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ADVERTISING REQUIREMENTS FOR TOWNSHIPS

2019

EASY
 REFERENCE
 GUIDE

As a member service, PSATS has compiled the following guide on advertising requirements that townships must comply with. If you have any questions about advertising requirements, call the Association at (717) 763-0930.

Please note that when advertisements are required to be published, they must be placed in the legal notice section in a newspaper of general circulation in the township. [Township Code, Section 109]

ANNUAL BUDGET

After preparing and adopting the proposed budget, the board of supervisors must publish a notice stating that the proposed budget is available for public inspection. This notice must appear once in a local newspaper at least 20 days before the final budget is adopted. If the total budget is increased by more than 10 percent overall or more than 25 percent in a major category, it must be advertised again at least 20 days before the final budget is adopted. The budget must be adopted by December 31. **[Township Code, Section 3202(b)]**

ANNUAL BUDGET AMENDMENTS

In the January following a municipal election, if the board of supervisors prepares an amended budget, the township must publish a notice once in the newspaper that the proposed amended budget will be available for public inspection for at least 10 days before it is adopted. If the total budget is increased by more than 10 percent overall or more than 25 percent in a major category, it must be advertised again at least 10 days before the final budget is adopted. The amended budget must be adopted by February 15. **[Township Code, Section 3202(d)]**

APPOINTMENT OF CPA

A notice of the township's intent to appoint a certified public accountant to perform the annual audit in place of the elected auditors must be published once at least 30 days before a vote is taken to appoint a CPA. The advertisement should contain the fiscal year to be audited. **[Township Code, Section 917(b)]**

AUDITORS' FINAL MEETING

The board of auditors must advertise the public meeting to approve the final audit report at least 24 hours before the meeting. **[Sunshine Act, Sections 707(c) & 709]**

AUDITOR'S REPORT

On or before April 15, concise financial information prepared or approved by the auditors must be published once in a newspaper of general circulation. If a full financial statement and auditors' report are not published, copies must be supplied to the local newspaper.

In townships with populations of 200 or less, five copies of the statement must be posted in public places in the township, instead of publication in a newspaper. **[Township Code, Section 904]**

BID FOR PURCHASES OF MATERIALS, SERVICES, CONTRACTS

Effective January 1, 2019, contracts exceeding **\$20,600** **[Township Code, Sections 3102(a) and (b.1)]** must be advertised using either of the following schedules:

1) Daily newspaper: Two times at intervals of not less than three days. The first advertisement must be published not more than 45 days before the date fixed for the opening of bids, and the second advertisement must be published not less than 10 days before the opening of bids.

2) Weekly newspaper: Once a week for two consecutive weeks. Again, the first advertisement must be published not more than 45 days, and the second advertisement not less than 10 days, before the opening of bids.

In either case, notice also must be posted at the meeting place of the board of supervisors or at a conspicuous place within the township.

Note: Advertisements for contracts or purchases must contain the date, time, and location for the opening of bids, the amount of the performance bond, and the location where full specifications can be obtained. **[Township Code, Section 3102]** Townships must follow these advertising requirements when conducting an electronic auction for the purchase of goods or services. **[Section 4604(c) of Title 62 (Procurement) of the Pennsylvania Consolidated Statutes]**

Section 3102(h)(1) thru (9) of the Township Code provides exemptions to the advertising requirements for contracts.

If no bids are received, the township must rebid the item in accordance with the schedules listed above. If again no bids are received within 45 days of the second advertisement, the township may purchase or enter into a contract for the purchase of the item needed. **[Act 78 of 1979]**

Effective January 1, 2019, contracts that exceed **\$11,100** but do not exceed \$20,600 require at least three written or telephone quotes from qualified and responsible contractors. **[Township Code, Sections 3102(a) and (b.1)]**

INCURRING DEBT

The board of supervisors must follow the procedures in the Local Government Unit Debt Act when obtaining debt. Except for small borrowings and tax or revenue anticipation notes, the board must enact an ordinance before borrowing funds. A summary of the ordinance and notice that the ordinance may be examined in the township

office must be advertised not less than three nor more than 30 days before enactment. In addition, not less than 15 days after enactment of the ordinance, notice of enactment shall be advertised once, noting the substance of any amendments made during adoption, the range of lease rental payments for lease rental debt, the price bid for bonds or notes and interest rates in the successful bid, and the opportunity to examine the final ordinance at the township office. [Local Government Unit Debt Act, Section 8003.]

INTERMUNICIPAL LIQUOR LICENSE TRANSFER

The board of supervisors must advertise a public hearing once a week for two consecutive weeks. The first advertisement shall not be more than 30 days, and the second advertisement shall not be less than seven days before the date of the hearing. [*Liquor Code, Sections 102 and 461(b.3)*]

LOCAL TAX ENABLING ACT ORDINANCE OR AMENDMENT

A notice of the township's intent to adopt a proposed ordinance or amendment that would establish or increase a tax or license fee, the reason for imposing the tax or fee, and the amount of revenue to be derived from it must be published once a week for three weeks. Also, the entire ordinance or amendment, or summary thereof, must be published once, not more than 60 days nor less than seven days before passage.

[*Local Tax Enabling Act, Section 6924.306; Township Code, Section 1601*]

Note: This requirement does not apply to the real estate tax authorized by Section 3205 of the Township Code.

MEETINGS, PUBLIC HEARINGS

In each of the five instances outlined below, notice must be published once in a newspaper, posted at the township office or meeting site, and mailed to citizens who have supplied a stamped, self-addressed envelope to the township before the meeting.

1) **Regular meetings:** Dates, times, and location of regular meetings must be advertised once each calendar year. Public notice of the first regularly scheduled (organizational) meeting must be published at least three days before the meeting. [*Sunshine Act, Section 709*]

2) **Special meetings:** Notice must be published at least 24 hours before the meeting and must state the business to be conducted at the meeting. [*Sunshine Act, Section 709; Township Code, Section 604*]

3) **Rescheduled meetings:** Public notice must be published at least 24 hours before the rescheduled meeting. [*Sunshine Act, Section 709*]

4) **Cancellations:** There is no provision in the Sunshine Law for public notice of meeting cancellations. *However, if such notice is possible, PSATS suggests giving 24 hours' notice in the newspaper and posting the announcement at the township office and/or at the meeting site.*

5) **Hearings held pursuant to Administrative Law and Procedure, Subchapter B, Practice and Procedure of Local Agencies:** This law requires that "reasonable" notice of these hearings be given and that every citizen who has a direct interest in the subject matter be given an opportunity to be heard at the hearing. However, the law provides no definition of "reasonable" notice. *Therefore, PSATS suggests that written notice be given to citizens affected by the issue 10 days before the hearing and notice be given in accordance with the Sunshine Law. [2 Pa. C.S.A. 551]*

ORDINANCES — CONSOLIDATION

The title, a brief summary, and the table of contents of the ordinance must be published, along with the location at which the full text may be examined, not more than 60 days nor less than seven days before passage. A copy of the full text of the ordinance must be filed with the publishing newspaper, and after the ordinance is enacted, a copy of the full text must be filed within 30 days after enactment with the agency designated by the county commissioners, which may accept electronic copies. [*Township Code, Section 1601*]

ORDINANCES — STANDARD CODES

Notice of the township's intent to consider a proposed code, a brief summary of the code, and a location where copies of the proposed code may be examined or obtained must be published once in the newspaper, not more than 60 days nor less than seven days before passage. [*Township Code, Section 1601*]

ORDINANCES TO ENFORCE GENERAL POWERS OF TOWNSHIP

The township's intent to adopt an ordinance must be advertised by one of the following methods:

1) The entire text of the ordinance must be published at least once, not more than 60 days nor less than seven days, before passage; or

2) The title and a brief summary of the ordinance must be published, along with the location at which the full text may be examined, not more than 60 days nor less than seven days before passage. A copy of the full text of the ordinance must be filed with the publishing newspaper, and after the ordinance is enacted, an attested copy of the full text must be filed within 30 days after enactment with the agency designated by the county commissioners, which may accept electronic copies. [*Township Code, Section 1601*]

PENSION PLANS

Before entering into a professional services contract for a municipal pension plan, townships must follow the procedures and notice requirements established in Chapter 7-A of Act 44 of 2009.

PERSONAL PROPERTY — SALE BY TOWNSHIP

If an item or group of items for sale is valued at \$2,000 or more, the township must advertise the sale once in a local newspaper at least 10 days before the date fixed for the opening of bids or before offering the item or items for sale at a public or electronic auction. If the items are for sale by electronic auction, the ad must include the auction's website, date, time, and duration. [*Township Code, Section 1504*]

If no bids are received, the item may be advertised a second time. If again no bids are received within 15 days of the second advertisement, the township may negotiate for a private sale of the item, taking into consideration its

fair market value and publicly announcing the identity of the parties, the sale price, and the terms and conditions of the sale at a regular or special meeting. The township may authorize the sale 30 days after the announcement is made at the regular or special meeting. **[Act 104 of 1998]**

Note: Section 1504 (c) of the Township Code provides exemptions to the advertising requirements.

REAL ESTATE— SALE BY TOWNSHIP

Real estate valued at more than \$1,500 may be sold to the highest bidder only after an advertisement for bids is published once in the newspaper, at least 10 days before the date fixed for the opening of bids, or before offering the real estate for sale at a public auction. **[Township Code, Section 1503]**

If no bids are received, the item may be advertised a second time. If no bids are received within 15 days of the second advertisement, the township may negotiate for a private sale of the item, taking into consideration its fair market value and publicly announcing the identity of the parties, the sale price, and the terms and conditions of the sale at a regular or special meeting. The township may authorize the sale 30 days after the announcement is made at the regular or special meeting. **[Act 104 of 1998]**

Note: Section 1503 of the Township Code provides exemptions to the advertising requirements for the sale of real township property.

REAL ESTATE TAX

Real estate taxes are levied by resolution, which does not require advertising. However, PSATS suggests that proposed tax rates be included in the notice announcing availability of the proposed township budget for public inspection. **[Township Code, Section 3205]**

SHADE TREE COMMISSION REGULATIONS

With the approval of the township supervisors, regulations for the care and protection of shade trees in the township may be adopted after being published at least once in one newspaper. **[Township Code, Section 2905]**

TAX EXONERATION LIST

Names of persons exonerated from taxes may be published once a week for up to three weeks. Publication is not required, however. **[Local Tax Collection Law, Section 38]**

PENNSYLVANIA MUNICIPALITIES PLANNING CODE

*[Municipalities Planning Code,
Article I, Section 107]*

IMPORTANT DEFINITIONS with respect to the Pennsylvania Municipalities Planning Code:

- **Public hearing** — A formal meeting held pursuant to public notice by the board of supervisors or township planning commission, intended to inform and obtain public comment, prior to taking action under the act.

- **Public meeting** — As defined by Title 65, Chapter 7, of the Pennsylvania Consolidated Statutes, a prearranged gathering of an agency that is attended or participated in by a quorum of the members of the agency, held for the purpose of deliberating agency business or taking official action.

- **Public notice** — A notice published once a week for two successive weeks in a newspaper of general circulation in the township. Such notice must state the time and place of the hearing and particular nature of the matter to be considered. The first publication must not be more than 30 days and the second publication must not be less than seven days from the date of the hearing.

- **Notice of intent to adopt ordinances, resolutions, or amendments to ordinances or resolutions** — The township's intent to adopt an ordinance or resolution under the Municipalities Planning Code must be advertised in the same manner as "Ordinances to Enforce General Powers of Township" (see *previous page*), except that copies of the proposed regulations must be made available for purchase at the actual cost to the township. If the full text is not advertised, a full copy of the proposed ordinance or amendment must be filed with the county law library or other county office designated by the county commissioners prior to advertisement.

Ordinances and amendments may be incorporated into official ordinance books by reference, with the same force and effect as if duly recorded therein.

COMPREHENSIVE PLAN —ADOPTING OR AMENDING

The township planning commission must hold at least one public meeting before forwarding the proposed plan or amendment to the board of supervisors. The board of supervisors must forward the proposed plan or amendment to the county planning commission, contiguous municipalities, and the school district 45 days before holding at least one public hearing pursuant to public notice.

The township may adopt the plan by resolution. **[Municipalities Planning Code, Section 302]**

OFFICIAL MAP— ADOPTING OR AMENDING

The township must submit its proposed official map and accompanying ordinance to the township planning commission. The recommendations of the planning commission must be made within 45 days of the commission's receipt of the official map and ordinance from the board, unless the board agrees to a longer period of time.

The board of supervisors must hold at least one public hearing pursuant to public notice and must advertise its notice of intent to adopt the official map or amendment before voting on the ordinance to adopt the map or amendment.

Following the adoption of the ordinance and the official map or amendment, the township must submit the map to the recorder of deeds, who must record the official map within 60 days of the effective date of the ordinance or amendment. **[Municipalities Planning Code, Section 402]**

SUBDIVISION & LAND DEVELOPMENT ORDINANCE—ADOPTING OR AMENDING

The board of supervisors must submit the proposed ordinance or amendment to the township planning commission and county planning commission at least 45 days for the ordinance and at least 30 days for the amendment before the public hearing held by the board. In either instance, the board must hold at least one public hearing pursuant to public notice. ➤

ZONING ORDINANCE ADOPTION

The board must advertise its notice of intent to adopt the proposed ordinance or amendment not more than 60 days nor less than seven days prior to its passage. Within 30 days after adoption, the board must forward a copy of the ordinance or amendment to the county planning commission, if the county has one, or to the county commissioners. [*Municipalities Planning Code, Sections 504-506*] (Be sure to file a copy with the county agency as described under the *Municipalities Planning Code, Article 1, Section 107* — see previous page, “Notice of intent...”)

The township planning commission must hold at least one public meeting pursuant to public notice before forwarding the proposed zoning ordinance to the board of supervisors. The board must then hold at least one public hearing pursuant to public notice and must advertise its notice of intent to adopt the zoning ordinance not more than 60 days nor less than seven days prior to passage of the ordinance.

Within 30 days after adoption, the board must forward a copy of the zoning ordinance to the county planning commission, if the county has one, or to the county commissioners. [*Municipalities Planning Code, Sections 607-610*] (Be sure to file a copy with the county agency as described under the *Municipalities Planning Code, Article 1, Section 107* — see previous page, “Notice of intent...”)

ZONING ORDINANCE AMENDMENTS

The board of supervisors must submit the proposed amendment to the township planning commission and county planning commission at least 30 days before the public hearing held by the board. In either instance, the board must hold at least one public hearing pursuant to public notice and must advertise its notice of intent to adopt the proposed amendment before voting on it. (Be sure to file a copy with the county agency as described under the *Municipalities Planning Code, Article 1, Section 107* — see previous page, “Notice of intent...”)

Within 30 days after adoption, the board must forward a copy of the amendment to the county planning commission, if the county has one, or to the county commissioners.

[*Municipalities Planning Code, Sections 609 & 610*]

If the proposed amendment involves a zoning map change, notice must be conspicuously posted along the tract of land and mailed to all property owners in the area to be rezoned at least 30 days before the public hearing. [*Municipalities Planning Code, Section 609(b)*]

CURATIVE AMENDMENTS TO ZONING ORDINANCE

a) Landowner curative amendment — Upon receipt of a request from a landowner for a curative amendment, the following actions must be taken within 60 days: The board of supervisors must first refer the curative amendment to the county planning commission and township planning commission; the township planning commission must then hold at least one public meeting pursuant to public notice before forwarding its recommendations to the board; and the board must in turn hold a public hearing pursuant to public notice on the proposed amendment.

If the board agrees to the curative amendment, it must advertise its notice of intent to adopt the amendment before voting on it.

The board must forward the proposed amendment to the county planning commission 30 days before the board holds a public hearing.

Within 30 days after adoption, the board must forward a copy of the amendment to the county planning commission, if the county has one, or to the county commissioners.

b) Municipal curative amendment — If a township declares by formal action that its zoning ordinance or any portion thereof is substantially invalid, it must take steps to correct the invalidity within 180 days of the date of the declaration.

The board must refer its curative amendment to the county planning commission and the township planning commission, which must hold at least one public meeting pursuant to public notice before forwarding its recommendations to the board.

The board must then hold a public hearing pursuant to public notice on the proposed amendment and must advertise its notice of intent to adopt the amendment before voting on it.

The board must forward the proposed amendment to the county planning commission 30 days before the board holds a public hearing.

Within 30 days after adoption, the board must forward a copy of the zoning ordinance amendment to the county planning commission, if the county has one, or to the county commissioners.

[*Municipalities Planning Code, Section 610*]

PLANNED RESIDENTIAL DEVELOPMENT

The board of supervisors may enact, amend, and repeal provisions within a zoning ordinance to set standards and conditions for planned residential development. Such provisions must be enacted following the same procedures required for the enactment of an amendment to a zoning ordinance.

[*Municipalities Planning Code, Section 702*]

ZONING HEARING BOARD HEARINGS

The zoning hearing board must advertise its public hearings pursuant to public notice and give written notice to applicants as required in the zoning ordinance or by the rules of the zoning hearing board. In addition, written notice of the hearing must be conspicuously posted on the affected tract of land at least one week before the hearing.

The public hearing must be held within 60 days of the date of the applicant’s request, unless the applicant has agreed in writing to an extension. [*Municipalities Planning Code, Section 908*]

CONDITIONAL USE HEARINGS

The board of supervisors must advertise conditional use hearings pursuant to public notice. The public hearing must be held within 60 days of the date of the applicant’s request, unless the applicant has agreed in writing to an extension. [*Municipalities Planning Code, Sections 908(1.2) and 913.2*]