

TO: Lester K. Fryer, Chairman, Local Gov't Committee

FROM: John Broujos, Legal Counsel

SUBJECT: H. B. 1177, Prs. No. 1305 - Summary of contents and advertisement of ordinances.

LAW AND MUNICIPALITIES AFFECTED: Second Class Township Code, Act of May 1, 1931, P.L. 103, Section 702; Second Class Township.

REFERENCE: 53 PS 65741.

PROVISIONS:

Purpose: Purpose of the bill is to permit only a brief summary of the principal provisions of an ordinance to be advertised.

Section 1 (Section 702) Provides that public notice of proposed ordinances shall include either the full text or a brief summary of the principal provisions and reference to a place where copies may be examined.

Comment: Second Class Townships require publication of an ordinance prior to enactment. The full text is required except in specific areas where extremely lengthy codes are enacted, such as zoning ordinance and building codes. In these instances, notice is only required that the township intends to enact an ordinance with an outline of the principal provisions.

Comment: The issue here is one of the public's right to or need to know as against the cost of publication. There are some that feel that publication of lengthy ordinances is a greater cost than the benefit derived, the elucidation of the public.

The principal provisions would be made available at a place within the township by making copies of the proposed ordinance available. If someone is interested, he would have notice and could obtain a copy.

A factor in favor of full publication is that it is a means of inexpensive distribution of copies of the ordinance to the public. Along this line, some municipalities have a newspaper run off copies of the ordinance from their galley and make them available for a few cents.

CONSTITUTIONAL PROVISIONS: Section 1 of Article IX provides that the General Assembly shall provide by general law for local government within the Commonwealth. Such general law shall be uniform as to all classes of local government regarding procedure matters. By April 9th, 1972, the constitution requires this legislation. Apparently a procedural code implementing this provision is in preparation.