

No. 1978-186

## AN ACT

HB 2235

Amending the act of June 24, 1931 (P.L.1206, No.331), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," providing for equal rights between men and women.

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

Section 1. Section 402, act of June 24, 1931 (P.L.1206, No.331), known as "The First Class Township Code," reenacted and amended May 27, 1949 (P.L.1955, No.569), is repealed.

Section 2. Section 644 and clause XXXVIII of section 1502 of the act are amended to read:

Section 644. Removals.—No person employed in any police or fire force of any township shall be suspended, removed or reduced in rank except for the following reasons: (1) physical or mental disability affecting his ability to continue in service, in which cases the person shall receive an honorable discharge from service; (2) neglect or violation of any official duty; (3) violation of any law of this Commonwealth which provides that such violation constitutes a misdemeanor or felony; (4) inefficiency, neglect, intemperance, disobedience of orders, or conduct unbecoming an officer; (5) intoxication while on duty; (6) engaging or participating in conducting of any political or election campaign otherwise than to exercise his own right of suffrage. A person so employed shall not be removed for religious, racial or political reasons. A written statement of any charges made against any person so employed shall be furnished to such person within five days after the same are filed with the commission.

If for reasons of economy or other reasons it shall be deemed necessary by any township to reduce the number of paid employes of the police or fire force, then such township shall apply the following procedure: (a) if there are any employes eligible for retirement under the terms of any retirement or pension law, then such reduction in numbers shall be made by retirement if the party to be retired is eligible for retirement; (b) if the number of paid employes in the police or fire forces eligible to retirement is insufficient to effect the necessary reduction in numbers or if there are no persons eligible for retirement or if no retirement or pension fund exists, then the reduction shall be effected by furloughing the **[man or men] person or persons**, including probationers, last appointed to the respective force. Such removal shall be accomplished by furloughing in numerical order commencing with the **[man] person** last appointed until such reduction shall have been accomplished. In the event the said police force shall again

be increased, the employes furloughed shall be reinstated in the order of their seniority in the service.

Section 1502. The corporate power of a township of the first class shall be vested in the board of township commissioners. The board shall have power—

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XXXVIII. Soldiers' Cemeteries. To purchase plots of ground in any cemetery or burial ground for the interment of such deceased service **[men]** *persons* who shall hereafter die within such township, or shall die beyond such township and shall have a legal residence within such township at the time of their death, and whose bodies are entitled to be buried by the county under the provisions of existing laws. Such plots of ground shall be paid for out of the treasury of such township.

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Section 3. Clause XLVII.II of section 1502 of the act, added July 3, 1957 (P.L.469, No.263), is amended to read:

Section 1502. The corporate power of a township of the first class shall be vested in the board of township commissioners. The board shall have power—

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XLVII.II. Appropriations for Community Nursing Services. To appropriate money annually towards any nonprofit associations or corporations which provide community nursing services for the control of communicable disease, the immunization of children, the operation of child health centers (Well-Baby Clinics), instructive visits to **[mothers]** *parents* of new babies beginning in the prenatal period and family health guidance, including nutrition, detection and correction of defects, all of which relate to the responsibilities of local boards of health.

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Section 4. Section 1621 of the act is amended to read:

Section 1621. Jury of View.—The court shall thereupon appoint a jury of view of three **[men]** *persons* of the county. The jury, being sworn or affirmed to faithfully perform its duties, shall give notice to all parties likely to be affected by the proceedings, of the time and place of the first meeting, in such manner as the court shall direct.

Section 5. This act shall take effect in 60 days.

APPROVED—The 4th day of October, A. D. 1978.

MILTON J. SHAPP