

ting such memorial, including the road leading thereto from Route 26, located in Liberty Township, Bedford County, and to properly maintain the historical memorial and approach thereto.

Section 2. The title of the real estate shall be taken in the name of the Commonwealth of Pennsylvania, and shall be approved by the Department of Justice before its acquisition.

Title to be approved by Department of Justice.

Section 3. After the property is acquired by the Commonwealth, the Pennsylvania Historical and Museum Commission shall have full control, management and supervision thereof. The commission shall thereupon improve the road approach from Route 26 to the memorial and take other steps as it deems necessary for the proper immediate restoration thereof. Thereafter, the commission shall have power to adopt and carry into effect plans for its maintenance, using therefor any funds at the disposal of the commission not otherwise specifically appropriated or allocated, and to make and enforce rules and regulations for the preservation of the property and visitation thereof by the public.

Pennsylvania Historical and Museum Commission to have control, management and supervision.

Section 4. (a) The sum of fifteen thousand dollars (\$15,000), or as much thereof as may be necessary, is specifically appropriated to the Department of Property and Supplies for the purchase of the memorial herein described and incidental expenses, including title searches pertinent thereto.

Appropriation.

(b) Any balance of the appropriation, remaining after the purchase, is specifically appropriated to the Pennsylvania Historical and Museum Commission to be used for immediate repairs to the approach road to the memorial and other immediate maintenance expenses as it may deem necessary.

Expenditure of unused balance.

APPROVED—The 1st day of June, A. D. 1956.

GEORGE M. LEADER

No. 677

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," prescribing duties and limitations for township supervisors as to holding other township offices, the number of meetings to be held, keeping of records and fixing compensation of certain township officers; fixing officers of the state association, changing the expense allowance for delegates to supervisors' conventions and the officers eligible to attend; fixing the procedure for

selling township property; making tax exempt properties liable for certain costs for fire protection; prescribing duties of auditors, and fixing compensation of members of zoning board of adjustment; providing for the construction of sidewalks and curbs and the payment therefor; changing the provisions relating to abandoned cemeteries, the publication of ordinances, the establishment of police pension funds, connecting with sewers of adjacent municipalities, and the dedication, laying out, opening, improving, changing, relocating, taking over and vacating roads, streets and highways.

**The Second Class  
Township Code.**

Sections 103, 410  
and 512, act of  
May 1, 1933,  
P. L. 103, re-  
enacted and  
amended July 10,  
1947, P. L. 1481,  
further amended.

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

Section 1. \*Sections 103, 410 and 512, act of May one, one thousand nine hundred thirty-three (Pamphlet Laws 103), known as "The Second Class Township Code," reenacted and amended July ten, one thousand nine hundred forty-seven (Pamphlet Laws 1481), are amended to read:

Section 103. Excluded Provisions.—This act does not include any provisions, and shall not be construed to repeal any acts, relating to—

(a) The assessment and valuation of property and persons for the purposes of taxation and collection of taxes and the collection of municipal claims by liens;

(b) The method of incurring or increasing bonded indebtedness;

(c) Election officers and conduct of elections;

(d) Public schools and school districts;

(e) Constables;

(f) Justices of the peace;

(g) State roads, and private roads;

(h) Validations of elections, bonds, ordinances, and acts of corporate officers;

(i) Free non-sectarian libraries.

[(j) Crimes and offenses provided for in the Penal Code.]

Section 410. Supervisors.—At each municipal election the electors of each township shall elect one supervisor to serve for a term of six years from the first Monday of January next following his election.

*Except as provided in section 514, no supervisor shall at the same time hold any other elective or appointive township office or position other than township road-master or secretary-treasurer.*

Section 512. Monthly Meetings; Quorum, Rent and Expenses.—The township supervisors shall meet for the transaction of business at least once each month, at a time and place to be fixed by the board, but they shall

\* "Section" in original.

not be paid for more than sixteen meetings in any one year, except in any township where, on account of the exercise of governmental functions other than those relating to roads, more meetings are necessary, in which case, the number of meetings for which the supervisors may be paid may, with the prior approval of the auditors of the township, be increased to any number, not exceeding twenty-four in any year, *in townships having a population of five thousand or less, and in townships having more than five thousand population not exceeding fifty meetings in any year.* Two members shall constitute a quorum. Necessary expenses incurred in such meetings, including office rent, stationery, light and fuel, shall be paid out of the general township fund.

Section 2. Section 515 of the act, amended May twenty-four, one thousand nine hundred fifty-one (Pamphlet Laws 370), is amended to read:

Section 515, act of May 1, 1933. P. L. 103, amended May 24, 1951, P. L. 370, further amended.

Section 515. Compensation of Supervisors.—Supervisors shall receive from the general township fund, as compensation, not less than four dollars nor more than [six] *eight* dollars for each meeting which they attend. The amount of the compensation for attending meetings shall be determined by the township auditors. [The township auditors shall also allow to the supervisors reasonable compensation for making a semi-annual inspection of the roads and bridges.] The compensation of supervisors, when acting as superintendents, roadmasters or laborers, shall be fixed by the township auditors either per hour, per day, per week, semi-monthly or monthly, which compensation shall not exceed compensation paid in the locality for similar services, and such other reasonable compensation for the use of a passenger car, or a two-axled four-wheeled motor truck having a chassis weight of less than two thousand pounds and a maximum gross weight of five thousand pounds, when required and actually used for the transportation of road and bridge laborers and their hand tools, as the auditors shall determine and approve; but no supervisor shall receive compensation as a superintendent or roadmaster for any day he receives compensation for attending a meeting of supervisors, unless such meeting is held during the nighttime.

Section 3. Clause (h) of section 516 and section 531 of the act, reenacted and amended July ten, one thousand nine hundred forty-seven (Pamphlet Laws 1481), are amended to read:

Clause (h). sections 516 and 531, act of May 1, 1933. P. L. 103, reenacted and amended July 10, 1947, P. L. 1481, further amended.

Section 516. Duties of Supervisors, Township Superintendents, and Roadmasters.—The township supervi-

sors, or the supervisors acting as superintendents or roadmasters, shall—

\* \* \* \* \*

(h) Attend road meetings and conventions *authorized by the provisions of this act* when directed to do so by the board of supervisors.

\* \* \* \* \*

Section 531. Compensation.—The township treasurer shall receive, as compensation for his services, a certain percentage on all moneys received and paid by him, which rate shall be determined by the supervisors of the townships [, with the approval of the township auditors].

Except as otherwise provided in section 540 hereof, the amount paid to *the* treasurer as treasurer and secretary, shall not exceed three per centum of the money paid out by the treasurer, but it shall not be less than fifty dollars; and the calculation of such maximum compensation shall not include any percentage upon money paid out by the treasurer for the repayment of loans, notes, certificates, or other evidences of indebtedness, or other borrowed moneys.

Section 545, act of May 1, 1933, P. L. 103 amended July 2, 1953, P. L. 354, and July 13, 1953, P. L. 410, further amended.

Section 4. Section 545 of the act, amended July two, one thousand nine hundred fifty-three (Pamphlet Laws 354), and amended July thirteen, one thousand nine hundred fifty-three (Pamphlet Laws 410), is amended to read:

Section 545. Meetings; Duties; Quorum; Surcharges; Compensation.—The auditors of townships shall meet annually, at the place of meeting of the supervisors, on the day following the day which is fixed by this act for organization of the township supervisors; and shall organize by the election of a chairman and secretary, and shall audit, settle, and adjust the accounts of the supervisors, superintendents, roadmasters, treasurer, and tax collector of the township, and fix the compensations for the current year authorized in [sections] *section 515* [and 540] hereof. Two auditors shall constitute a quorum. The auditors shall also make an audit of the dockets, transcripts, and other official records of the justices of the peace to determine the amounts of fines and costs paid over or due the township, and the dockets and records of the justices of the peace shall be open to inspection by the auditors for such purpose.

*Upon the death or resignation of any of the above officers the auditor, upon call of the chairman, shall meet and audit the accounts of the former incumbent, and at that time fix the compensation of his successor if authorized by this act to fix the compensation for such office.*

Any elected or appointed officer, whose act, error or omission has contributed to the financial loss of any township, shall be surcharged by the auditors with the amount of such loss, and the surcharge of any such officer shall take into consideration as its basis, the results of such act, error or omission and the results had the procedure been strictly according to law. The provisions hereof limiting the amount of any surcharge shall not apply to cases involving fraud or collusion on the part of such officers, nor to any penalty ensuing to the benefit of or payable to the Commonwealth.

Each auditor shall receive ten dollars per diem for each day necessarily employed in the duties of his office, to be paid out of the funds of the township, but in no event shall be entitled to receive more than two hundred dollars (\$200) for any calendar year. *A day shall consist of not less than five hours in the aggregate.*

Section 5. \*Sections 595 and 602 of the act, amended May twenty, one thousand nine hundred forty-nine (Pamphlet Laws 1562), and section 596 of the act, reenacted and amended July ten, one thousand nine hundred forty-seven (Pamphlet Laws 1481), are amended to read:

Sections 595 and 602, act of May 1, 1933, P. L. 103, amended May 20, 1949, P. L. 1562, and section 596 of the act, reenacted and amended July 10, 1947, P. L. 1481, further amended.

Section 595. Police Pension Fund.—Where a police force is being maintained, the township [shall] *may*, by ordinance, establish a police pension fund or pension annuity into which each member of the police force [shall] *may be required* to pay an equal and proportionate monthly charge not exceeding annually three per centum of the pay of such member. The fund shall be under the direction of the supervisors or such committee as they may, by ordinance, prescribe for the benefit of such members of the police force as shall receive honorable discharge therefrom by reason of age or disability, and the families of such as may be injured or killed in the service. Any allowances made to those who are retired by reason of disability or age shall be in conformity with a uniform scale.

Section 596. Service Required Before Retirement.—

(a) The ordinance establishing the police pension fund may prescribe a minimum period of continuous service, not less than twenty years, after which the members of the force may be retired from active duty. Township policemen, so retired, shall be subject to service as police reserves until unfitted for such service by reason of age or disability, when they may be finally discharged.

\* "Section" in original.

(b) The basis of the apportionment of the pension shall be determined by the rate of monthly pay of the member at the date of death, honorable discharge, or retirement [, and shall not in any case exceed in any year one-half the annual pay of such member computed at such monthly rate].

Section 602. Who to Attend; Compensation and Mileage.—The supervisors of townships, auditors, assessors, tax collectors, *solicitors*, *engineers*, and the secretary of the board of township supervisors, when not a member of the board, shall attend such conventions whenever possible. Each township supervisor, auditor, assessor, tax collector, *solicitor*, *engineer*, and secretary attending such convention shall receive a certificate, signed by the presiding officer and acting secretary of the convention, attesting his presence at the convention. Such certificate shall entitle him to collect from the township treasurer the sum of six dollars per day for each day's attendance, and mileage at the rate of [four] *eight* cents per mile traveled, to be computed by the route usually traveled from his place of residence to the place where the convention is held. No township supervisor, auditor, assessor, tax collector, *solicitor*, *engineer*, or secretary shall be paid for more than one day's attendance in any one year.

Section 604, act of May 1, 1933, P. L. 103, re-enacted and amended July 10, 1947, P. L. 1481, further amended.

Section 6. Section 604 of the act, reenacted and amended July ten, one thousand nine hundred forty-seven (Pamphlet Laws 1481), is amended to read:

Section 604. County to Pay Expenses.—The county treasurer shall, on warrants of the county commissioners, pay to the treasurer of such association, from the county funds, the necessary expenses incurred for the holding of such annual or semi-annual convention, including the necessary expenses of the secretary. The total sum thus paid by any county shall not exceed one hundred and twenty-five dollars a year.

Within thirty days after each such convention, the treasurer of such association shall file with the county commissioners an itemized statement, under oath, showing when and where such convention was held, the number of township supervisors, auditors, assessors, tax collectors, *solicitors*, *engineers*, and township secretaries present, and all the expenses connected with such convention, together with proper voucher for all such expenses, and no payment shall be made to the treasurer of such association until he has presented to the county commissioners an itemized and verified statement of expenses.

Section 7. Section 610 of the act, amended May twenty, one thousand nine hundred forty-nine (Pamphlet Laws 1562), is amended to read:

Section 610, act of May 1, 1933, P. L. 103, amended May 20, 1949, P. L. 1562, further amended.

Section 610. State Association Authorized.—The formation of a State Association of Township Supervisors is hereby authorized. The association shall hold annual meetings, at such time and place within the Commonwealth as it may designate, for the purpose of discussing various questions and subjects pertaining to the duties of township supervisors, and for the purpose of devising uniform, economical and efficient methods of administering the affairs of townships. All dues assessed by the association, which shall not exceed twenty dollars per year per township, shall be paid by the member townships from their general township funds. *The officers of the state association shall consist of a president, three vice-presidents, a secretary and a treasurer, none of whom shall be interested, directly or indirectly, in the promotion or sale of road material and equipment, but this provision shall not apply to advertisements or subject matter in any publication of the association. All of the officers, except the secretary, shall be members of the association and shall hold office for one year or until their successors are elected. The secretary may be a person not a regular member of the association and shall be paid such compensation as the other officers may determine.*

Section 8. Sections 611 and 612 of the act, amended May twenty-four, one thousand nine hundred fifty-one (Pamphlet Laws 370), are amended to read:

Sections 611 and 612, act of May 1, 1933, P. L. 103, amended May 24, 1951, P. L. 370, further amended.

Section 611. Delegates.—(a) Each county association of township supervisors shall elect one township supervisor or township secretary or secretary of the county association for each ten townships, or fraction thereof, within said county, as a delegate to each annual meeting of said State association, *but each county association shall be entitled to a minimum of two such delegates at each meeting.*

(b) *Each township, with dues paid in the State association, may elect one supervisor secretary or manager as a delegate to the State convention, which delegate shall have one vote in said convention. This delegate's expenses shall be paid by the respective townships out of the township general fund.*

*To qualify as a delegate, each township shall certify the name and address of the elected delegate to the secretary of the State association at least thirty days prior to the opening of the State convention.*

Section 612. Expenses and Mileage.—The expenses [of] *allowed* the delegates attending the annual meeting shall [not exceed twelve] *be twenty* dollars per day for each delegate for not more than three days, together with eight cents per mile in going to and returning from such meeting, and shall be paid by the respective county associations.

Section 701, act of May 1, 1933, P. L. 103, reenacted and amended July 10, 1947, P. L. 1481, further amended.

Section 9. Section 701 of the act, reenacted and amended July ten, one thousand nine hundred forty-seven (Pamphlet Laws 1481), is amended to read :

Section 701. Suits; Property.—Any township of the second class may—

I. Sue and be sued ;

II. Purchase, acquire by gift or otherwise, hold, lease, let and convey such real and personal property as shall be deemed to be for the best interests of the townships. Such real and personal property shall be taken and held only for the benefit of the inhabitants of the township, and for such objects and purposes for which the township tax and special tax assessments are authorized by law.

*No real estate owned by the township shall be sold for a consideration in excess of five hundred dollars, except to the highest bidder after due notices by advertisement for bids in one newspaper of the county. Such advertisement shall be published not less than ten days prior to the date fixed for the opening of bids, and such date and place for opening bids shall be announced in such advertisement. The acceptance of bids shall be made only by public announcement at the meeting at which bids are received. All bids shall be accepted on the condition that payment of the purchase price in full shall be made within ten days of the acceptance of bids.*

*No township personal property shall be disposed of, by sale or otherwise, except upon approval of the board of supervisors, by ordinance or resolution. In cases where the board shall approve a sale of such property, it shall estimate the sale value of the entire lot to be disposed of. If the board shall estimate the sale value to be two hundred dollars or more, the entire lot shall be advertised for sale once, in at least one newspaper of the county, not less than ten days prior to the date fixed for the opening of bids, and such date for opening bids shall be announced in such advertisement, and sale of the property so advertised shall be made to the best responsible bidder.*

*If the supervisors shall estimate the sale value to be less than two hundred dollars, it shall require notice of the proposed sale to be posted at least ten days in*



*a conspicuous place inside and on the outside of the building where the township supervisors hold their regular meetings, describing and itemizing the property to be sold and directing that bids may be made thereon at the office or home of the township clerk. Thereafter, the supervisors may sell such property, in whole or in part, for the best price or prices obtainable.*

*The provisions of this clause shall not be mandatory where township property is to be traded in or exchanged for new township property.*

*The provisions of this clause requiring advertising for bids and sale to the highest bidder shall not apply where township real or personal property is to be sold to any Authority pursuant to the Municipality Authorities Act of 1945.*

*Any officer who sells and each officer who votes in favor of selling any township property, either real or personal, without the provisions of this section having been complied with, shall be subject to surcharge in the amount of any loss sustained by the township by reason of such sale.*

Section 10. Clause III. of section 702 of the act, amended May twenty-four, one thousand nine hundred fifty-one (Pamphlet Laws 370), is amended to read:

Section 702. Supervisors to Exercise Powers.—

\* \* \* \* \*

III. Contracts and Tax Levy for Fire Purposes.—

On the petition of the surface property owners of a majority of the lineal feet frontage along any highways, streets, roads and alleys, or portion thereof, within the township, to enter into contract with water companies for the placing of fire hydrants, to water mains maintaining pressures approved by the fire insurance underwriters along said highways, streets, roads and alleys or to provide for or acquire a water supply system equipped to supply sufficient water for the protection of property from fire.

The moneys necessary for acquiring any such water system may be obtained by proceeding in accordance with either of the methods set forth in paragraphs A and B, as follows:

A. The supervisors shall [levy] *annually assess, or cause to be assessed, the cost and expense* for the acquisition of a water system, for the maintenance of such fire hydrants and for the purchase of hose, et cetera, [an annual tax] *by an equal assessment* upon [the property]

Clause III, section 702, act of May 1, 1933, P. L. 103, amended May 24, 1951, P. L. 370, further amended.

*all property, whether or not exempt from taxation by existing law*, abutting upon said highways, streets, roads and alleys and upon property within six hundred feet of any fire hydrant in the district benefited thereby, based upon the assessment for county purposes. No such [tax] *assessment* shall be levied against any farm land or land used as an aviation field or against other property in the district not benefited thereby. Such [tax] *assessment* shall be collected in the same manner as [other] taxes. The collector shall receive the same commission as on the township tax. The township treasurer shall receive all such [taxes] *assessments* collected for fire protection, and keep the same in a separate account, and pay the same out only upon orders signed by the chairman of the board of supervisors, attested by the secretary. The treasurer shall make a report to the auditors of the township annually.

B. The township supervisors shall annually assess, or cause to be assessed, the cost and expense for the acquisition of a water system, for the maintenance of such fire hydrants and for the purchase of hose, et cetera, by an equal assessment on all property, *whether or not exempt from taxation under existing law*, abutting upon said highways, streets, roads and alleys within six hundred feet of any fire hydrant in the district benefited thereby, in proportion to the number of feet the said property fronts on any street, highway, road or alley upon which a water main is laid, or within six hundred feet of any fire hydrant on such street, highway, road or alley. The supervisors may provide for an equitable reduction from the frontage of lots [it intersects] *at intersections*, or where from the peculiar or pointed shape of lots an assessment of the full frontage would be inequitable. No such assessment shall be made against any farmland, but vacant lots between built-up sections, either tilled or untilled, shall not be deemed to be farm lands. All such assessments for fire protection shall be filed with the township tax collector who shall give thirty (30) days written or printed notice that the assessments are due and payable, stating the due date to each party assessed, either by service on the owner of the property or by mailing such notice to the owner at his last known post office address. The tax collector shall be entitled to the same commission for the collection of such assessments as he is entitled to by law for the collection of the township road tax. If the assessments or any of them remain unpaid at the expiration of not exceeding ninety (90) days, the exact time to be fixed by the township supervisors, they shall be placed in the hands of the township solicitor for collection. The solicitor shall collect the same together with five percent

as attorney's commission and interest from the date such assessments were due by a municipal claim filed against the property of the delinquent owner in like manner as municipal claims are by law filed and collected. Where an owner has two or more lots against which there is an assessment for the same year all such lots may be embraced in one claim. All assessments when collected shall be paid over to the township treasurer who shall receive and shall keep the same in a separate account and pay the same only upon orders signed by the chairman of the township supervisors attested by the secretary. The tax collector and the treasurer shall make a report to the auditors of the township, annually.

Section 11. Clause XXVIII. of section 702 of the act, amended July two, one thousand nine hundred fifty-three (Pamphlet Laws 354), is amended to read:

Section 702. Supervisors to Exercise Powers.—

\* \* \* \* \*

XXVIII. Abandoned Cemeteries.—Whenever any cemetery or burial ground, incorporated or unincorporated, is abandoned, *or is being neglected although occasionally used for burial purposes*, the court of quarter sessions of the county, upon petition of twenty-five residents of the township, wherein such cemetery is located, may direct [title thereof to be transferred to the township and] the supervisors to care for such cemetery at a cost of not more than one hundred dollars in any one year. The supervisors shall expend moneys from the general township fund for such purpose. Such cemetery shall remain open to the public under the regulation and control of the supervisors.

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Section 12. Cause XLI. of section 702 of the act, amended May twenty-four, one thousand nine hundred fifty-one (Pamphlet Laws 370), is amended to read:

\* \* \* \* \*

XLI. Ordinances.—To adopt ordinances prescribing the manner in which such specific powers of the township shall be carried out. All such ordinances, unless otherwise provided by law, shall be published prior to passage at least once in one newspaper circulating generally in the township. [Except as otherwise provided in this act, an informative notice of the passage of all such ordinances shall be advertised once in one newspaper circulating generally in the township.] Such ordinances shall be recorded in the ordinance book of the township and shall become effective five days after such [advertising] *adoption*. In any case in which

Clause XXVIII, section 702, act of May 1, 1933, P. L. 103, amended July 2, 1953, P. L. 354, further amended.

Clause XLI, section 702, act of May 1, 1933, P. L. 103, amended May 24, 1951, P. L. 370, further amended.

maps, plans, or drawings of any kind are adopted as part of an ordinance, the supervisors may, instead of publishing the same as part of the ordinance, refer in publishing the ordinance to the place where such maps, plans, or drawings are on file and may be examined. The board of supervisors may prescribe fines and penalties not exceeding three hundred dollars in any instance for the violation of any such township ordinances, which fines and penalties may be collected by suit or summary proceeding brought in the name of the township before any justice of the peace. Proceedings for the violation of township ordinances and for the collection of fines and penalties imposed thereby may be commenced by warrant, or by summons, at the discretion of the justice of the peace before whom the proceeding is begun. No warrant shall be issued, except upon complaint on oath or affirmation specifying the ordinance for the violation of which the same is issued. All proceedings shall be directed to, and be served by, a constable of the township. Warrants shall be returnable forthwith and upon such return like proceeding shall be had, as in cases of summary conviction. All fines and penalties collected for the violation of township ordinances shall be paid over to the township treasury. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the township lockup for a period not exceeding five days, or to the county jail, or workhouse for a period not exceeding thirty days.

Any person aggrieved may, within thirty days after any ordinance or resolution takes effect, make complaint as to the legality of such ordinance or resolution to the court of quarter sessions upon entering into recognizance with sufficient surety to prosecute the same with effect, and for the payment of costs. The determination and order of the court thereon shall be conclusive.

Section 1101, act of May 1, 1933, P. L. 103, amended July 20, 1953, P. L. 511, further amended.

Section 13. Section 1101 of the act amended July twenty, one thousand nine hundred fifty-three (Pamphlet Laws 511), is amended to read:

Section 1101. Power to Lay Out, Open, Widen, Vacate, Et Cetera.—The township supervisors may by ordinance enact, ordain, survey, lay out, open, widen, straighten, vacate and relay all roads 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 road passes, or upon whose land it abuts,] *of interested citizens,* or without petition [of the owners of abutting property,] if in the judgment of the supervisors, it is necessary

[for the public convenience]. Such power shall include authority to vacate, in whole or in part, roads 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 public road which will be a continuation or extension of a street already opened by an adjacent city, borough or township, and to provide in any ordinance for the vacation of a road, that all or part thereof shall be a private road.

The township supervisors may also, by ordinance, enact, ordain, survey, lay out, open, widen, straighten, vacate and relay roads, partly within the township, where similar concurrent action is taken by the authorities of all political subdivisions wherein the road is located.

The township supervisors may also, by ordinance, provide for the widening, straightening or improvement of a State highway, with the consent of the Secretary of Highways, by the adoption of a plan therefor, and may expend township funds in connection therewith. The supervisors may adopt a plan of the Department of Highways as the official plan of the township.

When any petition is presented to the township supervisors under the provisions of this section and the supervisors fail to act on the petition within sixty (60) days, the petitioners may present their petition to the court of quarter sessions which shall proceed thereon as provided by the general road law.

No such road shall be laid out and opened through any burial ground or cemetery, nor through any grounds occupied by a building used as a place for public worship, or as a public or parochial school, or educational or charitable institution, or seminary, unless the consent of the owner or corporation or person controlling the premises is first secured.

Section 14. Section 1102 of the act, amended May twenty-four, one thousand nine hundred fifty-one (Pamphlet Laws 370), and amended, in part, July twenty, one thousand nine hundred fifty-three (Pamphlet Laws 511), is amended to read:

Section 1102, act of May 1, 1933, P. L. 103, amended May 24, 1951, P. L. 370, and amended in part July 20, 1953, P. L. 511, further amended.

Section 1102. Hearing; Report; Exceptions Thereto; View and Notice.—(a) Prior to the passage of any ordinance for the laying out, opening, changing or vacating of any road or highway or section thereof, the supervisors shall give ten days' written notice to the property owners affected thereby of the time and place when and where all parties interested may meet and be heard. Witnesses may be summoned and examined by the supervisors and by the parties interested at such meeting or any adjournment thereof.

(b) After such hearing [and a consideration of the matter], should the supervisors, 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 road, 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. Duplicate copies of such report and draft shall be filed in the office of the clerk of the court of quarter sessions. Upon the filing of such report and draft, the supervisors may enact the necessary ordinance] *enact the necessary ordinance and file a copy of such ordinance, together with a draft and survey of the road showing the location and width thereof, in the office of the clerk of court of quarter sessions.*

(c) Any citizen or freeholder of the township may, within thirty days after the filing of the report of the supervisors, upon entering in the court sufficient surety to indemnify them for all costs incurred in the proceedings, file exceptions to the [report] *ordinance* together with a petition for a review. Thereupon, the court of quarter sessions shall appoint viewers from the county board of viewers for the purpose of [the review] *reviewing the ordinance and exceptions thereto.*

(d) [Upon favorable action on such matter by the supervisors, and after] *After* the expiration of the term allowed for filing exceptions, or upon the order of the court upon the disposition of any exceptions, [if] in [either] case the compensation for the damages or benefits accruing therefrom have not been agreed upon, the court of common pleas, or any law judge thereof in vacation, on application by petition by the supervisors, or any person interested, shall appoint three viewers from the county board of viewers to assess the damages and benefits occasioned by the proceeding [, in the manner provided by this act for such proceedings].

(e) [After the passage or approval of any ordinance by the supervisors for the opening, widening, straightening, extending or vacating any road, notice shall, within ten days thereafter, be given by handbills, posted in conspicuous places along the line of the road or highway. Such notice shall state the fact of the passage or approval of the ordinance and the date of the passage or approval.] *All ordinances enacted under the provisions of this section shall be advertised in the same manner as provided for in Article VII., section 702, clause XLI.*

(f) [Petitions by property owners shall include the name and address of a person upon whom notices may be served.] All petitions shall be acted on within sixty

(60) days after the hearing thereon. Within such period, the supervisors shall notify the person designated in the petition of their action thereon. If the prayer of the petition is refused, the petitioners, or a majority of them, may, within thirty days after receipt of the notice, petition the court of quarter sessions for the appointment of viewers and proceedings shall be had thereon in accordance with the general road law.

Section 15. Sections 1103 and 1104 of the act, amended May twenty-four, one thousand nine hundred fifty-one (Pamphlet Laws 370), are amended to read:

Sections 1103  
and 1104, act of  
May 1, 1933,  
P. L. 103,  
amended May 24,  
1951, P. L. 370,  
further amended.

Section 1103. Width of Public Roads.—The width of a public road in townships of the second class shall not be less than thirty-three feet or more than one hundred and twenty feet [, unless in any particular case, the supervisors shall determine that a road of lesser width will be sufficient for public use and travel]: Provided, That when the public road desired to be opened is in a built up section of any township of the second class, of the type commonly known as an alley, and is not an integral part of a through route, the minimum width may be fifteen feet: And, provided, That the limits of width shall not be construed to include the width required for necessary slopes in cuts or fills, when the limits of the road and the extra width required for such slopes exceed the limits of width herein specified.

Section 1104. Laying Out Roads Under the General Road Law.—All roads [, partly within townships of the second class, where one of the termini of such roads is without the township, shall] *may* be laid out, widened, changed or vacated [only] by the courts of quarter sessions, as heretofore in the manner provided by the general road law and the amendments, additions, and supplements thereto [, except where concurrent action is taken by all political subdivisions wherein such road is located. But no such road shall be opened, changed, widened, altered or vacated, unless and until the supervisors of the township shall have passed a resolution consenting and approving thereto, and shall have filed with the clerk of said court, a copy of such resolution duly certified by the township secretary]. All damages and benefits occasioned by such laying out, and the subsequent opening thereof, or by any such widening, changing or vacation shall be assessed, collected and paid in the manner provided by the general road law and the amendments, additions and supplements thereto [: Provided, That all damages occasioned by such laying out, and the opening thereof, or by the widening, changing or vacating of all roads within townships of the second class shall be assessed, collected and paid by such townships of the second class.]

The heading of subdivision (d), Article XI, and sections 1115, 1140, and 1147, act of May 1, 1933, P. L. 103, reenacted and amended July 10, 1947, P. L. 1481, further amended.

Section 16. The heading of subdivision (d) of Article XI. and sections 1115, 1140 and 1147 of the act, re-enacted and amended July ten, one thousand nine hundred forty-seven (Pamphlet Laws 1481), are amended to read:

(d) [Improving] *Relocating* or Vacating Roads by Agreement with Property Owners

Section 1115. [Improving] *Relocating* or Vacating Roads by Agreement.—Whenever the supervisors of any township deem it advisable to [construct, change, widen,] relocate [or alter] any part of any public road under their supervision, or to vacate any abandoned portion of a State highway not vacated by the Department of Highways, and can agree with the property owners affected by such [improvement] *relocation* or vacation, they may [change, widen,] relocate [, alter] or vacate such part of such public road, as contemplated in such agreement, without the formality of a view.

[No such improvement of any part of any public road shall be made, the costs and expenses of which, including damages to such township, shall exceed one thousand dollars.] A petition setting forth the facts regarding such [improvement] *relocation* or vacation accompanied by a map or draft of the same, shall be presented to the court of quarter sessions for approval before such actual [improvement] *relocation* or vacation is made; whereupon the new location, approved by the court, shall be taken to be the public road and the old location shall be vacated, or the abandoned State highway shall be vacated, as the case may be.

Section 1140. Acceptance of Land Dedicated by Deed for Road Purposes [; Plans of Dedicated Roads and Streets].—The supervisors of any township may accept *by resolution* in the name of the township, any land dedicated by deed to the township to be used [, in any manner for road purposes.] *as a road, street or alley. A copy of such resolution, together with a draft or survey of the road, street or alley, showing location and width thereof, shall be filed in the office with the clerk of quarter sessions court.*

*Section 1140.1. Plans of Dedicated Roads and Streets.*—No person shall construct, open, or dedicate any road, or any drainage facilities in connection therewith, for public use or travel in any township, without first submitting plans thereof to the township supervisors for their approval. Such plans shall be prepared in duplicate in accordance with such rules and regulations as may be prescribed by the supervisors, and shall



show the profiles of such roads, the course, structure, and capacity of any drainage facilities, and the method of drainage of the adjacent or contiguous territory, and also any other further details that may be required under the rules or regulations adopted by the township supervisors. Before acting upon any such plans, the supervisors may, in their discretion, arrange for a public hearing, after giving such notice as they may deem desirable in each case. The township supervisors 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 such alterations, changes or modifications. Any plans when so approved shall be signed in duplicate on behalf of the township by the supervisors and an approved duplicate copy shall be filed with the secretary of the township, who shall make the same available to public inspection. No road or drainage facilities in connection therewith, shall be opened, constructed, or dedicated for public use or travel, except in strict accordance with plans so approved by the supervisors, or with further plans subsequently approved by them in the same manner, and until such plan and the approval thereof has been recorded as hereinafter provided.

Section 1147. Taking Over of Roads, Streets, [Lanes,] and Alleys Heretofore Dedicated as Public Roads.—Whenever plans of dedicated roads, streets, [lanes,] or alleys located in second class townships have been [adopted,] approved, and recorded, *as provided in section 1140.1 and 1411* the board of supervisors of any such township may [with the consent of the court of quarter sessions, upon petition filed,] accept *by resolution* any roads, streets, [lanes,] or alleys, as public roads, if shown in said plans as dedicated to such use; and provided the roads or streets shall be not less than thirty-three feet in width, and the [lanes or] alleys not less than fifteen feet in width, said acceptance to be evidenced by a resolution of the said board of supervisors, properly describing said roads, streets, [lanes,] or alleys and adopted by a majority thereof by a vote duly recorded and entered upon the minutes of said board. Upon the filing with the clerk of courts of quarter sessions of the county, in which said township shall be situate, a certified and attested copy of said resolution [with the consent of the court endorsed thereon], such roads, streets, [lanes,] or alleys shall be and become a part of the public road system of said township, and shall be so recorded in said court of quarter sessions.

Sections 1201-A, 1205-A, and subsection (j), section 1206-A, act of May 1, 1933, P. L. 103, added May 24, 1951 P. L. 370, amended.

Section 17. Sections 1201-A, 1205-A and subsection (j) of section 1206-A of the act, added May twenty-four, one thousand nine hundred fifty-one (Pamphlet Laws 370), are amended to read:

Section 1201-A. Supervisors Empowered to Adopt Regulations.—For the purpose of assuring sites suitable for building purposes and human habitation, and to provide for the harmonious development of townships, 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 supervisors are hereby empowered to adopt, *by ordinance or resolution*, 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 1205-A. Subdivisions Wherein Lots Abut Existing Improved Streets of Sufficient Width.—Such regulations may provide that plans of subdivisions wherein lots abut existing improved streets of sufficient width shall be subject to approval or rejection by the township engineer, or a committee appointed by the board of township supervisors, 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 supervisors, and such appeal shall be considered by the board at its next regular meeting. The decision of the board shall be final.

Section 1206-A. Subdivisions Wherein Lots Abut Existing Streets of Insufficient Width, or Proposed Streets.—

\* \* \* \* \*

(j) Streets, Parks and Other Improvements Private Until Dedicated or Condemned. Every street, park or other improvement shown on a subdivision plan that is recorded, as provided herein, shall be deemed to be a private street, park or improvement until such time as the same has been offered for dedication to the township and accepted, by resolution, *and recorded in the office of the clerk of the court of quarter sessions*, or until it has been condemned for use as a public street, park or other improvement.

Section 18. Section 1206-A of the act, added May twenty-four, one thousand nine hundred fifty-one (Pamphlet Laws 370), is amended by adding, after subsection (j), a new subsection to read:

Section 1206-A, act of May 1, 1933, P. L. 103, added May 24, 1951, P. L. 370, amended by adding a new subsection (k).

Section 1206-A. Subdivisions Wherein Lots Abut Existing Streets of Insufficient Width, or Proposed Streets.—

\* \* \* \* \*

(k) *Final Approval or Disapproval. Approval or disapproval by the supervisors or court shall not be subject to approval or disapproval by the planning body of any other municipality.*

Section 19. Subsection (b) of section 1402 of the act, amended July two, one thousand nine hundred fifty-three (Pamphlet Laws 354), is amended to read:

Subsection (b), section 1402, act of May 1, 1933, P. L. 103, amended July 2, 1953, P. L. 354, further amended.

Section 1402. Construction of Sidewalks or Sidewalks and Curbs Upon Petition of Property Owners or Pursuant to Ordinance.—

\* \* \* \* \*

(b) The township supervisors may also construct sidewalks *and curbs* of suitable material along the roads or highways in such townships pursuant to an ordinance authorizing such construction. Whenever any sidewalks *or curbs* are constructed by the supervisors pursuant to such ordinance, the expense of the construction of such sidewalks *or curbs* shall be paid by the abutting property owners in proportion to their frontage, but in no such instance shall any abutting property owner be liable for the construction of such [sidewalks] *sidewalk* in an amount greater than ten percent, *nor for the construction of such curb in an amount greater than ten percent*, of the assessed valuation of the abutting property owned by him. Any expense above such maximum liability of abutting property owners shall be paid by the townships. If abutting property owners fail to so pay the expenses of the construction of such sidewalks *or curbs* for which they are liable, the township supervisors may recover the amount by action of assumpsit or may file municipal liens therefor against the abutting properties in the manner provided by law for the filing and collection of municipal liens.

Section 20. Section 1530 of the act, reenacted and amended July ten, one thousand nine hundred forty-seven (Pamphlet Laws 1481), is amended to read:

Section 1530, act of May 1, 1933, P. L. 103, reenacted and amended July 10, 1947, P. L. 1481, further amended.

Section 1530. Agreements for Connections; Appointment of Viewers.—Any township may, by agreement, connect with an existing sewer owned by any adjacent

municipality, for sewage purposes [, in the following manner].

[A] *Whenever any township desires to connect with the existing sewer of any adjacent municipality and no agreement has been reached between such township and the adjacent municipality, a petition shall be presented by the board of supervisors to the court of quarter sessions setting forth the facts. The court shall fix a day for hearing upon such petition and shall direct such public notice to all parties interested therein as to it shall seem desirable. If, after hearing, the court shall be of the opinion that such connection can be made without impairing the usefulness of the existing sewer, it shall appoint three viewers who shall view the premises, and investigate the facts of the case and shall assess the necessary costs and expenses of making the connection, and the proportionate part of the expense of building the original sewer upon such township, and shall fix the proportion of the expense for repairs which the municipality and the township shall thereafter bear, and determine all other questions liable to arise in connection therewith.*

The first paragraph, section 2004, act of May 1, 1933, P. L. 103, reenacted and amended July 10, 1947, P. L. 1481, further amended.

Section 21. The first paragraph of section 2004 of the act, reenacted and amended July ten, one thousand nine hundred forty-seven (Pamphlet Laws 1481), is amended to read:

Section 2004. Method of Procedure.—The supervisors shall exercise the powers granted in section 2001 hereof, by ordinance, which shall provide for the enforcement of the regulations and restrictions established therein by [reasonable fines and] *the issuance of stop, cease and desist orders by the zoning officer to violators, by the instituting of appropriate actions or proceedings at law or in equity, and by reasonable fines, and for at least one week and not more than three weeks prior to the presentation of the proposed ordinance, a notice of intention to consider such proposed ordinance and a brief summary setting forth the principal provisions of the proposed ordinance, in such reasonable detail as will give adequate notice of its contents, and a reference to the place or places within the township where copies of the proposed ordinance may be examined. The Department of Internal Affairs shall prepare suitable forms for such notice, which may be used by the supervisors of any township for this purpose.*

\* \* \* \* \*

Section 22. The second, fourth, seventh and eighth paragraphs of section 2007 of the act, amended July two, one thousand nine hundred fifty-three (Pamphlet Laws 354), are amended to read:

The second, fourth, seventh and eight paragraphs, section 2007, act of May 1, 1933, P. L. 103, amended July 2, 1953, P. L. 354, further amended.

Section 2007. Board of Adjustment.—

\* \* \* \* \*

The board of adjustment shall consist of three members, one of whom shall be designated to serve until the first day of January following the adoption of the zoning ordinance, one until the first day of the second January thereafter, and one until the first day of the third January thereafter. Their successors shall be appointed on the expiration of their respective terms to serve three years. The members of the board shall be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. *The members of the board shall receive such compensation, not to exceed six dollars for each meeting, as shall be fixed by the board of supervisors. No compensation shall be paid for any meeting in which only questions considered in a prior meeting are acted upon. The compensation shall be paid from fees a schedule of which shall be fixed, annually, by the supervisors with the advice of the board for the filing of appeals or petitions to the board. Only one fee shall be charged for the appeal or petition relative to any one property regardless of the number of meetings required for the determination of the question or questions raised.*

\* \* \* \* \*

Appeals to the board of adjustment may be taken by any person or township official aggrieved or affected by any provision of the zoning ordinance or by any decision [of], *including any order to stop, cease and desist issued by any administrative officer, hereinafter called the zoning officer, charged with enforcing the provisions of the zoning ordinance. Such appeal shall be taken within a reasonable time as provided by the rules of the board by filing with the zoning officer and with the board of adjustment, a notice of appeal specifying the grounds thereof. The zoning officer shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.*

\* \* \* \* \*

The board of adjustment shall have the following powers:

(1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination. *including any order requiring an alleged*

*violator to stop, cease and desist*, made by the zoning officer in the enforcement of this article or of any ordinance adopted pursuant thereto.

(2) To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance.

(3) To authorize, upon appeal, in specific cases such variance from the terms of the ordinance as will not be contrary to public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

In exercising the above mentioned powers, such board may, in conformity with the provisions of this article, reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination, *including any order requiring an alleged violator to stop, cease and desist*, appealed from, and may make such order, requirement, decision or determination *including a stop order or orders to cease and desist* as ought to be made. Notice of such decision shall forthwith be given to all parties in interest.

\* \* \* \* \*

APPROVED—The 1st day of June, A. D. 1956.

GEORGE M. LEADER

No. 678

### AN ACT

Amending the act of April nine, one thousand nine hundred twenty-nine (Pamphlet Laws 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments.