

No. 1980-91

AN ACT

HB 1145

Amending the act of May 2, 1945 (P.L.382, No.164), entitled "An act providing for the incorporation as bodies corporate and politic of 'Authorities' for municipalities, counties and townships; prescribing the rights, powers and duties of such Authorities heretofore or hereafter incorporated; authorizing such Authorities to acquire, construct, improve, maintain and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and conferring exclusive jurisdiction on certain courts over rates," providing for a hearing before the adoption of certain resolutions and ordinances; clarifying language for the determination of certain assessments and making a repeal relating to term bonds.

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

Section 1. Subsection A of section 3, act of May 2, 1945 (P.L.382, No.164), known as the "Municipality Authorities Act of 1945," amended January 21, 1952 (1951 P.L.2188, No.626), is amended to read:

Section 3. Method of Incorporation.—A. Whenever the municipal authorities of any municipality singly or of two or more municipalities jointly shall desire to organize an Authority under this act, they shall adopt a resolution or ordinance signifying their intention to do so *but no such resolution or ordinance shall be adopted until after a public hearing has been held, the notice of which shall be given at least thirty days before in the same manner as hereinafter provided for the giving of notice of the adoption of the resolution or ordinance.*

Thereafter *if the resolution or ordinance is adopted* the municipal authorities of such municipality or municipalities shall cause a notice of such resolution or ordinance to be published at least one time in the legal periodical of the county or counties in which such Authority is to be organized, and at least one time in a newspaper published and of general circulation in such county or counties. Said notice shall contain a brief statement of the substance of said resolution or ordinance, including the substance of such articles making reference to this act, and shall state that on a day certain, not less than three days after publication of said notice, articles of incorporation of the proposed Authority will be filed with the Secretary of the Commonwealth of Pennsylvania. No such municipality shall be required (any law to the contrary notwithstanding) to make any other publication of such resolution or ordinances under the provisions of existing law.

The aforesaid publication of such notice shall be sufficient compliance with such laws.

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Section 2. Clause (w) of subsection B of section 4 of the act, added April 10, 1980 (No.41), is amended to read:

Section 4. Purposes and Powers; General.—* * *

B. Every Authority is hereby granted, and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes, including but without limiting the generality of the foregoing, the following rights and powers:

* * *

(w) An Authority, created to provide business improvements and administrative services, may impose an assessment on each benefited property within a business improvement district which shall be based upon the estimated cost of the improvements or services in such district stated in the planning or feasibility study.

Such individual assessments shall be determined by one of the following methods:

(1) By an assessment determined by multiplying the total improvement or service cost by the ratio of the assessed *value of the benefited property to the total assessed* valuation of all benefited properties in the district.

(2) By an assessment upon the several properties in the district in proportion to benefits as ascertained by viewers appointed in accordance with municipal law.

No assessment or charge shall be made unless such Authority has submitted the plan for business improvements and administrative services together with estimated costs and the proposed method of assessments for business improvements and charges for administrative services to the municipality in which the project is to be undertaken and the municipality shall have approved the plan, the estimated costs and the proposed method of assessment and charges.

There shall not be assessed any charges against the improved properties an aggregate amount in excess of the estimated cost.

Such Authority may by resolution authorize the payment of the assessment or charge in equal annual, or more frequent installments over such time and bearing interest at such rate not in excess of six per centum as may be specified in the resolution. Where bonds shall have been issued and sold, or notes or guarantees given or issued, to provide for the cost of the improvements or services the assessment in equal installments for bond repayment shall not be payable beyond the term for which the bonds, notes or guarantees are payable.

Claims to secure the assessments shall be entered in the prothonotary's office of the county at the same time and in the form and shall be collected in the same manner as municipal claims are filed and collected notwithstanding the provisions of this section as to installment payments.

In the case of default in the payment of any installment and interest for a period of sixty days after it becomes due, the entire assessment and accrued interest shall be due.

Any owner of property, against whom an assessment has been made, may pay the same in full, at any time, with accrued interest and costs thereon, and such payment shall discharge the lien of such assessment.

* * *

Section 3. Section 5.1 of the act is repealed.

Section 4. Except for section 2 of this act which shall take effect on June 9, 1980, the remainder of this act shall take effect immediately.

APPROVED—The 3rd day of July, A. D. 1980.

DICK THORNBURGH