

## No. 5.

## AN ACT

To amend section fifty-seven of the act, approved the twenty-third day of May, one thousand eight hundred and seventy-four (Pamphlet Laws, two hundred and thirty), entitled "An act dividing the cities of this state into three classes, regulating the passage of ordinances, providing for contracts for supplies and work for said cities, authorizing the increase of indebtedness, and the creation of a sinking fund to redeem the same, defining and punishing certain offenses in all of said cities, and providing for the incorporation and government of cities of the third class," providing for the acceptance of said act by certain cities of the third class, providing for the election of certain city officers and members of city council in such cities, and fixing the time when the terms of members of councils, and certain city officers then in office, shall cease and be terminated.

Cities of third class.

Section 57 of act of May 23, 1874 (P. L. 230), amended.

Acceptance of act.

Certificate of Governor.

Section 1. Be it enacted, &c., That section fifty-seven of the act, approved the twenty-third day of May, one thousand eight hundred and seventy-four (Pamphlet Laws, two hundred and thirty), entitled "An act dividing the cities of this State into three classes, regulating the passage of ordinances, providing for contracts for supplies and work for said cities, authorizing the increase of indebtedness and the creation of a sinking fund to redeem the same, defining and punishing certain offenses in all of said cities, and providing for the incorporation and government of cities of the third class," is hereby amended to read as follows:

Section 57. Any city of the third class, or any city of less population than ten thousand inhabitants, heretofore incorporated, may become subject to the provisions of this act, governing such cities of the third class to be [hereinafter] *hereafter* incorporated; and the mayor and *council* of *the said* city may effect the same by an ordinance thereof, duly passed by a majority of the members elected to each branch thereof voting in favor of the same; and a certified copy of such ordinance, approved by the mayor and duly certified, accompanied by a statement of the vote thereon, with the names of the members voting for and against said ordinance, shall be forwarded to and filed in the office of the Secretary of this Commonwealth, and when so filed the Governor shall, under the great seal of the Commonwealth, certify the surrender of the former charter and the acceptance of the provisions of this act by such city, which certificate shall be recorded among the minutes of councils, and in the office for the recording of deeds in the proper county; and from the date of such certificate the said city shall be governed, controlled and regulated by and under the provisions of the act, but all of the property and estates whatsoever of the said city shall be

and remain severally and respectively vested in the said city, unchanged and as before the said surrender, and all of the elected officers therein, *except members of the city council, or members of the select and common council, or the controller, or city treasurer in any city where such controller or treasurer were not elected by the voters of the city*, shall hold their respective offices until the expiration of the term for which they were respectively elected, and shall have all of the rights and powers which belong by law to them respectively, under the laws in existence at the date of the surrender as aforesaid; no such acceptance shall be construed to be a repeal or surrender of any rights, powers, privileges and franchises heretofore by law conferred on such city, not inconsistent with the provisions of this act; the *successors to the mayor [and councils, school directors or controllers] and other officers of such city, except members of the council, or members of the select and common council, or the controller, or city treasurer in any city where such controller or treasurer were not elected by the voters of the city* [shall continue to hold their respective offices until the Friday succeeding the third Tuesday of February next following the date of the expiration of their office, as fixed by law before the said surrender of the former charter; but in any case in which a mayor, councils, school directors, controller or other officer shall have been elected, and not is or are yet in office, they shall hold their said office for the term for which they shall have been respectively elected, and their successors] shall be elected [under the provisions of this act, on the said last named third Tuesday in February] *at the municipal election preceding the expiration of their respective terms, to take office on the first Monday of January succeeding such election, for such terms as may be provided by the laws governing and regulating cities of the third class.*

*All members of city council, or of common or select council of such city shall continue to hold their respective offices until the first Monday of January succeeding the first municipal election occurring at least three months after the date of the certificate issued by the Governor, at which time the terms of their respective offices shall cease and be terminated.*

*At the first municipal election occurring at least three months after the date of the certificate issued by the Governor, the electors of the city shall elect the four members of council to which said city is entitled under the law governing and regulating cities of the third class, and the two nominees receiving respectively the highest number of votes at such election shall serve for four year terms, and the two nom-*

Property of city unchanged.

Certain elected officers to finish terms.

Acceptance not a surrender of any powers or rights not inconsistent.

Election and terms of new officers

Members of council at date of acceptance.

Election of new members of council.

Terms.

*inces receiving the next highest number of votes at such election shall serve for two year terms from the first Monday of January succeeding such election. Biennially thereafter, at each municipal election, a sufficient number of members of council shall be elected for terms of four years each, from the first Monday of January succeeding such election, to take the place of those members of city council whose terms then expire.*

Election of controller or treasurer.

*In any such city, accepting the provisions of this act, where the controller or city treasurer or both were not elected by the voters of the city, there shall be elected at the first municipal election, occurring at least three months after the date of the certificate by the Governor, and quadrennially thereafter a city controller, or city treasurer, or both, for terms of four years each from the first Monday of January succeeding such election; and on said first Monday of January, the term of office of the controller, or city treasurer, or both, as the case may be, then in office, shall cease and be terminated.*

Ward assessors at time of acceptance and election thereafter.

*The ward assessors in office in any such city, shall continue in office until the end of their respective terms, but such assessors shall, after the first Monday of January succeeding the first municipal election occurring at least three months after the date of the certificate issued by the Governor, have no further power or authority to assess property in said city for city taxation purposes, but such property shall be assessed by an assessor elected by the city council, for a term of four years from said first Monday of January in the manner provided by law governing and regulating cities of the third class. Quadrennially thereafter the city council shall elect an assessor, for city purposes, for a term of four years.*

Acceptance not to affect actions or obligations due city.

*All suits, prosecutions, debts, taxes and claims whatever belonging to the said city, shall be and remain of full force, and shall be sued for, recorded or collected under the provisions of law governing the said city, prior to the surrender aforesaid, and all proceedings therefor commenced before such surrender, shall be proceeded in as though no change had been made; and all claims and demands of whatever nature against said city, existing prior to the said surrender, shall remain of full force and be collected as though no change had been made in the laws regulating and governing such city.*

APPROVED—The 3d day of March, A. D. 1925.

GIFFORD PINCHOT.