AN ACT

SB 1026

Amending the act of June 23, 1931 (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," transferring certain powers and duties from the Department of Internal Affairs and Secretary of Internal Affairs to the Department of Community Affairs and the Secretary of Community Affairs, and transferring records and equipment relative thereto, and making editorial changes.

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

Section 1. Sections 205, 503, 516, 517, 526, 540 and 560, act of June 23, 1931 (P. L. 932), known as "The Third Class City Code," reenacted and amended June 28, 1951 (P. L. 662), are amended to read:

Section 205. Returns of Election.—The county board of elections shall make return of the vote cast on the question submitted to the clerk of the court of the proper county or counties, and to the respective corporate authorities of the towns, townships and boroughs submitting such question. If a majority of the votes cast in each such town, township and borough on the question shall be in favor of creating a city, then returns thereof shall also be made by the county board of elections to the Secretary of the Commonwealth and the Department of [Internal] Community Affairs.

Section 503. Ordinance of City; Filing Copy Thereof.—Upon presentation to the council of such city of a certified copy of the ordinance in case of a borough, or of the petition in the case of a township or part thereof, together with the required plots in any case, the council of said city may, by ordinance, annex such borough, township, or part thereof to the said city. Certified copies of the borough and city ordinances and the petition and the plans shall be filed in the office of the clerk of the court of quarter sessions of the county or counties involved, and like copies shall be certified to the Department of [Internal] Community Affairs of the Commonwealth.

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<sup>1</sup> "The provisions of this act shall become effective immediately" in original.

Nothing contained in subdivision (a) of this article shall be deemed to require any city to annex any borough, township or part of any such township.

Section 516. Notice of View; Report; Decree.—Notice of the first hearing of the said viewers shall be given to the city, and to at least one of the petitioners as the court may direct. The said viewers, or a majority of them, shall make report to said court at its next session after their appointment. If they report that they find the statements and facts of said petition to be true, and recommend the annexation as prayed for, and if no appeal is taken within thirty days therefrom, the said court shall thereupon make an order or decree to carry the annexation into effect. The city clerk shall forward a certified copy of said decree to the Department of [Internal] Community Affairs of the Commonwealth.

Section 517. Appeal; Hearing, Notice; Decree.—Within thirty days after filing of such report, any person aggrieved thereby may take an appeal, by petition to the court of quarter sessions, setting forth his complaint, and thereupon the court shall fix a day for hearing the same. Notice of such appeals shall be given to all parties interested by publication once in one newspaper, in accord with the provisions of section one hundred and nine of this act. After such hearing, the court shall decide whether the proceedings are in conformity with this act, and make an order or decree either dismissing the appeal and approving such annexation or sustaining the appeal and dismissing the annexation. From any such final order or decree, any party in interest, aggrieved by such order or decree, may have an appeal to the Supreme Court as in other cases. When the court of quarter sessions makes an order to carry such annexation into effect, where no appeal is taken, and upon final determination and approval of the annexation ordinance by the court of quarter sessions, or by the Supreme Court, where an appeal has been taken, the said outlots or sections of land shall at once and thereafter be a part of said city as fully as if the same had been originally a part thereof. A certified copy of any final decree or order approving such annexation shall be forwarded by the city clerk to the Department of [Internal] Community Affairs.

Section 526. Filing of Plans.—Upon such annexation by ordinance, a plan of the territory annexed shall be filed by the city council in the office of the county commissioners and with the clerk of the court of quarter sessions and thereupon the detachment and annexation shall be effective: Provided, however, That if there be no delay through litigation or causes beyond the control of the councils, the plan shall be filed, as herein required, within thirty days after the passage of the annexation ordinance by the city council, and, if the proceedings are not thus completed, they shall be void in their entirety and of no effect. A copy of the plan filed shall be likewise forwarded to the Department of [Internal] Community Affairs of the Commonwealth.

**Section 540. Adjustment of Indebtedness when Part of Township is Annexed.**—Where any part of any township or outlying lots thereof are annexed to any city, the township officers of that part of the said township not annexed, and the city council of the said city, shall make a just and proper adjustment and apportionment of all public property owned by the said township at the time of said annexation, both real and personal, including funds as well as indebtedness, if any, to and between the said township and the city. In making such adjustment and apportionment of the property and indebtedness, the township and the city shall be entitled respectively to share in a division of the property and indebtedness in the proportion that the assessed valuation of the land remaining in the township bears to the assessed valuation of the land annexed: Provided, however, That where indebtedness was incurred by the township for an improvement located wholly within the annexed part of the township, the whole of such indebtedness shall be assumed by the city, and where any part of any such improvement is located within the annexed part of the township, the part of such indebtedness representing the part of the improvement located within the territory annexed, shall be assumed by the city, and the adjustment and apportionment of any remaining debt, and the public property of the township shall be made as above provided. The adjustment and apportionment as made shall be reduced to writing, and duly executed and acknowledged by the proper officials, and filed in the office of the clerk of the court of quarter sessions of the county in which said city is located. A copy of such adjustment and apportionment shall be forwarded by the city clerk to the Department of [Internal] Community Affairs of the Commonwealth.

**Section 560. Distribution of Annexed Territory Among Wards; New Wards; Ward Officers.**—Within thirty days from the effective date of any annexation, the city council shall cause a petition to be presented to the court of quarter sessions of the county in which the said city is located, praying for the distribution of the annexed territory among the wards of the said city, or for the creation of a new ward or wards out of the same, and to make such order or decree as may be necessary to constitute such ward or wards an election district or election districts, or add to or create new election districts in a ward or wards to which such territory is attached, and the said court shall, in case of the creation of a new ward or wards, appoint the election and other officers of the same, and name the place or places of holding the first election in the said ward or wards for ward officers, and, for that purpose, may order a special election, if said court shall deem the same necessary, to be conducted in the manner provided by the Pennsylvania Election Code. The officers elected at such special election shall hold their respective offices until their successors, elected at the next succeeding municipal election, shall be duly qualified. Any decree of court creating a new ward or wards shall be entered in full upon the records of said court

and certified copies thereof, under the seal of the court, shall be delivered by the clerk of said court to and be filed by the city clerk of the city and the secretary of the school district in which said ward or wards become located. The clerk of the court of quarter sessions shall likewise certify copies thereof to the Secretary of the Commonwealth and the Department of [Internal] Community Affairs.

Section 2. Section 561 of the act, amended August 6, 1963 (P. L. 511), is amended to read:

Section 561. If any city owns land contiguous to said city on January 1, 1963, the city may annex said territory in the following manner:

A bill may be introduced in council to annex said land, setting forth a description of the territory to be annexed and the courses and distances of the boundaries of such territory. If said bill becomes an ordinance by action of council, a copy thereof shall be certified to the Department of [Internal] Community Affairs.

Section 3. Section 1014 of the act, reenacted and amended June 2, 1965 (P. L. 75), is amended to read:

Section 1014. Time of Taking Effect of Ordinances; Publication; Recording; Proof and Evidence; Notice of Building and Zoning Ordinances, Maps and Plans.—All ordinances shall, unless otherwise provided therein or by law, take effect in ten days after their passage, upon their being signed by the mayor and attested by the city clerk. Every ordinance, except as otherwise herein provided, prescribing a penalty for the violation thereof shall be forthwith published at least three times, each publication on a different day, in at least one and not more than two newspapers printed or circulated within the city, in the manner provided by section one hundred and nine of this act. All ordinances shall, within one month after their passage, be certified and recorded by the city clerk, in a book provided by the city for that purpose, which shall be at all times open to the inspection of citizens. Any and all city ordinances, or portions thereof, the text of which, prior to the effective date of this amending act, shall have been attached to the city ordinance book, shall be considered in force just as if such ordinances, or portions thereof, had been recorded directly upon the pages of such ordinance book: Provided, That all other requirements of this act applicable to the enactment, approval, advertising and recording of such ordinance, or portions thereof, were complied with within the time prescribed by this act. All ordinances, resolutions, motions or other proceedings of council may be proved by the certificate of the city clerk under the corporate seal, and when printed or published in book or pamphlet form by authority of the city, shall be read and received as evidence in all courts and elsewhere without further proof. At least one week and not more than three weeks prior to the first reading of any proposed building code, ordinance, fire prevention code, ordinance or zoning

ordinance by council, an informative notice of intention to consider such ordinance and a brief summary setting forth the principal provisions of the proposed ordinance in such reasonable detail as will give adequate notice of its contents, pursuant to a uniform form, which shall be prepared or approved by the Department of [Internal] Community Affairs in the case of a zoning ordinance, the Department of Labor and Industry in the case of a building code, or the Pennsylvania State Police in the case of a fire prevention code, and a reference to the place or places within the city where copies of the proposed building code, fire prevention code or zoning ordinance may be examined or obtained, shall be published in the manner herein provided for the publication of ordinances. Such building code, ordinance, fire prevention code, ordinance or zoning ordinance shall not be published after adoption, but not less than three copies thereof shall be made available for public inspection and use during business hours for at least three months after adoption, and printed copies thereof shall be supplied upon demand, at cost. In any case in which maps, plans or drawings of any kind are to be adopted as part of an ordinance, council may, instead of publishing the same as part of the ordinance, refer, in publishing the ordinance or a summary thereof, to the place where such maps, plans or drawings are on file and may be examined.

Section 4. The last paragraph of section 1809 of the act, amended April 28, 1961 (P. L. 123), is amended to read:

Section 1809. Annual Budget; Presentation to Council; Notice; Revision; Adoption.—\* \* \*

Within thirty days after the adoption of the budget ordinance, the [directors] director of accounts and finance shall file a copy of the same in the office of the Department of [Internal] Community Affairs.

Section 5. Section 1810 of the act, added June 23, 1951 (P. L. 662), is amended to read:

Section 1810. Amending Budget; Notice.—During the month of January next following any municipal election, the council of any city may amend the budget and the levy and tax rate to conform with its amended budget ordinance. A period of ten days' public inspection at the office of the city clerk of the proposed amended budget ordinance after notice by the city clerk to that effect is published once in a newspaper as provided in section one hundred nine of this act shall intervene between council's first reading of the proposed amended budget ordinance and the adoption thereof. Any amended budget ordinance must be adopted by council during the month of January and any purported adoption thereof by council in any other month shall be void and of no effect.

No such proposed amended budget ordinance shall after first reading be revised upward in excess of ten percent in the aggregate thereof or as to an individual item in excess of twenty-five percent of

the amount of such individual item in the proposed amended budget ordinance.

Within fifteen days after the adoption of an amended budget ordinance, the director of accounts and finance shall file a copy thereof in the office of the Department of [Internal] Community Affairs.

Section 6. Section 1811.2 of the act, added August 21, 1953 (P. L. 1292), is amended to read:

Section 1811.2. Borrowing in Anticipation of Current Revenue.—Cities may borrow money in anticipation of current revenues to an amount not exceeding such anticipated current revenues, which shall be pledged for the payment of such loan or loans, and issue notes or other form of obligation, executed by the director of the Department of Accounts and Finance and attested by the mayor under the seal of the city, securing such loans. Such notes or other form of obligation shall mature and be payable during the current fiscal year in which such money is borrowed. No such borrowing shall constitute an increase of indebtedness within the meaning of Article nine, section eight of the Constitution of Pennsylvania, or of the "Municipal Borrowing Law" of June twenty-fifth, one thousand nine hundred forty-one (Pamphlet Laws 159), or of any of the provisions of this act, and shall not require the approval of the Department of [Internal] Community Affairs. Such notes shall bear interest at a rate not exceeding six (6) per centum per annum, payable at maturity or in advance, and may be sold at either public or private sale for not less than par. If such loans are not repaid in whole or in part during the fiscal year in which they are made, they, or such amounts as remain unpaid, shall become an obligation upon the following year's budget and shall be included therein and paid not later than the thirty-first day of December of such following year. The incurring of such obligations shall receive the affirmative vote of not less than two-thirds of the members of the city council.

Section 7. Sections 1812 and 1813 of the act, reenacted and amended June 28, 1951 (P. L. 662), are amended to read:

Section 1812. Annual Reports; Publication; Filing Report with Department of [Internal] Community Affairs; Penalty.—The director of accounts and finance shall make a report, verified by oath or affirmation, to the council at a stated meeting in March in each year of the public accounts of the city and of the trusts in its care for the preceding fiscal year, exhibiting all of the expenditures thereof, respectively, and the sources from which the revenue and funds are derived and in what measures the same have been disbursed. Each account shall be accompanied by a statement in detail of the several appropriations made by council, the amount drawn and encumbered on each appropriation, and the unencumbered balance outstanding to the debit or credit of such appropriation at the close of the fiscal year.

Such report, accompanied by a concise financial statement setting

forth the balance in the treasury at the beginning of the fiscal year, all revenues received during the fiscal year, by major classifications, all expenditures made during the fiscal year, by major functions, and the current resources and liabilities of the city at the end of the fiscal year, the gross liability and the net debt of the city, the amount of the assessed valuation of the taxable property in the city, the assets of the city and the character and value thereof, the date of the last maturity of the respective forms of funded debt, and the assets in each sinking fund, shall be published once in not more than two newspapers printed or circulated in such city, as required by section one hundred and nine of this act. Such publication shall be deemed compliance with the provisions of the Municipal Borrowing Law which requires the corporate authorities to publish an annual statement of indebtedness. Before such report or statement is made or published, the same shall be approved by the controller, who may approve it subject to such exceptions as he may have thereto: Provided, Council may cause such statement to be printed in pamphlet form in addition to the publications made as aforesaid.

The director of accounts and finance shall also, annually, make report of the financial condition of the city in the form above provided to the Department of [Internal] Community Affairs, within sixty days after the close of the fiscal year, signed and duly verified by the oath of the director and approved by the city controller, as above provided. Any director of accounts and finance refusing or wilfully neglecting to file such report shall, upon conviction thereof, in a summary proceeding brought at the instance of the Department of [Internal] Community Affairs, be sentenced to pay a fine of five dollars for each day's delay beyond said sixty days, and costs. All fines recovered shall be for the use of the Commonwealth.

The report to the Department of [Internal] Community Affairs shall be presented in a form as provided for in section one thousand eight hundred and thirteen of this act.

Section 1813. Committee to Prepare Uniform Forms.—The uniform budget and report forms, specified in the foregoing sections of this act, shall be prepared by a committee consisting of four representatives of the [League of Third Class Cities of] Pennsylvania League of Cities and the Secretary of [Internal] Community Affairs, or his agent who shall be a person trained in the field of municipal finance.

Such representatives shall be appointed by the president of said organization within sixty days after the effective date of this act. Such representatives shall be chosen from among finance officers of third class cities or other officers of such cities who have knowledge of their fiscal procedures. As far as possible, they shall be chosen to represent cities in the various population groups within the range of cities of the third class. The president of the [ League of Third Class

Cities] Pennsylvania League of Cities shall supply to the Secretary of [Internal] Community Affairs the names and addresses of such representatives immediately upon their appointment.

Said representatives shall serve without compensation, but they 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 the Secretary of [Internal] Community Affairs, or his agent, who shall serve as chairman of the committee.

In preparing the uniform forms for both budgets and annual reports, the committee shall give careful consideration to the fiscal needs and procedures of cities of the various population groups, producing separate forms, if necessary, to the end that said forms shall not be inconsistent with the general administrative practices of the cities of various sizes.

It shall be the duty of the Secretary of [Internal] Community Affairs, or his agent, to see to it that the forms required by this act are prepared in cooperation with said committee. In the event that said committee should for any reason fail to furnish such cooperation, the Secretary of [Internal] Community Affairs, or his agent, shall complete the preparation of the forms. After their preparation, he shall issue said forms and distribute them annually, as needed, to the designated officers of each city of the third class.

No change or alteration in the forms prescribed shall be made by the Secretary of [Internal] Community Affairs or his agent except by a majority approval of the committee, unless upon reasonable notice two or more representatives thereof fail to attend the committee meetings. In voting upon any change or alteration, each representative and the chairman of the committee shall have one vote.

Section 8. All contracts, classified data, files, books, records and other material and equipment heretofore used by the Secretary and the Department of Internal Affairs in the exercise of the functions transferred herewith from the Secretary and the Department of Internal Affairs to the Department and Secretary of Community Affairs, are hereby transferred to the Secretary and the Department of Community Affairs.

Section 9. This act shall take effect immediately.

APPROVED—The 5th day of October, A. D. 1967.

RAYMOND P. SHAFER