

No. 1992-181

## AN ACT

HB 2337

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 the incorporation of a borough.

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

Section 1. Section 201 of the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, is amended to read:

Section 201. Areas May be Incorporated.—The courts of [quarter sessions] *common pleas* may incorporate any *contiguous* area within their jurisdiction, not already incorporated or a part of an incorporated municipality *and having a population of at least 500 residents*, as a borough, which, after having been so incorporated, shall be a body corporate and politic by the name which shall be decreed by the court.

Section 2. Section 202(a) and (d) of the act, amended July 10, 1981 (P.L.247, No.80), are amended to read:

Section 202. Applications for Incorporation.—(a) The application for incorporation shall be by a petition signed by a majority of the freeholders residing within the limits of the proposed borough *and by the freeholders of a majority of the territory within the limits of the proposed borough*, when all parts of the proposed borough are in the same township, and, where portions of the proposed borough are in different townships, the petition shall be signed by a majority of the freeholders residing in each of such separate portions *and by the freeholders of a majority of the territory in each of such separate portions*. The signatures must be secured within three months immediately preceding the presentation thereof to the court. Such petition shall be subscribed by and sworn to by at least one of the signers. The number of signers required to the petition shall be ascertained as of the date the petition was presented to court.

\* \* \*

(d) [The court, if it shall find, after hearing and advice of the committee, that the conditions prescribed by this section have been complied with, shall certify the question to the board of elections of the county for a referendum vote of the residents of the proposed borough.] *After receiving the findings-of-fact and the advice of the committee, the court shall set a date for a hearing on the proposed incorporation and shall hear the parties interested and their witnesses. The court shall certify the question of the proposed incorporation to the board of election of the county for a referendum vote of the residents of the proposed borough only if it finds that the conditions prescribed by this section have been complied with and that the desirability of the proposed incorporation is supported by a preponderance of the evidence*

*submitted at the hearing and by the committee.* Upon receipt of the certified election results, the court shall enter a final decree granting or denying the prayer of the petitioners.

Section 3. (a) Except as provided in subsection (b), this act shall apply to applications and petitions which are presented on or after March 25, 1992.

(b) In counties of the fifth class, this act shall apply to applications and petitions which are presented on or after the effective date of this act.

Section 4. This act shall take effect immediately.

APPROVED—The 18th day of December, A. D. 1992.

ROBERT P. CASEY