



ADVERTISING REQUIREMENTS FOR TOWNSHIPS

2023

EASY REFERENCE GUIDE

PREPARED BY THE Pennsylvania State Association of Township Supervisors
David M. Sanko, Executive Director
4855 Woodland Drive
Enola, PA 17025-1291
Telephone: (717) 763-0930
Fax: (717) 763-9732
www.psats.org
www.facebook.com/psats
www.twitter.com/psats
www.linkedin.com/company/pennsylvania-state-association-of-township-supervisors

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 once in a local newspaper stating that the proposed budget is available for public inspection at least 20 days before the final budget is adopted. If the total budget is increased by more than 10% overall or more than 25% in a major category, it must be advertised again at least 10 days before the final budget is adopted. The budget must be adopted by December 31. *[Township Code, Section 3202]*

ANNUAL BUDGET — REOPENED

In the January following a municipal election, if the board of supervisors reopens the budget, the township must publish a notice once that the proposed budget will be available for public inspection at least 10 days before it is adopted. If the total budget is increased by more than 10% overall or more than 25% in a major category, it must be advertised again at least 10 days before the final budget is adopted. The reopened 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

By April 15, concise financial information prepared or approved by the auditors must be published once, including total assets, total liabilities, and total net position at year end, and total revenue, expenses, and changes in net position for the year just ended. If a full financial statement and auditors' report are not published, copies must be supplied to the 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, 2023, contracts exceeding **\$22,500** *[Township Code, Section 3102]* 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 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. 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.

Notice must be posted at the board of supervisors' meeting place or at a conspicuous place in 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. 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)(1-9) of the Township Code provides exemptions to the advertising requirements for contracts.

If no bids are received, the township must rebid the item as 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 18 of 2022 expanded these procedures to contracts for services. *[Act 78 of 1979]*

Effective January 1, 2023, contracts that exceed **\$12,200** but do not exceed \$22,500 require at least three written or telephone quotes from qualified and responsible contractors. *[Township Code, Section 3102. The 2023 thresholds were published in the December 10, 2022, edition of the Pennsylvania Bulletin.]*



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.

An ordinance summary and notice that the ordinance is available at the township office must be advertised at least three but not more than 30 days before enactment. In addition, not less than 15 days after enactment, notice of enactment, any amendments, lease rental payments, price bid for bonds, interest rates in the successful bid, and availability of the adopted ordinance at the township office shall be advertised once. *[Local Government Unit Debt Act, Section 8003]*

**INTERGOVERNMENTAL
COOPERATION
AGREEMENTS**

Intergovernmental cooperation agreements may be adopted by resolution, which does not require advertising. This includes agreements between two or more local governments or with trusts, such as PSATS' Pa. Municipalities Pension Trust, Pa. Townships Health Insurance Cooperative Trust, and Unemployment Compensation Group Trust, as well as the Pa. Local Government Investment Trust. *[Acts 80 & 81 of 2019]*

**INTERMUNICIPAL
LIQUOR LICENSE
TRANSFER**

The board of supervisors must advertise a public hearing once a week for two consecutive weeks. The first advertisement must be placed at least 30 days, and the second advertisement must be no 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 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**

For the five instances outlined below, notice must be published once, 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. Act 65 of 2021 requires that an agenda be posted at least 24 hours before the meeting on the township website, if there is one, and at the township building and meeting place.

1) Regular meetings: Dates, times, and location of regular meetings must be advertised once each calendar year. Public notice of the organization 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. *PSATS suggests giving 24 hours' notice and posting the announcement at the township office and at the meeting site if possible.*

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. *PSATS suggests that written notice be given to citizens affected by the issue 10 days before the hearing and notice be provided as noted above. [2 Pa. C.S.A. 551]*

**GENERAL
ORDINANCES**

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 where the full text may be examined, not more than 60 days nor less than seven days before passage. A copy of the full ordinance must be filed with the newspaper, and after enactment, an attested copy must be filed within 30 days with the county, which may accept electronic copies. *[Township Code, Section 1601]*

**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 ordinance must be filed with the newspaper, and after the ordinance is enacted, a copy must be filed within 30 days with the county, 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, not more than 60 days nor less than seven days before passage. *[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 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, taking into consideration fair market value and announcing the parties, sale price, and terms of the sale at a regular or special meeting. The township may authorize the sale 30 days after the announcement is made. *[Act 104 of 1998]*

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

**REAL ESTATE —
SALE BY TOWNSHIP**

Real estate valued at more than \$6,000 may be sold to the highest bidder only after an advertisement for bids is published once, at least 10 days before the date fixed for the opening of bids, or before offering the real estate 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, taking into consideration its fair market value and announcing the parties, sale price, and terms of the sale at a regular or special meeting. The township may authorize the sale 30 days after the announcement is made. *[Act 104 of 1998]*

Note: Section 1503 of the Township Code provides exemptions to these advertising requirements.

**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 for the care and protection of shade trees in the township may be adopted after being published at least once. *[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]*

VACANCY BOARD

A meeting of the vacancy board must be advertised as a special meeting with at least 24 hours' notice. *[Sunshine Act, Section 709]*

**PENNSYLVANIA
MUNICIPALITIES
PLANNING CODE**

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

Following are defined terms in the Pa. Municipalities Planning Code that are included in the specific procedures listed below and on the following page for adopting or amending land use ordinances and holding land use hearings.

• **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. See "meetings" on the previous page for procedures.

• **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 "General Ordinances" (see previous page), except that copies of the proposed ordinance must be made available for purchase at actual cost. 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 office designated by the county commissioners prior to advertisement.

Ordinances and amendments may be incorporated into official ordinance books by reference.

**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 an ordinance and at least 30 days for an amendment before a public hearing held by the board. In either instance, the board must hold at least one public hearing pursuant to public notice.

The board must advertise its notice of intent to adopt the proposed ordinance or amendment not more than 60 days nor

**ZONING
ORDINANCE
ADOPTION**

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. [*Municipalities Planning Code, Section 609*]

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 609.2*]

**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*]