

No. 30

## AN ACT

To further amend the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-one (Pamphlet Laws 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," by giving townships additional powers in relation to streets, State highways, sewers, public squares and properties abutting thereon.

"The First Class Township Code."

Clauses XXIV and LI of section 1502, act of June 24, 1931, P. L. 1206, as reenacted and amended by act of May 27, 1949, P. L. 1955, further amended.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Clauses XXIV and LI of section 1502 of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-one (Pamphlet Laws 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," as reenacted and amended by the act, approved the twenty-seventh day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1955), are hereby further amended to read as follows:

Section 1502. The corporate power of a township of the first class shall be vested in the board of township commissioners. The board shall have power—

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XXIV. Markets, Market Houses and Peddling. To regulate markets and peddling, whether for individual use or for resale; to provide and enforce regulations for markets and market houses, whether for individual use or for sale or resale; and to acquire and own ground for and to erect, establish, and maintain market houses and market places, for which latter purposes, parts of any streets, *highways* or sidewalks may be temporarily used as specified by the township commissioners; to contract with any person, firm, or corporation for the erection, maintenance, and regulation of market houses and market places, on such terms and conditions and in such manner as the board of commissioners may prescribe; to provide for the payment of the cost and expense of providing markets and market houses, either in whole or in part, from township funds; and to levy and collect a license tax from every person who may be authorized to occupy any portion of said market houses or places.

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LI. Purchase and Planting of Trees. To accept, purchase and plant or contribute to the purchase and planting of shade trees and shrubs along the streets, *highways* and sidewalks of the township, and to expend township moneys for such purpose.

Section 2. Section 1502 of said act is hereby amended by adding, at the end thereof, a new clause to read as follows:

Section 1502. The corporate power of a township of the first class shall be vested in the board of township commissioners. The board shall have power—

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*LVII. Street, Sewer, Sidewalk, Etc., Regulations. To regulate the streets, sewers, public squares, common grounds, sidewalks, curbs, gutters, culverts and drains, and the heights, grades, widths, slopes and construction thereof, and to grant rights therein for the installation of public utilities in said streets.*

Section 3. Sections 1901, 1907, 1908, 1909, 1910, 1914, 1916, 1917, the title of Article XX, the title of Subarticle (a) of Article XX, section 2001, the title of Subarticle (b) of Article XX, sections 2005, 2008, 2011, 2035, 2040, the title of Subarticle (h) of Article XX, sections 2050, 2052, the title of Subarticle (i) of Article XX, sections 2060, 2065, 2067, the title of Subarticle (k) of Article XX, section 2070, the title of Subarticle (l) of Article XX, sections 2078, 2080, 2081, 2088, the title of Subarticle (g) of Article XXI, sections 2130, 2411, the title of Subarticle (d) of Article XXIV, sections 3023, 3061, 3065, subsections (a), (b) and (h) of section 3066, and section 3202 of said act, as last reenacted and amended or added by the act, approved the twenty-seventh day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1955), are hereby further amended to read as follows:

Section 1901. Exercise of Eminent Domain.—In the laying out, opening, widening, extending, vacating, grading or changing the grades or lines of streets or *highways*, the construction of bridges and the piers and abutments therefor, the construction of slopes, embankments and sewers, including storm water drains, the erection and extension of waterworks, wharves and docks, public buildings, public works, lands and places for the disposal of ashes and other refuse materials, garbage treatment works and libraries, the establishing of parks, playgrounds and recreation places, the changing of watercourses, and for all other purposes authorized by this act, a township of the first class may enter upon, appropriate, injure or destroy private lands, property and material.

Section 1907. Right to Damages.—The right to damages against townships is given to all owners or tenants of lands, property, or material abutting on, or through which pass streets or *highways*, injured by the laying out, opening, widening, vacating, extending, or grading of such streets, or the changing of the grades or lines

Section 1502, said act, amended by adding, at end thereof, a new clause LVII.

Sections 1901, 1907, 1908, 1909, 1910, 1914, 1916, 1917, the title of Article XX, the title of Subarticle (a) of Article XX, section 2001, the title of Subarticle (b) of Article XX, sections 2005, 2008, 2011, 2035, 2040, the title of Subarticle (h) of Article XX, sections 2050, 2052, the title of Subarticle (i) of Article XX, sections 2060, 2065, 2067, the title of Subarticle (k) of Article XX, section 2070, the title of Subarticle (l) of Article XX, sections 2078, 2080, 2081, 2088, the title of Subarticle (g) of Article XXI, sections 2130, 2411, the title of Subarticle (d) of Article XXIV, sections 3023, 3061, 3065, subsections (a), (b) and (h) of section 3066, and section 3202, said act, as last reenacted and amended or added by act of May 27, 1949, P. L. 1955, further amended.

thereof, by such townships; the construction and the vacation by such townships of bridges and piers, abutments, and approaches therefor; and the construction by such townships of sewers over, upon, or through such lands or property and in all other cases where the power of eminent domain is exercised by a township and property is taken, injured or destroyed.

Section 1908. Viewers' Report.—Viewers or juries of view appointed by any court to assess damages and benefits, due to the taking, injury, or destruction of private land or property in and by the construction or enlargement of any public work, street or *highway*, or improvement, shall make their reports within a time which the court shall fix when appointing them, but if any of the viewers or juries of view shall, for any reason appearing sufficient to the court, be unable to file their report within the period so fixed, the court may, either before or after the expiration of the time fixed, extend the time for the filing of such report.

Section 1909. Plans of Properties Condemned to Be Furnished to Viewers.—In all proceedings to assess damages for the taking, injury or destruction of private land or property for public use, the township taking, injuring or destroying land or property for said purpose shall furnish the jury of view with a correct plan of all land or properties affected, showing all buildings or other structures thereon, their width, length, elevation, and cubical contents, names of all owners, tenants, or occupiers thereof, the topography of the land, and the grades and widths of all streets or *highways* running through or abutting on said lands or properties, and all other data necessary for a proper determination of the amount of damages caused by the taking, injury or destruction of said private land or property.

Said plans shall be prepared and ready for the use of the viewers at their first meeting, and copies thereof shall be furnished to all owners, tenants, and occupiers of the land and property, and all other parties affected thereby, without charge.

Section 1910. Condemnation Petition to Specify Liens; Exception.—In all proceedings instituted for the condemnation and appropriation of land and property by the exercise of the right of eminent domain, excepting proceedings to ascertain damages and benefits by reason of township street, *highway* or sewer improvements, the petition for the appointment of viewers therein shall contain allegations specifying any judgments, mortgages, or other claims (herein designated "liens") which are liens upon the land and property sought to be appropriated or condemned as aforesaid.

Section 1914. Competency of Evidence as to Market

Value of Land or Property.—In all proceedings arising from the exercise of the right of eminent domain, it shall be competent for all witnesses called, when duly qualified, to state their opinion as to the market value of the land or property before the exercise of the right of eminent domain and as unaffected by it and its market value immediately after the exercise of the right of eminent domain and as affected thereby:

(a) To state, in detail and amounts, all the elements of benefit or damage which they have taken into consideration in arriving at their opinion;

(b) In arriving at their opinion as to the market value immediately after the exercise of the right of eminent domain, to add to their opinion of the market value before such exercise, the cost or value of all the element of benefit or advantage, and to deduct therefrom all disadvantage or damage in order to arrive at the market value after such exercise of the right of eminent domain and as affected thereby;

(c) In all proceedings to assess damages or benefits for the opening of any street or *highway*, to take into consideration, as one of the elements of advantage or disadvantage, the cost of street improvement.

In all claims for damages against a township, arising from the exercise of the right of eminent domain, it shall be competent for the party or parties claiming damages to offer in evidence, as a declaration against interest, the value of the land or property affected as assessed for the purpose of taxation.

Section 1916. Appeals in Eminent Domain Proceedings; Payment of Money Into Court.—In all cases of damages assessed against any township for land or property taken, injured or destroyed by the construction or enlargement of their works, streets, *highways* or improvements, whether such assessment shall have been made by viewers, or otherwise than upon trial in court, and an appeal is not provided for, an appeal may be taken by either party to the court of common pleas of the county within thirty days from the filing of the report.

Any such appeal taken shall be signed by the party taking the same or by his agent or attorney, and shall be accompanied by an affidavit of the party appellant, or of the agent or attorney, that the same is not for the purpose of delay, but because the affiant firmly believes that injustice has been done.

When no such appeal is taken and judgment is entered, and the party to whom damages have been awarded refuses to accept payment of such award or judgment, then it shall be lawful for the township, upon petition to the court after notice as ordered by court,

to pay the amount of the award and costs into the court. The court, upon such payment, shall order the satisfaction of the award or judgment.

Section 1917. Title Acquired.—In all cases where land or property is acquired in eminent domain proceedings other than for street *or highway* purposes, or is acquired by gift, purchase or otherwise, the title obtained by the township shall be in fee simple: Provided, That in particular instances a different title may by agreement be acquired.

## ARTICLE XX

### STREETS AND HIGHWAYS

#### (a) Plans of Streets and Highways

Section 2001. Every township shall have a general plan of its streets *and highways*, including those which have been or may be laid out but not opened. Such plan shall be filed in the office of the engineer or other proper officer of the township, and all subdivisions of property thereafter made shall conform thereto. No streets, or parts thereof, laid out or accepted and confirmed on such plan, shall afterwards be altered without the consent of the commissioners of the township. No plan or plot of streets shall be entered in any public office of the county until approved by the board of township commissioners. No person shall be entitled to recover any damages for any improvements placed or constructed within the lines of any street *or highway* after the same has been located or ordained on the plan provided for by this section.

#### (b) Laying Out, Opening, Widening, Straightening, Vacating and Relaying Streets, Highways, Et Cetera; Repairs and Detours

Section 2005. Power to Lay Out, Open, Widen, Vacate, Et Cetera.—The board of township commissioners may enact, ordain, survey, lay out, open, widen, straighten, vacate, and relay all streets, and parts thereof, which are wholly within the township, upon the petition of a majority in interest of the owners of property or properties through whose land such street passes, or upon whose land it abuts, or without petition of the owners of abutting property if, in the judgment of the board of commissioners, it is necessary for the public convenience; *and the authority to open, widen and straighten highways with the approval of the Secretary of Highways*. Such power shall include authority to vacate in whole or in part streets laid out by the Commonwealth where the same have remained unopened for a period of thirty years; and also the authority to lay

out and open a street which will be a continuation or extension of a street already open by an adjacent city, borough, or township.

Section 2008. Draft; Report.—After such hearing and a consideration of the matter, should the board of commissioners, or a majority thereof, decide in favor of exercising the power so conferred, they shall make written report, together with a draft or survey of the street *or highway*, fixing the width thereof and noting the improvements along the line thereof, and the names of the owners of property through which the same shall pass or whereon it shall abut. Such report and draft shall be filed in the office of the clerk of the court of quarter \*sessions.

Section 2011. Notices to Be Posted Along Improvement.—After the passage or approval of any ordinance by the board of commissioners, for the opening, widening, straightening, extending, or vacating any street *or highway*, notice shall, within ten days thereafter, be given by handbills posted in conspicuous places along the line of the proposed improvement. Such notice shall state the fact of the passage or approval of the ordinance, and the date of the passage or approval.

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 street *or highway* as, in the opinion of the commissioners of such township, may be necessary to eliminate dangerous curves and widen narrow streets *or highways* for the better protection and safety to the traveling public.

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, or widen such narrow street *or highway*, 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 or land taken, injured or destroyed, shall be taken in the same manner as is provided by this act for the condemnation of lands by townships.

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 streets *or highways*, or a street *or highway* and a railroad or railway, or at any curve in any street *or 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 inter-

\* "session" in original.

ferre with or obstruct the vision of persons traveling upon any such street *or 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 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, 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.

(h) Grading, Draining, Curbing, Paving, Macadamizing Streets *or Highways* 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 street *or highway*, 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 *or highway*, 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 street *or highway*, curb, parking spaces, or shade trees, or by changing, [alterating] *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 2052. Notice.—After the passage of any ordinance for the grading, curbing, paving, or macadamizing, or otherwise improving any street *or highway*, notice shall be given, within ten days thereafter, by handbills posted in conspicuous places along the line of the proposed improvement.

(i) Grading, Draining, Curbing, Paving or Macadamizing Streets or Highways, 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, streets or highways, 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. 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 street 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 intersection, 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 intersection, or for the equitable adjustments aforesaid: Provided, That the petition states that the total cost may be assessed on the abutters.

Section 2065. Power to Enter Lands.—When 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 street or highway, and dig, gather, and carry upon the street or highway any stones, sand, or gravel which they think necessary to make, maintain, or repair the street or highway. 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 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 streets or highways.

Any person who 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, shall upon conviction thereof, in a summary proceeding, be sentenced to pay a fine not exceeding twenty-five dollars for each offense, and in default of the payment of such fine and costs shall be sentenced to imprisonment of not more than ten days.

Nothing contained in this section shall be held to restrict 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, Shrubbbery, and Obstructions within Limits of Streets or Highways

Section 2070. In order to provide for easy and convenient traveling upon the public streets or highways,

the township commissioners may cut, alter or remove any trees, shrubbery, underbrush, refuse or obstructions within the legal width of any public street *or highway*, or any part thereof. All logs, cordwood, or other forms of wood, derived from the destruction or removal of any trees growing along such streets *or highways*, shall become the property of the abutting owners, provided that such abutting owners shall, within ten days after notice from the township, remove such logs, cordwood, or other forms of wood from the legal width of the street *or highway*. In the event of their failure to do so, they shall forfeit all interest therein, and the same may be disposed of as the township commissioners deem proper.

(1) Protection of Streets *or Highways* from Snowdrifts

Section 2078. Whenever any 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 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 street shall have authority to enter upon private property adjacent to such street 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 street, in order to eliminate snow drifting on the traveled portion of the street.

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 streets shall be available for the payment of such damages.

Section 2080. Duty to Erect.—The commissioners of the township shall erect posts at the intersection of all streets or *highways*, and at one of the angles where any street or *highway* crosses another street or highway, and shall firmly fix thereon boards or metal signs with index hands pointing to the direction of such street or *highway*, but 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 streets or *highways* lead, and the distance thereto computed in miles. Where any street 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 street, *highway* or bridge by the authorities of any township, or erected with the consent of the authorities having jurisdiction over such street, *highway* 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 proceeding, be sentenced to pay a fine of not less than [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, and in default of such payment shall be sentenced to imprisonment of not more than ten days. Fines and moneys so collected shall be paid to the township treasurer.

Section 2088. If any person working upon any street 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 street, 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 street *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 damage done to such street *or highway*, 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.

(g) Grading, Curbing, Paving, Macadamizing Boundary Street or *Highway*, Et Cetera

Section 2130. Townships may enter into agreements with adjoining boroughs for the grading, paving and curbing, or macadamizing of streets *or highways* which may be boundaries between such townships and boroughs; and may provide in such contract that the damages, costs, and expenses of such improvement shall be divided between such townships and boroughs in proportions agreed upon.

In grading, paving and curbing, or macadamizing any such street *or highway*, townships shall exercise such power only upon petition of a majority of the property owners in interest and number abutting the line of the proposed improvement within the township limits, to be verified by the affidavit of one of the petitioners; a majority in interest of owners of undivided interest in any piece of property to be treated as one person asking that such improvement be made.

The portion of the damages, costs, and expenses agreed to be paid by any township shall be ascertained, and the benefits incident thereto shall be assessed and collected, in the manner provided in this act for the assessment of damages and benefits by viewers.

Section 2411. Assessment of Property Outside Limits of Townships for Sewers.—Whenever any sewer is located in any street *or highway* dividing such township from any other municipality or township located in the same county, the property on the side of the street *or highway* outside the line of such township, for a depth of one hundred fifty feet, shall be assessed for sewers on

such street or highway on which property shall abut. Such assessment shall be made in the same manner and in the same proceeding as is used for the assessment of property within the township for such sewers.

(d) Sewers and Drains in Streets or Highways, or over Private Property; Assessment of Cost of Construction According to Benefits

Section 3023. General Powers of Commission.—The commission shall have exclusive custody and control of the shade trees in the township, and is authorized to plant, remove, maintain, and protect shade trees on the public streets and highways in the township.

Section 3061. Grant of Power.—For the purpose of assuring sites suitable for building purposes and human habitation and to provide for the harmonious development of townships; for the coordination of existing streets and highways with proposed streets, parks or other features of the township's official plan of streets and highways; for adequate open spaces for traffic, recreation, light and air and for proper distribution of population, thereby creating conditions favorable to the health, safety, morals and general welfare of the citizens, the boards of township commissioners are hereby empowered to adopt by ordinance, land subdivision regulations. Such regulations may include definitions, design, standards, plan requirements, plan processing, procedures, improvement, construction, requirements and conditions of acceptance of public improvements by the township.

Section 3065. Subdivisions Wherein Lots Abut Existing Improved \*Streets or Highways of Sufficient Width.—Such regulations may provide that plans of subdivisions, wherein lots abut existing improved streets or highways of sufficient width, shall be subject to approval or rejection by the township engineer or a committee appointed by the board of township commissioners as specified in the ordinance or resolution establishing the regulations. In the event such a plan is disapproved the reasons therefor shall be set forth in writing and given to the applicant. Any person aggrieved by the decision of the township engineer or the committee may appeal to the board of township commissioners and such appeal shall be considered by the board at its next regular meeting. The decision of the board shall be final.

Section 3066. Subdivisions Wherein Lots Abut Existing Streets or Highways of Insufficient Width or Proposed Streets.—

(a) Plans may be Referred to Planning Commission for Recommendations. Such regulations may provide that plans of subdivisions, wherein lots abut existing

\* "Street" in original.

streets or *highways* of insufficient width or streets proposed to be laid out through unimproved land, may if the board of township commissioners deems it advisable, be referred to the planning commission of the township, if any, for its recommendations as to location and width of streets and similar features. Such plans shall be subject to approval or rejection by the board of township commissioners. In the event such a plan is disapproved the reasons therefor shall be set forth in writing and given to the applicant. Any party aggrieved by the decision of the board of township commissioners may appeal to the court of quarter sessions of the county as hereinafter provided.

(b) General Requirements; Prerequisite to Approval of Plan. The board of township commissioners shall not approve any subdivision plan unless all streets shown thereon shall be of sufficient width and proper grade, and shall be so located as to accommodate the probable volume of traffic thereon, afford adequate light and air, facilitate fire protection, provide access of fire fighting equipment to buildings, and provide a coordinated system of streets and *highways* conforming to the township's official plan of streets and *highways*, and unless the land whereon buildings are to be constructed shall be of such character that it can be used for building purposes without danger to health or peril from fire, flood or other hazard.

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(h) Recorded Plan Become Part of Official Plan. After a subdivision plan has been duly recorded the streets, *highways*, parks and other public improvements shown thereon shall be considered to be a part of the official plan of the township.

Section 3202. Maps and Plans; Recommendations of Planning Commission.—In addition to filing an annual report, it shall be the duty of the planning commission to make, or cause to be made, and to lay before the township commissioners maps and plans of the township, or any portion thereof, showing the streets, *highways* and other natural and artificial features, and also any locations recommended by it for any new public buildings, civic schemes, parkways, parks, playgrounds, or any other public grounds or public improvements, and any widening, extension, or relocation of the same, and thereafter, from time to time, the planning commission may lay before the township commissioners any modification, change, or supplement to any prior plan or plans. The planning commission may also, from time to time, make recommendations to the township commissioners with respect to any and all matters and things referred to in this section, and, in so doing, shall have

regard for the present conditions and future needs and growth of the township.

Any maps or plans so submitted shall not be effective unless regularly approved and adopted by ordinance or resolution of the township commissioners, and after such approval and adoption shall be subject to revision and change from time to time as the township commissioners may deem expedient.

APPROVED—The 27th day of May, A. D. 1953.

JOHN S. FINE

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No. 31

AN ACT

To further amend the act, approved the twenty-fifth day of June, one thousand nine hundred forty-seven (Pamphlet Laws 1145), entitled, as amended, "An act empowering cities of the second class, cities of the second class A, cities of the third class, boroughs, towns, townships of the first class, townships of the second class, school districts of the second class, school districts of the third class and school districts of the fourth class to levy, assess, and collect or to provide for the levying, assessment and collection of certain additional taxes subject to maximum limitations for general revenue purposes; authorizing the establishment of bureaus and the appointment and compensation of officers and employes to assess and collect such taxes; and permitting penalties to be imposed and enforced; providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court," by further regulating the imposition of taxes under the provisions of said act, the limitations thereon, and the publication and filing of notices relative thereto.

Taxation.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Subsections A and E of section 1, act of June 25, 1947, P. L. 1145, as last amended by act of September 29, 1951, P. L. 1640, further amended.

Section 1. Subsections A and E of section 1 of the act, approved the twenty-fifth day of June, one thousand nine hundred forty-seven (Pamphlet Laws 1145), entitled, as amended, "An act empowering cities of the second class, cities of the second class A, cities of the third class, boroughs, towns, townships of the first class, townships of the second class, school districts of the second class, school districts of the third class and school districts of the fourth class to levy, assess, and collect or to provide for the levying, assessment and collection of certain additional taxes subject to maximum limitations for general revenue purposes; authorizing the establishment of bureaus and the appointment and compensation of officers and employes to assess and collect such taxes; and permitting penalties to be imposed and enforced; providing an appeal from the ordinance or