

two hundred and eight, three thousand two hundred and nine, and three thousand two hundred and ten of this act or by the foot-front rule or assessed valuation, as provided in section three thousand two hundred and three of this act. Any portion of the cost of such an improvement not assessed or not assessable shall be paid by the respective cities, boroughs, and townships joining as may be agreed upon.

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Act effective immediately.

Section 4. This act shall take effect immediately.

APPROVED—The 6th day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 281

AN ACT

Amending the act of May 4, 1927 (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," further regulating property assessments for sanitary sewer construction and authorizing boroughs to charge tapping fees whenever property is connected with a sanitary sewer system or water main.

The Borough Code.

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

Sections 2101 and 2102, act of May 4, 1927, P. L. 519, reenacted and amended July 10, 1947, P. L. 1621, further amended.

Section 1. Sections 2101 and 2102, act of May 4, 1927 (P. L. 519), known as "The Borough Code," reenacted and amended July 10, 1947 (P. L. 1621), are amended to read:

Section 2101. Power to Lay Out, Ordain and Construct.—Boroughs may, with the consent and permit of the Sanitary Water Board, lay out, ordain and construct *sanitary* sewers in streets or on private property, and may construct sewage treatment works on land owned or acquired for such purposes, and pay the costs and expenses thereof out of borough funds, or may assess the costs and expenses of *sanitary* sewers [in streets] as herein provided.

Section 2102. Assessment According to Benefits.—Where a borough constructs *sanitary* sewers [in streets of the borough] and desires to assess the costs and expenses upon property benefited, then on petition, viewers shall be appointed, as provided in article fourteen of this act, who shall assess the damages, costs, and expenses of the *sanitary* sewer upon the property benefited, *accommodated and improved* according to benefits, if sufficient can be found, but, if not, then the deficiency

when finally ascertained shall be paid by the borough. The proceedings of the viewers and the proceedings on their report shall be as provided in article fourteen of this act.

Section 2. Section 2105 of the act, amended July 19, 1951 (P. L. 1026), is amended to read:

Section 2105 of act, amended July 19, 1951, P. L. 1026, further amended.

Section 2105. Assessment by Foot-front Rule.—Where a borough constructs *sanitary* sewers [in streets of the borough] and desires to assess the costs and expenses thereof by the foot-front rule, it may by ordinance provide that the expenses shall be assessed against the property [abutting thereon] *benefited, improved and accommodated by any sanitary sewer* by the foot-front rule and may provide for equitable adjustments for corner lots or lots of irregular shape where an assessment for the full frontage would be unjust. The secretary of the borough shall cause thirty days' notice of the assessment to be given to each party assessed, either by service on the owner or his agent, or left on the assessed premises.

Section 3. Sections 2106, 2108, 2115, 2116, subsection (a) of section 2120, sections 2140 and 2155 of the act, reenacted and amended July 10, 1947 (P. L. 1621), are amended to read:

Sections 2106, 2108, 2115, 2116, subsection (a), section 2120, sections 2140 and 2155, reenacted and amended July 10, 1947, P. L. 1621, further amended.

Section 2106. Places and Manner of Construction.—The borough shall fix the places [along the streets] where such *sanitary* sewer, and branches thereof, shall be laid down, and shall prescribe the manner in which they shall be constructed.

Section 2108. Assessments of Cost.—Whenever any borough shall construct any *sanitary* sewer [in any street] and assess the cost thereof by the foot-front rule, the assessment, duly certified under the seal of the borough, attested by the burgess or the president of council and secretary, shall be collectible from the owner of [such] property *benefited, improved and accommodated thereby*.

Such certificate of assessment shall be prima facie evidence, in any suit for the recovery of the same, of the correctness and validity of such assessment.

The assessment herein referred to shall be computed under the terms of the ordinance, but the individual assessments need not be expressed therein.

Section 2115. Power to Construct.—Boroughs are hereby authorized to require and permit sanitary sewers and sewer pipes to be laid and constructed on either side of the cartway or the curb lines thereof in any street.

The said sewers shall be for the service and use of the property [abutting thereon] on the side of the street in which they are laid.

Section 2116. Collection of Costs and Expenses.—The costs and expenses of any *sanitary* sewer laid and constructed as aforesaid may be assessed against the [abutting] property [in front of which the same is laid] *benefited, improved and accommodated thereby*, and such costs and expenses, when so assessed, shall be assessed and collected in the same manner as the costs and expenses of other *sanitary* sewers are assessed and collected in the respective borough in which the same are laid.

Section 2120. Building Joint Sewers.—(a) Boroughs may jointly with other cities, boroughs or townships build and construct *sanitary* sewers, including trunk line sewers or drains and sewage treatment works, and may connect into such system existing *sanitary* sewers, and may assess their respective portions of the cost thereof, or so much thereof as may be legally assessable, upon property benefited, *improved and accommodated* by the improvement, either by viewers or by the foot-front rule as provided in this article. Any portion of the cost of such improvement not assessed or not assessable shall be paid by the respective cities, boroughs, and townships joining, as may be agreed upon.

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Section 2140. Ordinance for Instalment Payments; Interest.—Whenever any borough shall, by ordinance, authorize the construction or acquisition of any sewer, or system of *sanitary* sewers, and the entire cost, or any part thereof, shall be assessed against the properties [abutting on] *benefited, improved and accommodated by* such improvement, whether by the foot-front rule, or according to benefits, the council may provide in such ordinance that the assessment may be paid in semi-annual or annual instalments. Such instalments shall bear interest, at a rate not exceeding six per centum, from the date of the commencement of the work or the construction of such improvement.

Section 2155. Ordinances to Require Sewer Connections.—Any borough may, by ordinance, require any owner of property [abutting on or adjoining] *benefited, improved and accommodated by* any [street in which is a] *sanitary* sewer, to make connections with such *sanitary* sewer, in such manner as the borough may order, for the purpose of discharge of such drainage or waste matter as the borough may specify. The borough may by penalties enforce any regulation it may ordain with reference to any *sanitary* sewer connections.

Section 4. Article XXI. of the act, reenacted and amended July 10, 1947 (P. L. 1621), is amended by adding, after subdivision (j), a new subdivision to read:

Article XXI. of act, reenacted and amended July 10, 1947, P. L. 1621, amended by adding a new subdivision (j.1), section 2173.1.

ARTICLE XXI.

SEWERS.

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(j.1) Sanitary Sewer Tapping Fees

Section 2173.1. Tapping Fees.—Any borough may, by ordinance, provide for charging a tapping fee whenever the owner of any property connects such property with a sanitary sewer system constructed or acquired by the borough, which fee shall be in addition to any charges assessed and collected against such property in the construction or acquisition of such sanitary sewer by the borough. Whenever a sanitary sewer system or any part or extension thereof owned by a borough has been constructed by the borough at the expense of a private person or corporation or has been constructed by a private person or corporation under the supervision of the borough at the expense of the private person or corporation, the borough shall have the right to charge a tapping fee and refund said tapping fee or any part thereof to the person or corporation who has paid for the construction of said sanitary sewer system or any part or extension thereof. The total of said refunds shall never exceed the cost of said system or any part or extension thereof to the person or corporation paying for the construction thereof. In any case where the property connected or to be connected with the sanitary sewer system of the borough is not equipped with a water meter, the borough may install such a meter at its own cost and expense. If the property is supplied with water from the facilities of a public water supply agency, the borough shall not install such meter without the consent and approval of the public water supply agency.

Section 5. Section 2175 of the act, reenacted and amended July 10, 1947 (P. L. 1621), is amended to read:

Section 2175 of act, reenacted and amended July 10, 1947, P. L. 1621, further amended.

Section 2175. Assessment of Benefits.—The property [abutting on the side of said street] *benefited, improved and accommodated* which is located outside the limits of the borough constructing such *sanitary* sewers, shall, for a depth of one hundred fifty feet, be assessed for the cost of such *sanitary* sewer, as a sewage tax, in the same manner as such property would be assessed, under the laws of the Commonwealth, if it were entirely located within the limits of such borough, if such property is given permission to use such *sanitary* sewer and is

not, at the time such *sanitary* sewer is constructed, provided with *sanitary* sewer facilities.

Act amended by adding a new subdivision (8) to Article XXIV., section 2465.

Section 6. The act is amended by adding, after subdivision (7) of subarticle (a) of article XXIV, a new subdivision to read:

ARTICLE XXIV.

PUBLIC SERVICE.

(a) Water Supply and Water-Works.

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(8) *Tapping Fees*

Section 2465. Water Main Tapping Fees.—Any borough may, by ordinance, provide for charging a tapping fee whenever the owner of any property connects such property with a water main constructed or acquired by the borough, which fee shall be in addition to any charges assessed and collected against such property in the construction or acquisition of such water main by the borough. Whenever a water main or part or extension thereof owned by a borough has been constructed by the borough at the expense of a private person or corporation or has been constructed by a private person or corporation under the supervision of the borough at the expense of the private person or corporation, the borough shall have the right to charge a tapping fee and refund said tapping fee or any part thereof to the person or corporation who has paid for the construction of said water main or any part or extension thereof. The total of said refunds shall never exceed the cost of said system or any part or extension thereof to the person or corporation paying for the construction thereof.

Act effective immediately.

Section 7. This act shall take effect immediately.

APPROVED—The 6th day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 282

AN ACT

Amending the act of May 5, 1933 (P. L. 289), entitled "An act relating to nonprofit corporations; defining and providing for the organization, merger, consolidation, and dissolution of such corporations; conferring certain rights, powers, duties, and immunities upon them and their officers and members; prescribing the conditions on which such corporations may exercise their powers; providing for the inclusion of certain existing corporations of the first class within the provisions of this act; prescribing