

the duty of the board of health or appointed health officer or officers to submit annually, to the township commissioners, before the commencement of the fiscal year, an estimate of the probable expenditures of the board during the ensuing year; and the township commissioners shall then proceed to make such appropriations as may be deemed necessary; and the said board of health, health officer or officers, shall, in the month of January of each year, submit a report, in writing, to the township commissioners, of its appropriation and expenditures for the preceding year, together with such other information on subjects relative to the sanitary conditions or requirements of the township as may be necessary, and council or township commissioners shall publish the same in their official journal.

Section 1610. Cooperation in Health Work.—Any township may cooperate with the county, or with any city, borough, township or school district, as well as with the State Department of Health, in the administration and enforcement of health laws.

Section 1611. Powers of Secretary of Health.—Whenever, in the opinion of the Secretary of Health of the Commonwealth, conditions found by him to exist in any township shall constitute a menace to the lives and health of people living outside the corporate limits of such township, or if it be known to him that any township is without an existing or efficient board of health, or health officer or officers, the Secretary of Health may enter, and take full charge of, and administer the health laws, regulations, and ordinances in such township, and may continue in charge thereof until he shall decide that a competent and efficient board of health, or health officer or officers, has been appointed and qualified for such township, and is ready, able and willing to assume and carry into effect the duties imposed upon it by law.

Section 1612. Expenses Incurred by Board or Secretary of Health.—All expenses incurred by any local board of health, its officers or employes, in the performance of the duties imposed upon it by law, and all expenses incurred by the Secretary of Health in accordance with the provisions of the preceding section, shall be paid by the township wherein such duties are performed, in the same manner as other expenses of such township are paid.

Section 1613. Suits by State Secretary of Health to Recover Expenses.—Whenever expenses incurred by the State Secretary of Health in the administration of health laws in any township, in accordance with the provisions of this act, shall remain unpaid by said township for a period of more than three months after a statement of such expense has been rendered by him to such township, and demand for payment by him

made, he shall, with the approval of the Governor, institute, in the name of the Commonwealth as plaintiff, an action of assumpsit against such township for the collection of such expense from the township, in the same manner as debts of like amount are collected by law: Provided, however, That, upon the trial of any such action of assumpsit, the reasonableness of the expenditures made by the Secretary of Health shall be submitted to the jury for its determination.

Section 1614. Payment of Expenses Recovered into State Treasury.—All expenses incurred by the State Secretary of Health in the administration of health laws in any township, when paid to him by such township, or when collected by him, shall be returned by him to the State Treasurer, who shall credit the amount so received to the appropriation made to the Department of Health.

(b) Vacation of Lanes and Alleys Declared Nuisances by Board of Health

Section 1620. Petitions to Vacate Nuisances.—Whenever the board of health shall declare as a nuisance any public alley, lane, or passageway, any two or more owners of property adjacent or abutting upon the same may present their petition, verified by oath or affirmation, to the court of quarter sessions, setting forth the facts regarding such nuisance and praying that said alley, lane, or passageway may be vacated. Such petition shall be accompanied by a certificate of the board of health, setting forth that they have declared such alley, lane, or passageway to be a public nuisance.

Section 1621. Jury of View.—The court shall thereupon appoint a jury of view of three men of the county. The jury, being sworn or affirmed to faithfully perform its duties, shall give notice to all parties likely to be affected by the proceedings, of the time and place of the first meeting, in such manner as the court shall direct.

Section 1622. Hearings and Report.—After the first meeting, the jury shall proceed to view the premises, hear all parties interested and their witnesses, and shall prepare a report of their finding and recommendations as to whether or not such alley, lane, or passageway, or part thereof, should be vacated; and in such report shall award damages and assess benefits to the property affected.

Section 1623. Notice of Filing Report.—The jury shall give notice, in writing, to all parties affected by their report, as least ten days before the same is filed in court. The notice shall state the time and place where such report will be open to inspection.

Section 1624. Exceptions to Report.—Any person aggrieved by such report may file exceptions thereto

with the jury; whereupon the jury shall reconsider their report with the exceptions and change the same as justice may require. The report as finally prepared shall be filed in court.

Section 1625. Appeals From Report.—Any person affected by the report shall have the right of an appeal to the court of common pleas, within thirty days after the report is filed, and the procedure on such appeal shall be the same as in actions of trespass.

Section 1626. Confirmation of Report.—At the end of the period allowed for an appeal, the report shall be absolutely confirmed by the court as to such awards or assessments from which no appeals have been taken.

Section 1627. When Vacation Proceedings not to Be Had.—No alley, lane, or passageway shall be vacated in any case where the vacating deprives any lot abutting thereon of the sole means of ingress or egress, otherwise than to or from the front line thereof; nor where it was created by grant or contract and not theretofore accepted by the public.

ARTICLE XVII

FINANCE AND TAXATION

Section 1701. Budget.—The board of township commissioners of townships shall each year, within sixty days after the first Monday of January, estimate the several amounts of money which will be required for the several specific purposes of township government and expenses during the current fiscal year, and by ordinance appropriate, out of the revenues available for the year, the specific sums required. The tax levied by the township authorities shall be fixed at such figure, within the limit fixed by law, as, with all other sources of revenue, will meet and cover said appropriations. The total appropriation shall not exceed the revenues available for the fiscal year. If the funds available from taxation and other sources shall be estimated to be in excess of the requirements of the current fiscal year, an appropriation may be made for the payment of township orders or indebtedness of the previous years.

Section 1702. Appropriations not to be Exceeded; Changes in Appropriations.—No work shall be hired to be done, no materials purchased, no contracts made, and no orders issued for the payment of any moneys, by the authorities of any township, in any amount which will cause the sums appropriated to specific purposes to be exceeded. No change in the purpose of the appropriations shall be made unless by an ordinance, which shall set out the reasons for and character of such change. If any work shall be done for or materials furnished to any township contrary to the provisions of this section,