

circumstances have recourse to the municipality authorizing the work.

Procedure where claims filed to use.

Section 8. Where claims are to be filed to use, the claimant, at least one month before the claim is filed, shall serve a written notice of his intention to file it unless the amount due is paid. Service of such notice may be made personally on the owner wherever found, but if he cannot be served in the county where the property is situated, such notice may be served on his agent or the party in possession of the property; and if there be no agent or party in possession, it may be posted on the most public part of the property.

Exceptions.

The provisions of this section shall not apply if the use-plaintiff is a city, borough, or township to which a municipal claim of a municipal authority organized by a city of the second class, by a county of the second class or by a city of the third class has been assigned or sold, as provided in section four of this act, and the procedure for filing, reviving and enforcing liens for such assigned claim shall be the same as is provided in this act for filing, reviving and enforcing liens based on such use-plaintiff's own municipal claims.

Inconsistent acts repealed.

Section 2. All acts and parts of acts are hereby repealed in so far as they are inconsistent with the provisions of this act.

Act effective immediately.

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

APPROVED—The 28th day of July, A. D. 1953.

JOHN S. FINE

No. 213

AN ACT

To further amend the title and section 2.1 of the act, approved the eighteenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws 1286), entitled, as amended, "An act empowering counties of the second class, cities, boroughs, incorporated towns, and townships to charge and collect from owners of and water users in property served thereby, annual rentals, rates or charges for the use of certain sewers, sewerage systems and sewage treatment works, including charges for operation, inspection, maintenance, repair, depreciation, and the amortization of indebtedness and interest thereon; empowering counties of the second class, cities, boroughs, incorporated towns and townships to contract with authorities organized by counties of the second class or by cities of the third class for sewer, sewerage and sewage treatment services; to grant, convey, lease, transfer, encumber, mortgage and pledge to such authorities, their sewers, sewerage systems and sewage treatment works; to assign and pledge to such authorities rentals, rates and charges charged and collected by them for the use thereof, and to assign to such authorities their power to charge and collect the

same; and validating all such contracts, grants, conveyances, leases, transfers, assignments, encumbrances, mortgages and pledges heretofore made," by extending to authorities organized by cities of the second class the provisions therein affecting authorities organized by counties of the second class or by cities of the third class.

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

Section 1. The title and section 2.1 of the act, approved the eighteenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws 1286), entitled, as amended, "An act empowering counties of the second class, cities, boroughs, incorporated towns, and townships to charge and collect from owners of and water users in property served thereby, annual rentals, rates or charges for the use of certain sewers, sewerage systems and sewage treatment works, including charges for operation, inspection, maintenance, repair, depreciation, and the amortization of indebtedness and interest thereon; empowering counties of the second class, cities, boroughs, incorporated towns and townships to contract with authorities organized by counties of the second class or by cities of the third class for sewer, sewerage and sewage treatment services; to grant, convey, lease, transfer, encumber, mortgage and pledge to such authorities, their sewers, sewerage systems and sewage treatment works; to assign and pledge to such authorities rentals, rates and charges charged and collected by them for the use thereof, and to assign to such authorities their power to charge and collect the same; and validating all such contracts, grants, conveyances, leases, transfers, assignments, encumbrances, mortgages and pledges heretofore made," as last amended by the acts, approved the fourteenth day of January, one thousand nine hundred fifty-two (Pamphlet Laws 1982 and 1985), are hereby reenacted and further amended to read as follows:

Sewers, sewerage systems and sewage treatment works.

Title and section 2.1, act of July 18, 1935, P. L. 1286, as last amended by acts of January 14, 1952, P. L. 1982 and 1985, reenacted and further amended.

#### AN ACT

Amended title.

Empowering counties of the second class, cities, boroughs, incorporated towns, and townships to charge and collect from owners of and water users in property served thereby, annual rentals, rates or charges for the use of certain sewers, sewerage systems and sewage treatment works, including charges for operation, inspection, maintenance, repair, depreciation, and the amortization of indebtedness and interest thereon; empowering counties of the second class, cities, boroughs, incorporated towns and townships to contract with authorities organized *by cities of the second class*, by counties of the second class or by cities of the third class for sewer, sewerage and sewage treatment services; to grant, convey, lease, transfer, encumber, mort-

gage and pledge to such authorities, their sewers, sewerage systems and sewage treatment works; to assign and pledge to such authorities rentals, rates and charges charged and collected by them for the use thereof, and to assign to such authorities their power to charge and collect the same; and validating all such contracts, grants, conveyances, leases, transfers, assignments, encumbrances, mortgages and pledges \*heretofore made.

Agreements and contracts with authorities.

Section 2.1. It shall be lawful for any county of the second class, city, borough, incorporated town, or township to execute such agreements and contracts as it may deem necessary or advisable with an authority organized by a city of the second class, by a county of the second class or by a city of the third class undertaking to provide, or to design or construct facilities with which to provide, sewer, sewerage or sewage treatment service to it and to its inhabitants; also to grant, convey, lease, transfer, encumber, mortgage and pledge to such authority, its sewers, sewerage systems, sewage treatment works and appurtenant facilities, and any improvements, extensions and additions thereto; to assign and pledge to such authority rentals, rates and charges charged and collected by it for the use thereof, and to assign to such authority its power to charge and collect the same. No such agreement, contract, grant, conveyance, lease, transfer, assignment, encumbrance, mortgage or pledge shall be construed to prevent the affected county of the second class, city, borough, incorporated town, or township from thereafter using its tax revenues for the purpose of maintaining, repairing, altering, inspecting, improving, or extending such sewers, sewerage systems or sewage treatment works.

Prior agreements, contracts, etc., validated.

Every such agreement, contract, grant, conveyance, lease, transfer, assignment, encumbrance, mortgage and pledge heretofore made to or with any authority organized by a city of the second class, by a county of the second class or by a city of the third class is hereby ratified, confirmed and made valid, and the same shall be and remain lawful, valid and enforceable according to its terms.

Act effective immediately.

Section 2. The provisions of this act shall become effective immediately upon final enactment.

APPROVED—The 28th day of July, A. D. 1953.

JOHN S. FINE

\* "heretofor" in original.