

No. 134

AN ACT

HB 1237

Amending the act of April 13, 1972 (P.L.184, No.62), entitled "An act giving municipalities the right and power to adopt home rule charters or one of several optional plans of government and to exercise the powers and authority of local self-government subject to certain restrictions and limitations; providing procedures for such adoption and defining the effect thereof," clarifying and changing the time period during which local municipalities may elect to be excluded from county service areas.

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

Section 1. The introductory paragraph and clause (3) of section 303, act of April 13, 1972 (P.L.184, No.62), known as the "Home Rule Charter and Optional Plans Law," is amended to read:

Section 303. No county which has adopted a home rule charter shall at any time thereafter exercise within any municipality in the county, a power or function being exercised by that municipality **[on the date of the adoption of the county home rule charter]**, except under all of the following conditions:

* * *

(3) Within one hundred twenty days from the adoption of such ordinance, the governing body of any local municipality, exercising on the date of the adoption of **[the county home rule charter]** *such ordinance* any power or function authorized by ordinance of the county to be exercised by the county, may elect by ordinance to be excluded from the county exercise of such power or function. Within sixty days after the date of adoption by the governing body of a local municipality of an ordinance excluding such municipality from the exercise by the county of a power or function, or in the absence of any action of the governing body, the qualified voters of such municipality may initiate a petition requiring that the question of inclusion or exclusion from the exercise of such power or function by the county be submitted to a referendum of the electorate at the election held on the date of the next ensuing primary, municipal or general election not less than sixty days after the filing of the initiative petition with the county board of elections. The initiative and referendum procedures set forth in Articles III and IV shall be followed, except where the same may be inconsistent with any of the provisions of this section.

In the event the county determines there is insufficient interest or that it is not feasible to establish the proposed municipal function or power as provided for in the ordinance passed by the county, the county may repeal the county ordinance prior to the effective date of the ordinance.

* * *

Section 2. This act shall take effect immediately.

APPROVED—The 28th day of November, A. D. 1973.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly
No. 134.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large initial "C" and a prominent "T" at the end.

Secretary of the Commonwealth.