

## No. 1996-97

## AN ACT

## SB 674

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," providing for budget and tax ordinances; and further providing for commissions of waterworks.

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

Section 1. Section 1007 of the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, is amended to read:

Section 1007. Passage, Approval and Veto of Ordinances.—(a) Every ordinance and every resolution of legislative character except as herein otherwise provided, passed by the council, shall be presented to the mayor for his approval. If the mayor approves, he shall sign it; but, if he shall not so approve, he shall return it with his objections to the council at its next regular meeting occurring at least ten days after the meeting at which such ordinance was passed by the council, when the objections shall be entered upon the minutes and the council shall proceed to a reconsideration thereof either at the meeting at which the vetoed ordinance was returned or at any other regular, special or adjourned meeting held not later than ten days thereafter. If, after such reconsideration, two-thirds of all the members elected to said council, or a majority of council plus one, when the number composing such council is less than nine, shall vote to pass such ordinance or resolution, it shall become of as full force and effect as if it had received the approval of the mayor; but in such case the vote shall be determined by yeas and nays, and the names and votes of the members shall be entered on the minutes. If any such ordinance or resolution shall not be returned by the mayor at the regular meeting of the council occurring at least ten days next succeeding its presentation to him, it shall likewise have as full force as if it had been approved. [A veto of the annual tax ordinance of the borough, referred to in section 1301 of this act, may be overridden by a vote of two-thirds of all the members of council, and thereafter such ordinance shall become of as full force and effect as if it had received the approval of the mayor.]

(b) The enactment of an ordinance *except as herein otherwise provided* shall be the date when the mayor shall approve it or the date of passage by the council over the veto of the mayor, or in the case of any ordinance not returned by the mayor at the regular meeting of council, occurring at least ten days after the meeting at which such ordinance was passed by the council,

the date of enactment shall be the date of such succeeding regular meeting of council.

*(c) When council shall present the mayor with the annual tax ordinance referred to in section 1310 of this act, the mayor shall within ten days of receiving the tax ordinance approve the tax ordinance by affixing his signature thereto or return the tax ordinance to the borough secretary with a statement setting forth his objections thereto. Council shall proceed to a reconsideration thereof at any regular, special or adjourned meeting held not later than ten days after the mayor has returned the tax ordinance to the secretary with his objections. The mayor's objections shall be entered upon the minutes of the meeting. A veto of the tax ordinance of the borough may be overridden by a vote of two-thirds of all the members of council, and thereafter such ordinance shall have full force and effect as if it had received the approval of the mayor.*

Section 2. Sections 2451 and 2452 of the act are amended to read:

Section 2451. Commission May Be Established.—Whenever any borough owns and maintains waterworks, there may be established in such borough, by ordinance, a commission of waterworks, which shall have the power of a nonprofit corporation, to be composed of *either three or five* citizens of the borough, appointed by the borough council who shall be known as commissioners of waterworks. At any time after three years from the first appointment of the commissioners of waterworks, the borough may abolish such commission by repealing the ordinance establishing the same, and therefore the terms of the commissioners then in office shall terminate.

Section 2452. Terms of Commissioners; Compensation.—*(a)* It shall be the duty of the borough council to appoint such commissioners of waterworks. *If there are three commissioners*, one [of whom] shall be appointed to serve for one year, one for two years, and one for three years; and annually thereafter the council shall appoint one commissioner of waterworks to serve a term of three years. *If there are five commissioners, one shall be appointed to serve for one year, one for two years, one for three years, one for four years and one for five years; and annually thereafter the council shall appoint one commissioner of waterworks to serve a term of five years.* The terms of commissioners of waterworks in office on the effective date of this act shall terminate on the effective date of this act. In case of a vacancy the council shall fill the same for the unexpired term. Such commissioners of waterworks [shall not receive any salary] *may receive a salary* for their services [as such, but] *and* shall be reimbursed by the borough for all expenses necessarily incurred in the performance of their duty.

*(b) The salary of the commissioners shall not exceed in service areas with fewer than five thousand metered accounts a maximum of one thousand eight hundred seventy-five dollars (\$1875) per year or one hundred fifty-six dollars and twenty-five cents (\$156.25) per month; in service areas with five thousand but fewer than ten thousand metered*

*accounts, a maximum of two thousand five hundred dollars (\$2500) per year or two hundred and eight dollars and thirty-three cents (\$208.33) per month; in service areas with ten thousand but fewer than fifteen thousand metered accounts, a maximum of three thousand two hundred and fifty dollars (\$3250) per year or two hundred and seventy dollars and eighty-three cents (\$270.83) per month; in service areas with fifteen thousand but fewer than twenty-five thousand metered accounts, a maximum of four thousand one hundred and twenty-five dollars (\$4125) per year or three hundred and forty-three dollars and seventy-five cents (\$343.75) per month; in service areas with twenty-five thousand but fewer than thirty-five thousand metered accounts, a maximum of four thousand three hundred seventy-five dollars (\$4375) per year or three hundred sixty-four dollars and fifty-eight cents (\$364.58) per month; and in service areas with thirty-five thousand or more metered accounts, a maximum of five thousand dollars (\$5000) per year or four hundred and sixteen dollars and sixty-seven cents (\$416.67) per month.*

Section 3. This act shall take effect as follows:

- (1) The amendment of sections 2451 and 2452 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. 1996.

THOMAS J. RIDGE