

No. 1991-49

## AN ACT

HB 1058

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," providing for residency requirements for certain township officials, and for the acquisition of property for parks and recreation areas by right of eminent domain; and further providing for compensation of township supervisors.

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

Section 1. Section 411 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) and amended December 1, 1965 (P.L.1025, No.379), is amended to read:

Section 411. Auditors.—(a) At each municipal election, the electors of each township shall elect one auditor to serve for a term of six years from the first Monday of January next following his election. *Auditors shall reside in the township from which elected and shall have resided in that township continuously for at least one year immediately preceding their election.*

(b) No auditor shall at the same time hold any other elective or appointive township office in the township in which he is employed as an auditor, and no auditor shall at the same time hold any other elective or appointive school district office or employment in any school district of the second, third or fourth class if he audits any finances or any funds belonging to or controlled by the school district.

Section 2. Section 412 of the act is amended to read:

Section 412. Assessor.—At the municipal election in the year one thousand nine hundred and forty-nine, and at the municipal election every four years thereafter, the electors of each township shall elect one assessor to serve for a term of four years from the first Monday of January next following his election. *Assessors shall reside in the township from which elected and shall have resided in that township continuously for at least one year immediately preceding their election.*

Section 3. Sections 414 and 420 of the act, amended May 1, 1981 (P.L.23, No.10), are amended to read:

Section 414. Tax Collector.—(a) At the municipal election in the year one thousand nine hundred and forty-nine, and at the municipal election every four years thereafter, the electors of each township shall elect one tax collector to serve for a term of four years from the first Monday of January next succeeding such election. *Tax collectors shall reside in the township from which elected and shall have resided in that township continuously for at least one year immediately preceding their election.*

(b) If the electors of any township shall fail to choose a tax collector or if any person elected to such office shall fail to give the required bond or to take the required oath, such vacancy shall be filled as prescribed by section 420.

Section 420. Vacancies in General.—If the electors of any township shall fail to choose a supervisor, tax collector, auditor or assessor, or if any person elected to such office shall neglect or refuse to serve therein, or if a vacancy shall occur in the office by death, resignation, removal from the township, or otherwise, a majority of the remaining supervisors may appoint a successor who is a registered voter *and has resided in that township continuously for at least one year prior to their appointment*, and upon their failure to make such appointment within thirty days after the vacancy occurs, the vacancy shall be filled within fifteen additional days by the vacancy board. Such board shall consist of the board of supervisors and one registered elector of the township, who shall be appointed by the board of supervisors at the board's first meeting each calendar year or as soon thereafter as practical and who shall act as chairman of the vacancy board. If the vacancy board fails to fill the position within the time prescribed, 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. In the case where two or more vacancies in the office of supervisor occur on a three member board, or three or more vacancies on a five member board, the court of common pleas shall fill such vacancies upon presentation of petition signed by not less than fifteen registered electors of the township. In all cases, the successor so appointed shall hold the office 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 for the unexpired term.

Section 4. Section 515(a) of the act, amended March 30, 1988 (P.L.312, No.41), is amended to read:

Section 515. Compensation of Supervisors.—(a) Supervisors may receive from the general township fund, as compensation, an amount fixed by ordinance, not in excess of the following:

Township Population	Annual Maximum Compensation
Not more than 4,999	Fifteen hundred dollars
5,000 to 9,999	Two thousand dollars
10,000 to 14,999	Twenty-six hundred dollars
15,000 to 24,999	Thirty-three hundred dollars
25,000 to 34,999	Thirty-five hundred dollars
35,000 or more	Four thousand dollars

Such salaries shall be payable monthly or quarterly for the duties imposed by the provisions of this act. The population shall be determined by the latest available official census figures, *except that no township shall be required to reduce the salary of a supervisor as a result of a decrease in population*. The compensation of supervisors, when acting as superintendents, roadmasters or laborers, shall be fixed by the township auditors either per hour, per day,

per week, semi-monthly or monthly, which compensation shall not exceed compensation paid in the locality for similar services, and such other reasonable compensation for the use of a passenger car, or a two-axled four-wheeled motor truck having a chassis weight of less than two thousand pounds and a maximum gross weight of five thousand pounds, or a class 2 truck, having a maximum gross weight of seven thousand pounds when required and actually used for the transportation of road and bridge laborers and their hand tools and for the distribution of cinders and patching material from a stock pile, as the auditors shall determine and approve; but no supervisor shall receive compensation as a superintendent or roadmaster for any time he spends attending a meeting of supervisors.

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Section 5. Clause XXXIV of section 702 of the act is amended to read:

Section 702. Supervisors to Exercise Powers.—The corporate powers of townships of the second class shall be exercised by the township supervisors. Where no specific authority is given for the expenditures incident to the exercise of any power hereinafter conferred, or where no specific fund is designated from which such expenditures shall be made, appropriations for such expenditures shall be made only from the general township fund. In addition to the duties imposed upon them by section 516 hereof, they shall have power—

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XXXIV. Parks and Recreation Centers.—To designate, set apart, acquire *by gift, devise, purchase, lease or by the exercise of the right of eminent domain*, supervise, operate and maintain, in the manner hereinafter provided, parks, playgrounds, *playfields*, gymnasiums, public parks, swimming pools and recreation centers.

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Section 6. Section 1901 of the act, amended July 2, 1953 (P.L.354, No.83), is amended to read:

Section 1901. Acquisition of Lands and Buildings.—The supervisors of any township may by ordinance separately or jointly designate and set apart for use as parks, playgrounds, playfields, gymnasiums, public baths, swimming pools, or indoor recreation centers, hereinafter called public parks, recreation areas and facilities, any lands or buildings, owned by such township, and not dedicated or devoted to other public use. Such township **[may, in such manner as may be authorized or provided by law for the acquisition of lands or buildings for public purposes in such township, acquire lands or buildings therein for any of such purposes or construct and equip new facilities upon such lands or, if there be no law authorizing such acquisition, the township supervisors]** may acquire lands or buildings for such purposes by gift, *devise* or purchase *or by the exercise of the right of eminent domain*, or may lease lands or buildings in such township for temporary use for such purposes. Whenever the supervisors designate or acquire any lands, with or without buildings, under the provisions of this section, except when the acquisition is under a lease for temporary use, they may construct buildings and facilities thereon for the purposes herein indicated.

Section 7. This act shall take effect in 60 days.

APPROVED—The 20th day of December, A. D. 1991.

ROBERT P. CASEY