

writ the board of adjustment shall file the entire record with the writ in the office of the prothonotary.

Any time during the pendency of an appeal, upon application of the appellant and upon due notice to the board of adjustment, the court or a judge thereof, may, after hearing, grant an order of supersedeas upon such terms and conditions including the filing of security as the court or the judge thereof may prescribe.

If upon the hearing of the appeal, it shall appear to the court that testimony is necessary for the proper disposition of the appeal, it may take evidence or appoint a referee to take such evidence, as it may direct, and report the same to the court with his findings of fact and conclusions of law. The court may reverse or affirm, in whole, or in part, or may modify, the decision appealed as to it may appear just and proper.

Costs shall not be allowed against the board, unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

Section 2008. Remedies.—In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building structure or land is used in violation of this article, or of any ordinance or other regulation made under authority conferred hereby, the supervisors *or, with the approval of the supervisors, the zoning officer or other proper official*, in addition to other remedies, may institute *in the name of the township* any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use to restrain, correct or abate such violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

Section 17. The provisions of this act shall become effective immediately upon final enactment.

Act effective immediately.

APPROVED—The 2nd day of July, A. D. 1953.

JOHN S. FINE

No. 84

A SUPPLEMENT

To the act, approved the twenty-fifth day of June, one thousand nine hundred thirty-one (Pamphlet Laws 1352), entitled "An act providing for joint action by the Commonwealth of Pennsylvania and the State of New Jersey in the administration, operation, and maintenance of bridges over the Delaware River, and for the construction of additional bridge facilities across said river; authorizing the Governor, for these purposes, to enter into an agreement with the State of New Jersey; creating a Delaware River Joint Toll Bridge Commission and specify-

ing the powers and duties thereof, including the power to finance the construction of additional bridges by the issuance of revenue bonds to be redeemed from revenues derived from tolls collected at such bridges; transferring to said commission all powers now exercised by existing commission created to acquire toll bridges over the Delaware River; and making an appropriation," by authorizing the Governor to enter into a supplemental compact or agreement on behalf of the Commonwealth of Pennsylvania with the State of New Jersey amending and supplementing the compact or agreement entitled "Agreement between the Commonwealth of Pennsylvania and the State of New Jersey creating the Delaware River Joint Toll Bridge Commission as a body corporate and politic and defining its powers and duties," as heretofore amended and supplemented; enlarging the jurisdiction and powers of said commission with respect to the acquisition, construction, administration, operation and maintenance of port and terminal facilities, the financing thereof, and the fixing, charging and collecting of tolls and other charges for the use of said port and terminal facilities; authorizing the issuance of negotiable bonds and obligations of the commission; providing for the designation of deputies to act for and in behalf of absent ex-officio members of said commission from Pennsylvania; authorizing the combining for financing purposes of any such port and terminal facilities with any bridge or bridges heretofore or hereafter constructed or acquired by said commission; and authorizing the Governor to apply, on behalf of the Commonwealth of Pennsylvania, to the Congress of the United States for its consent to such supplemental compact or agreement.

Delaware River.

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

Governor authorized to enter into supplemental agreement with State of New Jersey, amending and supplementing agreement between such states creating the Delaware River Joint Toll Bridge Commission.

Section 1. The Governor is hereby authorized to enter into a supplemental compact or agreement on behalf of the Commonwealth of Pennsylvania with the State of New Jersey amending and supplementing the compact or agreement entitled "Agreement between the Commonwealth of Pennsylvania and the State of New Jersey creating the Delaware River Joint Toll Bridge Commission as a body corporate and politic and defining its powers and duties," which was executed on behalf of the Commonwealth of Pennsylvania by its Governor on the nineteenth day of December, one thousand nine hundred and thirty-four, and on behalf of the State of New Jersey by its Governor on the eighteenth day of December, one thousand nine hundred and thirty-four, as heretofore amended and supplemented, such supplemental compact or agreement to be in substantially the following form:

Form of supplemental agreement.

"Supplemental Agreement between the Commonwealth of Pennsylvania and the State of New Jersey amending and supplementing the compact or agreement entitled 'Agreement between the Commonwealth of Pennsylvania and the State of New Jersey creating the Delaware River Joint Toll Bridge Commission as a body corporate and politic and defining its powers and duties', as heretofore amended and supplemented, by extending the powers of the commission to include certain port and terminal facilities.

Powers of commission extended to include certain port and terminal facilities.

The Commonwealth of Pennsylvania and the State of New Jersey do hereby solemnly covenant and agree each with the other, as follows:

(1) Article I of the compact or agreement entitled 'Agreement between the Commonwealth of Pennsylvania and the State of New Jersey creating the Delaware River Joint Toll Bridge Commission as a body corporate and politic and defining its powers and duties', executed on behalf of the Commonwealth of Pennsylvania by its Governor on the nineteenth day of December, one thousand nine hundred and thirty-four, pursuant to an act of its General Assembly approved the twenty-fifth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws 1352), as last amended by an act of said General Assembly approved the eighteenth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws 827), and executed on behalf of the State of New Jersey by its Governor on the eighteenth day of December, one thousand nine hundred and thirty-four, pursuant to an act of its Senate and General Assembly approved June eleventh, one thousand nine hundred and thirty-four (Chapter 215, Laws of 1934 RS (1937) 32:8-1), to which compact or agreement the consent of the Congress of the United States was given by section 9 of an Act of the Congress approved August 30, 1935 (Public No. 411, 74th Congress, 49 Stat. 1051, 1058), as heretofore amended and supplemented, be and the same is hereby amended and supplemented to read as follows:

Article I of compact or agreement further amended and supplemented.

ARTICLE I.

There is hereby created a body corporate and politic, to be known as the Delaware River Joint Toll Bridge Commission (hereinafter in this agreement called the ['Commission'] '*commission*'), which shall consist of the commissioners, on behalf of the Commonwealth of Pennsylvania, provided for by the act, approved the eighth day of May, one thousand nine hundred and nineteen (Pamphlet Laws, one hundred forty-eight), and its supplements and amendments, for the acquisition of toll bridges over the Delaware River, and of commissioners, on behalf of the State of New Jersey, provided for by the act, approved the first day of April, one thousand nine hundred and twelve (Chapter, two hundred ninety-seven), and its supplements and amendments, for the acquisition of toll bridges over the Delaware River, which said commissions have heretofore been acting as a joint commission by virtue of reciprocal legislation.

Delaware River Joint Toll Bridge Commission created.

No action of the commission shall be binding unless a majority of the members of the commission from Pennsylvania and a majority of the members of the commission from New Jersey shall vote in favor thereof.

Deputies may be designated to act for absent ex-officio members of commission from Pennsylvania.

In the event that any ex-officio member of the commission from Pennsylvania shall for any reason be absent from a meeting of the commission, a deputy or other person in his department, designated by him for such purpose, shall be authorized to act at such meeting for and in behalf of such absent member and to vote in his place on all matters which may be presented for consideration at such meeting. Such designation shall be signed by such ex-officio member and filed with the Secretary of the commission and shall continue in effect until the expiration of the term of office of such member or until another designation shall be made.

Purposes.

The commission shall constitute the public corporate instrumentality of the Commonwealth of Pennsylvania and the State of New Jersey for the following public purposes, and shall be deemed to be exercising an essential governmental function in effectuating such [purpose] purposes, to wit:

(a) The administration, operation, and maintenance of the joint State-owned bridges across the Delaware River between the Commonwealth of Pennsylvania and the State of New Jersey, and located north of the present stone arch bridge of the Pennsylvania Railroad across the Delaware River from Morrisville to Trenton;

(b) The investigation of the necessity for additional bridge communications over the Delaware River [north of the said railroad bridge], and the making of such studies, surveys, and estimates as may be necessary to determine the feasibility and cost of such additional bridge communications;

(c) The preparation of plans and specifications for, and location, acquisition, construction, administration, operation and maintenance of, such additional bridge communications over the Delaware River, [north of the aforesaid railroad bridge,] *at any location north of the boundary line between Bucks County and Philadelphia County in the Commonwealth of Pennsylvania as extended across the Delaware River to the New Jersey shore of said river*, as the commission deems necessary to advance the interests of the two States and to facilitate public travel; and the issuance of bonds and obligations to provide moneys sufficient for the acquisition or construction of such bridges; and the collection of tolls, rentals, and charges for the redemption of such bonds and obligations, and the payment of interest thereon;

(d) The procurement from the Government of the United States of any consents which may be requisite to enable [any project within its powers to be carried out] *the commission to exercise any of its powers*;

(e) *The investigation of the necessity for additional port and terminal facilities within the area (hereinafter referred to as the 'district') comprising all of the terri-*

tory within the counties of Bucks, Northampton, Monroe and Pike in Pennsylvania, all of the territory within the counties of Sussex, Warren, Hunterdon and Mercer in New Jersey, and that part of the territory within the county of Burlington in New Jersey north of the north-erly bank of Rancocas Creek, as said creek and its north branch extend in a general easterly direction from the Delaware River and through Mount Holly, Pemberton and Browns Mills and other communities to the Burlington-Ocean County boundary line in New Jersey;

(f) The acquisition, construction, administration, operation and maintenance of such port and terminal facilities within the district as the commission may deem necessary to advance the interests of the two states, the issuance of bonds or other obligations of the commission to provide moneys sufficient for the acquisition or construction of such facilities, and the collection of fees, rentals, tolls and other charges for the payment of such bonds or obligations and the interest thereon, and for the administration, operation and maintenance of such facilities.

(2) Article II of said compact or agreement, as heretofore amended and supplemented, be and the same is hereby amended and supplemented to read as follows:

Article II of compact or agreement further amended and supplemented.

ARTICLE II.

For the effectuation of its authorized purposes, the commission is hereby granted the following powers:

Powers of commission.

- (a) To have perpetual succession.
- (b) To sue and be sued.
- (c) To adopt and use an official seal.
- (d) To elect a chairman, vice-chairman, secretary and treasurer, and appoint an engineer. The secretary, treasurer, and engineer need not be members of the commission.
- (e) To adopt suitable by-laws for the management of its affairs.
- (f) To appoint such other officers, agents and employees as it may require for the performance of its duties.
- (g) To determine the qualifications and duties of its appointees, and to fix their compensation.
- (h) To enter into contracts.
- (i) To acquire, own, hire, use, operate, and dispose of personal property.
- (j) To acquire, own, use, lease, operate, and dispose of real property and interest in real property, and to make improvements thereon.
- (k) To grant the use of, by franchise, lease, and otherwise, and to make and collect charges for the use of, any property or facility owned or controlled by it.

(l) To borrow money upon its bonds or other obligations, either with or without security.

(m) To exercise the power of eminent domain.

(n) To determine the exact location, system, and character of, and all other matters in connection with, any and all improvements or facilities which it may be authorized to own, construct, establish, effectuate, maintain, operate or control.

(o) In addition to the foregoing powers, to exercise the powers, duties, authority and jurisdiction heretofore conferred and imposed upon the aforesaid commissions, hereby constituted a joint commission by reciprocal legislation of the Commonwealth of Pennsylvania and the State of New Jersey, with respect to the acquisition of toll bridges over the Delaware River, the management, operation and maintenance of such bridges, and the location, *acquisition*, construction, *administration*, operation and maintenance of additional bridge communications over the Delaware River [north of the aforesaid railroad bridge of the Pennsylvania Railroad] *at any location north of the boundary line between Bucks County and Philadelphia County in the Commonwealth of Pennsylvania, as extended across the Delaware River to the New Jersey shore of said river. The powers granted in this paragraph shall be in addition to those powers granted by paragraph (a) of Article X of this agreement.*

(p) To exercise all other powers, not inconsistent with the Constitutions of the [State] *States* of Pennsylvania and New Jersey or of the United States, which may be reasonably necessary or incidental to the effectuation of its authorized purposes or to the exercise of any of the [foregoing] *powers granted to the commission by this agreement or any amendment thereof or supplement thereto*, except the power to levy taxes or assessments for benefits; and generally to exercise, in connection with its property and affairs and in connection with property under its control, any and all powers which might be exercised by a natural person or a private corporation in connection with similar property and affairs.

(q) *To acquire, construct, rehabilitate, improve, maintain, lease as lessor or as lessee, repair and operate, port and terminal facilities, as hereinafter defined, within the district, including the dredging of ship channels and turning basins and the filling and grading of land therefor.*

(r) *To provide from time to time for the issuance of its bonds or other obligations for any one or more of its corporate purposes; all bonds and other obligations hereafter issued by the commission shall have all the qualities and incidents of negotiable instruments.*

(s) *To fix, charge and collect fees, rentals, tolls and other charges for the use of any of its port and terminal facilities so as to provide funds at least sufficient with other funds available for such purposes (1) to pay the cost of maintaining, repairing and operating such port and terminal facilities, including the administrative expenses of the commission chargeable thereto; (2) to pay the bonds or other obligations issued on account of such facilities and the interest thereon as the same become due and payable; and (3) to provide reserves for such purposes, and to pledge such funds over and above such costs of maintenance, repair and operation to the payment of such bonds or other obligations and the interest thereon.*

(t) *To petition the Interstate Commerce Commission, any public service or public utilities commission, or any other federal, state or local authority, whether administrative, judicial or legislative, for the adoption and execution of any physical improvement, change in method, rate of transportation, system of handling freight, warehousing, docking, lightering or transfer of freight, which, in the opinion of the commission, may be designed to improve or facilitate the movement or handling of commerce within the district or improve the terminal or transportation facilities therein.*

As used in this agreement, the term 'port and terminal facilities' shall mean and shall include, without intending thereby to limit the definition of such term, any one or more of the following or any combination thereof:

(1) *Every kind of terminal or storage structure or facility now in use or hereafter designed for use in the handling, storage, loading or unloading of freight or passengers at steamship, railroad or motor terminals or airports, and every kind of transportation facility now in use or hereafter designed for use in connection therewith; and*

(2) *All real and personal property and all works, buildings, structures, equipment, machinery, appliances and appurtenances necessary or convenient for the proper construction, equipment, maintenance and operation of such facility or facilities, or any one or more of them.*

Notwithstanding any other provision of this agreement or any provision of law, state or federal, to the contrary, the commission may combine for financing purposes any port and terminal facility or facilities constructed or acquired by it under the provisions of this agreement with any bridge or bridges heretofore or hereafter constructed or acquired by the commission, subject to any limitations contained in any trust indenture securing bonds of the commission at the time outstanding.

The powers herein granted to the commission with reference to port and terminal facilities shall supersede the right to exercise any such powers within the district, as defined in paragraph (e) of Article I of this agreement, by any other body which has been heretofore created by compact or agreement between the Commonwealth of Pennsylvania and the State of New Jersey.

Nothing contained in any other of the provisions of this compact or agreement shall be deemed or construed to amend, modify or repeal any of the powers, rights or duties conferred by, or limitations or restrictions expressed in, Article X of this compact or agreement, or any of the provisions of said Article X relating to a bridge to be constructed, operated and maintained by the Pennsylvania Turnpike Commission or the New Jersey Turnpike Authority acting alone or in conjunction with each other."

Supplemental agreement to have force and effect of statute.

Section 2. Upon its signature on behalf of the Commonwealth of Pennsylvania and the State of New Jersey, the supplemental compact or agreement hereinabove set forth shall become binding and shall have the force and effect of an act of the General Assembly of the Commonwealth of Pennsylvania, and the Delaware River Joint Toll Bridge Commission shall thereupon become vested with all the powers, rights and privileges and be subject to the duties and obligations contained therein, as though the same were specifically authorized and imposed by statute; and the Commonwealth of Pennsylvania shall be bound by all the obligations assumed by it under such supplemental compact or agreement; and the Governor shall transmit an original signed copy thereof to the Secretary of the Commonwealth for filing in his office.

Commonwealth to be bound.

Filing of supplemental agreement.

Consent and approval of Congress.

Section 3. The Governor is hereby authorized to apply, on behalf of the Commonwealth of Pennsylvania, to the Congress of the United States for its consent and approval to such supplemental compact or agreement.

Construction and severability.

Section 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Act effective immediately.

Governor not to enter into supplemental agreement until passage by State of New Jersey of similar act.

Section 5. This act shall take effect immediately; but the Governor shall not enter into the supplemental compact or agreement hereinabove set forth on behalf of the Commonwealth of Pennsylvania until passage by the State of New Jersey of a substantially similar act embodying the supplemental compact or agreement between the two states.

APPROVED—The 6th day of July, A. D. 1953.

JOHN S. FINE