

Section 14. Rules of Interpretation.—In the absence of a contrary intent appearing therein, wills shall be construed as to real and personal estate in accordance with the following rules:

* * * * *

(15) *If in a will no express disposition or other mention is made of a cemetery lot owned by the testator at his decease and wherein he or any member of his family is buried, the ownership of the lot shall not pass from his lawful heirs by a residuary or other general clause of the will but shall descend to his heirs as if he had died intestate.*

APPROVED—The 3rd day of June, A. D. 1953.

JOHN S. FINE

No. 54

AN ACT

To prohibit operation of boats having a developed horsepower rating in excess of ten on Canadohta Lake, in Crawford County.

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

Section 1. No boat equipped with a motor having a developed horsepower rating in excess of ten shall be operated on Canadohta Lake, in Crawford County.

Section 2. Any person violating the provisions of this act shall, upon summary conviction, be sentenced to pay a fine of not more than fifty dollars (\$50) and costs of prosecution, or, in default of the payment thereof, to undergo imprisonment for not more than twenty (20) days.

Section 3. The provisions of this act shall become effective immediately upon final enactment.

Canadohta Lake, Crawford County.

Operation of motor boats of more than ten horsepower on said lake prohibited.

Penalty.

Act effective immediately.

APPROVED—The 19th day of June, A. D. 1953.

JOHN S. FINE

No. 55

AN ACT

To protect the public health as well as the livestock industry of the Commonwealth of Pennsylvania by regulating the business of collecting, transporting, cooking and feeding garbage to swine; providing for renegotiating contracts or parts of such contracts made with persons engaged in such business; providing for the licensing of such business and cancellation of such licensing; authorizing the Department of Agriculture to promulgate rules and regulations therefor; imposing certain duties upon said department; and providing penalties.

Garbage.

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

Definitions.

Section 1. The following words and terms as used in this act shall be construed as follows:

“Garbage” shall mean putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of foods, including animal carcasses and parts thereof.

“Person” shall mean the Commonwealth or any of its political subdivisions, charitable, eleemosynary and religious institutions of any nature whatever, individuals, partnerships, corporations and associations.

“Department” shall mean the Department of Agriculture of the Commonwealth of Pennsylvania, its agents, employes, attorneys and representatives.

“Place of business” shall mean any place where garbage is fed or to be fed to animals.

“Premise” shall mean and include all buildings or structures used for the preparation, storage, feeding or handling of garbage and the ground upon which such building or structure is erected, and so much ground adjacent thereto as is used in carrying on the business of such establishment, including drains, gutters and cesspools used in connection with the establishment.

Persons deemed to be engaged in business of feeding garbage.

Section 2. (A) Any person, firm or corporation who shall receive from any other person, political subdivision, institution, public or private corporation, garbage intended for animal feeding purposes within the Commonwealth, or any operator of a public dining room or institution, public or private, who shall feed garbage to animals, shall be deemed to be engaged in the business of feeding garbage, and must be an operator or employe of a duly licensed garbage feeding plant approved by the Department of Agriculture.

Renegotiation of contracts made with such persons.

(B) Notwithstanding any other provision of law, it shall be lawful for any person, political subdivision, institution, or public or private corporation, to renegotiate or alter or change any contract or any part of any contract with any person, firm or corporation deemed to be engaged in the business of feeding garbage, for the purpose of providing a just and equitable return on the added expense or investment to the person, firm or corporation deemed to be engaged in the business of feeding garbage, necessitated in fulfilling such contract, due to the provisions of this act.

Transportation of garbage into Pennsylvania from outside the Commonwealth.

Section 3. It shall be unlawful for any person or any agent, servant or employe thereof, to transport any garbage into Pennsylvania from outside the Commonwealth, unless it is consigned and is to be delivered directly to a licensed garbage feeding plant approved by the Department of Agriculture.

Section 4. It shall be unlawful for any person to start or operate a garbage feeding business or plant, as defined in section two of this act, after the first day of July, one thousand nine hundred fifty-three, unless he has applied to the department for a license to do so, has secured said license, and has it properly posted at his place of business before the first day of July, one thousand nine hundred fifty-three, and annually thereafter before the first day of July of each succeeding year; and pay to the department, at the time said application for registration and license is filed, an annual fee of twenty-five dollars (\$25) for each place of business operated: Provided, however, That neither the Commonwealth nor any political subdivision, nor any charitable, eleemosynary or religious institution, shall be required to pay the license fee herein required. Any license issued under this act shall not be *transferable and shall apply only to the specific location for the place of business specified in the license. Any licensee operating more than one such place of business shall be required to obtain a separate license for each such place.

Garbage feeding business or plant to be licensed.

License fee.

Proviso.

License not transferable.

Separate license required for each place of business.

Application for license.

Section 5. Applications for such license shall be made to the department, on a form provided by it, which application shall set forth the name and address of the applicant, the exact location of his place of business, and such other information as the department may require.

Section 6. Upon receipt of such application, the department, through its duly authorized agent, shall inspect the premises designated as the place of business, and upon approval of the buildings, equipment, sanitary conditions and such other requirements as the department may deem necessary, the department shall issue to each applicant a license, which shall expire the thirtieth day of June of each year. Such license shall be posted in a conspicuous place in or at the place of business and exposed for inspection by any authorized person.

Inspection of premises.

Issuance of license.

Posting license.

Section 7. If an agent of the department finds that such place of business cannot be approved for license upon inspection, he shall notify the applicant wherein the same fails to comply. If, within a reasonable time thereafter to be fixed by the department, the specified defects are remedied, the department shall make a second inspection and proceed therewith as in the case of the original inspection.

Failure to pass original inspection.

Second inspection.

Section 8. It shall be unlawful to hinder, impede or prevent any duly authorized agent or employe of the department from entering any garbage feeding place of business at any time, or any part of any building used in conjunction therewith, for the purpose of mak-

Interference with agents of Department of Agriculture made unlawful.

* "transferrable" in original.

ing inspection of the premises and the methods of operation.

Construction and management of garbage feeding premises.

Section 9. All garbage feeding premises shall be constructed and managed as follows:

(a) Feeding shall be done on water-tight floors, properly drained and constructed so as to be maintained in a sanitary condition. The same shall apply to places where feeds are mixed and prepared.

(b) All buildings connected with such places shall be of sanitary construction and maintained in good repair.

(c) Manure and other refuse, cans, bottles and rubbish shall not be allowed to accumulate in such buildings nor upon the premises, and shall be disposed of regularly so as not to cause insanitary conditions or create an unsightly condition on the premises or property adjacent thereto.

(d) An adequate supply of water for cleaning purposes and acceptable toilets shall be provided at all times.

Processing of garbage.

Section 10. All garbage, regardless of previous processing, shall, before being fed to swine, be thoroughly heated to at least two hundred twelve degrees F. for at least thirty minutes, unless treated in some other manner which has been approved by the department. Each lot, batch or unit of garbage in its entirety shall be heated to the required temperature and for the required length of time. A true and accurate record of garbage so processed shall be kept and maintained by the operator for a period of one year.

Record to be kept.

Department authorized to adopt rules and regulations.

Section 11. To protect the public health and to prevent the spread *of disease among domestic animals, the department may adopt and promulgate such rules and regulations as it may deem necessary in carrying out the provisions of this act.

Slaughtering of swine for human consumption on premises made unlawful.

Section 12. It shall be unlawful to slaughter swine for human consumption on any premise used as a garbage feeding plant or in any building located on any such premise. Dead animals shall be disposed of in compliance with the provisions of the Dead Animal Law, approved the eighteenth day of May, one thousand nine hundred forty-five (Pamphlet Laws 796).

Disposition of dead animals.

Sanitary requirements.

Section 13. All such garbage feeding plants or premises shall be maintained in a reasonable sanitary condition and approved methods to exterminate flies, vermin and rodents shall be employed regularly.

Operation of garbage feeding plant in violation of law.

Section 14. (a) If, upon examination, it is found that any garbage feeding plant or place of business or any part thereof is operating in violation of any of the provisions of this act, or any rule, regulation or order

* "of" omitted in original.

made pursuant to this act, the agent making such examination shall report the unlawful condition to the department and shall at the same time notify in writing the owner, lessee or manager of the place of business.

Unlawful condition to be reported to department.

(b) Upon receipt of such report, the department shall notify the proper owner, lessee, agent, superintendent or manager of the result of the examination, and direct that the unlawful condition be remedied within the time specified in the notice.

Notice to owner to remedy such condition.

(c) If, upon the expiration of the time specified in the notice, the condition so reported to exist shall not have been remedied, the department may order the license suspended or revoked and the place of business garbage feeding plant closed.

Effect of failure to remedy such condition.

(d) The closure of a place of business garbage feeding plant or revocation of the license shall not preclude prosecution for violation of this act.

Prosecution not precluded by closure.

(e) The Attorney General, at the request of the Department of Agriculture, may, in the name of the Commonwealth, institute proceedings in equity for the purpose of enforcing the provisions of this act.

Proceedings by Attorney General to enforce act.

Section 15. (a) Any person who shall violate any of the provisions of this act, or any rule, regulation or order made pursuant to this act, shall, for the first or second offense, upon conviction thereof in a summary proceeding before an alderman, magistrate or justice of the peace of competent jurisdiction, be sentenced for each offense to pay a fine of not less than fifty dollars (\$50) nor more than three hundred dollars (\$300) and costs of prosecution, and in default of payment of such fine and costs, be sentenced to imprisonment in the county jail for a period not exceeding three months; and for a third or subsequent offense shall be guilty of a misdemeanor and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1000), or to undergo imprisonment not exceeding one year, or both, in the discretion of the court.

Violations of act.

Penalty for first or second offense.

Penalty for third or subsequent offense.

(b) In any case where such violation is committed by a garbage feeding plant which is owned or operated by the Commonwealth or any political subdivision or any agency thereof, the superintendent, manager or other officer or employe, who is directly responsible for the operation of the institution of which the garbage feeding plant is a part or with which it is connected, shall be deemed to be the person guilty of the violation, and shall be prosecuted and punished therefor as herein provided.

Violations by garbage feeding plant owned and operated by Commonwealth.

Persons responsible.

Section 16. The provisions of this act shall become effective immediately upon final enactment.

Act effective immediately.

APPROVED—The 19th day of June, A. D. 1953.

JOHN S. FINE