

No. 1996-176

AN ACT

HB 1118

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 contracts and purchases; and providing for appropriations for training fire personnel and for fire training schools and centers.

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

Section 1. Section 1202(52) of the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, is amended to read:

Section 1202. Specific Powers.—The powers of the borough shall be vested in the corporate authorities. Among the specific powers of the borough shall be the following, and in the exercise of any of such powers involving the enactment of any ordinance or the making of any regulation, restriction or prohibition, the borough may provide for the enforcement thereof and may prescribe penalties for the violation thereof or for the failure to conform thereto:

* * *

(52) Fire, rescue and life saving apparatus and houses. To purchase, or contribute to the purchase of fire engines and fire apparatus, boats, rescue and life saving equipment and supplies for the use of the borough, and to appropriate money to fire companies, rescue units and for the construction, repair and maintenance of fire company and rescue units houses, including the acquisition of land for such purposes[.] *and, as set forth in this clause, for fire training schools and centers.*

The council may annually appropriate funds to fire companies located within the borough for the training of its personnel, and to lawfully organized or incorporated county or regional firemen's associations or an entity created pursuant to the act of July 12, 1972 (P.L.762, No.180), referred to as the Intergovernmental Cooperation Law, to establish, equip, maintain and operate fire training schools or centers for the purpose of giving instruction and practical training in the prevention, control and fighting of fire and related fire department emergencies to the members of fire departments and volunteer fire companies in any city, borough or town within this Commonwealth.

* * *

Section 2. Section 1302(a)(6) and (7) of the act, amended December 17, 1990 (P.L.739, No.184), is amended to read:

Section 1302. Tax Levy.—(a) The council of the borough shall have power, by ordinance, to levy and collect annually, a tax, not exceeding thirty

mills for general borough purposes, unless the council by majority action shall, upon due cause shown by resolution, petition the court of common pleas, in which case the court may order a rate of not more than five mills additional to be levied and in addition thereto any of the following taxes:

* * *

(6) For the purchase of fire engines, fire apparatus and fire hose for the use of the borough, or for assisting any fire company in the borough in the purchase, renewal or repair of any of its fire engines, fire apparatus or fire hose, for the purposes of making appropriations to fire companies both within and without the borough and of contracting with adjacent municipalities or volunteer fire companies therein for fire protection, *for the training of fire personnel and payments to fire training schools and centers* or for the purchase of land upon which to erect a fire house, or for the erection and maintenance of a fire house *or fire training school and center* or fire houses, not exceeding three mills. If an annual tax for the purposes specified in this clause is proposed to be set at a level higher than three mills, the question shall be submitted to the voters of the borough, and the county board of elections shall frame the question in accordance with the election laws of the Commonwealth for submission to the voters of the borough;

(7) For building a fire house, *fire training school and center*, lockup and/or municipal building, not exceeding two mills, such additional millage permitted only following a favorable referendum on the matter held in accordance with the act of May 4, 1927 (P.L.673);

* * *

Section 3. Section 1402(d) of the act is amended by adding a clause to read:

Section 1402. Regulation of Contracts.—* * *

(d) The contracts or purchases made by council, involving an expenditure of over ten thousand dollars (\$10,000), which shall not require advertising or bidding as hereinbefore provided, are as follows:

* * *

(3.1) Those for used equipment, articles, apparatus, appliances, vehicles or parts thereof being purchased from a public utility.

* * *

Section 4. This act shall take effect in 60 days.

APPROVED—The 18th day of December, A.D. 1996.

THOMAS J. RIDGE