

No. 242.

A SUPPLEMENT

To an act to incorporate the borough of Elizabethtown, in the county of Lancaster, approved the thirteenth day of April, one thousand eight hundred and twenty-seven.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passage of this act, the borough of Elizabethtown, in the county of Lancaster, shall be comprised within the following boundaries, to wit:—Beginning at the corner of an alley on the turn-pike, one hundred and thirty-two perches north-west of the centre of said town, thence south forty and three-fourths degrees west one hundred and ninety-one perches; thence south forty-nine and one-fourth degrees east one hundred and seventy-two perches; thence south sixty-three and one-fourth degrees east thirty-two and one-half perches; thence north forty-seven degrees east two hundred and fifty-five and five-tenth perches, to corner stone; thence north twenty-three degrees, west one hundred and forty perches; thence south eighty-one and a half degrees west one hundred and forty-seven perches to corner of an alley; thence along said alley south sixty seven degrees west twenty-five and sixth-tenth perches to place of beginning. Boundaries.

SECTION 2. That the qualified electors of the borough aforesaid, shall meet at the usual place of holding the borough election, on the third Friday in March, eighteen hundred and forty-seven, being the day of the township elections in the state, and between the hours of one and six in the afternoon, then and there elect, by ballot, one reputable citizen, who shall be a burgess, six citizens, who shall be a town council, and one citizen, who shall be a high constable; the council to be classified agreeable to the provisions of this act. Election of borough officers.

SECTION 3. On the Monday next after the said election, the members of the town council, elected under this act, shall be convened at the house now in the occupancy of Christian Hoffman, in said borough, by order of the burgess elect, and then and there shall, by lot, divide themselves into three classes; and the seats of the members of the first class shall be vacated at the expiration of the first year, counting the year from the first Monday after the third Friday in March, and the second class at the expiration of the second year, and the third class, at the expiration of the third year. Meeting of council.

SECTION 4. That the qualified voters of said borough, citizens, who have resided within the limits prescribed by this act, for six months preceding such election, and have paid a borough tax within one year from said election, shall, on the third Friday in March ensuing the election aforesaid, and on the same day in each and every year thereafter, meet at the usual place of holding the borough election, or at such place as may hereafter be appointed, and between the hours of one and six in the afternoon, elect one burgess, two members of the council, and one high constable; the members of the council, to supply the seats of the members of the council vacated in the manner hereinbefore mentioned. Classification.
Qualification of voters.
Annual elections.

- Duties of council.** **SECTION 5.** It shall be the duty of the burgess and town council, four of whom, with the burgess, shall form a quorum, to hold monthly meetings on the third Monday in each and every month, and oftener if occasions require; at which meetings the burgess shall preside, and in case of an equal division, give the casting vote; and the said burgess and council shall have power, at such meetings, to ordain and enact, revive and repeal, and amend such ordinances, by-laws, rules and regulations, as shall be deemed expedient to promote the peace, good order, benefit and accommodation of the citizens of said borough; particularly of providing for the regulations of the market, repairing and keeping in good order the streets, lanes, alleys and highways, and removing nuisances therefrom; to designate the width of side walks, to regulate the depth of vaults, sinks, drains; make permanent rules for the foundation of buildings and party walls; regulate the fences, side posts and railings along the streets; to impose fines and penalties, and to require and compel the owners of houses, stores, work shops, stables, buildings and lots, to pave the side walks on such streets, with such materials as shall, by the burgess and town council, be deemed necessary and expedient, and the same to keep in repair; and to prohibit the exhibition of shows, plays, mountebanks, jugglers and all and every other exhibition, under such restrictions, fines and penalties, as the said burgess and council shall direct; and to require and compel the inhabitants of the borough, and others occupying property therein, to clean the chimneys and stove pipes in the buildings used and occupied by them, in such manner, and as often as the said burgess and town council shall direct; and the said burgess and town council shall have power and authority to organize as many fire companies, of the citizens of said borough, as there are or shall be fire engines belonging to said borough; and that the said burgess and town council shall have power and authority to assess and apportion, raise and appropriate such taxes as may and shall, by them, be deemed necessary for carrying the said rules, ordinances and regulations, from time to time, into complete effect; they shall also appoint, annually, one or more street supervisors, a town clerk, a treasurer, tax collector, and such other officers as may be deemed necessary, and the same officers from time to time remove; and all by-laws, ordinances, rules and regulations, shall be signed by the burgess, and attested by the town clerk, and entered in the records of the corporation: *Provided*, That no by-laws, rules or ordinances of the corporation, shall be repugnant to the constitution of the United States, or of this commonwealth; and that no person shall be fined or punished for the breach of any by-law or ordinance, made as aforesaid, until ten days have expired after the promulgation thereof, by at least five advertisements, set up in five public places in said borough: *And provided*, That in assessing such tax, due regard shall be had to the valuation of taxable property, taken for the purpose of raising county rates and levies, so that the said tax shall not exceed three mills on the dollar, in such valuation for county purposes, excepting however, that in all objects of general utility, the burgess shall have a right to call a public meeting, after not less than five days' notice shall have been given, by written or printed advertisements, stating the object of such meeting, put up in not less than five public places in said borough; and if two-thirds of the citizens present at said meeting shall, by writing under their hands, agree to raise an additional tax for such purpose, then the said burgess and town council shall proceed to levy and assess such additional tax, and cause the same to be collected and paid over to the borough treasurer, in the same way and manner as is provided for by this act; all property, officers, professions and persons made
- By-laws and ordinances.**
- Proviso.**
- Proviso.**

taxable by the laws of this commonwealth for county rates and levies, shall be taxable after the said manner, by said borough; and all rates, taxes and levies rated and levied therein, shall be recovered in the same manner as county rates and levies in the county of Lancaster are by law recoverable.

SECTION 6. It shall be the duty of the supervisor or supervisors to open the streets, repair the same, and also the lanes and alleys in said borough, and to erect and repair the bridges and causeways in the same, under the direction and supervision of the said burgess and town council, excepting such alleys and bridges as are or shall be considered private property, and used as such. Duties of supervisors.

SECTION 7. That all claims for materials furnished, and work done in curbing and paving any side walk in front of, or adjoining any lot or piece of land in the borough of Elizabethtown, in the county of Lancaster, filed after the passage of this act, shall be the first lien on the lot or lands in front of, or adjoining which such curbing or paving shall have been done, and the amount of such claim shall be paid, before any other lien on such lot or lands, out of the proceeds of any sale thereof; and in all cases in which any such claim shall remain unpaid for sixty days after the same shall be filed in the prothonotary's office, the owner of the lots or lands shall pay, for the use of the borough, twenty per cent. on such claim, in addition to the amount thereof, and execution may issue on such claim, filed for the amount thereof, and the said twenty per cent. in addition thereto, as in other cases. In what cases liens may be filed.

SECTION 8. Justices of the peace shall have jurisdiction, concurrent with the court of common pleas, in all cases of claims or demands for materials furnished, or for work done in curbing and paving any side walk in the borough of Elizabethtown, either by the order or engagement of the owner of any lots or lands, or of the town council, not exceeding one hundred dollars, before any such claim for materials or work shall be filed as a lien in the prothonotary's office; and suits for such demands may be brought by, and in the name of the person who furnished the materials or done the work, or by and in the name of the burgess and town council of the borough of Elizabethtown, at their own option: *Provided*, That appeals from the judgment of the justice, shall be allowed as in other cases. Jurisdiction of justices of the peace in regard to claims.

SECTION 10. That so much of the act passed the thirteenth day of April, eighteen hundred and twenty-seven, and a supplement passed in one thousand eight hundred and twenty-nine, as relates to the borough of Elizabethtown, as is hereby altered, amended or supplied, be and the same is hereby repealed; and that so much of said act as is not hereby altered, amended or supplied, be and the same is hereby re-enacted, to continue in full force and operation. Repeal.

JAMES COOPER,
Speaker of the House of Representatives.

CH. GIBBONS,
Speaker of the Senate.

APPROVED—The thirteenth day of March, one thousand eight hundred and forty-seven.

FRS. R. SHUNK.