

No. 1991-17

AN ACT

HB 146

Amending the act of May 1, 1933 (P.L.103, No.69), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," further providing for the jurisdiction of second class township supervisors over its police force; and providing for racetracks.

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

Section 1. Section 590 of the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, reenacted and amended July 10, 1947 (P.L.1481, No.567), amended July 2, 1953 (P.L.354, No.83) and June 29, 1965 (P.L.152, No.102), is amended to read:

Section 590. **[Petition for Appointment of Police; Contracts for Police Services.—A. Upon the petition of not less than twenty-five registered electors or taxpayers of any township, or of two or more adjacent townships, representing that the safety of the citizens and the security of property make it necessary for the appointment of one or more policemen, the supervisors of such township or townships shall consider said petition, and, if satisfied of the reasonableness and propriety of said application, shall appoint one or more registered electors, who shall be residents of the Commonwealth, to act as policemen, and to serve at the will of said supervisors.**

The supervisors of such township or townships shall fix the number of policemen, the compensation of such policemen, and shall limit the term of service of said policemen as it may deem proper. Where such policemen are appointed for two or more townships, the supervisors of such townships shall fix the amount of compensation which shall be paid by each of such townships. Such compensation shall be paid from the general township fund. The supervisors of the township or townships may assign any policeman, with his consent, to undergo a course of training at any training school for policemen established and made available by the State or Federal Government, and may provide for the payment by the township of his expenses or a part thereof while in attendance in such training school.] *Creating or Disbanding Police Force.—A. The board of township supervisors may, by resolution: (1) create or disband a police force within the township, or (2) upon the petition of not less than twenty-five registered electors or taxpayers of the township, appoint police officers.*

B. The board of township supervisors shall provide for the organization and supervision and determine the number and the compensation of such police officers. The chairman of the board of township supervisors shall have the authority to swear in police officers. The board of township supervisors may assign any police officer to undergo a course of training at any training school for police officers established or made available by the

Federal or State government and provide for payment of the officer's expenses while in attendance at the training school.

[B.] C. Any township may contract with any adjacent township of the first or second class, or with any borough or city, and may expend moneys from the general fund for the purpose of securing the services within the township of the police of such adjacent township, borough or city. When any such contract has been entered into, the police of the employing township, borough or city shall have all the powers and authority conferred by law on township police in the territory of the township which has contracted to secure such police service.

Section 2. The act is amended by adding a section to read:

Section 703. Racetracks.—A. *In addition to the powers and duties imposed upon the township supervisors by this act or any other provision of law, the township supervisors shall have the power and duty to secure the health, safety and welfare of persons and property by adopting an ordinance prohibiting the conducting of live horse race meets by a licensed corporation at a racetrack located within the area of fifty air miles from the center of an existing, currently licensed racetrack, notwithstanding the provisions of the act of December 17, 1981 (P.L.435, No.135), known as the "Race Horse Industry Reform Act," provided that a majority of electors of the township approve a referendum pursuant to subsection B prohibiting the conducting of such horse race meets within the township.*

B. *The township supervisors may or, upon the petition of a number of electors of the township equal to at least twenty-five per centum of the highest number of votes for a public office of the township at the last preceding municipal election, shall adopt a resolution directing the county board of elections to place a referendum question on the ballot for the primary or general election, with respect to the conducting of live horse race meets by licensed corporations within the township. The question shall be in the following form:*

Shall live horse race meets conducted by licensed corporations be prohibited within the area of fifty air miles from the center of an existing, currently licensed racetrack?

C. *The definitions provided for in the "Race Horse Industry Reform Act" shall apply to this section.*

Section 3. This act shall take effect as follows:

- (1) The amendment of section 590 of the act shall take effect in 60 days.
- (2) The remainder of this act shall take effect immediately.

APPROVED—The 11th day of July, A. D. 1991.

ROBERT P. CASEY