

necessary, is hereby appropriated to the Department of Mines for the two fiscal years beginning the first day of June, one thousand nine hundred fifty-three, for the purpose of purchasing and maintaining equipment, paying salaries, wages, postage, printing and other necessary expenses incurred in the sealing or dewatering of or extinguishment of fires in abandoned coal mines, and for the flushing of mine voids in abandoned mines where danger of subsidence may be imminent.

APPROVED—The 22nd day of March, A. D. 1956.

GEORGE M. LEADER

No. 419

AN ACT

Amending the act of May one, one thousand nine hundred thirty-three (Pamphlet Laws 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," authorizing the appointment of sanitary boards and sanitary officers, prescribing their powers and duties, providing for the enforcement of the administration of health laws by such boards and officers, providing for a president and secretary of such boards, imposing duties on the Secretary of Health, and providing for payments of expenses by townships.

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

The Second Class Township Code.

Section 1. The act of May one, one thousand nine hundred thirty-three (Pamphlet Laws 103), known as "The Second Class Township Code," reenacted and amended and revised July ten, one thousand nine hundred forty-seven (Pamphlet Laws 1481), is amended by adding, after Article XIX., a new article to read:

Act of May 1, 1933, P. L. 103, reenacted, amended and revised July 10, 1947, P. L. 1481, amended by adding a new Article XIX-A.

ARTICLE XIX-A

SANITARY BOARD

Section 1901-A. Establishment of Board of Sanitary Officers.—The administration of the health laws in townships may be enforced by a sanitary board or by a sanitary officer or officers, as the case may be, appointed by the township supervisors.

Where the township supervisors elect to appoint a sanitary officer or officers, the said sanitary officer or officers shall have the same powers and duties and exercise the same authority as is prescribed for sanitary boards in townships. All sanitary officers, whether appointed by sanitary boards or by the township supervisor, shall have had some experience or training in public health work in accordance with rules and regula-

tions established by the Advisory Health Board of the State Department of Health. Such sanitary officers shall not enter upon the performance of their duties until they are certified so to do by the State Department of Health.

*Section 1902-A. Members of Sanitary Board.—*Where the township supervisors decide to appoint a sanitary board, said board shall be composed of five members at least one of whom shall be a reputable physician of not less than two years experience in the practice of his profession. The members of the board shall be appointed by the township supervisors. At the first appointment one member shall be appointed to serve for one year, one for two years, one for three years, one for four years, and one for five years, and thereafter one member shall in like manner be appointed each year to serve for five years. The members of the sanitary board shall serve without compensation, but if any member of the board shall be elected to the office of secretary he shall be entitled to receive a salary fixed by the board for that office.

*Section 1903-A. Oaths of Members, Secretary and Sanitary Officer.—*The members of the board shall, severally, take and subscribe to the oath prescribed by section five hundred one of this act, and shall, annually, organize by electing a president from among the members of the board, a secretary who may or may not be a member of the board, and a sanitary officer who shall not be a member of the board. The secretary and the sanitary officer shall receive such salary as may be fixed by the board and ratified by the township supervisors, and shall serve for a period of one year or until such time thereafter as their successors may be elected and qualified. They shall, severally, give bond to the township in such sums as may be fixed by ordinance for the faithful discharge of their duties, and shall also take and subscribe to the oath required by members of the board.

*Section 1904-A. Duties of Secretary.—*The secretary of the board shall keep the minutes of the proceedings of the board, shall keep accurate accounts of the expenditures of the board, shall draw all requisitions for the payment of moneys on account of the sanitary board from appropriations made by the supervisors to the board and shall present the same to the president of the board for his approval, shall render statements of the expenditures to the board at each stated meeting or as frequently as the board may require, shall prepare under the directions of the board the annual report to the township supervisors together with the estimate of appropriation needed for the ensuing year, and shall make such other reports and perform such other duties as the board may require.

Section 1905-A. Powers and Duties of Sanitary Officer.—It shall be the duty of the sanitary officer to attend all stated and special meetings of the sanitary board and at all times be ready and available for the prompt performance of his official duties. He shall make sanitary inspections, and shall execute the orders of the sanitary board and shall, in the performance of his duties, have the power and authority of a policeman.

Section 1906-A. Powers of Board.—The sanitary board shall have the power, and it shall be its duty, to enforce the laws of the Commonwealth, the regulations of the State Department of Health, and to make and enforce such additional rules and regulations for abating and removing all nuisances which the board shall deem prejudicial to the public health, to mark infected houses or places, to prescribe rules for the construction and maintenance of house-drains, wash-pipes, soil-pipes and cesspoo's, and to make all such other rules and regulations as shall be deemed necessary for the preservation of the public health.

The board shall also have the power to make, enforce and cause to be published all necessary rules and regulations not inconsistent with law for carrying into effect the powers and functions with which they are invested by law and the power and authority relating to the public health conferred on the townships. Such rules and regulations, when approved by the township supervisors and when advertised in the same manner as ordinances, shall have the force of ordinances of the township and all penalties or punishment prescribed for the violation thereof as well as the expenses actually and necessarily incurred in carrying such rules and regulations into effect shall be recoverable for the use of the township in the same manner as penalties for violation of the ordinances of the township and subject to like limitations as to the amount thereof.

Section 1907-A. Entry Upon Premises.—The sanitary board shall have the power as a body or by committee as well as the sanitary officer, together with their assistants, subordinates and workmen, under and by order of the said board to enter at any time upon any premises in the township upon which there is suspected to be any nuisance detrimental to the public health for the purpose of examining and abating the same.

Section 1908-A. Inspections, Abatement of Nuisances.—The sanitary board may inspect house-drains, waste and soil-pipes, cesspools, waterclosets, slaughter-houses, hog-pens, *stables, stable-yards, and any conditions or places whatsoever in the township, which may constitute

* "stable" in original.

a nuisance or a menace to public health, and whenever any condition or place in the township is found by the board to be a nuisance or a menace to the health of the people of the township, it shall issue a written order of abatement directed to the owner or agent of the owner of the premises stating that the conditions specified therein constitute a nuisance or a menace to health and ordering an abatement thereof within such time as may be specified by them in such order. In case such order of abatement is not obeyed within the time specified therein, the board shall thereupon issue a further written order to the sanitary officer directing him to remove or abate the same, which order shall be executed by him and his subordinates and workmen and the expense thereof shall be recoverable from the owner of the premises upon, or from which, the nuisance or menace to health is abated or removed in the same manner as debts of like character are now collected by law, or the said sanitary board may proceed to enforce such other remedy or inflict such penalty as may be provided by ordinance of the township.

Section 1909-A. Estimates of Expenditures, Report.—It shall be the duty of the sanitary board or appointed sanitary officer or officers to submit annually to the supervisors, before the commencement of the fiscal year, an estimate of the probable expenditures of the board during the ensuing year, and the supervisors shall then proceed to make such appropriations as may be deemed necessary. The sanitary board, sanitary officer or officers shall, in the month of January of each year, submit a report, in writing, to the supervisors of its appropriation and expenditures for the preceding year, together with such other information on subjects relative to the sanitary conditions or requirements of the township as may be necessary, and the supervisors shall publish the same in their official journal.

Section 1910-A. Cooperation With Other Units.—Any township may cooperate with the county or with any city, borough or township as well as with the State Department of Health in the administration and enforcement of health laws.

Section 1911-A. Powers of Secretary of Health.—Whenever in the opinion of the Secretary of Health conditions found by him to exist in any township shall constitute a menace to the lives and health of people living outside the corporate limits of such townships, or if it be

known to him that any township is without an existing or efficient sanitary board or sanitary officer, he or his agents may enter and take full charge of and administer the health laws, regulations and ordinances in such township, and may continue in charge thereof until he shall decide that a competent and efficient sanitary board or sanitary officer has been appointed and qualified for such township and is ready, able and willing to assume and carry into effect the duties imposed upon it or him by law.

Section 1912-A. Expenses of Board or Secretary of Health.—All expenses incurred by any local sanitary board, its officers or employes in the performance of the duties imposed upon it by law, and all expenses incurred by the Secretary of Health or his agents in accordance with the provisions of this article, shall be paid by the township wherein such duties are performed in the same manner as other expenses of such township are paid.

Section 1913-A. Failure to Pay Expenses Incurred by State Secretary.—Whenever expenses incurred by the Secretary of Health, or his agents, in the administration of health laws in any township in accordance with the provisions of this article shall remain unpaid by said township for a period over three months after a statement of such expense has been rendered by him to such township and demand for payment by him made, he shall, with the approval of the Governor, institute in the name of the Commonwealth, as plaintiff, an action of assumpsit against such township for the collection of such expense from the township in the same manner as debts of like amount are collected by law. Upon the trial of any such action of assumpsit, the reasonableness of the expenditures made by the Secretary of Health shall be submitted to the jury for its determination.

Section 1914-A. Disposition of Collected Funds.—All expenses incurred by the Secretary of Health in the administration of health laws in any township when paid to him by such township, or when collected by him, shall be returned by him to the State Treasurer who shall credit the amount so received to the appropriation made to the Department of Health.

APPROVED—The 22nd day of March, A. D. 1956.

GEORGE M. LEADER