

No. 1978-68

AN ACT

HB 1070

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," changing provisions relating to filling of vacancies in certain borough offices.

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

Section 1. Section 804, act of February 1, 1966 (1965 P.L.1656, No.581), known as "The Borough Code," amended October 25, 1967 (P.L.484, No.230), is amended to read:

Section 804. Term; Bonds.—Persons elected to borough offices shall serve for the term for which they were elected, except where a vacancy in office shall exist for any reason, in which case the vacancy shall be filled[, for the remainder of the original term,] in the manner provided by this act.

Whenever any elected official of a borough is required to give bond for the faithful performance of his duties, the borough may pay the premium for such bond; except that the borough shall pay a proportionate share of the cost of the bond of the tax collector, such share to be in the same ratio as the amount of borough taxes bears to the total amount of all taxes indicated by the tax duplicate to be collected by the tax collector during the year preceding the date the premium is due.

Section 2. Section 901 of the act, amended February 11, 1976 (P.L.10, No.7), is amended to read:

Section 901. Filling Vacancies in Elective Borough Offices.—If any vacancy shall occur in the office of the mayor, member of council, auditor, controller, *assessor*, or tax collector, by death, resignation, removal from the borough, or from a ward in the case of a ward office, or by failure to take the required oath or to give bond as provided by law or ordinance, or in any other manner whatsoever, the borough council shall fill such vacancy *within thirty days* by appointing, by resolution, a registered elector of the borough, or of the ward in case of a ward office, to hold such office, if the term thereof continues so long, until the first Monday in January after the first municipal election occurring more than sixty days after the vacancy occurs, at which election an eligible person shall be elected to the office for the remainder of the term.

The person appointed shall give bond if required by law or ordinance.

In cases where the person elected to the office shall fail to give bond, if any, required or to take the required oath, the borough council, before making the appointment, shall declare the office vacant.

If the council of any borough shall refuse, fail or neglect, or be unable, for any reason whatsoever, to fill any vacancy within thirty days after the vacancy happens, as provided in this section, then the **[court of common pleas shall, upon petition of the mayor or council or five citizens of the borough, fill the vacancy in such office, by the appointment of a qualified resident of the borough]** *vacancy shall be filled within fifteen additional days by a vacancy board, to consist of the borough council exclusive of the mayor, and one registered elector of the borough who shall be elected by the borough council at each reorganizational meeting of the council and who shall act as chairman of the vacancy board. The board shall appoint a registered elector of the borough, (or ward in the case of a ward office), to hold such office, if the term thereof continues so long, until the first Monday in January after the first municipal election occurring more than sixty days after the vacancy occurs, at which election an eligible person shall be elected to the office for the remainder of the term.*

If the vacancy is not filled by the vacancy board within fifteen days, the chairman shall petition the court of common pleas to fill the vacancy by the appointment of a registered elector of the borough (or ward in the case of a ward), to hold such office, if the term thereof continues so long, until the first Monday in January after the first municipal election occurring more than sixty days after the vacancy occurs, at which election an eligible person shall be elected to the office for the remainder of the term.

Section 3. This act shall take effect in 60 days.

APPROVED—The 15th day of June, A. D. 1978.

MILTON J. SHAPP