

LEGISLATURE OF PENNSYLVANIA.

FILE OF THE HOUSE OF REPRESENTATIVES.

No. **963** Session of
1919.

INTRODUCED BY MR. E. R. SMITH, MARCH 17, 1919.

REFERRED TO COMMITTEE ON COUNTIES AND TOWNSHIPS,
MARCH 18, 1919.**AN ACT**

To amend sections one thousand and seventy-eight one thousand and eighty-one and one thousand and eighty-two of an act approved the fourteenth day of July one thousand nine hundred and seventeen (Pamphlet Laws eight hundred and forty) entitled "An act concerning townships and revising amending and consolidating the law relating thereto"

1 Section 1 *Be it enacted by the Senate and House of Repre-*
2 *sentatives of the Commonwealth of Pennsylvania in General Assembly*
3 *met and it is hereby enacted by the authority of the same That*
4 section one thousand and seventy-eight of an act approved
5 the fourteenth day of July one thousand nine hundred
6 and seventeen (Pamphlet Laws eight hundred and forty)
7 entitled "An act concerning townships and revising amend-
8 ing and consolidating the law relating thereto" which reads
9 as follows

1 "Section 1078 The board of township commissioners of
2 townships of the first class may charge the cost of con-
3 struction of any system of sewers or drains constructed
4 by the authority of section ten hundred and seventy of
5 this act or such portion of the cost thereof as the
6 board deems proper upon the properties accommodated or
7 benefited thereby the ordinance provided for such charge
8 shall be adopted by the board within six months from
9 the date of the final completion of such system of
10 sewers and drains" is hereby amended to read as follows

11 Section 1078 The board of township commissioners of
12 townships of the first class shall charge the cost of con-
13 struction of any system of sewers or drains constructed
14 by the authority of section ten hundred and seventy of
15 this act as may be represented by benefits upon the
16 properties accommodated or benefited thereby

17 Section 2 That section one thousand and eighty-one of
18 said act which reads as follows

19 "Section 1081 The charge for any such sewer con-
20 struction in any township of the first class may be as-
21 sessed upon the properties accommodated or benefited in
22 either of the following methods as the board of town-
23 ship commissioners may determine

24 (a) By the assessment of each lot or piece of land
25 in proportion to its frontage abutting on the sewer al-
26 lowing such reduction in the case of properties abutting
27 on more than one sewer as the ordinance may specify
28 No assessment by frontage shall be made on property of
29 such a character as not to be lawfully subject to such

1 manner of assessment The ordinance providing for assess-
2 ment by this method shall specify the manner in which
3 the charge on each lot shall be calculated and ascer-
4 tained

5 (b) By an assessment in proportion to benefits whether
6 the property charged abuts on the sewer or not The
7 amount of the charge on each property to be ascertained
8 as provided in sections ten hundred and eighty-two and
9 ten hundred and eighty-three of this act

10 (c) By an assessment of a special sewer tax on all
11 properties located within the sewer district which shall be
12 levied on the assessed valuations thereof as established
13 for general taxation Such tax may be levied for a
14 single year or for a term of years as the commission-
15 ers may determine and shall be collected as other taxes

16 When a township is divided into sewer districts the
17 assessment in each district may be by different methods
18 is hereby amended to read as follows

19 Section 1081 The charge for any such sewer construc-
20 tion in any township of the first class shall be assessed
21 upon the properties accommodated or benefited by an as-
22 sessment in proportion to benefits The amount of the
23 charge on each property shall be ascertained as provided
24 in sections ten hundred and eighty-two and ten hundred
25 and eighty-three of this act

26 Section 3 That section one thousand and eighty-two of
27 said act which reads as follows

28 "Section 1082 In all cases where an assessment ac-
29 cording to benefits is adopted the court of common pleas

1 of the proper county shall appoint three disinterested per-
2 sons from the board of county viewers as viewers neither
3 of whom shall be a resident of that portion of the
4 township which is accommodated by the sewers in ques-
5 tion The viewers or a majority of them having been
6 sworn or affirmed to perform their duties with fidelity
7 and impartiality shall assess upon each piece of land
8 located within the sewer district which in their opinion
9 is benefited by the construction of the sewer system
10 whether abutting on a sewer or not such amount as
11 in their judgment represents the benefit accruing to such
12 lot In no case shall the viewers in assessing benefits
13 to private property through which any sewer runs take
14 into consideration any damages which such property has
15 sustained but all such damages shall be assessed in the
16 manner provided in sections ten hundred and seventy-four
17 to ten hundred and seventy-seven inclusive of this act
18 The aggregate of the assessments in any sewer district
19 shall not exceed the amount charged to such district for
20 its share of the cost of the sewer construction

21 Section 1082 Upon petition of the township commis-
22 sioners or any taxpayers of the township the court of
23 common pleas of the proper county shall appoint three
24 disinterested persons from the board of county viewers as
25 viewers neither of whom shall be a resident of that
26 portion of the township which is accommodated by the
27 sewers in question The viewers or a majority of them
28 having been sworn or affirmed to perform their duties
29 with fidelity and impartiality shall assess upon each piece

1 of land located within the sewer district which in their
2 opinion is benefited by the construction of the sewer
3 system whether abutting on a sewer or not such amount
4 as in their judgment represents the benefit accruing to
5 such lot In no case shall the viewers in assessing bene-
6 fits to private property through which any sewer runs
7 take in consideration any damages which such property
8 has sustained but all such damages shall be assessed in
9 the manner provided in section ten hundred and seventy-
10 four to ten hundred and seventy-seven inclusive of this
11 act. The aggregate of the assessments in any sewer dis-
12 trict shall not exceed the amount charged to such dis-
13 trict for its share of the cost of the sewer construction