

TO: Lester K. Fryer, Chairman, Local Government Committee

FROM: John H. Broujos, Counsel

SUBJECT: House Bill 1640, Printer's No. 2035 -- Filing of Ordinances of Municipalities in County Court

REF: General Municipal Law, Volume 53 of Purdon's Statutes

LAW AND MUNICIPALITIES AFFECTED: General Municipal Law; Cities of third class, boroughs, towns, and townships.

PROVISIONS:

Purpose: To provide for Central Recording of Ordinances in the clerk of court office for the County.

Section 1: This section requires a copy of every ordinance passed by City of the Third Class, Borough, town, or township to be filed within thirty days by the Secretary or Clerk in the office of the Clerk of Courts of the Court of the Common Pleas.

Section 2: Existing ordinances shall be filed within six months of the act.

Section 3: Effective date is January, 1963.

COMMENTS: This is a highly desirable procedure. With the significant increase in municipal activity in areas such as sewer and water, planning and zoning, solid wastes, and regulation of various activities, a multitude of legal questions arise in which parties require legal counsel. The process of locating a part-time secretary who is working in a factory during the day and obtaining copies of ordinances of which there may be only one copy, results in a wasteful expenditure of time and money. Every attorney has access to the County Courthouse in his work and can conveniently peruse the ordinances in the County Courthouse.

COMMENTS: The Committee may consider that counties should be included so that their ordinances can also be reviewed in the County Courthouse in the same location. The Committee may also consider whether Municipal Home Rule Governments should be included.

COMMENTS: To be effective, perhaps the Committee would want to require the secretary to act under penalty of a summary offense.

COMMENTS: A legal issue may arise as to whether an ordinance is legally effective or valid if it is not filed. Because of the risk of loss, faulty filing, or failure of a secretary to file within thirty days an extensive ordinance of many pages such as a zoning ordinance, the Committee may not want to penalize a township by having its ordinance declared invalid because of a failure to file. The filing may be considered a matter of convenience. The critical place for filing is the municipality's ordinance book.