

nor until such plan, and the approval thereof, has been recorded as hereinafter provided.

Section 2021. Appeals where Commissioners Refuse Approval.—In any case where the township commissioners shall refuse to approve any plans submitted to them in accordance with this act, any person aggrieved by the action of the commissioners may, within thirty days after such action, appeal therefrom by petition to the court of quarter sessions of the county, which court shall hear the matter de novo, and, after hearing, may enter a decree affirming, reversing, or modifying the action of the commissioners as may appear just in the premises. The court shall designate the manner in which notices of the hearing of any such appeal shall be given to all parties interested. The decision of the court shall be final.

The action of the township commissioners, or of the court on appeal, in approving any such plans, and an approved duplicate copy of such plans, shall be recorded by the person applying for such approval in the office of the recorder of deeds of the county.

Section 2022. No Responsibility on Township where Plans not Approved.—If any road, street, lane or alley, or any drainage facilities in connection therewith, shall be opened, constructed, or dedicated for public use or travel, except in strict accordance with plans approved, as provided in this subdivision, neither the township commissioners nor any public authorities shall place, construct, or operate any sewer, drain, water pipe, or other facilities, or do any work of any kind, in or upon such road, street, lane or alley; and neither the township commissioners, nor any other public authorities, shall have any responsibility of any kind with respect to any such road, street, lane, alley, or drainage facilities, notwithstanding any use of the same by the public, unless such road, street, lane, alley, or drainage facilities, are accepted by ordinance: Provided, however, That nothing herein contained shall prevent the laying of trunk sewers, drains, water or gas mains, if required by engineering necessity for the accommodation of other territory.

Section 2023. Entry of Lands.—The township commissioners and their representatives and workmen may enter upon any land and property, and maintain marks and monuments, so far as the commissioners deem necessary in carrying out their powers and duties of this subdivision.

Section 2024. Penalty.—Any person, copartnership, or corporation who or which shall construct, open, or dedicate any road, street, lane or alley, or any drainage facilities in connection therewith, for public use or travel in any township, without having first complied

with the provisions of this subdivision, and of any ordinances or resolutions of the township authorities adopted pursuant hereto, shall be guilty of a misdemeanor, and, upon conviction thereof, such person or the members of such copartnership or the officers of such corporation responsible for such violation shall be sentenced to suffer imprisonment not exceeding two years, or pay a fine not exceeding one thousand dollars, or both, in the discretion of the court.

Section 2025. Powers of State and Counties Preserved.—Nothing contained in this subdivision shall be held to restrict or limit the State Department of Highways or any county in the exercise of any of its duties, powers, and functions under the provisions of any act of Assembly now in force or hereafter to be enacted.

(d) Relocation, Alteration, and Vacation of Roads in or near State Parks

Section 2030. Agreements to Relocate, Alter, and Vacate Roads.—Whenever a public road or highway within a park or public ground, title to which park or public grounds is vested in the State of Pennsylvania, is laid out, located, relocated, altered, or vacated in such manner that a public road or highway, approaching, leading into, or contiguous to such park or public grounds, shall become either useless, inconvenient or burdensome, such public road or highway, approaching, leading into, or contiguous to such park or public grounds, may be altered, relocated, or vacated, by the township commissioners charged with the duty of maintaining such roads or highways, in whole or in part for the purpose of making it convenient and suitable as an approach to the roads and highways within said park or public grounds, upon the consent and agreement of:

- (a) The commissioners or officials charged with the care and management of said park or public grounds;
- (b) the township commissioners charged with the duty of maintaining said roads or highways, approaching, leading into, or contiguous to said park or public grounds; and
- (c) the property owners owning the majority of the frontage of land abutting upon the relocated portion of the roads or highway approaching, leading into, or contiguous to said park or public grounds.

Section 2031. Agreement to be Filed in Court; Effect of Filing.—The filing of the consent and agreement of commissioners or officials charged with the care and management of such park or public grounds, the township commissioners charged with the maintenance of said roads and highways, and of the property owners, provided for in the preceding section, in the court of quarter sessions of the county or counties in

which the altered, relocated, or vacated road or highway is situate, shall have the same force and effect as the filing and the approval and absolute confirmation by the court of quarter sessions of a report of viewers appointed in accordance with the general road law, and shall have the same force and effect as though said viewers had laid out, located, relocated, altered, or vacated such road or highway in accordance with the agreement filed as aforesaid, and the report of said viewers had been filed, approved, and absolutely confirmed by the court.

The filing of said agreement in the court of quarter sessions shall be conclusive as to the question of the necessity for the laying out, location, relocation, alteration, or vacation of said roads or highways, as contained in the said agreement, and that the portion or portions of said road or highway abandoned or vacated were useless, inconvenient, and burdensome.

**Section 2032. Altered and Relocated Roads Declared Township Roads.**—Such road or highway, when altered or relocated, shall be maintained and repaired in the same manner as other township roads are maintained and repaired.

**Section 2033. Assessment of Damages.**—The owner of any land through which any public road or highway may be so relocated may apply, by petition, to the court of quarter sessions of the proper county, setting forth the injury which he or she may have sustained by reason of the relocation of the said public road or highway, and the proceedings relative to the assessment and payment of damages of said land owner shall be in accordance with the provisions of this act for proceedings for the assessment of damages and benefits.

(e) Elimination of Curves

**Section 2035.** Any township may acquire, by purchase or by the right of eminent domain, such property and lands situate along or adjacent to any township highway as, in the opinion of the commissioners of such township, may be necessary to eliminate dangerous curves.

Upon any such purchase or condemnation, the township commissioners may, from time to time, abate or remove, or cause to be abated or removed, any such dangerous curve or curves, to the extent of the property and land so acquired.

The proceedings for the condemnation of such property and lands under the provisions of this section, and for the assessment of damages for property taken, injured or destroyed, shall be taken in the same manner as is provided by this act for the condemnation of land by townships.

(f) Acquisition of Unobstructed Views at Curves and Intersections

Section 2040. Any township may acquire, by purchase or by the right of eminent domain, a free and unobstructed view down and across such lands located at or near the intersection of any two highways, or a highway and a railroad or railway, or at any curve in any highway, as may be necessary to assure a free and unobstructed view in all directions at such crossings, and to so prevent the use of such lands for any purpose or in any manner which may interfere with or obstruct the vision of any person or persons traveling upon any such highway.

Upon any such condemnation, the township commissioners, having had such view condemned, may, from time to time, abate or remove, or cause to be abated or removed, any obstruction to such view over and across such lands.

The proceedings for the condemnation of such view over and across such lands under the provisions of this act, and for the assessment of damages for property taken, injured or destroyed, shall be taken in the same manner as is provided in this act for the condemnation of land by townships.

Upon the condemnation of a view over and across any such lands, the owner of such lands may make every such use thereof as will not interfere with a free and unobstructed view at such dangerous crossing or curve, and, unless specially provided for in such condemnation proceedings, such condemnation shall not be construed to prevent the owner thereof from using such land for pasture or the growing of grass, oats, wheat, or other crops which will not obstruct the vision more than wheat.

(g) Changing or Altering Roads by Agreement with Property Owners

Section 2045. Whenever the commissioners of any township deem it advisable to construct, change, or alter any part of any public road under their supervision, and can agree with the property owners affected by such change as to damages, they may, upon payment of damages agreed upon, change or alter such part of such public road as contemplated in such agreement without the formality of a view.

No such change or alteration of any part of any public road shall be made, the costs and expenses of which to such township, including damages, shall exceed three hundred dollars. A petition setting forth the facts, accompanied by a map or draft of such proposed change, shall be presented to the court of quarter sessions for approval before such actual change is made; whereupon

the new location, approved by the court, shall be taken to be the public road and the old location shall be vacated.

Nothing contained in this section shall be construed to prohibit a township from paying for curbs, gutters, sidewalks and retaining walls necessitated by such construction, change, alteration or widening in cases where the land necessary therefor is dedicated to the township for public use.

(h) Grading, Draining, Curbing, Paving, Macadamizing Roads or Streets on Petition, and Assessment of Benefits by Viewers

Section 2050. Proceedings on Petition.—Upon the petition of a majority of property owners in interest or number, abutting on the line of any proposed improvement, to be verified by the affidavit of at least one of the petitioners, a majority in interest of owners of undivided interests in any piece of property to be treated as one person, a township may grade, curb, pave, or macadamize, or otherwise improve, any road, street, or alley, or part thereof, or which may be, in whole or in part, boundaries thereof, and provide for the necessary drainage thereof; and may also provide for the improvement of any street, road, lane or alley, and any sections or parts thereof, in length, in the space between the curb, gutter, or actual carriage-way line and the property line, either by an original work or improvement thereon, or by a change, repair, renewal, or alteration in the said highway, curb, parking spaces, or shade trees, or by changing, altering, renewing, replanting, pruning, or otherwise improving the same, in any or all of said particulars. The majority in interest or number required for such petitions shall be fixed as of the date of such petition.

Section 2051. Grading Restrictions.—In grading a road, street, lane or alley, it shall be unlawful to raise the highway above the ordinary grade when a drain or culvert is constructed under such highway, or where a highway is constructed over such drain or culvert.

Section 2052. Notice.—After the passage of any ordinance for the grading, curbing, paving, or macadamizing, or otherwise improving any street or alley, notice shall be given, within ten days thereafter, by handbills posted in conspicuous places along the line of the proposed improvement.

Section 2053. Contents of Notice.—The notice shall state the fact and the date of the passage of such ordinance, that the petition for the improvement was signed by a majority in interest and number of owners of property abutting on the line of the proposed improvement, and that any person interested, denying the fact that said petition was so signed, may appeal to the court of common pleas of the county within thirty days from the passage of the ordinance.

Section 2054. Appeals from Ordinance.—Any person interested may, within thirty days from the passage of such ordinance, present a petition to the court of common pleas of the county, setting forth the facts; whereupon the court shall determine whether such improvement was petitioned for by the requisite majority. If the court shall find that it was not so petitioned for, it shall quash the ordinance, but if it shall find that it was so petitioned for, it shall approve the same. If no appeal shall be taken, or if the court, on appeal, shall approve the ordinance, the township may proceed with the improvement, and thereafter all parties shall be estopped from denying the fact that such petition was properly signed.

Section 2055. Assessment of Damages and Benefits by Viewers.—On petition, viewers shall be appointed, as provided in this act, who shall assess the damages, costs, and expenses of such grading, curbing, paving, or macadamizing, or parking, shade tree planting, or changing or altering, renewing, replanting, pruning, or improving, including the expenses for necessary drainage, upon the property benefited, according to benefits, if sufficient can be found, but if not, the deficiency, when ascertained, shall be paid by the township. The proceedings of the viewers and the proceedings on their report shall be as provided in this act for such proceedings.

Section 2056. Assessments to Bear Interest; Collection.—All such assessments for benefits if not paid within thirty days shall bear interest as provided by this act in such cases, and, if any such assessment remains unpaid, it shall be the duty of the township solicitor to collect the same with interest, by action of assumpsit, or by a lien to be filed and collected in the manner provided by law for the filing and collection of municipal claims. When an owner has two or more lots against which there is an assessment for the same improvement, all of such lots may be embraced in one claim.

(i) Grading, Draining, Curbing, Paving or Macadamizing Streets, and Collection of Cost by Foot Front Rule

Section 2060. Proceedings With or Without Petition.—Townships, with petition or without petition, may grade, curb, gutter, pave, macadamize, or otherwise improve, roads, streets, lanes and alleys, or parts thereof, or a particular width or additional widths thereof, with or without the assistance or contribution of the State, county, or a corporation occupying the thoroughfare, and may assess and collect the whole cost thereof, or the whole cost not thus aided or contributed, or any part thereof, from the owners of real estate abutting on the improvement, by an equal assessment on the foot front, including the expense of the necessary drainage. Such power may be exercised as to any township road, street,

lane or alley, or any State or State-aid highway or county road or highway. The board of commissioners may make equitable adjustments for corner lots, or lots of irregular shape, where an assessment for full frontage would be unjust. Property not otherwise assessable shall become assessable by the petition of the owner or the owner's representative. In all cases where the whole width of the highway is being paved without State or county aid, and more than two-thirds of the total cost is proposed to be assessed on abutters, the township shall, for this purpose, be considered as owner of non-assessable property, of street and alley intersections, and of the deducted frontage on equitable adjustments. On petition of owners representing two-thirds of the number of feet of assessable properties abutting on the proposed improvement, the total cost of the improvement, or a lesser amount if the township desires, may be assessed on the assessable properties abutting, without any deduction for non-assessable property, or street and alley intersections, or for the equitable adjustments aforesaid: Provided, That the petition states that the total cost may be assessed on the abutters.

Section 2061. Grading Restrictions.—In grading a road, street, lane or alley, it shall be unlawful to raise the highway above the ordinary grade when a drain or culvert is constructed under such highway, or where a highway is constructed over such drain or culvert.

Section 2062. Notices of Assessments.—The secretary of the township shall cause thirty days' notice of the assessment to be given to each party assessed, either by service on the owner or his agent, or left on the assessed premises.

Section 2063. Collection of Assessments.—If any assessment shall remain unpaid at the expiration of the notice, it shall be the duty of the township solicitor to collect the same, with interest from the time of completion of the improvement, by action of assumpsit, or by a lien to be filed and collected in the same manner as municipal claims. When an owner has two or more lots against which there is an assessment for the same improvement, all of such lots shall be embraced in one claim.

#### (j) Road Material, Ditches, Drains and Watercourses

Section 2065. Power to Enter Lands.—When road material cannot be conveniently obtained by contract at reasonable prices, the commissioners of townships may enter upon any land or enclosure within their township, lying near the road, and dig, gather, and carry upon the road any stones, sand, or gravel which they think necessary to make, maintain, or repair the road. In exercising such right they shall do no unnecessary damage to the

owners of the land, and shall repair any breaches of fences which they make.

Section 2066. Viewers to Fix Damages.—Whenever the commissioners and the owners of any such materials cannot agree upon the price to be paid therefor, the value of such materials shall be assessed by viewers to be appointed and to make report as provided in this act in the case of eminent domain proceedings.

Section 2067. Ditches, Drains, and Watercourses; Approval of Plans.—No person shall stop, fill up, confine, pave or otherwise interfere with any drain, ditch, watercourse, or drainage facilities, in a township, without first submitting suitable plans thereof to the township commissioners for their approval. Such plans shall be prepared in accordance with such rules and regulations as may be prescribed by the commissioners, and shall show the exact nature of the work to be performed. Before acting upon any such plan, the commissioners may, in their discretion, arrange for a public hearing, after giving such notice as they may deem desirable in each case. The commissioners are authorized to alter such plans, and to specify any changes or modifications of any kind which they, in their discretion, may deem necessary with respect thereto, and may make their approval of such plans subject to any alterations, changes or modifications. Any plans, when so approved, shall be signed on behalf of the township by such officer as the commissioners may designate, and shall be filed in the township offices where the same shall be available for public inspection. No drain, ditch, watercourse, or drainage facilities, shall be constructed, altered, stopped, filled up, confined, paved, or otherwise interfered with, except in strict accordance with plans so approved by the commissioners, or with further plans subsequently approved by them in the same manner. No township shall have any responsibility with respect to conditions arising as a result of the failure on the part of any person to comply with the requirements of this act.

The township commissioners may enter upon any lands or enclosures and cut, open, maintain, and repair such drains or ditches through the same as, in their judgment, are necessary to carry the water from the roads, streets, lanes or alleys.

If any person shall stop, fill up, or confine, pave, or otherwise interfere with any such drain or ditch, watercourse, or drainage facilities, or shall divert or change the course thereof, without the approval of the commissioners as herein provided, such person shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand dollars, or suffer imprisonment not exceeding two years, or both, in the discretion of the court.

Nothing contained in this section shall be held to re-



strict or limit the State Department of Highways or any county in the exercise of any of its powers and duties under the provisions of any law of this Commonwealth, nor to obviate the necessity of securing the consent of the Water and Power Resources Board where required by existing law.

(k) Trees and Shrubbery within Limits of Highways

Section 2070. Saving Trees and Shrubbery.—Where any highway passes through or along forested lands, wild lands, or uncultivated lands, no trees growing within the limits of such highway at a distance beyond fifteen feet on either side of the center line thereof, and which measure four inches or over in diameter at a point two feet from the surface of the ground, shall be cut down or destroyed by the commissioners or persons employed by them or any other person without first obtaining the consent of the abutting owners.

Whenever any highway, running through improved or cultivated lands, has been opened, and there are growing, along the roadsides and within the road limits, shrubs or trees not interfering with public travel, no commissioners or other persons in their employ shall remove, cut, injure, or destroy, or in any other manner interfere with, such shrubs or trees. If such removal or cutting is absolutely necessary for the purpose of maintaining the highway at its highest efficiency, the commissioners or other persons in their employ may so cut or remove such shrubs or trees, after notifying the abutting property owners and entering into an agreement with them relating to the removal, cutting or interference with said shrubs or trees.

Section 2071. Court Orders for Removals.—In either of the cases set forth in the preceding section, if the consent or agreement of the abutting property owners cannot be obtained, the board of commissioners may appeal to a judge of the court of common pleas. The judge shall inquire into the facts of the case, and after hearing all parties in interest, shall make such order as seems just, having due regard for the demand for road improvement as well as for the preservation of the trees or shrubs. From such order there shall be no appeal.

Section 2072. Logs and Cordwood Property of Owner.—All logs, cordwood, branch wood, or other forms of wood, which shall be derived from the destruction or removal of any trees growing along the highways, shall be surrendered to and remain the property of the abutting owners.

Section 2073. Brush and Refuse.—The commissioners may clear out brush and other refuse from along the sides of the road to the legal width thereof. All such clearing and removal of brush and refuse shall be confined to growth that is within the limits hereinabove

described, and to the removal of branches that in any way interfere with public travel. No other injury, by fire, cutting, abrasion, or otherwise, shall be done to the standing timber.

Section 2074. Penalty.—If any commissioner or person in their employ or any other person shall cut down, kill, or injure any living tree, growing as aforesaid, and of a size four inches in diameter or greater at a point two feet from the surface of the ground, or shall violate any other provisions of the preceding sections of this subdivision, he shall, upon conviction thereof in a summary proceeding, be subject to a penalty of not more than five dollars for every tree so cut, injured or destroyed, with costs of suit. Such penalty shall be paid to the township treasurer. If any defendant upon conviction for any offense, fails or refuses to pay the fine and costs imposed, or does not give bond with approved surety to pay the same within ten days, he shall be committed to the county jail for not more than thirty days or until he has paid the fine and costs in full.

Section 2075. Removal of Obstruction.—Nothing in this subdivision of this act shall be so construed as to prevent the commissioners or other persons in their employ from removing such roadside trees which may be thrown down by the wind or lodged in such position as to be a menace to public travel, or which, by reason of any other cause, become a source of danger to the public. Every such act of removal shall be made with due regard to the circumstances of the case, so as to preserve the true intent and purpose of this subdivision.

(1) Protection of Highways from Snowdrifts

Section 2078.—Whenever any roads, streets, or highways, in townships, are so located as to render them liable, on account of high wind during the winter season, to be so filled with snow as to make them impassable, and, in the judgment of the commissioners, such drifts of snow can be avoided by the removal of any fence erected along either side of such road, street, or highway and replacing the same by a fence constructed of posts, wire, and boards or rail combined, such commissioners may agree with the owners of such fences upon a plan for the erection of a fence constructed of posts, wire, and board or rail combined. The township may pay the owners of such fences a sum not to exceed the first cost of the wire used in the construction of such fences. The wire used in the construction of such fences shall be without barbs. This section shall not apply to any stone wall, hedge, or ornamental fence.

Any township which is responsible for the maintenance of any public road or highway shall have authority to enter upon private property adjacent to such public road or highway and place thereon a snow fence, at any

point as may be deemed necessary to within a limit of one hundred (100) feet from the right of way line of such public road or highway, in order to eliminate snow drifting on the traveled portion of the public road or highway.

No such snow fence authorized shall be placed prior to November first, nor shall the same remain in place after April first of the succeeding year, unless the written consent of the owner of the adjacent property is obtained agreeing to an extension of time for the removal of said snow fence.

If the township shall not be able to enter into an agreement with the owner of the adjacent property occupied by such snow fence as to the amount of damages sustained as a result of said fence being placed and removed, the owner may petition the court of common pleas of the county for the appointment of viewers to ascertain the amount of damage incurred in such case, in the manner provided in this act for eminent domain proceedings. Such damages, if any, when ascertained, shall be paid by the township. Any funds available for the construction and maintenance of public roads or highways shall be available for the payment of such damages.

#### (m) Guideposts and Index Boards

Section 2080. Duty to Erect.—The commissioners of townships shall erect posts at the intersection of all public roads, and at one of the angles where any public road crosses another public road, and shall firmly fix thereon boards or metal signs with index hands pointing to the direction of such roads, providing that if a tree, trolley pole, telephone pole, telegraph pole or building is so erected that it can be used in place of a post, and permission has been secured from the owner thereof, such tree, pole, or building may be used in place of a post. On such boards and signs shall be inscribed, in large and legible characters, the name of the town, village, or place to which such roads lead, and the distance thereto computed in miles: Provided, That where any public highway intersects or crosses a State highway, application for a permit shall be made by the commissioners to the State Department of Highways for the erecting of such signs.

Section 2081. Penalty for Destroying.—It shall be unlawful for any person to wilfully destroy, remove, injure, or deface any guidepost or sign or index board erected upon or near any public street, road, or bridge by the authorities of any township, or erected, with the consent of the authorities having jurisdiction over such street, road, or bridge, by any club, association, or other organized body, for the direction, guidance or safety of travelers. Any person violating any of the provisions of this section shall, upon conviction in a summary pro-

ceeding, be sentenced to pay a fine of not less than ten dollars and not more than twenty-five dollars, with all costs of prosecution, together with the value of such sign so destroyed, removed, or defaced. Fines and moneys so collected shall be paid to the township treasurer. In default of payment of said fine, costs, and expenses, he shall undergo an imprisonment in the county jail for not less than five nor more than sixty days.

(n) Highways Crossing Railroads; Special Uses of Highways

Section 2083. Railroad Crossings.—Every township constructing a highway across a railroad shall construct the same above or below the grade thereof, unless permitted by the Public Service Commission to construct the same at grade.

Any such crossing of a railroad by a highway, or any vacation of any highway crossing a railroad, shall be constructed only in the manner prescribed by and under the jurisdiction of the Public Service Commission. The compensation for damages to the owners of adjacent property, taken, injured or destroyed, shall be ascertained, fixed, and paid in the manner prescribed in the Public Service Company Law.

Section 2084. Highway Permits.—No railroad or street railway shall hereafter be constructed upon any township highway, nor shall any railroad or street railway crossings, nor any gas pipe, water pipe, electric conduits, or other piping be laid upon or in, nor shall any telephone, telegraph or electric light or power poles, or any coal tipples or any other obstructions be erected upon or in, any portion of a township highway, except under such conditions, restrictions and regulations, and subject to the payment of such fees for permits as may be prescribed and required by the board of township commissioners, not exceeding the reasonable cost of issuing the permit and expense of inspecting the work authorized by such permit upon completion thereof. All fees so collected for permits shall be paid into the township treasury.

(o) County-aid in the Improvement of Township Roads

Section 2086. Whenever the owners of the majority of the assessed valuation of real property within any township desire any principal road or highway within the township to be improved and maintained at the joint expense of the county and township, they may petition the commissioners of the township for said improvement and require them to make application to the county commissioners for such improvement and maintenance in accordance with the provisions of existing law.

In all cases where the township commissioners refuse

to act upon, or unduly delay action on, any petition for the improvement and maintenance of any road or highway, any citizen taxpayer of the township or county may, by petition, present the facts of the matter to the court of quarter sessions, requesting the court to order such action thereon as the case may require. If after due hearing had before said court it shall appear that the truth of the matters alleged in the petition are sustained, the court shall make an order directing the township commissioners to forthwith act upon said application or applications, and that the said application or petition for the improvement be forthwith forwarded to the county commissioners.

(p) Penal Provisions

Section 2088. If any person working upon any road or highway in any township, or if any one in company with such person, shall ask money or reward, or by any means whatever shall extort or endeavor to extort any money, intoxicating drink, or other thing, from any person traveling upon or near such road or highway, the person so offending shall for every such offense forfeit and pay a sum not exceeding five dollars.

If any township commissioner shall connive with any person so asking, demanding, or contriving to extort money, intoxicating drink, or any other thing from any person traveling as aforesaid, such commissioner shall, for every such offense, forfeit and pay a sum not exceeding ten dollars.

If any person shall stop or obstruct any public road or highway in any township, or shall commit any nuisance thereon by felling trees, making fences, turning the road, or in any other way, and shall not, on notice given by the township commissioners, forthwith remove the obstruction or nuisance and repair the damages done to such road, such person shall, for every such offense, forfeit and pay a sum not more than twenty-five dollars. Nothing in this section shall debar an indictment for any such nuisance, as in case of misdemeanor at common law.

All penalties provided for in this section shall be recovered by summary proceeding for the use of the township.

(q) Opening, Making, Amending, and Repairing Highways and Bridges by Contracts with Taxpayers

Section 2090. Taxpayers' Rights.—Any one or more taxpayers of any township may acquire the right to furnish all the materials and labor necessary for opening, making, amending, and repairing the public highways and bridges of such township, in the manner and under the conditions set forth in this subdivision of this act.

Section 2091. Petition to Court.—To acquire such

for. The Secretary of Highways may make partial payments to any contractor performing any highway improvement, under this act, as the same progresses, upon estimate made by the Department of Highways; but not more than ninety (90) per centum of the estimate of the work done, or of the contract price, shall be paid in advance of the full and satisfactory completion of said improvement and acceptance of same by the Secretary of Highways: Provided, That the Secretary of Highways may, in his discretion, make payments in excess of ninety (90) per centum of the work done, or of the contract price, when at least ninety-five (95) per centum of the work under the contract has been completed. The amount retained under said contract for the work done and performed shall in all cases be sufficient to cover double the contract price or estimated cost of the work remaining to be done to satisfactorily complete the contract: *And provided further, That the Secretary of Highways may, in addition to the payments herein authorized, also pay seventy-five (75) per centum of the bid price of fabricated steel, necessary in the construction of bridges, after the same has been delivered on the site of the work, and inspected and approved by a duly authorized representative of the Department of Highways, but, whenever any such payment is made, the Commonwealth shall take, as security for the placing of the steel in the structure proper, documents transferring to it the absolute legal title thereto.*

Section 7. That section eighteen of said act is hereby amended to read as follows:

Section 18. All highways improved and constructed, or rebuilt, under the provisions of this act, shall be [macadam, telford, or other stone road, or constructed of brick, gravel, cinder, oyster-shells or other good] *constructed of such materials, or combination of materials, in such manner that the same, of whatever material constructed, will, with reasonable repairs thereto, at all seasons of the year, be firm, smooth and convenient for travel: Provided, That the kind of materials to be used on any particular highway, or part thereof, to be built, shall be decided or selected by the [State Highway Commissioner] Secretary of Highways before the contract is let: And provided further, That all State highways shall be constructed and improved to the width of not less than [twelve (12) feet] nine (9) feet.*

Partial payments.

Amount retained.

Proviso.

Payment on account of steel delivered.

Security.

Section 18 amended.

Manner of construction.

Proviso.

Proviso.

Minimum width.

APPROVED—The 26th day of June, A. D. 1931.

GIFFORD PINCHOT