

No. 1996-177

AN ACT

SB 689

Amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, adding revised, codified and compiled provisions relating to local government; and making repeals.

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

Section 1. Title 53 of the Pennsylvania Consolidated Statutes is amended by adding parts to read:

TITLE 53  
MUNICIPALITIES GENERALLY

Part

- I. Preliminary Provisions
- II. Creation, Territory, Alteration and Dissolution
- III. Government and Administration
- V. Public Improvements, Utilities and Services
- VII. Taxation and Fiscal Affairs

PART I  
PRELIMINARY PROVISIONS

Chapter

- 1. General Provisions

CHAPTER 1  
GENERAL PROVISIONS

Sec.

- 101. Short title of title.
- § 101. Short title of title.

This title shall be known and may be cited as the General Local Government Code.

PART II  
CREATION, TERRITORY, ALTERATION AND DISSOLUTION

## Chapter

## 9. Municipal Reapportionment

CHAPTER 9  
MUNICIPAL REAPPORTIONMENT

## Sec.

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- 902. Definitions.
- 903. Reapportionment by governing body.
- 904. Reapportionment by court upon petition.
- 905. Compensation of commissioners and payment of costs.
- 906. Contest of reapportionment by governing body.
- 907. Costs and expenses of contest.
- 908. Retention in office and new elections.

## § 901. Short title and scope of chapter.

(a) Short title of chapter.—This chapter shall be known and may be cited as the Municipal Reapportionment Act.

(b) Scope of chapter.—This chapter applies to the following entities:

- (1) Municipalities.
- (2) Units of government created and existing under Subpart E of Part III (relating to home rule and optional plan government).
- (3) Similar general purpose units of local government created by statute.

## § 902. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“District.” Includes a ward whenever wards are used as a subdivision for the election of members of the governing body.

“Governing body.” A board of county commissioners, city council, borough council, incorporated town council, board of township commissioners or board of township supervisors, the governing council of any unit of government created and existing under Subpart E of Part III (relating to home rule and optional plan government) or the governing council of any similar general purpose unit of government created by statute.

## § 903. Reapportionment by governing body.

(a) General rule.—Within the year following that in which the Federal census, decennial or special, is officially and finally reported and at such other times as the governing body deems necessary, each entity having a governing body not entirely elected at large shall be reapportioned into

districts by its governing body. The governing body shall number the districts.

(b) Composition of districts.—Districts shall be composed of compact and contiguous territory as nearly equal in population as practicable as officially and finally reported in the most recent Federal census, decennial or special. § 904. Reapportionment by court upon petition.

(a) Petition.—If there has not been a reapportionment by the governing body within the year following that in which the Federal census, decennial or special, is officially and finally reported, a petition signed by one or more electors who are residents of the entity may be submitted to the court of common pleas which may then reapportion in accordance with this chapter.

(b) Appointment of commissioners.—Upon receiving the petition to reapportion, the court may appoint three impartial persons as commissioners.

(c) Report to court.—The commissioners appointed by the court or any two of them shall make a report to the court within the time the court directs and shall include with it a plot showing the boundaries of the present districts and a plot showing the districts as proposed by them, along with pertinent information relating to population and area of the proposed districts.

(d) Action on report.—Upon presentation, the court shall confirm the report nisi and shall direct that notice of the filing of the report shall be given by publication once in a newspaper of general circulation stating that exceptions may be filed to the report within 30 days after the report was filed. If no exceptions are filed or if the court dismisses the exceptions, the court shall confirm the report absolutely and issue a decree. The court in its decree shall designate a number for each of the districts.

§ 905. Compensation of commissioners and payment of costs.

(a) Compensation of commissioners.—The commissioners appointed by the court shall each receive compensation for their services as the court shall fix.

(b) Payment of costs and expenses.—All cost and expenses incurred in the proceedings to reapportion shall be paid by the entity.

§ 906. Contest of reapportionment by governing body.

(a) General rule.—In the event there has been a reapportionment by the governing body pursuant to section 903(a) (relating to reapportionment by governing body) or 904 (relating to reapportionment by court upon petition), the reapportionment may be contested as not being in compliance with the criteria for reapportionment as set forth in section 903(b).

(b) Petition to court.—In order to contest a reapportionment, a petition signed by ten electors who are residents of the entity shall be submitted to the court of common pleas.

(c) Action on petition.—The court shall review the reapportionment plan and either accept the reapportionment plan and dismiss the petition or reject the reapportionment plan and return it to the local governing body for correction and resubmission to the court.

(d) Appointment of commissioners.—If the court sets the reapportionment aside, the court may appoint three impartial persons as commissioners.

(e) Report to court.—The commissioners appointed by the court or any two of them shall make a report to the court within the time the court directs and shall include with it a plot showing the boundaries of the present districts and a plot showing the districts as proposed by them, along with pertinent information relating to population and area of the proposed districts.

(f) Action on report.—Upon presentation, the court shall confirm the report nisi and shall direct that notice of the filing of the report shall be given by publication once in a newspaper of general circulation stating that exceptions may be filed to the report within 30 days after the report was filed. If no exceptions are filed or if the court dismisses the exceptions, the court shall confirm the report absolutely and issue a decree. The court in its decree shall designate a number for each of the districts.

§ 907. Costs and expenses of contest.

(a) General rule.—All cost and expenses incurred in a proceeding described in section 906 (relating to contest of reapportionment by governing body) challenging a reapportionment shall be paid by the entity or the petitioners as the court directs, but, if the court reapportions the entity, the costs and expenses shall be paid by the entity.

(b) Bond to secure payment.—If a reapportionment is challenged by petition as described in section 906, the petitioners may be required to post a bond set by the court to secure the payment of costs and expenses.

§ 908. Retention in office and new elections.

(a) Retention of existing members in office.—The members of the governing body in office at the time of the reapportionment shall retain their offices until the end of their respective terms.

(b) Election of members following reapportionment.—The election of members of the governing body under the reapportionment shall be held in accordance with law relating to the entity and the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

### PART III GOVERNMENT AND ADMINISTRATION

#### Subpart

- A. General Provisions
- B. Governing Body
- C. Executive Departments, Officers and Employees
- D. Area Government and Intergovernmental Cooperation
- E. Home Rule and Optional Plan Government

#### SUBPART A GENERAL PROVISIONS

#### Chapter

11. General Provisions

CHAPTER 11  
GENERAL PROVISIONS

Subchapter

- A. (Reserved)
- B. Emergency Seat of Government
- C. Emergency Succession of Officers

SUBCHAPTER A (RESERVED)

SUBCHAPTER B  
EMERGENCY SEAT OF GOVERNMENT

Sec.

- 1121. Scope of subchapter.
- 1122. Establishment and designation.
- 1123. Exercise of powers and functions.
- 1124. Applicability of subchapter.

§ 1121. Scope of subchapter.

This subchapter applies to all political subdivisions.

§ 1122. Establishment and designation.

Whenever, due to an emergency resulting from the effects of enemy attack or the anticipated effects of a threatened enemy attack, it becomes imprudent, inexpedient or impossible to conduct the affairs of local government at the regular or usual place, the governing body of each political subdivision of this Commonwealth may meet at any place within or without the territorial limits of the political subdivision. The meeting may be held on the call of the presiding officer or any two members of the governing body and shall proceed to establish and designate, by ordinance, resolution or other manner, alternate or substitute sites or places as the emergency temporary location or locations of government where all or any part of the public business may be transacted and conducted during the emergency situation. These sites or places may be within or without the territorial limits of the political subdivision and may be within or without this Commonwealth.

§ 1123. Exercise of powers and functions.

During the period when the public business is being conducted at the emergency temporary location or locations, the governing body and other officers of a political subdivision of this Commonwealth shall exercise at the location or locations all of the executive, legislative and judicial powers and functions conferred upon the governing body and officers by law. These powers and functions may be exercised in the light of the exigencies of the emergency situation without regard to time-consuming procedures and formalities prescribed by law and pertaining to them, and all acts of the



governing body and officers shall be as valid and binding as if performed within the territorial limits of their political subdivision.

§ 1124. Applicability of subchapter.

The provisions of this subchapter shall control, in the event it shall be employed, notwithstanding any statutory charter or ordinance provision to the contrary or in conflict with this subchapter.

### SUBCHAPTER C EMERGENCY SUCCESSION OF OFFICERS

Sec.

1131. Scope of subchapter.

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1135. Emergency interim successors for local officers.

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§ 1131. Scope of subchapter.

This subchapter applies to all municipalities.

§ 1132. Declaration of policy.

Because of the existing possibility of attack upon the United States of unprecedented size and destructiveness and in order, in the event of such an attack, to assure continuity of government through legally constituted authority and responsibility in offices of the municipalities of this Commonwealth, to provide for the effective operation of government during an emergency and to facilitate the early resumption of functions temporarily suspended, it is found and declared to be necessary to provide for emergency interim succession to offices of the municipalities of this Commonwealth in the event the incumbents and their deputies authorized to exercise all of the powers and discharge the duties of these offices, referred to in this subchapter as deputies, are unavailable to exercise the powers and perform the duties of these offices.

§ 1133. Definitions.

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Attack.” Any attack on the United States which causes or may cause substantial damage or injury to civilian persons or property in any manner by sabotage or by the use of bombs, missiles or shellfire or by atomic, radiological, chemical, bacteriological or biological means or other weapons or processes.

“Emergency interim successor.” A person designated, in the event the officer is unavailable, to exercise the powers and discharge the duties of an

office until a successor is appointed or elected and qualified as may be provided by the Constitution of Pennsylvania, statutes, charters and ordinances or until the lawful incumbent is able to exercise the powers and discharge the duties of the office.

“Office.” All local offices, the powers and duties of which are defined by the Constitution of Pennsylvania or a statute, charter or ordinance.

“Unavailable.” When a vacancy in office exists and there is no deputy authorized to exercise all of the powers and discharge the duties of the office or when the lawful incumbent of the office or any deputy exercising the powers and discharging the duties of an office because of a vacancy and his authorized deputy are absent or unable to exercise the powers and discharge the duties of the office.

§ 1134. Enabling authority for emergency interim successors for local offices.

With respect to local offices for which the legislative bodies of municipalities may enact resolutions or ordinances relative to the manner in which vacancies will be filled or temporary appointments to office made, the legislative bodies are authorized to enact resolutions or ordinances providing for emergency interim successors to offices. The resolutions and ordinances shall not be inconsistent with this subchapter.

§ 1135. Emergency interim successors for local officers.

This section is applicable to officers of municipalities not included in section 1134 (relating to enabling authority for emergency interim successors for local offices). Each officer, subject to any regulations as the executive head of the municipality may issue, shall designate by title, if feasible, or by named person emergency interim successors and specify their order of succession. The officer shall review and revise, as necessary, designations made pursuant to this subchapter. The officer will designate a sufficient number of persons so that there will be not less than three deputies or emergency interim successors or any combination of them. If any officer or deputy of any municipality is unavailable, the powers of the office shall be exercised and the duties discharged by his designated emergency interim successors in the order specified. The emergency interim successors, in the order specified, shall exercise the powers and discharge the duties of the office to which designated until the vacancy is filled in accordance with the Constitution of Pennsylvania or statutes or until the officer, or his deputy or a preceding emergency interim successor, ceases to be unavailable.

§ 1136. Formalities of taking office.

Prior to taking up the duties to which they may temporarily succeed, emergency interim successors shall take an oath as may be required for the office to which they may succeed.

§ 1137. Succession period.

Emergency interim successors may exercise the powers and discharge the duties of an office as authorized in this subchapter only after an attack has occurred. The General Assembly, by concurrent resolution, may terminate the

authority of the emergency interim successors to exercise the powers and discharge the duties of office as provided under this subchapter.

§ 1138. Term and removal of designees.

Until the persons designated as emergency interim successors are authorized to exercise the powers and discharge the duties of an office in accordance with this subchapter, including section 1137 (relating to succession period), these persons may be removed or replaced by the designating authority at any time, with or without cause.

## SUBPART B GOVERNING BODY

### Chapter

#### 13. General Provisions

## CHAPTER 13 GENERAL PROVISIONS

### Subchapter

A. through E. (Reserved)

F. Records

## SUBCHAPTERS A THROUGH E (RESERVED)

## SUBCHAPTER F RECORDS

### Sec.

- 1381. Short title and scope of subchapter.
- 1382. Definitions.
- 1383. Disposition of public records.
- 1384. Proposed retention and disposal schedules.
- 1385. Local Government Records Committee.
- 1386. Effect of approval of schedule.
- 1387. Nonliability of official.
- 1388. Destruction of original records.
- 1389. Applicability of other statutes.

§ 1381. Short title and scope of subchapter.

(a) Short title of subchapter.—This subchapter shall be known and may be cited as the Municipal Records Act.

(b) Scope of subchapter.—This subchapter applies to the following entities:

- (1) Municipal corporations.
- (2) Municipal authorities created by any municipal corporation.

This subchapter does not apply to cities of the first class, second class or second class A.

**§ 1382. Definitions.**

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Commission.” The Pennsylvania Historical and Museum Commission.

“Committee.” The Local Government Records Committee.

“Public records.” Any papers, books, maps, photographs or other documentary materials, regardless of physical form or characteristics, made or received by an entity under law or in connection with the exercise of its powers and the discharge of its duties.

**§ 1383. Disposition of public records.**

Public records, archives or printed public documents, whether or not in current use, in the custody of any person or office shall be destroyed, sold or otherwise disposed of if the disposition is in conformity with schedules and regulations which are promulgated by the committee as established by section 1385 (relating to Local Government Records Committee).

**§ 1384. Proposed retention and disposal schedules.**

The commission, in cooperation with the several associations of municipal officials and related Commonwealth agencies, shall make a study of public records and shall prepare proposed retention and disposal schedules for submission to the committee for its approval and advise each of them of all applicable operative schedules. No such schedule shall be operative unless approved by the committee.

**§ 1385. Local Government Records Committee.**

(a) Establishment.—There shall be established under the commission the Local Government Records Committee which shall consist of the Auditor General, the State Treasurer, the General Counsel, the Executive Director of the Historical and Museum Commission, the Secretary of Community Affairs and five other members to be appointed by the Governor to represent each of the following municipal associations: the League of Cities, the State Association of Boroughs, the State Association of Township Commissioners, the State Association of Township Supervisors and the Municipal Authorities' Association. Each ex officio member of the committee may designate in writing a representative to act in place of the member. The Secretary of Community Affairs shall serve as chairman, and the executive director of the commission shall serve as secretary. Meetings of the committee shall be at the call of the chairman.

(b) Powers and duties.—The committee shall have the powers and duties vested in and imposed upon it by this subchapter and shall promulgate regulations not inconsistent with law necessary to adequately effectuate its powers and duties.

**§ 1386. Effect of approval of schedule.**

Whenever a schedule is approved by the committee, a copy shall be filed with the commission which shall, through appropriate means, notify the entities that the schedule has been approved. Upon such notification, the

schedule becomes effective and may be acted upon by them until superseded by a subsequent duly approved schedule. Each entity shall declare its intent to follow the schedule by ordinance or resolution. Each individual act of disposition shall be approved by resolution of the governing body.

§ 1387. Nonliability of official.

An official shall not be held liable on his official bond for damages for loss or in any other manner, civil or criminal, because of the disposition of public records pursuant to the provisions of this subchapter.

§ 1388. Destruction of original records.

(a) Destruction authorized.—Whenever any officer, commission or agency has photographed, microphotographed or microfilmed any public record with the approval of and in conformance with standards established by the committee, the original record may be destroyed, provided written consent is given to the destruction or other disposition.

(b) Evidence of records.—Upon destruction or other disposition of any public records under this section, the photograph, microphotograph or microfilm or a certified copy thereof shall be receivable in evidence in any court or proceeding and shall have the same force and effect as though the original public record had been produced and proved.

§ 1389. Applicability of other statutes.

This subchapter is intended as a supplement to existing statutes. The existing statutes which provide for destruction may be utilized by officials in lieu of compliance with this subchapter. Nothing in this subchapter shall prevent officials from retaining records longer than the periods which may be provided in schedules approved by the committee.

SUBPART C

EXECUTIVE DEPARTMENTS, OFFICERS AND EMPLOYEES

Chapter

21. Employees

CHAPTER 21

EMPLOYEES

Subchapter

A. through C. (Reserved)

D. Municipal Police Education and Training

SUBCHAPTERS A THROUGH C (RESERVED)

SUBCHAPTER D

MUNICIPAL POLICE EDUCATION AND TRAINING

Sec.

2161. Establishment of program and scope of subchapter.

2162. Definitions.

- 2163. Commission members.
- 2164. Powers and duties of commission.
- 2165. Meetings and quorum of commission.
- 2166. Applicability to civil service laws.
- 2167. Police training.
- 2168. Automatic certification.
- 2169. In-service training by existing personnel.
- 2170. Reimbursement of expenses.
- 2171. Payment of certain county costs.

§ 2161. Establishment of program and scope of subchapter.

(a) Municipal police officers' education and training program.—The commission shall establish a municipal police officers' education and training program in accordance with the provisions of this subchapter. The administration of this program shall be the responsibility of the Pennsylvania State Police.

(b) Scope of subchapter.—This subchapter applies to all municipalities.

§ 2162. Definitions.

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Certification.” The assignment of a certification number to a police officer after successful completion of a mandatory basic training course or receipt of a waiver of basic training from the commission and successful completion of mandatory in-service training. Certification is for a period of two years.

“College.” A college which has a campus police department, as used in section 2416 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, certified by the Office of Attorney General as a criminal justice agency under the definition of “criminal justice agency” in 18 Pa.C.S. § 9102 (relating to definitions). The term does not include the State System of Higher Education and its member institutions.

“Commission.” The Municipal Police Officers' Education and Training Commission.

“Commissioner.” The Commissioner of the Pennsylvania State Police.

“Police department.” Any of the following:

(1) A public agency of a political subdivision having general police powers and charged with making arrests in connection with the enforcement of the criminal or traffic laws. This paragraph includes the sheriff's office in a county of the second class.

(2) A campus police or university police department, as used in section 2416 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, certified by the Office of Attorney General as a criminal justice agency under the definition of “criminal justice agency” in 18 Pa.C.S. § 9102 (relating to definitions). This paragraph does

not include a campus police or university police department of the State System of Higher Education and its member institutions.

“Police officer.” Any full-time or part-time employee of a city, borough, town, township, campus police or university police or county police department assigned to criminal or traffic law enforcement duties; any deputy sheriff of a county of the second class; and, for the purpose of training only, security officers of a first class city housing authority. The term excludes persons employed to check parking meters or to perform only administrative duties and auxiliary and fire police.

“School.” A training school or academy which provides a basic police training course within the functional organization of a police department or departments or any educational facility in this Commonwealth.

“University.” A university which has a campus police department, as used in section 2416 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, certified by the Office of Attorney General as a criminal justice agency under the definition of “criminal justice agency” in 18 Pa.C.S. § 9102 (relating to definitions). The term does not include the State System of Higher Education and its member institutions.

§ 2163. Commission members.

(a) Selection.—The commission shall be composed of 20 members as follows:

(1) The following members shall serve by virtue of their office:

(i) The Commissioner of the Pennsylvania State Police who shall serve as chairman of the commission.

(ii) The Secretary of Community Affairs.

(iii) The Attorney General.

(iv) The police commissioner of a city of the first class or his designee.

(2) The following members shall be appointed by the President pro tempore of the Senate and the Speaker of the House of Representatives:

(i) A member of the Senate.

(ii) A member of the House of Representatives.

(3) The following members shall be appointed by the Governor.

(i) A borough official, a first class township official, a second class township official and a city official.

(ii) Four incumbent chiefs of police from the various municipalities of this Commonwealth, at least one to be a chief of a borough police department, at least one to be a chief of a township police department and at least one to be a chief of a city police department.

(iii) One Federal Bureau of Investigation special agent-in-charge.

(iv) One educator qualified in the field of law enforcement.

(v) One member representing the public at large.

(vi) Two noncommissioned police officers.

(vii) A director of one of the certified training schools.

(b) Terms of office.—All members of the commission appointed by the Governor shall serve for a period of three years. Any member of the commission, immediately upon termination of holding the position by virtue of which the member was eligible for membership or appointed as a member of the commission, shall cease to be a member of the commission.

(c) Vacancies.—A member appointed to fill a vacancy not created by the expiration of a term shall be appointed for the unexpired term of the member whom he is to succeed in the same manner as the original appointment.

(d) Compensation and expenses.—The members of the commission shall serve without compensation but shall be reimbursed the necessary and actual expenses incurred in attending the meetings of the commission and in the performance of their duties under this subchapter.

(e) Removal from office.—Members of the commission may be removed by the Governor for cause after written notice from the Governor.

(f) Affiliation.—The designated public member may not at any time have been a police officer or have been affiliated with a police department or training school.

§ 2164. Powers and duties of commission.

The powers and duties of the commission shall be as follows:

(1) To establish and administer the minimum courses of study for basic and in-service training for police officers and to revoke an officer's certification when an officer fails to comply with the basic and in-service training requirements or is convicted of a criminal offense or the commission determines that the officer is physically or mentally unfit to perform the duties of his office.

(2) To approve or revoke the approval of any school which may be utilized to comply with the educational and training requirements as established by the commission.

(3) To establish the minimum qualifications for instructors, to approve or revoke the approval of any instructor and to develop the requirements for continued certification.

(4) To promote the most efficient and economical program for police training by utilizing existing facilities, programs and qualified Federal, State and local police personnel.

(5) To make an annual report to the Governor and to the General Assembly concerning the administration of the Municipal Police Officers' Education and Training Program and the activities of the commission, together with recommendations for executive or legislative action necessary for the improvement of law enforcement and the administration of justice.

(6) To require every police officer to attend a minimum number of hours of in-service training as provided for by regulation, unless the officer's employer files a show cause document with the commission requesting additional time for the officer to comply with the in-service



training requirements. Approval of this request shall be made by the commission on a case-by-case basis.

(7) To require all police officers to undergo a background investigation to determine the individual's suitability for employment as a police officer. This investigation shall be completed prior to the employment of the officer and shall include a criminal history check, a credit check, personal interviews and any other applicable means of determining eligibility. An applicant who has been convicted of a felony or serious misdemeanor shall not be eligible for employment as a police officer.

(8) To require minimum standards for physical fitness, psychological evaluation and education as prerequisites to employment as a police officer.

(9) To appoint an executive director to administer the training program established by this subchapter. The position of executive director shall be filled by the commission which shall select the best qualified person from a list of three persons nominated by the chairman. The person who receives a simple majority of those members present and voting shall become the executive director. If the commission rejects all nominees, then the process shall be repeated until a person is selected. The executive director shall be directly responsible to the commission and may be dismissed only by two-thirds vote of the commission. The executive director shall employ a sufficient staff, including professional, administrative and clerical personnel, to perform the tasks of the office, including the preparation of an annual budget.

(10) To consult and cooperate with universities, colleges, community colleges and institutes for the development of specialized courses for police officers.

(11) To consult and cooperate with departments and agencies of this Commonwealth and other states and the Federal Government concerned with police training.

(12) To certify police officers who have satisfactorily completed basic educational and training requirements as established by the commission and to issue appropriate certificates to those police officers.

(13) To visit and inspect approved schools at least once a year.

(14) To make such rules and regulations and to perform such other duties as may be reasonably necessary or appropriate to implement the education and training program for police officers.

(15) To grant waivers of mandatory basic training to police officers who have successfully completed previous equivalent training or who have acceptable full-time police experience, or both.

§ 2165. Meetings and quorum of commission.

The commission shall meet at least four times each year. Special meetings may be called by the chairman of the commission or upon written request of five members. A quorum shall consist of 11 members.

§ 2166. Applicability to civil service laws.

This subchapter shall not be construed to exempt any police officer or other officer or employee from the provisions of the existing civil service or tenure laws.

§ 2167. Police training.

(a) General rule.—All municipalities of this Commonwealth or groups of municipalities acting in concert and all colleges and universities shall be required to train all members of their police departments pursuant to this subchapter prior to their enforcing criminal laws, enforcing moving traffic violations under Title 75 (relating to vehicles) or being authorized to carry a firearm.

(b) Ineligibility for compensation.—Any person hired as a police officer by any municipality or group of municipalities acting in concert or by any college or university shall be ineligible to receive any salary, compensation or other consideration for the performance of duties as a police officer unless the person has met all of the requirements as established by the commission and has been duly certified as having met those requirements by the commission.

(c) Penalty.—Any official of any municipality or of any college or university who orders, authorizes or pays as salary to a person in violation of the provisions of this subchapter commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$100 or be imprisoned for a term not to exceed a period of 30 days. The commission may stop payment of all funds paid or payable to municipalities under this subchapter for any violation of this subchapter. It shall notify the State Treasurer to discontinue disbursement of any State funds until a municipality is in compliance with this subchapter.

§ 2168. Automatic certification.

(a) General rule.—All police officers, including deputy sheriffs in counties of the second class, hired prior to June 18, 1974, shall be automatically certified for basic training but shall be required to complete the in-service training as set forth in section 2164(7) (relating to powers and duties of commission).

(b) Campus or university police.—Any campus or university police officer who, as of the effective date of this subsection, has successfully completed a basic training course similar to that required under this subchapter shall, after review by the commission, be certified as having met the basic training requirements of this subchapter. Any campus or university police officer who, as of the effective date of this subsection, has not successfully completed a basic training course similar to that required under this subchapter which qualifies the police officer for certification under this subsection shall be able to perform the duties of a campus or university police officer until certified by the commission, but no longer than one year from the effective date of this subsection.

(c) Deputy sheriffs in counties of the second class.—Deputy sheriffs in counties of the second class who have successfully completed the basic training course under this subchapter prior to the effective date of this subsection shall be assigned a certification number under this subchapter.

§ 2169. In-service training by existing personnel.

The requirements of section 2164(7) (relating to powers and duties of commission) shall apply to every police officer.

§ 2170. Reimbursement of expenses.

(a) General rule.—The commission shall provide for reimbursement to each municipality of the entire amount of the allowable tuition and the ordinary and necessary living and travel expenses incurred by their police officers while attending certified municipal police basic training schools if the municipality adheres to the training standards established by the commission. The regular salary of police officers while attending approved schools shall be paid by the employing municipality. The commission shall reimburse the employing municipality for 60% of the regular salaries of police officers while attending schools approved under this subchapter. The commission shall require written documentation of all expenses incurred by municipalities relating to the training of municipal police officers for the purposes of reimbursement by the commission. All municipalities shall annually audit these funds as part of their annual audit and submit a copy of the audit to the commission. Failure to perform the audit and submit a copy of it to the commission shall render the municipality in violation of this subchapter.

(b) Grants for training other police.—The commission may approve in-service training grants for actual expenses incurred by municipalities for the providing for nonmandatory training programs to police officers in accordance with this subchapter.

(c) Application for funding.—All municipalities of this Commonwealth or groups of municipalities acting in concert may make application to the commission for funding pursuant to the provisions of this subchapter. The application shall be accompanied by a certified copy of a resolution adopted by its governing body. The resolution shall provide that, while receiving any State funds pursuant to this subchapter, the municipality agrees to adhere to the standards for training established by the commission. The application shall contain any information that the commission requests.

(d) Subsequent employment with another municipality.—If a police officer, within two years following certification, terminates his employment with the municipality by which the officer was employed at the time he was certified as having met the commission's requirement and subsequently obtains employment as a police officer with another municipality, the municipality which employs the previously certified police officer shall reimburse the municipality which formerly employed the police officer for the nonreimbursable portion of the salary paid to the police officer while complying with the provisions of this subchapter.

(e) Payment of mandatory in-service training.—The commission may pay for the cost of mandatory in-service training for all police officers to the extent determined by the commission. However, a college or university shall not be eligible for reimbursement of any expense under this section incurred during campus or university police officer training.

§ 2171. Payment of certain county costs.

Counties of the second class shall be liable for costs incurred for the certification of deputy sheriffs. The costs shall not exceed the sum per police officer assessed against municipalities.

## SUBPART D

### AREA GOVERNMENT AND INTERGOVERNMENTAL COOPERATION

#### Chapter

- 23. General Provisions
- 25. Environmental Improvement Compacts

#### CHAPTER 23

#### GENERAL PROVISIONS

#### Subchapter

- A. Intergovernmental Cooperation
- B. Environmental Advisory Councils
- C. Regional Planning

#### SUBCHAPTER A

#### INTERGOVERNMENTAL COOPERATION

#### Sec.

- 2301. Scope of subchapter.
- 2302. Definitions.
- 2303. Intergovernmental cooperation authorized.
- 2304. Intergovernmental cooperation.
- 2305. Ordinance.
- 2306. Initiative and referendum.
- 2307. Content of ordinance.
- 2308. Bids for certain joint purchases.
- 2309. Direct purchases.
- 2310. Joint purchases with private educational establishments.
- 2311. Written or telephonic price quotations required.
- 2312. Division of transactions provided.
- 2313. Penalty.
- 2314. Review of agreement by Local Government Commission.
- 2315. Effect of joint cooperation agreements.

§ 2301. Scope of subchapter.

This subchapter applies to all local governments.

§ 2302. Definitions.

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Local government.” A county, city of the second class, second class A and third class, borough, incorporated town, township, school district or any other similar general purpose unit of government created by the General Assembly after July 12, 1972.

§ 2303. Intergovernmental cooperation authorized.

(a) General rule.—Two or more local governments in this Commonwealth may jointly cooperate, or any local government may jointly cooperate with any similar entities located in any other state, in the exercise or in the performance of their respective governmental functions, powers or responsibilities.

(b) Joint agreements.—For the purpose of carrying the provisions of this subchapter into effect, the local governments or other entities so cooperating shall enter into any joint agreements as may be deemed appropriate for those purposes.

§ 2304. Intergovernmental cooperation.

A municipality by act of its governing body may, or upon being required by initiative and referendum in the area affected shall, cooperate or agree in the exercise of any function, power or responsibility with or delegate or transfer any function, power or responsibility to one or more other local governments, the Federal Government or any other state or its government.

§ 2305. Ordinance.

A local government may enter into intergovernmental cooperation with or delegate any functions, powers or responsibilities to another governmental unit or local government upon the passage of an ordinance by its governing body. If mandated by initiative and referendum in the area affected, the local government shall adopt such an ordinance.

§ 2306. Initiative and referendum.

(a) Initiative.—An initiative under this subchapter shall be commenced by filing with the appropriate election officials at least 90 days prior to the next primary or general election a petition containing a proposal for referendum signed by electors comprising 5% of the number of electors voting for the office of Governor in the last gubernatorial election in each local government or area affected. The applicable election officials shall place the proposal on the ballot in a manner fairly representing the content of the petition for decision by referendum at the election. Initiative on a similar question shall not be submitted more often than once in five years.

(b) Referendum.—The question shall be placed on the ballot as a referendum and shall become effective by a majority vote of the electors voting thereon.

§ 2307. Content of ordinance.

The ordinance adopted by the governing body of a local government entering into intergovernmental cooperation or delegating or transferring any functions, powers or responsibilities to another local government or to a council of governments, consortium or any other similar entity shall specify:

(1) The conditions of agreement in the case of cooperation with or delegation to other local governments, the Commonwealth, other states or the Federal Government.

(2) The duration of the term of the agreement.

(3) The purpose and objectives of the agreement, including the powers and scope of authority delegated in the agreement.

(4) The manner and extent of financing the agreement.

(5) The organizational structure necessary to implement the agreement.

(6) The manner in which real or personal property shall be acquired, managed, licensed or disposed of.

(7) That the entity created under this section shall be empowered to enter into contracts for policies of group insurance and employee benefits, including Social Security, for its employees.

§ 2308. Bids for certain joint purchases.

All joint purchases involving an expenditure of more than \$10,000 shall be made by contract, in writing, only after notice for bids once a week for two weeks in at least one and not more than two newspapers of general circulation in the joining local governments. All contracts shall be let to the lowest responsible bidder. Every contract for the construction, reconstruction, alteration, repair, improvement or maintenance of public works shall comply with the provisions of the act of March 3, 1978 (P.L.6, No.3), known as the Steel Products Procurement Act.

§ 2309. Direct purchases.

In addition to joint purchases authorized by section 2308 (relating to bids for certain joint purchases), local governments may make direct purchases from vendors or suppliers of goods, materials or equipment without compliance with existing and otherwise applicable statutory requirements governing competitive bidding and execution of contracts as follows:

(1) Any county may by appropriate resolution, and subject to such reasonable regulations as it may prescribe, permit any local government within the county to participate in or purchase off contracts for goods, materials or equipment entered into by the county.

(2) Any local government desiring to participate in purchase contracts shall file with the county purchasing agency and with the county solicitor a certified copy of an ordinance or resolution of its governing body requesting that it be authorized to participate in purchase contracts of the county and agreeing that it will be bound by the terms and conditions as the county prescribes and that it will be responsible for payment directly to the vendor under each purchase contract.

(3) The county may permit participation by local governments only where the solicitation for bids and specifications for the county contracts, and the contracts themselves, expressly provide for and inform prospective and successful bidders that the contract to be let is intended to be subject to this subchapter and to regulations adopted by the county.

(4) Among the terms and conditions as the county may specify, it shall prescribe that all prices shall be F.O.B. destination.

§ 2310. Joint purchases with private educational establishments.

Any local government may, by ordinance, authorize joint purchases of materials, supplies and equipment with any private school, parochial school, private college or university or nonprofit human services agency within the local government. The ordinance shall require that the school, college or agency shall be bound by the terms and conditions of purchasing agreements which the local government prescribes and that the school, college or agency shall be responsible for payment directly to the vendor under each purchase contract. Schools, colleges and agencies shall be exempt from any existing statutory requirements governing competitive bidding and execution of contracts with respect to purchases under this section.

§ 2311. Written or telephonic price quotations required.

Written or telephonic price quotations from at least three qualified and responsible contractors shall be requested for all contracts that exceed \$4,000 but are less than the amount requiring advertisement and competitive bidding, or, in lieu of price quotations, a memorandum shall be kept on file showing that fewer than three qualified contractors exist in the market area within which it is practicable to obtain quotations. A written record of telephonic price quotations shall be made and shall contain at least the date of the quotation, the name of the contractor and the contractor's representative, the construction, reconstruction, repair, maintenance or work which was the subject of the quotation and the price, written price quotations, written records of telephonic price quotations, and memoranda shall be retained for a period of three years.

§ 2312. Division of transactions provided.

No local government shall evade the provisions of section 2308 (relating to bids for certain joint purchases) as to advertising for bids or purchasing materials or contracting for services piecemeal for the purpose of obtaining prices under \$10,000 upon transactions which should in the exercise of reasonable discretion and prudence be conducted as one transaction amounting to more than \$10,000. This provision is intended to make unlawful the practice of evading advertising requirements by making a series of purchases or contracts each for less than the advertising requirement price or by making several simultaneous purchases or contracts each below such price when in either case the transaction involved should have been made as one transaction for one price.

**§ 2313. Penalty.**

Any member of a governing body of a local government who votes to unlawfully evade the provisions of section 2308 (relating to bids for certain joint purchases) and who knows that the transaction upon which he so votes is or ought to be a part of a larger transaction and that it is being divided in order to evade the requirements as to advertising for bids commits a misdemeanor of the third degree for each contract entered into as a direct result of that vote.

**§ 2314. Review of agreement by Local Government Commission.**

Every agreement between a local government and the Commonwealth, any other state, government of another state or the Federal Government under the provisions of this subchapter shall, prior to and as a condition precedent to enactment of an ordinance, be submitted to the Local Government Commission for review and recommendation. The commission shall within 60 days of receipt of the agreement determine whether it is in proper form and compatible with the laws of this Commonwealth. Failure of the commission to make recommendations within 60 days of receipt of the agreement shall constitute a recommendation in favor of the agreement.

**§ 2315. Effect of joint cooperation agreements.**

Any joint cooperation agreement shall be deemed in force as to any local government when the agreement has been adopted by ordinance by all cooperating local governments. After adoption by all cooperating local governments, the agreement shall be binding upon the local government, and its covenants may be enforced by appropriate remedy by any one or more of the local governments against any other local government which is a party to the agreement.

## SUBCHAPTER B ENVIRONMENTAL ADVISORY COUNCILS

**Sec.**

2321. Scope of subchapter.

2322. Establishment of Environmental Advisory Council.

2323. Composition and organization of council.

2324. Powers and duties of council.

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2326. Appropriations for expenses of council.

2327. Status of existing agencies unaffected.

2328. Assistance from Department of Environmental Resources.

2329. Assistance from Department of Community Affairs.

**§ 2321. Scope of subchapter.**

This subchapter applies to all municipal corporations.

**§ 2322. Establishment of Environmental Advisory Council.**

The governing body of any municipal corporation or group of two or more municipal corporations may by ordinance establish an environmental advisory



council to advise other local governmental agencies, including, but not limited to, the planning commission, park and recreation boards and elected officials, on matters dealing with protection, conservation, management, promotion and use of natural resources, including air, land and water resources, located within its or their territorial limits.

§ 2323. Composition and organization of council.

(a) **Composition.**—An environmental advisory council shall be composed of no less than three nor more than seven residents of the municipal corporation establishing the council, who shall be appointed and all vacancies filled by the governing body. Where two or more municipal corporations jointly establish an environmental advisory council, the members shall be appointed in the same manner by each of the respective municipal corporations establishing the council, each constituent municipal corporation to have equal membership on the joint council.

(b) **Term of office.**—Council members shall serve for three years except that initial appointments shall be so staggered that the terms of approximately one-third of the membership shall expire each year, the terms of their successors to be of three years each.

(c) **Compensation and expenses.**—Members shall receive no compensation for their services but shall be reimbursed for the expenses actually and necessarily incurred by them in the performance of their duties.

(d) **Chairman.**—The appointing authority shall designate the chairman of the council except that in joint councils the chairman shall be elected by the duly selected members. Whenever possible, one member shall also be a member of the municipal planning board.

§ 2324. Powers and duties of council.

(a) **General rule.**—An environmental advisory council shall have the power to:

(1) Identify environmental problems and recommend plans and programs to the appropriate agencies for the promotion and conservation of the natural resources and for the protection and improvement of the quality of the environment within its territorial limits.

(2) Make recommendations as to the possible use of open land areas of the municipal corporations within its territorial limits.

(3) Promote a community environmental program.

(4) Keep an index of all open areas, publicly or privately owned, including flood-prone areas, swamps and other unique natural areas, for the purpose of obtaining information on the proper use of those areas.

(5) Advise the appropriate local government agencies, including the planning commission and recreation and park board or, if none, the elected governing body or bodies within its territorial limits, in the acquisition of both real and personal property by gift, purchase, grant, bequest, easement, devise or lease, in matters dealing with the purposes of this subchapter.

(b) Limitation.—An environmental advisory council shall not exercise any powers or perform any duties which by law are conferred or imposed upon a Commonwealth agency.

§ 2325. Records and reports.

An environmental advisory council shall keep records of its meetings and activities and shall make an annual report which shall be printed in the annual report of the municipal corporation or, if none, otherwise made known and available.

§ 2326. Appropriations for expenses of council.

The governing body of any municipal corporation establishing an environmental advisory council may appropriate funds for the expenses incurred by the council. Appropriations may be expended for those administrative, clerical, printing and legal services as may be required and as shall be within the limit of funds appropriated to the council. The whole or any part of any funds so appropriated in any year may be placed in a conservation fund and allowed to accumulate from year to year or may be expended in any year.

§ 2327. Status of existing agencies unaffected.

This subchapter shall not be construed to require a municipal corporation to abolish an existing commission with a related responsibility or to prevent its establishment.

§ 2328. Assistance from Department of Environmental Resources.

The State Conservation Commission in the Department of Environmental Resources shall establish a program of assistance to environmental advisory councils that may include educational services, exchange of information, assignment of technical personnel for natural resources planning assistance and the coordination of State and local conservation activities.

§ 2329. Assistance from Department of Community Affairs.

The Department of Community Affairs shall establish a program of assistance to environmental advisory councils in planning for the management, use and development of open space and recreation areas.

SUBCHAPTER C  
REGIONAL PLANNING

Sec.

2341. Short title and scope of subchapter.

2342. Definitions.

2343. Declaration of policy.

2344. Establishment and organization of regional planning commission.

2345. Finances, staff and program.

2346. Commission to prepare master plan.

2347. Cooperation between commission, municipalities and others.

2348. Interstate participation.

§ 2341. Short title and scope of subchapter.

(a) Short title of subchapter.—This subchapter shall be known and may be cited as the Regional Planning Law.

(b) Scope of subchapter.—This subchapter applies to all municipalities, but it shall not operate as a reenactment of any provisions repealed by section 1202 of the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code.

§ 2342. Definitions.

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Commission.” A regional planning commission created in accordance with the terms of this subchapter.

“Governing body.” The body or board authorized by law to enact ordinances or adopt resolutions for the municipality.

“Region.” An area comprised of two or more municipalities which have joined in creating a regional planning commission.

§ 2343. Declaration of policy.

For the purpose of promoting health, safety, morals and the general welfare of the regions in this Commonwealth through effective development, the powers set forth in this subchapter for the establishment of regional planning commissions are granted.

§ 2344. Establishment and organization of regional planning commission.

(a) General rule.—The governing body of two or more municipalities may, by ordinance or resolution, authorize the establishment or membership in and support of a regional planning commission. The number and qualifications of the members of any commission and their terms and method of appointment or removal shall be determined and agreed upon by the governing bodies. A majority of the members of the commission shall at the time of appointment to the commission and throughout the duration of their service on the commission be locally elected officials. Members of the commission shall serve without salary but may be paid expenses incurred in the performance of their duties. The commission shall elect a chairman whose term shall not exceed one year and who shall be eligible for reelection. The commission may create and fill other offices as it may determine.

(b) Rules and records.—The commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record.

(c) Assistance from municipality.—Any municipality may, upon the request of the commission, assign or detail to the commission any employees of a municipality to make special surveys or studies requested by the commission.

§ 2345. Finances, staff and program.

(a) General rule.—The governing bodies of municipalities may appropriate funds for the purpose of contributing to the operation of the

commission. The commission may, with the consent of all the governing bodies, also receive grants from the Federal or State governments or from individuals or foundations and shall have the authority to contract therewith. The commission may appoint such employees and staff as it deems necessary for its work and contract with planners and other consultants for the services it may require. The commission may also perform planning services for any municipality which is not a member thereof and may charge fees for the work. The commission may also prepare and sell maps, reports, bulletins or other material and establish reasonable charges therefor.

(b) Planning assistance.—The commission may provide planning assistance and do planning work, including surveys, land use studies, urban renewal plans, technical services and other elements of comprehensive planning programs, for any municipalities within the region. For this purpose, the commission may, with the consent of all the governing bodies, accept any funds, personnel or other assistance made available by the Federal or State government or from individuals or foundations, and, for the purposes of receiving and using Federal or State planning grants for provision of urban planning assistance, the commission may enter into contracts regarding the acceptance or use of the funds or assistance.

§ 2346. Commission to prepare master plan.

The commission shall prepare a master plan, and the surveys and studies essential thereto, for the guidance of the physical development of the region.

§ 2347. Cooperation between commission, municipalities and others.

The commission shall encourage the cooperation of the municipalities within the region in matters which concern the integrity of the master plan or maps prepared by the commission, and, as an aid toward coordination, all municipalities and public officials shall, upon request, furnish the commission within a reasonable time the available maps, plans, reports and statistical or other information it may require for its work.

§ 2348. Interstate participation.

Whenever a regional planning commission has been or is being established to serve the Pennsylvania portion of an area which, for planning purposes, constitutes a logical region as approved by the State Planning Board and which extends beyond the boundaries of this Commonwealth, the commission may admit to membership municipalities that are part of the same region but located in other states. Municipalities may participate, through membership and financial support, in commissions that have been or are being established in other states when the municipalities are part of the same region served by the out-of-State commission.

## CHAPTER 25

### ENVIRONMENTAL IMPROVEMENT COMPACTS

#### Subchapter

##### A. Preliminary Provisions

##### B. Initiative

- C. Municipal Referendum Ordinance
- D. Referendum
- E. Election of Board
- F. Organization of Board

SUBCHAPTER A  
PRELIMINARY PROVISIONS

Sec.

2501. Short title and scope of chapter.

2502. Definitions.

§ 2501. Short title and scope of chapter.

(a) Short title of chapter.—This chapter shall be known and may be cited as the Environmental Improvement Compact Act.

(b) Scope of chapter.—This chapter applies to all municipalities.

§ 2502. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Board.” The Environmental Improvement Compact Board elected under this chapter.

“Election officials.” The county boards of election, except in Philadelphia where the term means the city commissioners.

“Electors.” The registered voters of any municipality involved in proceedings relating to the environmental improvement compact.

“Environmental improvement compact.” A structure of government and powers concerning one or more municipal functions involving two or more municipalities in this Commonwealth under procedures provided in this chapter.

SUBCHAPTER B  
INITIATIVE

Sec.

2511. Proposal by electors.

2512. Initiative petition.

2513. Review of initiative petition.

2514. Petition as public record.

2515. Distribution of petition.

§ 2511. Proposal by electors.

A referendum on the question of the creation of an environmental improvement compact may be initiated by electors of two or more municipalities as provided in this chapter.

§ 2512. Initiative petition.

(a) Filing.—A petition containing a proposal for referendum on the question of adopting an environmental improvement compact on one or more

municipal functions, signed by electors comprising 2% of the number of electors voting for the office of Governor in the last gubernatorial general election in each municipality involved, may be filed with the election officials at least 90 days prior to the next primary held in an even-numbered year or general election.

(b) Size of board.—The petition shall designate a five, seven or nine member board.

(c) Designation of petitioners.—The name and address of the person filing the petition shall be clearly stated on the petition.

§ 2513. Review of initiative petition.

The election officials shall, within ten days after filing, review the initiative petition as to the number and qualifications of signers. If the petition appears to be defective, the election officials shall immediately notify the person filing the petition of the defect.

§ 2514. Petition as public record.

The initiative petition as submitted to the election officials along with the list of signatories shall be open to public inspection in the office of the election officials.

§ 2515. Distribution of petition.

When the election officials find that the petition as submitted is in proper order, they shall send copies of the initiative petition without signatures thereon to the governing body of the municipalities involved and to the Department of Community Affairs.

## SUBCHAPTER C MUNICIPAL REFERENDUM ORDINANCE

Sec.

2521. Referendum ordinance.

2522. Filing of referendum ordinance.

2523. Notice to governing bodies of referendum date.

§ 2521. Referendum ordinance.

The governing bodies of two or more municipalities may, by ordinance in each municipality, provide for a referendum on the question of adopting an environmental improvement compact. The ordinance shall designate a five, seven or nine member board.

§ 2522. Filing of referendum ordinance.

(a) Election officials.—The referendum ordinance shall be filed with the election officials at least 90 days prior to the next primary or general election.

(b) Department of Community Affairs.—When the ordinances are filed with the election officials, copies of the referendum ordinance shall be immediately filed with the Department of Community Affairs.

§ 2523. Notice to governing bodies of referendum date.

The election officials shall notify the governing bodies of the municipalities involved of the date set for the referendum election on the proposal at least 30 days before the election.

#### SUBCHAPTER D REFERENDUM

Sec.

2531. Referendum procedures.

2532. Placing question on ballot.

2533. Date of election.

2534. Public notice of referendum.

2535. Approval.

2536. Results of election.

§ 2531. Referendum procedures.

(a) Authorization.—A referendum on the question of the adoption of an environmental improvement compact shall be held when initiated by electors of the municipalities in accordance with Subchapter B (relating to initiative) or after authorization by ordinance of the governing bodies of the municipalities in accordance with Subchapter C (relating to municipal referendum ordinance).

(b) Procedure.—The procedure for the referendum shall be governed by the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

§ 2532. Placing question on ballot.

When the election officials find the ordinances authorized by the governing bodies of the municipalities or the initiative petition as submitted by the electors meets the requirements of this chapter, they shall place the proposal on the ballot in a manner fairly representing the content of the ordinances or of the initiative petition for decision by referendum at the proper election.

§ 2533. Date of election.

The election officials shall certify the date for the referendum and shall so notify the governing bodies of the municipalities at least 30 days prior to that date.

§ 2534. Public notice of referendum.

At least 30 days' notice of the referendum shall be given by proclamation of the mayors of the cities, boroughs or incorporated towns, by the chairmen of the boards of county commissioners, by the presidents of the boards of township commissioners or by the chairmen of the boards of township supervisors, as the case may be. A copy of the proclamation shall be posted at each polling place of the municipalities on the day of the election and shall be published once in at least one newspaper of general circulation in the municipalities during the 30-day period prior to the election.

## § 2535. Approval.

Approval of a referendum for the adoption of an environmental improvement compact shall be by a majority vote of those voting in each municipality involved.

## § 2536. Results of election.

The election officials shall certify the results of the referendum to the governing bodies and the Department of Community Affairs.

SUBCHAPTER E  
ELECTION OF BOARD

Sec.

2541. Election of board.

2542. Nomination of candidates.

2543. Election returns.

## § 2541. Election of board.

(a) Petition for election.—If a referendum for the adoption of an environmental improvement compact is approved by a majority of voters in each municipality involved, the governing bodies shall, within 30 days of the certification of the results of the referendum election, submit to the election officials a petition to provide for the election of the board.

(b) Terms of office.—The majority of the members to be elected to the first board receiving the highest number of votes in the election shall serve for four-year terms, while the remainder shall serve for two-year terms. Thereafter, all candidates for the board shall have four-year terms.

(c) Election.—Members of the board shall be elected at the next municipal election not less than 90 days from the date of the referendum.

## § 2542. Nomination of candidates.

Candidates for membership on the board shall be electors of the municipalities involved. Each shall be nominated by nomination papers signed by a number of electors in their municipality or residence which is affected by the compact equal to at least 2% of the largest vote cast for any elected officer of the municipality elected at the last preceding municipal election. Nomination shall be in the manner provided by and subject to the provisions of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, which relate to the nomination of candidates nominated by nomination papers filed by political bodies for other offices elected by the voters of the municipality. Nomination papers shall not be circulated prior to 30 days before the last day on which the papers may be filed and shall be filed with the election officials not less than 44 days prior to the date of the election.

## § 2543. Election returns.

The result of the votes cast for members of the board at the municipal election shall be returned by the election officials to the governing bodies of municipalities involved and to the Department of Community Affairs.



SUBCHAPTER F  
ORGANIZATION OF BOARD

Sec.

2551. Membership of board.

2552. Compensation of board.

2553. Organization of board.

2554. Secretary and treasurer of board.

2555. Purposes and powers of board.

§ 2551. Membership of board.

The board shall be composed of five, seven or nine members as provided in Subchapter E (relating to election of board).

§ 2552. Compensation of board.

A majority of all the members of the governing bodies of the municipalities involved shall set the annual compensation for the members of the board.

§ 2553. Organization of board.

On the first Monday of January following the municipal election, members of the board shall assemble at a designated meeting place and shall organize by electing one of their own members as chairman. This member shall preside at all meetings and perform other duties as the board may prescribe. In the absence of the chairman, the board shall elect a temporary presiding officer. The board shall adopt rules for its procedure and conduct of business. Any vacancy shall be filled by an elector from the municipalities involved appointed by the remaining members of the board.

§ 2554. Secretary and treasurer of board.

(a) Secretary.—The board shall appoint a secretary who shall keep the records and minutes of the board proceedings, maintain a record of other official activities and perform other functions as required by law.

(b) Treasurer.—The board shall appoint a treasurer. The treasurer shall collect or receive taxes, assessments and other funds due the board.

§ 2555. Purposes and powers of board.

(a) Status and purposes.—Every board created under this chapter shall be a body corporate and politic and shall be for the purpose of acquiring, holding, constructing, improving, maintaining and operating, owning or leasing, either in the capacity of lessor or lessee, for any government function of two or more municipalities.

(b) Powers and duties.—The board shall have and may exercise all powers necessary or convenient for the carrying out of the purposes under subsection (a), including the following powers and duties:

(1) Sue and be sued.

(2) Adopt, use and alter at will a seal of the board.

(3) Acquire, purchase, hold, lease as lessee and use any franchise, property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the board,

and sell, lease as lessor, transfer and dispose of any property or interest acquired by it.

(4) Acquire by purchase, lease or otherwise and construct, improve, maintain, repair and operate projects.

(5) Make bylaws for the management and regulation of its affairs.

(6) Appoint officers, agents, employees and servants, prescribe their duties and fix their compensation.

(7) Fix and collect taxes not to exceed two mills of real estate within the municipalities involved and charge and collect rates and other charges in the area served by its facilities, at reasonable and uniform rates to be determined by it, for the purpose of providing for the payment of the expenses of the board, the construction, improvement, repair, maintenance and operation of its facilities and properties and the payment of the principal and interest on its obligations and to fulfill the terms of any agreements made with the holders of any such obligations or with municipalities served or to be served by the board. Any person questioning the reasonableness or uniformity of any rate fixed by the board or the adequacy, safety and reasonableness of the board's services may bring suit against the board in the court of common pleas of the county where the project is located. If the project is located in more than one county, the suit may be brought in the court of common pleas of the county where the principal office of the project is located.

(8) Borrow money and make and issue negotiable notes, bonds, refunding bonds and other evidences of indebtedness or obligations of the board. These instruments shall have a maturity date not longer than 30 years from the date of issue, except that no refunding bonds shall have a maturity date later than the life of the board. The board may secure the payment of the instruments or any part of them by pledge or deed of trust of all or any of its revenues and receipts and make agreements with the holders of these instruments, or with others in connection with these instruments, whether issued or to be issued, as the board deems advisable. The board shall provide for the security for these instruments and the rights of the holders of them, and in respect to any project constructed and operated under agreement with any board or any public authority of any adjoining state, and may borrow money and issue notes, bonds and other evidences of indebtedness and obligations jointly with any authority.

(9) Make contracts and execute all instruments necessary or convenient for the carrying on of its powers and duties.

(10) Without limitation of the foregoing, borrow money and accept grants from and enter into contracts, leases or other transactions with any Federal agency or Commonwealth municipality, school district, corporation or authority.

(11) Have the power of eminent domain, with the consent of the county commissioners of the county where the land is located and with the consent of council in cities of the first class.

(12) Pledge, hypothecate or otherwise encumber all or any of the revenues or receipts of the board as security for the obligations of the board.

(13) Do all acts and things necessary or convenient for the promotion of its business and the general welfare of the board in order to carry out the powers granted to it by this chapter or any other statutes.

(14) Enter into contracts of group insurance for the benefit of its employees and set up a retirement or pension fund for employees.

## SUBPART E HOME RULE AND OPTIONAL PLAN GOVERNMENT

### Chapter

- 29. General Provisions
- 30. Types of Optional Plans of Government
- 31. General Provisions Common to Optional Plans

## CHAPTER 29 GENERAL PROVISIONS

### Subchapter

- A. Preliminary Provisions
- B. Procedure for Adoption of Home Rule Charter or Optional Plan of Government
- C. Amendment of Existing Charter or Optional Plan
- D. Conduct of Election
- E. General Powers and Limitations of Home Rule Charter Municipalities
- F. General Provisions and Limitations for Optional Plan Municipalities
- G. Miscellaneous Provisions

## SUBCHAPTER A PRELIMINARY PROVISIONS

### Sec.

2901. Short title and scope of subpart.

2902. Definitions.

§ 2901. Short title and scope of subpart.

(a) Short title of subpart.—This subpart shall be known and may be cited as the Home Rule Charter and Optional Plans Law.

(b) Scope of subpart.—This subpart applies to all municipalities except cities of the first class and counties of the first class.

§ 2902. Definitions.

Subject to additional definitions contained in subsequent provisions of this subpart which are applicable to specific provisions of this subpart, the following words and phrases when used in this subpart shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Council.” County commissioner, city council, borough council, town council, township commissioner in a township of the first class and supervisor in a township of the second class.

“Election officials.” The county boards of elections.

“Electors.” The registered voters of any municipality involved in proceedings relating to the adoption and repeal of optional forms of government.

“Governing body.” Board of county commissioners, city council, borough or incorporated town council, commissioners of a township of the first class and supervisors of a township of the second class or their successor forms of government.

“Government study commission” or “commission.” The body elected under the provisions of Subchapter B (relating to procedure for adoption of home rule charter or optional plan of government).

“Home rule charter.” A written document defining the powers, structure, privileges, rights and duties of the municipal government and limitations thereon. The charter shall also provide for the composition and election of the governing body, which in all cases shall be chosen by popular elections.

“Local municipality.” Municipal corporation except a city of the first class.

“Nonresident.” Any person or entity not a resident within the meaning of this subpart.

“Optional forms.” Includes home rule charters and optional plans.

“Optional plans.” Optional municipal powers, procedures and administrative structures as provided by this subpart.

“Rate of taxation.” The amount of tax levied by a municipality on a permissible subject of taxation.

“Resident.” Any person or other entity living in or maintaining a permanent or fixed place of abode in a municipality or conducting or engaging in a business for profit within a municipality.

“Subject of taxation.” Any person, business, corporation, partnership, entity, real property, tangible or intangible personal property, property interest, transaction, occurrence, privilege, transfer, occupation or any other levy which is determined to be taxable by the General Assembly. The term shall not be construed to mean the rate of tax which may be imposed on a permissible subject of taxation.

## SUBCHAPTER B PROCEDURE FOR ADOPTION OF HOME RULE CHARTER OR OPTIONAL PLAN OF GOVERNMENT

Sec.

2911. Submission of question for election of government study commission.

2912. Election of members of commission.

2913. Nomination of candidates.

2914. Results of election.

- 2915. Oath of office of members of commission.
- 2916. First meeting of commission.
- 2917. Vacancies.
- 2918. Function and duty of commission.
- 2919. Compensation and personnel.
- 2920. Hearings and public forums.
- 2921. Report of findings and recommendations.
- 2922. Discharge of petition and amended reports.
- 2923. Types of action recommended.
- 2924. Specificity of recommendations.
- 2925. Form of question on form of government.
- 2926. Submission of question on form of government.
- 2927. Limitation on enactment of ordinance or filing of petition.
- 2928. Time when change of form of government takes effect.
- 2929. Limitation on changing new form of government.
- 2930. Status of forms of government provided in subpart.

§ 2911. Submission of question for election of government study commission.

(a) General rule.—Whenever authorized by ordinance of the governing body or upon petition of the electors to the county board of electors of the county wherein the municipality is located, an election shall be held upon one of the following questions:

Shall a government study commission of (seven, nine or eleven) members be elected to study the existing form of government of the municipality, to consider the advisability of the adoption of an optional form of government and to recommend whether or not an optional plan of government should be adopted?

Shall a government study commission of (seven, nine or eleven) members be elected to study the existing form of government of the municipality, to consider the advisability of the adoption of a home rule charter and, if advisable, to draft and to recommend a home rule charter?

Shall a government study commission of (seven, nine or eleven) members be elected to study the existing form of government of the municipality, to consider the advisability of the adoption of an optional form of government or a home rule charter, to recommend the adoption of an optional form of government or to draft and recommend a home rule charter?

(b) Petition for election.—The petition calling for the election shall be in the form required by subsection (e) and shall be signed by electors comprising 5% of the number of electors voting for the office of Governor in the last gubernatorial general election.

(c) Ordinance authorizing election.—Within five days after the final enactment of an ordinance authorizing the election, the municipal clerk or

secretary shall file a certified copy of the ordinance with the county board of elections, together with a copy of the question to be submitted to the electors.

(d) Duty of election board.—At the next general or municipal or primary election occurring not less than the 13th Tuesday after the filing of the ordinance or the petition with the county board of elections, it shall cause the appropriate question to be submitted to the electors as other questions are submitted under the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

(e) Requirements for petitions.—A referendum petition under this section shall be filed not later than the 13th Tuesday prior to the election, and the petition and the proceedings therein shall be in the manner and subject to the provisions of the election laws which relate to the signing, filing and adjudication of nomination petitions insofar as those provisions are applicable. No referendum petition may be signed or circulated prior to the 20th Tuesday before the election nor later than the 13th Tuesday before the election. No candidate's nomination petition may be signed or circulated prior to the 13th Tuesday before the election nor later than the tenth Tuesday before the election. Any petition under this section shall be filed on or before the tenth Tuesday before the election.

§ 2912. Election of members of commission.

(a) General rule.—A governmental study commission of seven, nine or eleven members, as designated in the question, shall be elected by the qualified voters at the same election the question is submitted to the electors.

(b) Nomination of candidates.—Each candidate for the office of member of the commission shall be nominated and placed upon the ballot containing the question in the manner provided by and subject to the provisions of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, which relate to the nomination of a candidate nominated by nomination papers filed for other offices elective by the voters. Each candidate shall be nominated and listed without any political designation or slogan, and no nomination paper shall be signed or circulated prior to the 13th Tuesday before the election nor later than the tenth Tuesday before the election. No signature shall be counted unless it bears a date within this period.

(c) Instructions to electors.—Each elector shall be instructed to vote on the question and, regardless of the manner of his vote on the question, to vote for the designated number of members of a government study commission who shall serve if the question is or has been determined in the affirmative.

(d) Insufficient number of candidates or members.—If an insufficient number of nominating papers is filed to fill all of the designated positions on the study commission, the question of establishing a commission shall be placed on the ballot, and, unless a sufficient number of study commission members are elected by receiving at least as many votes as signatures are required to file a nominating position, then the question of creating a study commission shall be deemed to have been rejected.

**§ 2913. Nomination of candidates.**

(a) General rule.—All candidates for the government study commission shall be electors. Each candidate shall be nominated by nomination papers signed by a number of electors equal at least to 2% of the number of electors voting for the office of Governor in the last gubernatorial general election or 200 electors, whichever is less, and filed with the county board of elections not later than the tenth Tuesday prior to the date of the election.

(b) Content and signing of nomination papers.—Each nomination paper shall set forth the name, place of residence and post office address of the candidate thereby nominated, that the nomination is for the office of government study commissioner and that the signers are legally qualified to vote for the candidate. An elector may not sign nomination papers for more candidates for the commission than he could vote for at the election. Every elector signing a nomination paper shall write his place of residence, post office address and street number, if any, on the petition.

(c) Acceptance by candidate.—Each nomination paper shall, before it may be filed with the county board of elections, contain under oath of the candidate an acceptance of the nomination in writing, signed by the candidate therein nominated, upon or annexed to the paper, or, if the same person be named in more than one paper, upon or annexed to one of the papers. The acceptance shall certify that the candidate is an elector, that the nominee consents to run as a candidate at the election and that, if elected, the candidate agrees to take office and serve.

(d) Verification of nomination papers.—Each nomination paper shall be verified by an oath of one or more of the signers, taken and subscribed before a person qualified under the laws of this Commonwealth to administer an oath, to the effect that the paper was signed by each of the signers in his proper handwriting, that the signers are, to the best knowledge and belief of the affiant, electors and that the nomination paper is prepared and filed in good faith for the sole purpose of endorsing the person named therein for election as stated in the paper.

**§ 2914. Results of election.**

The result of the votes cast for and against the question as to the election of a government study commission shall be returned by the election officers, and a canvass of the election had, as is provided by law in the case of other public questions put to the electors. The votes cast for members of the commission shall be counted and the result returned by the county board of electors, and a canvass of the election had, as is provided by law in the case of election of members of municipal councils or boards. The designated number of candidates receiving the greatest number of votes shall be elected and shall constitute the commission. If a majority of those voting on the question vote against the election of a commission, none of the candidates shall be elected. If two or more candidates for the last seat shall be equal in number of votes, they shall draw lots to determine which one shall be elected.

§ 2915. Oath of office of members of commission.

(a) Members elected on countywide basis.—As soon as possible and in any event no later than ten days after its certification of election, the members of a government study commission elected on a countywide basis shall, before a judge of a court of common pleas, make oath to support the Constitution of the United States and the Constitution of Pennsylvania and to perform the duties of the office with fidelity.

(b) Other members.—As soon as possible and in any event no later than ten days after its certification of election, the members of a government study commission elected on other than a countywide basis shall, before a district justice or a justice of the peace, make oath to support the Constitution of the United States and the Constitution of Pennsylvania and to perform the duties of the office with fidelity.

§ 2916. First meeting of commission.

(a) Procedure.—As soon as possible and in any event no later than 15 days after its certification of election, the government study commission shall organize and hold its first meeting and elect one of its members chairman and another member vice chairman, fix its hours and place of meeting and adopt rules for the conduct of its business it deems necessary and advisable.

(b) Quorum.—A majority of the members of the commission shall constitute a quorum for the transaction of business, but no recommendation of the commission shall have any legal effect unless adopted by a majority of the whole number of the members of the commission.

§ 2917. Vacancies.

In case of a vacancy in the government study commission, the remaining members of the commission shall fill it by appointing thereto some other properly qualified elector.

§ 2918. Function and duty of commission.

The government study commission shall study the form of government of the municipality to compare it with other available forms under the laws of this Commonwealth and determine whether or not in its judgment the government could be strengthened or made more clearly responsible or accountable to the people or whether its operation could become more economical or efficient under a changed form of government.

§ 2919. Compensation and personnel.

(a) Compensation and expenses of members.—Members of the government study commission shall serve without compensation, but shall be reimbursed by the municipality for their necessary expenses incurred in the performance of their duties. Council shall appropriate moneys necessary for this purpose.

(b) Appointment and compensation of personnel.—Within the limits of the appropriations and other public and privately contributed funds and services made available to it, the commission may appoint one or more consultants and clerical and other assistants to serve at the pleasure of the



commission and may fix reasonable compensation therefor to be paid the consultants and clerical and other assistants.

§ 2920. Hearings and public forums.

The government study commission shall hold one or more public hearings, may hold private hearings and sponsor public forums and generally shall provide for the widest possible public information and discussion respecting the purposes and progress of its work.

§ 2921. Report of findings and recommendations.

(a) General rule.—The government study commission shall report its findings and recommendations to the citizens of the municipality within nine months from the date of its election except that it shall be permitted an additional nine months if it elects to prepare and submit a proposed home rule charter and an additional two months if it chooses to elect its municipal council by districts. It shall publish or cause to be published sufficient copies of its final report for public study and information and shall deliver to the municipal clerk or secretary sufficient copies of the report to supply it to any interested citizen upon request. If the commission recommends the adoption of a home rule charter or any of the optional plans of government as authorized in this subpart, the report shall contain the complete plans as recommended.

(b) List of resources used.—There shall be attached to each copy of the report of the commission, as a part thereof, a statement sworn to by the members of the commission listing in detail the funds, goods, materials and services, both public and private, used by the commission in the performance of its work and the preparation and filing of the report. In addition, the list shall identify specifically the supplier of each item thereon.

(c) Filing copy with Department of Community Affairs.—A copy of the final report of the commission with its findings and recommendations shall be filed with the Department of Community Affairs.

(d) Disposition of records.—All the records, reports, tapes, minutes of meetings and written discussions of the commission shall, upon its discharge, be turned over to the municipal clerk or secretary for permanent safekeeping and made available for public inspection at any time during regular business hours.

§ 2922. Discharge of petition and amended reports.

(a) General rule.—The government study commission shall be discharged upon the filing of its report, but, if the commission's recommendations require further procedure in the form of a referendum on the part of the electors, the commission shall not be discharged until the procedure has been finally concluded. At any time prior to 60 days before the date of the referendum, the commission may modify or change any recommendation set forth in the final report by publishing an amended report.

(b) Effect of amended report.—Whenever a commission issues an amended report pursuant to subsection (a), the amended report shall supersede the final report and the final report shall cease to have any legal effect.

(c) Procedure under amended report.—The procedure to be taken under the amended report shall be governed by the provisions of this subpart applicable to the final report of a commission submitted pursuant to section 2921 (relating to report of findings and recommendations).

§ 2923. Types of action recommended.

The government study commission shall report and recommend in accordance with the question presented to the electorate as provided in section 2911 (relating to submission of question for election of government study commission):

(1) That a referendum shall be held to submit to the electors the question of adopting one of the optional plans of government authorized by this subpart to be specified by the commission.

(2) That a referendum shall be held to submit to the electors the question of adopting a home rule charter as prepared by the commission and as authorized by this subpart.

(3) That the form of government shall remain unchanged.

(4) Such other action as it deems advisable consistent with its functions as set forth in this subpart.

§ 2924. Specificity of recommendations.

(a) Optional plan of government.—

(1) If the government study commission report recommends the adoption or the amendment of any of the optional plans of government set forth in this subpart, except the optional county plan, the report of the commission may specify the following:

(i) That the municipal council shall consist of three, five, seven or nine members, except that under the small municipality plan and under the optional county plan the number of council members shall be as provided in sections 3073 (relating to election of council members) and 3092 (relating to county officers).

(ii) That the office of treasurer shall be omitted or that it shall be filled by election by the electors rather than by appointment.

(iii) That the office of controller shall be omitted or that it shall be filled by election by the electors rather than by appointment.

(2) If a commission report, initiative petition or ordinance shall recommend any optional plan, except for the optional county plan, it may specify that the then existing basis for electing council members shall be changed to an at-large or district or combination at-large and district basis.

(3) If a commission report, initiative petition or ordinance recommends the adoption of the council-manager form of government, it may specify that the mayor or president of council or chairman be elected directly by the electors rather than by council.

(4) If a commission report, initiative petition or ordinance for a county recommends the adoption of any of the optional plans, except the optional county plan, it may specify that the sheriff be elected directly by the

voters of the county as provided in section 3094 (relating to additional options for election of county sheriff).

(5) In all cases, except for the council-manager plan, the commission report, initiative petition or ordinance shall specify whether the executive (mayor) shall be called "executive" or "mayor."

(b) Home rule charter.—If the commission recommends the adoption of a home rule charter, it shall specify the number to be on the municipal council, all offices to be filled by election and whether elections shall be on an at-large, district or combination district and at-large basis.

(c) Elections in new or revised districts.—Notwithstanding any other provisions of this subpart, if an approved home rule charter or optional plan of government or other form of government adopted pursuant to the provisions of this subpart specifies that the election of the municipal council shall be on an at-large or district or combination district and at-large basis and the basis recommended differs from the existing basis and therefore requires eliminating districts or establishing revised or new districts, then election of municipal officials shall not take place on the new basis until the municipal election following the next primary election taking place more than 180 days after the election at which the referendum on the question of a new form of government has been approved by the electorate. The new form of government shall not go into effect until the first Monday in January following the election of municipal officials on the new basis. New or revised districts shall be established by the government study commission and included in the proposed charter.

§ 2925. Form of question on form of government.

The question to be submitted to the voters for the adoption of a home rule charter or any of the optional plans of government authorized by this subpart shall be submitted in one of the following forms or such part of them as shall be applicable.

Shall the Home Rule Charter contained in the report, dated (insert date), of the government study commission, prepared in accordance with the Home Rule Charter and Optional Plans Law, be adopted by the (insert type and name of municipality)?

Shall (insert name of plan), including recommendations pertaining to optional provisions contained in the report of the government study commission, dated (insert date), as authorized by the Home Rule Charter and Optional Plans Law, be adopted by the (insert type and name of municipality)?

Shall the (Home Rule Charter) (Optional Plan) of the (insert type and name of municipality) be repealed and the form of government recommended in the report of the government study commission, dated (insert date), be adopted as authorized by the Home Rule Charter and Optional Plans Law?

Shall an Optional Plan for the (insert type and name of municipality) be amended as specified in the report of the government study

commission filed with the election officials of the County of (insert name of county), on (insert date), as authorized by the Home Rule Charter and Optional Plans Law?

§ 2926. Submission of question on form of government.

If the government study commission recommends that the question of adopting a home rule charter or one of the optional plans of government authorized by this subpart shall be submitted to the electors, the municipal clerk or secretary shall, within five days thereafter, certify a copy of the commission's report to the county board of elections, which shall cause the question of adoption or rejection to be placed upon the ballot or voting machines at the time as the commission specifies in its report. The commission may cause the question to be submitted to the electors at the next primary, municipal or general election occurring not less than 60 days following the filing of a copy of the commission's report with the county board of elections, at the time the commission's report directs. At the election, the question of adopting that form of government recommended by the commission shall be submitted to the electors by the county board of elections in the same manner as other questions are submitted to the electors under the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code. The commission shall frame the question to be placed upon the ballot as provided for in section 2925 (relating to form of question on form of government) and, if it deems appropriate, an interpretative statement to accompany the question.

§ 2927. Limitation on enactment of ordinance or filing of petition.

(a) General rule.—An ordinance may not be passed and a petition may not be filed for the election of a government study commission pursuant to section 2911 (relating to submission of question for election of government study commission) while proceedings are pending under any other petition or ordinance filed or passed under the authority of this subpart nor on the same question if it has been defeated within four years after an election has been held pursuant to any such ordinance or petition passed or filed.

(b) Time for commencement of proceedings.—For the purpose of this section, proceedings shall be considered as having started:

(1) In the case of an ordinance, upon the final vote of council in favor of the ordinance, notwithstanding the fact that the ordinance cannot take effect until a certain number of days thereafter.

(2) In the case of a petition, as soon as it is properly signed by one-third of the number of registered voters required for the petition and written notice thereof filed in the office of the county board of elections and in the office of the municipal clerk or secretary, who shall cause the notice to be immediately posted in a conspicuous place in the office, open to public inspection.

§ 2928. Time when change of form of government takes effect.

Whenever the electors by a majority of those voting on the question vote in favor of adopting a change in their form of government pursuant to this

subpart, the proposed form shall take effect according to its terms and the provisions of this subpart.

§ 2929. Limitation on changing new form of government.

The voters of any municipality which has adopted a home rule charter or an optional plan of government pursuant to this subpart may not vote on the question of changing the form of government until five years after the home rule charter or optional plan became effective.

§ 2930. Status of forms of government provided in subpart.

For the purposes of this subpart, each of the optional forms of government provided by this subpart and each of those optional forms as modified by any available provisions concerning size of council, election of municipal officials and the basis for electing councilmen is hereby declared to be a complete and separate form of government provided by the General Assembly for submission to the electors.

### SUBCHAPTER C

#### AMENDMENT OF EXISTING CHARTER OR OPTIONAL PLAN

Sec.

2941. Procedure for amendment of charter or optional plan.

2942. Initiation of amendment by electors or council.

2943. Petition for referendum or ordinance proposing amendment.

2944. Time and manner of submission of question.

§ 2941. Procedure for amendment of charter or optional plan.

(a) Procedure.—The procedure for amending a home rule charter or optional plan of government shall be through the initiative procedure and referendum or ordinance of the governing body as provided for in this subpart.

(b) Changes in method of election.—Changes in the method of election of a municipal governing body from at-large elections to elections by district, maintain at-large elections or a combination of at-large elections and elections by district may be implemented by amending a home rule charter or optional plan without creation of a government study commission.

(c) Conflict in the question.—If two or more questions appear on the ballot at the same election and such questions are in conflict and more than one receives the approval of the voters, the question which receives the largest number of affirmative votes shall prevail over the others.

(d) Initial apportionment.—If the referendum on the question results in the approval by the voters to amend the home rule charter or optional plan to provide for the election of the governing body either by districts or partially by districts and partially at large or in a change in the number of members of the governing body, the initial apportionment of the districts shall be made by an apportionment commission consisting of seven members, all of whom shall reside in such municipality. Two members of the apportionment commission shall be appointed by the mayor. Two members of the

apportionment commission shall be appointed by the governing body, one shall be appointed by the mayor from a list of at least three qualified persons recommended by the municipal committee of the political party whose mayoral candidate received the highest number of votes cast in the most recent mayoral election and one shall be appointed by the mayor from a list of at least three qualified persons recommended by the municipal committee of the political party whose mayoral candidate received the second highest votes in the most recent mayoral election. The seventh member of the commission shall be elected at large by a majority vote of the other six members and shall serve as chairman of the commission.

§ 2942. Initiation of amendment by electors or council.

A referendum on the question of amendment of a home rule charter or an optional plan of government may be initiated by petition of the electors or such a referendum may be initiated by an ordinance of the governing body. A proposal for amendment of an optional plan shall be limited to the additional options provided for in section 2924 (relating to specificity of recommendations).

§ 2943. Petition for referendum or ordinance proposing amendment.

(a) Filing.—A petition containing a proposal for referendum on the question of amending a home rule charter or an optional plan of government signed by electors comprising 10% of the number of electors voting for the office of Governor in the last gubernatorial general election in the municipality or an ordinance of the municipal governing body proposing amendment of a home rule charter or an optional plan shall be filed with the election officials not later than the 13th Tuesday prior to the next primary, municipal or general election. The petition and the proceedings therein shall be in the manner and subject to the provisions of the election laws which relate to the signing, filing and adjudication of nomination petitions insofar as such provisions are applicable, except that no referendum petition shall be signed or circulated prior to the 20th Tuesday before the election nor later than the 13th Tuesday before the election. The name and address of the person filing the petition shall be clearly stated on the petition.

(b) Review and disposition of petition.—The election officials shall review the initiative petition as to the number and qualifications of signers. If the petition appears to be defective, the election officials shall immediately notify the persons filing the petition of the defect. When the election officials find that the petition as submitted is in proper order, they shall send copies of the initiative petition without signatures thereon to the governing body and to the Department of Community Affairs. The initiative petition as submitted to the election officials, along with a list of signatories, shall be open to inspection in the office of the election officials.

§ 2944. Time and manner of submission of question.

A referendum on the question of the amendment of a home rule charter or an optional plan of government shall be held when the election officials find that the initiative petition or ordinance of the governing body is in proper

order. The referendum shall be governed by the provisions of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code. The election officials shall cause the question to be submitted to the electors at the next primary, general or municipal election occurring not less than the 13th Tuesday following the filing of the initiative petition or ordinance with county board of elections. At the election, the question shall be submitted to the voters in the same manner as other questions are submitted under the Pennsylvania Election Code. The county board of elections shall frame the question to be placed upon the ballot.

#### SUBCHAPTER D CONDUCT OF ELECTION

Sec.

2951. Conduct and results of election.

2952. Notice of election.

§ 2951. Conduct and results of election.

All elections provided for in this subpart shall be conducted by the election officials for such municipality in accordance with the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code. The election officials shall count the votes cast and make return thereof to the county board of elections. The results of the election shall be computed by the county board of elections in the same manner as is provided by law for the computation of similar returns. Certificates of the results of the election shall be filed by the county board of elections with the municipal council or board, the Department of State and the Department of Community Affairs.

§ 2952. Notice of election.

At least 30 days' notice of each election provided for under this subpart shall be given by the clerk or secretary of the municipality. A copy of the notice shall be posted at each polling place on the day of the election and shall be published in at least one newspaper of general circulation in the municipality once a week for three consecutive weeks during the period of 30 days prior to the election.

#### SUBCHAPTER E GENERAL POWERS AND LIMITATIONS OF HOME RULE CHARTER MUNICIPALITIES

Sec.

2961. Scope of powers of home rule.

2962. Limitations on municipal powers.

2963. Exercise of municipal powers by home rule county.

2964. General powers of municipalities.

2965. Recording and filing of charter.

2966. Continuation of office of existing elective officials.

2967. Repeal of home rule charter.

§ 2961. Scope of powers of home rule.

A municipality which has adopted a home rule charter may exercise any powers and perform any function not denied by the Constitution of Pennsylvania, by statute or by its home rule charter. All grants of municipal power to municipalities governed by a home rule charter under this subchapter, whether in the form of specific enumeration or general terms, shall be liberally construed in favor of the municipality.

§ 2962. Limitation on municipal powers.

(a) Powers granted by statute.—With respect to the following subjects, the home rule charter shall not give any power or authority to the municipality contrary to or in limitation or enlargement of powers granted by statutes which are applicable to a class or classes of municipalities:

(1) The filing and collection of municipal tax claims or liens and the sale of real or personal property in satisfaction of them.

(2) The procedures in the exercise of the powers of eminent domain and the assessment of damages and benefits for property taken, injured or destroyed.

(3) Boundary changes.

(4) Regulation of public schools.

(5) The registration of electors and the conduct of elections.

(6) The fixing of subjects of taxation.

(7) The fixing of the rates of nonproperty or personal taxes levied upon nonresidents.

(8) The assessment of real or personal property and persons for taxation purposes.

(9) Defining or providing for the punishment of any felony or misdemeanor.

(10) Municipal planning under the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code.

(b) Taxing power.—Unless prohibited by the Constitution of Pennsylvania, the provisions of this subpart or any other statute or its home rule charter, a municipality which has adopted a home rule charter shall have the power and authority to enact and enforce local tax ordinances upon any subject of taxation granted by statute to the class of municipality of which it would be a member but for the adoption of a home rule charter at any rate of taxation determined by the governing body. No home rule municipality shall establish or levy a rate of taxation upon nonresidents which is greater than the rate which a municipality would have been authorized to levy on nonresidents but for the adoption of a home rule charter. The governing body shall not be subject to any limitation on the rates of taxation imposed upon residents.

(c) Prohibited powers.—A municipality shall not:

(1) Engage in any proprietary or private business except as authorized by statute.



(2) Exercise powers contrary to or in limitation or enlargement of powers granted by statutes which are applicable in every part of this Commonwealth.

(3) Be authorized to diminish the rights or privileges of any former municipal employee entitled to benefits or any present municipal employee in his pension or retirement system.

(4) Enact or promulgate any ordinance or regulation with respect to definitions, sanitation, safety, health, standards of identity or labeling pertaining to the manufacture, processing, storage, distribution and sale of any foods, goods or services subject to any Commonwealth statutes and regulations unless the municipal ordinance or regulation is uniform in all respects with the Commonwealth statutes and regulations thereunder. This paragraph does not affect the power of any municipality to enact and enforce ordinances relating to building codes or any other safety, sanitation or health regulation pertaining thereto.

(5) Enact any provision inconsistent with any statute heretofore enacted prior to April 13, 1972, affecting the rights, benefits or working conditions of any employee of a political subdivision of this Commonwealth.

(d) Reduction of police force.—Notwithstanding any provision of this subpart or any other statute to the contrary, any municipality that is or was a city of the second class A may reduce its police force or its firefighting force for economic reasons, as determined by ordinance.

(e) Statutes of general application.—Statutes that are uniform and applicable in every part of this Commonwealth shall remain in effect and shall not be changed or modified by this subpart. Statutes shall supersede any municipal ordinance or resolution on the same subject.

(f) Regulation of business and employment.—A municipality which adopts a home rule charter shall not determine duties, responsibilities or requirements placed upon businesses, occupations and employers, including the duty to withhold, remit or report taxes or penalties levied or imposed upon them or upon persons in their employment, except as expressly provided by statutes which are applicable in every part of this Commonwealth or which are applicable to all municipalities or to a class or classes of municipalities. This subsection shall not be construed as a limitation in fixing rates of taxation on permissible subjects of taxation.

(g) Regulation of firearms.—A municipality shall not enact any ordinance or take any other action dealing with the regulation of the transfer, ownership, transportation or possession of firearms.

(h) Levying taxes.—This section does not limit or take away any right of a municipality which adopts a home rule charter from levying any tax which it had the power to levy had it not adopted a home rule charter.

(i) Establishment of rates of taxation.—No provision of this subpart or any other statute shall limit a municipality which adopts a home rule charter from establishing its own rates of taxation upon all authorized subjects of taxation except those specified in subsection (a)(7).

(j) Retroactive fee increase prohibited.—A municipality which adopts a home rule charter may not retroactively increase any fee or charge for any municipal service which has been provided.

§ 2963. Exercise of municipal powers by home rule county.

A county which has adopted a home rule charter shall not at any time thereafter exercise within any municipality in the county a power or function being exercised by that municipality, except under all of the following conditions:

(1) The exercise of such power or function by the county shall be authorized by ordinance of the governing body of the county, which ordinance, in addition to such other filings as may be required by law, shall be filed with the clerk or secretary of each local municipality within the county within 30 days of its enactment.

(2) The transfer of a power or function to the county from any local municipality within the county, as authorized by the ordinance, shall not become effective for at least 15 months from the date of adoption of the ordinance.

(3) Within 120 days from the adoption of the ordinance, the governing body of any local municipality, exercising on the date of the adoption of the ordinance any power or function authorized by ordinance of the county to be exercised by the county, may elect by ordinance to be excluded from the county's exercise of the power or function. Within 60 days after the date of adoption by the governing body of a local municipality of an ordinance excluding the local municipality from the exercise by the county of a power or function or in the absence of any action of the governing body, the qualified electors of the local municipality may initiate a petition requiring that the question of inclusion or exclusion from the exercise of the power or function by the county be submitted to a referendum of the electorate at the election held on the date of the next ensuing primary, municipal or general election not less than 60 days after the filing of the initiative petition with the county board of elections. The initiative and referendum procedures set forth in this subchapter or Subchapter F (relating to general provisions and limitations for optional plan municipalities) shall be followed, except where the same may be inconsistent with any of the provisions of this section. In the event the county determines there is insufficient interest or that it is not feasible to establish the proposed municipal function or power as provided for in the ordinance passed by the county, the county may repeal the county ordinance prior to the effective date of the ordinance.

(4) The governing body of any local municipality may by ordinance, subsequent to the time limit for action as set forth in paragraph (3), request the county to be included in a municipal power or function being exercised by the county. However, the county may specify the terms and conditions for acceptance or denial of the power or function requested by the local municipality to be exercised by the county, which shall be subject

to court review if the local municipality determines that the terms and conditions as set forth by the county are unreasonable.

(5) No assessment, tax, fee or levy in the nature thereof made by the governing body of a county in support of the exercise of a power or function as authorized by ordinance of the county shall be applicable in any local municipality within the county which is providing the same municipal power or function.

(6) If the electors of a local municipality by referendum vote to exclude the local municipality from the exercise of a power or function by the county, a petition may not be initiated nor may a referendum be held on the same question more often than every five years thereafter.

(7) A local municipality may, by action of the governing body or by initiative and referendum, withdraw from a power or function which it was exercising at the date of the adoption of the county home rule charter which it transferred to a county, provided it again assumes and exercises the power or function, but may not vote on the question of withdrawing sooner than four years from the time the county assumed the power or function of the local municipality.

§ 2964. General powers of municipalities.

Municipalities adopting a home rule charter shall have the power to:

- (1) Sue and be sued.
- (2) Have a corporate seal.
- (3) Contract and be contracted with.
- (4) Buy, sell, lease, hold and dispose of real and personal property.
- (5) Appropriate and expend moneys.
- (6) Adopt, amend and repeal any ordinances and resolutions as may be required.

§ 2965. Recording and filing of charter.

The municipal clerk or secretary shall have the new charter as approved by the qualified electors recorded in the ordinance books and shall also file a certified copy of the charter with the Department of State, the Department of Community Affairs and the county board of elections.

§ 2966. Continuation of office of existing elective officials.

All elective officials in office at the time of the adoption of a home rule charter shall continue in office until their terms expire.

§ 2967. Repeal of home rule charter.

(a) General rule.—The procedure for repeal of a home rule charter shall be the same as for adoption of a home rule charter. Whenever the electors, by a majority vote of those voting on the question, vote in favor of repeal of a home rule charter and the establishment of a particular form of government, the municipality shall be governed under the form of government selected by the electors from the first Monday of January following the municipal election at which the elective officials of the form of government selected by the electors shall have been elected. The government study commission shall provide in its report for the new form of government to be established.

(b) Election of new officials.—The elective officials under a new form of government selected by the electors shall be elected at the first municipal election held after the referendum on the repeal of a home rule charter or at a later date as may be specified by the commission in its report.

SUBCHAPTER F  
GENERAL PROVISIONS AND LIMITATIONS FOR  
OPTIONAL PLAN MUNICIPALITIES

Sec.

2971. Law applicable to optional plan.

2972. Recording and filing of plan.

2973. Scope of powers of optional plan.

2974. Limitation on powers of optional plan.

§ 2971. Law applicable to optional plan.

Upon the adoption by the electors of any of the optional plans of government as set forth in this subpart, the municipality shall thereafter be governed by the plan adopted and by the provisions of general law applicable to that class or classes of municipality except as otherwise provided in this subpart. Until the municipality adopts another form of government, the plan adopted and the provisions of general law applicable to that class or classes of municipality shall be law. All statutes affecting the organization, government and powers of the municipality which are not inconsistent or in conflict with this subpart shall remain in full force until modified or repealed.

§ 2972. Recording and filing of plan.

The municipal clerk or secretary shall immediately cause the new plan of government as adopted to be recorded in the ordinance book of the municipality and shall also file a certified copy thereof with the Department of State, the Secretary of Community Affairs and the county board of elections.

§ 2973. Scope of powers of optional plan.

The general grant of municipal power under this subpart is intended to confer the greatest power of self government consistent with the Constitution of Pennsylvania and with the provisions of and the limitations prescribed by this subpart. Any specific enumeration of municipal powers contained in this subpart or in other statutes does not limit the general description of power contained in this subpart. Any specifically enumerated municipal powers are in addition and supplementary to the powers conferred in general terms by this subchapter. All grants of municipal power to municipalities governed by an optional plan under this subpart, whether in the form of specific enumeration or general terms, shall be liberally construed in favor of the municipality.

§ 2974. Limitation on powers of optional plan.

The optional plan of any municipality adopted in accordance with this subpart shall not give any power or authority to diminish any rights or

privileges of any present municipal employee in his pension or retirement system. No municipality shall exercise any powers or authority beyond the municipal limits except those conferred by statute, and no municipality shall engage in any proprietary or private business except as authorized by the General Assembly.

#### SUBCHAPTER G MISCELLANEOUS PROVISIONS

Sec.

2981. Limitation on local municipality.

2982. Retention of existing form of government.

2983. Retention of existing form of government when electors disapprove proposal.

2984. Assumption of functions previously assumed by other municipality.

§ 2981. Limitation on local municipality.

No local municipality within a county shall supersede or exercise any power, function or service presently exercised by the county.

§ 2982. Retention of existing form of government.

Each municipality which does not adopt a home rule charter or an optional plan under this subpart shall retain its existing form of government as otherwise provided by law.

§ 2983. Retention of existing form of government when electors disapprove proposal.

In case the electors of any municipality disapprove a proposal to adopt a home rule charter or an optional plan of government, the municipality shall retain its existing form of government.

§ 2984. Assumption of functions previously assumed by other municipality.

(a) Assumption of indebtedness.—A municipality assuming a function previously performed by another municipality under the terms of this subchapter shall also assume all the indebtedness and obligations of the municipality relating to the function. If property, indebtedness or obligations of another municipality not within the boundaries of the municipality assuming the function is involved, the governing bodies of the respective municipalities shall make an adjustment and apportionment of all public property involved.

(b) Procedure for adjustment and apportionment.—The adjustment and apportionment shall be reduced to a written agreement which shall be filed with the court of common pleas of the county and the Department of Community Affairs.

(c) Petition for adjustment and apportionment.—In case the municipalities cannot make an amicable adjustment and apportionment of the property, obligations and indebtedness within six months after the function is assumed, any of the municipalities may present a petition to the court of common pleas. The court shall then appoint three disinterested commissioners, all

residents and taxpayers of the county, but none residing in or owners of real property in any of the municipalities. After hearing, notice of which shall be given to the municipalities as the court shall direct, the commissioners shall file a report with the court making an adjustment and apportionment of all the property as well as the obligations or indebtedness. The report shall state the amount that shall be due and payable from each municipality, the forms of payment and the amount of obligations and indebtedness that shall be assumed by each.

(d) Notice to municipalities.—The commissioners shall give the municipalities at least five days' written notice of the filing of their report. Unless exceptions are filed to the report within 30 days after the date of the filing, the report shall be confirmed by the court absolutely. Any sum awarded by the report shall be a legal and valid claim in its favor against the municipality charged. Any real or personal property given to a municipality shall become its property. Any claim or indebtedness charged against the municipality may be collected from it.

(e) Exceptions to report.—If exceptions are filed to the report of the commissioners, the court shall dispose of them, taking testimony if it deems advisable. The court shall enter its decree confirming the award of the commissioners or modifying the same as appears just and proper.

(f) Compensation to commissioners.—The commissioners shall be allowed any compensation and expenses for their services as the court shall fix. The costs of the proceedings, including the compensation and expenses of the commissioners, shall be apportioned by the court between the municipalities as it deems proper.

(g) Jurisdiction of court.—If a municipality or part of a municipality is located in two or more counties, the court of common pleas of the county where the larger part of the municipality assuming the function is located shall have exclusive jurisdiction over the proceedings.

CHAPTER 30

TYPES OF OPTIONAL PLANS OF GOVERNMENT

Subchapter

- A. Executive (Mayor) - Council Plan A
- B. Executive (Mayor) - Council Plan B
- C. Executive (Mayor) - Council Plan C
- D. Council-Manager Plan
- E. Small Municipality Plan
- F. Optional County Plan

SUBCHAPTER A

EXECUTIVE (MAYOR) - COUNCIL PLAN A

Sec.

- 3001. Designation and applicability of plan.
- 3002. Officers and employees.

- 3003. Election and term of office of officials.
- 3004. Election and term of office of council members.
- 3005. First election of council members.
- 3006. Legislative power vested in council.
- 3007. Organization of council.
- 3008. Powers of council concerning officers and agencies.
- 3009. Appointment and duties of municipal clerk or secretary.
- 3010. Executive power vested in executive.
- 3011. Powers and duties of executive.
- 3012. Approval or veto of ordinances.
- 3013. Mayor, departments and department heads.
- 3014. Department of administration.
- 3015. Budget.
- 3016. Form and adoption of budget.
- 3017. Amended budget.
- 3018. Council amendments to budget.

§ 3001. Designation and applicability of plan.

The form of government provided in this subchapter shall be known as the "Executive (Mayor) - Council Plan A" and shall, together with the laws applicable to that class of municipality and Subchapter F of Chapter 29 (relating to general provisions and limitations for optional plan municipalities) and Chapter 31 (relating to general provisions common to optional plans), govern any municipality the electors of which have adopted it under this subpart.

§ 3002. Officers and employees.

Each municipality under this subchapter shall be governed by an elected council, an elected executive who may be called mayor, as determined by the government study commission, an elected district attorney in the case of counties and, when recommended by the commission and adopted by the voters, an elected treasurer, an elected controller and by such other officers and employees as may be duly appointed pursuant to this subchapter or other applicable law.

§ 3003. Election and term of office of officials.

The executive (mayor), the treasurer, if elected, the district attorney in the case of counties and the controller, if elected, shall be elected by the electors at a regular municipal election and shall serve for a term of four years beginning on the first Monday of January next following his election.

§ 3004. Election and term of office of council members.

The council shall consist of five members unless, under the authority granted under section 2924 (relating to specificity of recommendations), the municipality shall be governed by a council of three, seven or nine members. Members of the council shall be elected at large by the electors unless, under the authority granted pursuant to section 2924, members shall be elected on a district basis in which each district is as equal in population as is feasible,

or on a combination at-large and district basis as determined by the government study commission, or as specified in an initiative petition or ordinance of the governing body under the provisions of sections 2942 (relating to initiation of amendment by electors or council), 2943 (relating to petition for referendum or ordinance proposing amendment) and 2944 (relating to time and manner of submission of question) at a regular municipal election and shall serve for a term of four years, except as otherwise provided in this subchapter, beginning on the first Monday of January next following their elections.

§ 3005. First election of council members.

At the first municipal election following the adoption of this plan, council members shall be elected and shall serve for the terms as provided in section 3162 (relating to status and term of office of officials).

§ 3006. Legislative power vested in council.

The legislative power of the municipality as provided by laws applicable to that class of municipality shall be exercised by the municipal council, except as may otherwise be provided for under this subpart.

§ 3007. Organization of council.

On the first Monday of January following the regular municipal election, the members of council shall assemble at the usual place of meeting, organize and elect a president from among its members who shall preside at its meetings and perform such other duties as council may prescribe and a vice president who shall preside in the absence of the president. If the first Monday is a legal holiday, the meeting shall be held on the next day.

§ 3008. Powers of council concerning officers and agencies.

The council, in addition to other powers and duties as may be conferred upon it by general law, may require any municipal officer to prepare and submit sworn statements regarding the performance of the officer's official duties and may otherwise investigate the conduct of any department, office or agency of the municipal government.

§ 3009. Appointment and duties of municipal clerk or secretary.

A municipal clerk or secretary shall be appointed in the manner set forth in the administrative ordinance as provided pursuant to section 3146 (relating to passage of administrative ordinance). The municipal clerk or secretary shall serve as clerk of the council, keep its minutes and records of its proceedings, maintain and compile its ordinances and resolutions as this subpart requires and perform such functions as may be required by law or by local ordinance. The municipal clerk shall, prior to the appointment, have been qualified by training or experience to perform the duties of the office.

§ 3010. Executive power vested in executive.

The executive power of the municipality shall be exercised by the executive (mayor).

§ 3011. Powers and duties of executive.

The executive (mayor) shall enforce the plan and ordinances of the municipality and all general laws applicable to them. The executive shall,



annually, report to the council and the public on the work of the previous year and on the condition and requirements of the municipal government and shall from time to time make these recommendations for action by the council as he deems in the public interest. He shall supervise the departments of the municipal government and shall require each department to make annual and other reports of its work as he deems desirable.

§ 3012. Approval or veto of ordinances.

(a) General rule.—Ordinances adopted by the council shall be submitted to the executive (mayor) who shall, within ten days after receiving any ordinance, either approve the ordinance by affixing his signature thereto or veto the ordinance by delivering it to the municipal clerk together with a statement setting forth his objections. The clerk shall immediately notify the council of the veto. No ordinance or any item or part thereof shall take effect without the executive's (mayor's) approval unless the executive (mayor) fails to return an ordinance to the clerk within ten days after it has been presented to him or unless council upon reconsideration of the veto on or after the third day following its return by the executive (mayor) shall override the executive's (mayor's) veto by a vote of a majority plus one of the members.

(b) Attendance at meetings of council.—The executive (mayor) may attend meetings of council and may take part in discussions of council but shall have no vote except in the case of a tie on the question of filling a vacancy in the council, in which case he may cast the deciding vote.

§ 3013. Mayor, departments and department heads.

(a) Inability of executive to perform duties.—The executive (mayor) shall designate any department head to act as executive (mayor) whenever the executive (mayor) shall be prevented, by absence from the municipality, disability or other cause, from attending to the duties of his office. During such time, the person so designated by the executive (mayor) shall possess all the rights, powers and duties of the executive (mayor). Whenever the executive (mayor) has been unable to attend to the duties of his office for a period of 60 consecutive days for any of the reasons stated in this subsection, a member of council shall be appointed by the council as acting executive (mayor), who shall succeed to all the rights, powers and duties of the executive (mayor) or the then acting executive (mayor), until he shall return or his disability ceases.

(b) Establishment and exercise of functions of department.—The municipality may have a department of administration and shall have such other departments as council may establish by ordinance. All of the administrative functions, powers and duties of the municipality, other than those vested in the office of the clerk, treasurer, if elected, and controller, shall be assigned among and within the departments.

(c) Appointment and term of department heads and solicitor.—Each department shall be headed by a director who shall be appointed by the executive (mayor) with the advice and consent of the council. Each municipality shall also have a solicitor who shall be appointed by the

executive (mayor) with the advice and consent of the council. Each department head and the solicitor shall serve during the term of office of the executive (mayor) appointing him and until the appointment and qualification of his successor. No member of municipal council shall head a department.

(d) Removal of department head.—The executive (mayor) may remove any department head after notice and an opportunity to be heard. Prior to removing a department head, the executive (mayor) shall first file written notice of his intention with the council. The removal shall become effective 20 days after the filing of the notice.

(e) Department officers and employees.—Department heads shall appoint subordinate officers and employees within their departments under procedures established in section 3122 (relating to appointment of subordinate officers and employees).

#### § 3014. Department of administration.

(a) Department heads.—Where a department of administration is established, it shall be headed by a director. The director shall be chosen solely on the basis of his executive and administrative qualifications with special reference to his actual experience in or his knowledge of accepted practice in respect to the duties of his office. At the time of appointment, the director need not be a resident of the municipality or this Commonwealth. He shall have, exercise and discharge the functions, powers and duties of the department.

(b) Department functions.—The department, under the direction and supervision of the executive (mayor), shall have the following powers and duties:

- (1) To assist in the preparation of the budget.
- (2) To administer a centralized purchasing system.
- (3) To establish and administer a centralized personnel system.
- (4) To establish and maintain a centralized accounting system which shall be so designed as to accurately reflect the assets, liabilities, receipts and expenditures of the municipality.
- (5) To perform any other duties as council may prescribe through the administrative ordinance or as the executive (mayor) may direct.

#### § 3015. Budget.

The municipal budget shall be prepared by the executive (mayor) with the assistance of the director of the department of administration or other officer designated by the executive (mayor).

#### § 3016. Form and adoption of budget.

The budget shall be in the form required by council and shall have appended to it a detailed analysis of the various items of expenditure and revenue. The budget as submitted and adopted shall be balanced. Council may reduce any item or items in the executive's (mayor's) budget by a vote of a majority of the council, but an increase in any item or items therein shall become effective only upon an affirmative vote of a majority plus one of the members of council. Council shall, upon the introduction of the proposed

budget, fix a date for adoption which shall except as otherwise provided be not later than December 31 immediately following.

§ 3017. Amended budget.

During January next following any municipal election, the executive (mayor) may submit an amended budget to council. Council shall consider it in the same manner as provided in section 3016 (relating to form and adoption of budget), but final consideration of the amended budget shall be completed by February 15 of the same year.

§ 3018. Council amendments to budget.

Council may amend the budget during January next following any municipal election. Final adoption of the amended budget shall be completed by February 15 of the same year.

#### SUBCHAPTER B EXECUTIVE (MAYOR) - COUNCIL PLAN B

Sec.

3031. Designation and applicability of plan.

3032. Departments.

3033. Mandatory department of administration.

§ 3031. Designation and applicability of plan.

The form of government provided in this subchapter shall be known as the "Executive (Mayor) - Council Plan B" and shall, together with Subchapter F of Chapter 29 (relating to general provisions and limitations for optional plan municipalities), Subchapter A of Chapter 30 (relating to executive (mayor) - council plan A) and Subchapter A of Chapter 31 (relating to officers and employees), with the exception of section 3013(b) (relating to mayor, departments and department heads), govern any municipality the voters of which have adopted it pursuant to this subpart.

§ 3032. Departments.

The municipality shall have a department of administration and shall have such other departments as council may establish by ordinance. The administrative functions, powers and duties of the municipality, other than those vested in the office of the clerk, treasurer and controller, if provided for, shall be allocated and assigned among and within the departments except that the functions specified in section 3014 (relating to department of administration) shall be assigned to the department of administration.

§ 3033. Mandatory department of administration.

Under Executive (Mayor) - Council Plan B a department of administration shall be established.

#### SUBCHAPTER C EXECUTIVE (MAYOR) - COUNCIL PLAN C

Sec.

3041. Designation and applicability of plan.

3042. Powers and duties of executive.

3043. Appointment and duties of managing director.

§ 3041. Designation and applicability of plan.

The form of government provided in this subpart shall be known as the "Executive (Mayor) - Council Plan C" and shall, together with Subchapter F of Chapter 29 (relating to general provisions and limitations for optional plan municipalities), Subchapter A of Chapter 30 (relating to executive (mayor) - council plan A) and Subchapter A of Chapter 31 (relating to officers and employees), with the exception of section 3011 (relating to powers and duties of executive), govern any municipality the voters of which have adopted it pursuant to this subpart.

§ 3042. Powers and duties of executive.

The executive (mayor) shall enforce the plan and ordinances of the municipality and all general laws applicable thereto. The executive shall, annually, report to the council and the public on the work of the previous year and on the condition and requirements of the municipal government and shall from time to time make those recommendations for action by the council he deems in the public interest.

§ 3043. Appointment and duties of managing director.

(a) General rule.—The executive (mayor) shall appoint, with the advice and consent of the council, a managing director who shall supervise the departments of government and who shall be the contact officer between the mayor and the departments. The managing director shall make periodic reports with those recommendations as he deems appropriate to the executive (mayor) concerning the affairs of municipal government and particularly of the departments.

(b) Removal.—The executive (mayor) may remove a managing director after notice and an opportunity to be heard. Prior to removing a managing director, the executive (mayor) shall first file written notice of his intention with the council. The removal shall become effective 20 days after the filing of the notice.

#### SUBCHAPTER D COUNCIL-MANAGER PLAN

Sec.

3051. Designation and applicability of plan.

3052. Officers and employees.

3053. Election and term of office of elected officials.

3054. Election and term of office of council members.

3055. First election of council members.

3056. Selection of mayor, council president or chairman.

3057. Appointment and duties of municipal clerk or secretary.

3058. Powers and duties of council.

3059. Qualifications of municipal manager.

- 3060. Removal of municipal manager from office.
- 3061. Inability of municipal manager to perform duties.
- 3062. Powers and duties of municipal manager.
- 3063. Preparation and adoption of budget.
- 3064. Amended budget.

§ 3051. Designation and applicability of plan.

The form of government provided in this subchapter shall be known as the "Council-Manager Plan" and shall, together with Subchapter F of Chapter 29 (relating to general provisions and limitations for optional plan municipalities) and Subchapter A of Chapter 31 (relating to officers and employees), govern any municipality the voters of which have adopted this plan pursuant to this subpart.

§ 3052. Officers and employees.

Each municipality under this subchapter shall be governed by an elected council, one member of which shall be the mayor or president of council or chairman chosen under sections 2924 (relating to specificity of recommendations) and 3056 (relating to selection of mayor, council president or chairman), an elected district attorney in the case of counties and an appointed municipal manager, and, if so provided under the plan, an elected treasurer, an elected controller and by those other officers and employees as may be duly appointed pursuant to this subchapter, general law or ordinance.

§ 3053. Election and term of office of elected officials.

The district attorney in the case of counties and the treasurer and controller, if provided for and if elected, shall be elected by the electors at a regular municipal election and shall serve for a term of four years beginning the first Monday of January next following the election.

§ 3054. Election and term of office of council members.

The municipal council shall consist of five members unless, under the authority granted pursuant to section 2924 (relating to specificity of recommendations), the municipality shall be governed by a council of three, seven or nine members. Members of the municipal council shall be elected at large by the electors unless, pursuant to the authority granted under section 2924, members shall be elected on a district basis in which each district is as equal in population as is feasible, or on a combination at-large and district basis as determined by the charter study commission or as specified in an initiative petition or ordinance of the governing body under the provisions of sections 2942 (relating to initiation of amendment by electors or council), 2943 (relating to petition for referendum or ordinance proposing amendment) and 2944 (relating to time and manner of submission of question), at a regular municipal election. The members shall serve for a term of four years, except as provided in this subchapter, beginning on the first Monday of January next following their election.

§ 3055. First election of council members.

At the first municipal election following the adoption by a municipality of this charter plan, council members shall be elected and shall serve for the terms as provided in section 3162 (relating to status and term of office of officials).

§ 3056. Selection of mayor, council president or chairman.

(a) General rule.—On the first Monday of January following the municipal election, the members of the municipal council shall assemble at the usual place of meeting, organize and elect one of their number as mayor or president of council or chairman unless otherwise provided. The mayor or president of council or chairman shall be chosen by ballot by majority vote of all members of the municipal council. If the members shall be unable, within five ballots to be taken within two days of the organization meeting, to elect a mayor or president of council or chairman, then the member who in the election for members of the municipal council received the greatest number of votes shall be the mayor, president of council or chairman. If that person declines to accept the office, then the person receiving the next highest vote shall be the mayor, president of council or chairman and so on until the office is filled. The mayor or president of council or chairman shall preside at all meetings of the municipal council and shall have a voice and vote in its proceedings.

(b) Election of mayor.—On the recommendation of the government study commission as provided under section 2924 (relating to specificity of recommendations) or as specified in an initiative petition or ordinance of the governing body as authorized by sections 2942 (relating to initiation of amendment by electors or council), 2943 (relating to petition for referendum or ordinance proposing amendment) and 2944 (relating to time and manner of submission of question), the mayor shall be elected directly by the electors at the regular municipal election in lieu of being chosen as provided in subsection (a).

§ 3057. Appointment and duties of municipal clerk or secretary.

A municipal clerk or secretary shall be appointed in the manner set forth in the administrative ordinance as provided in section 3146 (relating to passage of administrative ordinance). The municipal clerk or secretary shall serve as clerk of the council, keep its minutes and records of its proceedings, maintain and compile its ordinances and resolutions as this subpart requires and perform any functions as may be required by law or ordinance. The municipal clerk shall, prior to his appointment, have been qualified by training or experience to perform the duties of the office.

§ 3058. Powers and duties of council.

(a) General rule.—All powers as provided by laws applicable to that class of municipality shall be vested in the municipal council, except as otherwise provided by this subchapter, and the council shall provide for the exercise thereof and for the performance of all duties imposed on the municipality by law.

(b) Adoption of administrative ordinance.—The council shall by ordinance adopt an administrative ordinance defining the responsibilities of the municipal departments and agencies as it deems necessary and proper for the efficient conduct of municipal affairs.

(c) Appointment of municipal manager.—The municipal council shall appoint a municipal manager. The office of municipal manager and municipal clerk or secretary may be held by the same person.

(d) Investigations.—The council may make investigations into the affairs of the municipality and the conduct of any municipal department, office or agency.

(e) Administrative departments, boards and offices.—The municipal council shall continue or create and determine and define the powers and duties of any executive and administrative departments, boards and offices, in addition to those provided for in this subpart, as it deems necessary for the proper and efficient conduct of the affairs of the municipality, including the office of deputy manager. Any department, board or office so continued or created may be abolished by the municipal council. No member of municipal council shall head an administrative department.

(f) Additional powers and limitations.—It is the intention of this subchapter that the municipal council shall act in all matters as a body, and it is contrary to the spirit of this subchapter for any of its members to seek individually to influence the official acts of the municipal manager or any other officer, or for the council or any of its members to direct or request the appointment of any person to or his removal from office, or to interfere in any way with the performance by the officers of their duties. The council and its members shall deal with the administrative service solely through the municipal manager and shall not give orders to any subordinates of the municipal manager, either publicly or privately. This subchapter does not prevent the municipal council from appointing committees of its own members or of citizens to conduct investigations into the conduct of any officer or department, or any matter relating to the welfare of the municipality, and delegating to those committees such powers of inquiry as the municipal council deems necessary.

§ 3059. Qualifications of municipal manager.

The municipal manager shall be chosen by the council on the basis of his executive and administrative qualifications. At the time of his appointment, he need not be a resident of the municipality or this Commonwealth. The municipal manager shall not hold any elective governmental office.

§ 3060. Removal of municipal manager from office.

The municipal manager shall be appointed for an indefinite term and may be removed by a majority vote of the council. At least 30 days before the removal becomes effective, the council shall notify the municipal manager of its decision to remove him from office, by a majority vote of its members, stating the reasons for his removal. The municipal manager may reply in writing and may request a public hearing which shall be held not earlier than

20 days nor later than 30 days after the filing of the request. After the public hearing, if one is requested, and after full consideration, the council by majority vote of its members may adopt a final resolution of removal. By the preliminary resolution, the council may suspend the municipal manager from duty but may in any case cause to be paid immediately any unpaid balance of his salary and his salary for the next three calendar months.

§ 3061. Inability of municipal manager to perform duties.

The municipal manager may designate a qualified administrative officer of the municipality to perform his duties during his temporary absence or disability. In the event of his failure to make a designation or if the absence or disability continues more than 30 days, the council may appoint an officer of the municipality to perform the duties of the manager during the absence or disability until the manager returns or his disability ceases.

§ 3062. Powers and duties of municipal manager.

The municipal manager shall have the following powers and duties:

(1) To be the chief executive and administrative official of the municipality.

(2) To execute all laws and ordinances.

(3) To appoint and remove department heads and the deputy manager, if one is authorized by council, and appoint subordinate officers and employees under procedures established in section 3122 (relating to appointment of subordinate officers and employees).

(4) To negotiate contracts for the municipality, subject to the approval of the municipal council, make recommendations concerning the nature and location of municipal improvements and execute municipal improvements as determined by the municipal council.

(5) To assure that all terms and conditions imposed in favor of the municipality or its inhabitants in any statute, public utility franchise or other contract are faithfully kept and performed and, upon knowledge of any violation, to call the same to the attention of the municipal council.

(6) To prepare the agenda for and attend all meetings of the municipal council with the right to take part in the discussions, but without the right to vote.

(7) To make such recommendations to the council concerning policy formulation as he deems desirable and keep the council and the public informed as to the conduct of municipal affairs.

(8) To prepare and submit the annual budget to the council together with such explanatory comment as he deems desirable and to administer the municipal budget.

(9) To perform such other duties as may be required of the municipal manager by ordinance or resolution of the municipal council.

(10) To be responsible to the council for carrying out all policies established by it and for the proper administration of all affairs of the municipality within the jurisdiction of the council.



§ 3063. Preparation and adoption of budget.

The municipal manager shall submit to council his recommended budget, together with any explanatory comment or statement he deems desirable. The budget shall be in such form as is required by council for municipal budgets and shall in addition have appended thereto a detailed analysis of the various items of expenditure and revenue. The budget as submitted and adopted shall be balanced. Council shall upon introduction of the proposed budget fix a date for adoption thereof which shall be not later than December 31 immediately following submission.

§ 3064. Amended budget.

During January next following any municipal election, council may request the manager to submit an amended budget to council which shall consider it in the same manner as provided in section 3063 (relating to preparation and adoption of budget), except that final adoption of the amended budget shall not be later than February 15 of the same year.

SUBCHAPTER E  
SMALL MUNICIPALITY PLAN

Sec.

- 3071. Designation and applicability of plan.
- 3072. Officers.
- 3073. Election of council members.
- 3074. Organization of council.
- 3075. Powers and duties of council.
- 3076. Municipal clerk or secretary, solicitor and agencies.
- 3077. Powers and duties of executive.
- 3078. Appointment of officers and employees by executive.
- 3079. Preparation and adoption of budget.
- 3080. Amended budget.

§ 3071. Designation and applicability of plan.

The form of government provided in this subchapter shall be known as the "Small Municipality Plan." It may be adopted by any municipality having a population of less than 7,500 inhabitants by the last Federal census. The plan, together with Subchapter F of Chapter 29 (relating to general provisions and limitations for optional plan municipalities) and Subchapter A of Chapter 31 (relating to officers and employees), shall govern any municipality the voters of which have adopted it pursuant to this subpart.

§ 3072. Officers.

Each municipality shall be governed by an elected executive (mayor) and council members, an elected district attorney in the case of counties and, if so provided under the plan, an elected treasurer or elected controller and any other officers as shall be appointed pursuant to this subchapter, general law or ordinance.

§ 3073. Election of council members.

The council shall consist of the executive (mayor), who shall be elected at large, and two council members unless pursuant to the authority granted under section 2924 (relating to specificity of recommendations) the municipality is governed by an executive (mayor) and four council members, an executive (mayor) and six council members or an executive (mayor) and eight council members. Members of the council shall be elected at large unless the plan provides that members shall be elected on a district basis in which each district is as equal in population as is feasible or on a combination at-large and district basis as determined by the government study commission or as specified in an initiative petition or ordinance of the governing body under the provisions of sections 2942 (relating to initiation of amendment by electors or council), 2943 (relating to petition for referendum or ordinance proposing amendment) and 2944 (relating to time and manner of submission of question) at a regular municipal election by the voters of the municipality. The members of the council shall serve a term of four years beginning on the first Monday in January next following their election, except as provided in this subpart.

§ 3074. Organization of council.

On the first Monday of January following the regular municipal election, the members of the council shall assemble at the usual place of meeting and organize. The executive (mayor) shall preside at all meetings of the council and shall have a voice and vote on its proceedings. The council shall select from among its members a president of the council who shall serve in place of the executive (mayor) in the event of his absence or disability.

§ 3075. Powers and duties of council.

The legislative power of the municipality shall be exercised by the council, except as may be otherwise provided by general law. A majority of the whole number of the council shall constitute a quorum for the transaction of business, but a smaller number may meet and adjourn from time to time.

§ 3076. Municipal clerk or secretary, solicitor and agencies.

(a) Municipal clerk or secretary.—A municipal clerk or secretary shall be appointed in the manner set forth in the administrative ordinance, as provided pursuant to section 3146 (relating to passage of administrative ordinance). The municipal clerk or secretary shall serve as clerk of the council, keep its minutes and records of its proceedings, maintain and compile its ordinances and resolutions as this subpart requires and perform any functions as may be required by law. The clerk shall, prior to his appointment, have been qualified by training or experience to perform the duties of the office.

(b) Solicitor and agencies.—The council may, consistent with statutes applicable to that class of municipality, provide for the manner of appointment of a solicitor, any planning board, zoning board of adjustment, zoning hearing board or personnel board in the municipality and may create commissions and other bodies with advisory powers.

§ 3077. Powers and duties of executive.

The executive power of the municipality shall be exercised by the executive (mayor). The executive shall see that all laws and ordinances in force and effect within the municipality are observed. He shall address the council and report to the residents, annually and at any other times as he deems desirable, on the condition of the municipality and upon its problems of government. The executive (mayor) shall also appoint a finance committee of the council, which shall consist of one or more council members, and may appoint and designate other committees of council of similar composition.

§ 3078. Appointment of officers and employees by executive.

The executive (mayor) shall appoint subordinate officers and employees with the advice and consent of council under procedures established in section 3122 (relating to appointment of subordinate officers and employees), except that, in counties, the office of prothonotary and clerk of courts, register of wills and clerk of orphans court shall be filled by appointment by the president judge of the appropriate court with advice and consent of a majority of the council.

§ 3079. Preparation and adoption of budget.

The municipal budget shall be prepared by the executive (mayor) and shall be submitted to council in the form required by council. The budget as submitted and adopted shall be balanced. Council shall, upon introduction of the proposed budget, fix a date for adoption thereof which shall be not later than December 31 immediately following.

§ 3080. Amended budget.

During the month of January next following any municipal elections, the executive (mayor), upon his own initiative or at the request of council, may submit an amended budget to council which shall consider it in the same manner as provided in section 3079 (relating to preparation and adoption of budget), except that final adoption of the amended budget shall not be later than February 15 of the same year.

## SUBCHAPTER F OPTIONAL COUNTY PLAN

Sec.

3091. Designation and applicability of plan.

3092. County officers.

3093. Powers.

3094. Additional options for election of county sheriff.

3095. Approval of plan.

§ 3091. Designation and applicability of plan.

The form of government provided in this subpart shall be known as the "Optional County Plan" and shall, together with Subchapter F of Chapter 29 (relating to general provisions and limitations for optional plan municipalities) and Subchapter A of Chapter 31 (relating to officers and employees), govern

any county the voters of which have adopted this plan pursuant to this subpart. This option shall be available only to counties.

§ 3092. County officers.

(a) Enumeration.—The county officers shall be as follows:

- (1) County commissioner.
- (2) Controller or auditor.
- (3) District attorney.
- (4) Public defender.
- (5) Treasurer.
- (6) Sheriff.
- (7) Register of wills.
- (8) Recorder of deeds.
- (9) Prothonotary.
- (10) Clerk of the courts.

(b) Election and term of office.—County officers, except for public defenders, who shall be appointed as provided by law, shall be elected at the municipal election and shall hold their offices for the term of four years, beginning on the first Monday of January next after their election, and until their successors are duly qualified. Vacancies shall be filled in the manner provided by law.

(c) Salaries and fees.—County officers shall be paid only by salary as provided by law for services performed for the county or any other governmental unit. Fees incidental to the conduct of any county office shall be payable directly to the county or the Commonwealth or as otherwise provided by law.

(d) County commissioners.—Three county commissioners shall be elected in each county. In the election of these officers, each qualified elector shall vote for not more than two persons, and the three persons receiving the highest number of votes shall be elected.

(e) Coroner or medical examiner.—The coroner or medical examiner shall be a statutory office elected at the municipal election and shall hold the office for the term of four years, beginning on the first Monday of January next after election, and until his successor is duly qualified. He shall be paid only by salary as provided by law. Vacancies shall be filled in the manner provided by law.

(f) Jury commissioners.—Jury commissioners shall be statutory officers and shall be elected at the municipal election and shall hold their office for the term of four years, beginning on the first Monday of January next after election, and until their successors are duly qualified. The salary board shall fix the salary of the jury commissioners. Vacancies in the office of jury commissioner shall be filled by the president judge of the court of common pleas.

§ 3093. Powers.

All county officers may exercise those powers granted by general law to county offices of the class of county to which it belongs.

§ 3094. Additional options for election of county sheriff.

A government study commission created and constituted as provided in Subchapter B of Chapter 29 (relating to procedure for adoption of home rule charter or optional plan of government) for counties or an initiative petition or ordinance of the governing body as authorized by sections 2942 (relating to initiation of amendment by electors or council), 2943 (relating to petition for referendum or ordinance proposing amendment) and 2944 (relating to time and manner of submission of question) may recommend and cause to be placed on the ballot, as a part of the question submitted to the voters for approval, additional options as part of the optional plans as set forth in this chapter providing for the election of the county sheriff.

§ 3095. Approval of plan.

If the optional plan, including an additional option or options as provided in section 3091 (relating to designation and applicability of plan), is approved by the voters, the county shall be governed by the provisions of the subchapter providing the basic optional plan and by the provisions of Subchapter F of Chapter 29 (relating to general provisions and limitations for optional plan municipalities) and Subchapter A of Chapter 31 (relating to officers and employees), except that the elected sheriff shall be subject to the provisions pertaining to that office as provided in this subchapter.

## CHAPTER 31

### GENERAL PROVISIONS COMMON TO OPTIONAL PLANS

#### Subchapter

- A. Officers and Employees
- B. Treasurer
- C. Appointment Power and Personnel
- D. Filling Vacancies in Elected Office
- E. Legislation by Council
- F. Audit and Control
- G. Transition to Optional Plan Government
- H. Repeal of Optional Plan

#### SUBCHAPTER A

### OFFICERS AND EMPLOYEES

#### Sec.

- 3101. Adverse interest in contracts for purchase or services.
- 3102. Acceptance of services at more favorable terms.
- 3103. Gift or promise of thing of value to influence political support.
- 3104. Refusal or failure to appear or testify before court.

§ 3101. Adverse interest in contracts for purchase or services.

(a) General rule.—If a municipal officer or official elected or appointed knows or by the exercise of reasonable diligence should know that he is interested to any appreciable degree, either directly or indirectly, in any

contract for the sale or furnishing of any personal property for the use of the municipality or for any services to be rendered for the municipality involving the expenditure of more than \$300 in any year, he shall notify council. Any such contract shall not be passed and approved by council except by an affirmative vote of at least three-fourths of the members. If the interested officer is a member of council, he shall refrain from voting upon the contract.

(b) Exception.—This section does not apply to cases where the officer or official is an employee of the person, firm or corporation to which money is to be paid in a capacity with no possible influence on the transaction and in which he cannot possibly be benefited either financially or in any other material manner.

(c) Penalties.—Any officer or official who knowingly violates this section shall be liable to the municipality upon his bond, if any, or personally, to the extent of the damage shown to be sustained by the municipality, and to ouster from office and commits a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine not exceeding \$500, or imprisonment not exceeding one year, or both.

§ 3102. Acceptance of services at more favorable terms.

An officer or employee shall not accept or receive, directly or indirectly, from any person operating within the territorial limits of a municipality any interurban railway, bus line, street railway, gas works, waterworks, electric light or power plant, heating plant, telegraph line, telephone exchange or other business using or operating under a public franchise, any frank, free pass, free ticket or free service or accept or receive, directly or indirectly, from any person any other service upon terms more favorable than is granted to the public generally, except that the prohibition of free transportation shall not apply to police officers or firefighters in uniform. Free service to the municipal officials provided by any franchise or ordinance shall not be affected by this section.

§ 3103. Gift or promise of thing of value to influence political support.

(a) General rule.—A candidate for office, appointment or employment or an officer, appointee or employee in any municipality shall not, directly or indirectly, give or promise to any person any office, position, employment, benefit or anything of value for the purpose of influencing or obtaining the political support, aid or vote of any person.

(b) Penalty.—Any person who violates subsection (a) shall be disqualified to hold the office or employment to which he may be or may have been elected or appointed.

§ 3104. Refusal or failure to appear or testify before court.

Any person elected or appointed to any office or position in a municipality governed under this subpart who, after lawful notice or process, willfully refuses or fails to appear before any court, any legislative committee or the Governor, or having appeared refuses to testify or to answer any question regarding the property, government or affairs of the municipality or regarding his nomination, election, appointment or official conduct on the ground that

his answer would tend to incriminate him, or refuses to waive immunity from prosecution on account of any matter in relation to which he may be asked to testify, may be removed from office by the council of the municipality.

## SUBCHAPTER B TREASURER

Sec.

3111. Selection and duties of municipal treasurer.

§ 3111. Selection and duties of municipal treasurer.

(a) General rule.—Under any of the optional plans as set forth in this subpart, except for the plan set forth in Subchapter F of Chapter 30 (relating to optional county plan), the office of municipal treasurer may be omitted or may be filled by appointment or by election, as provided in the plan. If the office of municipal treasurer is to be filled by appointment, the appointment shall be made in accordance with the appointment procedures for other department heads.

(b) Powers and duties of elected treasurer.—The municipal treasurer, if elected, shall perform the functions and duties and have the powers relating to the collection, receiving, safekeeping and payment over of public moneys, including municipal, county, institution district and school district taxes, as provided by law and shall have any other functions, powers and duties assigned to him by the executive of the municipality.

## SUBCHAPTER C APPOINTMENT POWER AND PERSONNEL

Sec.

3121. Appointment of members of boards and commissions.

3122. Appointment of subordinate officers and employees.

§ 3121. Appointment of members of boards and commissions.

The appointment power of the chief executive of the municipality under any of the plans authorized by this subpart shall include the appointment of members of boards and commissions authorized by this subpart, by law or by action of municipal council. All such appointments shall be with the advice and consent of a majority of municipal council.

§ 3122. Appointment of subordinate officers and employees.

(a) General rule.—Appointments and promotions of subordinate officers and employees within departments shall be made by the department head on the basis of a personnel system which shall include written procedures for appointment and promotion based on merit and fitness as demonstrated by examination or other evidence of competence for the position.

(b) Personnel rules.—The personnel system shall be governed by personnel rules which shall be prepared by the executive (mayor) or manager and submitted to the municipal council which shall adopt them with or

without amendments unless otherwise provided for or arrived at by collective bargaining. The personnel rules may provide for:

(1) The classification of all municipal positions, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by change of circumstances.

(2) A pay plan for all municipal positions.

(3) Methods for determining the merit and fitness of candidates for appointment or promotion.

(4) The policies and procedures regulating reduction in force and disciplinary action, including suspension and removal of employees.

(5) The hours of work and provisions for sick and vacation leave and holidays and overtime compensation.

(6) Grievance procedures, including procedures for the hearing of grievances.

(7) Other practices and procedures necessary to the administration of the municipal personnel system.

#### SUBCHAPTER D FILLING VACANCIES IN ELECTED OFFICE

Sec.

3131. Applicability of subchapter.

3132. Manner of filling vacancies in office.

§ 3131. Applicability of subchapter.

This subchapter shall apply to the filling of vacancies in elected office in all optional plans and options except those set forth in Subchapter F of Chapter 30 (relating to optional county plan).

§ 3132. Manner of filling vacancies in office.

(a) Members of council.—

(1) If a vacancy exists in the municipal council, the municipal council shall, by a majority of its remaining members, fill the vacancy within 30 days thereafter by electing a qualified person to serve until that first Monday of January when his successor is duly sworn into office for the remainder of the term of the person originally elected to the office. The successor shall be elected at the next municipal election occurring at least 50 days after the vacancy begins.

(2) In case vacancies should exist whereby the offices of a majority or more members of the municipal council become vacant, the remaining members shall fill the vacancies, one at a time, giving each new appointee reasonable notice of his appointment as will enable him to meet and act with the then qualified member or members of the municipal council in making further appointments until a bare majority of members of municipal council members have been qualified. At that time these members shall appoint persons to fill the remaining vacancies at a meeting



attended by the majority members of municipal council, such appointees to receive a majority of the votes of the members present at the meeting. Each person selected to fill the vacancy or vacancies shall hold his office as provided in this subsection.

(3) If, by reason of a tie vote or otherwise, the vacancy shall not have been filled by the remaining members of municipal council within the time as limited in this subsection, the court of common pleas upon the petition of ten or more qualified electors shall fill the vacancy by the appointment of a qualified person for the portion of the unexpired term as provided in this subsection.

(b) Other officers.—

(1) If a vacancy occurs in the office of executive (mayor), municipal treasurer, if elected, municipal controller, if elected, county district attorney or county sheriff, if elected, the municipal council shall fill the vacancy within 30 days thereafter by choosing an executive (mayor), a municipal treasurer, a municipal controller, a county district attorney or a county sheriff, as the case may be, to serve until his successor is elected by the qualified electors at the next municipal election occurring at least 50 days after the vacancy occurs and is duly sworn into office. The person so elected shall serve from the first Monday of January next succeeding his election for the remainder of the term of the person originally elected to the office.

(2) If, by reason of a tie vote or otherwise, a vacancy in the office of executive (mayor), treasurer, controller, county district attorney or county sheriff has not been filled by council within the time as limited in this subsection, the court of common pleas, upon petition of ten or more qualified electors, shall fill the vacancy by the appointment of a qualified person for the portion of the unexpired term as provided in this subsection.

#### SUBCHAPTER E LEGISLATION BY COUNCIL

Sec.

- 3141. Regular and special meetings of council.
- 3142. Procedure and functions of council.
- 3143. Adoption of ordinances.
- 3144. Recording and compilation of ordinances and resolutions.
- 3145. Filing and publication of rules and regulations.
- 3146. Passage of administrative ordinance.

§ 3141. Regular and special meetings of council.

The council shall, by ordinance or resolution, designate the time of holding regular meetings which shall be at least monthly. The executive (mayor) or the president of council may and, upon written request of a majority of the members of the council, shall call a special meeting of the council. In the call, he shall designate the purpose of the special meeting and no other

business shall be considered. All meetings of the council shall be open to the public. The municipal clerk or secretary shall keep a journal of its proceedings and record the minutes of every meeting.

§ 3142. Procedure and functions of council.

(a) Rules of procedure.—Council shall determine its own rules of procedure, not inconsistent with ordinance or statute. A majority of the whole number of members of the council shall constitute a quorum, and no ordinance shall be adopted by the council without the affirmative vote of a majority of all the members of the council.

(b) Adoption of ordinances and resolutions.—Each ordinance or resolution shall be presented and considered as determined by council rules of procedure. The vote upon every motion, resolution or ordinance shall be taken by roll call, and the yeas and nays shall be entered on the minutes. The minutes of each meeting shall be signed by the officer presiding at the meeting and by the municipal clerk or secretary.

(c) Administrative ordinance.—Council shall adopt by ordinance an administrative ordinance which shall provide for the establishment and filling of additional administrative offices which it deems necessary and shall provide for administrative procedures not otherwise provided for in this subpart or by general law.

(d) Compensation of controller and treasurer.—The compensation of the controller and treasurer shall be fixed by the council.

§ 3143. Adoption of ordinances.

(a) General rule.—Except as may otherwise be provided in this subpart, all ordinances shall be adopted and published as provided by law. Any ordinance may incorporate by reference any standard technical regulation or code, official or unofficial, which need not be so published whenever ten copies of the regulations or code have been placed on file in the office of the municipal clerk or secretary and in the office of the body or department charged with the enforcement of the ordinance.

(b) Effective date.—No ordinance, other than the local budget ordinance, shall take effect less than ten days after its final passage by council and approval by the executive (mayor) where that approval is required, unless the council adopts a resolution declaring an emergency and at least a majority plus one of all the members of the council vote in favor of the resolution.

§ 3144. Recording and compilation of ordinances and resolutions.

The municipal clerk or secretary shall record all ordinances and resolutions adopted by council and, at the close of each year, with the advice and assistance of the municipal solicitor, shall bind, compile or codify all the ordinances and resolutions or true copies thereof which then remain in force and effect. He shall also properly index the record books, compilation or codification of ordinances and resolutions.

§ 3145. Filing and publication of rules and regulations.

No rule or regulation made by any department, officer, agency or authority of the municipality, except as it relates to the organization or internal

management of the municipal government or a part thereof, shall take effect until it is filed either with the municipal clerk or secretary or in any other manner provided by ordinance. The council shall provide for the prompt publication of such rules and regulations.

§ 3146. Passage of administrative ordinance.

The council shall prepare and pass an administrative ordinance ~~which shall~~ provide for the manner of appointment of a solicitor, clerk or secretary, may create commissions and other bodies with advisory powers and may include additional provisions relating to the internal structure of the municipality as long as the provisions of the administrative ordinance are not in conflict with this subpart.

#### SUBCHAPTER F AUDIT AND CONTROL

Sec.

3151. Exercise of financial management control functions.

3152. Post audits by independent auditor.

3153. Selection of controller.

§ 3151. Exercise of financial management control functions.

The council shall provide by separate ordinance or in the administrative ordinance for the exercise of a control function in the management of the finances of the municipality by the municipal controller or an independent auditor or, in the case of the optional plan set forth in Subchapter F of Chapter 30 (relating to optional county plan), by the controller or auditors.

§ 3152. Post audits by independent auditor.

The council may provide for annual post audits of all accounts by an independent auditor who shall be a certified public accountant registered in this Commonwealth or a firm of certified public accountants registered in this Commonwealth.

§ 3153. Selection of controller.

Under any of the optional plans as set forth in this subpart, except for the plans set forth in Subchapter F of Chapter 30 (relating to optional county plan), the office of controller may be omitted or it may be filled by election by the electors rather than by appointment when recommended by the government study commission and adopted by the electors. If the office of controller is to be filled by appointment, a controller shall be appointed for an indefinite term by a majority of the members of the governing body.

#### SUBCHAPTER G TRANSITION TO OPTIONAL PLAN GOVERNMENT

Sec.

3161. Applicability of plan.

3162. Status and term of office of officials.

3163. Compensation of elected officials.

3164. Status of existing ordinances and resolutions.

3165. Abolishment of existing appointive offices.

3166. Pending actions and proceedings.

§ 3161. Applicability of plan.

Whenever the electors of a municipality adopt any of the optional plans provided by this subpart at any election for that purpose, the municipality shall be governed under the provisions of that plan, the provisions of law applicable to that class of municipality and this subpart from the first Monday in January following the municipal election occurring after the next succeeding primary election, except as provided in section 2924 (c) (relating to specificity of recommendations).

§ 3162. Status and term of office of officials.

(a) Existing elected official.—Any elected municipal official in office at the time of the adoption of any optional plan provided by this subpart shall continue in office only until the new plan of government goes into effect as provided in section 3161 (relating to applicability of plan), except as otherwise provided in subsections (c) and (d).

(b) Members of council.—At the municipal election next succeeding the adoption of one of the optional plans provided for in this subpart, if four or fewer council members are elected, they shall serve for terms of four years. If five are elected, the four successful candidates receiving the highest percentage of the votes cast for the office to which they are elected shall serve for terms of four years, and the candidate receiving the next highest percentage of votes shall serve for a term of two years. If six or more council members are elected, the five candidates receiving the highest percentage of the votes cast for the office to which they are elected shall serve for terms of four years, and the remaining successful candidates receiving the next highest percentage of votes shall serve for terms of two years. Thereafter, all council members shall be elected for terms of four years. Where the term of office for council members under the adopted plan is different from the term of office for council members under an existing form of government, the terms of office for council members so elected shall be established so that, at each subsequent municipal election at which council members are elected, the number of council members to be elected shall be as nearly equal as possible to the number of council members to be elected at every other regular municipal election at which council members are elected.

(c) Treasurer, controller, district attorney and sheriff.—If an elected municipal treasurer or elected municipal controller, elected county district attorney or elected county sheriff is in office at the time of the adoption of an optional plan under the provisions of this subpart, a treasurer, controller, district attorney or sheriff, as the case may be, shall not be elected or appointed to take office until after the resignation, death, removal or expiration of the term of the incumbent in the office. At the expiration of the term of the incumbent, a treasurer, controller, district attorney or sheriff, as

the case may be, shall be elected or appointed for the full term for the office as provided by the optional plan adopted.

(d) Continuation of existing members of council in office.—Any member of a municipal governing body in office at the time of the adoption of an optional plan shall remain in office, continuing as an at-large or district council member, as the case may be, until the expiration of this term in office and shall receive the compensation provided by law at that time:

(1) If that council member was elected on an at-large basis, the newly adopted optional plan provides for a total number of at-large council members equal to or exceeding the total number of at-large council members under the existing form of government.

(2) If that council member was elected on a district basis, the district from which that council member was elected remains unchanged and continues to encompass the exact same geographical area under the newly adopted optional plan as under the existing form of government and the number of council members to be elected from that district under the newly adopted optional plan is equal to or exceeds the number elected from that district under the existing form of government.

Any council member may, by writing filed with the municipal treasurer, direct that any portion of his annual compensation for serving in office be returned to the municipal treasury. For the purpose of this section, an executive or mayor who is also a member of the council under an existing plan shall be considered as a member of the council, and, after the new plan goes into effect, his duties shall be only those of a member of council as prescribed by the new plan.

(e) Number of members of council to be elected.—At the municipal election next succeeding the adoption of one of the optional plans provided for in this subpart, the number of council members prescribed by the terms in the plan less the number of council members then in office whose terms do not expire on the first Monday of January next following, as may be determined by subsection (d), shall be elected.

(f) Filling vacancies on council existing prior to election.—If there are vacancies in council occurring by reason of resignation, death or removal 90 days or more before the election, they shall be filled for the remainder of the term of the person originally elected to that office.

#### § 3163. Compensation of elected officials.

(a) Officials elected prior to transition year.—The annual compensation of the executive (mayor) and council members elected to their offices in the year prior to the transition year under any of the optional plans, except the plan set forth in Subchapter F of Chapter 30 (relating to optional county plan), adopted pursuant to this subpart shall be established by the commission as part of its recommendations or by the initiative petition or ordinance of the governing body authorized by sections 2942 (relating to initiation of amendment by electors or council), 2943 (relating to petition for referendum

or ordinance proposing amendment) and 2944 (relating to time and manner of submission of question).

(b) Officials elected subsequent to transition.—The compensation of the executive (mayor), council members, controller and treasurer elected to their offices subsequent to the transition to any of the optional plans set forth in this subpart, except for the plan set forth in Subchapter F of Chapter 30, shall be fixed by ordinance of council adopted at least two days prior to the last day fixed by law for candidates to withdraw their names from nomination previous to the municipal election. After the compensation is fixed by ordinance, only an increase or decrease thereof need be fixed by the ordinance.

§ 3164. Status of existing ordinances and resolutions.

On the effective date of an optional plan adopted pursuant to this subpart, all ordinances and resolutions of the municipality to the extent that they are not inconsistent with the provisions of this subpart shall remain in full force and effect.

§ 3165. Abolishment of existing appointive offices.

(a) General rule.—On the effective date of an optional plan adopted pursuant to this subpart, all appointive offices then existing in such municipality shall be abolished and the terms of all appointed officers shall immediately cease and terminate. This section does not abolish the office or terminate the terms of office of any alderman or constable or of any official or employee now protected by any tenure of office or civil service law or of any police officer or firefighter whether or not protected by a tenure of office law.

(b) Use of resolution to govern interim proceedings.—Provisions for officers and for the organization and administration of the municipal government under the optional plan may be made by resolution pending the adoption of ordinances, but any such resolution shall expire not later than 60 days after the effective date of the optional plan.

§ 3166. Pending actions and proceedings.

All actions and proceedings of a legislative, executive or judicial character, pending upon the effective date of an optional plan, may continue. The appropriate officer or employee under the optional plan shall be substituted for the officer or employee exercising or discharging the function, power or duty involved in the action or proceeding before the effective date.

## SUBCHAPTER H REPEAL OF OPTIONAL PLAN

Sec.

3171. Repeal of optional plan and establishment of new form of government.

§ 3171. Repeal of optional plan and establishment of new form of government.

(a) General rule.—The procedure for repeal of an optional plan shall be the same as for adoption of an optional plan as provided in Subchapter B of Chapter 29 (relating to procedure for adoption of home rule charter or optional plan of government), excluding the procedure provided in sections 2942 (relating to initiation of amendment by electors or council), 2943 (relating to petition for referendum or ordinance proposing amendment) and 2944 (relating to time and manner of submission of question). Whenever the electors, by a majority vote of those voting on the question, vote in favor of repeal of an optional plan and the establishment of a particular form of government, the municipality shall be governed under the form of government selected by the electors. The form of government so approved shall take effect on the first Monday of January following the municipal election at which the elective officials of the form of government selected by the electors shall have been elected. The government study commission shall provide in its report for the new form of government to be established.

(b) Amendment procedure.—This section does not prohibit or limit the procedure provided in sections 2942, 2943 and 2944 to amend an optional plan.

## PART V PUBLIC IMPROVEMENTS, UTILITIES AND SERVICES

### Subpart

#### A. General Provisions

### SUBPART A GENERAL PROVISIONS

### Chapter

#### 54. Business Improvement Districts

### CHAPTER 54 BUSINESS IMPROVEMENT DISTRICTS

### Sec.

5401. Short title and scope of chapter.

5402. Definitions.

5403. Powers of governing body.

5404. Administrative services provided by cities of the second class.

5405. Assessment authorized.

5406. Method and payment of assessment.

§ 5401. Short title and scope of chapter.

(a) Short title of chapter.—This chapter shall be known and may be cited as the Business Improvement District Act.

(b) Scope of chapter.—This chapter applies to municipal corporations.

**§ 5402. Definitions.**

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Costs of improvements.” Engineering, architectural, attorney or other consulting fees, preliminary planning, feasibility studies, financing costs and other costs necessary and incidental to the completion of the improvement.

**§ 5403. Powers of governing body.**

The governing body of every municipal corporation shall have the power:

(1) To establish within the municipal corporation an area or areas designated as a business improvement district, which district or districts may be designated as all or part of any community which is zoned commercial or which is used for general commercial purposes.

(2) To appropriate and expend those amounts as may be necessary for preliminary planning or feasibility studies to determine needed improvements in business improvement districts, to recommend improvement to individual properties and to provide where required basic design criteria. Public hearings shall be required before passage of the enabling ordinance at which any interested party may be heard. Notice of the hearings shall be advertised at least ten days prior thereto in a newspaper circulating in the municipal corporation. The ordinance shall specify improvements, with respective costs. The ordinance shall not become effective if, before the expiration of 20 days after its enactment, property owners of the proposed district whose property valuation as assessed for taxable purposes amounts to more than 50% of the total property valuation of the district sign and file in the office of the prothonotary of the court of common pleas a written protest against the ordinance.

(3) To appropriate and expend in accordance with the specific provisions of the enabling ordinance such amounts as may be required to acquire by purchase or lease real or personal property to effectuate the purposes of the improvement district, including sidewalks, retaining walls, street paving, street lighting, parking lots, parking garages, trees and shrubbery purchased and planted, pedestrian walks, sewers, water lines and rest areas and acquisition and remodeling or demolition of blighted buildings and similar or comparable structures. No improvement shall be made to property which has not been acquired.

(4) To acquire by gift, purchase or eminent domain, land, real property or rights-of-way which may be needed for the purposes of the projected improvements within the district.

(5) To issue bonds, notes or guarantees in accordance with the provisions of general laws authorizing borrowing by cities of the first class or in accordance with Subpart B of Part VII (relating to indebtedness and borrowing), whichever is applicable, in the amounts and for the periods necessary to finance the projected improvements for any district.



§ 5404. Administrative services provided by cities of the second class.

In addition to the powers of the governing body established in section 5403 (relating to powers of governing body), cities of the second class shall have the power to provide administrative services: that is, those services which improve the ability of the commercial establishments of the district to serve the consumer, including, but not limited to, free or reduced fee parking for customers, transportation repayments, public relations programs, group advertising and district maintenance and security services.

§ 5405. Assessment authorized.

The governing body may impose an assessment on each benefited property within a business improvement district which shall be determined by the total cost of the improvements in the district but not in excess of the amount legally assessable.

§ 5406. Method and payment of assessment.

(a) Method.—The total cost of the administrative services or improvements in the district shall be assessed to all of the benefited properties in the district by one of the following methods:

(1) By an assessment determined by multiplying the total service and improvement cost by the ratio of the assessed value of the benefited property to the total assessed valuation of all benefited properties in the district.

(2) By an assessment upon the several properties in the district in proportion to benefits as ascertained by viewers appointed in accordance with law.

(3) In the case of improvements by an assessment upon the several properties in the district abutting the improvements or benefiting from the services, or, where more than one type of improvement or service is involved, designated types, by the front-foot method, with equitable adjustments for corner properties and other cases provided for in the assessment ordinance. Any property which cannot be equitably assessed by the front-foot method may be assessed by the method provided in paragraph (2).

(b) Payment.—The governing body may by ordinance authorize the payment of the assessment in equal annual or more frequent installments over such time and bearing interest at the rate specified in the ordinance. If bonds have been issued and sold, or notes or guarantees have been given or issued, to provide for the cost of the services and improvements, the assessment in equal installments shall not be payable beyond the term for which the bonds, notes or guarantees are payable.

(c) Claims to secure assessments.—Claims to secure the assessments shall be entered in the prothonotary's office at the time and in the form and shall be collected in the manner that municipal claims are filed and collected. If installment payments are authorized pursuant to subsection (b), the ordinance may contain any or all of the following provisions:

(1) Notwithstanding the filing of the claims, all assessments which are made payable in installments shall constitute liens and encumbrances upon the respective benefited properties, at the beginning of each calendar year, except as provided in paragraph (2), only in an amount equal to the sum of:

(i) the annual or other installments becoming payable in such year, with interest and penalties, if any, thereon; and

(ii) the total of all installments, with interest and penalties thereon, which became due during prior years and which remain due and unpaid at the beginning of the current year.

(2) In the case of default in the payment of any installment and interest for a period of 90 days after the payment becomes due, the assessment ordinance may provide either for the entire assessment, with accrued interest and penalties to become due and become a lien from the due date of the installment, or may provide solely for the enforcement of the claim as to the overdue installment, with interest and penalties, in which case the ordinance shall further provide that, if any installment or portion thereof remains due and unpaid for one year after it has become due and payable, then the entire assessment with accrued interest and penalties shall become due and become a lien from the due date of the installment.

(3) No action taken to enforce a claim for any installment or installments shall affect the status of any subsequent installment of the same assessment, each of which shall continue to become a lien upon the property annually pursuant to paragraph (1).

(4) The ordinance may contain any other provision relating to installment assessments which is not inconsistent with applicable law.

(d) Payment in full.—Any owner of property against whom an assessment has been made may pay the assessment in full, at any time, with accrued interest and costs thereon, and such a payment shall discharge the lien of the assessment, or installments then constituting a lien, and shall also release the claim to any later installments.

(e) Benefits from administrative services.—No residential property shall be assessed under this chapter for any benefit received from administrative services.

(f) Construction of chapter.—Any reference in this chapter to services shall mean only those services provided by a city of the second class.

## PART VII TAXATION AND FISCAL AFFAIRS

### Subpart

#### B. Indebtedness and Borrowing

### SUBPART B INDEBTEDNESS AND BORROWING

## Chapter

- 80. General Provisions
- 81. Incurring Debt and Issuing Bonds and Notes
- 82. Miscellaneous Provisions

CHAPTER 80  
GENERAL PROVISIONS

## Subchapter

- A. Preliminary Provisions
- B. Limitations on Debt of Local Government Units
- C. Procedure for Securing Approval of Electors

SUBCHAPTER A  
PRELIMINARY PROVISIONS

## Sec.

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## § 8001. Short title, scope and applicability of subpart.

(a) Short title of subpart.—This subpart shall be known and may be cited as the Local Government Unit Debt Act.

(b) Scope of subpart.—This subpart shall apply to all local government units.

(c) Exemption of bonds and notes from taxation in this Commonwealth.—All bonds or notes, including tax anticipation notes issued by any local government unit under this subpart or the act of June 25, 1941 (P.L.159, No.87), known as the Municipal Borrowing Law, their transfer and the income therefrom, including any profits made on the sale thereof, shall be free from taxation for State and local purposes within this Commonwealth. This exemption does not apply to inheritance and estate taxes under Article XXI of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, or any other taxes not levied directly on the bonds or notes, the transfer, the income or the realization of profits on the sale.

(d) Exclusive procedure.—A local government unit may borrow money on bonds or notes, including tax anticipation notes, only as provided in this subpart. This subpart provides an exclusive and uniform system on the subjects covered by this subpart.

## § 8002. Definitions.

(a) Classification of debt.—With respect to classifications of debt and subject to additional definitions contained in subsequent provisions of this subpart which are applicable to specific provisions of this subpart, the following words and phrases when used in this subpart shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Debt.” The amount of all obligations for the payment of money incurred by the local government unit, whether due and payable in all events, or only upon the performances of work, possession of property as lessee, rendering of services by others or other contingency, except the following:

(1) Current obligations for the full payment of which current revenues have been appropriated, including tax anticipation notes, and current payments for the funding of pension plans.

(2) Obligations under contracts for supplies, services and pensions allocable to current operating expenses of future years in which the supplies are to be expended or furnished, the services rendered or the pensions paid.

(3) Rentals or payments payable in future years under leases, guaranties, subsidy contracts or other forms of agreement not evidencing the acquisition of capital assets. This exception shall not apply to rentals or payments under any instruments which would constitute lease rental debt but for the fact that the lessor or obligee is not an entity described in section 8004(a)(1) (relating to when lease or other agreement evidences acquisition of capital asset).

(4) Interest or assumed taxes payable on bonds or notes which interest or taxes is not yet overdue.

“Electoral debt.” All net debt incurred with the assent of the electors, given as provided in this subpart whether issued by a local government unit or through an authority.

“Lease rental debt.” The principal amount of authority bonds or notes or bonds or notes of another local government unit to be repaid from payments of the local government unit made pursuant to leases, guaranties, subsidy contracts or other forms of agreement where those payments are or may be made out of the tax and other general revenues of a local government unit under leases, guaranties, subsidy contracts or other forms of agreement which evidence the acquisition of capital assets, excluding any amount which has been approved by the electors.

“Net lease rental debt.” A portion of lease rental debt as determined under Subchapter B (relating to limitations on debt of local government units).

“Net nonelectoral debt.” A portion of nonelectoral debt as determined in accordance with Subchapter B (relating to limitations on debt of local government units).

“Nonelectoral debt.” All debt determined as provided in this subpart, incurred or authorized to be incurred, except electoral debt and lease rental

debt, in each case whether authorized before or after July 12, 1972, and whether before or after the debt is incurred.

(b) Exclusions from debt.—With respect to exclusions from any particular category of debt and subject to additional definitions contained in subsequent provisions of this subpart which are applicable to specific provisions of this subpart, the following words and phrases when used in this subpart shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Self-liquidating debt.” Debt payable solely from rents, rates or other charges to the ultimate users of the project, to be financed in whole or in part by that debt, or payable solely from special levies or assessments of benefits lawfully earmarked exclusively for that purpose. The term also includes debt or any portion thereof at the time qualified as self-liquidating pursuant to this subpart, whether or not solely payable from those sources. The term “ultimate users” includes the local government unit itself only where its use of the project is incidental to the use of the project by other users.

“Subsidized debt.” The amount of debt which is self-liquidating to the local government unit because the annual debt service on the amount for the fiscal year next following the time of determination will be covered by one of the following:

(1) Payments of subsidies on account of the cost of the project or on account of operations, but measured by the cost of the project, or which will be covered by capital account reimbursements, which subsidies or reimbursements will be paid by either the Commonwealth or the Federal Government, or both, where such payments under the legislation in force at the time of determination are stated to be of a recurring nature, if the Commonwealth or the Federal Government shall have preliminarily or finally qualified the project for the subsidy or reimbursement, all as determined under section 8024 (relating to exclusion of subsidized debt from net nonelectoral debt or net lease rental debt).

(2) Payments under a subsidy contract with another local government unit or under a subsidy contract with an authority, and the amount is lawful lease rental debt as to the other local government unit as determined under section 8024.

(c) Other definitions.—Subject to additional definitions contained in subsequent provisions of this subpart which are applicable to specific provisions of this subpart, the following words and phrases when used in this subpart shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Accountant.” A certified public accountant or public accountant or a firm of either of them.

“Authority.” An authority or nonprofit corporation organized under any statute by or on behalf of the Commonwealth or any local government unit or jointly by any one or more of them.

“Bond or note.” Any instrument issued by a local government unit imposing an obligation for the repayment of money borrowed, but not including a guaranty endorsed on an instrument issued by an authority. Unless otherwise indicated, the term does not include tax anticipation notes. A bond or a note which is a security as defined in 13 Pa.C.S. Div. 8 (relating to investment securities) shall be governed by 13 Pa.C.S. Div. 8, and every other bond or note shall be governed by Subchapter C (relating to procedure for securing approval of electors), except in each case as otherwise provided in this subchapter.

“Borrowing base.” The annual arithmetic average of the total revenues for the three full fiscal years ended next preceding the date of the incurring of nonelectoral debt or lease rental debt as set forth in a certificate stating the total revenues in each of these years and stating the average, executed by the authorized officials of the local government unit or by an independent accountant. If, within that three-year period, there has been an expansion or contraction of the territorial or functional jurisdiction of a local government unit through transfer, merger, annexation or assumption, in whole or in part, in relation to another local government unit or an authority, the borrowing base shall be calculated as if the expansion or contraction had occurred within or prior to the commencement of the three-year period in the manner as the statutes, charter provisions or court decree provide or direct or, in the absence of those provisions, as the department approves.

“Department.” The Department of Community Affairs of the Commonwealth.

“General obligation.” In the title of a bond or note, means a bond or note for the payment of which the full faith, credit and taxing power of the local government unit is pledged, for the payment of which the local government unit has entered into the required covenant under section 8104 (relating to covenant to pay bonds or notes or a guaranty) and for the payment of which no specific revenues are pledged.

“Governing body.” The authorities in each local government unit authorized by law to levy taxes or fix the tax rate of the local government unit. The term also includes the school board of a school district and the board or officers authorized to make binding commitments for joint local government units, even though that body has no power to levy taxes.

“Guaranteed revenue.” In the title of a bond or note, means a bond or note of a local government unit payable in whole or in part from pledged revenues, but which becomes wholly or partly a general obligation of the local government unit, as guarantor in the event of deficiency in the pledged revenues.

“Guaranty.” A guaranty, whether conditional or unconditional and whether full or partial, to or for the benefit of holders of bonds or notes of the local government unit or holders of bonds or notes or other obligations of an authority or another local government unit, of the payment of the principal

of and interest on the bonds or notes, the premium, if any, and assumed taxes, if any, on those obligations.

“Incur” or “incurred.” When used with respect to debt, means the point in time when, in the case of debt assented to by the electors, the assent has been given, and, in the case of nonelectoral or other debt, the first ordinance or, in the case of small borrowings under section 8109 (relating to small borrowing for capital purposes), the resolution authorizing the debt has been finally enacted or adopted, unless the authority for the debt has been canceled or terminated as provided in this subpart. Final enactment or adoption means the final act necessary to make an ordinance or resolution, as the case may be, effective pursuant to all requirements of law, including any necessary approval by a mayor or other executive officer or failure of action by the mayor or officer within a specified statutory time limit, or passage over the veto of a mayor or of the officer, but does not include any required advertising subsequent to the date of adoption by the governing body of the local governing unit.

“Issue.” All bonds authorized to be sold in respect of a particular project, whether authorized to be sold at one time or from time to time in one or more series.

“Local government unit.” A county, county institution district, city, borough, incorporated town, township, school district or any similar, general or limited purpose unit of local government or any unit created by joint action of two or more local government units which is authorized to be created by law. The term does not include a city or county of the first class, an authority as defined in this section or any unit created by joint action of two or more local government units which have not been granted by statute the power to issue bonds. The term includes school districts of the first class presently operating under a home rule charter or home rule charter supplement, and the provisions of this subpart shall govern over inconsistent charter provisions.

“Ordinance.” The formal action of a local government unit, whether, under the law applicable to the local government unit, the action is taken by ordinance or by resolution, to which the requirements of section 8003 (relating to advertisement and effectiveness of ordinances) applies.

“Project.” Includes any of the following:

- (1) Items of construction, acquisition, extraordinary maintenance or repair which have been undertaken by a local government unit.
- (2) Preliminary studies, surveying, planning, testing or design work for any undertaking described in paragraph (1).
- (3) Lands or rights in land to be acquired.
- (4) Furnishings, machinery, apparatus or equipment normally classified as capital items, but these items must have a useful life of five years or more if financed separately and not as a part of a construction or acquisition project.

(5) The local government unit's share of the cost of a project undertaken jointly with one or more other local government units or the Commonwealth or one of its agencies.

(6) Countywide revision of assessment of real property.

(7) Funding of all or any portion of a reserve, or a contribution toward a combined reserve, pool or other arrangement, relating to self-insurance, which has been established by one or more local government units pursuant to 42 Pa.C.S. § 8564 (relating to liability insurance and self-insurance) up to, but not exceeding, the amount provided in section 8007 (relating to cost of project).

(8) Funding of an unfunded actuarial accrued liability or a portion of an unfunded actuarial accrued liability.

(9) Funding or refunding of debt incurred for any or all of the foregoing purposes.

(10) Any combination of any or all of the foregoing as any or all of the above may be designated as a project by the governing body for the financing of which it desires to incur debt.

(11) Any deficit to be funded by bonds or notes as provided in this subpart or the creation of a revolving fund for specific improvements.

(12) Where a local government unit has adopted a capital budget, any unfunded portion of the capital budget selected by ordinance for current funding.

**"Resolution."** A formal action of a governmental unit other than an ordinance, whether, under the law applicable to the local government unit, the action is taken by ordinance or by resolution, to which section 8003 (relating to advertisement and effectiveness of ordinances) does not apply.

**"Revenue."** In the title of a bond or note not preceded by the word "guaranteed," means a bond or note payable solely from user charges, rates, revenues, rentals, fees, special assessments and receipts pledged for the purpose.

**"Series."** All the bonds or notes to be sold and delivered at one time in respect of one project or of any two or more projects which have been combined for purposes of financing or where the bonds or notes have been combined for sale as provided in this subpart.

**"Sinking fund."** The special fund created pursuant to section 8221 (relating to creation of sinking funds and deposits, reserves and surplus funds) for the payment of the principal of and interest on bonds or notes, premium, if any, and assumed taxes, if any, or for the payment of a guaranty.

**"Tax anticipation notes."** Notes issued in anticipation of taxes, in anticipation of revenues or in anticipation of both as designated in the notes.

**"Total revenues."** All moneys received by the local government unit in a fiscal year from whatever source derived, except the following:

(1) Subsidies or reimbursements from the Federal Government or from the Commonwealth measured by the cost of or given or paid on account of a particular project financed by debt.



(2) Project revenues, rates, receipts, user charges, special assessments and special levies which are or will be pledged or budgeted for specific self-liquidating debt or for payments under leases, guaranties, subsidy contracts or other forms of agreement which could constitute lease rental debt except that the payments are payable solely from these sources, but that portion thereof that has been returned to or retained by the local government unit shall not be excluded.

(3) Interest on moneys in sinking funds, reserves and other funds, which interest is pledged or budgeted for the payment or security of outstanding debt, and interest on bond or note proceeds, if similarly pledged.

(4) Grants and gifts in aid of or measured by the construction or acquisition of specified projects.

(5) Proceeds from the disposition of capital assets, and other nonrecurring items, including bond or note proceeds not considered income under generally accepted municipal accounting principles.

“Unfunded actuarial accrued liability.” With respect to a local government unit retirement system, pension plan or pension trust fund, the excess of the actuarial accrued liability over the actuarial value of assets of the retirement system, pension plan or pension trust fund, computed as follows:

(1) In the case of a local government unit that is subject to the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, in accordance with the requirements of that act.

(2) In the case of a local government unit that is not subject to the Municipal Pension Plan Funding Standard and Recovery Act, in accordance with the applicable laws for that local government unit regarding minimum funding requirements for the unit’s retirement system, pension plan or pension trust fund or, if there are no such laws, in accordance with the ordinance, resolution or contract under which the local government unit participates in the retirement system, pension plan or pension trust fund.

In the case of a local government unit that participates in a retirement system, pension plan or pension trust fund for employees of more than one local government unit, including an association of local government units cooperating under Subchapter A of Chapter 23 (relating to intergovernmental cooperation), the term includes the local government unit’s pro rata share of the total unfunded actuarial accrued liability of the retirement system, pension plan or pension trust fund, as the pro rata share may be determined under the applicable laws or, if there are no applicable laws, under the ordinance, resolution or contract under which the local government unit participates in the retirement system, pension plan or pension trust fund.

§ 8003. Advertisement and effectiveness of ordinances.

(a) Advertisement of ordinances.—Notwithstanding any other statute to the contrary, an ordinance required to be adopted by this subpart shall be

advertised not less than three nor more than 30 days prior to its enactment. The advertisement shall appear once in a newspaper of general circulation in the area of the local government unit, shall set forth a summary of the contents of the ordinance and shall state that a copy of the full proposed text thereof may be examined by any citizen in the office of the secretary of the local government unit at the address and during the reasonable hours stated in the advertisement.

(b) Notice of enactment.—Not later than 15 days after the final enactment of the ordinance, a notice of the enactment shall be advertised once in a newspaper of general circulation in the local government unit. This notice shall state:

(1) Briefly, the substance of any amendments made during final passage and, where applicable:

(i) in respect of lease rental debt, the range of lease rental payments; and

(ii) in other cases, the price bid for bonds or notes and the range of interest rates named in the successful bid.

(2) That the final text of the ordinance as enacted may be examined by any citizen in the office of the secretary of the local government unit at the address and during the reasonable hours stated in the notice.

(c) Effectiveness of ordinance.—The ordinance shall be valid and effective for all purposes on the fifth day after the second advertisement. The second advertisement shall be conclusive, so far as concerns the effectiveness of the ordinance or the validity of any debt incurred, as to the existence of all matters recited or referred to therein unless an action questioning the validity or effectiveness has been filed in timely manner as provided in this subpart, but the conclusiveness shall not affect the liability of any person for failure to permit inspection. No other or different publication shall be required, notwithstanding the provisions of any other statute.

§ 8004. When lease or other agreement evidences acquisition of capital asset.

(a) General rule.—A lease, guaranty, subsidy contract or other agreement entered into by a local government unit shall evidence the acquisition of a capital asset if:

(1) the lessee or obligor is a local government unit and the lessor or obligee is an authority organized under any law of this Commonwealth, another local government unit, a nonprofit corporation, the State Public School Building Authority or other agency or authority of the Commonwealth;

(2) the payments, or any portion thereof, which are payable in a subsequent fiscal year or subsequent fiscal years and which are applicable to debt service requirements or capital costs are payable, whether in all events or only upon the happening of certain events, under the terms of the instrument from the tax or general revenues of the local government unit; and

(3) upon termination of the lease guaranty, subsidy contract or other agreement or upon dissolution of the lessor or obligee, whether before or after the termination of the lease, title to the subject project or premises or a given part thereof or undivided interest therein shall or, at the option of the local government unit, may vest by agreement or operation of law in the local government unit or in the Commonwealth.

(b) Agreement exceeding useful life of asset.—A lease, guaranty, subsidy contract or other form of agreement entered into by a local government unit shall also evidence the acquisition of a capital asset if the payments to be made in a subsequent fiscal year or subsequent fiscal years applicable to debt service requirements or capital costs are payable, whether in all events or only upon the happening of certain events, under the provisions of the instrument from the tax or general revenues of the local government unit and the term of the instrument is equal to or exceeds the useful life of the asset, regardless of the nature of the lessor or obligee.

§ 8005. Classification and authority to issue bonds and notes.

(a) Classification.—Bonds or notes prior to the authorization thereof shall be classified by the issuing local government unit as one of the following three types of obligation:

- (1) General obligation bonds or notes.
- (2) Guaranteed revenue bonds or notes.
- (3) Revenue bonds or notes.

(b) Guaranteed revenue bonds or notes.—Guaranteed revenue bonds or notes may have either a general or a limited guaranty as the governing body of the local government unit may determine, but, if the guaranty is less than a full unconditional guaranty, the title of the bond or note shall contain the word “limited” before the word “guaranteed.” The guaranty of the local government may be of its own revenue bonds or notes or of the revenue bonds or notes of an authority or another local government unit subject, however, to the provisions of subsection (c).

(c) Authority to issue bonds and notes.—Notwithstanding any other law to the contrary, every local government unit shall have full power and authority to issue bonds or notes, and make guaranties, leases, subsidy contracts or other agreements evidencing the acquisition of capital assets payable out of taxes and other general revenues, to provide funds for and towards the cost of or the cost of completing any project or combination of projects which the local government unit is authorized to own, acquire, subsidize, operate or lease or to participate in owning, acquiring, subsidizing, operating or leasing with others, to issue tax anticipation notes and funding bonds or notes as provided in this subpart and to contract for insurance covering the risks of nonpayment of principal, interest and premium of bonds, notes, tax anticipation notes and guaranties.

(d) Nature of guaranty.—For the purpose of this subpart, unless debt evidenced by a guaranty has been approved as electoral debt in accordance with Subchapter C (relating to procedure for securing approval of electors),

the guaranty shall be deemed to be nonelectoral debt if the local government unit guaranties its own bonds or notes and shall be deemed to be lease-rental debt if it guaranties the bonds or notes of an authority or another local government unit. For the purpose of all other statutes, the guaranty shall be deemed to create debt or indebtedness of the local government unit making the guaranty.

§ 8006. Preliminary cost estimates.

Prior to the initial authorization of bonds or notes or the issuance of any guaranty to finance any project involving construction or acquisition, the governing body shall obtain realistic cost estimates through actual bids, option agreements or professional estimates from registered architects, professional engineers or other persons qualified by experience. Any local government unit may retain the services of a financial advisor. Costs of preliminary estimates and the fees of financial advisors may, if initially paid by the local government unit, be reimbursed out of the net proceeds of the issue of bonds or notes as a cost of the project.

§ 8007. Cost of project.

The cost of a project includes the amount of all payments to contractors or for the acquisition of a project or for lands, easements, rights and other appurtenances deemed necessary for the project, fees of architects, engineers, appraisers, consultants, financial advisors and attorneys incurred in connection with the project financing costs, costs of necessary printing and advertising, costs of preliminary feasibility studies and tests, cost estimates and interest on money borrowed to finance the project, if capitalized, to the date of completion of construction and, if deemed necessary, for one year thereafter, amounts to be placed in reserve funds, if any, a reasonable initial working capital for operating the project and a proper allowance for contingencies and any amount which constitutes, under generally accepted accounting principles, a cost of, and which has been determined by an independent actuary or other expert to be required for the purposes of, a reserve or a contribution toward a combined reserve, pool or other arrangement for losses or liabilities covered by a self-insurance arrangement established by one or more local government units.

§ 8008. Home rule.

Every local government unit obtaining a home rule charter after July 12, 1972, shall be subject to the substantive provisions of this subpart applicable to it as if it were a local government unit and may adopt the procedural provisions of this subpart, by incorporation thereof by reference, in its home rule charter.

§ 8009. Guaranty funds and compulsory associations.

(a) Self-insurance.—No self-insurance program funded pursuant to this subpart shall be required or permitted to join or contribute financially to any insurance insolvency guaranty fund, or similar mechanism, in this Commonwealth, nor shall any such self-insurance program funded pursuant to this subpart, or its insureds or claimants against its insureds, receive any

benefit from any such fund for claims arising under the coverage provided by such self-insurance program.

(b) Exception.—When a local government unit or group of local government units obtains insurance from a self-insurance program funded pursuant to this subpart, such risks, wherever resident or located, shall not be covered by any insurance guaranty fund or similar mechanism in this Commonwealth.

## SUBCHAPTER B LIMITATIONS ON DEBT OF LOCAL GOVERNMENT UNITS

Sec.

- 8021. No limitation on debt approved by electors.
- 8022. Limitations on incurring of other debt.
- 8023. Transfer to electoral debt of debt incurred without approval of electors.
- 8024. Exclusion of subsidized debt from net nonelectoral debt or net lease rental debt.
- 8025. Exclusion of self-liquidating debt evidenced by revenue bonds or notes to determine net nonelectoral debt.
- 8026. Exclusion of other self-liquidating debt to determine net nonelectoral debt or net lease rental debt.
- 8027. Effect of debt limitations on outstanding debt.
- 8028. Determination of existing net nonelectoral debt and net nonelectoral plus net lease rental debt.
- 8029. Determination of debt limits.

§ 8021. No limitation on debt approved by electors.

All debt of any classification, whenever incurred, which is approved, either before or after the debt is incurred, by majority of the votes cast upon the question of incurring the debt at a general or special election held as provided by applicable law is excluded from the nonelectoral debt or the lease rental debt, as the case may be, of a local government unit, and the limitations imposed by this subpart upon the debt of the classification shall not apply to such debt.

§ 8022. Limitations on incurring of other debt.

(a) Nonelectoral debt.—Except as provided in subsections (c), (d) and (e) and as otherwise specifically provided in this subpart, a local government unit shall not incur any new nonelectoral debt if the aggregate net principal amount of the new nonelectoral debt, together with all other net nonelectoral debt outstanding, would cause the total net nonelectoral debt of the local government unit to exceed any of the following:

- (1) One hundred percent of its borrowing base in the case of a school district of the first class.
- (2) Three hundred percent of its borrowing base in the case of a county.

(3) Two hundred fifty percent of its borrowing base in the case of any other local government unit.

(b) Nonelectoral debt plus lease rental debt.—Except as provided in subsections (c), (d) and (e) or as otherwise specifically provided in this subpart, in the exercise of legislative control over the budgets and expenditures of local government units and of the purposes for which tax moneys and general revenues of local government units may be expended, a local government unit shall not incur any new lease rental debt or nonelectoral debt if the aggregate net principal amount of the new debt, together with any other net nonelectoral debt and net lease rental debt then outstanding, would cause the outstanding total of net nonelectoral debt plus net lease rental debt of the local government unit to exceed any of the following:

(1) Two hundred percent of the borrowing base in the case of a school district of the first class.

(2) Four hundred percent of its borrowing base in the case of a county.

(3) Three hundred fifty percent of its borrowing base in the case of all other local government units.

(c) Self-liquidating or subsidized debt.—The limitations and prohibitions of subsections (a) and (b), referred to as the “regular debt limits,” shall not apply to electoral debt; to debt excluded in computing net amounts of nonelectoral debt or of lease rental debt, as self-liquidating or because subsidized, when the exclusion is made pursuant to sections 8024 (relating to exclusion of subsidized debt from net nonelectoral debt or net lease rental debt), 8025 (relating to exclusion of self-liquidating debt evidenced by revenue bonds or notes to determine net nonelectoral debt) and 8026 (relating to exclusion of other self-liquidating debt to determine net nonelectoral debt or net lease rental debt); nor to debt incurred to fund an unfunded actuarial accrued liability except to the extent that bonds or notes issued to fund an unfunded actuarial accrued liability shall be limited to the principal amount necessary, after deduction of costs of issuance, underwriter’s discount and original issue discount, to fund the unfunded actuarial accrued liability.

(d) Additional nonelectoral or lease rental debt.—Additional nonelectoral or additional lease rental debt or both in the aggregate amount of 100% of the borrowing base may be incurred by a county which has assumed countywide responsibility or, where the county has not assumed countywide responsibility, by a local government unit which has assumed responsibility for its and its adjacent areas for hospitals and other public health services, air and water pollution control, flood control, environmental protection, water distribution and supply systems, sewage and refuse collection and disposal systems, education at any level, highways, public transportation or port operations. The additional debt limit may be so utilized only to provide funds for and towards the cost of capital facilities for any or any combination of the foregoing purposes. Debt, other than electoral debt, at any time incurred for such purposes or any of them may be assigned by ordinance to this additional

debt limit if the remaining borrowing capacity within the regular limits is insufficient to finance other projects deemed necessary by the governing body of the local government unit.

(e) Emergency debt.—If replacement of assets is required as a result of fire, flood, storm, war, riot, civil commotion or other catastrophe, or the replacement or any improvements are required for the prevention of dangers to health or safety, or if funds are required for the payment of tort liability not covered by insurance, or if funds are required to be used for and towards the costs of mandated installations of health, safety, antipollution, environmental protection and control facilities or of complying with other mandated Federal or State programs, a local government unit lacking sufficient remaining borrowing capacity as nonelectoral or lease rental debt or being otherwise prohibited by section 8045 (relating to effect of defeat of question) from incurring debt for the purpose, upon petition to the court of common pleas alleging the catastrophe, or the danger to health and safety, or the mandated nature of the program and the estimated costs of the proposed facilities, and upon proof thereof to the satisfaction of the court, shall be authorized, notwithstanding section 8045 or the insufficiency of nonelectoral or lease rental borrowing capacity, to incur debt, as either lease rental or nonelectoral debt, up to an additional 50% of its borrowing base if the increase is found by the court to have been made necessary under this subsection by reason of the causes set forth in the petition. The increase, together with all outstanding other additional emergency debt which may have been previously authorized under this subsection excluding any allocated to the additional debt limit under subsection (d), shall not exceed 50% of the borrowing base. Public notice of the intention to file such a petition and of the purpose for which the additional emergency debt is to be incurred shall be given by advertisement in at least one and not more than two newspapers of general circulation and in the legal journal not less than five nor more than 20 days before the filing thereof. The additional emergency debt may be incurred only for the purposes and upon the terms approved by the court. The amount of the debt initially in excess of the regular debt limits shall not thereafter be included in computing net amounts of nonelectoral or lease rental debt.

§ 8023. Transfer to electoral debt of debt incurred without approval of electors.

The governing body of any local government unit may, by resolution, signify a desire to have any debt theretofore incurred without the approval of the electors transferred to the electoral debt. The resolution shall direct the holding of an election for the purpose of obtaining the approval of the electors to the debt in the manner provided for securing the approval of electoral debt. The question shall be whether the remaining unpaid debt incurred without the approval of the electors for the project named in the question shall be removed from the category of nonelectoral or lease rental debt. If a majority of the votes cast upon the question at the election favor

transfer to electoral debt, a certified copy of the resolution, proof of due advertisement of the election and a certified return of the election shall be filed with the department. If the department finds the proceedings to have been taken in conformity with the law, it shall endorse its approval on a duplicate original and return it to the local government unit. The debt shall thereupon be no longer classified as nonelectoral or lease rental debt.

§ 8024. Exclusion of subsidized debt from net nonelectoral debt or net lease rental debt.

(a) Filings with department.—Subsidized debt shall not be excluded from nonelectoral debt or lease rental debt, as the case may be, for the purposes of establishing net outstanding debt of either category until the following have been filed with and approved by the department:

(1) A copy, certified by the secretary of the board of the local government unit or of the authority, of the permanent or preliminary approval from the Commonwealth or from the Federal Government of the project of the related bonds or notes, or of the interest thereon, for subsidization or for reimbursement of all or part of debt service or on account of operations, but measured by the cost of the project, or a certified copy of the subsidy contract with another local government unit or an authority.

(2) Evidence satisfactory to the department from the subsidizing agency as to the indicated annual amount of the subsidy.

(3) Appropriate reference to the legislation authorizing the reimbursement or subsidy indicating the legislated recurring nature of the subsidy or, in the case of a subsidy contract with another local government unit, evidence satisfactory to the department that the amount to be excluded is within the debt limitations of the other local government unit or has been approved as electoral debt.

(4) A computation, in reasonable detail, certified by the proper officers of the local government unit or of the authority, or by the financial advisor if one be retained, showing the principal amount of the bonds to be serviced by the reimbursement or subsidy, determined in the proportion that the total indicated subsidy or reimbursement to be received over the remaining life of the issue bears to the total debt service to be paid over the remaining life of the issue, computed to stated maturity or earlier mandatory call dates.

The principal amount of the bonds or notes of the local government unit of the authority which will constitute subsidized debt shall, in those instances where the subsidy is related to a percentage of lease rentals or to a percentage of sinking fund payments, in either case applicable solely to debt service, be that stated percentage of the bonds or notes. That proportion of the bonds or of lease rental debt shall be excluded as subsidized debt. The filing may be made simultaneously with the filing for the approval of the balance of the bonds then being issued or may be made or corrected at a later date.



(b) Incurring new debt.—Each time any new debt is to be incurred, if subsidized debt is to be excluded, a new certification shall be made to the department, stating one of the following:

(1) That there has been no decrease in the subsidy.

(2) That there has been a decrease, in which case the certification shall include a recomputation of the principal amount to be excluded.

(3) That there has been an increase and the local government unit desires an increased exclusion certifying all matters so changed and recomputing the principal amount to be excluded.

(c) Approval by department.—If the department approves the exclusion of the principal amount of bonds or notes or lease rental debt as being subsidized debt in accordance with this subpart, originally or upon any recertification it shall return a duplicate original of the filing to the local government unit with its approval endorsed thereon. Upon receipt of the approval by the local government unit, the principal amount of bonds shall be excluded from nonelectoral debt or lease rental debt for the purpose of determining net debt in each category.

§ 8025. Exclusion of self-liquidating debt evidenced by revenue bonds or notes to determine net nonelectoral debt.

Self-liquidating debt evidenced by revenue bonds or notes shall not be excluded from nonelectoral debt for the purpose of establishing net nonelectoral debt until the following have been filed with the department:

(1) A statement by the proper officials of the local government unit certifying the amount of the debt, the project for which it was incurred and the nature of the revenues from which the debt is to be repaid.

(2) A certificate from a qualified professional engineer or architect, or other person qualified by experience appropriate to the project, estimating the revenues and operating expenses of the project and showing that the net revenues so estimated will be sufficient to pay the annual debt service as it falls due.

(3) An opinion of the bond counsel approving the issue to the effect that the holders of the bonds or notes have no claim upon the taxing power or tax revenues of the local government unit issuing the bonds or notes, but only claims upon the specific revenues pledged and rights to the enforcement of any covenants as to the levying or collection of rates and charges for the use of the project being financed or any covenants as to the assessment of benefits upon properties serviceable by the project as provided in the covenants with the holders of the revenue bonds.

§ 8026. Exclusion of other self-liquidating debt to determine net nonelectoral debt or net lease rental debt.

(a) Filings with department.—Self-liquidating debt shall not be excluded in determining net nonelectoral debt or net lease rental debt for the purpose of establishing net debt of either category where the debt is evidenced by general obligation bonds or notes, by bonds, notes or other obligations of an authority or of another local government unit or by a guaranty until there has

been filed with and approved by the department a report to the local government unit from qualified registered engineers or architects or other persons qualified by experience appropriate to the project, setting forth:

(1) The estimated or, if available, the actual cost of construction, acquisition or improvement of the project financed or to be financed.

(2) The principal amount of the general obligation bonds or notes, the bonds, notes or obligations guaranteed or the bonds or notes of an authority or another local government unit secured by an instrument evidencing lease rental debt which are to be issued, the dates, interest rate and amounts of each stated maturity thereof and, set forth separately, the same information with respect to the outstanding bonds, notes or obligations.

(3) The amount or the estimated amount of the annual debt service for each year during the life of all the bonds, notes or obligations or the bonds or notes of an authority or another local government unit secured by an instrument evidencing lease rental debt issued and intended to be issued to finance the project.

(4) The date or estimated date of the completion of the project.

(5) The estimated net revenues of the project for each year of the remaining life of the bonds, notes or obligations with a computation showing, in reasonable detail, that the net revenues, together with other available funds to be received in respect of the project, will be sufficient in each year to pay the annual debt service, other than capitalized debt service, on the bonds, notes or obligations or a specified aggregate principal amount thereof.

(6) The qualified person's certificate that the estimates of net revenues have been computed from the person's best estimate of the gross revenues to be obtained from the rentals, rates, tolls and charges, interest to be received on reserve accounts, established or to be established by ordinance or from payments under bulk service or other contracts with other local government units or authorities for the use of the project, or the gross revenues to be received from special assessments levied to finance the project, by deducting from the gross revenues in each year the total estimated costs of operation and maintenance of the project chargeable against the revenues or assessments and any State taxes assumed on such bonds or notes, all based on assumptions deemed reasonable for the purpose by that person.

(7) The qualified person's further certificate that he is qualified to act with regard to the type of project being financed, stating his experience.

(b) Approval by department.—If the department approves the exclusion of the principal amount of bonds, notes or obligations or bonds or notes of an authority of another local government unit secured by an instrument evidencing lease rental debt stated in the report as being self-liquidating debt as being in accordance with law, it shall endorse its approval upon a duplicate original of the proceedings and return it to the local government

unit. Upon receipt of the approval by the local government unit, the principal amount of bonds, notes or obligations shall be excluded from nonelectoral debt or net lease rental debt, as the case may be, during the period of construction and thereafter until new electoral, nonelectoral or lease rental debt is to be incurred. At that time, if the principal is to be excluded, a certification of no decrease, other than decreases resulting from the payment of bonds or notes, in the amount to be excluded shall be included in the debt statement to be filed pursuant to section 8110 (relating to debt statement). If there is a decrease or if more of the debt is desired to be excluded as self-liquidating, a new certification shall be filed.

§ 8027. Effect of debt limitations on outstanding debt.

Notwithstanding anything in other law or in this subpart, this subpart shall not be construed to invalidate any debt which was lawful when incurred or which could have been lawfully incurred if this subpart had been in effect, whether incurred before or after the passage of this subpart, and the percentage limitations set forth in section 8022 (relating to limitations on incurring of other debt) shall be deemed increased to the extent necessary to cover such incurred debt. This subpart shall not be construed to subject any debt incurred and voted upon prior to July 12, 1972, as electoral debt to any of the limitations herein imposed by this subpart on nonelectoral debt.

§ 8028. Determination of existing net nonelectoral debt and net nonelectoral plus net lease rental debt.

(a) Gross nonelectoral and lease rental debt.—From the gross principal amount of all incurred debt shall be subtracted gross incurred electoral debt. The amount remaining shall then be separated into gross incurred nonelectoral debt and gross incurred lease rental debt.

(b) Net nonelectoral and lease rental debt.—Net nonelectoral and net lease rental debt shall then be determined by subtracting separately from gross nonelectoral debt and gross lease rental debt respectively, as may be applicable and as the local government unit may desire to claim, the following:

(1) All funds in the applicable sinking funds, whether controlled by the local government unit or by the authority which incurred the debt, reserve funds or accounts, except maintenance and replacement reserve funds or accounts, and net bond proceeds, held for the payment of the cost of a project financed by the debt, including, in each case, interest accrued thereon, but only to the extent that those funds are available for payment of the principal amount of the debt.

(2) The current appropriation for the payment of the principal of and overdue interest on the nonelectoral debt or for the payment of the net lease rental in the case of lease rental debt, except to the extent that the same has already been deposited in sinking funds.

(3) The uncollected amount of the benefits or costs or the estimates thereof which have been or are authorized to be assessed against owners of property and for which liens may be legally filed, to the extent that the

assessments are available for the payment of the principal amount of the debt.

(4) The amount of delinquent taxes from prior years and other undisputed municipal liens actually filed against property less the sum of:

(i) A reserve, reasonable in amount, for so much thereof as may not be collected.

(ii) The amount thereof appropriated for current expenses in the current year's budget.

(5) The amount of self-liquidating debt, subsidized debt and debt issued to fund an unfunded actuarial accrued liability, properly excluded and concurrently excludable from each respective category being computed.

(6) The amount of surplus cash not specifically appropriated to any purpose and available for the payment of the principal amount of debt, but, if this deduction is claimed, the amount so claimed may not thereafter be appropriated to any purpose except the payment of debt.

(7) All other solvent debts due the local government unit directly, the payment of which can be enforced as one of the unit's quick assets, and which have not been committed to any other purpose.

(8) The amount of any insurance coverage indemnifying the local government unit against any outstanding liability to the extent the liability is debt.

(c) Priority of applying exclusions.—In determining net nonelectoral debt, the amounts claimed under subsection (b)(8) shall be exclusively applicable to nonelectoral debt, and subsection (b)(4), (6) and (7) shall be first applied against nonelectoral debt, with any excess being applicable against lease rental debt.

(d) Valuation of legal investments.—In computing the value of any funds, all legal investments therein shall be computed at current market values.

(e) Use of debt determinations.—The net nonelectoral debt so determined shall be used in determining compliance with the limit imposed by section 8022(a) (relating to limitations on incurring of other debt). The sum of the net nonelectoral debt and the net lease rental debt so determined shall be used in determining compliance with the limit imposed by section 8022(b).

§ 8029. Determination of debt limits.

Whenever it is necessary to determine the limitations on the amount of nonelectoral debt or nonelectoral debt plus lease rental debt that may be incurred by any local government unit, the appropriate percentage limitations of section 8022 (relating to limitations on incurring of other debt) shall be applied to the borrowing base of the local government unit. The certificate as to the borrowing base shall be made a part of all proceedings for the sale of bonds or notes, for the guaranty of authority obligations or for the incurring of lease rental debt and a copy shall be filed with the department as a part of all proceedings required to be filed for its approval. The borrowing base set forth in the certificate and a similar certificate as to net

nonelectoral debt or net lease rental debt outstanding shall be conclusive as to the respective figures for the purposes of this subpart, upon the approval of the proceedings by the department, unless contested within the specified time limits as provided in this subpart.

SUBCHAPTER C  
PROCEDURE FOR SECURING APPROVAL OF ELECTORS

Sec.

8041. Desire resolution and expense of certain elections.

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§ 8041. Desire resolution and expense of certain elections.

(a) Resolution.—Whenever the governing body of any local government unit shall determine that it is advisable to make an increase in the debt of the local government unit with the assent of the electors or to obtain the assent of the electors to transfer any debt previously incurred without the approval of the electors to electoral debt, it shall adopt a resolution signifying that determination, calling an election for the purpose of obtaining the assent and approving the content and substantial form of notice of election.

(b) Date of election.—The date fixed shall be that of a municipal, general, primary or special election for other purposes, but, if the date of the nearest of the elections is more than 90 or less than 30 days from the effective date of the desire resolution, the governing body may fix a date for a special election.

(c) Payment of expense of special election.—In the case of a special election to increase debt not held concurrently with an election for other purposes, the expense of holding the election shall be paid by the local government unit for whose benefit it is held.

§ 8042. Advertisement of election.

(a) General rule.—Notice of the election shall be given in one but not more than two newspapers of general circulation in the local government unit and in the legal journal, if any, designated by the rules of court of the county in which the local government unit is located for the publication of legal notices and advertisements. If only newspaper publication is done, the notice shall be published three times at intervals of not less than three days, but, if published in a weekly newspaper and in the legal journal, it shall be published only twice, once a week for two successive weeks. The first

publication in at least one newspaper shall be not less than 14 nor more than 21 days before the election, but all publications shall be after the effective date of the resolution and need not be upon the same dates in different newspapers.

(b) Content of election notice.—The election notice shall contain and state:

- (1) The date upon which the election is to be held.
- (2) The estimated amount of the debt to be incurred or to be approved by the electors if already incurred.
- (3) The project for which the debt will be or was incurred.
- (4) The estimated cost of the project.
- (5) The question to be submitted to the electors at the election, which shall be substantially in the following appropriate form:

Shall debt in the sum of (insert amount) dollars for the purpose of financing (insert brief description of project) be (authorized to be incurred as) (transferred from nonelectoral debt to) debt approved by the electors?

§ 8043. Conduct of election.

(a) Certification of resolution and question.—The governing body, at least 45 days before any election called pursuant to section 8041 (relating to desire resolution and expense of certain elections), shall cause to be certified to the county board of elections of each county in which the election is to be held a copy of the desire resolution and the form of the question to be submitted to the electors.

(b) Regulation of election.—An election called pursuant to section 8041 shall be held at the place, during the hours and under the same regulations as provided by law for the holding of municipal elections. In receiving, counting and making returns of the votes cast, the inspectors, judges and clerks of the election shall be governed by the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

(c) Qualification of electors.—At the elections, only qualified electors of the local government unit, the debt of which is to be increased or approved by the electors, may vote.

(d) Election returns.—The election officers and clerks shall make return on forms provided by the county board of elections of the votes cast on the question to the county board of elections. The county board of elections shall compute the vote and transmit a certified return thereof to the governing body of the local government unit, which shall enter the same on its minutes. If the certified return shows that a majority of those voting on the question have voted in favor thereof, irrespective of any other statute requiring a greater percentage, the local government unit shall file with the department a certified copy of the desire resolution, the certified return and proofs of publication of the notice of election, whereupon the amount of the debt so approved shall constitute electoral debt from the date of the election, subject to the provisions of section 8044 (relating to finality of result of election).

§ 8044. Finality of result of election.

Any interested party or any taxpayer may contest the validity of any election proceedings under this subchapter by filing with the court a complaint in equity specifically alleging any errors complained of in the proceedings, and the petitioner shall have the burden of proof. If no complaint has been filed or if a complaint has been filed and has been finally dismissed, the election shall be conclusively deemed to be valid. If, prior to the timely filing of a complaint, further proceedings in connection with the incurring of the debt have been filed with the department, then any contest shall proceed by way of an appeal from the action of the department upon the proceedings. The petition or appeal provided by this section shall be the party's or the taxpayer's sole and exclusive remedies.

§ 8045. Effect of defeat of question.

If at the election the question is defeated, another election for the same purpose may not be held until 155 days have elapsed since the prior election. During the interim, no bonds or notes may be issued and no lease rental debt may be incurred for such purpose, except that nonelectoral or lease rental debt may be incurred if required to complete projects already under construction, to finance a different portion or portions of a capital budget or to evidence debt incurred for purposes and pursuant to a court approval obtained in accordance with section 8022(e) (relating to limitations on incurring of other debt).

§ 8046. Issuance of bonds, notes or other instruments to evidence electoral debt.

If at the election the question is approved, the governing body shall issue bonds or notes as electoral debt as obligations of the local government unit or shall authorize execution and delivery of an instrument which, but for the electoral approval, would evidence lease rental debt at the times and evidencing the amounts of obligations not exceeding in the aggregate the estimated amount approved by the electors, subject to the provisions of Subchapter C of Chapter 81 (relating to provisions of bonds and notes). The bonds, notes or obligations shall continue for such term as may have been stated in the notice of election or, if none was stated, for the term the governing body determines. The initial series may be of bond anticipation notes or of notes to be refunded by a bond issue. If the governing body determines it advisable, the initial series of bonds or notes constituting a part of the issue may be for a shorter term of years, with the maturity of subsequent series stated to mature later than the last stated maturity of the preceding series for the same project. This subchapter shall not preclude the issue of additional nonelectoral debt or lease rental debt to complete the project or the issue of additional electoral debt for that purpose if authorized by a subsequent election.

§ 8047. Cancellation or termination of approval of electors.

(a) Lapse of time.—On the tenth anniversary of the date on which an assent of the electors obtained under this subpart became final, the authority

to issue any or any further bonds or notes, other than as nonelectoral debt or lease rental debt subject to the limitations imposed by this subpart, shall terminate.

(b) Resolution of governing body.—The governing body of any local government unit may by resolution, without the assent of the electors, rescind or cancel, in whole or in part, the authorization to incur electoral debt for any reason stated in the resolution, and thereupon the assent of the electors shall be of no further effect. A certified copy of the resolution with proof of the due publication thereof shall be filed with the department.

§ 8048. Limitation on use of proceeds of electoral debt.

Where bonds or notes have been issued pursuant to an assent of the electors given under this subpart, the proceeds thereof shall be kept in a separate account and shall be invested and used only for the cost, including the retirement of notes previously issued for the same project with the proceeds of bonds, of the project for which the assent was obtained unless such purpose is changed as provided in this subpart. Otherwise, the proceeds shall be kept invested and used for the retirement at maturity, or earlier call date, of the fifth or any subsequent stated maturity of the relevant series of bonds or notes unless the proceeds were previously used to purchase the bonds or notes in the open market or upon tenders at prices not exceeding the principal amount thereof plus accrued and unpaid interest to the date of purchase.

§ 8049. Manner of changing purpose of electoral debt.

If the governing body determines it to be advisable either before or after the issue of bonds or notes to use the proceeds or any part thereof of bonds or notes evidencing electoral debt for any purpose other than the project approved by the electors or the payment or prior redemption or purchase of bonds or notes evidencing debt incurred for the project, the governing body shall by resolution express its desire to do so, specifying the project for which the funds are proposed to be used, and shall provide for an election to be held in like manner, time and place as provided in this subchapter for elections to secure the assent of the electors to the increase of debt, except that the notice of the election shall state:

- (1) The date on which such election is to be held.
- (2) The date and amount of money theretofore borrowed and the project for which borrowed.
- (3) The amount of money remaining unused.
- (4) The new purpose for which the local government unit desires to make use of the money.
- (5) The reason why the money is not being used for the purpose for which it was borrowed.
- (6) The question to be submitted to the electors, which shall be substantially in the following form:



Shall the sum of (insert amount) dollars heretofore borrowed or authorized to be borrowed by this local government unit for the purpose of (state purpose) be used for the purpose of (state purpose)?

The election shall be conducted, return made thereon, notices of election published and certificates filed and recorded as provided in section 8043 (relating to conduct of election). If it appears that a majority of those voting on the question have voted in favor of using the funds for the changed purpose, irrespective of any other statute requiring a greater percentage, the funds specified may be used for the changed purpose.

## CHAPTER 81 INCURRING DEBT AND ISSUING BONDS AND NOTES

### Subchapter

- A. General Provisions
- B. Tax Anticipation Notes and Funding Debt
- C. Provisions of Bonds and Notes
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### SUBCHAPTER A GENERAL PROVISIONS

#### Sec.

- 8101. Combining projects for financing or series of bonds or notes for sale.
- 8102. Preliminary authorizations as to financing.
- 8103. Ordinance authorizing issuance of documents evidencing lease rental debt.
- 8104. Covenant to pay bonds or notes or a guaranty.
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- 8109. Small borrowing for capital purposes.
- 8110. Debt statement.
- 8111. Submission to department.
- 8112. Agreements with bondholders or noteholders.
- 8113. Lost, stolen, destroyed or mutilated bonds or notes.
- 8114. Evidence of signatures of holders and of ownership of bonds, notes and tax anticipation notes.
- 8115. Contractual effect of ordinances and resolutions.
- 8116. Unfunded actuarial accrued liability - condition precedent.

§ 8101. Combining projects for financing or series of bonds or notes for sale.

The governing body of a local government unit may by ordinance take any of the following actions in connection with the issuance of bonds or notes or the authorization of the instrument creating lease rental debt:

(1) In lieu of combining two or more items or elements permitted to be combined under the definition of "project" in section 8002 (relating to definitions) as a single project, designate any one or more of the items or elements as a project and combine the projects for financing purposes by one series of bonds or notes. If the series of bonds or notes are revenue bonds or notes, all projects so combined shall be revenue-producing projects, all or a portion of the rates, rentals, receipts, tolls and charges may be combined, common reserve funds may be created and common or cross covenants may be made in respect of each project.

(2) Offer for simultaneous sale under separate or combined bids any two or more series of bonds or notes of any type.

(3) Provide for the financing of a project or projects by the issuance, either simultaneously or in succession, of any combination of instruments evidencing debt applicable to the project or projects and authorized by this subpart.

Any ordinance required by this section may be included in any authorizing ordinance required by section 8103 (relating to ordinance authorizing issuance of documents evidencing lease rental debt).

§ 8102. Preliminary authorizations as to financing.

The governing body of a local government unit may express its intent to evidence debt as electoral debt, nonelectoral debt or lease rental debt. Action may be taken either by resolution, which may also provide for the submission of proposals to purchase any bonds or notes, or by ordinance. But neither bonds or notes nor lease, guaranty, subsidy contract or other agreement evidencing lease rental debt shall be authorized other than by the enactment of any ordinances required by this subchapter or, in the case of notes issued under section 8109 (relating to small borrowing for capital purposes), other than by adoption of the resolution required under section 8109.

§ 8103. Ordinance authorizing issuance of documents evidencing lease rental debt.

(a) General rule.—The ordinance or ordinances or, in the case of notes issued under section 8109 (relating to small borrowing for capital purposes), the resolution authorizing the issuance of bonds or notes or the execution of a lease, guaranty, subsidy contract or other agreement evidencing lease rental debt by a local government unit shall contain, in substance:

(1) In all cases, including lease rental debt, the following:

(i) A brief description of the project for which the debt is to be incurred and, if a capital project, a realistic estimated useful life thereof.

(ii) A statement of the aggregate principal amount of bonds or notes proposed to be issued pursuant to the ordinance or, as the case may be, to be secured by the instrument evidencing lease rental debt.

(iii) A statement whether the debt is to be incurred as electoral debt, nonelectoral debt or lease rental debt.

(iv) An authorization and direction to one or more specified officers and their successors to prepare and certify and, except in the case of notes issued under section 8109, to file the debt statement required by section 8110 (relating to debt statement), to execute and deliver the bonds or notes or the instrument evidencing lease rental debt and to take other necessary action. This designation may be changed from time to time thereafter.

(v) In the case of nonelectoral or lease rental debt which is subject to exclusion as subsidized debt or self-liquidating debt if the exclusion is presently desired, an authorization to the proper officers of the local government unit to prepare and file any statements required by Subchapter B of Chapter 80 (relating to limitations on debt of local government units) which are necessary to qualify all or any portion of the debt for exclusion from the appropriate debt limit as self-liquidating debt or subsidized debt.

(2) In every case except that of lease rental debt, the following:

(i) A statement whether the bonds or notes when issued will be general obligation bonds or notes, guaranteed revenue bonds or notes or revenue bonds or notes.

(ii) The covenant required by section 8104 (relating to covenant to pay bonds or notes or a guaranty) if the bonds or notes when issued will be general obligation bonds or notes or guaranteed revenue bonds or notes, and the pledge of specific rents, revenues or receipts if the bonds or notes when issued will be guaranteed revenue bonds or revenue bonds and, if limited guaranteed revenue bonds or notes, a statement of the limitations on the guaranty.

(iii) The substantial form of the bonds or notes to be issued, including the substantial form of any coupon or authentication certificate.

(iv) A schedule of stated principal maturity or mandatory redemption amounts and dates, the rate or rates of interest and interest payment dates, places of payment and, if desired, provisions for prior redemption, including call dates and call prices, all of which shall conform with Subchapter C (relating to provisions of bonds and notes).

(v) A statement of the manner in which the bonds or notes are to be or have been sold and, if to be sold at public sale, the matters required or permitted by Subchapter D (relating to sale of bonds and notes) or, if to be sold at negotiated sale, there may be included the matters required or permitted by section 8107 (relating to award of bonds or notes).

(vi) Except in the case of notes issued under section 8109, a covenant creating the sinking fund required by Subchapter B of Chapter 82 (relating to sinking funds and other funds and accounts).

(vii) A statement of any tax or taxes the payment of which is assumed by the local government unit in consideration of the purchase of the bonds or notes and, if desired, authorization for the purchase of bond insurance.

(viii) The authorization to the proper officials of the local government unit to contract with one or more banks or bank and trust companies for services as trustee, fiscal agent, sinking fund depository or paying agent and to contract with any additional copaying agents desired, but compliance with this subparagraph shall not be required in the case of notes issued under section 8109.

(3) In the case of lease rental debt, the authorization to the proper officials of the local government unit to execute and deliver a lease, guaranty, subsidy contract or other agreement, the annual or semiannual rental or payment to be paid thereunder, any sources of payment and, in the case of a guaranty, the covenant required by section 8104.

(4) In the case of revenue or guaranteed revenue bonds or notes, the inclusion of the matters set forth in sections 8105 (relating to additional provisions in ordinance authorizing issuance of revenue or guaranteed revenue bonds or notes), 8147 (relating to pledge of revenues) and 8148 (relating to deeds of trust and other agreements with bondholders and noteholders).

(b) Date of incurring nonelectoral and lease rental debt.—The nonelectoral debt evidenced by the issuance of bonds or notes or the lease rental debt evidenced by the execution of a lease, guaranty, subsidy contract or other agreement shall be deemed to have been incurred upon the final enactment of the ordinance required by this section or, in the case of small borrowings, upon final adoption of the resolution required by section 8109. Electoral debt is incurred when the assent of the electors has been given.

(c) Change in purpose of nonelectoral general obligation debt.—In the case of nonelectoral general obligation debt, the purpose may be changed by similar action at any time.

§ 8104. Covenant to pay bonds or notes or a guaranty.

(a) General rule.—The local government unit shall, in the ordinance authorizing the issue of bonds or notes or a guaranty or in such bonds or notes, or in the trust indenture securing the same, or in the instrument of guaranty, covenant with the holders from time to time of the bonds or notes or guaranteed bonds or notes, and of the coupons thereto appertaining, that the local government unit shall do the following:

(1) Include the amount of the debt service, or the amounts payable in respect of its guaranty, in each case specified in the covenant, for each fiscal year in which the sums are payable in its budget for that year.

(2) Appropriate those amounts from its general or specially pledged revenues, as the case may be, for the payment of the debt service or guaranty.

(3) Duly and punctually pay or cause to be paid from its sinking fund or any other of its revenues or funds the principal of and interest on every bond or note or, to the extent of its obligation, the amount payable in respect of the guaranty, at the dates and places and in the manner stated in the bonds and in the coupons thereto appertaining or in the guaranty, according to the true intent and meaning thereof.

(b) Obligation of government unit.—For budgeting, appropriation and payment in respect of its general obligation bonds or notes, its guaranteed revenue bonds or notes or its guaranty of the bonds or notes of an authority or other local government unit, the local government unit shall pledge its full faith, credit and taxing power unless a guaranty is limited to specified revenues of the guarantor. Nothing in the covenant shall obligate the local government unit to budget, appropriate or make any payments on limited guaranteed revenue bonds or on a limited guaranty of bonds or notes of any authority or other local government unit beyond the stated terms of its guaranty. The covenant shall be specifically enforceable. This section does not give any local government unit any taxing power not granted by another provision of law.

§ 8105. Additional provisions in ordinance authorizing issuance of revenue or guaranteed revenue bonds or notes.

In addition to the provisions required or permitted by sections 8103 (relating to ordinance authorizing issuance of documents evidencing lease rental debt), 8147 (relating to pledge of revenues) and 8148 (relating to deeds of trust and other agreements with bondholders and noteholders), the ordinance authorizing the issuance of revenue bonds or notes or guaranteed revenue bonds or notes may also contain the following:

(1) Covenants or provisions with respect to the collection, custody, investment and disbursement of rents, revenues, rates and charges for the use of the project as may be desired.

(2) Covenants as to the fixing and collection of rents, rates and charges for the use of the project as may be desired and deemed necessary for the lawful security of the holders of the bonds or notes, except that no covenant and no agreement with the holders of bonds or notes shall require an increase in the rents, rates, tolls and charges to a level which, in the opinion of the registered professional engineer advising the local government unit, will result in a decrease in gross revenues over what would have been received at a somewhat lower rate level.

(3) Provisions granting a security interest in the rents, revenues, rates, tolls and charges for the security and benefit of the holders of the notes, bonds and coupons.

(4) Provisions creating such reserve funds or accounts as deemed desirable for the future security of the notes, bonds and coupons and requiring the observance of such covenants on the part of the local government unit deemed necessary or desirable for the protection of the

holders of the notes, bonds and coupons or for the maintenance and preservation of the project.

(5) Authorization to the proper officers of the local government unit to execute and deliver any trust indenture containing any other, further and lawful provisions desired.

§ 8106. Sinking fund depository and trustee for bondholders or noteholders.

(a) General rule.—Every local government unit issuing bonds or notes other than notes issued under section 8109 (relating to small borrowing for capital purposes) shall appoint a sinking fund depository which may also serve as paying agent for the bonds or notes. The sinking fund depository shall be a bank or bank and trust company authorized to do business in this Commonwealth and may serve as one for one or more series of bonds or notes. Funds, which may include interest accrued and to accrue on lawful investments, in an amount sufficient for the payment of the principal of and the interest on the bonds or notes shall be deposited with the sinking fund depository not later than the date fixed for the disbursement thereof unless the ordinance authorizing the issuance of the bonds or notes requires that the deposits be made on an earlier date or on earlier dates.

(b) Fiscal agent or trustee.—If the ordinance authorizing the issuance of the bonds or notes provides for a fiscal agent or authorizes the execution of a trust indenture appointing a trustee, the fiscal agent or trustee shall also be the sinking fund depository.

(c) Remedy for failure to make deposit.—If the local government unit shall fail or refuse to make any required deposit in the sinking fund, the sinking fund depository, the fiscal agent or the trustee, as the case may be, may and, upon request of the holders of 25% in principal amount of the outstanding notes and bonds and upon being indemnified against cost and expense, shall exercise any remedy provided in this subpart or at law or in equity for the equal and ratable benefit of the holders of the outstanding notes, bonds and coupons and shall disburse all funds so collected equally and ratably to the holders of the notes, bonds and coupons as provided in the ordinance authorizing the bonds, subject to any limitations contained in Subchapter D of Chapter 82 (relating to remedies).

§ 8107. Award of bonds or notes.

When an acceptable proposal for the purchase of the bonds or notes, or any part thereof offered separately, has been received and is in conformity with the terms of the official invitation for proposals or is an acceptable proposal at a negotiated or invited sale, and is in compliance with the provisions of this subpart, it may be accepted by resolution or by ordinance. If the acceptance is made by resolution, the acceptance shall be conditional upon compliance with section 8103 (relating to ordinance authorizing issuance of documents evidencing lease rental debt). If the acceptance is made by ordinance, the ordinance shall also fix any details of the series of bonds or notes being sold, not fixed by prior ordinance, and award the bonds or notes, or those which have been sold, to specified purchasers at prices

specified in the ordinance. These provisions may be included in the ordinance adopted pursuant to section 8103. Notwithstanding any other provision of this subpart or of any other statute, as between the local government unit and the purchasers, an awarding resolution or ordinance shall be effective upon its final adoption or enactment by the governing body. The advertisement of the ordinance prior to enactment shall be sufficient if it describes the items to be completed from the proposal.

§ 8108. Bond anticipation notes.

(a) Issuance.—The governing body may evidence all or part of any electoral or nonelectoral debt by the issue of a series of bond anticipation notes. These notes shall be payable by exchange for or out of the proceeds of the sale of a designated series of bonds referred to in the bond anticipation notes. The reference to the bonds shall specify a maximum rate of interest to be borne by the series of bonds and provide that the series shall be offered for sale but, if no proposals are received, the sole remedy of the holders of the bond anticipation notes shall be either to accept the bonds at the specified maximum interest rate or to extend the maturity of the bond anticipation notes for one or more specified additional periods of not less than six months each during which time additional offers of the bonds may be made.

(b) Procedure.—Bond anticipation notes may be authorized, issued and sold in the same manner as the bonds in anticipation whereof the notes are being issued and principal amounts thereof shall be retired in accordance with the specified stated maturity dates of the bonds occurring prior to the refunding of the notes.

§ 8109. Small borrowing for capital purposes.

(a) General rule.—Any local government unit may incur debt by resolution rather than by ordinance to be evidenced by notes to provide funds for a project as defined in this subpart without complying with the requirements of Subchapter A of Chapter 82 (relating to Department of Community Affairs) if:

(1) The aggregate amount of the debt outstanding at any one time shall not exceed the lesser of \$100,000 or 30% of the borrowing base.

(2) The principal of each debt shall mature not later than five years from the date of issuance.

(3) The incurrence of the debt shall not cause the debt limits of Subchapter B of Chapter 80 (relating to limitations on debt of local government units) to be exceeded.

(4) The provisions of section 10 of Article IX of the Constitution of Pennsylvania shall have been observed.

(5) The provisions of section 8208 (relating to invalidity of instruments which are delivered without compliance with requirements or conditions precedent to issuance or delivery) shall apply to notes issued in violation of the requirements of this subsection.

(b) Applicability of other provisions.—Except as otherwise specifically stated in this section or in Subchapters A (relating to general provisions), C

(relating to provisions of bonds and notes) and D (relating to sale of bonds and notes), the provisions of Subchapter A applicable to ordinances authorizing general obligation bonds or notes and the provisions of Subchapters C and D applicable to general obligation bonds or notes shall apply, respectively, to resolutions authorizing notes and to the notes authorized under this section.

(c) Sale of notes.—Notes authorized under this section may be sold, without formal documents of sale, by delivery of the notes upon receipt of the purchase price, or, at the option of the local government unit, they may be sold in compliance with section 8107 (relating to award of bonds or notes), in which event the term “ordinance” in section 8107 shall have reference to the authorizing resolution required by this section.

(d) Refunding notes.—Refunding notes may be issued in compliance with this section and with the provisions of Subchapter C of Chapter 82 (relating to refunding of debt) for the purpose of refunding notes previously issued under this section, provided that the maturity of the refunding notes shall not extend beyond five years from the date of issuance of the notes originally evidencing the debt refunded.

#### § 8110. Debt statement.

(a) General rule.—Before delivering any general obligation bonds or notes or guaranteed revenue bonds or notes constituting nonelectoral debt or before executing an instrument evidencing lease rental debt, the officer or officers of a local government unit shall prepare and verify under oath a debt statement as of a date not more than 60 days before the filing with the department or, in the case of notes issued under section 8109 (relating to small borrowing for capital purposes), before the final adoption of the resolution authorizing their issue, showing:

(1) The gross indebtedness of the local government unit, giving prospective effect to the provisions of section 8250(b) (relating to use of proceeds of refunding bonds and when refunded bonds are no longer deemed outstanding) if debt is to be refunded.

(2) By items, the claimed credits and exclusions from the gross indebtedness permitted by this subpart in determining net debt.

(3) The aggregate principal amount of the bonds or notes being issued or evidencing lease rental debt.

(4) The borrowing base of the local government unit as shown by an appended borrowing base certificate.

(5) The applicable nonelectoral debt limit and the limit for nonelectoral plus lease rental debt computed as provided in this subpart.

(6) In the case of a refunding, the principal amount of bonds or notes which will no longer be deemed to be outstanding pursuant to section 8250(b) after settlement of the issue.

(b) Previously excluded self-liquidating or subsidized debt.—Where debt has previously been excluded as self-liquidating or subsidized debt, the debt statement shall be accompanied by a certification that no decrease in the



amounts to be excluded is required by any change of circumstances or, if there has been a change, other than decreases resulting from the payments of bonds or notes, so that less debt is to be excluded. If it has become possible to exclude a greater amount of debt and the local government unit desires to do so, the debt statement shall be accompanied by appropriate certificates supporting the revised amount to be excluded, and a revised approval shall be obtained from the department.

§ 8111. Submission to department.

(a) General rule.—Before delivering any bonds or notes other than notes representing small borrowings issued under section 8109 (relating to small borrowing for capital purposes), the local government unit shall apply for and receive or be deemed to have received the approval of the department under section 8204 (relating to certificate of approval of transcript) or 8206 (relating to effect of failure of timely action by department). The application, in such form as the department prescribes, shall be accompanied by a transcript of the proceedings consisting of certified copies of any of the following, not previously filed, which are applicable:

(1) The ordinance calling the election in the case of electoral debt with proofs of all proper advertisements.

(2) The return of election.

(3) The ordinance or ordinances authorizing the bonds or notes with proofs of proper publication.

(4) The accepted proposal for the purchase of the bonds or notes.

(5) The ordinance or resolution awarding the bonds or notes with proofs of proper publication of the ordinance.

(6) The debt statement if required by section 8110 (relating to debt statement) prepared pursuant thereto.

(7) Any certificates and proofs that may be necessary for the exclusion of any portion of the series proposed to be delivered or any prior series as self-liquidating debt or subsidized debt if the exclusion is desired by the local government unit.

(b) Lease rental debt submissions.—Before becoming bound on any lease, guaranty, subsidy contract or other agreement evidencing lease rental debt, a local government unit shall apply for and receive or be deemed to have received the approval of the department under section 8204 or 8206. The application, in a form the department prescribes, shall be accompanied by certified copies of the following:

(1) The ordinance authorizing the execution of the lease, guaranty, subsidy contract or other agreement with proofs of proper publication.

(2) The debt statement prepared pursuant to section 8110.

(c) Validity of lease rental debt agreements.—No lease, guaranty, subsidy contract or other agreement evidencing lease rental debt executed and delivered after July 12, 1972, and prior to the approval pursuant to section 8204 or 8206 of the department shall be valid or obligatory. Except as reference is made in this subpart to lease rental debt, this subpart shall have

no application to the authorization, issue or sale of its obligations by any authority.

(d) Number of counterparts.—The application may be made in as many counterparts as desired. The department, if it approves the application, shall return all counterparts, except one, with its certificate of approval appended to each.

§ 8112. Agreements with bondholders or noteholders.

Except as otherwise specified in this subpart, a local government unit may enter into and perform contracts with the holders of its bonds or notes, binding upon the original purchasers and their respective transferees, placing greater reasonable and lawful restrictions on the local government unit or on the action of individual holders of bonds or notes than are provided in this subpart, but no additional agreement restricting the action of a holder of a bond or note shall be binding upon a remote holder of a bond or note unless the substance of the agreement is set forth in the text of the bond or note, or set forth in a bond resolution or indenture of trust which is kept available in one or more designated public offices and to all of which a reference is made in the text of the bond or note.

§ 8113. Lost, stolen, destroyed or mutilated bonds or notes.

(a) General rule.—If any temporary or definitive bond or note, including any tax anticipation note, lawfully issued under this subpart or under applicable law prior to July 12, 1972, becomes mutilated or is destroyed, stolen or lost, the local government unit shall execute, and any sinking fund depository, fiscal agent or trustee for bondholders shall, if required, authenticate and deliver a new bond or note, with appropriate coupons attached in the case of a bond or note in coupon form, of like series and principal amount as the bond or note and attached coupons, if any, so mutilated, destroyed, stolen or lost, upon surrender and cancellation of the mutilated bond or note and attached coupons, if any, or in lieu of and in substitution for the bond or note and coupons, if any, destroyed, stolen or lost.

(b) Procedure.—The local government unit shall proceed as required under subsection (a) upon filing with the local government unit or, if so provided in the bond ordinance, with the sinking fund depository, fiscal agent or trustee, evidence satisfactory to it that the bond or note and attached coupons, if any, have been destroyed, stolen or lost and proof of ownership thereof and upon furnishing of satisfactory indemnity and complying with such other reasonable regulations as the local government unit shall prescribe and paying any reasonable expenses, including counsel fees, as the local government unit or the sinking fund depository, fiscal agent or trustee may incur. Mutilated bonds or notes and appurtenant coupons, if any, surrendered shall be canceled.

(c) Status of replacement bonds and notes.—The new bonds or notes and coupons, if any, so issued shall be independent obligations and all limitations

and debt limits shall be deemed increased to the extent necessary to validate the new bonds or notes and any appurtenant coupons.

§ 8114. Evidence of signatures of holders and of ownership of bonds, notes and tax anticipation notes.

Any request, consent or other instrument which may be required or permitted to be executed by the holders of bonds or notes, including tax anticipation notes, may be in one or more instruments of similar tenor and shall be signed or executed by the holders in person or by their attorneys appointed in writing. Proof of the execution of the instrument, or of an instrument appointing any such attorney, or the holding by any person of bonds or notes or coupons appertaining thereto, shall be sufficient for the purposes of this subpart and any proceeding thereunder if made in the following manner:

(1) The certificate shall state that the person or persons signing the instrument were known to be such persons by the individual certifying and that the person or persons acknowledged the execution of the instrument as his or their act. The authority of an attorney or agent may be proven by like statement of the principal acknowledged in a like manner, but a certificate as to authority shall not be necessary if an instrument is executed on behalf of a corporate holder of bonds, notes or coupons by a person purporting to be the president or a vice president of the corporation with the corporate seal affixed and attested by a person purporting to be its secretary or an assistant secretary. The fact and date of the execution by the holder of any bond, note or coupon, or the attorney thereof, of any instrument may be proved by the certificate, which, except as provided in this section, need not be acknowledged or verified, of any of the following:

(i) An officer of any bank or bank and trust company which is in this Commonwealth or which has a correspondent in this Commonwealth certifying to the authenticity of its certificate.

(ii) An authorized signer for any broker or dealer in securities doing business in this Commonwealth or having a correspondent in this Commonwealth certifying to the authenticity of its certificate.

(iii) Any notary public or other officer authorized to take acknowledgments of deeds to be recorded in the state in which he purports to act.

(iv) Any other witness to the execution whose certificate must be verified before a notary public or other officer authorized to take acknowledgments of deeds in the state in which he purports to act.

(2) The ownership of fully registered bonds or notes or of notes issued payable to the order of a named person, or bonds or notes registered as to principal, and the amount, number and date of holding them shall be proved by the registry records maintained for the series in question.

(3) The amount of bonds or notes transferable by delivery held by any person executing any instrument as the holder of a bond, note or coupon,

the number thereof and the date of holding the bond, note or coupon may be proved by a like certificate of any person mentioned in paragraph (1)(i) or (ii) stating that the holder exhibited to the person executing the certificate or had on deposit with him the bonds or notes described in the certificate. For purposes of action to be taken by the holders of the bonds, notes or coupons, the holder shall be deemed to continue if he acts for a period of nine months after the date of the proof of holding. Continued ownership after this period shall require a new certificate or shall be taken as continuing if the original certificate contains a statement that the bonds, notes or coupons are on deposit with the signer and an undertaking not to release them, and not to attorn to any new owner, unless the certificate is presented to the depository.

(4) Any request, consent or vote of the owner of any bond, note or coupon shall bind all future holders thereof if a notation of the action is placed on the bond, note or coupon and also, even if not so noted, if notice thereof is given once by publication in a newspaper of general circulation in the county in which the local government unit is located and in a journal of general circulation among dealers in investment securities.

(5) In cases of disputed ownership and in other cases, in its discretion, a court, a local government unit or trustee or fiscal or paying agent may require further or other proof in cases where it deems it desirable.

§ 8115. Contractual effect of ordinances and resolutions.

Except as otherwise provided in any ordinance or resolution authorizing or awarding bonds or notes or tax anticipation notes, the terms thereof and of this subpart as in effect when the bonds or notes were authorized shall constitute a contract between the local government unit and the holders from time to time of the bonds and notes subject to modification by the vote of a majority of the holders or such larger portion thereof as may be provided in the bond or note.

§ 8116. Unfunded actuarial accrued liability - condition precedent.

No bond or note issued to fund an unfunded actuarial accrued liability shall be valid or obligatory in the hands of an original purchaser until certified copies of the ordinance or ordinances authorizing bonds or notes, the ordinance or resolution awarding the bonds or notes and the certificate of approval of the department have been filed with the Public Employee Retirement Commission. No approval of the Public Employee Retirement Commission shall be required.

SUBCHAPTER B  
TAX ANTICIPATION NOTES AND FUNDING DEBT

Sec.

- 8121. Power to issue tax anticipation notes.
- 8122. Limitation on amount of tax anticipation notes.
- 8123. Maturity date and time of payment of interest.
- 8124. Other terms of tax anticipation notes.

- 8125. Security for tax anticipation notes and sinking fund.
- 8126. Certification as to taxes and revenues to be collected.
- 8127. Sale of tax anticipation notes.
- 8128. Condition precedent to validity of tax anticipation notes.
- 8129. Scope of unfunded debt.
- 8130. Approval by court to fund unfunded debt.

§ 8121. Power to issue tax anticipation notes.

A local government unit may have power and authority, by resolution of its governing body, to borrow money from time to time in any fiscal year in anticipation of the receipt of current taxes or current revenues, or both, to evidence the obligation by notes, appropriately designated, and to authorize, issue and sell the notes in the manner and subject to the limitations provided therefor in this subchapter. References in this subpart to tax anticipation notes include also revenue anticipation notes and tax and revenue anticipation notes. Limitations imposed by this subpart on the incurring of nonelectoral debt shall not apply to the obligations evidenced by tax anticipation notes. The power to borrow from time to time shall include the power to make a single authorization and then issue and sell portions of that amount of authorized notes whenever desired during the fiscal year.

§ 8122. Limitation on amount of tax anticipation notes.

(a) General rule.—No local government unit shall authorize or issue tax anticipation notes in any one fiscal year which in the aggregate shall exceed 85% of:

(1) In the case of notes solely payable from and secured by a pledge of taxes, the amount of the taxes levied for the current fiscal year.

(2) In the case of notes solely payable from and secured by a pledge of revenues other than tax revenues, the amount of the revenues pledged.

(3) In the case of notes payable from and secured by a pledge of taxes and other revenues, the sum of the taxes levied and the revenues pledged.

The taxes or revenues or both shall be certified, pursuant to section 8126 (relating to certification as to taxes and revenues to be collected), as remaining to be collected or received in the fiscal year during the period when the notes will be outstanding. The certificate shall be as of a date not more than 30 days prior to and no later than the date of the vote on the resolution authorizing the issue and sale of the tax anticipation notes.

(b) Computation of notes outstanding.—In computing the aggregate amount of tax anticipation notes outstanding at any given time during the fiscal year for the purpose of the limitation imposed by this section, allowance shall be made for notes that have already been fully paid and for amounts already paid into appropriate sinking funds, if any.

§ 8123. Maturity date and time of payment of interest.

No tax anticipation notes shall be stated to mature beyond the last day of the fiscal year in which the tax anticipation notes are issued. Interest on tax anticipation notes from the date thereof shall be payable at the maturity of the

notes or payable in installments at such earlier dates and at such annual rate or rates determined by the governing body of the local government unit.

§ 8124. Other terms of tax anticipation notes.

Tax anticipation notes shall be issued in denominations, shall be subject to rights of prior redemption, shall have privileges of interchange and registration, shall be dated, shall be stated to mature, subject to the provisions of section 8123 (relating to maturity date and time of payment of interest), on dates and in amounts, shall be in registered or bearer form with or without coupons, shall be payable in such coin or currency as at the place and at the time of payment is legal tender for the payment of public and private debts and shall be payable at any place or places, one of which shall be in this Commonwealth, all as the governing body of the issuing local government unit may determine by resolution.

§ 8125. Security for tax anticipation notes and sinking fund.

(a) General rule.—All tax anticipation notes issued in a single fiscal year shall be equally and ratably secured by the pledge of, security interest in and a lien and charge on the taxes or revenues, or both, of the local government unit specified in the authorizing resolution to be received during the period when the notes will be outstanding. The pledge, lien and charge shall be fully perfected as against the local government unit, all creditors thereof and all third parties in accordance with the terms of the resolution from and after the filing of any financing statement or statements required under Title 13 (relating to commercial code). For the purpose of this filing, the sinking fund depository, if any, otherwise, the fiscal agent or paying agent designated in the notes, may act as the representative of noteholders and, in such capacity, execute and file the financing statement and any continuation or termination statements as secured party. The authorizing resolution may establish one or more sinking funds and provide for periodic or other deposits therein and may contain covenants or other provisions as the local government unit determines. The amount of any tax anticipation notes issued in compliance with this subpart shall be general obligations of the local government unit and, if the amounts are not paid within the fiscal year in which the notes were issued, they shall be deemed to be nonelectoral debt enforceable in the manner of a general obligation which, unless funded pursuant to this subpart, shall be included in the budget of the local government unit for the ensuing fiscal year and shall be payable from the taxes and revenues of the ensuing year, notwithstanding that the amount thereof shall cause the nonelectoral debt of the local government unit to exceed the limitations of Subchapter B of Chapter 80 (relating to limitations on debt of local government units).

(b) First class school districts.—The holder of the tax anticipation notes issued by a first class school district or the sinking fund depository of the applicable sinking fund, if any, shall have the right to enforce the pledge of security interest in and lien and charge on the pledged taxes and revenues of the first class school district against all Commonwealth and local public officials in possession of any of the taxes and revenues at any time which

may be collected directly from the officials upon notice by the holder or depository for application to the payment as and when due or for deposit in the applicable sinking fund at the times and in the amounts specified in the tax anticipation notes. Any Commonwealth or local public official in possession of any of the taxes and revenues shall make payment, against receipt therefor, directly to the holder of the tax anticipation notes or to the depository upon the notice and shall thereby be discharged from any further liability or responsibility for the taxes and revenues. If the payment is to a holder of tax anticipation notes, it shall be made against surrender of the notes to the payor for delivery to the first class school district in the case of payment in full; otherwise, it shall be made against production of the notes for notation thereon of the amount of the payment. The provisions of this subsection with respect to the enforceability and collection of taxes and revenues which secure tax anticipation notes of a first class school district shall supersede any contrary or inconsistent statutory provision or rule of law. This subsection shall be construed and applied to fulfill the legislative purpose of clarifying and facilitating temporary borrowings by a first class school district by assuring to holders of tax anticipation notes the full and immediate benefit of the security therefor without delay, diminishment or interference based on any statute, decision, ordinance or administrative rule or practice.

§ 8126. Certification as to taxes and revenues to be collected.

Prior to each authorization of tax anticipation notes, authorized officers of the local government unit shall make an estimate of the moneys to be received during the period when the notes will be outstanding from taxes then levied and assessed and revenues, including subsidies or reimbursements to be received. The estimate shall take due account of the past and anticipated collection experience of the local government unit and of current economic conditions. The estimate shall be certified by the officers and their written certificate dated not more than 30 days prior to the date of the authorization of the notes and filed with the proceedings authorizing the tax anticipation notes with the department.

§ 8127. Sale of tax anticipation notes.

Tax anticipation notes may be sold at public, private or invited sale as the governing body of the local government unit may determine. Any public sale shall be advertised and conducted in the manner and subject to the conditions provided for a public sale of bonds in Subchapter D (relating to sale of bonds and notes), except as modified by this subchapter. The governing body of the local government unit shall award the notes by resolution to specified purchasers at a specified price not less than the principal amount. At the time of delivery of each issue, series or subseries of tax anticipation notes, authorized officers of the local government unit shall certify to the original purchasers that the amount of all such notes to remain outstanding will not exceed the limitations of section 8122 (relating to limitation on amount of tax anticipation notes) calculated, however, from the date of the certificate to the

respective maturity dates of all the notes to remain outstanding. The certificate need not be filed with the department, but a copy of it shall be retained by the local government unit until all tax anticipation notes issued during the fiscal year have been paid in full.

§ 8128. Condition precedent to validity of tax anticipation notes.

No tax anticipation note shall be valid or obligatory in the hands of an original purchaser until certified copies of the authorizing and awarding resolution, the certificate as to the taxes and revenues remaining to be collected and a true copy of the accepted proposal for the purchase of the tax anticipation notes shall have been filed with the department. No approval by the department shall be required.

§ 8129. Scope of unfunded debt.

For the purpose of this subchapter, "unfunded debt" means obligations of the same or one or more prior years incurred for current expenses, including tax anticipation notes, due and owing or judgments against the local government unit entered by a court after adversary proceedings, for the payment of either of which category the taxes and other revenues remaining to be collected in the fiscal year and funds on hand will not be sufficient without a curtailment of municipal services to an extent endangering the health or safety of the public or proper public education, and the local government unit either may not legally levy a sufficient tax for the balance of the fiscal year, or a sufficient tax, if legally leviable, would not be in the public interest. Unfunded debt does not, however, include debt incurred under this subpart or obligations in respect of a project or part of a project as incurred in respect of the cost of a project.

§ 8130. Approval by court to fund unfunded debt.

(a) General rule.—Whenever the governing body of a local government unit shall be of the opinion that it has outstanding unfunded debt, it may, by petition to the court of common pleas setting forth the facts, request approval for the issuance of bonds or notes to fund the unfunded debt. After hearing, on such notice to the local government unit and its taxpayers as the court may prescribe, the court shall make an order granting authority to fund all or a part of the unfunded debt if the court finds that the unfunded debt is a lawful obligation of the local government unit; that there has been an unforeseeable decline in revenues or that taxes levied have not produced the revenues anticipated or that it was not reasonable to foresee the obligation; that paying the debt by curtailing municipal services will be dangerous to the public health, safety or education; and that it is not feasible or not in the public interest to levy additional taxes in the current fiscal year. The funding debt so approved shall be stated to mature in the amounts and over the number of years, not exceeding ten, as the court finds will accomplish the payment of the debt without endangering the rendering of municipal services or requiring the levying of excessive taxes. If the funding of the unfunded debt has not been approved by a vote of the electors, the order of the court upon cause shown may fix the portion, if any, which shall not be charged



against the nonelectoral debt limitations of the local government unit under sections 8022 (relating to limitations on incurring of other debt) and 8125 (relating to security for tax anticipation notes and sinking fund) during the time the funding debt is outstanding.

(b) Issuance and sale of bonds or notes.—The bonds or notes representing funding debt so authorized by the court shall be issued and sold by the governing body as provided by other provisions of this subpart in respect of general obligation bonds except as these provisions are modified by this section or by orders of the court issued under this section, and the proceedings filed by the local government unit in respect of the funding bonds under section 8201 (relating to certification to department of bond or note transcript or lease, guaranty, subsidy contract or other agreement) shall include certified copies of the petition and of the order of the court.

(c) Applicability.—This section shall not apply to the funding of obligations in respect of a project or part of a project or incurred in respect of the cost of a project.

#### SUBCHAPTER C PROVISIONS OF BONDS AND NOTES

Sec.

8141. Form of bonds or notes.

8142. Limitations on stated maturity dates.

8143. Disposition of proceeds notwithstanding certain limitations.

8144. Number of interest rates.

8145. Place and medium of payment.

8146. Execution of bonds or notes.

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8148. Deeds of trust and other agreements with bondholders and noteholders.

8149. Negotiable qualities of bonds and notes.

8150. Temporary bonds or notes or interim receipts.

§ 8141. Form of bonds or notes.

Bonds or notes may be issued in such denominations, in coupon form payable to bearer or registrable as to principal or in fully registered form, with such provisions for exchangeability and interchangeability; shall bear such identifying designation or title, including words indicating whether the bonds or notes are general obligation, revenue, guaranteed revenue or limited guaranty revenue bonds or notes; shall be dated; shall bear such rate or rates of interest, including supplemental, contingent or variable interest, but, if contingent or variable interest is specified, a maximum rate or amount shall also be specified; shall be payable on those dates; may be subject to such provisions for prior redemption in whole or in part or both, at such price or prices and at such times; shall be stated to mature or may be payable in installments on a date or dates and in such amounts; may provide for the payment by the issuer of such tax or taxes on the bonds or notes, either

absolutely or out of pledged revenues; and may provide for such pledge of revenues, the establishment of such reserves and other terms, as the governing body of the issuing local government unit may determine by ordinance or ordinances adopted prior to the delivery of the bonds or notes, subject to the limitations and restrictions specified in this subpart.

§ 8142. Limitations on stated maturity dates.

(a) General rule.—No bonds or notes shall be issued with a stated maturity date exceeding the sooner to occur of:

(1) Forty years from the date of the series of any bonds or notes issued to evidence debt for the purpose of financing the cost of actually constructing, acquiring or improving a project or a separately financed portion of a project or funding an unfunded actuarial accrued liability.

(2) (i) The useful life of the project being financed as stated in the ordinance of the local government unit enacted in connection with the series of bonds or notes to be issued for the project, which statement in the ordinance shall be conclusive for all purposes. If projects have been combined for financing pursuant to section 8101 (relating to combining projects for financing or series of bonds or notes for sale) and the projects have different useful lives, it is sufficient for this section if an aggregate principal amount of bonds or notes equal to the separate cost of each project having a shorter useful life have been stated to mature prior to the end of the useful life, and the balance prior to the end of the longest useful life. For the purpose of this paragraph, the inclusion of furnishings, machinery, apparatus or equipment for a construction or acquisition project shall not be deemed to be the combining of projects, but the useful life of the project shall be that of the building, structure or improvement constructed or acquired.

(ii) Where capital budgeting is practiced and bonds are issued to fund the current portion of a capital budget involving projects of varying useful lives, a uniform term of 30 years may be used.

(iii) Where the project being financed is a countywide revision of assessment of real property, the useful life shall be a term of no more than ten years.

(iv) Where a project consists of the funding of all or a portion of a reserve, or a contribution toward a combined reserve, pool or other arrangement, relating to self-insurance, the useful life shall be the term specified in the ordinance of the local government unit, not to exceed 20 years, or, if none is specified, then the useful life shall be deemed to be 20 years.

(b) Mandatory redemption and stated maturities or installments.—Bonds or notes may be serial bonds or notes or term bonds or notes or any combination thereof that may be selected by the governing body of the issuing local government unit. Except for bonds or notes issued to fund an unfunded actuarial accrued liability, if term bonds or notes are issued, the bonds or notes shall be subject to mandatory redemption, and, if serial or

installment bonds or notes, the amounts of the stated maturities or installments shall be fixed:

(1) so as to amortize the issue on at least an approximately level annual debt service plan during the period specified for the payment of principal in subsection (c); or

(2) so that the debt service on outstanding debt of the same classification, and for this purpose lease rental debt shall be considered as the same classification as general obligation debt, will be brought more nearly into an overall level annual debt service plan.

(c) Deferral of stated installments or maturities or mandatory redemption.—Except as provided by subsection (e), stated installments or maturities of principal of any series of bonds or notes or the mandatory redemption of the principal may not be deferred beyond the later of two years from date of issue or one year after estimated completion of construction. In the case of revenue or guaranteed revenue bonds, this provision will be satisfied by a covenant for the mandatory application to term bonds of such revenues as may remain after payment of interest and operating expenses up to a fixed amount conforming to subsection (b) as shall be specified in the ordinance pursuant to which the bonds or notes are issued.

(d) Fixing earlier maturity dates.—This section does not prevent the fixing of the amount of stated maturity dates so that a greater percentage of a series will mature on earlier dates than those allowable by this subpart.

(e) Maturity dates for different series.—This section does not prevent the authorization of bonds or notes of an issue for sale in one or more series, in which case the first stated maturity of a later series may be later than, but not more than 15 months later than, the last stated maturity of the next preceding series.

§ 8143. Disposition of proceeds notwithstanding certain limitations.

A local government unit which issues bonds or notes to fund an unfunded actuarial accrued liability shall contribute to the applicable pension trust fund the proceeds of the bonds or notes, after deduction of costs of issuance, underwriter's discount and original issue discount, notwithstanding that the contribution may exceed a limitation on contributions to retirement systems, pension plans or pension trust funds otherwise applicable to the local government unit.

§ 8144. Number of interest rates.

A series of bonds or notes may have any number of interest rates, subject to any limitation on such number fixed by the governing body of the issuing local government unit, but, unless further limited by the issuing local government unit in the official notice of sale, no fixed interest rate for any stated maturity date in the last two-thirds of the period of the series may be less than that stated for the immediately preceding year which falls within the last two-thirds period.

§ 8145. Place and medium of payment.

Bonds or notes shall be payable in such coin or currency as at the respective dates of payment thereof shall be legal tender for the payment of public and private debts at the place or places of payment. Both principal and interest shall be payable at the place or places determined by the local government unit. If more than one place of payment is specified, one or more of the additional places of payment may be outside of this Commonwealth or outside of the United States.

§ 8146. Execution of bonds or notes.

Bonds or notes, including tax anticipation notes, shall be signed by such officers of the local government unit, and coupon bonds shall have attached thereto interest coupons bearing the facsimile signature of such officer of the local government unit, and the bonds or notes may be sealed with the seal of the local government unit or a facsimile thereof, all as may be determined by the governing body. Bonds or notes may provide that they are not valid or enforceable unless authenticated by a specified bank, bank and trust company or trust company. If any one signature on a bond or note, including the signature of the authenticating party, is manual, all other signatures may be by facsimile. If any officer whose signature or a facsimile of whose signature appears on any notes, bonds or coupons ceases to be such officer before the delivery of the notes or bonds, the signature or the facsimile shall nevertheless be valid and sufficient for all purposes as if he had remained in office until delivery. Any note, bond or coupon may bear the facsimile signature of or may be signed by those persons as at the actual time of the execution of the note, bond or coupon were the proper officers to sign although at the date of the instrument these persons may not be such officers.

§ 8147. Pledge of revenues.

The governing body of any local government unit which has determined to issue any revenue bonds or notes or any guaranteed revenue bonds or notes may provide by ordinance for such pledges of or priorities in such rentals, revenues, receipts, rates and charges to be received from projects of the issuing local government unit as may be desirable. The pledge or priority shall be perfected as a security interest against all creditors of the local government unit and all third parties, in accordance with the terms of the ordinance, from and after the filing of a financing statement or statements in accordance with Title 13 (relating to commercial code). For the purpose of filing, the sinking fund depository may act as representative of the bond or note holders and, in that capacity, execute and file the financing statement and any continuation or termination statements as secured party.

§ 8148. Deeds of trust and other agreements with bondholders and noteholders.

(a) General rule.—A local government unit shall have the power to enter into any deed of trust, trust indenture or other agreement with any bank, bank and trust company, trust company or other person or persons in the United States having power to enter into such agreements or accept such trusts,

including any Federal agency, as security for any notes or bonds of the local government unit providing for the following:

(1) The payment of the interest on and principal of the notes or bonds; the authentication of the original issue; the custody of sinking funds or other funds held or to be held pending presentation of coupons, notes or bonds for payment; the custody of debt service reserve funds or other funds to be held as reserves; the disbursement of interest to holders of fully registered bonds or notes; the cremation or other destruction of coupons, bonds or notes which have been paid; and registration, exchanges and transfers and the maintenance of records of those transactions.

(2) The construction, improvement, operation, maintenance and repair of any project being financed.

(3) Limitations on the purposes to which the proceeds of the bonds then or thereafter to be issued in connection with the project, or of any loan or grant by the United States or the Commonwealth, may be applied.

(4) The rights and remedies of such trustee or other person and the holder of the bonds or notes, which may include reasonable restrictions upon the individual right of action of the holders.

(5) The terms and provisions, including stated maturities and sinking fund and other reserve fund provisions, not in conflict with the limitations imposed by this subpart, but which may be more limiting, of or provided for the bonds or notes being issued or which may hereafter be issued in connection with the project being financed.

(b) Revenue and guaranteed revenue bonds.—In connection with any revenue bonds or guaranteed revenue bonds, such deeds of trust, trust indentures or other agreements may contain provisions as to the following:

(1) The rate of rents, charges, rates or tolls to be imposed for the use of the project being financed or the rendering of services through the use of the project, or both, to ensure a sufficiency of revenues to cover operating expenses, debt service and an appropriate surplus.

(2) The setting aside of reserves or other earmarked funds, and limitation upon the use, investment and disposition thereof for the better security of the bonds or notes.

(3) Limitations on the issue of additional bonds or notes ranking equally or having priority in claim on revenues with the bonds being issued.

(4) Any other or additional agreements with the holders of bonds or notes as may be customary in these agreements, provided no delegation of essential governmental powers is made.

(c) Ordinance provisions in lieu of agreement.—In lieu of a deed of trust, trust indenture or other agreement specified in this section, the bond ordinance of the local government unit may contain similar provisions which shall be a contract between the local government unit and the holders from time to time of its bonds or notes.

(d) Limitation on delegation of function.—No deed of trust shall delegate the performance of essential governmental functions to a trustee, fiscal agent or receiver. For purposes of this section, the matters enumerated are not deemed to be essential governmental functions.

§ 8149. Negotiable qualities of bonds and notes.

(a) Securities.—Bonds or notes issued pursuant to this subpart, including tax anticipation notes, which have all the qualities and incidents of securities under Title 13 (relating to commercial code), shall be negotiable instruments.

(b) Commercial paper.—Such bonds and notes issued pursuant to this subpart which are not securities shall have all the qualities and incidents of commercial paper under Title 13 and shall be negotiable instruments notwithstanding any references in them to the terms of the authorizing bond ordinance or any trust indenture, deed of trust or other agreement, or any variations in the rate of interest provided in the note, or any limitation upon the funds from which or limitations as to the bonds with which the notes may be paid or any restriction upon the remedies of the holders.

§ 8150. Temporary bonds or notes or interim receipts.

Pending the preparation of definitive bonds or notes, including tax anticipation notes, temporary bonds or notes or interim receipts may be issued in such form and containing such terms and such provisions for exchange for definitive bonds or notes as the local government unit may determine.

#### SUBCHAPTER D SALE OF BONDS AND NOTES

Sec.

8161. Manner of sale of bonds or notes.

8162. Contents of public advertisement and of official notice of sale.

8163. Proposals for purchase.

8164. Opening of bids.

8165. Determination of highest and best bid.

8166. Required bid security.

8167. Reserved right to reject bids.

8168. Failure to receive conforming bid.

8169. Determination of net interest cost and net interest rate.

§ 8161. Manner of sale of bonds or notes.

(a) General rule.—Except as otherwise specifically provided in this subpart and subject to subsection (b), bonds or notes may be sold at public or private sale by negotiation or upon invitation and at the price the governing body of the issuing local government unit shall determine. Before making any private sale by negotiation of bonds or notes, the governing body shall adopt a resolution finding that a private sale by negotiation is in the best financial interest of the local government unit. Bonds or notes may be conditionally sold before the final details of the series are fixed.

(b) **Public sale.**—Bonds or notes, if sold at public sale, shall be sold to the highest responsible bidder or bidders after one public notice by advertisement of either the official notice of sale, or of the availability of the official notice of sale, in at least one and not more than two newspapers of general circulation in the county in which the local government unit is located. The advertisement may also be published in a financial journal circulating among the underwriters of securities. Advertisements shall be published not less than ten nor more than 30 days prior to the date fixed for opening proposals and need not appear on the same date nor successively in each newspaper or journal.

§ 8162. Contents of public advertisement and of official notice of sale.

(a) **Advertisement.**—The advertisement of the availability of the official notice of sale shall contain the following:

(1) The title, designation and principal amount of the bonds or notes to be sold.

(2) A general statement of the term of the issue and whether it will consist of term bonds or notes, serial bonds or notes, or both.

(3) A statement whether proposals must be for all but not less than all of the notes or bonds being sold, or, if separate lots may be bid separately, a statement as to the composition of each lot.

(4) The place and time for the receipt of sealed proposals.

(5) The amount of the bid security to be furnished by the bidder and the method selected for determining net interest cost.

(6) A statement of the names and addresses of the officer and any other persons from whom an official notice of sale, other details concerning the issuing local government unit, the project and the official form of proposal, if any, may be obtained.

(b) **Official notice of sale.**—The local government unit shall adopt an official notice of sale which shall set forth succinctly all of the following:

(1) The time and place for the receipt of proposals and the officer designated to receive them.

(2) A description of the bonds or notes being offered, including:

(i) The title and type of bonds or notes being offered.

(ii) The date thereof.

(iii) The stated maturity dates and amounts at each date.

(iv) The dates of interest payments.

(v) The place or places of payment of interest and principal, which amounts, dates and places may be left open to selection by the successful bidder.

(vi) The form and denominations of the notes or bonds being offered.

(vii) Any provisions for registration, exchange and interchange.

(viii) The terms of any sinking fund or reserve funds to be established.

(ix) The terms of other provisions made for the security of the bonds or notes.

(x) The dates, prices and terms of any provision for the redemption thereof prior to stated maturity dates.

(3) A statement of the terms of the bidding, including:

(i) The method for determining net interest cost.

(ii) Whether bids must be for all but not less than all or, if separate bids for separate lots may be submitted, a description of each lot.

(iii) The limitation on the number and variation between high and low interest rates to be permitted.

(iv) The required bid security.

(v) The permitted discount from par, if any.

(vi) The funds in which the balance of the purchase price shall be paid.

(vii) The place at which the balance may be paid or the method of determining that place.

(viii) The effect on the obligation to purchase the notes or bonds of litigation pending or change in tax or other applicable laws occurring before the settlement for the bonds or notes.

(ix) The nature of the opinion of bond counsel to be delivered at the time of payment for the bonds or notes and the effect of any failure to deliver such opinion.

(x) The reserved right to reject bids provided for in section 8167 (relating to reserved right to reject bids).

(4) Such additional provisions as may be desired, including statements as to the furnishing of copies of documents, including an official statement of essential facts, the estimated date for delivery of bonds or notes and whether the bonds or notes will be delivered in definitive or temporary form and, if temporary, the time and manner of exchange for definitive bonds or notes.

#### § 8163. Proposals for purchase.

Every bid or proposal for bonds or notes shall be in writing, shall be properly executed and, in the case of public sale, shall be placed in a sealed envelope sufficiently labeled to indicate that it is a bid or proposal for the bonds or notes being sold, before being delivered to the officer designated to receive it or to an authorized delegate.

#### § 8164. Opening of bids.

In the case of public sale, at the time and place fixed in the notice, the bids or proposal received shall be publicly opened by the designated officer or his authorized delegate and publicly read aloud unless the governing body determines to return all bids unopened.

#### § 8165. Determination of highest and best bid.

(a) General rule.—The highest responsible bidder shall be the one who, having complied with the terms of the official notice of sale, offers to take all of the bonds or notes or any separate lot thereof on which separate bids



may be made at the lowest net interest cost to the local government unit, or, if required by the terms of any agreement with the Federal Government or the Commonwealth or any agency of either of them, the highest responsible bidder shall be the one bidding in conformity with the requirements for the successful bidder stipulated in the agreement. The net interest cost shall be computed in accordance with section 8169 (relating to determination of net interest cost and net interest rate).

(b) Tie bids.—If two or more proposals are found to be the highest and best bids on identical terms conforming to the offering, the bonds or notes shall with the consent of the bidders be awarded to them jointly or absent such consent may be awarded to any one of the bidders selected by lot in any manner deemed fair by the local government unit.

§ 8166. Required bid security.

In the case of public sale, bid security shall be given by each bidder, shall be in cash or by certified or official bank check payable to the local government unit and shall be not less than 2% of the principal amount of the bonds or notes to be purchased. The bid security of the unsuccessful bidder or bidders shall be returned to each unsuccessful bidder, without interest, in accordance with written instructions of the bidder conforming to the official notice of sale, promptly upon an award of the bonds or notes or upon the rejection of all bids. The bid security of the successful bidder shall be retained by the treasurer of the local government unit and, with or without allowance for interest as the official notice of sale may specify, shall be applied on the purchase price when the bonds or notes are actually delivered and paid for, retained as liquidated damages if the bidder defaults or returned to the bidder with interest at the judgment rate if, after an acceptance of the proposal, the bonds or notes are not issued for any reason not constituting a default by the bidder. Unless required by the local governing body, no bid security shall be required in the case of tax anticipation notes, bond anticipation notes or notes to be issued under section 8109 (relating to small borrowing for capital purposes).

§ 8167. Reserved right to reject bids.

Every official notice of sale of bonds or notes shall provide that the right is reserved to the governing body of the local government unit to reject all bids or proposals, but, in a case where conforming bids have been received, opened and rejected, any subsequent sale within a period of two calendar months of bonds or notes in substantially the same amount and for the same purpose must be a public sale to be held at such later time as the governing body may determine to be advantageous.

§ 8168. Failure to receive conforming bid.

If bonds or notes are advertised for public sale and no conforming bid is received or if all bids are returned unopened, then the local government unit may cancel the sale and devise a new series for sale or, in the alternative, it may sell the series parts from time to time during the ensuing six months at private sale in accordance with the terms originally advertised with any

changes in call price or dates of call for prior redemption or both as may be deemed desirable. After the six-month period, the local government unit may sell any unsold portion of the series in any manner permitted by this subpart, with such appropriate changes in the call prices or dates or call for prior redemption or both or in other terms as may be deemed advisable, provided that, as so changed, the two portions of the series when combined and any issue of which the series is a part are in conformity with the requirements of this subpart as to term, interest rate and stated maturities.

§ 8169. Determination of net interest cost and net interest rate.

(a) Net interest cost.—Net interest cost may be determined by using either the street method or the present worth method, whichever method shall be specified in the official notice of sale.

(b) Street method.—Under the street method, a dollar amount shall be determined by computing the total amount of interest payable over the life of the series to stated maturity dates or earlier mandatory call dates and subtracting therefrom the amount of any premium paid above the aggregate principal amount of the bonds or notes or adding thereto the amount of any discount lawfully allowed in the sale.

(c) Present worth method.—Under the present worth method, there shall be ascertained the semiannual rate, compounded semiannually, necessary to discount to present worth as of the date of the bonds or notes, the amounts payable on each interest payment date and on each stated maturity or earlier mandatory redemption date so that the aggregate of such amounts will equal the purchase price offered therefor, exclusive of interest accrued to the date of delivery. The net interest cost shall be stated in terms of an annual percentage rate and shall be that rate of interest which is twice the semiannual rate so ascertained.

(d) Net interest rate.—The net interest rate for a series sold under the present worth method shall be the rate of the net interest cost. For a series sold under the street method, the net interest rate shall be determined by dividing the net interest cost by the product of \$1,000 multiplied by the number of bond years from the date of the bonds or notes to the stated maturity or earlier mandatory call dates. A bond year shall be one full year that \$1,000 of principal amount shall be outstanding and less than full years shall be fractionalized on a 360-day-year basis.

## CHAPTER 82 MISCELLANEOUS PROVISIONS

### Subchapter

- A. Department of Community Affairs
- B. Sinking Funds and Other Funds and Accounts
- C. Refunding of Debt
- D. Remedies
- E. Penalties

SUBCHAPTER A  
DEPARTMENT OF COMMUNITY AFFAIRS

## Sec.

- 8201. Certification to department of bond or note transcript or lease, guaranty, subsidy contract or other agreement.
- 8202. Filing of statements of noncompletion of sale with department.
- 8203. Fees for filing.
- 8204. Certificate of approval of transcript.
- 8205. Certificate of disapproval and correction of proceedings.
- 8206. Effect of failure of timely action by department.
- 8207. Records of department.
- 8208. Invalidity of instruments which are delivered without compliance with requirements or conditions precedent to issuance or delivery.
- 8209. Finality of proceedings as to validity of instruments.
- 8210. Power of department to define terms, issue rules and regulations and prescribe forms.
- 8211. Petitions for declaratory orders and complaints to department.

§ 8201. Certification to department of bond or note transcript or lease, guaranty, subsidy contract or other agreement.

(a) General rule.—The governing body of each local government unit shall, before any bonds or notes except tax anticipation notes issued pursuant to section 8121 (relating to power to issue tax anticipation notes) and notes representing small borrowings issued pursuant to section 8109 (relating to small borrowing for capital purposes) are actually delivered to the initial purchasers or before becoming bound on any lease, guaranty, subsidy contract or other agreement evidencing lease rental debt, cause to be certified to the department, under the signature of the clerk or secretary of the governing body and its corporate seal, a complete and accurate copy of the proceedings for the incurring of debt, as provided in section 8111 (relating to submission to department).

(b) Other requirements unaffected.—The provisions of this section do not eliminate the filing requirements of sections 8024 (relating to exclusion of subsidized debt from net nonelectoral debt or net lease rental debt), 8025 (relating to exclusion of self-liquidating debt evidenced by revenue bonds or notes to determine net nonelectoral debt), 8026 (relating to exclusion of other self-liquidating debt to determine net nonelectoral debt or net lease rental debt), 8126 (relating to certification as to taxes and revenues to be collected) and 8128 (relating to condition precedent to validity of tax anticipation notes).

§ 8202. Filing of statements of noncompletion of sale with department.

If settlement for an issue of bonds or notes or bonds or notes representing lease rental debt, which have received a required approval by the department, fails of completion in whole or in part, the local government unit shall file

with the department a notification of noncompletion of sale stating what part of the issue has been delivered.

**§ 8203. Fees for filing.**

Every filing with the department shall be accompanied by a filing fee as determined in section 605-A of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929. No submission shall constitute a filing until the proper fee is paid. All fees received under this section shall be paid by the department into the State Treasury through the Department of Revenue.

**§ 8204. Certificate of approval of transcript.**

The department shall, upon receipt of any bond or note transcripts or other filings, carefully examine them to determine whether the debt outstanding and to be outstanding is within the applicable limitations imposed by this subpart and whether the proceedings for incurring the debt, for issuing and selling the bonds or notes and for excluding self-liquidating and subsidized debt have been taken in conformity with the Constitution of Pennsylvania and this subpart. If, upon completion of its examination, a transcript or other filing is found by the department to be in conformity with the Constitution of Pennsylvania and this subpart, the department shall certify its approval to the local government unit if required under other provisions of this subpart.

**§ 8205. Certificate of disapproval and correction of proceedings.**

If the department, upon completion of its examination, finds it cannot issue a certificate of approval, it shall notify the local government unit of the reasons why it cannot do so. If the proceedings or any prior filings are subject to correction for demonstrated typographical or computational error, or otherwise, or for failure to include a necessary document or certification and the correction is approved by the department, the error shall be corrected in all places or the additional document or certification shall be furnished to the department within ten days and upon any other terms the department specifies. Thereupon, the department shall certify its approval. If the deficiency is not subject to correction, the department shall certify its disapproval to the local government unit.

**§ 8206. Effect of failure of timely action by department.**

If the local government unit has submitted a filing to the department by certified mail, return receipt requested, or otherwise has an official receipt from the department, and the local government unit has not, within 20 days of the date of receipt of the filing by the department, received the certificate of approval or disapproval or notification of correctable error, the filing shall be deemed to have been approved for all purposes unless the local government unit has extended the time within which the department may act by written communication to the department or by failure to object to a written communication from the department requesting the extension. Extensions shall not exceed one additional period of 20 days.

§ 8207. Records of department.

(a) Retention period.—The department shall keep all proceedings on file for a period of not less than four months after issuance of its certificate of approval or disapproval and thereafter as long as any appeal respecting the proceedings is pending and not finally determined.

(b) Content.—The department shall keep a public record with respect to each local government unit showing:

(1) The name of the local government unit.

(2) The purpose of each series issued or lease executed.

(3) Whether the series represents nonelectoral, lease rental or electoral debt and the extent to which the debt is subsidized or self-liquidating and, if subsidized or self-liquidating in part, the principal amount thereby eliminated from nonelectoral debt.

(4) The schedule of stated maturity dates, interest rates and mandatory sinking fund payments for each outstanding issue of bonds or notes or the schedule of lease rentals.

(5) The dates and designations of each issue of bonds or notes, lease or other document to be executed with the approval number assigned to the issue, lease or other document approved.

(6) The local government unit's most recently certified borrowing base and regular debt limits computed therefrom.

(7) The date and manner of authorization of any use of any additional debt limit.

(c) Records open for inspection.—The records of the department shall be public records available for examination by any citizen of this Commonwealth or any bondholders or noteholders.

§ 8208. Invalidity of instruments which are delivered without compliance with requirements or conditions precedent to issuance or delivery.

(a) General rule.—In all cases in which the approval of the department is required by this subpart prior to the issuance of bonds or notes or the execution of a lease, guaranty, subsidy contract or other agreement evidencing lease rental debt, in the case of small borrowings evidenced by notes in respect of which compliance with the conditions of section 8109 (relating to small borrowing for capital purposes) is required, and in the case of tax anticipation notes in respect of which compliance with the conditions of sections 8126 (relating to certification as to taxes and revenues to be collected), 8127 (relating to sale of tax anticipation notes) and 8128 (relating to condition precedent to validity of tax anticipation notes) is required, if the bonds or notes or the lease or other instrument is sold, or executed, and delivered prior to receipt of actual or deemed approval under section 8204 (relating to certificate of approval of transcript) or 8206 (relating to effect of failure of timely action by department) or, as the case may be, without compliance with applicable conditions of issuance, or prior to a required filing with the department, the bonds, notes, lease or other instrument shall be invalid and of no effect in the hands of or for the security of the holder

of the bonds or notes or of the obligations secured by the lease or other instrument, except to the extent provided in this section.

(b) Bona fide purchasers.—If the bonds or notes or the obligations secured by the lease or other instrument are held by a bona fide purchaser, other than an initial purchaser or member of an underwriting or selling group, for value without actual notice of a lack of such prior approval, filing or compliance as the case may be, and such bonds, notes or other obligations contain a recital that such prior approval, filing or compliance was received, made or observed, then the bonds, notes, lease or other instrument shall be valid and enforceable in accordance with their terms, and any applicable debt limits shall be deemed increased to the extent necessary to validate and keep valid the bonds, notes, lease or other instrument, but not for the purpose of reducing the liability of any person under this section.

(c) Recovery of interest, principal and other amounts.—The local government unit may recover all interest and principal or other amounts payable thereon from the initial purchasers and the individuals, including the officers of the local government unit, responsible for making the unapproved or unauthorized delivery. Notwithstanding the invalidity of the instruments as to them, the initial purchasers and such individuals shall be entitled to credit in any action determining the invalidity or for the recovery provided by this subsection for the amount of the following:

(1) Any proceeds of the sale of the instruments still held unexpended by the local government unit.

(2) The lesser of the following:

(i) The cost or fair market value, whichever is the lesser, of any capital project or part thereof or interest therein acquired by the local government unit by an expenditure of a portion or all of the proceeds of the bonds, notes or other obligations.

(ii) The remaining nonelectoral borrowing capacity of the local government unit.

§ 8209. Finality of proceedings as to validity of instruments.

(a) General rule.—Where a certificate of approval has been issued by the department or has been deemed issued under section 8206 (relating to effect of failure of timely action by department) or, in the case of tax anticipation notes, where the filing with the department required by section 8128 (relating to condition precedent to validity of tax anticipation notes) has occurred and no petition for a declaratory order or complaint has been filed within the applicable time limits specified in section 8211 (relating to petitions for declaratory orders and complaints to the department) or when, after a petition for a declaratory order or complaint has been filed, the proceedings have been approved finally by the department and no appeal to court has been taken, or if an appeal to court has been taken and the proceedings have been approved finally by the court or the appeal has been dismissed, the validity of the proceedings, the right of the local government unit lawfully to issue its bonds or notes or to enter into a lease, guaranty, subsidy contract or other

agreement evidencing lease rental debt pursuant to those proceedings, and the validity and due enforceability of the bonds, notes or other instruments in accordance with their terms shall not thereafter be inquired into judicially, in equity, at law or by civil or criminal proceedings, or otherwise, either directly or collaterally. The effect of the approval by the department or by the court on appeal or, in the case of tax anticipation notes, the effect of filing in compliance with section 8128 shall be to ratify, validate and confirm the proceedings absolutely, including the lawful nature of the project and, in the case of tax anticipation notes, the accuracy of the estimates contained in the certificate as to taxes and revenues to be collected, notwithstanding any defect or error in the proceedings, except as specifically provided otherwise in this section, and any debt limit imposed by this subpart shall be deemed increased to the extent necessary to validate the debt or obligation. This section does not relieve an initial purchaser of bonds or notes from liability to a local government unit for the payment of the consideration agreed in the contract of sale or make the bonds or notes valid and enforceable in the hands of an initial purchaser unless the issuer has received a substantial consideration for the series as a whole.

(b) Liability for willful violations or fraud.—This section does not relieve any person participating in the proceedings from liability for knowingly participating in an ultra vires act of a local government unit or from any civil or criminal liability for false statements in any certificates filed or delivered in the proceedings.

§ 8210. Power of department to define terms, issue rules and regulations and prescribe forms.

Subject to the definitions in section 8002 (relating to definitions), the department may define terms and prescribe other rules and regulations regarding, and prescribe forms for, reports and filings to be submitted to the department pursuant to this subpart.

§ 8211. Petitions for declaratory orders and complaints to department.

(a) General rule.—If proceedings for the incurring of debt represented by bonds or notes or by a lease, guaranty, subsidy contract or other agreement evidencing the acquisition of a capital asset, for the issuance of tax anticipation notes or for the exclusion of debt as self-liquidating or subsidized, have been taken by a local government unit, the local government unit or any taxpayer of the local government unit or other interested party may file with the department a petition for a declaratory order asserting the validity or a complaint asserting the invalidity of the proceedings or any part thereof.

(b) Time for filing.—A complaint asserting the invalidity of the proceedings or part thereof taken under section 8109 (relating to small borrowing for capital purposes) may be filed not later than one year after final adoption of the resolution authorizing the debt. Any such complaint asserting the invalidity of the proceedings or part thereof excluding debt as self-liquidating under section 8025 (relating to exclusion of self-liquidating

debt evidenced by revenue bonds or notes to determine net nonelectoral debt) or authorizing tax anticipation notes under Subchapter B of Chapter 81 (relating to tax anticipation notes and funding debt) may be filed at any time not later than 15 days after the filing with the department of the documents required by section 8025 or of the proceedings pursuant to section 8126 (relating to certification as to taxes and revenues to be collected), as the case may be. A complaint asserting the invalidity of any such proceedings or part thereof in cases in which, under this subpart, the approval or deemed approval of the department is required may be filed with the department not later than the later of:

(1) fifteen days after the date of the submission of the proceedings by the local government unit to the department for approval even though the proceeding may be subject to correction as provided in section 8205 (relating to certificate of disapproval and correction of proceedings) or otherwise; or

(2) five days after the date of the last submission of any corrected document or certification to the department.

(c) Departmental approval pending proceeding.—If a petition for a declaratory order or complaint is filed in respect of proceedings requiring the approval of the department after the submission of the proceedings to the department but prior to approval, disapproval or deemed approval, the department shall not be deemed to have approved the proceedings during the pendency of the matter before the department.

(d) Jurisdiction and authority of department.—The department has exclusive jurisdiction to hear and determine all procedural and substantive matters arising from the proceedings of a local government unit taken under this subpart, including the regularity of the proceedings, the validity of the bonds, notes, tax anticipation notes or other obligations of the local government unit and the legality of the purpose for which the obligations are to be issued. If a local government unit files a petition for a declaratory order with the department relating to proceedings, the department may require service by publication on taxpayers as the circumstances warrant. In all other respects the proceedings before the department shall be governed by regulations of the department. The department may, after appropriate proceedings in accordance with its regulations, approve or disapprove the proceedings of the local government unit or to direct correction as provided in section 8205. A determination by the department under this subpart shall, except as provided in this subsection, be conclusive and binding as to all procedural and substantive matters which were or could have been presented to the department hereunder. All determinations by the department under this subpart are reviewable as provided in 2 Pa.C.S. Ch. 7 (relating to judicial review).



SUBCHAPTER B  
SINKING FUNDS AND OTHER FUNDS AND ACCOUNTS

Sec.

- 8221. Creation of sinking funds and deposits, reserves and surplus funds.
- 8222. Assessment fund.
- 8223. Duty of treasurer.
- 8224. Deposit and investment of moneys in sinking funds and other funds.
- 8225. Management of sinking and other funds.
- 8226. Inspection of sinking funds and orders to comply.
- 8227. Sinking fund not required for small borrowings.

§ 8221. Creation of sinking funds and deposits, reserves and surplus funds.

(a) General rule.—Every local government unit having outstanding any bonds or notes, other than tax anticipation notes and other than notes issued under section 8109 (relating to small borrowing for capital purposes), shall create forthwith, subject to the terms of any existing contracts with the holders of such bonds or notes, and every local government unit issuing any bonds or notes shall create simultaneously with or prior to the delivery of the bonds or notes, and thereafter maintain until the bonds or notes are paid in full, a sinking fund:

- (1) for the aggregate or for one or more issues or series of its general obligation bonds and notes; and
- (2) separately for each project or combination of projects financed by revenue or guaranteed revenue bonds or notes as to which different revenues are pledged.

If a sinking fund is established for more than one issue of bonds, a separate debt service account for each issue may be established in the sinking fund. The sinking fund shall be maintained with a bank, trust company or bank and trust company located and lawfully conducting a banking or trust business in this Commonwealth and appointed from time to time as a sinking fund depository.

(b) Deposit of moneys.—Moneys for the payment of taxes assumed and principal and interest on outstanding bonds or notes shall be deposited in the applicable sinking fund or sinking fund account from the sources, at the times and in the amounts provided in any contract with the holders of the bonds and notes but, in any event, prior to the time when payment of the taxes, principal and interest become due and payable. All moneys deposited in sinking funds as required by this subpart and all investments and proceeds of investments thereof shall, without further action or filing, be subject to a perfected security interest for the holders of the bonds or notes for which the sinking fund is held until the money or investments have been properly disbursed or sold.

(c) Revenues from use of capital project.—A local government unit pledging the rates, rentals, receipts, charges and tolls from the use of a capital

project for the security of revenue or guaranteed revenue bonds or notes may by ordinance provide for the deposit thereof as and when received in the sinking fund for the project.

(d) Other funds and accounts.—A local government unit may provide by ordinance for the creation and maintenance of other accounts in the sinking fund or of other funds for revenue or guaranteed revenue bonds or notes, including operating accounts or funds for financed projects, reserve accounts or funds for various purposes, a bond or note redemption account or fund and a surplus account or fund, and may prescribe the purposes for which the moneys and investments in each account or fund may be withdrawn and the amounts, times and sources of deposits therein. No ordinance shall restrict the application of the rates, receipts, charges and tolls received in respect of a capital project or combined capital projects, exclusive of assessments and contributions for capital improvements, in any fiscal year in excess of the amount required during the year for operating expenses, plus 140% or such lesser percent as may be fixed by ordinance of the amount required to be deposited during the year from the revenues in the applicable sinking fund for the payment, at maturity or scheduled mandatory redemption, of the principal of and interest on the related bonds or notes. This excess shall at all times be available for use by the local government unit for any lawful purpose, and no contract with the holders of bonds or notes shall provide to the contrary.

§ 8222. Assessment fund.

If a local government unit issues bonds or notes as general obligation bonds or guaranteed revenue bonds to provide funds for and towards the cost of making permanent street, sidewalk, water or sewer improvements or other assessable improvements and the cost is assessed against the properties benefited, the assessments as collected shall be paid into a separate assessment fund. Moneys to the credit of the assessment fund may be used for any one or more of the following purposes in any proportions and subject to any priorities set forth in the ordinance incurring the debt:

- (1) Payments to the sinking fund.
- (2) Payment of the cost of such improvements.
- (3) Creation and maintenance of a revolving fund if permitted by the laws governing the local government unit.
- (4) Payment to the general fund or any other fund of the local government unit.

The fund may be continued as a revolving fund if permitted by law or discontinued at any time. Unless otherwise provided in the ordinance incurring the debt, upon discontinuance of the fund, the proceeds of the assessments shall be used to pay any bonds or notes remaining outstanding and to reimburse the general fund of the local government unit for the moneys paid on account of the bonds or notes.

§ 8223. Duty of treasurer.

The treasurer of each local government unit shall deposit into the applicable sinking fund or other fund the moneys to be deposited therein

pursuant to the pledge or covenant made or adopted by the local government unit at the times and in the amounts provided in the pledge or covenant or, if no pledge or covenant has been made or adopted, as provided in the appropriations made by the governing body. If no appropriation of moneys has been made or if it appears that, as a result of other expenditures, the appropriated revenues will not be received in sufficient amounts in time to make either the deposits required to be made for the payment of the taxes assumed and the interest on and principal of general obligation bonds and notes or the amount due on a guaranty of guaranteed revenue bonds or notes or on a guaranty of any authority or other local government unit obligation, the treasurer shall pay into the applicable sinking fund or other fund that portion of each receipt of tax moneys and other available revenues, subject, in the case of a limited guaranty, to the terms thereof, as will result in the deposit of sufficient moneys in the sinking fund or other fund to pay the taxes assumed and the principal of the interest on the bonds or notes or to meet the guaranty obligation of the local government unit as and when they become due and payable. The governing body of a local government unit may issue its tax anticipation notes under Subchapter B of Chapter 81 (relating to tax anticipation notes and funding debt) to provide all or any part of any moneys needed for deposit in the sinking funds or other funds.

§ 8224. Deposit and investment of moneys in sinking funds and other funds.

(a) Deposit with financial institutions.—Any moneys in sinking funds and other funds established by ordinance as provided in this subpart, if not required for prompt expenditure, may be deposited at interest in time accounts or certificates of deposit of any bank or bank and trust company, accounts with any savings bank or deposits in building and loan associations or savings and loan associations. Moneys required for prompt expenditure shall be held in demand deposits. To the extent that the deposits or accounts are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, they need not be secured; otherwise, the deposits shall be secured as public deposits whether or not title, by virtue of the deposit with a fiscal agent or trustee for bondholders, is in the fiscal agent or trustee, except that moneys held by the fiscal agent, trustee or sinking fund depository itself may be secured as trust funds.

(b) Investment in securities.—Any moneys in funds or accounts not required for prompt expenditure and not deposited at interest shall, to the extent practicable and reasonable, be invested in any securities in which the Commonwealth may, at the time of investment, invest moneys of the Commonwealth not required for prompt expenditure, subject to any stricter requirements in any contract with the holders of bonds or notes for which the particular fund or account was created or maintained.

(c) Control of account.—All such deposits and investments shall be in the name of the local government unit, but moneys and investments in the sinking fund shall be subject to withdrawal or collection only by the sinking fund depository for proper purposes in accordance with this subpart.

(d) Disposition of income.—Income received from any deposit or investment shall be a part of the fund or account invested and may be applied if so desired by the local government unit in reduction of or to complete any required deposits in the fund or account.

(e) Combining accounts.—For the purposes of investment or deposit at interest, all accounts in a sinking fund or other accounts or funds established in respect of one or more series of bonds or notes having the same depository may be combined, and each combined account shall be entitled to its pro-rata share of each deposit or investment.

(f) Return of unclaimed moneys.—The sinking fund depository shall return to the local government unit all moneys deposited in a sinking fund for the payment of bonds, notes or coupons which have not been claimed by the holders thereof after two years from the date when payment is due, except where the funds are held for the payment of outstanding checks, drafts or other instruments of the sinking fund depository. This subsection or any action taken under this subsection does not relieve the local government unit of its liability to the holders of unrepresented bonds, notes or coupons.

(g) Sale of investments.—Any investments of a sinking fund, including bonds of the local government unit held therein, may be sold at any time by the sinking fund depository if cash is required for expenditure, or as directed by the managers of the sinking fund, through any broker or dealer in securities, any other law concerning dispositions of assets of a local government unit to the contrary notwithstanding.

§ 8225. Management of sinking and other funds.

The management and control of sinking and other funds and investments thereof subject to the provisions of this subpart shall be vested in the governing body of the local government unit except:

(1) Where by any other law there has been created any board or commission for the management and control of sinking funds of a particular class of local government units, in which case the board or commission shall have the management and control of the sinking funds of the local government units.

(2) To the extent otherwise lawfully provided in any contract with the holders of bonds or notes.

§ 8226. Inspection of sinking funds and orders to comply.

(a) General rule.—The department may from time to time audit the sinking funds and all records pertaining thereto of local government units which have any outstanding debt, except those annually submitting to the department reports of their sinking funds audited by an independent public accountant and except for school districts of the first class or cities of the second class and second class A.

(b) Order to comply.—If such audit or reports disclose that any local government unit has refused or neglected to establish sinking funds as required by this subpart or has failed to provide sufficient moneys for any sinking fund to meet the payments of assumed taxes, principal and interest

to be made therefrom, is not investing a sufficient amount of the sinking fund moneys or is otherwise in violation of this subchapter, the department shall make an order requiring the local government unit or any officer thereof or the governing body to take any steps as, in the opinion of the department, will cause the sinking funds to comply with this subchapter or to be sufficient.

(c) Mandamus to compel compliance with order.—In addition to the criminal prosecutions provided for in Subchapter E (relating to penalties) or in lieu thereof, the department may apply to the court for an order in mandamus to issue to the officer or governing body of the local government unit to compel compliance with the order of the department or with the order with any modifications thereof as to the court may seem just and proper.

§ 8227. Sinking fund not required for small borrowings.

A local government unit may, but shall not be required to, comply with the provisions of this subchapter in respect of notes issued in compliance with section 8109 (relating to small borrowing for capital purposes).

### SUBCHAPTER C REFUNDING OF DEBT

Sec.

8241. Power to refund.

8242. Treatment of costs upon refunding.

8243. Limitation on extending term of debt by refunding.

8244. Effect of debt limits on refunding nonelectoral bonds or notes or lease rental debt.

8245. Refunding of electoral debt.

8246. Procedure for authorization, sale, issue and approval of refunding bonds or notes.

8247. Special limitation on refunding of funding debt.

8248. Approval of refunding by the electors.

8249. Refunding with bonds of another type.

8250. Use of proceeds of refunding bonds and when refunded bonds are no longer deemed outstanding.

8251. Cessation of interest on called bonds or notes.

§ 8241. Power to refund.

(a) General rule.—Subject to the provisions of the outstanding bonds, notes or obligations evidencing lease rental debt and subject to the provisions of this subchapter, a local government unit may refund any outstanding debt, in whole or in part, at any time and may refund any outstanding notes with bonds or bonds with notes.

(b) Authorized purposes.—The refunding may be for any one or more of the following purposes:

(1) Reducing total debt service over the life of the series.

(2) Reducing the annual debt service in any particular year or years by extending the life of the issue subject to the limitations imposed by section 8247 (relating to special limitation on refunding of funding debt).

(3) Eliminating any covenant or restriction in or applicable to any outstanding series or issue of bonds or notes determined by the local government unit to be unduly burdensome or restrictive.

(4) Refunding any maturity or maturities or any portions thereof to a later date subject to the limitations imposed by section 8247.

(5) Substituting bonds for notes or bond anticipation notes or substituting notes for bonds.

(6) Adjusting lease rentals upon refunding of lease rental debt for any one or more of the foregoing purposes.

It is immaterial whether or not any such refunding under paragraph (2), (3), (4) or (5) increases the total debt service payable over the life of the series.

(c) Definition.—As used in this section, the term “refund” and its variations shall mean the issuance and sale of obligations, the proceeds of which are used or are to be used for the payment or redemption of outstanding obligations upon or prior to maturity.

§ 8242. Treatment of costs upon refunding.

(a) General rule.—In any refunding, a principal amount of refunding bonds or notes or obligations evidencing lease rental debt equal to the sum of the following:

(1) the call premium payable on the bonds, notes or obligations being refunded;

(2) the discount allowed on the sale of the refunding bonds, notes or obligations;

(3) any funds borrowed to pay interest on bonds, notes or obligations being refunded; and

(4) the costs of issue and sale of the refunding bonds, notes or obligations;

may be considered as interest on the refunding bonds, notes or obligations and may be separately stated in all reporting of debt and in all computation of debt limits and, if so considered and reported by the local government unit, shall not be considered as electoral, nonelectoral or lease rental debt. In subsequent debt statements, any such separately stated principal amount of bonds, notes or obligations shall be reported as being amortized in the same proportion as the series of which they are a part.

(b) Comparison of debt service.—For the purpose of computing whether savings are being effected, the comparison of debt service which would be payable on the refunded bonds, notes or obligations shall be with debt service on the refunding bonds, notes or obligations without reference to the designation of the costs in subsection (a)(1) through (4), adjusted in each case by projected receipt of interest on invested funds of excess revenues or application of reserves to make the comparison reasonable and proper.

§ 8243. Limitation on extending term of debt by refunding.

(a) General rule.—Subject to the terms of section 8247 (relating to special limitation on refunding of funding debt) and to the terms of subsection (b), a local government unit shall not extend the term of outstanding debt through refunding to a maturity date that could not have been included in the original issue, except in the case of an emergency refunding of stated maturity date to avoid a default occasioned by an unforeseen shortage in total revenues proven to the satisfaction of the department upon petition, filed by the governing body of the local government unit, alleging the emergency and the unforeseen loss of revenues. Public notice of the intention to file a petition shall be given by advertisement not less than five nor more than 20 days before the filing thereof. The emergency refunding shall be made only in the amount and with the stated maturity date or dates approved by the department. The first maturity of a refunding issue need not occur until the year after the last stated maturity date of the bonds not called in the series being refunded.

(b) Increasing amount of principal payable.—Except in the case of refundings for the purposes specified in section 8241(b)(1) and (5) (relating to power to refund) and except for emergency refundings approved by the department, no refunding bonds shall be issued which will increase the amount of principal payable, after provision for earlier mandatory calls, in any year or years after the latest stated maturity date of the bonds being refunded, over the amount of the principal which would have been payable on the bonds or notes originally issued for the project in each such year if the original bonds or notes had been structured on a 6% level annual debt service plan to the last stated maturity date of the proposed refunding bonds, computed to the nearest whole multiple of \$5,000, as the amounts shall be computed by a financial advisor, other qualified person or public accountant.

§ 8244. Effect of debt limits on refunding nonelectoral bonds or notes or lease rental debt.

If any debt originally incurred was lawfully incurred and issued and, at the time the debt was incurred, the portion constituting nonelectoral debt or lease rental debt was within the limitations imposed thereon by law, the issue of refunding bonds or notes or the adjustment of lease rentals in respect of the debt shall be lawful and valid, notwithstanding that the aggregate of outstanding debt shall thereby exceed the then applicable limitations set by section 8022 (relating to limitations on incurring of other debt), which limitations shall be deemed increased but only to the extent necessary to effectuate and amortize the refunding lawfully. Any portion of the refunding bonds, notes or obligations may be excluded from nonelectoral debt or lease rental debt, either as subsidized debt or self-liquidating debt, in accordance with the procedure provided in Subchapter B of Chapter 80 (relating to limitations on debt of local government units).

§ 8245. Refunding of electoral debt.

A local government unit may, by action of its governing body and in accordance with the limitations of this subchapter, refund any debt originally

incurred as electoral debt. The refunding bonds, notes or obligations so issued shall not thereby be considered nonelectoral debt or lease rental debt for any purpose.

§ 8246. Procedure for authorization, sale, issue and approval of refunding bonds or notes.

Bonds or notes issued for refunding purposes shall be authorized, issued, sold, approved and settled and refunding of lease rental debt shall be authorized and approved in the manner provided in this subpart for the authorization, issue, sale and approval of the original debt, subject to any additional limitations provided in this subchapter. No refunding bonds or notes shall be delivered to the purchasers thereof unless, simultaneously therewith, the notes or bonds being refunded become no longer outstanding in accordance with section 8250 (relating to use of proceeds of refunding bonds and when refunded bonds are no longer deemed outstanding). No adjustment in lease rentals shall be made unless appropriate provision for the retirement of the outstanding lease rental debt has been made.

§ 8247. Special limitation on refunding of funding debt.

A debt incurred for funding purposes pursuant to section 8130 (relating to approval by court to fund unfunded debt) or under law in existence prior to July 12, 1972, shall not be refunded except under section 8241(b)(1) (relating to power to refund) until the refunding has been approved as necessary by the court of common pleas. The approval shall be obtained by petition to reopen the proceedings in which the funding debt was originally incurred, and the court shall grant the petition if, after hearing, the court is satisfied that the refunding is necessary and is in the public interest. Public notice of the filing of the petition shall be given by advertisement not less than five nor more than 20 days before the filing thereof. All subsequent proceedings in respect of the refunding of the funding debt shall be taken in accordance with the provisions of this subpart applicable to the incurring of the original debt. Bonds or notes issued to refund funding debt shall be stated to mature at the dates and in the amounts on each date as may be approved by the court, notwithstanding any limitation on the term of funding debt imposed elsewhere in this subpart.

§ 8248. Approval of refunding by the electors.

The governing body of any local government unit may also obtain the approval of the electors to any refunding of nonelectoral or lease rental debt in the manner prescribed for an original issue by Subchapter C of Chapter 80 (relating to procedure for securing approval of electors) and may issue general obligation bonds or guaranteed revenue bonds or incur other obligations in the refunding if approved by the electors regardless of the class of bonds, notes or obligations originally issued.

§ 8249. Refunding with bonds of another type.

Subject to the limitations of section 8022 (relating to limitations on incurring of other debt) or after a referendum held pursuant to section 8248 (relating to approval of refunding by the electors), the governing body of any



local government unit may for any purpose specified in section 8241 (relating to power to refund) refund with its general obligation bonds or notes or its guaranteed revenue bonds or notes all or any part of any outstanding revenue bonds or notes or bonds, notes or obligations of any authority or other local governmental unit constituting lease rental debt of the local government unit or may refund any outstanding revenue bonds or guaranteed revenue bonds or notes with like bonds or notes. The local government unit may also refund any general obligation or guaranteed revenue bonds with its revenue bonds, by the incurring of lease rental debt or by guaranteeing the obligations of an authority.

§ 8250. Use of proceeds of refunding bonds and when refunded bonds are no longer deemed outstanding.

(a) General rule.—The proceeds of refunding bonds, together with any other moneys made available for the purpose, shall be used solely for the purpose of retiring the bonds being refunded and for the purpose of paying the costs of the refunding.

(b) When obligations no longer deemed outstanding.—Any bonds or notes to be redeemed or paid shall no longer be deemed to be outstanding for the purpose of determining the net debt of the local government unit or for the purposes of any indenture limitations on repledging revenues when the local government unit has irrevocably deposited with a bank or bank and trust company in a sufficient amount:

(1) Moneys.

(2) Noncallable securities of the Federal Government or of the Commonwealth maturing or payable at par at the option of the holders at or prior to the dates needed for disbursement.

(3) Time deposits or certificates of deposit, with a firm rate of interest or stated minimum rate of interest, issued by a bank or bank and trust company and insured or adequately secured as required by section 8224 (relating to deposit and investment of moneys in sinking funds and other funds).

(4) Any combination of the foregoing.

(c) Deposits equal to principal and interest.—Subject to any relevant contrary law or regulation, the amount deposited may be equal to the principal and interest to become due on the bonds or notes being refunded to the date on which the bonds or notes are stated to mature or any lesser amount computed in accordance with the provisions of subsection (d).

(d) Test of sufficiency.—The deposited amount shall be sufficient when it, together with the interest to be earned thereon, will equal the principal, premium and interest to become due on the bonds or notes being refunded to the earlier of the date at which any bonds or notes are stated to mature or have been called for prior redemption, except that the local government unit shall simultaneously have given the bank or bank and trust company instructions and authority, stated to be irrevocable, to publish any notices of redemption remaining to be published.

(e) Irrevocable call for redemption.—When stated to be irrevocable, the instructions and authority to call bonds or notes for redemption shall become irrevocable upon the delivery thereof or upon the deposit of the moneys or securities in a sufficient amount to effect the redemption, whichever occurs later. Until the irrevocability has occurred, a call for redemption may be revoked by notice given in the same manner as the notice of redemption.

§ 8251. Cessation of interest on called bonds or notes.

Upon the date fixed for redemption, if the irrevocable deposit has been made and the required notice of the redemption has been given, no further interest on the bonds or notes so called for redemption shall accrue. This subchapter does not relieve the issuing local government unit of its obligation to see that the holders of the bonds or notes called for redemption are paid in full on the date fixed for redemption. From and after that date, if the irrevocable deposit was made at the proper amount on that date, the holders of bonds or notes called for redemption shall have no rights against the local government unit except to receive payment from the deposited funds or from the local government unit to the extent of the moneys returned to it pursuant to section 8224(f) (relating to deposit and investment of moneys in sinking funds and other funds).

#### SUBCHAPTER D REMEDIES

Sec.

8261. Failure to budget debt service.

8262. Failure to pay principal or interest.

8263. Trustee for bondholders.

8264. Receiver for revenue projects.

8265. Costs of suits or proceedings.

8266. Distribution of moneys realized for bondholders.

§ 8261. Failure to budget debt service.

If a local government unit having outstanding any general obligation bonds or notes or guaranteed revenue bonds or notes, lease rental debt or guaranty of authority obligations fails or refuses to make adequate provision in its budget for any fiscal year for the sums payable in respect of the bonds or notes, lease rental or guaranty in the year or fails to appropriate or pay the moneys necessary in that year for the payment of the amount of the lease rental or guaranty, as the case may be, of the maturing principal of and the interest on the bonds or notes or any of them, or any tax anticipation notes, or any sinking fund obligation for the bonds or notes or tax anticipation notes, or guaranty or the lease rental payment coming due in the fiscal year of the budget or for which the appropriations or payments should have been made, then at the suit of the holder of any bond, note or tax anticipation note or coupon or guaranty, or the holder of any authority obligation secured by a lease evidencing the acquisition of a capital asset or of any taxpayer of the

local government unit, the court of common pleas shall, after a hearing held upon such notice to the local government unit as the court may direct and upon a finding of such failure or neglect, by order of mandamus require the treasurer of the local government unit to pay into the sinking fund for each series of bonds or notes then outstanding, or for each guaranty or lease rental payment, the first tax moneys or other available revenues or moneys thereafter received in the fiscal year by the treasurer, equally and ratably for each series for which provision has not been made in proportion to debt service for the year on each series then outstanding, or the amounts due upon guaranties or as payments with respect to lease rental debt, as the case may be. Any priority on incoming tax moneys accorded to a separate sinking fund for tax anticipation notes under the authority of section 8125 (relating to security for tax anticipation notes and sinking fund) shall not be affected by this provision until the sum on deposit in each sinking fund equals the moneys that should have been budgeted or appropriated for each series.

§ 8262. Failure to pay principal or interest.

(a) General rule.—If a local government unit fails or neglects to pay the interest or principal on any of its general obligation bonds or notes or tax anticipation notes as the same becomes due and payable, whether at the stated maturity date or upon an unrevoked call for prior redemption, or to perform its payment obligations with respect to any lease rental debt or guaranteed revenue bonds or notes, and the failure continues for 30 days, the holder thereof may, subject to priorities created under sections 8125 (relating to security for tax anticipation notes and sinking fund), 8261 (relating to failure to budget debt service) and 8263 (relating to trustee for bondholders) and to any limitations upon individual rights of action properly provided in the bond ordinance or any indenture, recover the amount due in an action in the court of common pleas. The judgment recovered shall have an appropriate priority upon the moneys next coming into the treasury of the local government unit and shall be a judgment upon which funding bonds may be issued pursuant to Subchapter B of Chapter 81 (relating to tax anticipation notes and funding debt).

(b) Revenue bonds and notes.—If a local government unit fails or neglects to pay or cause to be paid the principal of or the interest upon any revenue bond or note as the same shall become due, whether at the stated maturity or upon call for prior redemption, the holder thereof may, subject to priorities created under sections 8125, 8262 (relating to failure to pay principal or interest) and 8263 and to any limitations upon individual rights of action properly provided in the bond ordinance or any indenture, recover the amount due in an action in the court of common pleas, but the judgment shall be limited to payment out of the assessments, revenues, rates, rents, tolls and charges from the project which are pledged for the payment of the bonds or notes.

§ 8263. Trustee for bondholders.

(a) Appointment.—Notwithstanding any provision in the bonds or notes or in any authorizing ordinance, if a local government unit defaults in the payment of the principal of or the interest on any series of bonds or notes after it becomes due, whether at the stated maturity or upon call for prior redemption, and the default continues for 30 days or if the local government unit fails to comply with any provision of the bonds or notes, or in any authorizing resolution or indenture of trust, the holders of 25% in aggregate principal amount of the bonds or notes of the series then outstanding, by an instrument or instruments filed in the office of the recorder of deeds in the county in which the local government unit is located, signed and acknowledged as a deed to be recorded, may appoint a trustee, who may be the sinking fund depository, to represent the holders of all the bonds or notes, and the representation shall be exclusive for the purposes provided in this section.

(b) Powers and duties.—The trustee may and, upon written request of the holders of 25% in principal amount of the bonds or notes then outstanding and upon being furnished with indemnity satisfactory to it, shall, in his or its own name, take one or more of the following actions and the taking of such action shall preclude similar action whether previously or subsequently initiated by individual holders of bonds or notes:

(1) By mandamus or other proceeding at law or in equity, enforce all rights of the holders of the bonds or notes, including, in the case of revenue or guaranteed revenue obligations, the right to require the local government unit to:

(i) impose and collect rents, rates, tolls and charges adequate to carry out any agreement or covenant as to or pledge of the rents, rates, tolls or charges for the use of the project or projects financed by the bonds or notes; or

(ii) carry out any other agreements with the holders of the bonds or notes.

(2) Bring suit on the bonds or notes without the necessity for producing the bonds or notes, and with the same effect as a suit by any holder.

(3) In the case of revenue or guaranteed revenue bonds or notes, require the local government unit to account, as if it were the trustee of an express trust for the holders of the bonds or notes, for any pledged revenues received.

(4) In the case of general obligation bonds or notes, petition the court to levy, after a hearing upon such notice to the owners of assessable real estate as the court may prescribe, the amount due before or after the exercise of any right of acceleration on the bonds or notes, plus estimated costs of collection as an assessment upon the properties benefited by the improvement pursuant to the front-foot rule if the project is an assessable improvement, otherwise upon all taxable real estate and other property

subject to ad valorem taxation in the local government unit, in proportion to the value thereof as assessed for tax purposes, and the trustee may collect or cause the local government unit to collect such assessments as by foreclosure of a mortgage or security interest on the realty or other property if not paid on demand.

(5) In the case of guaranteed revenue bonds or notes or a guarantee of authority obligations or unpaid lease rentals under leases evidencing the acquisition of capital assets, to petition the court to levy, after hearing upon the notice to the owners of assessable real estate and other property subject to ad valorem taxation as the court may prescribe, the amount due on the guaranty or under the lease plus estimated costs of collection as an annual assessment for the current and future years upon all taxable real estate and other properties subject to ad valorem taxation in the local government unit in proportion to the value thereof as assessed for tax purposes, and the trustee may collect or cause the local government unit to collect the assessments as by foreclosure of a mortgage or security interest on the realty or other property if not paid on demand. The levy shall bear interest, until paid, at a rate sufficient to cover accruing interest on the bonds or notes.

(6) By suit in equity, enjoin any acts or things which may be unlawful or in violation of the rights of the holders of the bonds, notes, guaranty or authority obligations under a lease evidencing the acquisition of capital assets.

(7) After 30 days' prior written notice to the local government unit and subject to any limitations in the bond ordinance or relevant indenture, declare the unpaid principal of all the bonds or notes to be immediately due and payable with interest at the rates stated in the bonds until final payment. If all defaults are made good, the trustee may annul the declaration and its consequences.

Any assessment levied pursuant to paragraphs (4) and (5) shall have the same priority and preference as to other liens or mortgages on the real estate or security interests in fixtures thereon or other property as a lien for unpaid taxes.

(c) Installment payments.—The court of common pleas in cases of extreme hardship may provide for the payment of sums levied in five or fewer annual installments with interest at a rate sufficient to cover the interest accruing on the bonds or notes.

(d) Trustee or fiscal agent under original issue.—If a trustee or fiscal agent for the bondholders or noteholders was appointed in connection with the original issue of the bonds or notes and is willing to serve and exercise the powers conferred upon a trustee appointed by this section, the trustee appointed in the manner provided in this section shall have the powers set forth unless the appointment under this section was executed by or pursuant to the authority of the holders of a principal amount of the bonds or notes sufficient to remove the originally appointed trustee or fiscal agent.

§ 8264. Receiver for revenue projects.

(a) Appointment.—A trustee for the holders of defaulted bonds or notes, whether or not the series of bonds represented by the trustee has been declared to be and has become immediately due and payable, shall be entitled as of right to the appointment by the court of common pleas of a receiver of all or any part or parts of a project or the projects, the rents, rates, revenues, tolls and charges of which are pledged for the security of the bonds or notes of the series.

(b) Powers and duties.—Except as otherwise provided in this section, the receiver may not sell, assign, mortgage or otherwise dispose of, but may enter and take possession of, the project or projects or part or parts thereof and, subject to the equal or prior rights of the holders of any other series of bonds or notes, shall take possession of all moneys and other property derived from or applicable to the construction, operation, maintenance, repair and reconstruction of the project or projects or parts thereof. The receiver may thereafter proceed with any construction or other work thereon which the local government unit is under obligation to do. The receiver may operate, maintain, repair and reconstruct the project or projects or parts thereof and collect and receive all rents, rates, receipts, tolls, other charges and revenues arising therefrom, subject to the equal or prior rights of the holders of any other series of bonds or notes therein. As part of his power to operate and maintain a project, the receiver may sell or otherwise dispose of equipment which is no longer used or usable by the project. The receiver shall perform the public duties and carry out the lawful agreements and obligations of the local government unit with respect to the project or projects or parts thereof, all under the direction of the court, but shall not perform any essential governmental functions.

§ 8265. Costs of suits or proceedings.

In any suit, action or proceeding by or on behalf of the holders of defaulted bonds or notes of a local government unit brought under this subpart, the fees and expenses of a trustee or receiver, including operating costs of a project and reasonable counsel fees, shall constitute taxable costs, and all costs and disbursements allowed by the court shall be deemed additional principal due on the bonds or notes and shall be paid in full from any recovery prior to any distribution to the holders of the bonds or notes.

§ 8266. Distribution of moneys realized for bondholders.

Moneys or funds collected for the holders of defaulted bonds or notes entitled to share equally and ratably therein shall, after the payment of costs and fees as provided in section 8265 (relating to costs of suits or proceedings), be applied by the trustee or receiver, unless the terms of the bonds or notes provide otherwise, as follows:

(1) Unless the principal of all of the bonds or notes represented has become or has been declared due and payable:

(i) To the payment to the persons entitled thereto of all installments of interest then due in the order of the stated maturity dates of the

installments of the interest and, if the amount available is not sufficient to pay any installment in full, then to the payment ratably, according to the amounts due on the installment, to the persons entitled thereto, without any discrimination or preference except as to any difference in the respective rates of interest expressed in the bonds or notes or coupons for interest.

(ii) To the payment to the persons entitled thereto of the unpaid principal of any bonds or notes which has become due, whether at stated maturity dates or by call for redemption, in the order of their respective due dates and, if the amount available is not sufficient to pay in full all the bonds or notes due on any date, then to the payment ratably, according to the amounts of principal due on the dates, to the persons entitled thereto without any discrimination or preference.

(2) If the principal of all of the bonds or notes entitled to share equally in the moneys has become or has been declared due and payable, to the payment of the principal and interest then due and unpaid upon the bonds or notes without preference or priority of principal over interest or interest over principal, or of any installment of interest over any other installment of interest, or of any bond or note over any other bond or note, ratably according to the amounts due respectively for principal and interest, to the persons entitled thereto without any discrimination or preference except as to any difference in the respective rates of interest specified in the bonds, notes and coupons.

(3) If more than one series is involved and the principal of all bonds or notes of one or more series has become or has been declared due and payable, and that if one or more others has not, the funds available shall be apportioned to each series according to the respective amounts of principal of each series then outstanding less, as to each series, any amounts held earmarked for the series, and distribution to the holders of the bonds, notes and coupons of each series shall be made according to whichever of paragraphs (1) and (2) may be applicable.

#### SUBCHAPTER E PENALTIES

Sec.

8271. Failure to obey sinking fund directive of department.

§ 8271. Failure to obey sinking fund directive of department.

Any officer or any member of the governing body of any local government unit who refuses or neglects to obey any order of the department made under Subchapter B (relating to sinking funds and other funds and accounts) concerning sinking funds or who refuses to furnish requested information required by the department or refuses agents of the department access to any books, records or documents relating to sinking funds commits

a misdemeanor of the third degree and shall, upon conviction, be sentenced to pay a fine not more than \$500 for each day of violation.

Section 2. (a) The following acts and parts of acts are repealed:

Act of May 29, 1956 (1955 P.L.1845, No.611), known as the Regional Planning Law.

Act of July 28, 1959 (P.L.579, No.188), entitled "An act to authorize political subdivisions of this Commonwealth to establish an emergency temporary location or locations for their seats of government and to exercise governmental powers and functions thereat."

Act of November 30, 1967 (P.L.658, No.305), known as the Business Improvement District Act of 1967.

Act of January 18, 1968 (1967 P.L.961, No.428), known as the Municipal Records Act.

Act of March 16, 1972 (P.L.108, No.39), known as the Environmental Improvement Compact.

Act of April 13, 1972 (P.L.184, No.62), known as the Home Rule Charter and Optional Plans Law.

Act of July 12, 1972 (P.L.762, No.180), referred to as the Intergovernmental Cooperation Law.

Act of July 12, 1972 (P.L.781, No.185), known as the Local Government Unit Debt Act.

Act of December 21, 1973 (P.L.425, No.148), referred to as the Municipal Environmental Advisory Council Law.

Act of June 18, 1974 (P.L.359, No.120), referred to as the Municipal Police Education and Training Law.

Act of December 13, 1974 (P.L.947, No.312), known as the Municipal Reapportionment Act.

(b) The act of October 23, 1959 (P.L.1369, No.474), known as the Emergency Interim Executive and Judicial Succession Act of 1959, is repealed as to political subdivisions.

Section 3. This act shall take effect in 60 days.



SOURCE TABLE  
 PROPOSED GENERAL LOCAL GOVERNMENT CODE  
 PREPARED BY THE JOINT STATE GOVERNMENT COMMISSION

Proposed GLGC	P.L. Citation	Section	Purdon's Citation
53 Pa.C.S. 901	1974-947-312	1	53 P.S. 11601
53 Pa.C.S. 902	1974-947-312	2	53 P.S. 11602
53 Pa.C.S. 903	1974-947-312	3	53 P.S. 11603
53 Pa.C.S. 904	1974-947-312	4	53 P.S. 11604
53 Pa.C.S. 905	1974-947-312	5	53 P.S. 11605
53 Pa.C.S. 906	1974-947-312	6	53 P.S. 11606
53 Pa.C.S. 907	1974-947-312	7	53 P.S. 11607
53 Pa.C.S. 908	1974-947-312	8	53 P.S. 11608
53 Pa.C.S. 1121	New		None
53 Pa.C.S. 1122	1959-579-188	1	71 P.S. 777.1
53 Pa.C.S. 1123	1959-579-188	2	71 P.S. 777.2
53 Pa.C.S. 1124	1959-579-188	3	71 P.S. 777.3
53 Pa.C.S. 1131	1959-1369-474	1	71 P.S. 779.1
53 Pa.C.S. 1132	1959-1369-474	2	71 P.S. 779.2
53 Pa.C.S. 1133	1959-1369-474	3	71 P.S. 779.3
53 Pa.C.S. 1134	1959-1369-474	6	71 P.S. 779.6
53 Pa.C.S. 1135	1959-1369-474	7	71 P.S. 779.7
53 Pa.C.S. 1136	1959-1369-474	9	71 P.S. 779.9
53 Pa.C.S. 1137	1959-1369-474	10	71 P.S. 779.10
53 Pa.C.S. 1138	1959-1369-474	11	71 P.S. 779.11
53 Pa.C.S. 1381	1968(1967)-961-428	1	53 P.S. 9001
53 Pa.C.S. 1382	1968(1967)-961-428	2	53 P.S. 9002
53 Pa.C.S. 1383	1968(1967)-961-428	3	53 P.S. 9003
53 Pa.C.S. 1384	1968(1967)-961-428	4	53 P.S. 9004
53 Pa.C.S. 1385	1968(1967)-961-428	5	53 P.S. 9005
53 Pa.C.S. 1386	1968(1967)-961-428	6	53 P.S. 9006
53 Pa.C.S. 1387	1968(1967)-961-428	7	53 P.S. 9007
53 Pa.C.S. 1388	1968(1967)-961-428	8	53 P.S. 9008
53 Pa.C.S. 1389	1968(1967)-961-428	9	53 P.S. 9009
53 Pa.C.S. 2161	1974-359-120	1	53 P.S. 740
53 Pa.C.S. 2162	1974-359-120	2	53 P.S. 741
53 Pa.C.S. 2163	1974-359-120	4	53 P.S. 743
53 Pa.C.S. 2164	1974-359-120	5	53 P.S. 744
53 Pa.C.S. 2165	1974-359-120	7	53 P.S. 746
53 Pa.C.S. 2166	1974-359-120	8	53 P.S. 747
53 Pa.C.S. 2167	1974-359-120	9	53 P.S. 748
53 Pa.C.S. 2168	1974-359-120	9.1	53 P.S. 748.1
53 Pa.C.S. 2169	1974-359-120	9.2	53 P.S. 748.2

53 Pa.C.S. 2170	1974-359-120	10	53 P.S. 749
53 Pa.C.S. 2171	New		None
53 Pa.C.S. 2301	1972-762-180	1	53 P.S. 481
53 Pa.C.S. 2302	1972-762-180	2	53 P.S. 482
53 Pa.C.S. 2303	1972-762-180	3	53 P.S. 483
53 Pa.C.S. 2304	1972-762-180	4	53 P.S. 484
53 Pa.C.S. 2305	1972-762-180	5	53 P.S. 485
53 Pa.C.S. 2306	1972-762-180	6	53 P.S. 486
53 Pa.C.S. 2307	1972-762-180	7	53 P.S. 487
53 Pa.C.S. 2308	1972-762-180	7.1	53 P.S. 487.1
53 Pa.C.S. 2309	1972-762-180	7.2	53 P.S. 487.2
53 Pa.C.S. 2310	1972-762-180	7.3	53 P.S. 487.3
53 Pa.C.S. 2311	1972-762-180	7.4	None
53 Pa.C.S. 2312	1972-762-180	7.5	None
53 Pa.C.S. 2313	1972-762-180	7.6	None
53 Pa.C.S. 2314	1972-762-180	8	53 P.S. 488
53 Pa.C.S. 2315	1972-762-180	9	53 P.S. 489
53 Pa.C.S. 2321	New		None
53 Pa.C.S. 2322	1973-425-148	1	53 P.S. 11501
53 Pa.C.S. 2323	1973-425-148	2	53 P.S. 11502
53 Pa.C.S. 2324	1973-425-148	3	53 P.S. 11503
53 Pa.C.S. 2325	1973-425-148	4	53 P.S. 11504
53 Pa.C.S. 2326	1973-425-148	5	53 P.S. 11505
53 Pa.C.S. 2327	1973-425-148	6	53 P.S. 11506
53 Pa.C.S. 2328	1973-425-148	7	53 P.S. 11507
53 Pa.C.S. 2329	1973-425-148	8	53 P.S. 11508
53 Pa.C.S. 2341	1955-1845-611	101	53 P.S. 491
53 Pa.C.S. 2342	1955-1845-611	102	53 P.S. 492
53 Pa.C.S. 2343	1955-1845-611	201	53 P.S. 493
53 Pa.C.S. 2344	1955-1845-611	202	53 P.S. 494
53 Pa.C.S. 2345	1955-1845-611	203	53 P.S. 495
53 Pa.C.S. 2346	1955-1845-611	204	53 P.S. 496
53 Pa.C.S. 2347	1955-1845-611	205	53 P.S. 497
53 Pa.C.S. 2348	1955-1845-611	206	53 P.S. 498
53 Pa.C.S. 2501	1972-108-39	101	53 P.S. 11400-101
53 Pa.C.S. 2502	1972-108-39	102	53 P.S. 11400-102
53 Pa.C.S. 2511	1972-108-39	201	53 P.S. 11400-201
53 Pa.C.S. 2512	1972-108-39	202	53 P.S. 11400-202
53 Pa.C.S. 2513	1972-108-39	203	53 P.S. 11400-203
53 Pa.C.S. 2514	1972-108-39	204	53 P.S. 11400-204
53 Pa.C.S. 2515	1972-108-39	205	53 P.S. 11400-205
53 Pa.C.S. 2521	1972-108-39	301	53 P.S. 11400-301
53 Pa.C.S. 2522	1972-108-39	302	53 P.S. 11400-302
53 Pa.C.S. 2523	1972-108-39	303	53 P.S. 11400-303
53 Pa.C.S. 2531	1972-108-39	401	53 P.S. 11400-401

53 Pa.C.S. 2532	1972-108-39	402	53 P.S. 11400-402
53 Pa.C.S. 2533	1972-108-39	403	53 P.S. 11400-403
53 Pa.C.S. 2534	1972-108-39	404	53 P.S. 11400-404
53 Pa.C.S. 2535	1972-108-39	405	53 P.S. 11400-405
53 Pa.C.S. 2536	1972-108-39	406	53 P.S. 11400-406
53 Pa.C.S. 2541	1972-108-39	501	53 P.S. 11400-501
53 Pa.C.S. 2542	1972-108-39	502	53 P.S. 11400-502
53 Pa.C.S. 2543	1972-108-39	503	53 P.S. 11400-503
53 Pa.C.S. 2551	1972-108-39	601	53 P.S. 11400-601
53 Pa.C.S. 2552	1972-108-39	602	53 P.S. 11400-602
53 Pa.C.S. 2553	1972-108-39	603	53 P.S. 11400-603
53 Pa.C.S. 2554	1972-108-39	604	53 P.S. 11400-604
53 Pa.C.S. 2555	1972-108-39	605	53 P.S. 11400-605
53 Pa.C.S. 2901	1972-184-62	101	53 P.S. 1-101
53 Pa.C.S. 2902	1972-184-62	102	53 P.S. 1-102
53 Pa.C.S. 2911	1972-184-62	201	53 P.S. 1-201
53 Pa.C.S. 2912	1972-184-62	202	53 P.S. 1-202
53 Pa.C.S. 2913	1972-184-62	203	53 P.S. 1-203
53 Pa.C.S. 2914	1972-184-62	204	53 P.S. 1-204
53 Pa.C.S. 2915	1972-184-62	204.1	53 P.S. 1-204.1
53 Pa.C.S. 2916	1972-184-62	205	53 P.S. 1-205
53 Pa.C.S. 2917	1972-184-62	206	53 P.S. 1-206
53 Pa.C.S. 2918	1972-184-62	207	53 P.S. 1-207
53 Pa.C.S. 2919	1972-184-62	208	53 P.S. 1-208
53 Pa.C.S. 2920	1972-184-62	209	53 P.S. 1-209
53 Pa.C.S. 2921	1972-184-62	210	53 P.S. 1-210
53 Pa.C.S. 2922	1972-184-62	211	53 P.S. 1-211
53 Pa.C.S. 2923	1972-184-62	212	53 P.S. 1-212
53 Pa.C.S. 2924	1972-184-62	213	53 P.S. 1-213
53 Pa.C.S. 2925	1972-184-62	214	53 P.S. 1-214
53 Pa.C.S. 2926	1972-184-62	215	53 P.S. 1-215
53 Pa.C.S. 2927	1972-184-62	216	53 P.S. 1-216
53 Pa.C.S. 2928	1972-184-62	217	53 P.S. 1-217
53 Pa.C.S. 2929	1972-184-62	218	53 P.S. 1-218
53 Pa.C.S. 2930	1972-184-62	219	53 P.S. 1-219
53 Pa.C.S. 2941	1972-184-62	221	53 P.S. 1-221
53 Pa.C.S. 2942	1972-184-62	231	53 P.S. 1-231
53 Pa.C.S. 2943	1972-184-62	232	53 P.S. 1-232
53 Pa.C.S. 2944	1972-184-62	233	53 P.S. 1-233
53 Pa.C.S. 2951	1972-184-62	241	53 P.S. 1-241
53 Pa.C.S. 2952	1972-184-62	242	53 P.S. 1-242
53 Pa.C.S. 2961	1972-184-62	301	53 P.S. 1-301
53 Pa.C.S. 2962	1972-184-62	302	53 P.S. 1-302
53 Pa.C.S. 2963	1972-184-62	303	53 P.S. 1-303
53 Pa.C.S. 2964	1972-184-62	304	53 P.S. 1-304

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53 Pa.C.S. 2965	1972-184-62	305	53 P.S. 1-305
53 Pa.C.S. 2966	1972-184-62	306	53 P.S. 1-306
53 Pa.C.S. 2967	1972-184-62	307	53 P.S. 1-307
53 Pa.C.S. 2971	1972-184-62	401	53 P.S. 1-401
53 Pa.C.S. 2972	1972-184-62	402	53 P.S. 1-402
53 Pa.C.S. 2973	1972-184-62	403	53 P.S. 1-403
53 Pa.C.S. 2974	1972-184-62	404	53 P.S. 1-404
53 Pa.C.S. 2981	1972-184-62	1302	53 P.S. 1-1302
53 Pa.C.S. 2982	1972-184-62	1303	53 P.S. 1-1303
53 Pa.C.S. 2983	1972-184-62	1304	53 P.S. 1-1304
53 Pa.C.S. 2984	1972-184-62	1305	53 P.S. 1-1305
53 Pa.C.S. 3001	1972-184-62	501	53 P.S. 1-501
53 Pa.C.S. 3002	1972-184-62	502	53 P.S. 1-502
53 Pa.C.S. 3003	1972-184-62	503	53 P.S. 1-503
53 Pa.C.S. 3004	1972-184-62	504	53 P.S. 1-504
53 Pa.C.S. 3005	1972-184-62	505	53 P.S. 1-505
53 Pa.C.S. 3006	1972-184-62	511	53 P.S. 1-511
53 Pa.C.S. 3007	1972-184-62	512	53 P.S. 1-512
53 Pa.C.S. 3008	1972-184-62	513	53 P.S. 1-513
53 Pa.C.S. 3009	1972-184-62	514	53 P.S. 1-514
53 Pa.C.S. 3010	1972-184-62	521	53 P.S. 1-521
53 Pa.C.S. 3011	1972-184-62	522	53 P.S. 1-522
53 Pa.C.S. 3012	1972-184-62	523	53 P.S. 1-523
53 Pa.C.S. 3013	1972-184-62	524	53 P.S. 1-524
53 Pa.C.S. 3014	1972-184-62	525	53 P.S. 1-525
53 Pa.C.S. 3015	1972-184-62	531	53 P.S. 1-531
53 Pa.C.S. 3016	1972-184-62	532	53 P.S. 1-532
53 Pa.C.S. 3017	1972-184-62	533	53 P.S. 1-533
53 Pa.C.S. 3018	1972-184-62	534	53 P.S. 1-534
53 Pa.C.S. 3031	1972-184-62	601	53 P.S. 1-601
53 Pa.C.S. 3032	1972-184-62	602	53 P.S. 1-602
53 Pa.C.S. 3033	1972-184-62	603	53 P.S. 1-603
53 Pa.C.S. 3041	1972-184-62	701	53 P.S. 1-701
53 Pa.C.S. 3042	1972-184-62	702	53 P.S. 1-702
53 Pa.C.S. 3043	1972-184-62	703	53 P.S. 1-703
53 Pa.C.S. 3051	1972-184-62	801	53 P.S. 1-801
53 Pa.C.S. 3052	1972-184-62	802	53 P.S. 1-802
53 Pa.C.S. 3053	1972-184-62	803	53 P.S. 1-803
53 Pa.C.S. 3054	1972-184-62	804	53 P.S. 1-804
53 Pa.C.S. 3055	1972-184-62	805	53 P.S. 1-805
53 Pa.C.S. 3056	1972-184-62	811	53 P.S. 1-811
53 Pa.C.S. 3057	1972-184-62	812	53 P.S. 1-812
53 Pa.C.S. 3058	1972-184-62	813	53 P.S. 1-813
53 Pa.C.S. 3059	1972-184-62	821	53 P.S. 1-821
53 Pa.C.S. 3060	1972-184-62	822	53 P.S. 1-822

53 Pa.C.S. 3061	1972-184-62	823	53 P.S. 1-823
53 Pa.C.S. 3062	1972-184-62	824	53 P.S. 1-824
53 Pa.C.S. 3063	1972-184-62	825	53 P.S. 1-825
53 Pa.C.S. 3064	1972-184-62	826	53 P.S. 1-826
53 Pa.C.S. 3071	1972-184-62	901	53 P.S. 1-901
53 Pa.C.S. 3072	1972-184-62	902	53 P.S. 1-902
53 Pa.C.S. 3073	1972-184-62	911	53 P.S. 1-911
53 Pa.C.S. 3074	1972-184-62	912	53 P.S. 1-912
53 Pa.C.S. 3075	1972-184-62	913	53 P.S. 1-913
53 Pa.C.S. 3076	1972-184-62	914	53 P.S. 1-914
53 Pa.C.S. 3077	1972-184-62	921	53 P.S. 1-921
53 Pa.C.S. 3078	1972-184-62	922	53 P.S. 1-922
53 Pa.C.S. 3079	1972-184-62	941	53 P.S. 1-941
53 Pa.C.S. 3080	1972-184-62	942	53 P.S. 1-942
53 Pa.C.S. 3091	1972-184-62	1001	53 P.S. 1-1001
53 Pa.C.S. 3092	1972-184-62	1002	53 P.S. 1-1002
53 Pa.C.S. 3093	1972-184-62	1003	53 P.S. 1-1003
53 Pa.C.S. 3094	1972-184-62	1101	53 P.S. 1-1101
53 Pa.C.S. 3095	1972-184-62	1102	53 P.S. 1-1102
53 Pa.C.S. 3101	1972-184-62	1201	53 P.S. 1-1201
53 Pa.C.S. 3102	1972-184-62	1202	53 P.S. 1-1202
53 Pa.C.S. 3103	1972-184-62	1203	53 P.S. 1-1203
53 Pa.C.S. 3014	1972-184-62	1204	53 P.S. 1-1204
53 Pa.C.S. 3111	1972-184-62	1211	53 P.S. 1-1211
53 Pa.C.S. 3121	1972-184-62	1221	53 P.S. 1-1221
53 Pa.C.S. 3122	1972-184-62	1222	53 P.S. 1-1222
53 Pa.C.S. 3131	1972-184-62	1231	53 P.S. 1-1231
53 Pa.C.S. 3132	1972-184-62	1232	53 P.S. 1-1232
53 Pa.C.S. 3141	1972-184-62	1241	53 P.S. 1-1241
53 Pa.C.S. 3142	1972-184-62	1242	53 P.S. 1-1242
53 Pa.C.S. 3143	1972-184-62	1243	53 P.S. 1-1243
53 Pa.C.S. 3144	1972-184-62	1244	53 P.S. 1-1244
53 Pa.C.S. 3145	1972-184-62	1245	53 P.S. 1-1245
53 Pa.C.S. 3146	1972-184-62	1246	53 P.S. 1-1246
53 Pa.C.S. 3151	1972-184-62	1251	53 P.S. 1-1251
53 Pa.C.S. 3152	1972-184-62	1252	53 P.S. 1-1252
53 Pa.C.S. 3153	1972-184-62	1253	53 P.S. 1-1253
53 Pa.C.S. 3161	1972-184-62	1261	53 P.S. 1-1261
53 Pa.C.S. 3162	1972-184-62	1262	53 P.S. 1-1262
53 Pa.C.S. 3163	1972-184-62	1263	53 P.S. 1-1263
53 Pa.C.S. 3164	1972-184-62	1264	53 P.S. 1-1264
53 Pa.C.S. 3165	1972-184-62	1265	53 P.S. 1-1265
53 Pa.C.S. 3166	1972-184-62	1266	53 P.S. 1-1266
53 Pa.C.S. 3171	1972-184-62	1271	53 P.S. 1-1271
53 Pa.C.S. 5401	1967-658-305	1	53 P.S. 1551

53 Pa.C.S. 5402	1967-658-305	2	53 P.S. 1552
53 Pa.C.S. 5403	1967-658-305	2	53 P.S. 1552
53 Pa.C.S. 5404	1967-658-305	2.1	53 P.S. 1552.1
53 Pa.C.S. 5405	1967-658-305	3	53 P.S. 1553
53 Pa.C.S. 5406	1967-658-305	4	53 P.S. 1554
53 Pa.C.S. 8001	1972-781-185	101	53 P.S. 6780-1
53 Pa.C.S. 8002	1972-781-185	102	53 P.S. 6780-2
53 Pa.C.S. 8003	1972-781-185	103	53 P.S. 6780-3
53 Pa.C.S. 8004	1972-781-185	104	53 P.S. 6780-4
53 Pa.C.S. 8005	1972-781-185	105	53 P.S. 6780-5
53 Pa.C.S. 8006	1972-781-185	106	53 P.S. 6780-6
53 Pa.C.S. 8007	1972-781-185	107	53 P.S. 6780-7
53 Pa.C.S. 8008	1972-781-185	108	53 P.S. 6780-8
53 Pa.C.S. 8009	1972-781-185	109	None
53 Pa.C.S. 8021	1972-781-185	201	53 P.S. 6780-51
53 Pa.C.S. 8022	1972-781-185	202	53 P.S. 6780-52
53 Pa.C.S. 8023	1972-781-185	203	53 P.S. 6780-53
53 Pa.C.S. 8024	1972-781-185	204	53 P.S. 6780-54
53 Pa.C.S. 8025	1972-781-185	205	53 P.S. 6780-55
53 Pa.C.S. 8026	1972-781-185	206	53 P.S. 6780-56
53 Pa.C.S. 8027	1972-781-185	207	53 P.S. 6780-57
53 Pa.C.S. 8028	1972-781-185	208	53 P.S. 6780-58
53 Pa.C.S. 8029	1972-781-185	209	53 P.S. 6780-59
53 Pa.C.S. 8041	1972-781-185	301	53 P.S. 6780-101
53 Pa.C.S. 8042	1972-781-185	302	53 P.S. 6780-102
53 Pa.C.S. 8043	1972-781-185	303	53 P.S. 6780-103
53 Pa.C.S. 8044	1972-781-185	304	53 P.S. 6780-104
53 Pa.C.S. 8045	1972-781-185	305	53 P.S. 6780-105
53 Pa.C.S. 8046	1972-781-185	306	53 P.S. 6780-106
53 Pa.C.S. 8047	1972-781-185	307	53 P.S. 6780-107
53 Pa.C.S. 8048	1972-781-185	308	53 P.S. 6780-108
53 Pa.C.S. 8049	1972-781-185	309	53 P.S. 6780-109
53 Pa.C.S. 8101	1972-781-185	401	53 P.S. 6780-151
53 Pa.C.S. 8102	1972-781-185	402	53 P.S. 6780-152
53 Pa.C.S. 8103	1972-781-185	403	53 P.S. 6780-153
53 Pa.C.S. 8104	1972-781-185	404	53 P.S. 6780-154
53 Pa.C.S. 8105	1972-781-185	405	53 P.S. 6780-155
53 Pa.C.S. 8106	1972-781-185	406	53 P.S. 6780-156
53 Pa.C.S. 8107	1972-781-185	407	53 P.S. 6780-157
53 Pa.C.S. 8108	1972-781-185	408	53 P.S. 6780-158
53 Pa.C.S. 8109	1972-781-185	409	53 P.S. 6780-159
53 Pa.C.S. 8110	1972-781-185	410	53 P.S. 6780-160
53 Pa.C.S. 8111	1972-781-185	411	53 P.S. 6780-161
53 Pa.C.S. 8112	1972-781-185	412	53 P.S. 6780-162
53 Pa.C.S. 8113	1972-781-185	413	53 P.S. 6780-163

53 Pa.C.S. 8114	1972-781-185	414	53 P.S. 6780-164
53 Pa.C.S. 8115	1972-781-185	415	53 P.S. 6780-165
53 Pa.C.S. 8116	New		None
53 Pa.C.S. 8121	1972-781-185	501	53 P.S. 6780-201
53 Pa.C.S. 8122	1972-781-185	502	53 P.S. 6780-202
53 Pa.C.S. 8123	1972-781-185	503	53 P.S. 6780-203
53 Pa.C.S. 8124	1972-781-185	504	53 P.S. 6780-204
53 Pa.C.S. 8125	1972-781-185	505	53 P.S. 6780-205
53 Pa.C.S. 8126	1972-781-185	506	53 P.S. 6780-206
53 Pa.C.S. 8127	1972-781-185	507	53 P.S. 6780-207
53 Pa.C.S. 8128	1972-781-185	508	53 P.S. 6780-208
53 Pa.C.S. 8129	1972-781-185	509	53 P.S. 6780-209
53 Pa.C.S. 8130	1972-781-185	510	53 P.S. 6780-210
53 Pa.C.S. 8141	1972-781-185	601	53 P.S. 6780-251
53 Pa.C.S. 8142	1972-781-185	602	53 P.S. 6780-252
53 Pa.C.S. 8143	New		None
53 Pa.C.S. 8144	1972-781-185	603	53 P.S. 6780-253
53 Pa.C.S. 8145	1972-781-185	604	53 P.S. 6780-254
53 Pa.C.S. 8146	1972-781-185	605	53 P.S. 6780-255
53 Pa.C.S. 8147	1972-781-185	606	53 P.S. 6780-256
53 Pa.C.S. 8148	1972-781-185	607	53 P.S. 6780-257
53 Pa.C.S. 8149	1972-781-185	608	53 P.S. 6780-258
53 Pa.C.S. 8150	1972-781-185	609	53 P.S. 6780-259
53 Pa.C.S. 8161	1972-781-185	701	53 P.S. 6780-301
53 Pa.C.S. 8162	1972-781-185	702	53 P.S. 6780-302
53 Pa.C.S. 8163	1972-781-185	703	53 P.S. 6780-303
53 Pa.C.S. 8164	1972-781-185	704	53 P.S. 6780-304
53 Pa.C.S. 8165	1972-781-185	705	53 P.S. 6780-305
53 Pa.C.S. 8166	1972-781-185	706	53 P.S. 6780-306
53 Pa.C.S. 8167	1972-781-185	707	53 P.S. 6780-307
53 Pa.C.S. 8168	1972-781-185	708	53 P.S. 6780-308
53 Pa.C.S. 8169	1972-781-185	709	53 P.S. 6780-309
53 Pa.C.S. 8201	1972-781-185	801	53 P.S. 6780-351
53 Pa.C.S. 8202	1972-781-185	802	53 P.S. 6780-352
53 Pa.C.S. 8203	1972-781-185	803	53 P.S. 6780-353
53 Pa.C.S. 8204	1972-781-185	804	53 P.S. 6780-354
53 Pa.C.S. 8205	1972-781-185	805	53 P.S. 6780-355
53 Pa.C.S. 8206	1972-781-185	806	53 P.S. 6780-356
53 Pa.C.S. 8207	1972-781-185	807	53 P.S. 6780-357
53 Pa.C.S. 8208	1972-781-185	808	53 P.S. 6780-358
53 Pa.C.S. 8209	1972-781-185	809	53 P.S. 6780-359
53 Pa.C.S. 8210	1972-781-185	810	53 P.S. 6780-360
53 Pa.C.S. 8211	1972-781-185	901	53 P.S. 6780-401
53 Pa.C.S. 8221	1972-781-185	1001	53 P.S. 6780-451
53 Pa.C.S. 8222	1972-781-185	1002	53 P.S. 6780-452

53 Pa.C.S. 8223	1972-781-185	1003	53 P.S. 6780-453
53 Pa.C.S. 8224	1972-781-185	1004	53 P.S. 6780-454
53 Pa.C.S. 8225	1972-781-185	1005	53 P.S. 6780-455
53 Pa.C.S. 8226	1972-781-185	1006	53 P.S. 6780-456
53 Pa.C.S. 8227	1972-781-185	1007	53 P.S. 6780-457
53 Pa.C.S. 8241	1972-781-185	1101	53 P.S. 6780-501
53 Pa.C.S. 8242	1972-781-185	1102	53 P.S. 6780-502
53 Pa.C.S. 8243	1972-781-185	1103	53 P.S. 6780-503
53 Pa.C.S. 8244	1972-781-185	1104	53 P.S. 6780-504
53 Pa.C.S. 8245	1972-781-185	1105	53 P.S. 6780-505
53 Pa.C.S. 8246	1972-781-185	1106	53 P.S. 6780-506
53 Pa.C.S. 8247	1972-781-185	1107	53 P.S. 6780-507
53 Pa.C.S. 8248	1972-781-185	1108	53 P.S. 6780-508
53 Pa.C.S. 8249	1972-781-185	1109	53 P.S. 6780-509
53 Pa.C.S. 8250	1972-781-185	1110	53 P.S. 6780-510
53 Pa.C.S. 8251	1972-781-185	1111	53 P.S. 6780-511
53 Pa.C.S. 8261	1972-781-185	1201	53 P.S. 6780-551
53 Pa.C.S. 8262	1972-781-185	1202	53 P.S. 6780-552
53 Pa.C.S. 8263	1972-781-185	1203	53 P.S. 6780-553
53 Pa.C.S. 8264	1972-781-185	1204	53 P.S. 6780-554
53 Pa.C.S. 8265	1972-781-185	1205	53 P.S. 6780-555
53 Pa.C.S. 8266	1972-781-185	1206	53 P.S. 6780-556
53 Pa.C.S. 8271	1972-781-185	1302	53 P.S. 6780-602

DISPOSITION TABLE  
 PROPOSED GENERAL LOCAL GOVERNMENT CODE  
 PREPARED BY THE JOINT STATE GOVERNMENT COMMISSION  
 (All citations are to the proposed code except  
 those indicated in the Disposition Table)

Repealed Act	Section	Purdon's Citation	Proposed GLGC
1955-1845-611	101	53 P.S.491	53 Pa.C.S. 2341
1955-1845-611	102	53 P.S. 492	53 Pa.C.S. 2342
1955-1845-611	201	53 P.S. 493	53 Pa.C.S. 2343
1955-1845-611	202	53 P.S. 494	53 Pa.C.S. 2344
1955-1845-611	203	53 P.S. 495	53 Pa.C.S. 2345
1955-1845-611	204	53 P.S. 496	53 Pa.C.S. 2346
1955-1845-611	205	53 P.S. 497	53 Pa.C.S. 2347
1955-1845-611	206	53 P.S. 498	53 Pa.C.S. 2348
1955-1845-611	207	53 P.S. 499	Omitted
1955-1845-611	208	None	Omitted
1959-579-188	1	71 P.S. 777.1	53 Pa.C.S. 1122



1959-579-188	2	71 P.S. 777.2	53 Pa.C.S. 1123
1959-579-188	3	71 P.S. 777.3	53 Pa.C.S. 1124
1959-579-188	4	None	Omitted
1959-1369-474	1	71 P.S. 779.1	53 Pa.C.S. 1131
1959-1369-474	2	71 P.S. 779.2	53 Pa.C.S. 1132
1959-1369-474	3	71 P.S. 779.3	53 Pa.C.S. 1133
1959-1369-474	4	71 P.S. 779.4	Omitted
1959-1369-474	5	71 P.S. 779.5	Omitted
1959-1369-474	6	71 P.S. 779.6	53 Pa.C.S. 1134
1959-1369-474	7	71 P.S. 779.7	53 Pa.C.S. 1135
1959-1369-474	8	71 P.S. 779.8	Omitted
1959-1369-474	9	71 P.S. 779.9	53 Pa.C.S. 1136
1959-1369-474	10	71 P.S. 779.10	53 Pa.C.S. 1137
1959-1369-474	11	71 P.S. 779.11	53 Pa.C.S. 1138
1959-1369-474	12	71 P.S. 779.12	Omitted
1959-1369-474	13	None	Omitted
1967-658-305	1	53 P.S. 1551	53 Pa.C.S. 5401
1967-658-305	2	53 P.S. 1552	53 Pa.C.S. 5402
1967-658-305	2	53 P.S. 1552	53 Pa.C.S. 5403
1967-658-305	2.1	53 P.S. 1552.1	53 Pa.C.S. 5404
1967-658-305	3	53 P.S. 1553	53 Pa.C.S. 5405
1967-658-305	4	53 P.S. 1554	53 Pa.C.S. 5406
1968(1967)-961-428	1	53 P.S. 9001	53 Pa.C.S. 1381
1968(1967)-961-428	2	53 P.S. 9002	53 Pa.C.S. 1382
1968(1967)-961-428	3	53 P.S. 9003	53 Pa.C.S. 1383
1968(1967)-961-428	4	53 P.S. 9004	53 Pa.C.S. 1384
1968(1967)-961-428	5	53 P.S. 9005	53 Pa.C.S. 1385
1968(1967)-961-428	6	53 P.S. 9006	53 Pa.C.S. 1386
1968(1967)-961-428	7	53 P.S. 9007	53 Pa.C.S. 1387
1968(1967)-961-428	8	53 P.S. 9008	53 Pa.C.S. 1388
1968(1967)-961-428	9	53 P.S. 9009	53 Pa.C.S. 1389
1968(1967)-961-428	10	53 P.S. 9010	Omitted
1972-108-39	101	53 P.S. 11400-101	53 Pa.C.S. 2501
1972-108-39	102	53 P.S. 11400-102	53 Pa.C.S. 2502
1972-108-39	103	53 P.S. 11400-103	Omitted
1972-108-39	201	53 P.S. 11400-201	53 Pa.C.S. 2511
1972-108-39	202	53 P.S. 11400-202	53 Pa.C.S. 2512
1972-108-39	203	53 P.S. 11400-203	53 Pa.C.S. 2513
1972-108-39	204	53 P.S. 11400-204	53 Pa.C.S. 2514
1972-108-39	205	53 P.S. 11400-205	53 Pa.C.S. 2515
1972-108-39	301	53 P.S. 11400-301	53 Pa.C.S. 2521
1972-108-39	302	53 P.S. 11400-302	53 Pa.C.S. 2522
1972-108-39	303	53 P.S. 11400-303	53 Pa.C.S. 2523
1972-108-39	401	53 P.S. 11400-401	53 Pa.C.S. 2531
1972-108-39	402	53 P.S. 11400-402	53 Pa.C.S. 2532

1972-108-39	403	53 P.S. 11400-403	53 Pa.C.S. 2533
1972-108-39	404	53 P.S. 11400-404	53 Pa.C.S. 2534
1972-108-39	405	53 P.S. 11400-405	53 Pa.C.S. 2535
1972-108-39	406	53 P.S. 11400-406	53 Pa.C.S. 2536
1972-108-39	501	53 P.S. 11400-501	53 Pa.C.S. 2541
1972-108-39	502	53 P.S. 11400-502	53 Pa.C.S. 2542
1972-108-39	503	53 P.S. 11400-503	53 Pa.C.S. 2543
1972-108-39	601	53 P.S. 11400-601	53 Pa.C.S. 2551
1972-108-39	602	53 P.S. 11400-602	53 Pa.C.S. 2552
1972-108-39	603	53 P.S. 11400-603	53 Pa.C.S. 2553
1972-108-39	604	53 P.S. 11400-604	53 Pa.C.S. 2554
1972-108-39	605	53 P.S. 11400-605	53 Pa.C.S. 2555
1972-108-39	701	53 P.S. 11400-701	Omitted
1972-184-62	101	53 P.S. 1-101	53 Pa.C.S. 2901
1972-184-62	102	53 P.S. 1-102	53 Pa.C.S. 2902
1972-184-62	201	53 P.S. 1-201	53 Pa.C.S. 2911
1972-184-62	202	53 P.S. 1-202	53 Pa.C.S. 2912
1972-184-62	203	53 P.S. 1-203	53 Pa.C.S. 2913
1972-184-62	204	53 P.S. 1-204	53 Pa.C.S. 2914
1972-184-62	204.1	53 P.S. 1-204.1	53 Pa.C.S. 2915
1972-184-62	205	53 P.S. 1-205	53 Pa.C.S. 2916
1972-184-62	206	53 P.S. 1-206	53 Pa.C.S. 2917
1972-184-62	207	53 P.S. 1-207	53 Pa.C.S. 2918
1972-184-62	208	53 P.S. 1-208	53 Pa.C.S. 2919
1972-184-62	209	53 P.S. 1-209	53 Pa.C.S. 2920
1972-184-62	210	53 P.S. 1-210	53 Pa.C.S. 2921
1972-184-62	211	53 P.S. 1-211	53 Pa.C.S. 2922
1972-184-62	212	53 P.S. 1-212	53 Pa.C.S. 2923
1972-184-62	213	53 P.S. 1-213	53 Pa.C.S. 2924
1972-184-62	214	53 P.S. 1-214	53 Pa.C.S. 2925
1972-184-62	215	53 P.S. 1-215	53 Pa.C.S. 2926
1972-184-62	216	53 P.S. 1-216	53 Pa.C.S. 2927
1972-184-62	217	53 P.S. 1-217	53 Pa.C.S. 2928
1972-184-62	218	53 P.S. 1-218	53 Pa.C.S. 2929
1972-184-62	219	53 P.S. 1-219	53 Pa.C.S. 2930
1972-184-62	221	53 P.S. 1-221	53 Pa.C.S. 2941
1972-184-62	231	53 P.S. 1-231	53 Pa.C.S. 2942
1972-184-62	232	53 P.S. 1-232	53 Pa.C.S. 2943
1972-184-62	233	53 P.S. 1-233	53 Pa.C.S. 2944
1972-184-62	241	53 P.S. 1-241	53 Pa.C.S. 2951
1972-184-62	242	53 P.S. 1-242	53 Pa.C.S. 2952
1972-184-62	301	53 P.S. 1-301	53 Pa.C.S. 2961
1972-184-62	302	53 P.S. 1-302	53 Pa.C.S. 2962
1972-184-62	303	53 P.S. 1-303	53 Pa.C.S. 2963
1972-184-62	304	53 P.S. 1-304	53 Pa.C.S. 2964

1972-184-62	305	53 P.S. 1-305	53 Pa.C.S. 2965
1972-184-62	306	53 P.S. 1-306	53 Pa.C.S. 2966
1972-184-62	307	53 P.S. 1-307	53 Pa.C.S. 2967
1972-184-62	401	53 P.S. 1-401	53 Pa.C.S. 2971
1972-184-62	402	53 P.S. 1-402	53 Pa.C.S. 2972
1972-184-62	403	53 P.S. 1-403	53 Pa.C.S. 2973
1972-184-62	404	53 P.S. 1-404	53 Pa.C.S. 2974
1972-184-62	501	53 P.S. 1-501	53 Pa.C.S. 3001
1972-184-62	502	53 P.S. 1-502	53 Pa.C.S. 3002
1972-184-62	503	53 P.S. 1-503	53 Pa.C.S. 3003
1972-184-62	504	53 P.S. 1-504	53 Pa.C.S. 3004
1972-184-62	505	53 P.S. 1-505	53 Pa.C.S. 3005
1972-184-62	511	53 P.S. 1-511	53 Pa.C.S. 3006
1972-184-62	512	53 P.S. 1-512	53 Pa.C.S. 3007
1972-184-62	513	53 P.S. 1-513	53 Pa.C.S. 3008
1972-184-62	514	53 P.S. 1-514	53 Pa.C.S. 3009
1972-184-62	521	53 P.S. 1-521	53 Pa.C.S. 3010
1972-184-62	522	53 P.S. 1-522	53 Pa.C.S. 3011
1972-184-62	523	53 P.S. 1-523	53 Pa.C.S. 3012
1972-184-62	524	53 P.S. 1-524	53 Pa.C.S. 3013
1972-184-62	525	53 P.S. 1-525	53 Pa.C.S. 3014
1972-184-62	531	53 P.S. 1-531	53 Pa.C.S. 3015
1972-184-62	532	53 P.S. 1-532	53 Pa.C.S. 3016
1972-184-62	533	53 P.S. 1-533	53 Pa.C.S. 3017
1972-184-62	534	53 P.S. 1-534	53 Pa.C.S. 3018
1972-184-62	601	53 P.S. 1-601	53 Pa.C.S. 3031
1972-184-62	602	53 P.S. 1-602	53 Pa.C.S. 3032
1972-184-62	603	53 P.S. 1-603	53 Pa.C.S. 3033
1972-184-62	701	53 P.S. 1-701	53 Pa.C.S. 3041
1972-184-62	702	53 P.S. 1-702	53 Pa.C.S. 3042
1972-184-62	703	53 P.S. 1-703	53 Pa.C.S. 3043
1972-184-62	801	53 P.S. 1-801	53 Pa.C.S. 3051
1972-184-62	802	53 P.S. 1-802	53 Pa.C.S. 3052
1972-184-62	803	53 P.S. 1-803	53 Pa.C.S. 3053
1972-184-62	804	53 P.S. 1-804	53 Pa.C.S. 3054
1972-184-62	805	53 P.S. 1-805	53 Pa.C.S. 3055
1972-184-62	811	53 P.S. 1-811	53 Pa.C.S. 3056
1972-184-62	812	53 P.S. 1-812	53 Pa.C.S. 3057
1972-184-62	813	53 P.S. 1-813	53 Pa.C.S. 3058
1972-184-62	821	53 P.S. 1-821	53 Pa.C.S. 3059
1972-184-62	822	53 P.S. 1-822	53 Pa.C.S. 3060
1972-184-62	823	53 P.S. 1-823	53 Pa.C.S. 3061
1972-184-62	824	53 P.S. 1-824	53 Pa.C.S. 3062
1972-184-62	825	53 P.S. 1-825	53 Pa.C.S. 3063
1972-184-62	826	53 P.S. 1-826	53 Pa.C.S. 3064

1972-184-62	901	53 P.S. 1-901	53 Pa.C.S. 3071
1972-184-62	902	53 P.S. 1-902	53 Pa.C.S. 3072
1972-184-62	911	53 P.S. 1-911	53 Pa.C.S. 3073
1972-184-62	912	53 P.S. 1-912	53 Pa.C.S. 3074
1972-184-62	913	53 P.S. 1-913	53 Pa.C.S. 3075
1972-184-62	914	53 P.S. 1-914	53 Pa.C.S. 3076
1972-184-62	921	53 P.S. 1-921	53 Pa.C.S. 3077
1972-184-62	922	53 P.S. 1-922	53 Pa.C.S. 3078
1972-184-62	941	53 P.S. 1-941	53 Pa.C.S. 3079
1972-184-62	942	53 P.S. 1-942	53 Pa.C.S. 3080
1972-184-62	1001	53 P.S. 1-1001	53 Pa.C.S. 3091
1972-184-62	1002	53 P.S. 1-1002	53 Pa.C.S. 3092
1972-184-62	1003	53 P.S. 1-1003	53 Pa.C.S. 3093
1972-184-62	1101	53 P.S. 1-1101	53 Pa.C.S. 3094
1972-184-62	1102	53 P.S. 1-1102	53 Pa.C.S. 3095
1972-184-62	1201	53 P.S. 1-1201	53 Pa.C.S. 3101
1972-184-62	1202	53 P.S. 1-1202	53 Pa.C.S. 3102
1972-184-62	1203	53 P.S. 1-1203	53 Pa.C.S. 3103
1972-184-62	1204	53 P.S. 1-1204	53 Pa.C.S. 3104
1972-184-62	1211	53 P.S. 1-1211	53 Pa.C.S. 3111
1972-184-62	1221	53 P.S. 1-1221	53 Pa.C.S. 3121
1972-184-62	1222	53 P.S. 1-1222	53 Pa.C.S. 3122
1972-184-62	1231	53 P.S. 1-1231	53 Pa.C.S. 3131
1972-184-62	1232	53 P.S. 1-1232	53 Pa.C.S. 3132
1972-184-62	1241	53 P.S. 1-1241	53 Pa.C.S. 3141
1972-184-62	1242	53 P.S. 1-1242	53 Pa.C.S. 3142
1972-184-62	1243	53 P.S. 1-1243	53 Pa.C.S. 3143
1972-184-62	1244	53 P.S. 1-1244	53 Pa.C.S. 3144
1972-184-62	1245	53 P.S. 1-1245	53 Pa.C.S. 3145
1972-184-62	1246	53 P.S. 1-1246	53 Pa.C.S. 3146
1972-184-62	1251	53 P.S. 1-1251	53 Pa.C.S. 3151
1972-184-62	1252	53 P.S. 1-1252	53 Pa.C.S. 3152
1972-184-62	1253	53 P.S. 1-1253	53 Pa.C.S. 3153
1972-184-62	1261	53 P.S. 1-1261	53 Pa.C.S. 3161
1972-184-62	1262	53 P.S. 1-1262	53 Pa.C.S. 3162
1972-184-62	1263	53 P.S. 1-1263	53 Pa.C.S. 3163
1972-184-62	1264	53 P.S. 1-1264	53 Pa.C.S. 3164
1972-184-62	1265	53 P.S. 1-1265	53 Pa.C.S. 3165
1972-184-62	1266	53 P.S. 1-1266	53 Pa.C.S. 3166
1972-184-62	1271	53 P.S. 1-1271	53 Pa.C.S. 3171
1972-184-62	1301	53 P.S. 1-1301	Omitted
1972-184-62	1302	53 P.S. 1-1302	53 Pa.C.S. 2981
1972-184-62	1303	53 P.S. 1-1303	53 Pa.C.S. 2982
1972-184-62	1304	53 P.S. 1-304	53 Pa.C.S. 2983
1972-184-62	1305	53 P.S. 1-305	53 Pa.C.S. 2984

1972-184-62	1306	53 P.S. 1-306	Omitted
1972-184-62	1307	53 P.S. 1-307	Omitted
1972-184-62	1308	53 P.S. 1-308	Omitted
1972-184-62	1309	53 P.S. 1-309	Omitted
1972-762-180	1	53 P.S. 481	53 Pa.C.S. 2301
1972-762-180	2	53 P.S. 482	53 Pa.C.S. 2302
1972-762-180	3	53 P.S. 483	53 Pa.C.S. 2303
1972-762-180	4	53 P.S. 484	53 Pa.C.S. 2304
1972-762-180	5	53 P.S. 485	53 Pa.C.S. 2305
1972-762-180	6	53 P.S. 486	53 Pa.C.S. 2306
1972-762-180	7	53 P.S. 487	53 Pa.C.S. 2307
1972-762-180	7.1	53 P.S. 487.1	53 Pa.C.S. 2308
1972-762-180	7.2	53 P.S. 487.2	53 Pa.C.S. 2309
1972-762-180	7.3	53 P.S. 487.3	53 Pa.C.S. 2310
1972-762-180	7.4	None	53 Pa.C.S. 2311
1972-762-180	7.5	None	53 Pa.C.S. 2312
1972-762-180	7.6	None	53 Pa.C.S. 2313
1972-762-180	8	53 P.S. 488	53 Pa.C.S. 2314
1972-762-180	9	53 P.S. 489	53 Pa.C.S. 2315
1972-762-180	10	53 P.S. 490	Omitted
1972-762-180	11	None	Omitted
1972-781-185	101	53 P.S. 6780-1	53 Pa.C.S. 8001
1972-781-185	102	53 P.S. 6780-2	53 Pa.C.S. 8002
1972-781-185	103	53 P.S. 6780-3	53 Pa.C.S. 8003
1972-781-185	104	53 P.S. 6780-4	53 Pa.C.S. 8004
1972-781-185	105	53 P.S. 6780-5	53 Pa.C.S. 8005
1972-781-185	106	53 P.S. 6780-6	53 Pa.C.S. 8006
1972-781-185	107	53 P.S. 6780-7	53 Pa.C.S. 8007
1972-781-185	108	53 P.S. 6780-8	53 Pa.C.S. 8008
1972-781-185	109	None	53 Pa.C.S. 8009
1972-781-185	201	53 P.S. 6780-51	53 Pa.C.S. 8021
1972-781-185	202	53 P.S. 6780-52	53 Pa.C.S. 8022
1972-781-185	203	53 P.S. 6780-53	53 Pa.C.S. 8023
1972-781-185	204	53 P.S. 6780-54	53 Pa.C.S. 8024
1972-781-185	205	53 P.S. 6780-55	53 Pa.C.S. 8025
1972-781-185	206	53 P.S. 6780-56	53 Pa.C.S. 8026
1972-781-185	207	53 P.S. 6780-57	53 Pa.C.S. 8027
1972-781-185	208	53 P.S. 6780-58	53 Pa.C.S. 8028
1972-781-185	209	53 P.S. 6780-59	53 Pa.C.S. 8029
1972-781-185	301	53 P.S. 6780-101	53 Pa.C.S. 8041
1972-781-185	302	53 P.S. 6780-102	53 Pa.C.S. 8042
1972-781-185	303	53 P.S. 6780-103	53 Pa.C.S. 8043
1972-781-185	304	53 P.S. 6780-104	53 Pa.C.S. 8044
1972-781-185	305	53 P.S. 6780-105	53 Pa.C.S. 8045
1972-781-185	306	53 P.S. 6780-106	53 Pa.C.S. 8046

1972-781-185	307	53 P.S. 6780-107	53 Pa.C.S. 8047
1972-781-185	308	53 P.S. 6780-108	53 Pa.C.S. 8048
1972-781-185	309	53 P.S. 5780-109	53 Pa.C.S. 8049
1972-781-185	401	53 P.S. 6780-151	53 Pa.C.S. 8101
1972-781-185	402	53 P.S. 6780-152	53 Pa.C.S. 8102
1972-781-185	403	53 P.S. 6780-153	53 Pa.C.S. 8103
1972-781-185	404	53 P.S. 6780-154	53 Pa.C.S. 8104
1972-781-185	405	53 P.S. 6780-155	53 Pa.C.S. 8105
1972-781-185	406	53 P.S. 6780-156	53 Pa.C.S. 8106
1972-781-185	407	53 P.S. 6780-157	53 Pa.C.S. 8107
1972-781-185	408	53 P.S. 6780-158	53 Pa.C.S. 8108
1972-781-185	409	53 P.S. 6780-159	53 Pa.C.S. 8109
1972-781-185	410	53 P.S. 6780-160	53 Pa.C.S. 8110
1972-781-185	411	53 P.S. 6780-161	53 Pa.C.S. 8111
1972-781-185	412	53 P.S. 6780-162	53 Pa.C.S. 8112
1972-781-185	413	53 P.S. 6780-163	53 Pa.C.S. 8113
1972-781-185	414	53 P.S. 6780-164	53 Pa.C.S. 8114
1972-781-185	415	53 P.S. 6780-165	53 Pa.C.S. 8115
1972-781-185	501	53 P.S. 6780-201	53 Pa.C.S. 8121
1972-781-185	502	53 P.S. 6780-202	53 Pa.C.S. 8122
1972-781-185	503	53 P.S. 6780-203	53 Pa.C.S. 8123
1972-781-185	504	53 P.S. 6780-204	53 Pa.C.S. 8124
1972-781-185	505	53 P.S. 6780-205	53 Pa.C.S. 8125
1972-781-185	506	53 P.S. 6780-206	53 Pa.C.S. 8126
1972-781-185	507	53 P.S. 6780-207	53 Pa.C.S. 8127
1972-781-185	508	53 P.S. 6780-208	53 Pa.C.S. 8128
1972-781-185	509	53 P.S. 6780-209	53 Pa.C.S. 8129
1972-781-185	510	53 P.S. 6780-210	53 Pa.C.S. 8130
1972-781-185	601	53 P.S. 6780-251	53 Pa.C.S. 8141
1972-781-185	602	53 P.S. 6780-252	53 Pa.C.S. 8142
1972-781-185	603	53 P.S. 6780-253	53 Pa.C.S. 8144
1972-781-185	604	53 P.S. 6780-254	53 Pa.C.S. 8145
1972-781-185	605	53 P.S. 6780-255	53 Pa.C.S. 8146
1972-781-185	606	53 P.S. 6780-256	53 Pa.C.S. 8147
1972-781-185	607	53 P.S. 6780-257	53 Pa.C.S. 8148
1972-781-185	608	53 P.S. 6780-258	53 Pa.C.S. 8149
1972-781-185	609	53 P.S. 6780-259	53 Pa.C.S. 8150
1972-781-185	701	53 P.S. 6780-301	53 Pa.C.S. 8161
1972-781-185	702	53 P.S. 6780-302	53 Pa.C.S. 8162
1972-781-185	703	53 P.S. 6780-303	53 Pa.C.S. 8163
1972-781-185	704	53 P.S. 6780-304	53 Pa.C.S. 8164
1972-781-185	705	53 P.S. 6780-305	53 Pa.C.S. 8165
1972-781-185	706	53 P.S. 6780-306	53 Pa.C.S. 8166
1972-781-185	707	53 P.S. 6780-307	53 Pa.C.S. 8167
1972-781-185	708	53 P.S. 6780-308	53 Pa.C.S. 8168

1972-781-185	709	53 P.S. 6780-309	53 Pa.C.S. 8169
1972-781-185	801	53 P.S. 6780-351	53 Pa.C.S. 8201
1972-781-185	802	53 P.S. 6780-352	53 Pa.C.S. 8202
1972-781-185	803	53 P.S. 6780-353	53 Pa.C.S. 8203
1972-781-185	804	53 P.S. 6780-354	53 Pa.C.S. 8204
1972-781-185	805	53 P.S. 6780-355	53 Pa.C.S. 8205
1972-781-185	806	53 P.S. 6780-356	53 Pa.C.S. 8206
1972-781-185	807	53 P.S. 6780-357	53 Pa.C.S. 8207
1972-781-185	808	53 P.S. 6780-358	53 Pa.C.S. 8208
1972-781-185	809	53 P.S. 6780-359	53 Pa.C.S. 8209
1972-781-185	810	53 P.S. 6780-360	53 Pa.C.S. 8210
1972-781-185	901	53 P.S. 6780-401	53 Pa.C.S. 8211
1972-781-185	902	53 P.S. 6780-402	Omitted
1972-781-185	1001	53 P.S. 6780-451	53 Pa.C.S. 8221
1972-781-185	1002	53 P.S. 6780-452	53 Pa.C.S. 8222
1972-781-185	1003	53 P.S. 6780-453	53 Pa.C.S. 8223
1972-781-185	1004	53 P.S. 6780-454	53 Pa.C.S. 8224
1972-781-185	1005	53 P.S. 6780-455	53 Pa.C.S. 8225
1972-781-185	1006	53 P.S. 6780-456	53 Pa.C.S. 8226
1972-781-185	1007	53 P.S. 6780-457	53 Pa.C.S. 8227
1972-781-185	1101	53 P.S. 6780-501	53 Pa.C.S. 8241
1972-781-185	1102	53 P.S. 6780-502	53 Pa.C.S. 8242
1972-781-185	1103	53 P.S. 6780-503	53 Pa.C.S. 8243
1972-781-185	1104	53 P.S. 6780-504	53 Pa.C.S. 8244
1972-781-185	1105	53 P.S. 6780-505	53 Pa.C.S. 8245
1972-781-185	1106	53 P.S. 6780-506	53 Pa.C.S. 8246
1972-781-185	1107	53 P.S. 6780-507	53 Pa.C.S. 8247
1972-781-185	1108	53 P.S. 6780-508	53 Pa.C.S. 8248
1972-781-185	1109	53 P.S. 6780-509	53 Pa.C.S. 8249
1972-781-185	1110	53 P.S. 6780-510	53 Pa.C.S. 8250
1972-781-185	1111	53 P.S. 6780-511	53 Pa.C.S. 8251
1972-781-185	1201	53 P.S. 6780-551	53 Pa.C.S. 8261
1972-781-185	1202	53 P.S. 6780-552	53 Pa.C.S. 8262
1972-781-185	1203	53 P.S. 6780-553	53 Pa.C.S. 8263
1972-781-185	1204	53 P.S. 6780-554	53 Pa.C.S. 8264
1972-781-185	1205	53 P.S. 6780-555	53 Pa.C.S. 8265
1972-781-185	1206	53 P.S. 6780-556	53 Pa.C.S. 8266
1972-781-185	1301	53 P.S. 6780-601	Omitted
1972-781-185	1302	53 P.S. 6780-602	53 Pa.C.S. 8271
1972-781-185	1303	53 P.S. 6780-603	53 Pa.C.S. 8001(c)
1972-781-185	1304	53 P.S. 6780-604	53 Pa.C.S. 8001(d)
1972-781-185	1305	53 P.S. 6780-605	Omitted
1972-781-185	1306	53 P.S. 6780-606	Omitted
1972-781-185	1307	53 P.S. 6780-607	Omitted
1973-425-148	1	53 P.S. 11501	53 Pa.C.S. 2322

1973-425-148	2	53 P.S. 11502	53 Pa.C.S. 2323
1973-425-148	3	53 P.S. 11503	53 Pa.C.S. 2324
1973-425-148	4	53 P.S. 11504	53 Pa.C.S. 2325
1973-425-148	5	53 P.S. 11505	53 Pa.C.S. 2326
1973-425-148	6	53 P.S. 11506	53 Pa.C.S. 2327
1973-425-148	7	53 P.S. 11507	53 Pa.C.S. 2328
1973-425-148	8	53 P.S. 11508	53 Pa.C.S. 2329
1973-425-148	9	None	Omitted
1974-359-120	1	53 P.S. 740	53 Pa.C.S. 2161
1974-359-120	2	53 P.S. 741	53 Pa.C.S. 2162
1974-359-120	3	53 P.S. 742	Omitted
1974-359-120	4	53 P.S. 743	53 Pa.C.S. 2163
1974-359-120	5	53 P.S. 744	53 Pa.C.S. 2164
1974-359-120	6	53 P.S. 745	Omitted
1974-359-120	7	53 P.S. 746	53 Pa.C.S. 2165
1974-359-120	8	53 P.S. 747	53 Pa.C.S. 2166
1974-359-120	9	53 P.S. 748	53 Pa.C.S. 2167
1974-359-120	9.1	53 P.S. 748.1	53 Pa.C.S. 2168
1974-359-120	9.2	53 P.S. 748.2	53 Pa.C.S. 2169
1974-359-120	10	53 P.S. 749	53 Pa.C.S. 2170
1974-359-120	11	None	Omitted
1974-359-120	12	None	Omitted
1974-359-120	13	None	Omitted
1974-947-312	1	53 P.S. 11601	53 Pa.C.S. 901
1974-947-312	2	53 P.S. 11602	53 Pa.C.S. 902
1974-947-312	3	53 P.S. 11603	53 Pa.C.S. 903
1974-947-312	4	53 P.S. 11604	53 Pa.C.S. 904
1974-947-312	5	53 P.S. 11605	53 Pa.C.S. 905
1974-947-312	6	53 P.S. 11606	53 Pa.C.S. 906
1974-947-312	7	53 P.S. 11607	53 Pa.C.S. 907
1974-947-312	8	53 P.S. 11608	53 Pa.C.S. 908
1974-947-312	9	53 P.S. 11609	Omitted

APPROVED—The 19th day of December, A.D. 1996.

THOMAS J. RIDGE