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**Act 154 of 2018 (SB 1005, PN 2026) Section-by-Section Commentary**  
**October 24, 2018**

**Revisions to the County Code, the Act of August 9, 1955 (P.L. 323, No. 130), and  
Incorporation of the Second Class County Code, the Act of July 28, 1953  
(P.L. 723, No. 230), into the County Code as the Second Class County Code (SCCC)  
Pertains to Second Class A Counties**

**Article I. PRELIMINARY PROVISIONS (analogous to SCCC Article I)**

- Section 102. *Applicability.* Changed to reflect inclusion of counties of the second class A in the Code. Exception is added to reflect applicability of Article XII-B (Coroners) to second class counties as proposed by the Pennsylvania State Coroners Association. Analogous to SCCC Section 102.
- Section 102.1. **Definitions.** New, section added defining “municipal corporation,” “municipality,” “recreation places” and “street” for the purposes of this act.
- Section 103. *Excluded Provisions.* References to consolidated laws are updated (paragraphs (1), (5), (21)); cross-references are updated in light of the revision and intervening amendments (paragraphs (6), (7), (18)). Editorial amendments. Analogous to SCCC Section 103.
- Section 104. *Savings Clause.* Aside from editorial amendments, subsection (d) is added to specify that the Code is a continuation of the Second Class County Code as it applies to counties of the second class A, and to also stipulate that the inclusion of those counties shall not affect applicable pre-existing legal status. Analogous to SCCC Section 104.
- Section 105. *Holding of Office.* Editorial amendment. Analogous to SCCC Section 105.
- Section 106. *Construction of References.* Editorial amendment. Analogous to SCCC Section 106.
- Section 107. *Constitutional Construction.* Editorial amendment. Analogous to SCCC Section 107.
- Section 108. *Legislation According to Class.* Editorial amendment. Analogous to SCCC Section 108.
- Section 108.1. **Collection of Tax on Real Property from Rent to Owner in County of the Second Class A.** New, section is carried over from Section 108.1 of the Second Class County Code. Under the Real Estate Tax Sale Law, Act 542 of 1947, county tax claim bureaus may petition the court for the appointment of a sequestrator to collect certain rents for the payment of real estate

taxes. It was thought to restrict application of this provision solely to second class A counties to maintain the status quo. *This section was amended in the Senate on third consideration, May 22, 2018, to specify that the existing power applies to claims “owed to the county.”*

Section 109. *Proceedings for Recovery of Penalties.* Editorial amendment. No SCCC analog. Section made applicable to second class A through eighth class counties.

Section 109.1. **Collection of Tax and Municipal Claims by Suit; Limitations.** New, section from SCCC Section 109.1. It is similar in application to Act 229 of 1929 (53 P.S. § 7251). That provision, however, only applies to municipal corporations, not counties. Furthermore, we are aware of no County Code provision that expressly authorizes counties to collect taxes and claims by suit. Given that all municipal corporations, as well as second class A counties, have this power, it was thought to include it in the revision as a cumulative tool available to all counties under the County Code. *This section was amended in the Senate on third consideration, May 22, 2018, in a manner similar to that of Section 108.1 to specify that the power applies to claims “owed to the county.”*

Section 110. *Publication of Legal Notices.* Editorial amendment and updated cross reference.<sup>1</sup> Analogous to SCCC Section 110.

## **Article II. NAMES AND CORPORATE POWERS CLASSIFICATION OF COUNTIES (analogous to SCCC Article II)**

### **(a) Division of the State into Counties; Corporate Powers**

Section 201. *Enumeration of Counties.* No changes. Analogous to SCCC Section 201.

Section 202. *General Powers.* Editorial amendment. Analogous to SCCC Section 202.

Section 203. *Vesting of Corporate Power.* No changes. Analogous to SCCC Section 203.

### **(b) Classification**

Section 210. *Counties Divided into Nine Classes.* Given Montgomery County’s 2016 population estimate above 800,000, and unique constitutional and statutory provisions for Allegheny County. The lower population threshold for second class counties is increased by 200,000 and the upper population threshold for second class A counties is increased by 200,000 to maintain Allegheny County as the only second class county. Editorial amendment. Analogous to SCCC Section 210.

Section 211. *Ascertainment, Certification and Effect of Change of Class.* Aside from editorial amendments, the phrase “or as soon thereafter as may be” is removed from the timing of the Governor’s duty to provide a certification related to county classification. Analogous to SCCC Section 211.

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<sup>1</sup> An amendment to PN 1782 of Senate Bill 1005 (A07280), passed by the House Local Government Committee on June 20, 2018, removes a new subsection (c) to Section 110 (Publication of Legal Notices), which specified that counties shall not be precluded by the section from utilizing alternative methods of advertising authorized by the General Assembly.

**Article III. FIXING AND RELOCATING LINES AND BOUNDARIES  
(analogous to SCCC Article III)**

- Section 301. *Petition to [Superior] **Commonwealth** Court.* Section 3 of Act 223 of 1970 provided that section 301 is repealed insofar as it vests jurisdiction and powers in the Superior Court. Such jurisdiction and powers are vested by Act 223 in the Commonwealth Court. This change is made throughout Article III. Also, reference to the procedure to “relocate” county lines is removed as inconsistent with litigation involving the Pennsylvania Constitution (see *infra*, Section 305), as implying a change in county line; it is replaced with the word “established”. Analogous to SCCC Section 301.
- Section 302. *[Superior] **Commonwealth** Court to Designate Neutral Court; Appointment of Commission.* Other than editorial changes, a specific reference to the act of May 23, 1945 (P.L. 913, No. 367), known as the Engineer, Land Surveyor, and Geologist Registration Law, is made with regard to the qualifications of surveyors or engineers appointed to a boundary change commission. Furthermore, reference to “civil engineers” is removed. Analogous to SCCC Section 302.
- Section 303. *Compensation, Assistants and Expenses.* Editorial amendment. Analogous to SCCC Section 303.
- Section 304. *Oath; Organization and Duties.* Aside from editorial changes, cross reference to the oath as provided in Title 53 of the Pennsylvania Consolidated Statutes (Pa.C.S.) § 1141 (relating to form of oaths of office) is included for purposes of commission member oaths of office. Analogous to SCCC Section 304.
- Section 305. *Authority to Fix [New] **Undetermined** County Line.* Reference to establishing a new county line solely on the basis of “inconvenience” is removed as being superseded by Article IX, Section 8 of the Pennsylvania Constitution. See *Ekin v. Bd. Of Comm. Of Allegheny Cty.*, 502 A.2d 303 (Pa. Cmwlth. 1985). Although we believe it is within the power of the General Assembly to provide, by general legislation, new methods for the establishment of county lines, this draft restricts the scope of Article III to boundary disputes and matters involving an inability to determine the existing line. Provisions for notice of court hearing are moved to Section 306. Analogous to SCCC Section 305.
- Section 306. *Report of **Boundary** Commission; Approval by Court; Certification of Line.* Aside from editorial changes, the notice of court hearing provisions of Section 305 have been relocated here as new subsection (b.1). Furthermore the Revision Committee suggested that the prothonotary, rather than the clerk of courts, be the officer charged with recording the boundary change order for each county affected and providing notice to the Department of Community and Economic Development. Analogous to SCCC Section 306.

**Article IV. COUNTY OFFICERS (analogous to SCCC Article IV)**

**(a) General Provisions**

- Section 401. *Enumeration of Elected Officers.* The enumerations of officers to be elected were amended to distinguish, where appropriate, the row officers of counties of the second class A. Furthermore, reference to the existing power of counties to abolish jury commissioners is included, and a new subsection (b.1) is added to reflect that, in counties of the second class

A, if a successor to a row office fails to qualify or is not elected, the incumbent serves until a successor is elected at the next municipal election (*see* SCCC Section 401(b)). Editorial amendment. Analogous to SCCC Section 401.

Section 402. *Incompatible Offices.* Modifications, including the addition of subsection (a.1), were necessary because the analogous section of the Second Class County Code, Section 402, contained no restrictions on conflicts for the county solicitor<sup>2</sup> and no reference to incompatibility with treasurers and tax collectors. In subsection (b), language is modified to accurately describe reserve components of the armed forces. No *substantive* changes to incompatibilities for any row offices are modified.

Section 403. *Oath of Office.* Existing oath language is removed and a cross reference to the oath as provided in 53 Pa.C.S. § 1141 (relating to form of oaths of office) is included. Punitive provisions for false swearing/perjury and forfeiture of office for failure to take the oath are removed. Analogous to SCCC Section 403.

[Section 403.1. *Compensation When Salary Not Fixed by Law.*] Repealed. After research and consultation with the Revision Committee, no Treasurers are subject to this provision and it is recommended for repeal as antiquated. No SCCC analog.

Section 404. *Officers to Have Commissions Recorded.* A phrase requiring the officer to pay for the commission is being omitted to ensure compliance with Act 106 of 2011. Specifically, 16 Pa.C.S. §1131(b)(3) provides: “(3) Notwithstanding the provision of any other law, no tax, fee or other charge shall be imposed as a result of the issuance of commissions to elected county officials, and no fee may be imposed for the recording of required security documents or commissions.” Analogous to SCCC Section 404.

Section 405. *Location of Offices, Records and Papers.* A provision requiring the authorization of the president judge of the court of common pleas prior to the storage of county records outside of the county seat is repealed and replaced with a provision from the analogous section of the SCCC Section 405, requiring such authorization only in the case of judicial records and those of the clerk of courts, prothonotary, register of wills, and clerk of orphans’ court. The period to make records stored outside of the county is expanded from three to five days to comport with the Right-to-Know Law. A provision within the SCCC with regard to a records management fee is added as subsection (a.2). A provision requiring the commissioners to consult with the appropriate row officer for decisions regarding the provision of space is also added. Editorial amendment. Analogous to SCCC Section 405.

Section 406. *Records Open to Inspection.* Existing language is repealed and replaced with a qualified reference to the records access provisions of the Right-to-Know Law. Analogous to SCCC Section 406.

Section 407. *Officers to Secure Funds, Records, Books, Et Cetera, from Predecessors.* Editorial amendment. Analogous to SCCC Section 407.

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<sup>2</sup> An amendment to PN 1782 of Senate Bill 1005 (A07280), passed by the House Local Government Committee on June 20, 2018, specifies that the county solicitor or solicitor of a row officer could be “one person, or a law firm, partnership, association or professional corporation.” Consequently, that same amendment added language to Section 402 (*Incompatible Offices*) to clarify that the provisions applies only in those cases where the solicitor is an individual.

- Section 408. *Deputies to Act in Certain Cases.* A provision requiring that a deputy receive the deputy salary or the salary of the principal officer, whichever is greater, during periods of performing the principal’s duties, is restricted to third through eighth class counties because no express similar requirement exists in the SCCC. Editorial amendment. Analogous to SCCC Section 408.
- Section 409. *Vacancies Not Otherwise Provided For.* Subdivided, with new material added as subsections (b) and (c). Subsection (b) includes a provision from Section 409 of the SCCC, requiring that an officer appointed to fill a vacancy in a county of the second class A shall serve for the balance of the term, which may or may not be the case for appointees in counties of the third through eighth class. Subsection (c) is added to include a reference to existing Administrative Code provisions regarding gubernatorial appointments to fill local office vacancies. Editorial amendments. Analogous to SCCC Section 409.
- Section 410. *County Officials to Furnish Information to Heads of the Governmental Departments.* Editorial amendment. Analogous to SCCC Section 410.
- Section 411. *Penalty for Neglect or Refusal to Perform Duties.* Editorial amendment. Analogous to SCCC Section 411.
- [Section 412. *Absconding Officers.*] Repealed. In light of the Pennsylvania Supreme Court decision in *South Newton Tp. Electors v. South Newton Tp. Sup’r., Bouch*, 838 A.2d 643 (Pa.2003) where a statutory provisions authorizing removal of officer was held to be unconstitutional as violating the Pennsylvania Constitution, Art. VI, § 7 (relating to removal of civil officers), this provision creating a vacancy where an officer “absconds” was considered constitutionally suspect, as well as possibly duplicative of the residency requirement in the next section. Analogous to SCCC Section 412.
- Section 413. *Qualification of Elected County Officers.* Cross reference to Sheriff and Deputy Sheriff Education and Training Act is added to clarify the existing qualifications for sheriff. Editorial amendments. Analogous to SCCC Section 413.
- Section 414. *Mileage of County Officials and Employes.* Existing provisions are repealed and replaced with reference to the act of July 20, 1979, P.L. 156, No. 51, commonly known as the Uniform Mileage Fee Law. Section made applicable to second class A through eighth class counties. No SCCC analogue.
- Section 415. **Required Security.** New, cross reference to 16 Pa.C.S. Ch. 11 Subch. B (relating to the County Officer and Employee Fiscal Security Act) is added for purposes of county bonding requirements. (Subdivision (b) of Article 4 (Official Bonds) of the SCCC was repealed in 2011 when 16 Pa.C.S. Ch.11, Subch. B was added.)
- Section 416. **Solicitors to county officers other than the commissioners.** New, a consolidated section authorizing solicitors for all row officers other than commissioners, and including cross-references to 42 Pa.C.S. provisions for prothonotaries, clerks of court and clerks of orphans’ court solicitors, is added. Individual authorizations located elsewhere are repealed (*see* Commentary, Sections 604, 704, 807, 1213, 1252 and 1314). Although current provisions of the SCCC contained no express authorization for a solicitor to the register of wills, it was decided to make this provision uniform for second class A through eighth class counties. *An amendment to PN 1782 of Senate Bill 1005 (A07280), passed by the House Local Government*

*Committee on June 20, 2018, specifies that the county solicitor or solicitor of a row officer could be “one person, or a law firm, partnership, association or professional corporation.”*

**(c) State Associations**

- Section 440. *State Associations Authorized.* The analogous section of the SCCC, Section 432 contains no authorization for coroners and auditors to have state associations, but does contain an authorization for a public defender state organization, which is not authorized in the County Code. It was decided to make this provision consistent for second class A through eighth class counties by adding public defender associations to this section. Analogous to SCCC Section 432.
- Section 441. *Purpose; Annual Meetings.* No changes. Analogous to SCCC Section 433.
- Section 442. *Deputies and Solicitors May Attend Annual Meetings.* Section amended to authorize second deputies to attend annual association meetings when authorized by their principals. Editorial amendment. Analogous to SCCC Section 434.
- Section 443. **County Payment for Expenses of Attending Members [to be Paid by County]; Time Limit on Meetings.** The existing maximum expense reimbursement figure of \$175.00 was last raised by Act 18 of 2002. Based on inflationary calculations, the rate is adjusted to \$220.00. Language requiring the submission of original receipts is added. Analogous to SCCC Section 435.
- Section 444. *Other Meeting Expenses Paid by Counties.* The maximum county contribution to association expenses for second class A counties was taken from the SCCC Section 436; for other counties, the amount is modified with a COLA calculator representing a cost-of-living increase of 24.92% since 2002, the last time all the figures were modified. The paragraph describing directors of veterans’ affairs associations is subdivided as new subsection (c), and language distinguishing second class A counties from others is included, and the probation officer subscription maximum is increased from \$10.00 to \$12.50. A new subsection (d) adds an automatic cost-of-living increase to these amounts so they need not be modified in statute. Analogous to SCCC Section 436.
- Section 445. *Annual Assessments for County Commissioners, Etc.* Reference to “convention” is changed to “conference.” Analogous to SCCC Section 437.
- Section 446. *Associations and Organizations Concerned with Governmental Affairs.* References to “convention” are changed to “conference.” The requirement that counties authorize participation in organizations by resolution is removed. Editorial amendment. No SCCC analog.

**(d) Removal of County Officers**

- Section 450. *Removal of County Officers and Appointees.* No changes. Analogous to SCCC Section 450.

**(e) Conduct of Official Business**

- Section 460. *Meetings Open to Public.* Existing language requiring meetings are “open at all times” and an independent authorization for executive sessions are repealed and replaced with reference to the provisions of Chapter 7 of Title 65 Pa.C.S (relating to open meetings). Analogous to SCCC Section 460.

**Article V. COUNTY COMMISSIONERS AND CHIEF CLERKS  
(analogous to SCCC Article V)**

**(a) Commissioners**

- Section 501. *Election; Vacancies.* No changes. Analogous to SCCC Section 501.
- Section 502. *Organization.* Editorial amendment. Analogous to SCCC Section 502.
- Section 503. *Meetings, Regular and Special; Conduct of Meetings; Notices.* Editorial amendment. No SCCC analog. Section made applicable to second class A through eighth class counties.
- Section 504. *Quorum; Execution of Official Instruments.* Clarifying amendment. Analogous to SCCC Section 503.
- Section 505. *Certified Copies of Proceedings to be Evidence.* No changes. Analogous to SCCC Section 504.
- Section 506. *Power to Administer Oaths.* No changes. Analogous to SCCC Section 505.
- Section 507. *Expenses.* Editorial amendment. Analogous to SCCC Section 506.
- Section 508. *Office Furniture, Stationery, Etc.* Editorial amendment. Analogous to SCCC Section 507.
- Section 509. *Ordinances and Resolutions.* A provision from Section 508(b) of the SCCC, pertaining to the power to adopt ordinances, resolutions, rules and regulations related to the use of county property, is added to subsection (a) and applied to second class A through eighth class counties. Within subsection (b), a provision derived from the Second Class Township Code is added, which prevents an ordinance validity challenge based on delinquent post-enactment filings or recordations. In a manner similar to the SCCC and the Borough Code, advertising requirements for “substantial changes” to a proposed ordinance replace current language requiring post-enactment summaries of changes. Analogous to SCCC Section 508.
- Second class A Counties are now included within the penalty provisions of this section (subsections (c) and (d)). Consequently, the \$500 cap on fines and penalties within the SCCC is, for second class A counties, increased to \$1,000, but the 30-day imprisonment provision is reduced to 10 days. Editorial amendment.
- Omitted. SCCC Section 509. *Take Money and Property By Gift, etc.* See, instead, County Code Section 1784.1 analogue, except, unlike SCCC Section 509, it does not require care and management, investment, sale, reinvestment and disposal of such funds or property, in trust, to be vested in and governed by the sinking fund commission, subject to such direction as the donors of such funds and property may prescribe.
- Omitted. SCCC Section 510. *Creation of Capital Reserve Fund for Anticipated Capital Expenditures.* See, instead, County Code Section 1784.2 analogue.
- Omitted. SCCC Section 511. *Operating Reserve Fund.* See, instead, County Code Section 1784.3 analogue.

**(b) Chief Clerk of County Commissioners**

- Section 520. *Chief Clerk.* No changes. Analogous to SCCC Section 520.
- Section 521. *Duties and Powers of Chief Clerk.* Editorial amendment. Analogous to SCCC Section 521.

Omitted. **SCCC ARTICLE V-A. CIVIL SERVICE.** See, instead, County Code Article XIX (Special Powers and Duties of Counties) new Subdivision (z.3) (Civil Service), Section 1999j (Civil Service for Certain Employes).

**Article VI. CONTROLLER (analogous to SCCC Article VI)**

Section 601. *Election and Term; Seal.* Subsection (a.1) is added for purposes of the continuity of the election cycle for controllers in second class A counties. Editorial and conforming amendments. Analogous to SCCC Section 601.

Section 602. *Eligibility.* Editorial amendment. Analogous to SCCC Section 602.

Section 603. *Deputy Controller and Clerks.* Subsection (a) is amended to include the SCCC’s requirement that a deputy controller be appointed in those counties. The optional appointment of a second deputy, as set forth in subsection (b), is expanded for second class A counties as a new power of the controller. Analogous to SCCC Section 603.

Section 604. *Solicitor to the Controller.* Repealed and consolidated into Section 416. Analogous to SCCC Section 604.

Section 605. *Establishment of Office of Controller in Counties of the Sixth, Seventh and Eighth Classes.* Editorial amendment.

Section 606. *Appointment by Governor; Duties of Auditors; Abolition of Office of Auditor.* Editorial amendment. No analog in the SCCC.

Section 607. *Expenses.* Editorial amendment. Analogous to SCCC Section 605.

**Article VII. AUDITORS**

*Note:* No elected auditors are provided for in the SCCC.

Section 701. *Election and Vacancies.* Clarifying amendment to subsection (b) to specify that a vacancy in the office of auditor shall be filled by the court *en banc*, and that the appointee shall be of the same political party of the outgoing auditor. Based, in part, on recommendations from the Pennsylvania State Association of County Auditors (PSACA).

Section 702. *Eligibility.* Subsection (b) regarding incompatibility is broadened to include “any organization or entity that may be audited by the county” and municipal offices and employment in the county. The restrictions on school district offices or employment are narrowed to strictly “administrative positions.” This amendment was requested by PSACA.

Section 703. *Meetings; Quorum.* Subsection (a) contains the clarification that if the first Monday in January is a holiday, organization of the auditors shall occur the first day following. Language is added to specify the procedure to petition the court of common pleas for additional time to complete the audit. Subsection (c) is added to specify that auditor compensation shall be determined by the county commissioners in accordance with the act of November 1, 1971 (P.L. 495, No. 113), and shall be applicable for any period of extension, essentially an incorporation of the Commonwealth Court decision in *In re Elk County Auditors*, 903 A. 2d 652 (Pa. Cmwlth. 2006) (Holding that auditors were entitled to an

extension not only for the filing of the report, but also for the audit itself, and setting forth that the commissioners may not reduce the rate of compensation for any extension). This amendment was requested by PSACA.

Section 704. *Counsel*. Repealed and consolidated into Section 416.

Omitted. **SCCC ARTICLE VII. LOT AND BLOCK SYSTEM.** See instead, Article XIX (Special Powers and Duties of Counties) new Subdivision (z.5.) (Lot and Block System in Counties of the Second Class A). Subdivision provides that a county of the second class A may continue to operate a lot and block system until such time as the commissioners deem appropriate, and for custody of the system and duty to use the system consistent with SCCC Article VII.

### **Article VIII. TREASURER (analogous to SCCC Article VIII)**

Section 801. *County Treasurer; Eligibility*. No changes. Analogous to SCCC Section 801.

Section 805. *Misapplication of Funds Collected for Specific Purposes*. Specific codified penalties are replaced with reference to 18 Pa.C.S. § 3927 (relating to theft by failure to make required disposition of funds received). Editorial amendment. Analogous to SCCC Section 805.

Section 806. *Deputy Treasurer*. Editorial amendment. Analogous to SCCC Section 806.

Section 806.1. *Second Deputy Treasurer*. Editorial amendment. No SCCC analog. Section made applicable to second class A through eighth class counties.

Section 807. *Solicitor to County Treasurer in Third, Fourth, Fifth, Sixth, Seventh and Eighth Class Counties*. Repealed and consolidated into Section 416. Analogous to SCCC Section 807.

### **Article IX. COUNTY SOLICITOR (analogous to SCCC Article IX)**

Section 901. *Appointment; Qualifications*. Modified to authorize appointment of “one person, or a law firm, partnership, association or professional corporation” as county solicitor.<sup>3</sup> Editorial amendment. Analogous to SCCC Section 901.

Section 902. *Duties*. Editorial amendment. Analogous to SCCC Section 902.

Section 903. *Emploees in [Third Class] Certain Counties*. Expanded to include second class A counties, given analogous language in the SCCC Section 903. Conforming amendment.

Section 904. *Assistant County Solicitors*. Bifurcated in subsection (a), for third through eighth class counties, and subsection (b), for second class A counties, where the appointment of an assistant solicitor is made by the county solicitor, not the commissioners. Analogous to SCCC Section 904.

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<sup>3</sup> An amendment to PN 1782 of Senate Bill 1005 (A07280), passed by the House Local Government Committee on June 20, 2018, specifies that the county solicitor or solicitor of a row officer could be “one person, or a law firm, partnership, association or professional corporation.”

**Article X. ENGINEER (analogous to SCCC Article X)**

- Section 1001. *County Engineer; Appointment; Term.* Amended to authorize the appointment of an engineering firm as county engineer. Editorial amendment. Analogous to SCCC Section 1001.
- Section 1002. *Duties.* Editorial amendment. Analogous to SCCC Section 1002.

**Article XII. SHERIFF AND CORONER**

Article is repealed in its entirety and replaced with Article XII-A (Sheriff) and XII-B (Coroner). The following sections do not appear in either new article.

- Section 1215. *Solicitor in Third, Fourth, Fifth, Sixth, Seventh and Eighth Class Counties.* Repealed and consolidated into Section 416. No SCCC analog.
- Section 1243. *Justices of the Peace not Affected.* Removed as superfluous. No SCCC analog.
- Section 1251. *Official Records of Coroner.* This provision mandating that coroner records be transferred to the prothonotary was not carried over into Article XII-B. Records of the coroner are now addressed in section 1241-B. No SCCC analog.
- Section 1252. *Solicitor to Coroner.* Repealed and consolidated into Section 416. Analogous to SCCC Section 1249.

**Article XII-A. SHERIFF (new) (analogous to SCCC Article XII, in part)**

To succeed the material contained in Article XXII, this article contains provisions related to the sheriff, formerly contained in subdivision (a) of Article XII.

- Section 1201-A. **Unfinished business of outgoing sheriff.** Editorial amendment. Analogous to County Code Section 1201 and SCCC Section 1201.
- Section 1202-A. **Sheriff may act by deputy.** Editorial amendment. Analogous to County Code Section 1202 and SCCC Section 1202.
- Section 1203-A. **Chief deputy and second deputy.** Section is amended to address a situation exemplified by that which occurred in Blair County and is divided into subsections. *Subsection (a), as further amended by the Senate Local Government Committee on March 20, 2018, reverts to the current provisions in the County Code pertaining to appointment, power and authority of the chief deputy. The new subsection (b), as also amended by the Committee, provides that if during a vacancy in the office of sheriff, the duties of the office cannot be discharged, the ranking deputy shall petition the court of common pleas, and upon the court finding that no other individual has legal capacity to discharge the duty, the court shall authorize the deputy to perform the duty during the vacancy. Given the changes to subsection (b), the new subsection (c), which is not currently in the Code, is deleted as unnecessary.* Unamended, identical to County Code Section 1203 and SCCC Section 1203.
- Section 1204-A. **Real estate deputies.** *Section, as further amended by the Senate Local Government Committee on March 20, 2018, substantively reverts to the current provisions in the County Code, but retains amendment to pertain to second class A through eighth class counties.*

Editorial amendment. Unamended, identical to County Code Section 1204 and SCCC Section 1204.

Section 1205-A. **Deputies and clerks.** Section is amended to expressly condition the appointment of deputies and clerks to positions authorized by the salary board, integrating the holding of *Green v. Tioga Cty. Bd. of Comm.*, 661 A.2d 932 (Pa.Cmwlt. 1995). (This section does not supersede the power of the salary board to establish deputy positions and their salaries.) Because the power of the salary board in the SCCC to fix the “number and compensation” of deputies is identical to that in the County Code, this modification is being recommended for counties of the second class A as well.

The power to appoint special deputies in emergencies for the service of civil or criminal process is not found in the SCCC, and is thus restricted to counties of the third through eighth class. Analogous to County Code Section 1205 and SCCC Section 1205.

Section 1206-A. **Deputy sheriff’s qualifications.** A cross reference to Sheriff and Deputy Sheriff Education and Training Act is added to clarify the qualification for deputy sheriff. Editorial amendments. Analogous to County Code Section 1206 and SCCC Section 1206.

Section 1207-A. **False statements in deputy’s affidavit.** Editorial amendment. Analogous to County Code Section 1207 and SCCC Section 1207.

Section 1208-A. **Filed items, public records.** No changes. Analogous to County Code Section 1208 and SCCC Section 1208.

Section 1209-A. **Public list of applicants for deputy sheriff.** Editorial amendment. Analogous to County Code Section 1209 and SCCC Section 1209.

Section 1210-A. **Private services, gifts and payments, contracts, prohibited.** Other than editorial changes, an authorization in subsection (d) for sheriffs, deputies and county detectives to engage in outside employment, including employment in security, when neither scheduled to perform nor performing duty as a county employee is extended to second class A counties to preserve current policies in those counties and make the provision for all counties consistent. Analogous to County Code Section 1210 and SCCC Section 1210.

Section 1211-A. **Penalties.** Conforming amendments. Analogous to County Code Section 1211 and SCCC Section 1211.

Section 1212-A. **Construction.** Subdivided, with new material derived from SCCC Section 1212, precluding any interpretation of Sections 1206-A and 1210-A to prohibit payment to the county for officers assigned to specified events. Analogous to County Code Section 1212 and SCCC Section 1212.

Section 1213-A. **Chief Deputy Sheriff to Act as Sheriff in Case of a Vacancy.** New, Section 1213-A is substantively equivalent to County Code Section 1249 (Chief Deputy Sheriff to Act as Sheriff in Case of Vacancy) and analogous to SCCC Section 1214. Although Section 1214 was found within subdivision (a) of Article XII, it pertained to coroners and deputy coroners.

Section 1214-A. **Sheriff to Keep Docket.** Other than editorial changes, this section is amended to remove any reference to the coroner acting as sheriff, a mechanism in law being removed by the County Code Revision. The Revision Committee was unaware of any situation in which a coroner has acted as sheriff. Analogous to County Code Section 1215 and SCCC Section 1215.

Section 1215-A. **Not to Exercise Office Until Commission Granted and Recorded; Penalty.** See County Code Section 1260 and SCCC Section 1205.

## **Article XII-B. CORONER (*new*) (generally analogous to SCCC Article XII, in part)**

To replace Article XII, this article contains material that was contained within HB 1931 of 2015, a comprehensive revision of County Code provisions related to coroners; however, the Legislature did not pass the bill. The Pennsylvania State Coroners Association (PSCA) formally requested integration of the bill in late 2016. Article XII-B does not contain all the provisions of the bill, but a significant portion of the bill, in a revised format, is included consistent with the purpose of the County Code Revision.

### **(a) Preliminary Provisions**

Section 1201-B. **Applicability.** The Coroners Association requested that Allegheny County be included within the scope of new Article XII-B.

Section 1202-B. **Definitions.** Neither the SCCC nor the County Code contains a definition section in the Article related to coroners.

### **(b) General Provisions**

Section 1211-B. **Deputies.** Reference to salary board power to establish positions is expressly included per the request of the Revision Committee. See *Green v. Tioga Cty. Bd. of Comm.*, 661 A.2d 932 (Pa.Cmwlth. 1995) (This section does not supersede the power of the salary board to establish deputy positions and their salaries.). Analogous to County Code Section 1231 and SCCC Section 1231.

Section 1212-B. **Duties regarding county morgues.** Reference to salary board power to establish positions is expressly included per the request of the Revision Committee. See *Green v. Tioga Cty. Bd. Of Comm.*, 661 A.2d 932 (Pa.Cmwlth. 1995) (This section does not supersede the power of the salary board to establish deputy positions and their salaries.). Substantively identical to County Code Section 1232 and SCCC Section 1232.

Section 1213-B. **Removal of bodies to morgue.** Substantively identical to County Code Section 1233 and SCCC Section 1233.

Section 1214-B. **Removal of body, burial and vehicle.** Similar to County Code Section 1234 and SCCC Section 1234. Unlike current law in both codes, this section requires the commissioners to provide for the transport of bodies, either by providing a vehicle to the coroner or otherwise. It is also expanded to authorize use of a vehicle, if provided, for administrative, investigative and educational purposes.

Section 1215-B. **Unclaimed property and sales.** Similar to County Code Section 1235 and SCCC Section 1235. A provision requiring the coroner to provide a written report of the sale is removed. Editorial amendment.

Section 1216-B. **Private morgue may be used.** Restricted to third through eighth class counties. A provision requiring the salary board to set the compensation paid for use of a private facility is replaced with language authorizing the commissioners to use contract procedures. The term “morgue” is replaced with “facility. Otherwise, analogous to County Code Section 1236. No analog in the SCCC.

- Section 1217-B. **Requests for examinations and reports.** Analogous to County Code Section 1236.1 and SCCC Section 1235.1. Subsection (c), governing specific fees for reports, is relocated to Subdivision (c), Section 1252-B.
- Section 1218-B. **Coroner’s investigation.** Analogous to County Code Section 1237 and SCCC Section 1236. Only minor editorial changes.
- Section 1219-B. **Autopsy, inquest and records.** Subsection (d) is added to expressly authorize the coroner to retain DNA samples for diagnostic, evidentiary, or confirmatory purposes. Subsection (d) is added to specify that materials retained by the coroner are medical waste to be disposed of in accordance with applicable law. Subsection (e) is added to provide civil immunity to a coroner acting in good faith. Analogous to County Code Section 1238 and SCCC Section 1237. Bodies not to be Moved. Editorial amendments.
- Section 1220-B. **Child deaths.** New, this section is not found in either code. It specifies the powers and duties of a coroner with regard to the sudden unexplained death of a child three years and younger.
- Section 1221-B. **Sudden death.** With the exception of the definition of “medical attendance,” added as subsection (c), section is analogous to Section 1239 of the County Code and SCCC Section 1238.
- Section 1222-B. **Prohibition on moving a body.** Aside from using more specific terminology and expressly requiring that a body shall be removed in a manner that does not substantially destroy or alter evidence, section is analogous to County Code Section 1240 and SCCC Section 1239.
- Section 1223-B. **Release of coroner’s jurisdiction.** Analogous to County Code Section 1241 and SCCC Section 1240.
- Section 1224-B. **Cooperation with district attorney.** Other than making the requirement that the district attorney act as counsel for the coroners discretionary, section is analogous to County Code Section 1242 and SCCC Section 1241.
- Section 1225-B. **Cooperation with other counties.** New, section is not found in either code. It authorizes the discretionary establishment of facilities for use by multiple counties.
- Section 1226-B. **Certificate of cause of death.** Section is analogous to County Code Section 1244 and SCCC Section 1244.
- Section 1227-B. **Subpoena and attachment.** The purposes incident to a subpoena are expanded to include the broad category of “death investigations,” and provision is modernized to include production of “a document in any form or media, including a medical or mental health record.” Section is analogous to County Code Section 1245 and SCCC Section 1243.
- Section 1228-B. **Inquest and jury.** Language is included to permit two alternate jurors to be appointed. Section is analogous to County Code Section 1245.1 and SCCC Section 1243.1.
- Section 1229-B. **Power to administer oaths.** Section is analogous to County Code Section 1246 and SCCC Section 1244.
- Section 1230-B. **Commitment to county prison.** Subdivided. Substantively, this commitment language would replace language within the SCCC providing that persons refusing to take an oath or testify may be held in contempt. Section is analogous to County Code Section 1247 and SCCC Section 1245.

- Section 1231-B. **Inquests.** Section is analogous to County Code Section 1248 and SCCC Section 1246.
- Section 1232-B. **Vacancy.** A provision requiring notice of a vacancy to be given to the deputy is removed. Otherwise, the section is substantively identical to procedures currently applicable for second through eighth class counties. Section is analogous to County Code Sections 1249-1250 and SCCC Sections 1247-1248.
- Section 1233-B. **Salary of solicitor and costs in counties of the second class.** *New*, section reflects procedures for the salary of the Allegheny County solicitor and expenses related to the office. *See* SCCC Section 1249 (second paragraph).
- Section 1234-B. **Anatomical gifts.** Section is analogous to County Code Section 1253 and SCCC Section 1250.
- Section 1235-B. **Execution of office.** Section is analogous to the coroner element of County Code Section 1260 and SCCC Section 1260.
- Section 1236-B. **Records.** Reflects current Section 1251, but is restricted to counties of the third through eighth class.<sup>4</sup> No analog in the SCCC.

**(c) Fees and Cost Recovery**

- Section 1251-B. **Disposition costs.** *New*, section provides a mechanism by which the county may recover costs of the disposition of a body from property retained by the coroner upon proper notice. It also provides civil immunity to a coroner that reasonably attempts to preserve the property of the deceased. No analog in the SCCC.
- Section 1252-B. **Fees for reports.** This section is analogous to County Code Section 1236.1(c) and SCCC Section 1235.1 (c), except that the fees for reports have been increased.<sup>5</sup>

**Article XIII. PROTHONOTARY, CLERKS OF COURTS, CLERK OF ORPHANS' COURT, REGISTER OF WILLS, RECORDER OF DEEDS (analogous to SCCC Article XIII)**

- Section 1301. *Election of [Prothonotaries, Clerks] Prothonotary, Clerk of Courts, [Clerks] Clerk of Orphans' Court, Register of Wills, Recorder of Deeds.* Comparable to SCCC Section 1301. Editorial amendments.
- Section 1302. *How Offices to Be Held.* Editorial amendment. Comparable to SCCC Section 1302.

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<sup>4</sup> An amendment to PN 1782 of Senate Bill 1005 (A07280), passed by the House Local Government Committee on June 20, 2018, removes the following language from new Section 1236-B.

*Records shall be maintained in the office of the coroner. If no office is maintained, a public record providing the name of the deceased, the date of death and the cause and manner of death shall be deposited in the office of prothonotary for the inspection of an individual with an interest in the record. Except as provided under this article, public disclosure of a coroner record shall be in accordance with the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.*

*The amendment replaces the language with the current text of Section 1251 of the County Code, and restricts its application to counties of the third through eighth class. The Pennsylvania State Coroners Association and Pennsylvania NewsMedia Association agreed to the amendment to this section and Section 1252-B.*

<sup>5</sup> Amendment A07280 removes a new subsection which would have specified that the section should not be construed as authorizing disclosure of a record exempt from public access under Act 3 of 2008, known as the Right-to-Know Law.

- Section 1303. *Counties of Forty Thousand Inhabitants Created Separate Judicial Districts.* Section, which originated in the 1874 Constitution and subsequently Act 265 of 1901, is unique to the County Code. Section is retained since it gives 23 counties with separate judicial districts and more than 40,000 inhabitants, but less than four row officers, the option to increase the number of row officers. Editorial amendments.
- Section 1305. *Appointment of First Deputies.* Clarified that authority for register of wills to appoint a deputy or deputies with powers and duties is provided in 20 Pa.C.S. (Probate, Estates and Fiduciaries) Chapter 9 (Register of Wills). Editorial amendment. Comparable to SCCC Section 1304.
- Section 1311. *Solicitor to Register in Counties of the Third, Fourth, Fifth, Sixth, Seventh and Eighth Classes.* Updated qualification for solicitor. Editorial amendment. No SCCC analog.
- Section 1312. *Second Deputy Recorder.* Editorial amendment. Comparable to SCCC Section 1311.
- Section 1313. *Clerks of Recorder to Administer Oaths.* Editorial amendment. Comparable to SCCC Section 1312.
- Omitted. SCCC Section 1313. *Functions in Certain Offices on Saturday.* Section is excluded as it is outdated.
- Section 1314. *Solicitor to Recorder of Deeds in Counties of the Third, Fourth, Fifth, Sixth, Seventh and Eighth Classes.* Section is repealed; uniform authorizations and requirements, pertaining to appointment, compensation and litigation, for solicitors to all row officers in second class A and third through eighth class counties are provided in new Section 416 (Solicitors to county row officers other than the commissioners). Analogous to SCCC Section 1314.

**Article XIV. DISTRICT ATTORNEY, ASSISTANTS AND DETECTIVES  
(analogous to SCCC Article XIV)**

**(a) District Attorney**

- Section 1401. *District Attorney; Qualifications; Eligibility; Compensation.* In subsection (f), consistent with Article VI, Section 2 of the Pennsylvania Constitution, an office or commission in the Pennsylvania Guard and Pennsylvania National Guard is added to an office or commission in the militia of the Commonwealth as compatible with a district attorney's continuance in office. Obsolete provisions in subsections (h), (l) in part, and (n), pertaining to the transition from a part-time to a full-time district attorney as added by Act 57 of 2005, and compensation of a part-time district attorney in counties of the third through seventh class are repealed. Act 57 of 2005 amended the SCCC and County Code by, in part, making Section 1401 applicable to counties of the second through the eighth class.
- Section 1402. *Duties of District Attorney; Entry of Nolle Prosequi.* With concurrence of the Pennsylvania District Attorneys Association, provisions are made to apply to second class A counties. Editorial amendment. Analogous to Section 1402 of the SCCC.
- Section 1403. *Expenses Incurred by District Attorney.* Editorial amendments. Substantively identical to Section 1403 in the SCCC, except for minor differences in construction.

- Section 1404. *Filling of Vacancies.* Subsection (a), which is identical to Section 1404 of the SCCC, is made to apply to second class A counties in addition to third class counties. Subsection (b) applies to fourth through eighth class counties.
- Section 1405. *Misconduct of District Attorney.* Comparable to SCCC Section 1405. Editorial amendments.
- Section 1406. *District Attorney Charged with Crime.* Editorial amendments. Comparable to SCCC Section 1406.
- Section 1407. *[Law Books]Legal Resources for District Attorney.* Authorization to purchase law books is expanded to include other legal resources. Approval by the president judge for purchase is only required in the County Code and, therefore, only made applicable to third through eighth class counties. Similar to SCCC Section 1407.
- Section 1409. *When Private Counsel May Prosecute.* Editorial amendments. Comparable to SCCC Section 1408.

**(b) Assistant[, Special, Deputy] and Acting District Attorneys, Stenographers and Clerks** (Deleting references to special assistant(s) and deputy assistant(s) from this subdivision makes it consistent with the Second Class County Code and does not prevent the district attorney from appointing certain assistants as special or deputy assistants.)

- Section 1420. *Assistant[, Special Assistant and Deputy Assistant] District Attorneys; Number; Compensation.* Outdated qualification of “learned in the law” is replaced with “licensed to practice law in this Commonwealth.” Subsection (a) is comparable to SCCC Section 1420. Subsections (b), (c) and (d) are only in the County Code and, therefore, have been made to only apply to third through eighth class counties. Editorial amendments.
- Section 1421. *Designation of First Assistant; Powers and Duties.* Practically identical to SCCC Section 1421. Editorial amendments.
- Section 1424. *Court May Appoint a District Attorney for the Time Being in Counties of the Third through the Eighth Classes.* The SCCC does not contain this section. Based on consultation with the District Attorneys Association, the section remains as only pertaining to counties of the third through the eighth class. Editorial amendments.
- Section 1425. *Indictment and Cost Clerk in Counties of the Fourth Class.* Outdated qualification of “learned in the law” is replaced with “licensed to practice law in this Commonwealth.” Editorial amendment.
- Section 1426. *Stenographers and Clerks.* Identical to SCCC Section 1422. Editorial amendment.

**(c) County Detectives**

- Section 1440. *Appointment; Duties and Compensation of County Detectives.* Differing provisions from the analogous Section 1440 of SCCC have been incorporated, but only made applicable to counties of the second class A. The provisions pertain to appointment of counties detectives, authorization to serve subpoenas in certain cases, and entitlement to receive salary and traveling expenses. Editorial amendments.
- Section 1441. *Appointment of Special Detective with Approval of Court.* Identical to SCCC Section 1441. Editorial amendments.

**Article XV.2 SALARIES OF COUNTY OFFICERS  
(analogous to SCCC Article XVIII, in part)**

Article XV.1 is repealed in its entirety and is replaced by a new Article XV.2. Provisions pertaining to fees and mileage reimbursement received by the coroner under Sections 1553, 1554 and 1555 for counties of the sixth, seventh and eighth classes, respectively, are apparently outdated and therefore are repealed. Provisions in Sections 1554 and 1555, pertaining to accounting of fees received by certain county officers in counties of the seventh and eighth classes and paying a prescribed portion of the fees to the county treasurer, have been repealed, given that the Pennsylvania State Association of Prothonotaries and Clerks of Courts, upon surveying their counterparts in counties of the seventh and eighth classes, indicated that the provisions do not appear relevant and expected that no county is actually operating pursuant to them.

Section 1560 *Salaries of County Officers.* Section references Act 113 of 1971, providing compensation of county officers in counties of the second through eighth class, which supersedes repealed compensation provisions in Sections 1550 through 1555 of the County Code, except as indicated above, and SCCC Section 1810.

Section 1561 *Insurance and Other Employee Benefits.* Section duplicates repealed Section 1556. Identical to SCCC Section 1820.1.

**Article XVI. FEES OF SALARIED COUNTY OFFICERS; SALARY BOARDS  
[; PAYMENT OF SOLICITORS APPOINTED BY COUNTY OFFICERS]  
(analogous to Article XVIII of the SCCC, in part)**

**(a) Fees of Salaried County Officers**

Section 1601. *Fees of Salaried County Officers to Belong to County.* An exception is added acknowledging for disposition of fees in accordance with other laws. Provisions for fee retention linked to population thresholds and collected for the Commonwealth are deleted given they are no longer applicable. With changes, comparable to SCCC Section 1801. Editorial amendments.

Section 1602. *System of Accounts to be Kept; Fees to be Paid to County Treasurer Monthly.* The maximum time frame for officers to remit and report fees is changed from the first Monday to the tenth day of each month, which is more reasonable and consistent with Department of Revenue reporting requirements. Subsection (b) is broken down into paragraphs for clarity. Substantively the same as SCCC Section 1802. Editorial amendments.

Section 1603. *Penalty for Receiving Gratuities or Percentages.* Identical to SCCC Section 1803. Editorial amendments.

Section 1604. *False Swearing to County Accounts, Bills or Transcripts.* Identical to SCCC Section 1804.

Section 1605. *Officers Subject to This Subdivision to be Paid Salaries.* Sentences are restructured to improve clarity and readability. “Warrant” for payment is added to reflect SCCC terminology. Other than restructuring, identical to SCCC Section 1805. Editorial amendments.

Section 1606. *Salaries Payable from Fees.* Act 138 of 1974 repealed this section from the County Code. Analogous SCCC Section 1806 is repealed insofar as it relates to any county office or officer,

any of the fees and charges which are established by the governing authority of the unified judicial system pursuant to 42 Pa.C.S. § 1725. Moreover, the provisions of SCCC Section 1806 are archaic and no longer applied. Hence, this section, as it may apply to second class A counties, is excluded.

- Section 1607. *Monthly Returns to be Made of Taxes and Fees Due the Commonwealth.* The frequency that taxes, fees and other amounts due the Commonwealth shall be paid is modified as recommended by the Pennsylvania State Association of County Controllers (PSACC). The qualification in subsection (c), unique to the County Code, is made applicable second class A counties as well. Otherwise, virtually identical to SCCC Section 1807. Editorial amendments.
- Section 1608. *Payment of Certain Officers.* Largely reflects SCCC Section 1808. Editorial amendments.
- Section 1609. *Salaries in Lieu of Fees.* Virtually identical to SCCC Section 1809.
- Section 1610. *Rights of Action and Remedies for Collection of Fees Extended to Counties.* Section, unique to the County Code, is made applicable second class A counties as well. Editorial amendment.

#### **(b) Salary Boards**

- Section 1620. *Salaries and Compensation.* Section corresponds to Section 1820 of the SCCC with one primary exception. The County Code provides, with qualification, that representation in proceedings before the Pennsylvania Labor Relations Board or collective bargaining negotiations involving any and all employees shall be the responsibility of the commissioners, which is made applicable to second class A counties as well.
- Section 1621. *Fees.* Identical to SCCC Section 1821.
- Section 1622. *Salary Boards Created.* For consistency with the SCCC, providing that the controller or treasurer shall be secretary of the salary board is added. Otherwise largely the same as SCCC Section 1822. Editorial amendment.
- Section 1623. *Number and Compensation of Officers, Deputies, Assistants, Clerks and Employees; Revisions of Salary Schedules.* Section is broken down into two subsections for clarity. An exception for employees of county officers who are paid by fees and not by salary in the County Code is made applicable to second class A counties. Section 1624 is repealed and is incorporated into the end of new Section 1623(a). With addition of Section 1624 language, comparable to SCCC Sections 1823 and 1824. Editorial amendments.
- [Section 1624. *Revisions of Salary Schedules.*] Section repealed and incorporated into Section 1623. Identical to SCCC Section 1824.
- Section 1625. *Procedure and Action of Board.* Paragraph is added under subsection (c) to provide that, in counties of the second class A, the president judge of the court of common pleas shall serve on the salary board when considering the number and salaries of employees on the prison board. Identical to SCCC Section 1825. Editorial amendments.

#### **[(c) Payment of Solicitors Appointed by County Officers]**

- [Section 1630. *Compensation of Solicitors Appointed by County Officers.*] Subdivision (c) header and section are repealed, but incorporated into Article IV (County Officers) as a new Section 416 (Solicitors to county officers other than the commissioners). The prothonotary, clerk of

courts and clerk of orphans' court are no longer included, since provisions for their solicitors have been integrated into 42 Pa.C.S. No single analogous section in the SCCC.

## **Article XVII. FISCAL AFFAIRS (analogous to Article XIX of the SCCC)**

### **(a) Fiscal Policy and Systems**

Section 1701. *Functions of County Commissioners.* Provision unique to the County Code is made applicable to second class A counties.

Section 1701.1 *Billing and Collection of Third, Fourth, Fifth, Sixth, Seventh and Eighth Class County Taxes.* Provisions from subsections (b) and (b.1) are incorporated into subsections (a) and (a.1) to consolidate subject matter and reduce duplication of language. Clarification is added per *Bullock v. County of Lycoming*, 859 A.2d 518, 521 (Pa.Cmwlth. 2004), requiring the city treasurer to be notified if commissioners adopt a resolution to bill and collect county and county institution district taxes levied within a third class city. Subsection (c) is added, and the existing subsection renumbered to incorporate provisions in Section 4.4 of the Local Tax Collection Law, pertaining to collection of municipal taxes by county treasurer. Subsection (d) is amended to preclude any conflict with the Local Tax Collection Law. No SCCC analog. Editorial amendments.

Section 1702. *Functions of the Controller.* Subsection (a) is broken down into paragraphs to improve readability. Editorial changes in the first sentence and deletion of second sentence make sentences generally consistent with the Second Class County Code. Added language, as requested by the PSACC to clarify their powers, is agreed to by CCAP. In the second paragraph, the last two sentences are made applicable to second class A as well as third through eighth class counties in place of analogous language in the SCCC.

Subsection (b) is unique to the County Code and has been made applicable to second class A counties as well. Changes reflect PSACC's request to add an option for request for proposals (RFP), an opportunity for the controller to comment on an RFP before it is issued as well as an opportunity to comment on a contract before it is executed, and, in the last sentence, to clarify on the function of the certified public accountant contract relative to the controller's official duties.

Comparable to SCCC Section 1901. Editorial amendments.

Section 1703. *Accounts of Officers.* Substantively identical to SCCC Section 1902. Editorial amendments.

Section 1704. *Custody of Documents.* Document retainage and form requirements are added, terminology is changed to comport with the County Records Manual, the term "electronic file" is inserted to update language, and retainage requirements are added. Except for title, identical to SCCC Section 1903. Editorial amendments.

Section 1705. [*Books of Fiscal Affairs*] ***Financial Records.*** Amendments reflect PSACC's suggestions to modernize this section. Unamended, identical to SCCC Section 1904.

Section 1706. *Investment of Funds.* Subsections (a) and (b) are broken down into paragraphs to separately incorporate similar provisions from the SCCC.

Subsection (c) is modified to incorporate, by reference, Act 53 of 1973 (as amended by Act 10 of 2016), which together provide for authorized types of investments in the County Code plus new authorized types of investments, the latter being repurchase agreements, negotiable certificates of deposit, bankers' acceptances and savings or demand deposits, along with qualifications for each. Authorized types of investments in the County Code, which are also in Act 53 of 1973, are removed from the County Code and incorporated by reference. As such, paragraphs (1) through (9) have been repealed and, in part, replaced with consolidated paragraphs (10) through (14) delineating the remaining types of investments, which include:

- (10) United States Treasury bills, and obligations of the United States, the Commonwealth or any of its political subdivisions, or any of their agencies or instrumentalities (former paragraphs (1) and (4)).
- (11) Deposits in savings accounts or time deposits, other than certificates of deposit, or share accounts of institutions (former paragraph (3)).
- (12) Shares of an investment company registered under the Investment Company Act of 1940, whose shares are registered under the Securities Act of 1933., provided that the only investments of that company are in the authorized investments for county funds listed in (10) and (11) (former paragraph (5)).
- (13) Certificates of deposit (former paragraphs (6) and (7)).<sup>6</sup>
- (14) Any investment authorized by 20 Pa.C.S. Ch. 73 (relating to fiduciaries investments) as an authorized investment for any pension or retirement fund (former paragraph (8)).

Subsection (d.1), formerly Section 1706(d)(6) only applying to commercial paper, is made applicable to negotiable certificates of deposit and bankers' acceptances as well as commercial paper in order to sanction possible limitations in the investment policy on the amount invested in each. (It would be impractical for such limits to be placed on the underlying investments of pooled investment options, such as shares of an investment company or secured investments.) Otherwise, former Section 1706(d) is repealed since commercial paper is incorporated by reference in Act 53 of 1973.

Subsection (e) references to (a)(1) and (a)(2) are to comport with the bifurcation of that section. Paragraphs (4) and (5) are unique to the County Code and have been made applicable to second class A counties as well.

Added subsection (f) reflects Section 1964(f) of the SCCC with a clarification, including its application to third through eighth class counties as well as second class A counties.

Except for paragraphs (e)(4) and (5) and subsection (f), substantively the same as SCCC Section 1964. Editorial amendments.

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<sup>6</sup> Paragraph (13) reflects former paragraph (6), which pertains to institutions having their principal place of business in the Commonwealth, and former paragraph (7), which pertains to those having their principal place of business outside the Commonwealth. The only substantive difference between the two sections is the former paragraph (6) provides that collateral above the maximum insured may include loans (including interest in pools of loans) secured by first mortgage liens on real property, which is no longer used. The limitations, in addition to collateralization requirements, have been broken out only for clarification purposes.

**(b) Accounts, Audits and Reports by Controller or Auditors**

- Section 1720. *Controller's or Auditors' Settlement of Accounts; Report to Common Pleas; Publications; Financial Report to Department of Community and Economic Development.* Section incorporates provisions of Section 1721, which pertains to auditors given that the sections are largely duplicative, and is broken down into subsections to improve readability. Provisions for publication of notice are updated and made consistent with like provisions in the County Code, and those facilitating inspection of the report to the court of common pleas are updated. Consideration of the current budget allocation for publishing pamphlets of the report is added. The due date for submission of the report of financial condition to DCED is reconciled with the due date for the same report in the Municipalities Financial Recovery Act. With addition of subsection (d) from Section 1721, the latter portion of subsection (c) becomes superfluous and no longer relevant, and therefore, is deleted. Except for references to auditors, largely reflects SCCC Sections 1920 and 1921. Editorial amendments.
- Section 1720.1 *Audit of Additional Accounts.* Sections 1722 through 1724 are combined into a new Section 1721, with no substantive changes for the purposes of clarification and updating terminology. Also, former Section 1722.1, now Section 1720.1 (a)(3), is made to apply to second class A counties as well as third through eighth class counties. Section 1720.1(a)(5) is added to capture any other funds as may be prescribed by law for the controller or auditors to audit, settle and adjust, which are not included elsewhere in the section. Incorporates identical corresponding SCCC Sections 1922 through 1924.
- [Section 1721 . *Audit of Accounts by Auditors; Report to Common Pleas; Publications; Financial Report to Department of Community and Economic Development.*] Repealed. Substantively incorporated into Section 1720.
- [Section 1722. *Audit of the Accounts of Parole and Probation Officers and of Appropriations to National Guard Units.*] Repealed. Substantively incorporated into Section 1720.1(a)(1) and (2).
- [Section 1722.1. *Audit of Accounts of Minor Judiciary.*] Repealed. Substantively incorporated into Section 1720.1(a)(3).
- [Section 1723. *Accounts and Audits of Moneys Collected for Taxing Units Within the County; Payments.*] Repealed. Substantively incorporated into Section 1720.1(b).
- [Section 1724. *Audit of Accounts of Commonwealth Moneys.*] Repealed. Substantively incorporated into Section 1720.1(a)(4).
- Section 1724.1. *Audit of [Miscellaneous]Insurance and Escrow Accounts.* Provision is unique to the County Code and is made applicable to second class A as well. Section title is modified for clarification.
- Section 1725. *Power of Subpoena and Attachment.* Reference to the Pennsylvania Rules of Civil Procedure is added for clarification, and coroner is removed and “any constable” is added for purpose of serving and executing a subpoena. Same as SCCC Section 1925. Editorial amendments.
- Section 1726. *Power to Administer Oaths.* No changes. Identical to SCCC Section 1926.
- Section 1727. *Refusal to Obey Subpoena or Submit to Examination.* Section is broken down into subsections to improve clarity. The sentence of misdemeanor, which is unique to the County Code, is made applicable to second class A counties as well in place of outdated language, and is

moved to the beginning. A provision for refusing to obey a subpoena is added and the title is modified accordingly. Except for the sentence of misdemeanor, identical to SCCC Section 1927. Editorial amendments.

Section 1728. *Witness Fees.* No changes. Identical to SCCC Section 1928.

Section 1729. *Settlement of Accounts on Extraneous Proof.* No changes. Identical to SCCC Section 1929.

Section 1730. *Filing Reports.* In lieu of the second clause in SCCC Section 1930, providing for judgment against real estate of the officer who appears indebted either to the Commonwealth or county, subsection (b) surcharge provisions are also made applicable to second class A counties. The addition of subsection (c) remedies the lack of a “judgment” mechanism, which seems to be missing from the County Code (*see* the Borough Code, 8 Pa.C.S. § 1059.9 (Balances Due to be Entered as Judgments)). Second sentence of subsection (b) is consistent with pre-Judiciary Act Repealer Act (JARA) (Act 53 of 1978) County Code Section 1736, but specifies that only the county or Commonwealth may execute on a final judgment. Provision still preserves the primacy of court rules for execution. Subsection (a) is identical to first clause of SCCC Section 1930.

Section 1731. *Appeals from Reports.* Section is broken down into subsections to facilitate readability. In subsection (b) added appellant bonding requirement, consistent with other municipal codes, is intended to discourage frivolous appeals (*see* 8 Pa.C.S. § 1059.5, and pre-JARA County Code § 2805). In subsection (c), given that *In re 1983 Audit Report of Beharry* (116 Pa. Cmwlth. 613, 619, 544 A.2d 514, 518 (1988)) views the language as curing the procedural due process problem with the correlating SCCC provision, County Code language is made applicable to second class A counties as well. Moreover, the cited decision, at 116 Pa. Cmwlth. 638, 544 A.2d 526, suggests a clarifying amendment at the end of the second sentence to remedy an equal protection concern. Identical to the SCCC Section 1931, except for subsection (c) language as discussed. Editorial amendments.

Section 1732. *Form of Issue on Appeals.* No changes. Identical to SCCC Section 1932.

Section 1733. *Allowance of [Counsel] Attorney Fees.* New language in subsections (a) and (b) is substituted for the original provision to more equitably authorize the apportionment of legal fees in a manner consistent with the Borough Code (*see* 8 Pa.C.S., § 1059.8 (Attorney Fees)). Addition of subsection (c) is added to address PSACC’s suggestion, which is acceptable to both CCAP and PSACC. Unamended, identical to SCCC Section 1933.

### **(c) Disbursals of County Moneys**

Article XIX Subdivision (c), Sections 1950-1954, of the Second Class County Code largely comport with Article XVII Subdivision (c), Sections 1750-1754, of the County Code. Given that Subdivision (c) of the Second Class County Code apparently has not been updated since the Code’s enactment in 1953, where Subdivision (c) of the County Code has been updated by Act 103 of 2002, provisions from the two subdivisions are merged, primarily using language from the County Code.

Section 1750. *Claims Against County.* Exception at end of first sentence, unique to the County Code, is made to apply to second class A counties as well. Added qualification, “except as provided under Section 1806 . . . ,” makes the last two sentences of this section consistent with the Ethics Act (65 Pa.C.S. Ch. 11), cited in Section 1806, and terms and conditions referenced in new Section 1802(k). Last sentence at end of SCCC Section 1950, “All claims which the

controller shall find legally due, he or she shall certify to the commissioners,” is unnecessary in light of provisions in Section 1751. Unamended, largely the same as SCCC Section 1950. Editorial amendments.

Section 1751 . *Procedure for Approval.* Although considerably more prescriptive and detailed, comports with Section 1953 (Payment of County Moneys) of SCCC. Section is been made to apply to second class A counties as well, and is broken into subsections to facilitate readability. Editorial amendments.

Section 1752 . *Claims Not Approved by Controller.* Section is unique to the County Code and is made applicable to second class A counties as well. The timeframe for the controller to provide notice to the commissioners is shortened from 30 to 15 days. Editorial amendments.

Section 1753. *Reports to Commissioners.* Reflects the second sentence in SCCC Section 1952 (Warrants; Reports on Financial Condition). SCCC Section 1952 first sentence, “All warrants drawn on the county treasury by the commissioners shall be countersigned by the controller, who shall keep a correct register thereof, noting the number, date and amount of each, the date of payment, and to whom and for what issued,” generally seems to be addressed in Section 1751 of the County Code. Clarifying changes provided.

Section 1754. *Fees of Witnesses and Jurors.* Section largely reflects SCCC Section 1951 (Drawing Warrants), but given the more up-to-date language in Section 1754, it has been made applicable to second class A counties as well. Deletion of last sentence, agreed to between CCAP and PSACC, then defaults implementation of this charge to the provisions of Section 1750, giving some flexibility to validate current and likely widely varying practices. SCCC also contains Section 1954 (Additional Clerk to Countersign Warrants), which the County Code does not contain; however, provisions of Section 1954 appear unnecessary given provisions in Section 408 (Deputies to Act in Certain Cases) and Section 603 (Deputy Controller and Clerks) of the County Code.

#### **(d) County Treasury and County Depositories**

Section 1760. *Receipts and Accounts of Money Due County.* Section generally comports with SCCC Section 1960. Section 1760 has been somewhat recently amended in 2002 to incorporate more contemporary accounting principles, where SCCC Section 1960 is more antiquated having never been amended since its 1953 enactment. Hence, the County Code provisions, with minor changes, have been made applicable to second class A counties as well. Editorial amendments.

[Section 1761. *Moneys Paid for the Redemption of Unseated Land Sold for Taxes.*] Section is repealed given that it is archaic. Provision originated in Act 185 of 1840 (Sale of Land for Tax/Disposition of Tax). SCCC does not contain the provision.

Section 1762. *Depositories.* Subsection (a) achieves the same purpose of the more prescriptive provisions in Section 1961 (Board to Select Depositories), Section 1962 (Meeting; Number of Depositories), and the first paragraph in Section 1963 (Designation and Qualification of Depositories) of the SCCC. In that Act 329 of 1956 repealed Section 1763 (Meeting; Number of Depositories) and Section 1764 (Designation and Qualification of Depositories) from the County Code, the provisions in Section 1762(a) of the County Code have been made applicable to second class A counties, as well, thus simplifying the method for designating a depository.

Subsection (b) is broken down into paragraphs for clarity. Unamended language in paragraph (1) generally reflects the second paragraph of SCCC Section 1963, except for the last sentence of the paragraph, authorizing designation of the Federal Reserve Bank as an escrow agent, which is unnecessary given provisions of Act 72 of 1971, standardizing procedures for pledges of assets. Moreover, the PSACC asserted that requiring collateralization under Act 72 is more efficient, consistent and secure. Hence, a cross-reference to collateralization under Act 72 is substituted in place of the unamended language. In addition, a monthly reporting requirement is specified. Paragraph (2) provides the county *discretionary* authority to enter into an agreement with the depository in which it could stipulate, among other things, the types and sufficiency of collateral that would be permitted if the county desires a more secure position than pooled collateral permitted under Act 72 may provide. Paragraph (3) is the last sentence in the unamended subsection (b) with an unnecessary escrow reference deleted.

Subsection (c) is identical to the third paragraph in Section 1963 of the SCCC, except for the phrase at the end pertaining to electronic funds transfer approved by the board of commissioners, which is unique to the County Code but has been made applicable to second class A counties as well.

Subsection (d) is only in the County Code, but has been made applicable to second class A counties as well. “Section” is changed to “article” in that other provisions (e.g., Section 1706) relate to this section.

#### **(e) County Taxation, Borrowing and Transfer of Funds**

Section 1770. *Tax Levies.* In subsection (a), the first two sentences are identical to the first two sentences of SCCC Section 1970. Added subsections (a.1) and (a.2) reflect the remainder of SCCC Section 1970 (Tax Levies) and SCCC Section 1970.1 (Tax Levy for Institution Districts in Second Class A Counties), respectively, with cross references changed to comport with the like provisions in the County Code. Remainder of this section is broken down for clarification purposes. Subsection (d) is not made applicable to second class A counties, since second class A counties cannot collect the occupation tax or per capita tax. For consistency, the \$10,000 annual income exemption threshold for per capita tax is replaced with a cross reference the exemption threshold, currently \$12,000, in Section 301.1(b) of the Local Tax Enabling Act. Editorial amendments.

Section 1770.1. *Additions and Revisions to Duplicates.* Upon consultation with the Assessors' Association of Pennsylvania, this section is made applicable to second class A counties through the eighth class even though the Second Class County Code does not contain this provision, and a clarification is made near the end of the first sentence.

*Note:* Sections 1770.4, 1770.5, 1770.7, 1770.8, 1170.10 and 1770.12, pertaining to hotel room rental tax, and Section 1770.11, pertaining to certification of recognized tourist promotion agencies, are not amended.

Section 1771. *Temporary Loans.* Section is made consistent with Local Government Unit Debt Act. Unamended, identical to SCCC Section 1971.

Section 1772. *Transfer of Certain Moneys into General Fund of County.* Identical to SCCC Section 1972, except the title and initial wording refers to County Fund versus General Fund of the County.

Section 1773. *Supplemental Appropriations; Transfers of Funds; Appropriation Limits.* New section combines Sections 1973 (Transfer of Funds) and 1981(c), (d) and (e) (Annual Budget; Control

of Expenditures) in the Second Class County Code with Section 1784 of the County Code, given that these provisions from the two Codes address the same subjects. Section is broken down to facilitate reading. (Note: Section 1973 of the Second Class County Code is somewhat more restrictive in requiring approval by the controller and return of the money, but only if it is not derived from taxation.) Paragraph (a)(1) is identical to Section 1981(c) of the Second Class County Code. Paragraphs (a)(2)(i) and 2(ii) are from Section 1784 of the County Code and Section 1981(d) of the Second Class County Code, respectively. Paragraph (a)(3) is unique to Section 1784 of the County Code. Subsection (b) is identical to Section 1981(e) of the Second Class County Code.

Section 1774. *Banks Authorized to Receive Taxes in Counties of the Second Class A.* New section, pertaining to designating a banking institution as a deputy tax collector, is SCCC Section 1974. No similar provision exists in the County Code. Although Section 1963 of the SCCC and Section 1762 of the County Code provide for depositories, they do not provide for the designation of a banking institution as a deputy tax collector. (Note: A possible issue may exist with SCCC Section 1974 when read with Section 22 (Deputy Tax Collectors) of the Local Tax Collection Law (Act 394 of 1945). Although one could hypothesize how both provisions might be implemented simultaneously, it appears that reconciling Section 1974 with provisions in the Local Tax Collection Law may be problematic. Given incongruity between the two laws, the section is not extended to third through eighth class counties.)

*Note:* SCCC Section 1975 (Discount on Taxes Authorized) is unique to that Code, but is not included as it is no longer applicable. SCCC Section 1976 (Homestead Property Exclusion Procedure) expired on December 31, 2001, hence it is not included.

#### **(f) Budgets**

Section 1780. *Fiscal Year and [Passage of Budgets] **Preparation of Proposed Annual Budget.*** Language from Sections 1780 and 1781 are combined into Section 1780 and subsections are renumbered. Subsection (a), derived from Section 1780, with the addition of clarifying language is consistent with the first sentence of SCCC Section 1980.1(a). Remaining provisions in SCCC Section 1980.1 (Fiscal Year; Preparation of Annual Budget in Counties of the Second Class A) are integrated with Section 1780, and updated options for an alternative responsible party (“commissioners, a finance department, or a designated person employed, and so qualified, by the commissioners”) are added subsection (a.1), to provide a consolidated budget process. Repealed subsection (e) is unique to the County Code; however, in light of revised language in Section 1780, this provision is no longer necessary. Clarifying and editorial amendments.

[Section 1781. *Preparation of Proposed Annual Budget.*] Repealed, but combined into Section 1780 with amendments as noted above.

Section 1782. *Adoption of Budget; Publication of Proposed Budget and Notice of Final Action Date.* Section is analogous to SCCC Section 1981, with exceptions of Section 1981 (c), (d) and (e), which are removed and merged into a new Section 1773 (Supplemental Appropriations; Transfers of Funds; Appropriation Limits) (previously Section 1784). Clarification on public

notice requirements is provided;<sup>7</sup> Section 110 provides for and delineates the requirements associated with the term “notice.” In subsection (b), the qualification for notice, inspection and protest of a budget revision of “more than twenty-five per centum in any function” is deleted in that it is too vague to know how it applies and no substitute language is practical. Editorial amendments.

- Section 1782.1. *Amending Budget; Notice.* Section appears unique to the County Code and is made applicable to second class A counties as well. Clarifying language on public notice<sup>8</sup> and adoption requirements is provided. In second paragraph, the restriction on revising a budget upward “as to an individual function in excess of twenty-five per centum of the amount of such individual function in the proposed amended budget” is deleted in that it is too vague to know how it applies and no substitute language is practical. Editorial amendments.
- Section 1782.2. *Delivery of Tax Duplicates.* Section appears unique to the County Code and is made applicable to second class A counties as well. Fifteen days before the bill date is provided as a better time period for the delivery of the tax duplicates. (*Note:* The Pennsylvania State Tax Collectors Association has reviewed this section, with proposed amendments, and has no issue with it.) Editorial amendment.
- Section 1782.3. *Amending Budget, Levy and Tax Rate; Revising Tax Duplicates; Filing.* Unamended. Section appears to be unique to the County Code and is made applicable to second class A counties as well.
- Section 1783. *Annual Budget Appropriations and Tax Rate.* No changes. Section appears to be unique to the County Code and is made applicable to second class A counties as well.
- [Section 1784. *Supplemental Appropriations; Transfers of Funds; Appropriation Limits.*] Repealed, provision is similar to Section 1981(c), (d) and (e) of the Second Class County Code. The prominent difference is that it provides for transferring money to the institution district. Section provisions are merged into a new Section 1773, which is made applicable to second class A through eighth class counties.
- Section 1784.1. *Take Money and Property by Gift, Etc.* Section appears unique to the County Code and is made applicable to second class A counties as well considering that it is common law. Editorial amendment.
- Section 1784.2. *Capital Reserve Fund for Anticipated Capital Expenditures.* No changes. Section appears to be unique to the County Code and is made applicable to second class A counties as well.
- Section 1784.3. *Operating Reserve Fund.* Section appears to be unique to the County Code and is made applicable to second class A counties as well, given that it is an authorization versus a mandate. In subsection (b), the amount of the general fund that commissioners may appropriate to the operating reserve fund is increased from 10% to 25% to give counties greater potential capability, flexibility and security. This increase is consistent with a similar provision in the Third Class City Code. In subsection (c), a purpose for making

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<sup>7</sup> An amendment to PN 1782 of Senate Bill 1005 (A07280), passed by the House Local Government Committee on June 20, 2018, adds the technical phrase “of general circulation” after the word “newspaper” in Sections 1782.

<sup>8</sup> Amendment A07280 adds the technical phrase “of general circulation” after the word “newspaper” in Sections 1782.1.

appropriations from the operating reserve fund is added, as is provided in the Third Class City Code.

Section 1785. *Committee to Prepare Uniform Forms.* Section generally reflects SCCC Section 1982, last amended in 1967. Section 1785 was last amended in 2002, therefore it is made applicable to second class A through eighth class counties. (*Note:* The committee membership in the SCCC does not include three representatives from the Pennsylvania State Association of County Auditors, one certified public accountant, and one member of the Senate and one member of the House of Representatives of the General Assembly, who shall be members of the Local Government Commission, designated by the chairman of said commission.) Editorial amendments.

#### **(g) Sinking Fund Commission**

Section 1790. *Membership.* Application of this subdivision has been changed from a mandate to an authorization given that not all counties appear to have a sinking fund commission or a sinking fund. Section reflects SCCC Section 1990.

Section 1791. *Management of Sinking Funds.* No changes. Section reflects SCCC Section 1991.

Section 1792. *Bonds of County Held by Commission.* No changes. Section reflects SCCC Section 1992.

Section 1793. *Paying Off and Cancelling of County Bonds; Priority; Sale of County Bonds in Certain Cases.* No changes. Section reflects SCCC Section 1993.

Section 1795. *Investment of Sinking Fund Moneys.* No changes. Section reflects SCCC Section 1995.

*Note:* SCCC Subdivision (h) (Sale of Revenue Bills), Section 1997, is unique to the SCCC, but is not included as it reportedly is no longer utilized.

#### **Article XVIII. CONTRACTS (analogous to SCCC Article XX)**

Section 1800. ***Contracting.*** Language providing for the general authorization to contract adopted from the first sentence of Section 2001 of SCCC and extended to all counties.

Section 1801. *Commissioners Sole Contractors for County, **Generally.*** Section is amended to reflect differences between general contracting powers of second class A counties versus third through eighth class counties, limiting the requirement for telephone price quotes to third through eighth class counties. Editorial amendment. Comparable to SCCC Section 112, and 2001(b.1).

Section 1802. *Contract Procedures; Terms and Bonds; Advertising for Bids.* Bid receipt, opening and acceptance provisions are divided according to difference between codes. Some forms of outdated bid security are removed. New bid exception for contracts involving “tangible client services” provided by nonprofit agencies, originating from SCCC, is added for all counties. Bid exception for purchasing of milk from the SCCC is added, but only made applicable to second class A counties. New subsection related to financial interests in contracts from the SCCC is added for all counties. Cross-references added. Additional editorial amendments. Comparable to SCCC Section 2001.

Section 1803. *Evasion of Advertising Requirements.* Section extended to second class A counties. Editorial amendment. No comparable section in SCCC.

- Section 1805. *Sales of Personal Property and Surplus Farm Products.* Personal property and farm products provisions are extended to second class A and third class counties. The value of county personal property or surplus farm products below which a county need not publicly advertise for bids is increased from \$1,000 to \$2,000, consistent with the Act 21 of 2017 amendment to the Second Class Township Code. Subsection is added providing for sale of personal property by online or electronic auction.<sup>9</sup> Editorial amendment. SCCC Section 2511 contains authorization to sell personal property, but no directly comparable section.
- Section 1806. *County Officers Not to Be Interested in Contracts, generally.* Integrates the prohibitions on an architect or engineer who is employed by the county from having a financial interest in a contract with the county, except where the architect or engineer has prepared preliminary plans is not prohibited from bidding on final work. Editorial and cross-reference amendments. Integrated provisions derived from SCCC Section 2001.1.
- Section 1807. *Application of Contract Provisions.* No changes. No comparable section in SCCC.
- Section 1807.1 *Printing Contracts in certain counties.* New, section from SCCC Section 2002 allows second class A counties the option to require bidders for printing contracts to pay prevailing wage.
- Section 1807.2 *Certain contract provisions prohibited.* New, Integrates provision from SCCC Section 2003 limiting a county of the Second Class A from entering into a contract related to a redevelopment capital assistance project which contains a provision requiring that a specified percentage of a contracting party's work force be residents of a specific municipality.

**Article XIX. SPECIAL POWERS AND DUTIES OF COUNTIES  
(analogous to SCCC Article XXI, in part)**

**Sections 1901-23** Subdivisions (a) Appropriations for Military Purposes, (b) Burial of Deceased Service Persons and Surviving Spouses, and (c) Memorial Observances are repealed and incorporated into new Article XIX-A.

**(d) County Histories** (Sections 1928 – 1930 originate from The General County Law (Act 447 of 1929).)

- Section 1928. *County History.* Section is virtually identical SCCC Section 2128. Editorial amendments.
- Section 1929. *Payment to Historical Societies.* Section corresponds to SCCC Section 2129, except that the SCCC provides for a maximum annual payment of not more than \$4,000, and if the county has more than one historical society, the payment must go to the oldest society. County Code Section 1929 is made applicable to second class A counties since it is less restrictive and more flexible. Cross reference to qualification of a historical society in Section 1930 is added.
- Section 1930. *Qualification of Society.* Qualifications of a historical society are updated based on input from the Pennsylvania Historic and Museum Commission. Analogous to SCCC Section 2130.

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<sup>9</sup> An amendment to PN 1782 of Senate Bill 1005 (A07280), passed by the House Local Government Committee on June 20, 2018, adds language to specify that the record of electronic auctions shall be accessible in accordance with the Right-to-Know Law, and changes a reference to “additional public notice of the sale” to “additional notice of the sale.”

Section 1931. *Restoration and Preservation of Historic Sites.* Qualifications of an eligible historic site are updated based on input from the Pennsylvania Historic and Museum Commission. Section made applicable to second class A through eighth class counties. No SCCC analogue.

**(e) Animal and Plant Husbandry**

Section 1935. *Appropriations to Societies for Prevention of Cruelty to Animals.* Unamended. Section identical to SCCC Section 2135. Pennsylvania Humane Society, upon review, indicated that language in the section is acceptable; terminology jives with definitions in other relevant statutes.

Section 1936. *Cooperative Extension Work in Agriculture [and Home Economics], Natural Resources, 4-H Youth, Families, Nutrition and Community Development.* Considering that this section in both codes was last amended in 1967, it is updated reflecting suggested language provided by the Cooperative Extension. Unamended, largely the same as SCCC Section 2136. Editorial amendment.

Section 1937. *Agricultural or Horticultural Societies.* Given that dollar amounts date back to 1929 in the first paragraph and 1963 in the second paragraph, appropriation amounts and their allocation are deleted to provide more flexibility and avoid becoming outdated. Second paragraph, unique to the County Code, is made applicable to second class A counties as well. Unamended first paragraph identical to SCCC Section 2137.

Section 1938. *Suppression of Animal and Plant Disease.* Amendment, recommended by the Pennsylvania Department of Agriculture, comports with more modern and comprehensive terminology used throughout the Domestic Animal Law. Unamended, virtually identical to SCCC Section 2138.

Section 1939. *County Fair Associations in Counties of the Third through the Eighth Class.* Section, unique to the County Code, was added by Act 304 of 1957, but has not been amended since then. Appropriation amount and its allocation are deleted to provide more flexibility and avoid becoming outdated.

**(f) Communications**

Section 1943. *Appropriations for Radio Broadcasting Station.* Unamended. Section is generally the same as SCCC Section 2143, but Section 1943 was amended by Act 79 of 1998 to delete appropriation ceiling of \$500 and add provision for “cable television community access stations geared to public access, educational access or governmental access . . . .”

Section 1944. *Appropriations for Police, Fire and other Public Safety Radio and Telecommunications Networks.* Section, added by Act 8 of 1965, is unique to the County Code and is made applicable to second class A counties as well given that it is an authorization, not a requirement.

**(g) Prevention and Control of Floods**

Section 1947. *Prevention and Control of Floods.* Except for the authorization for eminent domain in the first sentence, section is identical to SCCC Section 2147. Editorial amendment to subsection (d).

**(g.1) Disaster Emergency Aid to Municipalities in Counties of the Third through the Eighth Class**

Section 1948. *Emergency Appropriation to Municipal Corporations.* Section, unique to the County Code, continues to only be applicable to third through eighth class counties. Qualification to appropriate

money from the county’s operating reserve fund is deleted to provide commissioners with more flexibility.

**(h) Aid to Fire Fighting Departments and Companies**

Section 1951. *Counties of Seventh and Eighth Classes; Appropriations to Borough Fire Departments and Volunteer Fire Companies.* Section is unique to the County Code. Appropriation amount and its allocation are deleted to provide more flexibility and avoid becoming outdated. Editorial amendment.

Section 1952. *Establishment of Fire Training Schools.* Unamended. Identical to SCCC Section 2152, except for authorization that commissioners “may themselves establish, equip, maintain, and operate fire training schools” and editorial clarifications. Language is made applicable to second class A through eighth class counties.

**(h.1) Fire Marshal and Assistant Fire Marshals in Counties of the Third through the Eighth Class**

Section 1953. *Appointment.* Added by Act 48 of 1965 and amended by Act 170 of 1970, section, unique to the County Code, continues to only be applicable to third through eighth class counties. Section reviewed by State Fire Commissioner who provided no changes.

**(i) Utilities**

Section 1955. *Drilling Gas Wells and Laying Gas Lines.* Qualification in first sentence is deleted given the expansion of natural gas pipelines throughout the Commonwealth, outside regions wherein natural gas is known to be obtainable. Cross reference is corrected from Article XX (Planning, Zoning and Traffic), which is repealed, to Article XVIII (Contracts). Except for deletion, which is unique to the County Code, section identical to SCCC Section 2155.

Section 1956. *Contracts for Relocation, Change or Elevation of Railroads.* No changes. Identical to SCCC Section 2156.

Section 1957. *County May Assist Municipalities.* *New*, this authorization in Section 2157 of the Second Class County Code is extended to third through eighth class counties.

**[(j) Law Libraries]**

Judiciary Act Repealer Act (Act 53 of 1978) repealed Law Library provisions in the County Code and Second Class County Code. Provisions pertaining to law libraries are now contained in 42 Pa.C.S. (Judicial Code).

**(k) Rewards and Bounties**

Section 1971. *Rewards for Detection or Apprehension of Criminals.* Clarification is added to remove any confusion about authorizing vigilantism. Unamended, identical to SCCC Section 2171.

[Section 1972. *Bounties for Destruction of Rattlesnakes, Copperhead Snakes and Porcupines.*] Section, unique to the County Code, is repealed. Taking of these animals is regulated under the Fish and Boat Code (30 Pa.C.S.) and Game and Wildlife Code (34 Pa.C.S.), and by Fish and Boat Commission and Game Commission regulations.

**(l) Garbage and Refuse Disposal**

Section 1975. [*Garbage and Refuse Disposal in County Plants*] *Municipal Waste Processing and Disposal in County Facilities.* Section combines *existing* authorizations in Section 1975 and Section

2396 (Land and Buildings for Garbage and Refuse Disposal) in the County Code with Section 2175 (Garbage and Refuse Disposal in County Plants) and Section 2193 (Garbage Disposal Plants and Garbage and Incinerating Furnaces; Acquisition of Property) in the Second Class County Code, and updates provisions to comport with the Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101 of 1988). Pennsylvania Department of Environmental Protection reviewed and approved the language. Related Sections 2176 through 2192 from the Second Class County Code under Subdivision (l) are not incorporated, given that all those provisions date back at least to the Second Class County Code 1953 enactment and evidently are superseded by other laws or regulations enacted or adopted since that date (e.g., Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101 of 1988), Solid Waste Management Act (Act 97 of 1980)).

**[(m) County and County Aided Institutions]**

[Section 1980. *Board of Visitors for Charitable Reform and Penal Institutions.*] Subdivision and section, unique to the County Code, are repealed at suggestion of CCAP. In the context of county prisons, Act 33 of 2009 repealed Article XXX-A (County Jail Oversight Board) of the Second Class County Code.

*Note:* Subdivision (m) (Smoke Control) in the Second Class County Code, comprised of Sections 2195, 2196 and 2197, is not incorporated into the County Code at the suggestion of CCAP on the basis that the provisions are outdated.

**(n) Appropriations to Industrial Development Agencies [and Tourist Promotion Agencies]** (Subdivision is virtually identical to SCCC Subdivision (u) as it applies to second class A counties. Title is amended to reflect repeal and relocation of Section 1986.)

Section 1985. *Appropriations to Industrial Development Agencies by Counties.* The Industrial Development Assistance Law (Act 635 of 1955), as referenced, was repealed by Act 100 of 1998, which amended the Job Enhancement Act (Act 67 of 1996) to provide for industrial development assistance, including a definition for “industrial development organization,” which is reflected in the amendment. Unamended, identical to SCCC Section 2199.13.

[Section 1986. *Appropriations to Tourist Promotion Agencies.*] Section is repealed, relocated as Section 1999d(b), and consolidated under Subdivision (w) (Tourist Promotion Agencies). Except for difference in maximum authorized per capita appropriation, virtually identical to SCCC Section 2199.14.

**(o) Surplus Foods and Food Stamp Program**

Section 1990. *Appropriations for Handling, Storage and Distribution of Surplus Foods.* In first paragraph, aside from editorial amendment, authorization for second class A counties to make appropriations from institutional district funds is added to reflect SCCC provision. Second paragraph, unique to the County Code, is a validation provision and is no longer necessary. Its function is to render legal all appropriations for the section’s purpose that occurred prior to the authorization in July 1957. Pennsylvania Department of Agriculture concurred. First paragraph comparable to SCCC Section 2198.

[Section 1991. *Food Stamp Program.*] Section is repealed in that, according to CCAP, it is obsolete. Identical to SCCC Section 2198.1.

**(p) Historical Property and Museums.** (Heading is amended to reflect incorporation of SCCC Section 2199.)

Section 1995. *Acquisition, Repair and Maintenance of Historical Property.* Authorization, unique to the County Code, is extended to second class A counties. Qualification is updated as recommended by the Pennsylvania Historic and Museum Commission.

Section 1995.1. **Contributions to Museums of Fine Art or Natural History.** *New*, authorization, which is SCCC Section 2199, is added and extended to third through eighth class counties.

**(p.1) Legal Aid Services** (Heading is added to reflect incorporation of SCCC Section 2199.1A.)

Section 1996. **Appropriations for Legal Aid Services.** *New*, authorization, which is SCCC Section 2199.1A, is added and extended to third through eighth class counties.

**(q) Transportation and Traffic Control Devices** (Heading is amended to reflect incorporation of SCCC Section 2199.10.)

Section 1997. *Improvement of Operation and Facilities.* Section, unique to the County Code, has been made applicable to second class A counties. Authorities have been added given the prevalence of transportation-related authorities. State loans are added to provide a broader range of potential resources.

Section 1998. **Funds for Traffic Control Devices.** *New*, authorization, which is from SCCC Section 2199.10, is added with updated terminology and reference to statutory definition, and extended to third through eighth class counties.

**(s) Appropriations for Recreation and Historic and Museum Projects of [Boroughs and Townships] Municipal Corporations, Authorities and Nonprofit Organizations** (Heading amended since municipal corporation, by definition (1 Pa.C.S. § 1991), includes cities, boroughs, town and townships. Authorities and nonprofit organizations are added in light of proposed amendatory language.)

Section 1999. *Appropriations for [Grants to Aid Certain] Recreation and Historic and Museum Projects.* Section broken down to improve readability. Language from SCCC Section 2199.12 is integrated into subsection (a), given that SCCC authorization is broader and provides the commissioners with more flexibility in funding projects. (*Note:* In subsection (b), 26 U.S.C. § 501(a) references Section 503 among others for the purpose of defining tax exempt entities.)

**(t) Appropriations to Institutions of Higher Learning or to Nonprofit Educational Trusts in Counties of the Third through Eighth Class** (Heading amended for clarification.)

Section 1999a. *Appropriations to Institutions of Higher Learning or to Nonprofit Educational Trusts.* Section is unique to the County Code. Provision is updated and expanded to include all state-related universities. Editorial amendment.

**(u) Agreements with Federal Government for the Promotion of Health or Welfare**

Section 1999b. *Federal Health and Welfare Programs.* Section is similar to SCCC Subdivision (v), Section 2199.16, as it applies to second class A counties, except that County Code language is more detailed and comprehensive; therefore, Section 1999b is made applicable to second class A counties in place of SCCC Section 2199.16 provisions. Qualification for “the young, the poor and the aged” in the County Code, but not in the SCCC appears archaic and of little consequence, hence it is deleted.

**(v) Appropriations for Reservoirs and Water Resources**

Section 1999c. *Appropriations for Reservoirs and Water Resources.* Section is similar to SCCC Subdivision (v), Section 2199.11, as it applies to second class A counties, with the two exceptions. Subsections (a) and (b) contain additional and clarifying language for acquisition of water resource facilities “by purchase, lease or otherwise,” and for water resource facilities to include wells. Subsections (d) and (e) are unique to the County Code. Given the clarifications and more extensive authorizations in the County Code, Section 1999c is made applicable to second class A counties in place of SCCC Section 2199.11. Remedial language in second paragraph of subsection (d) is likely obsolete and therefore repealed. Editorial amendments.

**(w) Tourist Promotion Agencies**

Section 1999d. *Tourist Promotion Agencies; Appropriations.* Section is divided into subsections. Subsection (a) is identical to Section 2199.15 under Subdivision (u) of the SCCC as it pertains to second class A counties. Reference to the definitions in the Tourism Promotion Act is provided for clarity. Subsection (b) is added to incorporate relocated Section 1986 of the County Code and Section 2199.14(b) of the SCCC, with an updated reference to the Tourism Promotion Act versus the repealed Tourist Promotion Law and deletion of an appropriation threshold to provide flexibility and preclude becoming outdated. Pennsylvania Association of Travel and Tourism concurred with existing language and proposed changes.

**(x) Crime Detection Laboratory and Police Training School in Counties of the Third Class**  
(Heading amended for clarification.)

Section 1999e. *Crime Detection Laboratories and Police Training Schools.* No changes. No analog in SCCC.

**(y) Parking Facilities**

Section 1999f. *Parking Facilities.* Subdivision and section are identical to SCCC Subdivision (q), Section 2199.9, except for the last sentence, which is deleted since that provision is covered by Americans with Disabilities Act.

**(z) [Non-debt] Revenue Bonds for Industrial Development Projects**

Section 1999g. *Issuance of [Non-Debt] Revenue Bonds for Industrial Development Projects.* Subdivision and section are identical to SCCC Subdivision (w), Section 2199.17. References to the Municipal Borrowing Law and the Industrial Development Authority Law are replaced with updated references to the Local Government Unit Debt Act and the Economic Development Financing Law, respectively. The term “non-debt” is deleted throughout consistent with current terminology the Local Government Unit Debt Act.

**(z.1) Grants to Nonprofit Art Corporations**

Section 1999h. *Grants to Nonprofit Art Corporations.* No changes. Comparable to SCCC Section 2104.

**(z.2) Commission on Women**

Section 1999i. *Commission on the Status of Women.* Subdivision and section, unique to the County Code, are made applicable to second class A counties as well.

**(z.3) Civil Service in Counties of the Second Class A**

Section 1999j. **Civil Service for Certain Employes.** New subdivision and section are Article V-A and Section 501-A of the SCCC. Although Montgomery County reportedly is moving away from civil service toward a merit-based system, Bucks County still has civil service for its Area Agency on Aging, Children and Youth, and Mental Health/Developmental programming. Hence, this provision is retained.

**(z.4) Insuring County Against Loss or Liability**

Section 1999k. **Insurance.** New subdivision is added and section is relocated from Section 2303 (Insuring Buildings and Contents) of the County Code, and language is updated to reflect current subjects and expanded types of coverage. Unamended, it is identical to SCCC Section 2502, except SCCC specifies that cost of insurance shall be paid from general funds of the county, which is omitted to provide flexibility on the insurance premium funding source.

**(z.5) Lot and Block system in Counties of the Second Class A.** (New subdivision reflects SCCC Article VII (Lot and Block System). Bucks County reportedly continues to use this system.

Section 1999l. **Lot and Block System, Generally.** New section provides that a county of the second class A may continue to operate a lot and block system until such time as the commissioners deem appropriate.

Section 1999m. **Duties of county officers and employees under lot and block system.** New section provides for custody of the system and duty to use the system consistent with SCCC Article VII.

**Article XIX-A. MILITARY AND VETERANS AFFAIRS  
(analogous to SCCC Article XXI, in part)**

*Note:* The revisions to Article XIX-A were drafted in consultation with the County Directors of Veterans Affairs, the Department of Military and Veterans Affairs, and the CCAP Military and Veterans Affairs Policy Committee.

**(a) Appropriations for Military Purposes**

Section 1901-A. **Appropriation of money or land for National Guard Armories.** Relocated from Section 1901. Editorial amendments. Comparable to SCCC Section 2101.

Section 1902-A. **Appropriation for maintenance of National Guard.** Relocated from Section 1902. Appropriation amounts removed for flexibility. Editorial amendments. Comparable to SCCC Section 2102.

Section 1903-A. **Appropriation to rifle clubs in time of war.** Relocated from Section 1903. Editorial amendments. Comparable to SCCC Section 2103.

**(b) Interment of Deceased Servicepersons and Surviving Spouses**

Section 1908-A. **Definitions.** Relocated from Section 1908. Amendment integrating legal definition of domicile into definition of legal residence. Editorial Amendments. Comparable to SCCC Section 2108.

Section 1909-A. **Funeral Expenses of Deceased Service Persons.** Relocated from Section 1909. Provisions regarding Soldiers' and Sailors' Home repealed as no longer applicable. Appropriations cap

removed to provide flexibility, provided that appropriation is used equitably among beneficiaries in each year. Editorial Amendments. Comparable to SCCC Section 2109.

Section 1910-A. **Burial of Widows of Deceased Persons.** Relocated from Section 1910. SCCC provisions are amended to be made gender neutral. Appropriations cap removed to provide flexibility, provided that appropriation is used equitably among beneficiaries in each year. Editorial amendments. Comparable to SCCC Section 2110.

Section 1911-A. **Payment.** Relocated from Section 1911. Language adopted by CCAP Military and Veterans Affairs Policy Committee makes knowingly false applications a misdemeanor of false swearing. Editorial Amendments. Comparable to SCCC Section 2111.

[Section 1912. *Notification of County Commissioners.*] Repealed; the Policy Committee found that this was an out-of-date and unenforced mandate. Comparable to SCCC Section 2112.

Section 1912-A **Flag holders for graves** [*; Headstones*]. Relocated from Section 1913(a)-(f). Provisions relating to challenging the composition of markers repealed as unnecessary, out-of-date, and potentially contrary to the First Amendment. Incorporates provision from SCCC for second class A counties relating to optional memorial certificate in lieu of grave marker. Editorial Amendments. Comparable to SCCC Section 2113 (a)-(f).

Section 1913-A **Memorial Benefit.** Relocated from Section 1913(g)-(l). Editorial Amendment. Procedural mandate requiring application to veterans' organization repealed. Mandate to apply for benefit on forms prescribed by Department of Military and Veteran's affairs repealed. Appropriation limits are restructured to not exceed actual cost of benefit. References to headstones as a benefit are removed because headstone is provided by Federal government. Comparable to SCCC Section 2113 (g)-(l).

Section 1914-A **Burial Plots.** Relocated from Section 1914. Editorial amendment. Comparable to SCCC Section 2114.

Section 1915-A **Care of graves and headstones.** Relocated from Section 1915. Replaces mandate for county care of grave sites and markers with authorization, to reflect current practice. Editorial amendment. Comparable to SCCC Section 2115.

Section 1916-A [Proof of Service, Et Cetera.] **Determining eligibility for interment benefits.** Relocated from Section 1916. Comparable to SCCC Section 2116.

### **(c) Memorial Observances**

Section 1921-A **Appropriations to veterans' organization for expenses of Memorial Day, Veteran's Day, Flag Day and Independence Day.** Relocated from Section 1921. Clarifies the authority of the county to appropriate related funds to other veterans' organizations recognized by county. Editorial amendment. Comparable to SCCC Section 2121.

Section 1922-A **Flags to decorate graves.** Relocated from Section 1922. Section was initially revised to extend time that flags remains on veterans' graves until at least Veterans' day each year. *Amendment A07817 to PN 1782 of the bill, passed by the House Local Government Committee on June 20, 2018, added language authorizing counties to coordinate with local veterans' organizations to ensure that cemeteries comply with this section. Amendment A07817 also authorizes cemeteries to request replacement flags prior to Veterans' Day if they are available, and family members to take and keep flags after Veterans' Day.* Subsequently,

*amendment A09274 to PN 1896 of the bill, passed on the House floor on September 25, 2018, modifies the previous revisions by adding an option for cemetery operators to store flags and make them available for Veterans' Day, extending veteran grave protections, and clarifying maintenance issues. Editorial amendment. Comparable to SCCC Section 2122.*

Section 1923-A **Compilation of war records.** Relocated from Section 1923(a)-(f). Changes requiring a veterans' organization, which accepts remains of a deceased veteran, to give written notice to the county director of veterans' affairs, instead of the county commissioners, in the county where the final disposition of remains is made. Specifies that records collected include all combat and noncombat veterans. Editorial amendment. Comparable to SCCC Section 2123(a)-(f).

Section 1924-A **Director of veterans' affairs.** New section enacted from Section 1923(g). Clarifies director's duties and incorporates provisions of 51 Pa.C.S. § 1731(c) (relating to accreditation of county directors of veterans' affairs). Requirement to transmit records to Department of Military and Veterans Affairs removed to reflect current practice. Editorial amendment. Comparable to SCCC Section 2123(g).

## **ARTICLE XXI. PUBLIC HEALTH (analogous to SCCC Article XXIII, in part)**

*Note:* The revisions to Article XXI were drafted in consultation with the Department of Human Services (DHS) and the Department of Agriculture. The changes were crafted to remove authorizations specific to out-of-date institutions, including tuberculosis sanatoria, replacing specific authorizations with general authorizations to operate county health clinics and hospitals consistent with current law and practice. All revisions related to programs administered in partnership with DHS were found by DHS to not affect any funding stream or authorization for those programs to continue with current practice.

### **(a) General Provisions**

Section 2101. *Health Work.* Editorial amendments. Analogous to SCCC Section 2301.

### **(b) County and Joint County Hospitals**

Sections 2110-2119. Repealed. Subdivision (b), related to contagious disease hospitals, is repealed as antiquated. Analogous to SCCC Article XXIII, Subdivision (b).

### **(c) County Health Aid to Institutions and Political Subdivisions**

Section 2130. *Appropriations to Hospitals, Health Clinics, [Tuberculosis Sanitaria] and Homes.* Power to make appropriations to tuberculosis facilities is replaced with general authority to support a "health clinic, or comparable facility." Analogous to SCCC Section 2330.

[Section 2131. *Appropriation to Society Maintaining Tuberculosis Sanitarium for Indigent.*] Repealed. Authorization to make appropriation to tuberculosis sanitarium antiquated. Analogous to SCCC Section 2331.

Section 2132. *Aid to [Boroughs and Townships] municipal corporations for Sewage Purposes.* Previous authorization to support sewer projects in boroughs and townships replaced with general authorization to support projects in municipal corporations. Antiquated language requiring permits to be obtained from Department of Health replaced with Department of Environmental Protection, the current permitting agency. Analogous to SCCC Section 2332.

Section 2133. *Aid to Municipal Corporations for Water Systems*. Allows counties to make appropriations to aid municipal water projects. Incorporates SCCC Section 2333 for all counties.

**(d) Insect Control**

*Note:* This subdivision continues to only pertain to third through eighth class counties.

Section 2150. [*Secretary of Agriculture to Cooperate;*] *Elimination and Abatement of Larvae Breeding Places; Liens*. Requirement that Department of Agriculture cooperate with county insect spraying programs repealed as antiquated. Editorial amendments. No analogous SCCC section.

Section 2151. *Not to Affect Public Water Supply*. Provisions indicating that mitigation strategies prioritize man-made pools and methods minimizing environmental impact added. No analogous SCCC section.

Section 2152. *Appropriations [; Report to Secretary of Agriculture]*. Requirement that county meet certain reporting requirements to Department of Agriculture is removed as antiquated. No analogous SCCC section.

**(e) Care of Dependents and Children**

*Note:* This subdivision largely pertains to fourth through eighth class counties, except for Sections 2160, 2173, 2174 and 2174.1, which pertain to third through eighth class counties and are made to apply second class A counties as well.

Section 2160. *Definitions*. Definitions of “Dependent” and “Institution” are amended to remove antiquated terminology. No analogous SCCC section.

Section 2161. *County Institution Districts Abolished*. No changes. No analogous SCCC section.

Section 2162. *Records*. Editorial amendment. No analogous SCCC section.

Section 2163. *Powers and duties*. Power to operate a farm for the care of dependents is removed as antiquated. Editorial amendments. No analogous SCCC section.

Section 2164. *Further Powers and Duties*. Reference to “settlement” as a method of identifying the county that is responsible for providing services is removed as an outdated provision and is replaced by regulations of the Department of Human Services. Editorial amendments. No analogous SCCC section.

Section 2165. *Care of Persons Referred by Department of Human Services [Public Welfare]*. Reference to settlement removed. Editorial amendments. No analogous SCCC section.

Section 2166. *Provision for Burial of [Dependents and Other Persons.] unclaimed and indigent decedents*. Replaces antiquated procedural requirements with a general responsibility to provide for burial of unclaimed or indigent decedents. No analogous SCCC section.

[Section 2167. *Treatment of Persons in Danger of Hydrophobia.*] Repealed. A special section requiring care of persons with “hydrophobia” is antiquated. No analogous SCCC section.

Section 2168. *Powers and Duties of County Commissioners as to Children*. Antiquated regulations on the care of children under 16 years of age are removed. No analogous SCCC section.

Section 2169. *Contributions for Medical Care*. Antidiscrimination provision using antiquated language is deleted to remove potential conflicts with current antidiscrimination laws. No analogous SCCC section.

- Section 2170. *Inspections by Department of **Human Services** [Public Welfare].* Editorial amendments. No analogous SCCC section.
- Section 2171. *Reports of Persons Applying for Treatment of Disease.* No changes. No analogous SCCC section.
- Section 2172. *Rules and Regulations.* Editorial Amendments. No analogous SCCC section.
- Section 2173. *Providing Certain Services Without Charge Prohibited.* Editorial amendments. No analogous SCCC section.
- Section 2174. *Payments by County Commissioners for Assistance.* Editorial amendments. No analogous SCCC section.
- Section 2174.1 *Limitation of Authority Respecting Public Assistance Recipients.* No changes. No analogous SCCC section.
- Sections 2175-2177. Repealed. “Settlement” as a method of identifying the county that is responsible for providing services is removed as an outdated provision and is replaced by regulations of the Department of Human Services. No analogous SCCC section.

**(f) Training for County Health, Welfare and Probation Personnel**

*Note:* This subdivision, pertaining to third through eighth class counties, is made to apply second class A counties as well.

- Section 2180. *Attendance at Training Courses and Conferences.* Amended to the extent necessary to make attendance at training courses and conferences consistent with provisions with Article IV. No analogous SCCC section.

**[(g) Boards of Health in Counties of the Third Class]**

Subdivision (g), Sections 2185-2199.2, relating to third class county boards of health, is repealed because every county board of health operates under the Local Health Administration Act instead. No analogous SCCC section.

**(h) General Hospitals**

*Note:* This subdivision, pertaining to third through eighth class counties, is made to apply second class A counties as well.

- Section 2199.5 *Establishment; Creation of Municipal Authorities.* No changes. No analogous SCCC section.
- Section 2199.6 *Expenses.* Limitation that section applies solely to hospitals under this subdivision is removed. Clarification that section applies to any hospital owned or leased to the county, or otherwise established under Section 2199.5, is added. No analogous SCCC section.
- Section 2199.7 *Administration of Hospitals.* Limitation that section applies solely to hospitals under this subdivision is removed. No analogous SCCC section.
- Section 2199.8 *Use of Hospital.* Limitation that section applies solely to hospitals under this subdivision is removed. No analogous SCCC section.

## **ARTICLE XXII. AERONAUTICS AND TRANSPORTATION**

**(analogous to SCCC Articles XXIV and SCCC Article XXII, in part)**

### **(a) Aeronautics**

- Section 2201. *Authority to Establish Airports.* Reference to “Aeronautical Code” is updated to reflect current citation (74 Pa.C.S.). In this section, and throughout the Article, reference to “air navigation facilities” is changed to “airports” as defined in Title 74.<sup>10</sup> Analogous to SCCC Section 2401.
- Section 2202. *Counties May Hold or Acquire Lands for Aeronautical Purposes.* Terminology is changed (“airport”). Analogous to SCCC Section 2402.
- Section 2203. *Condemnation Proceedings; Title.* Cross reference to Article XXIV (Eminent Domain) is substituted for general language, and provisions within SCCC expressly authorizing the condemnation of an estate less than a fee simple are applied uniformly to second class A through eighth class counties. Similar to SCCC Section 2403.
- Section 2204. [*Leases*] **Agreements** for [Aeronautical Purposes] **Airport Facilities**. Broadens language authorizing agreements in the form of “a lease” to include “lease, permit, license, concession or otherwise” taken from Section 2404 of the SCCC and applied to second class A through eighth class counties. Also a provision restricted to second class A counties given the lack of an analog in the County Code, limiting the duration of nonaviation agreements to 50 years and consistent with an airport master plan is added. Editorial amendments. Similar to SCCC 2404.
- Section 2206. *Engineering and Construction; Appropriations.* Terminology is changed (“airport”). Analogous to SCCC Section 2406.
- Section 2207. *Contracts for Construction and Repairs.* Terminology is changed (“airport”). Editorial amendments. Analogous to SCCC Section 2407.
- Section 2208. *Validation of Contracts.* The term “heretofore” is replaced with the effective dates of the County Code and the SCCC for purposes of the validation mechanism. Analogous to SCCC Section 2408.
- Section 2209. *Appropriating Money to Assist Political Subdivisions and Municipality Authorities for Airports.* No analog in the SCCC. Because it is an authorization and not a mandate, it was expanded to include second class A counties. Terminology is changed (“airport”).
- Section 2209.1. **Issuance of [Non-Debt] Revenue Bonds for Airport Facilities in Certain Counties.** New section, incorporating of SCCC Section 2409. No analog in the County Code. Aside from updating references and changing “aeronautical” to “airport,” the language is substantively identical. Subsection (d) is added to preclude any interpretation that the restriction of the section to second class A counties would affect existing powers in third through eighth class counties. The term “non-debt” is deleted throughout consistent with current terminology and the Local Government Unit Debt Act.

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<sup>10</sup> 74 Pa.C.S. Section 5102 defines airports as “Any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or air navigation facilities or rights-of-way, together with all airport buildings and facilities thereon. Unless indicated otherwise, airport shall include heliports and public airports.” The SCCC uses the phrase “air navigation and terminal facilities” throughout its Article XXIV.

Section 2210. *Municipal Approval Required.* No changes.

**(b) Second Class A County Transit and Traffic Commission**

Section 2250. **Creation of County Transit and Traffic Commission.** New section, incorporating provision allowing for the establishment of, or continuation of a previously established transit and traffic commission in second class A counties. Provides for membership, composition, terms, organization and expenses of the commission. Based upon SCCC Section 2250, however, previous mandate is removed allowing the commission to be at the county commissioners' discretion.

Section 2251. **Duties of county transit and traffic commission.** New section, incorporating SCCC Section 2251 with editorial amendment. Section provides for the duties of the commission, including to investigating transit, traffic and parking conditions in the county, considering coordination of existing services and safety measures, and advising local officials regarding problems. Reporting requirements and option to integrate powers of the commission into county planning commission are also delineated.

**ARTICLE XXIII. GROUNDS AND BUILDING**  
**(analogous to SCCC Article XXV)**

**(a) General Provisions**

Section 2301. *Title to Real Estate Vested in County.* Specified list of types of property in which title is vested with county with a comprehensive statement that all real property acquired by the county is vested with the county. Editorial amendments. Analogous to SCCC Section 2501.

Section 2301.1 *Days and Hours of [Court House] Courthouse and Offices.* Editorial amendments. No SCCC analogous section.

Section 2302. *Exemption from Taxation and Attachment.* Cross reference to exception in section 2306(a.1) inserted. No SCCC analogous section.

Section 2302.1 *Payments in Lieu of Taxes.* Editorial amendments. No SCCC analogous section.

[Section 2303. *Insuring Buildings and Contents.*] Repealed and integrated into Section 1999I. Analogous to SCCC Section 2502.

Section 2304. *Credit of County Available for Grounds and Buildings.* Editorial amendments. Analogous to SCCC Section 2503.

**(b) Acquisition, Use, Leasing and Disposing of Real Property for County**

Section 2305. *Acquiring and Using Real Property; Exceptions.* Editorial amendments. Analogous to SCCC Section 2505.

Section 2305.1 *Acquiring and Developing Industrial Areas.* Limitation restricting sale of certain property to local industrial development corporation repealed consistent with Section 11 of Act 102 of 1967. Provisions related to sale or lease of property to industrial development organization added from SCCC and authorization expanded to all counties. Analogous to and based upon SCCC Section 2506.1.

- Section 2306. *Authority to Sell or Lease Real Property.* Clarifies that sale or lease of property of County may take the form of any estate of land. Adds additional public and nonprofit entities which may lease or purchase land from county without putting sale to bid. Incorporates Section 2507 as new subsection (d). Editorial amendments. Analogous to SCCC Sections 2506 and 2507.
- Section 2306.1 *Authority to Sell Certain Real Property and Personal Property as a Single Unit.* Editorial amendments. Analogous to SCCC Section 2506.2.
- [Section 2307. *Conveyance and Lease of Real Estate.*] Repealed and incorporated into Section 2306 as new subsection (d). Analogous to SCCC Section 2507.
- [Sections 2308-2310.] Repealed. Provisions are outdated. Analogous to SCCC Section 2508-2510.
- Section 2311. *Disposing of County Property for Other Uses; Demolition.* Provision allowing sale of real and personal property as one unit derived from SCCC are incorporated. Qualification is added that this provision shall not supersede procedures or limitations on disposition of county property as imposed by law, such as possible court approval. Extensive editorial amendment. Analogous to SCCC Sections 2506.2 and 2511.

#### **(c) Acquisition, Construction or Alteration of County Buildings**

- Section 2315. *Authority and Procedure for Acquiring, Constructing or Altering County Buildings [; Exceptions].* Editorial amendment. Analogous to SCCC Section 2515.
- Section 2316. *Right to Build on Public Squares.* Editorial amendment. Analogous to SCCC Section 2516.
- Section 2317. *Separate Bids for Plumbing, Heating, Ventilating, Air Conditioning, Electrical Work, Elevators and [Moving Stairs] Escalators.* Editorial amendments and updated language to refer to air conditioning together with other building components. Integration of special contracting provisions available to second class A counties under the SCCC for construction of public purpose facilities by an authority under the Economic Development Financing Law. Analogous to SCCC Section 2517.
- Section 2318. *Contract Performance Security and Payment Bonds.* No changes. Analogous to SCCC Section 2518.
- Section 2319. *Compliance with Workman's Compensation Law.* Editorial amendments. Analogous to SCCC Section 2519.

#### **(d) Policing, Administration and Public Order of Grounds and Buildings**

- Section 2325. *Buildings and Grounds to be Kept in Order and Repair.* Editorial amendments. Analogous to SCCC Section 2525.
- Section 2326. [Watchmen and Employees] Security and Grounds Employees. Provisions restructured to allow Commissioners to provide for security, maintenance and repair of county buildings, rather than specifying a closed list of the type of employees which may be retained. Editorial amendments. Analogous to SCCC Section 2526.
- Section 2327. *Display of Municipal Flags on County Buildings Authorized.* No changes. Similar to SCCC Section 2327.
- [Section 2329. *Disorderly Conduct In and About Courthouse or Jails Prohibited.*] Repealed. Disorderly conduct is provided for in 18 Pa.C.S. Analogous to SCCC Section 2529.

**(e) Special Provisions for Temporary County Buildings and for Rooms in County Buildings**

- Section 2337. *Room or Building for Juvenile Offenders Waiting Trial.* Integrates definitions of “delinquent child” and “dependent child” from 42 Pa.C.S. § 6302. Limits scope of section to third through eighth class counties. Analogous to SCCC Section 2543.2, which is integrated into new Subdivision (e.1), Section 2339.2.
- Section 2339. *Furnishing Rooms for Meetings of Veterans [of Certain Wars].* Broadens Commissioner’s discretion to select veterans’ organizations which have access to meeting accommodations. Editorial amendments. Analogous to SCCC Section 2543.

**(e.1) Special Provisions for Temporary County Buildings and for Rooms in County Buildings in Counties of the Second Class A**

*Note:* This subdivision (Sections 2339.1-2339.6) is added to provide for juvenile holding and detention facilities in counties of the second class A. Current law provides for a special board in second class A counties, which oversees juvenile offender facilities, that is retained by the new subdivision. The commissioners provide for the management of juvenile offender facilities in counties of the third through eighth class.

- Section 2339.1 **Scope.** New section establishes that subdivision e.1 applies to counties of the second class A. Analogous to SCCC Section 2543.1.
- Section 2339.2 **Room or building for juvenile offenders waiting trial.** New section incorporates SCCC Section 2543.2 updated in the manner of Section 2337.
- Section 2339.3 **Management of houses for detention of juveniles and appointment of board and ex officio members.** New section incorporates SCCC Section 2543.3.
- Section 2339.4 **Appointment and compensation of employees.** New section incorporates SCCC Section 2543.4.
- Section 2339.5 **Annual report and expenses.** New section incorporates SCCC Section 2543.5.
- Section 2339.6 **Appropriation and bond issues.** New section incorporates SCCC Section 2543.6.

**(f) Improvement of Streets Along County Buildings; Street Lighting**

- Section 2345. *Joining with Municipalities in Improving Certain Streets and Highways.* Editorial amendments. Analogous to SCCC Section 2545.
- Section 2346. *Ornamental Illumination.* Editorial amendments. Analogous to SCCC Section 2546.

**(g) Comfort Stations**

- Section 2350. *Appropriations for [Comfort Stations] **Public Accommodations.*** Editorial amendments. Analogous to SCCC Section 2550.

**(h) Monuments and Memorials**

- Section 2355. *Monuments [and], Memorials **and Memorial Halls** to War Veterans.* Integrates general authorization to construct memorial hall in lieu of standalone, repealed Section 2357. Editorial amendments. Analogous to SCCC Section 2555.
- Section 2356. *Assistance to Private or Municipal Agencies.* Assistance provisions amended to be consistent with Section 2355 and repeal of Section 2357. Analogous to SCCC Section 2556.

[Sections 2357, 2358.] Repealed. Provisions pertaining to erection or completion of monuments and memorials, and election on memorial hall purchase or condemnation of site, are repealed consistent with general authorization in Section 2355. Analogous SCCC sections previously repealed.

Section 2359. *Existing Building May Be Used.* Editorial amendments. Analogous to SCCC Section 2559.

Section 2360. *Donations.* Editorial amendments. Analogous to SCCC Section 2560.

Section 2361. *Maintenance of Hall.* Editorial amendments. Analogous to SCCC Section 2561.

[Section 2362. *Plan of Hall; Special Rooms to be Provided.*] Repealed. Mandates related to the plan and specifications of a memorial hall are removed to allow county commissioners discretion. Analogous to SCCC Section 2562.

Omitted. SCCC Section 2563. *Historical Society Room to be Made Fireproof.* Excluded to allow county commissioners discretion.

Section 2363. *Board of Control.* Previous provisions specifying membership and organization of board of control completely replaced by authorization for commissioners to establish a board of control, with delegated powers and duties according to discretion of commissioners. Prior established boards preserved by amendments. Analogous to SCCC Sections 2564 - 2568.

Section 2364. *Flagstaff to be Erected.* Editorial amendments. Analogous to SCCC Section 2569.

Section 2365. *Acquisition of Additional Land; Equipment, Furnishings, Etc.* Provisions mandating court approval removed. Editorial amendments. Analogous to SCCC Section 2570.

Section 2366. *Tax Levy; Increase in Indebtedness.* Editorial amendments. Analogous to SCCC Section 2571.

Section 2367. *Preservation, Maintenance, Repair and Completion of Public Monuments.* Memorial hall is inserted consistent with amendments to Section 2355. Analogous to SCCC Section 2572.

#### **(i) Public Auditoriums, Public Libraries, Public Memorial Buildings and Monuments**

Section 2368. *Acquiring of Property.* Surplus and redundant language removed without legal effect. Additional editorial amendments. Analogous to SCCC Section 2577.

Section 2369. *Rental of Auditoriums.* Editorial amendments. Analogous to SCCC Section 2578.

#### **(j) Homes and Hospitals**

Section 2374. *Donations to Orphans' or Children's' Homes.* Editorial amendments. Analogous to SCCC Section 2583.

Section 2375. *Management and Control of Orphans' Home.* No changes. Analogous to SCCC Section 2584.

Section 2376. *Admission to Home.* No changes. Analogous to SCCC Section 2585.

Section 2377. *Maintenance of Children's' Homes.* Analogous to SCCC Section 2586.

[Sections 2378-2385] Repealed. Provisions relating to contagious disease hospitals are repealed consistent to removal of related Article XXI public health provisions. Analogous provisions in SCCC are located in public health article.

**(k) Morgues**

Section 2390. *Authority to Provide; Approval.* Provisions redundant with coroner powers repealed. Analogous to SCCC Section 2590.

[Sections 2391-2393] Repealed. Sections relating to coroners are redundant or in conflict with provisions in Article XII-B (Coroners). No direct analogous SCCC sections.

**(l) Garbage and Refuse Disposal Plants and Incinerators**

Section 2396. Repealed. Authorizations for refuse disposal are consolidated into Sections 1975-1976. No direct analogous SCCC section.

Omitted. SCCC Subdivision (l) (Warehouses), Section 2595 (Acquisition of Property for Warehouse Purposes) is excluded given that those powers are already generally provided to counties elsewhere in the County Code.

**(m) Tax for Capital Costs Retirement**

Section 2398. *Authorization of Vehicle Rental Tax by Counties of the First Class.* No changes.

**(n) Third Class County Convention Center Authorities (unchanged sections omitted)**

Section 2399.3. *Definitions. Definition of “county” is amended to include a county that had been a county of the third class when it formed a convention center authority to address the possibility that a third class county with a convention center authority may, at some future date, change class. The amendment to this section was adopted by the Senate Local Government Committee on March 20, 2018.*

**(o) Third Class County Convention Center Authorities (Alternative Provision) (unchanged sections omitted)**

Section 2399.53 *Definitions. Definition of “county” is amended to include a county that had been a county of the third class when it formed a convention center authority to address the possibility that a third class county with a convention center authority may, at some future date, change class. The amendment to this section was adopted by the Senate Local Government Committee on March 20, 2018.*

**ARTICLE XXIV. EMINENT DOMAIN AND INJURY TO PROPERTY**

All sections Repealed and replaced by Article XXIV-A to reflect preemptive effect of the Eminent Domain Code (26 Pa.C.S. § 101 et seq.).

**ARTICLE XXIV-A. EMINENT DOMAIN AND INJURY TO PROPERTY  
(analogous to SCCC Article XXVI)**

Section 2401-A. **Exercise of eminent domain.** New section granting authorization to exercise power of eminent domain using procedure of the Eminent Domain Code based upon repealed section 2401 and comparable to SCCC Section 2601.

Section 2402-A. **Restrictions as to certain property.** New section incorporating restrictions on taking property from a place of public worship, burial site or railroad company from repealed section 2402. Comparable to SCCC Section 2602.

Section 2403-A. **Declaration of intention.** New section requiring county to declare intention to acquire property by eminent domain through an ordinance.

Section 2404-A. **Application of 26 Pa.C.S.** New section directing counties to utilize procedural provisions of the Eminent Domain Code.

## **ARTICLE XXV. RECREATION PLACES (analogous to SCCC Article XXX)**

Section 2501. *Acquisition of Land and Buildings for Recreation Places.* Subsection (a) contains editorial changes, including replacement of uses with defined term “recreation places” (*see* commentary, new Section 102.1). Subsection (b) is divided into a provision applicable to second class A counties (previously SCCC Section 3025), and another applicable to third through eighth class counties in order to preserve the status quo with regard to the eminent domain power of counties when exercised for certain recreational purposes. Because Section 206 (extraterritorial takings) of the Eminent Domain Code prohibits condemnation of land in another political subdivision unless approved by resolution of the governing body of the political subdivision in which the land is situated, subsection (c) is made applicable to second class A through eighth class counties, even though this rule does not appear in the SCCC. The SCCC provisions specifying the procedure for condemnation (Section 3026) and the title that may be acquired through eminent domain (Section 3027) are subsumed into the new subsection (b.1). Subsection (d), relating to joint exercise of powers, is an integration of County Code Section 2505 and SCCC Section 3005. Analogous to SCCC Section 3001.

Section 2502. *Construction, Equipment and Maintenance; General Powers.* A provision prohibiting Allegheny County from establishing a recreation board is removed as inconsistent with the SCCC and the home rule powers of the county. A provision authorizing the county commissioners to delegate broad authority with regard to recreation to a board is extended to second class A counties, along with the express authority of the salary board to set the number and salaries of officers and employees. This is consistent with the power of the salary board under Section 1823 of the SCCC. Similar to SCCC Section 3002; see also SCCC Section 3028.

Section 2503. *Fair, Park and Recreation Boards.* Editorial changes, and removal of “grandfathering” language authorizing boards on the original effective date of the act to augment their membership. Analogous to SCCC Section 3003.

Section 2504. *Officers of Board.* Editorial amendments. Analogous to SCCC Section 3004.

[Section 2505. *Joint Action.*] Repealed. Subject matter now in 2501(d). Analogous to SCCC Section 3005.

Section 2506. *Indebtedness.* Editorial amendments. Analogous to SCCC Section 3006 and 3035.

Section 2507. *Payment of Expenses; Taxation; Annual Fairs; State Contributions.* Subdivided. Language reflecting the existing 2 mill limit on a recreation tax in second class A counties is added and restricted to those counties. Editorial amendments. Analogous to SCCC Section 3007; see also SCCC Section 3035 (authorizing 1 mill).

Section 2508. *Park Buildings.* Editorial amendments. Analogous to SCCC Section 3029.

Section 2509. *Use of Receipts.* Editorial change. Analogous to SCCC Section 3030.

- Section 2510. *Damages; Forfeiture of Leases; **Penalties***. Subdivided. Subsection (b) is added to reflect the express requirement that violation of park regulations in second class A counties constitutes a summary offense. Editorial changes. Analogous to SCCC Sections 3031 and 3032.
- Section 2511. *Employes; Police*. Language pertaining to duties of employees/police as they relate to “buildings and other county-owned properties” is made applicable to second class A through eighth class counties, consistent with SCCC Section 2526 and clarifying amendments to County Code Section 2326. Language specifying that the number and salary of the officers/police are to be established by the salary board in SCCC is extended to second class A through eighth class counties. Editorial amendment. Analogous to SCCC Section 3033.
- Section 2512. *Duty of Police*. This section is expanded to apply to second class A counties, including the provisions related to primary jurisdiction and powers and duties of park police. Although park police have arrest powers generally under the SCCC, their powers and duties are currently not set forth with the detail contained within the County Code. Editorial amendment. See SCCC Section 3034.
- Section 2513. [*Commissioners May Hold Property in Trust*] ***Property Held in Trust***. Subdivided for clarity and consolidation. New subsections (b)-(d) integrate Section 2514 (Contributions for Additional Improvements), 2515 (Leases for Agricultural Fairs), and 2516 (Power of Sale), respectively. This section along with the aforementioned integrated sections is substantively analogous to SCCC Sections 3050-3053.
- Section 2514. *Contributions for Additional Improvements* Repealed and integrated into Section 2513. See SCCC Section 3051.
- Section 2515. *Leases for Agricultural Fairs*. Repealed and integrated into 2513. See SCCC Section 3052.
- Section 2516. *Power of Sale*. Repealed and integrated into 2513. See SCCC Section 3053.
- Section 2517. *Appropriations to Political Subdivisions for Recreation Places*. Restricted to counties of the third through eighth class given the lack of an analog in the SCCC. Editorial amendments.

## **ARTICLE XXVI. BRIDGES (analogous to SCCC Articles XXVII and XXVIII)**

### **(a) General Authority and Procedures for Providing Bridges**

- Section 2601. *Authority to Provide Bridges, Viaducts and Culverts; Definitions; Application of Article*. Largely editorial changes. Subsection (d) is restricted to third through eighth class counties given the repeal of the analogous section from the SCCC by Act 186 of 2004. Subsection (c), a provision excluding application of the article from matters covered by the State Highway Law has been expanded to include second class A counties. Includes authority found in Sections 2728, 2729, 2733 and 2771 of the SCCC.
- Section 2602. *Maintenance and Repairs*. No changes. Analogous to Section 2720 of the SCCC. Also includes authority found within SCCC Sections 2712 and 2730.
- Section 2603. *Acquisition of Real Property*. This section was expanded to include second class A counties. Although Act 186 of 2004 repealed the analogous section (Section 2795) from the SCCC, it presumably was not intended to repeal the authority of second class A counties to acquire property for bridge purposes. See SCCC Section 2804.

- Section 2604. *Plans and Surveys for Bridges and Viaducts*. Editorial changes. See SCCC Section 2772.
- Section 2607. *Approval of State or Federal Agencies; Change in Location*. This section contains no requirement that the decision of the commissioners to change the position of a bridge occur by resolution as is required for second class A counties in the SCCC. By incorporating second class A counties into this provision, we are removing that requirement. See SCCC Section 2774.
- Section 2611. *Authorization to Contract with Municipality for Sharing of Certain Costs*. The last three sentences of this section requiring that an agreement be in writing and specifying that the bridge shall be a county bridge subject to county maintenance unless otherwise agreed are not found in the SCCC. By including second class A counties, the provisions would now apply. See SCCC Section 2777.
- Section 2612. *Bridges on Boundary Between Two Counties*. Provisions related to a petition of taxpayers for the construction of a boundary bridge are restricted to third through eighth class counties given that an analogous provision was eliminated from the SCCC by Act 186 of 2004. Subsection (b.1) is added to carry over a provision from SCCC Section 2713 involving the appointment of a board of view for court approval of boundary bridges. A definition of joint county bridge is added as subsection (f). Section also includes authority found with SCCC Section 2714 and 2715. SCCC provisions requiring the creation of a joint bridge commission are not retained. Instead, the management of the joint bridge is left to the discretion of the counties involved as provided in subsection (e). See also SCCC Section 2801.
- Section 2613. *Joint County Bridges on Line of Highway*. No changes. No analog in the SCCC.
- Section 2614. *County Commissioners May Purchase Bridges Already Erected*. No changes. Repealed from the SCCC, Section 2796, but now retained as a power for second class A through eighth class counties.
- Section 2615. *Rebuilding Privately Owned Bridge*. No changes. This section is similar, in part, to SCCC Section 2821. Provisions of 2821 involving county power to restore private bridges between two counties that have been destroyed is not carried over. Editorial amendment.
- Section 2616. *Acceptance of Bridge Donated to County*. No changes. A final clause discussing procedures when the donation is a boundary bridge is carried over from the SCCC. Analogous to Section SCCC 2831.

**(b) Special Authorities and Procedures**

- Section 2630. *Widening, Straightening, Altering or Changing Course of Unnavigable Streams for Protection of County Bridges and Highways*. No changes. Analogous to SCCC Section 2716.
- Section 2631. *Providing and Maintaining Dykes, Banks, Causeways and Sluiceways for Protection of Bridges and Highways*. No changes. Analogous to SCCC Section 2717.
- Section 2632. *Lighting of County Bridges*. No changes. See SCCC Section 2719. That provision contained contracting and payment procedures as subsections (b) and (c), which were not carried over as already being elements of a county's broad contracting authority under other provisions of the County Code.

- Section 2633. *Temporary Substitutes for Bridges.* Editorial changes. Analogous to SCCC Section 2727, except that the SCCC requires that expenses for temporary measures be shared in equal proportions. That requirement was not carried over.
- Section 2634. *Closing, Vacating, Abandoning and Removing County Bridges.* No changes. Analogous to SCCC Section 2731.
- Section 2635. *Contracts for Special Use of Bridge.* Editorial change. Analogous to SCCC Section 2775.
- Section 2636. *Contracts with Railroad Companies for Use, Purchase, Removal, Replacing or Exchange of County Bridge.* Editorial changes. Analogous to SCCC Section 2732. See SCCC Section 2756.

**(c) Taking Over or Assisting with Township or Municipal Bridges**

- Section 2650. *Procedure for Taking Over Bridge by County; Aid to Political Subdivisions in Construction and Maintenance of Bridge.* Editorial changes are made to subsections (a) and (b). Subsection (b.1) is added from the SCCC (Section 2756), requiring the commissions to keep a record of all proceedings. Antiquated provisions related to dispensing with certain procedures for amounts below 10,000 in subsection (c) are replaced with integration of Section 2670, requiring advertising in both counties for joint bridge projects. See SCCC Section 2755.
- Section 2651. *Change in Location of Bridge and Roads.* Restricted to third through eighth class counties given the repeal of the SCCC analog, Section 2752.
- Section 2652. *Construction of Embankments and Causeways as County Improvements in Certain Counties.* Restricted to third through eighth class counties given the repeal of the SCCC analog, Section 2754. Editorial changes.
- Section 2653. *Contract for Parts of Municipal Bridges Where County Might Have Built Bridge.* Editorial changes, with the exception of the last sentence of subsection (c), which authorizes maintenance agreements and is taken from the SCCC. Analogous to SCCC Sections 2852 and 2854. SCCC Sections 2705 (Compensation for Additional Work), 2854 (Stipulations of Contracts), 2855 (Contracts for Work), and 2856 (Contracts May be Recorded) containing contract parameters are subsumed in existing County Code contracting provisions.
- Section 2653.1 **Section 2653.1 Contribution Where County Might Not Have Built Bridge in Certain Counties.** Restricted to second class A counties given no analog in the County Code. See SCCC Section 2853.
- Section 2654. *Joining With Municipality in Another County in Building or Rebuilding Bridge.* No changes. Analogous to SCCC Sections 2802 and 2803.
- Section 2655. *Aiding Municipality in Constructing Bridge Over Ravine or Valley.* Editorial changes. Analogous to SCCC Section 2851.
- Section 2656. *Entry of Municipal Bridge on Record as County Bridge.* Editorial changes. Analogous to SCCC Sections 2757 and 2758.

**(d) Provisions Relating to Contracts**

- Section 2670. *Building or Repair of Bridges.* Repealed. Provisions requiring advertising in two counties relocated as Section 2650(c). No current analog in SCCC.

**(e) Taxation and Borrowing**

- Section 2675. *Appropriations and Tax Levy*. No changes. Analogous to SCCC Section 2734 and 2778.
- Section 2676. *Incurring of Indebtedness; Taxation for Debt Service*. No changes, but expanded to include second class A counties. Although the SCCC analog was repealed by Act 186 of 2004, this power exists under current law for all counties, and similar authority is within SCCC Section 2734.

**ARTICLE XXVII. ROADS (analogous to SCCC Article XXIX)**

**(a) Authorization, Construction and Maintenance**

**(a) 1. County Roads, Establishment and Maintenance**

- Section 2701. *Definitions*. Editorial change. Analogous to 2901(a) of the SCCC.
- Section 2702. *Establishing County Roads*. Integrates relevant portions of Section 2705 (To be County Road as Soon as so Decreed). Editorial changes. Analogous to SCCC subsection 2901(b). Also subsumed into this provision is authority contained within SCCC Sections 2905 (Drains and Ditches) and 2906 (Damages for Entry on Lands). Penalty provisions for obstructing storm water facilities for second class A counties (Section 2907) is not is not retained in light of other existing available remedies. See also County Code Section 1947.
- Section 2703. *Acquisition of Rights of Way of Abandoned Railroads*. Subdivided for clarity. Editorial change. Analogous to SCCC subsection 2901(c).
- Section 2704. *Joint Action by Counties*. Editorial change. Analogous to SCCC subsection 2901(d).
- Section 2705. *To Be County Road as Soon as so Decreed*. Repealed and integrated into Section 2702. Analogous to SCCC subsection 2901(e).
- Section 2706. *Maintenance and Repair of County Roads*. Editorial change, and replace term “machinery” with broader term “equipment.” Analogous to SCCC subsection 2901(f).
- Section 2707. *Annual Tax*. Whereas this article contained three separate authorizations for road-related taxes in three separate sections (Section 2707, relating to opening, vacating, maintaining, etc. under Subdivision (a.1); Section 2724, relating to “main system” purposes under Subdivision (a.2); and Section 2733, relating to bridge and tunnel purposes under Subdivision (a.3)), this section has been amended to include all three authorizations to reduce duplicative language. *Current millage rate authorizations were preserved; no change in taxation authority was made within this Section*. Furthermore, antiquated language with regard to payment of road-related contracts is removed. Analogous to authority found in SCCC subsections 2901(g), 2902(e) and 2903(d).
- Section 2708. *Borrowing Money; Bond Issue and Tax Levy*. Similar to the approach taken in the amendment to Section 2707, the authorization for borrowing is expanded to all purposes of the article, which then replaces the need for Sections 2725 and Section 2734. Updated language is provided. Analogous to authority found in SCCC subsections 2901(h), 2902(f), and 2903(e).
- Section 2709. *Changing Part of Road [Without View] Upon Agreement*. Modified to reflect changes made to the SCCC by Act 186 of 2004, which, in large part, removed court authorization from road proceedings at the county level. In this section, which authorizes the county to agree with a

landowner on damages for the relocation of a road, a limitation on the authority set at \$1,000 and procedures related to petitioning the court for relocating the road are removed as inconsistent with modern condemnation proceedings. Analogous to SCCC subsection 2901(i)

- Section 2710. *Assessment of Benefits*. This section is modified to comport with modern condemnation proceedings. Analogous to SCCC subsection 2901(j).
- Section 2711. *Interest on Benefits Assessed*. No changes. Analogous to SCCC subsection 2901(k).
- Section 2712. *Liens for Benefits Assessed*. No changes. Analogous to SCCC subsection 2901(l).
- Section 2713. *Sidewalks Along County Roads*. No changes. Analogous to SCCC subsection 2901(m).
- Section 2714. *Lights Along County Roads*. No changes. Analogous to SCCC subsection 2901(n).

**(a) 2. System of Main Thoroughfares Adopted, Laid Out and Constructed by County and Becoming Borough and Township Roads**

- Section 2720. *Adoption of System of Main Thoroughfares*. No changes. Analogous to SCCC subsection 2902(a).
- Section 2721. *Improvement of [Borough and Township] Municipal Roads*. Editorial changes, and removal of references to court approvals as provided in the SCCC by Act 186 of 2004. Analogous to SCCC subsection 2902(b).
- Section 2722. *Plan of System to Be Followed; Variations*. Removal of references to court approvals as provided in the SCCC by Act 186 of 2004. Analogous to SCCC subsection 2902(c).
- Section 2723. *Improvement of Roads Not Part of System on Contribution From Parties Interested*. Removal of references to court approvals as provided in the SCCC by Act 186 of 2004. Analogous to SCCC subsection 2902(d).
- Section 2724. *Annual Tax*. Repealed and consolidated into Section 2707. Analogous to SCCC subsection 2902(e).
- Section 2725. *Borrowing Money and Bond Issue*. Repealed and consolidated into Section 2708. Analogous to SCCC subsection 2902(f).

**(a) 3. Roads, Tunnels, Subways and Underground Roads**

- Section 2730. *Purchase, Location, Construction, Operation and Maintenance Authorized*. Removal of references to court approvals as provided in the SCCC by Act 186 of 2004. Analogous to SCCC subsection 2903(a).
- Section 2731. *Contracts or Lease for Special Use of Improvements*. Removal of references to court approvals as provided in the SCCC by Act 186 of 2004. Removal of 20-year restriction on contracts as antiquated, also as provided by Act 186. Analogous to SCCC subsection 2903(b).
- Section 2732. *Taking Street or Other Property of [City or Borough] Municipal Corporation*. By using the term “municipal corporation” in this section, authorizations of townships must now be obtained prior to county appropriation of municipal property. Analogous to SCCC subsection 2903(c).
- Section 2733. *Annual Tax Levy*. Repealed and consolidated into Section 2707. Analogous to SCCC subsection 2903(d).

Section 2734. *Borrowing Money and Bond Issue.* Repealed and consolidated into Section 2708. Analogous to SCCC subsection 2903(e).

#### **(a) 4. General Provisions**

*Note:* This entire subdivision is repealed.

[Section 2740. *Procedure to Obtain Approval of Quarter Sessions.*] As previously noted, court involvement in certain road proceedings was removed from the SCCC and was deemed appropriate for counties of the third through eighth classes as well. SCCC analog to this section was removed by Act 186 of 2004. Analogous to repealed SCCC subsection 2904(a).

[Section 2741. *Right of Eminent Domain.*] SCCC analog to this section was removed by Act 186 of 2004. See also Section 2710. Analogous to repealed SCCC subsection 2904(b).

[Section 2742. *Contracts for Improvements.*] SCCC analog to this section was removed by Act 186 of 2004. See also Section 2702(a)(4). Analogous to repealed SCCC subsection 2904(c).

[Section 2743. *Procedure Where Property is Left Without Outlet by Reason of Vacating of Part of Old Road.*] SCCC analog to this section was removed by Act 186 of 2004. Analogous to repealed SCCC subsection 2904(d).

[Section 2744. *Parties Making Application for New Road to Notify Local Road Authorities.*] SCCC analog to this section was removed by Act 186 of 2004. Analogous to repealed SCCC subsection 2904(e).

[Section 2745. *Unlawful to Raise Road Above Ordinary Grade Over Drain or Culvert.*] SCCC analog to this section was removed by Act 186 of 2004. Analogous to repealed SCCC subsection 2904(f).

#### **(b) Vacation as County Roads**

Section 2750. *Vacation as County Roads.* Language modernized and scope expanded to include reversion to any municipal corporation rather than townships alone. Analogous to SCCC Section 2909.

#### **(c) Continuous Highways from One County to Another**

Section 2753. *Laying Out; Altering; Vacating.* Removal of references to court proceedings as provided in SCCC by Act 186 of 2004. Analogous to SCCC Section 2912.

#### **(d) County Aid to Municipalities and Townships**

Section 2756. *Municipal Streets Connecting Two Ends of County Road.* Editorial changes. Analogous to SCCC Section 2920.

Section 2757. *Municipal Streets as Terminus of County Road.* Editorial changes. Analogous to SCCC Section 2921.

Section 2758. *Improvements.* Editorial changes. Language permitting the options to pay improvement costs is removed as superfluous. Analogous to SCCC Section 2922.

Section 2759. *Maintenance.* Editorial changes. Analogous to SCCC Section 2923.

Section 2760. *Contracts With [Borough, Township or Incorporated Town] Municipal Corporations.* Editorial changes. Sections 2761 (Payment ) and 2762 (Repair and Maintenance) are added as subsections (b) and (c), respectively. Analogous to SCCC Sections 2924, 2925, and 2926.

Section 2761. *Payment.* Repealed and consolidated into Section 2760. Analogous to SCCC Section 2925.

- Section 2762. *Repair and Maintenance.* Repealed and consolidated into Section 2760. Analogous to SCCC Section 2926.
- Section 2763. *Where Center Line of Highway is Boundary Between City or Borough and Township.* Subdivided, and Section 2764 added as subsection (b). Analogous to SCCC Sections 2927 and 2928.
- Section 2764. *Alteration or Improvement.* Repealed and consolidated into Section 2763. Analogous to SCCC Section 2928.
- Section 2765. *Where Center Line of Road is Boundary Between City or Borough and Township in Adjoining County.* Subdivided, editorial changes, and Section 2766 added as subsection (b). Analogous to SCCC Sections 2929 and 2930.
- Section 2766. *Alteration, Improvement and Repairs.* Repealed and consolidated into Section 2765. Analogous to SCCC Section 2930.
- Section 2767. *Improvement on Order of Common Pleas.* Editorial changes. Analogous to SCCC Section 2931.
- Section 2768. *Guards or Barriers Along Township Roads.* Repealed. SCCC analog to this section was removed by Act 186 of 2004. Analogous to repealed SCCC Section 2932.
- Section 2769. *Improvements of Roads Connecting With State Highway.* Broadened in scope to include, in addition to cities and boroughs, townships and towns. Analogous to SCCC Section 2933.
- Section 2770. *Purchase of Road [Machinery] Equipment; Renting of Road [Machinery] Equipment to [Townships] Municipal Corporations.* Change of reference to “machinery” to “equipment” and expanded scope to include all municipal corporations. Analogous to SCCC Section 2934.

**(e) Detours**

- Section 2775. *Laying Out Detours When County Road is Closed.* Subsection (d) definition of “highways” is removed as superfluous. Editorial changes. Analogous to SCCC Section 2940.
- Section 2776. *Detour Over Private Lands.* Editorial changes. Analogous to SCCC Section 2941.
- Section 2777. *Fines and Damages.* Modified to comport with changes made to SCCC by Act 186 of 2004, with the exception of including new reference to “traffic control device” per the Vehicle Code. Analogous to SCCC Section 2942.

**(f) Protection of Roads**

- Sections 2781-2784. Provisions related to county road caretakers are repealed. SCCC analogs to these sections were removed by Act 186 of 2004. Analogous to repealed SCCC Sections 2950-2953.
- Section 2785. *Fines and Damages.* Changes consistent with those made to the SCCC by Act 186 of 2004. Analogous to SCCC Section 2954.
- Section 2786. *Snow Fences.* No changes. Analogous to SCCC Section 2955.
- Section 2787. *Elimination of Dangerous Curves and Widening of Narrow Roads.* No changes. Analogous to SCCC Section 2956.