

2019D06845SFR:AAS

No. \_\_\_\_\_

**LEGISLATIVE REFERENCE BUREAU**

**AN ACT**

Amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, in township engineer, further providing for election of township engineer, term and filling of vacancies, providing for waiver and further providing for bond, for control of engineering matters, for duties and preparation of plans, for certificate of commencement and of completion of municipal improvements, for surveys and for preparation of books, plans and maps; in sidewalks, further providing for paving and curbing sidewalks; and, in parks, recreation centers, shade trees and forests, further providing for removal of diseased trees.

**INTRODUCED** \_\_\_\_\_ **20** \_\_\_\_\_

**By** \_\_\_\_\_ **District NO.** \_\_\_\_\_

**By** \_\_\_\_\_ **District NO.** \_\_\_\_\_

**By** \_\_\_\_\_ **District NO.** \_\_\_\_\_

**By** \_\_\_\_\_ **District NO.** \_\_\_\_\_

**See next page for additional co-sponsors.**

**Prior Session** \_\_\_\_\_

<b>Referred to Committee on</b>	
<b>Date</b> _____	<b>20</b> _____
<b>Reported</b> _____	<b>20</b> _____
<b>As Committed-Amended</b>	
<b>Recommendation</b>	
_____	
<b>By Hon.</b> _____	



## AN ACT

1 Amending the act of June 24, 1931 (P.L.1206, No.331), entitled  
2 "An act concerning townships of the first class; amending,  
3 revising, consolidating, and changing the law relating  
4 thereto," in township engineer, further providing for  
5 election of township engineer, term and filling of vacancies,  
6 providing for waiver and further providing for bond, for  
7 control of engineering matters, for duties and preparation of  
8 plans, for certificate of commencement and of completion of  
9 municipal improvements, for surveys and for preparation of  
10 books, plans and maps; in sidewalks, further providing for  
11 paving and curbing sidewalks; and, in parks, recreation  
12 centers, shade trees and forests, further providing for  
13 removal of diseased trees.

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

16 Section 1. Section 1301 of the act of June 24, 1931  
17 (P.L.1206, No.331), known as The First Class Township Code, is  
18 amended to read:

19 Section 1301. Election of Township Engineer; Term; Filling  
20 of Vacancies.--[The] Subject to section 1301.1, the board of  
21 commissioners at the commencement of the fiscal year in any  
22 even-numbered year, or as soon thereafter as may be practicable,  
23 [may elect, by a vote of a majority of the members, one person

1 as township engineer, who shall be a registered civil engineer.  
2 He] shall appoint, through a competitive bid process, and  
3 determine the compensation of at least two township engineers,  
4 who shall be registered civil engineers. A township engineer  
5 shall serve for a term of two years, and until [his] a successor  
6 qualifies. [The board of commissioners shall fix the  
7 compensation of the engineer.] Vacancies in the office of  
8 township engineer shall be filled by the board of commissioners  
9 for the unexpired term.

10 Section 2. The act is amended by adding a section to read:

11 Section 1301.1. Waiver.--(a) If the board of commissioners  
12 cannot obtain offers from qualified registered civil engineers  
13 to fulfill the requirement under section 1301 to appoint at  
14 least two township engineers, the board of commissioners may be  
15 relieved from the requirement by completing a certification  
16 form, subject to the following:

17 (1) The board of commissioners must complete the  
18 certification form before the contract with the selected  
19 township engineer is executed and must maintain the form  
20 throughout the life of the contract with the township engineer.

21 (2) The certification form must be completed annually.

22 (3) A copy of the certification form must be filed with the  
23 department.

24 (4) The department shall furnish the certification form,  
25 which must:

26 (i) Require the board of commissioners to disclose the  
27 methods and dates of the public solicitation. For purposes of  
28 meeting this requirement, the board of commissioners shall  
29 advertise requests for proposals and announce the solicitation  
30 at a public meeting.

1 (ii) Require the board of commissioners to disclose the  
2 number of qualified bids received to the public solicitation.

3 (iii) Contain a statement that the information provided by  
4 the board of commissioners is in compliance with 18 Pa.C.S. §  
5 4904 (relating to unsworn falsification to authorities).

6 (iv) Contain a statement that the department does not have  
7 the discretion to deny waiver requests.

8 (b) As used in this section, the following words and phrases  
9 shall have the meanings given to them in this subsection unless  
10 the context clearly indicates otherwise:

11 "Department." The Department of Labor and Industry of the  
12 Commonwealth.

13 Section 3. Sections 1302, 1303, 1304, 1305, 1306, 1311, 2303  
14 and 3027.1 of the act are amended to read:

15 Section 1302. Bond.--~~[The]~~ A township engineer shall, if the  
16 board of commissioners so requires, give a bond to the township,  
17 with a surety company or other company authorized by law to act  
18 as surety, to be approved by the board of commissioners, in  
19 ~~[such]~~ a sum as ~~[it]~~ the board of commissioners shall by  
20 ordinance or resolution direct, conditioned for the faithful  
21 performance of ~~[his]~~ the township engineer's duty.

22 Section 1303. Control of Engineering Matters.--~~[The]~~ A  
23 township engineer shall have the superintendence, direction and  
24 control of the engineering matters of the township. No  
25 department or officer of the township shall employ or retain any  
26 additional engineer, except with the consent and ratification of  
27 the board of commissioners.

28 Section 1304. Duties; Preparation of Plans.--~~[The]~~ A  
29 township engineer shall perform ~~[such]~~ the duties as the board  
30 of commissioners shall prescribe as to the construction,

1 reconstruction, maintenance[,] and repair of all streets,  
2 bridges, culverts[,] and other engineering work. [He] A township  
3 engineer shall prepare plans, specifications[,] and estimates of  
4 all [such] work undertaken by [such] the township, and shall,  
5 whenever required, furnish the board of commissioners, and the  
6 committees thereof, with reports, information[,] or estimates on  
7 [any] township engineering work or on questions submitted by any  
8 of them in their official capacity.

9 Section 1305. Certificate of Commencement and of Completion  
10 of Municipal Improvements.--[The] A township engineer shall,  
11 immediately after the completion of [any] a municipal  
12 improvement, the cost of which, in whole or in part, is to be  
13 paid by the owner of the abutting property, make certificate in  
14 which [he] the township engineer shall state the day or time on  
15 which the particular improvement was completed, and shall file  
16 the [same] certificate with the township secretary, who shall  
17 enter the [said] day or time of completion of the work in a book  
18 to be kept by [him for said] the township secretary for that  
19 purpose. The [said] day or time mentioned in [said] the  
20 certificate shall be conclusive on all parties as to the time  
21 the [said] work was completed. The time of completion of the  
22 work, referred to in this section and in other parts of this  
23 act, shall be taken to mean the time of the completion of the  
24 whole contract for the improvement. [He] A township engineer  
25 shall also furnish to the township secretary a certificate  
26 showing the time at which [any such] a particular improvement  
27 was commenced, and [such] the certificate shall be conclusive  
28 evidence of the time when the [said] improvement was begun. An  
29 entry of [such] the date shall be made by [said] the township  
30 secretary in the book [aforesaid].

1 Section 1306. Surveys.--[The] A township engineer shall have  
2 the charge and direction of all surveys and regulations  
3 authorized by [any] an act of Assembly or ordinance of [such]  
4 the township.

5 Section 1311. Preparation of Books, Plans and Maps.--[The] A  
6 township engineer of [any] a township in which [such] the  
7 registry under this subarticle shall be established shall cause  
8 to be made all [such] necessary books, maps and plans as will  
9 show the situation and dimensions of each property therein,  
10 which books, maps or plans shall be so prepared as to show the  
11 house number, if any, the name of the owner or owners thereof,  
12 with blank spaces for the owner of each lot, with provision for  
13 the names of future owners, and dates of future transfer of  
14 title. For [such] this purpose, [the] a township engineer shall  
15 have free access, without charge, to any of the public records  
16 wherein the necessary information may be obtainable [~~therefor.~~  
17 He]. A township engineer may also cause search to be made in any  
18 other place for [any] muniments or evidence of title, not  
19 reported to [~~him~~] the township engineer as hereinafter provided,  
20 and requisite for the completion of [such] the books, maps or  
21 plans.

22 Section 2303. Paving and Curbing Sidewalks.--Townships may,  
23 upon [such] notice as may be provided by ordinance, require  
24 owners of property abutting on any street, including State  
25 highways and county roads, to construct, pave, curb, repave and  
26 recurb the sidewalks along [such] the property with [such]  
27 materials, at [such] grades and under [such] regulations as may  
28 be prescribed by ordinance, and upon failure of [such] the  
29 owners to comply with [such] the notice, or without notice to  
30 the property owners as [~~above~~] provided in this section, the

1 townships shall in either case have power to cause the [same]  
2 work to be done by the township, and to levy and collect the  
3 cost [thereof] of the work from [such] the owners of property  
4 abutting [such] the sidewalk. All reconstruction, repaving and  
5 recurbing may be provided for in the ordinance providing for the  
6 original construction, paving and curbing, without the necessity  
7 for adopting a new ordinance providing for [such] the  
8 reconstruction, repaving and recurbing.

9 The cost of [any such] grading, paving, curbing, repaving and  
10 recurbing shall be a lien upon the premises from the time of the  
11 commencement of the work, which date shall be fixed by [the] a  
12 township engineer and shall be filed with the township  
13 secretary. [Any such] The lien may be collected by action in  
14 assumpsit or by lien filed in the manner provided by law for the  
15 filing and collection of municipal claims.

16 The cost of [any such] paving, curbing, repaving and  
17 recurbing may, in any case, be borne in whole or in part by the  
18 township.

19 No sidewalks shall be established and constructed upon [any]  
20 a State highway without the consent of the [State Department of  
21 Highways] Department of Transportation, or upon [any] a county  
22 road without the consent of the county commissioners.

23 Section 3027.1. Removal of Diseased Trees.--The commission  
24 may, upon [such] notice as may be provided by ordinance, require  
25 owners of property to cut and remove trees afflicted with the  
26 Dutch elm or other disease which threatens to injure or destroy  
27 shade trees in the township, under regulations prescribed by  
28 ordinance. Upon failure of [any such] an owner to comply with  
29 [such] the notice, the township may cause the work to be done by  
30 the township and levy and collect the cost thereof from the



1 owner of the property. The cost of [such] the work shall be a  
2 lien upon the premises from the time of the commencement of the  
3 work, which date shall be fixed by [the] a township engineer and  
4 shall be filed with the township secretary. [Any such] The lien  
5 may be collected by action in assumpsit or by lien filed in the  
6 manner provided by law for the filing and collection of  
7 municipal claims.

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

