

No. 1990-18

AN ACT

SB 728

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," prohibiting elected officials of boroughs from serving as employees of that borough.

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

Section 1. Section 1104 of the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, is amended to read:

Section 1104. Appointments; Incompatible Offices.—Unless there is incompatibility in fact, any elective or appointive officer of the borough shall be eligible to serve on any board, commission, bureau or other agency created by or for the borough, or any borough office created or authorized by statute and may accept appointments thereunder, but no mayor or councilman shall receive compensation therefor. *No elected borough official of a borough with a population of 3,000 or more may serve as an employe of that borough.* Where there is no incompatibility in fact, and subject to the foregoing provisions as to compensation, appointees of council may hold two or more appointive borough offices, but no mayor or member of council may serve as borough manager or as secretary or treasurer. No person holding the office of justice of the peace may at the same time hold the office of borough treasurer. The offices of secretary and treasurer may be held by the same person when so authorized by ordinance. Nothing herein contained shall affect the eligibility of any borough official to hold any other public office or receive compensation therefor. All appointments to be made by the council or the corporate authorities shall be made by a majority of the members of council attending the meeting at which the appointment is made, unless a different vote is required by statute.

Section 2. This amendatory act shall not immediately apply to elected borough officials who are holding positions as employees of the borough on the effective date of this act but shall apply to those officials immediately upon the expiration of their current elected term.

Section 3. This act shall take effect immediately.

APPROVED—The 28th day of March, A. D. 1990.

ROBERT P. CASEY