

No. 1982-29

## AN ACT

HB 22

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," further providing for filling of vacancies in certain borough offices.

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

Section 1. Section 901, act of February 1, 1966 (1965 P.L.1656, No.581), known as "The Borough Code," amended June 15, 1978 (P.L.473, No.68), 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 vacancy shall be filled within fifteen additional days by **[a]** the vacancy board. **[to]** *Such board shall* consist of the borough council exclusive of the mayor, and one registered elector of the borough who shall be **[elected]** *appointed* by the borough council at **[each reorganizational meeting of the council]** *the council's first meeting each calendar year or as soon thereafter as practical* 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 *or in the case of a vacancy in the chairmanship the*

*remaining members of the vacancy board 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. *In the case where there are vacancies in more than a majority of the offices of council, the court of common pleas shall fill such vacancies upon presentation of petition signed by not less than fifteen registered electors of the borough.*

Section 2. This act shall take effect in 60 days.

APPROVED—The 18th day of February, A. D. 1982.

DICK THORNBURGH