

No. 366.

AN ACT

To amend an act, approved the fourteenth day of April, one thousand eight hundred and thirty-four, entitled "An act relative to the organization of the courts of justice."

Courts.

Appointment of criers, tipstaves, or constables.

Section 78, act of April 14, 1834, cited for amendment.

Appointments.

Compensation.

Section 1. Be it enacted, &c., That section seventy-eight of an act, approved the fourteenth day of April, one thousand eight hundred and thirty-four, entitled "An act relative to the organization of the courts of justice," which reads as follows:—

"Section 78. The judges of the several courts of this Commonwealth shall have power to appoint a *crier* for the respective court, and so many tipstaves or constables as may be necessary to attend upon the court, and the said officers shall be paid by the respective counties, such sum for each day's attendance as the said judge shall allow," is hereby amended to read as follows:—

Section 78. The judges of the several courts of this Commonwealth shall have power to appoint *one or more criers* for the respective court or courts, and so many tipstaves or constables as may be necessary to attend upon the courts. The said officers shall be paid by the respective county such sum for each day's attendance as the said judges shall allow,—*except in districts where the compensation has been heretofore fixed or limited by law, in which case such compensation shall remain as heretofore authorized.*

APPROVED—The 25th day of June, A. D. 1913.

JOHN K. TENER.

No. 367.

AN ACT

Providing for the incorporation, regulation, and government of cities of the third class; regulating nomination and election of municipal officers therein; and repealing, consolidating, and extending existing laws in relation thereto.

Cities of the third class.

How chartered.

Elections.

Section 1. Be it enacted, &c., That cities of the third class shall be chartered whenever a majority of the electors of any town, township, or borough, or any two or more contiguous towns, townships, or boroughs, situate within the limits of the same county, and having together a population of at least ten thousand according to the last preceding United States census, shall each, separately, vote at any general or municipal election in favor of the same, and the council or corporate authorities of any such town, township, or borough, or of any such contiguous towns, townships, or

boroughs, as the case may be, may on their own motion, or upon petition of one hundred or more qualified electors thereof shall, by resolution duly passed and recorded among the minutes, submit the question of whether any such town, township, or borough, or whether any such contiguous towns, townships, or boroughs, shall become a city of the third class, to the qualified electors thereof; and they shall give notice by the publication of said resolution, during at least four weeks immediately prior to the next general or municipal election, in all of the newspapers published in said towns, townships, or boroughs,—and if no newspaper be published in said towns, townships, or boroughs, then publication shall be made in not more than two newspapers published in the county wherein the towns, townships, or boroughs are located,—that such an election will be held; they shall certify said resolution to the county commissioners of the proper county, who shall thereupon cause the said question to be printed at the foot of the official ballot to be used at the said general or municipal election in the towns, townships, borough or boroughs, aforesaid, in the following form: "Proposed city charter," and below shall be printed on two lines, with a square at the right of each, the words "For city charter" and "Against city charter;" and the electors shall designate with a cross mark (X) in one of said squares their desire to vote for or against such city charter. It shall be the duty of the election officers within said town, township or towns, townships, borough or boroughs, to count the votes so cast for and against such city charter, and make return thereof on blanks to be furnished by the corporate authorities of said town or towns, township or townships, borough or boroughs, to the clerk of the court of quarter sessions of the proper county, who shall compute the same and certify the result thereof to the corporate authorities aforesaid, and a duplicate return to the Secretary of the Commonwealth, each duly certified in the manner required by law; and in receiving, counting, and making return of the votes cast, the inspectors, judges, and clerks of the said election shall be governed by the laws of the Commonwealth regulating general elections; and all the electors, inspectors, judges, and clerks voting at and in attendance upon the election to be held under the provisions of this act, shall be subject to the penalties imposed by the election laws of this Commonwealth.

Submission of question.

Publication.

Certificate.

Ballots.

Returns.

Duplicate return.

Conduct of election.

Section 2. Whenever by the returns of the election in any towns, townships, or boroughs, aforesaid, it shall appear that in each, separately, there is a majority against the city charter, no further proceeding shall be had, and it shall not be lawful to hold another election upon that question in such towns, townships or boroughs for three years thereafter. If it shall appear by the said returns that there is a majority in each in favor of the city charter, the Governor shall issue letters patent, under the great seal of the Commonwealth, reciting the facts, defining the boundaries of said city, and constituting the same a body corporate and politic by the name of the city of, and the corporate authorities of any such town, township, or borough shall, within sixty days after such election, furnish to the Secretary of the Commonwealth the necessary information in regard to the boundaries of said city.

When majority is against city charter.

When in favor of city charter.

Letters patent.

Boundaries.

Property of townships and boroughs vested in the city.

Section 3. All of the property and estates whatsoever, real and personal, of the towns, townships, or boroughs which shall have thus become a city of the third class, are hereby severally and respectively vested in the corporation or body politic of said city, by the name, style, and title given thereto as aforesaid, and for the use and benefit of the citizens thereof forever; and the charters of the said towns, townships, or boroughs shall continue in full force and operation, and all officers under the same shall hold their respective offices until the first Monday of January following the general municipal election next succeeding the issuing of the letters patent to the said city, at which time the officers of said city chosen at the preceding municipal election shall enter upon their respective terms of service, and the city government shall be duly organized under this act. All suits, prosecutions, debts, and claims, whatsoever, shall thereupon become transferred to the said city, which in all suits pending shall be substituted as a party, and be under the management and control thereof, as fully and completely as if no alteration had been made in said charter; and all claims and demands of whatsoever nature, whether payable presently or in the future, existing against the said towns, townships, or boroughs when the said charter shall go into operation, shall by force thereof be recoverable from or against the said city: Provided, That where two or more towns, townships, or boroughs shall, under the provisions of this act, be consolidated into a city, the debt or debts of each of said towns, townships,

Transfer of suits, debts, etc.

Proviso.

or boroughs, contracted prior to such consolidation, shall be paid by such towns, townships, or boroughs, respectively, and for the liquidation of such debt the authorities of such city shall have power to adjust and provide for the same, and to levy separate rates of taxation on all property subject to taxation within the boundaries of the said towns, townships, or boroughs, respectively.

ARTICLE II.

Creation and Division of Wards.

Section 1. Wards in cities of the third class may be divided, or new wards created therein, by the court of quarter sessions of the proper county, on application thereto for that purpose, by the petition of at least one hundred qualified electors thereof, or of the council of such city; and upon such petition praying for the division of a ward, or for the erection of a new ward out of parts of two or more wards, the said court shall appoint five impartial men, residents of the city but not of the wards to be affected thereby, as commissioners, to inquire into the propriety of granting the prayer thereof; and it shall be the duty of the commissioners so appointed, or any four of them, to examine the premises, and to make a draft of the ward to be divided, showing the division thereof, or of the new ward proposed to be created, as the case may be; and they shall make report to the said court of quarter sessions at its next term, together with their opinion of the same; and at the term after that at which the report shall be made the court shall make such order thereupon as to it shall appear just and reasonable.

Section 2. If the commissioners, or a majority of them, report favorably to such a division or creation, the court shall order a vote of the qualified electors of the ward to be affected thereby to be taken on the question of division or creation thereof, and shall appoint an election, to be held on the day of municipal or general election, when the election officers of the ward or wards proposed to be divided or affected thereby shall hold such election at the places and in the manner provided by law for the regulation of municipal elections. It shall be the duty of the mayor of the said city to give at least fifteen days' public notice, by advertisement in at least three newspapers, if so many be printed in said city, or by handbills posted in the most public places in said ward or wards, that such an election will be held, and of the time and place of holding the same. The judge and inspectors of election of said ward or wards shall receive from the electors

Court of quarter sessions may divide or create wards.

Petition.

Commissioners.

Report.

Order.

Election on question of division or creation.

Notice.

Publication.

Tickets.	thereof written or printed tickets, having on the outside the word "New ward," and on the inside the words "For new ward," or "Against new ward," and deposit the same in a box to be provided for that purpose. The officers of such election shall count the said tickets in the manner prescribed by law, and shall forthwith make out a return showing the number of votes for
Return.	and against such new ward, and shall deliver the same to the clerk of the court of quarter sessions of the proper county within three days; and the said clerk shall record said return, and forthwith lay it before the court. If it appear that a majority of the votes so taken are for a new ward, said court shall thereupon order and decree the creation of such new ward or wards, agreeably to the lines marked out and returned by the commissioners, and shall number the new wards, and cause a certified copy of the whole proceeding to be placed on record among the minutes of council. If a majority of votes shall be against the new ward, no further action shall be had upon such proceeding, nor shall any new application for such new ward be heard for two years from the date of such election: Provided, That no ward shall contain less than three hundred taxable inhabitants, according to the last preceding enumeration, and no city of the third class shall contain more than twenty-one wards.
Affirmative.	
Negative.	
Proviso.	
Petition.	Section 3. That on the petition of at least twenty-five electors, resident within the district to be stricken off or attached, or of the council of any city of the third class, to the court of quarter sessions of the proper county, praying for the detaching from one ward a part thereof and attaching the same to another ward, the said court shall appoint five impartial men, resident of the city but not of the ward to be affected thereby, as commissioners to inquire into the propriety of granting the prayer thereof; and it shall be the duty of the commissioners thereof, or any four of them, to examine the premises, and to make a draft of the wards affected, and showing the lines as the division will affect them; and shall make a report to said court at the next term, together with their opinion of the necessity of the same; and at next term after that at which the report shall be made the court shall take such action thereon as to it shall appear just and reasonable.
Detaching portion of wards.	
Draft.	
Report.	
Election on question of separation.	Section 4. If the commissioners, or a majority of them, report in favor of the petition, the court shall order a vote of the qualified electors of the ward from which the territory is to be stricken off to be taken on the question, and shall appoint an election, to be held on the day of the municipal or general election, when the election officers of the ward shall hold such election at the place and in the manner provided by law for

the regulation of municipal elections. It shall be the duty of the mayor of such city to give at least fifteen days' public notice, by advertisement in at least three newspapers, if so many be printed in said city, or by handbills in the most public places in said ward, that such an election will be held; and of the time and place of holding the same. The judges and the inspectors of the election in said ward shall receive from the electors thereof written or printed tickets, having on the outside the word "Division," and on the inside the words "For division" or "Against division," and deposit the same in a box to be provided for that purpose. The officers of such election shall count the said tickets in the manner prescribed by law, and shall forthwith make out a return showing the number of votes for and against such separation, and shall deliver the same to the clerk of the court of quarter sessions of the proper county within three days; and the said clerk shall record said return, and forthwith lay it before the court. If it shall appear that a majority of the votes so taken are for the separation, the said court shall thereupon order and decree the separation from the one ward and the attachment to the other ward, agreeably to the lines marked out and returned by the commissioners, and shall cause a certified copy of the whole proceedings to be placed of record among the minutes of council. If a majority of votes shall be against such separation, no further action shall be had upon such proceedings nor shall any new application for such separation and addition be heard for two years from the date of such election.

Notice.

Publication.

Tickets.

Return.

Affirmative.

Negative.

ARTICLE III.

Annexation of Territory.

Section 1. Any borough or township, or part of a township, adjoining any city of the third class, and being a part of the county in which the same is situated, may be annexed to such adjoining city in the following manner; namely,—In case of a borough, the town council may pass an ordinance for such annexation, whenever three-fifths of the taxable inhabitants of such borough shall present a petition asking therefor; in the case of a township, or part of a township, whenever three-fifths of the taxable inhabitants of such township or part of a township shall present a petition to council of said city, asking for such annexation; which said petition, in case a part only of a township desires to be admitted, shall be accompanied by a plot of the same.

Annexation.

Borough ordinance.

Township.

Petition.

Council. Section 2. Upon presentation to the council of such city of a certified copy of the ordinance, in case of a borough; or of the petition, in the case of a township; or of the petition and plot, in the case of a part of a township, said council may by ordinance annex such borough, township, or part of a township, to the said city.

Ordinance.

Appeals. Section 3. The action of said city council, after ten days, shall be final and conclusive, unless an appeal therefrom be taken within said ten days to the court of quarter sessions of the county; upon such appeal the clerks of said city council and of said borough council shall certify to the said court all the papers and proceedings in the case, whereupon the court shall examine and inquire, and, if the proceedings appear to have been in conformity with the law, shall approve the same, and thereupon said annexation shall take effect.

Out-lots, etc. Section 4. Upon the application by petition signed by a majority or more of the taxable citizens, owners of any out-lots or sections of land containing not more than one hundred acres lying adjacent to any city of the third class, and being part of the county in which the same is situated, to the court of quarter sessions of the respective county, stating that they desire the same to be annexed to said city, the necessity therefor, and describing the lots or land to be annexed, with a map or draft of the same, which petition shall be sworn to by one or more of the petitioners, and accompanied by a resolution of the council of said city approving of the annexation, the said court shall thereupon appoint three viewers to inquire into and investigate the allegations and facts stated in the said petition; and the said viewers, or a majority of them, shall make report to said court at its next sessions after their appointment. If they report that they find the statements and facts of said petition to be true, and recommend the annexation as prayed for, the said court shall thereupon make an order or decree to carry the same into effect; and the said out-lots or sections of land shall thereafter be a part of said city as fully as if the same had been originally a part thereof. The costs of the proceedings in all cases shall be paid by the city.

Petition. If the report of said viewers shall be adverse to the prayer of the petitioners, the petition shall be dismissed.

Resolution of council.

Viewers.

Report.

Decree.

Adverse report.

Petition. Section 5. Whenever any borough, township, or part thereof, out-lots, or section of land, shall be annexed to an adjoining or adjacent city, as hereinbefore provided, it shall be the duty of the court, upon petition and proof, to make such order or decree as will give to the people of the annexed territory representation in

the government of the said city, by including said territory within the limits of an adjacent ward or wards or by creating a new ward or wards thereof; and said court shall, in case of the creation of new wards or ward, appoint the election officers and place for holding the first election of ward officers; and for that purpose may order a special election, if said court shall deem the same necessary, to be conducted in the manner provided by law for conducting municipal elections. The officers elected at such special election shall hold their respective offices until their successors, who are hereby required to be elected at the municipal election held on the Tuesday following immediately after the first Monday of November in the odd-numbered year next succeeding the same, shall be duly qualified.

Section 6. When it shall appear to said court of quarter sessions that the township from which any part or portion, or any out-lots or section of land, has been taken, has moneys or funds on hand, or is indebted, it shall be the duty of said court to determine and decree how much of said funds or moneys shall be paid as a ratable and equitable part to the said city, or to the said township, as the case may be.

ARTICLE IV.

General Provisions.

Section 1. The legislative power of every city of the third class shall be vested in a council, composed of the mayor and four councilmen. Said council shall have and possess all powers heretofore conferred upon or vested in the select or common councils, or both thereof, as heretofore constituted, unless otherwise provided in this act. No officer of the United States or of the State of Pennsylvania (except notaries public or officers of the militia), nor any municipal or county officer, or employe of the city or any department thereof, shall serve as a member of council during his continuance in such office or employment, except as hereinafter provided.

Section 2. No ordinance shall be passed by council except by bill, and no bill shall be so altered or amended on its passage through council as to change its original purpose. No bills, except general appropriation bills, shall be passed containing more than one subject, which shall be expressed in its title.

Section 3. Every bill shall be read at length, and no bill shall be passed finally upon the same day on which it is introduced or reported, and at least three days shall intervene before its final passage.

Erection of ward, etc.
Election districts.
Special election.

Terms of officers.

Assets.
Debts.
Decree.

Legislative power.
Council.

Eligibility.

Passage of ordinances.

Procedure.

- Number, duties, and compensation of officers and employes.
- No extra compensation, etc.
- Warrants, etc.
- Misdemeanor.
- Penalty.
- Stationery, paper and fuel.
- Contracts.
- Sales of personal property.
- Contingent fund.
- Disbursements.
- Bribery by members of council.
- Section 4. The council shall prescribe by ordinance the number, duties, and compensation of the officers and employes of the city; and no payment of such compensation shall be made from the city treasury, or be in any way authorized, to any person except an officer or employe elected or appointed in pursuance of law; and no ordinance shall be passed giving any extra compensation to any officer, servant, employe, or contractor, nor providing for the payment of any claim against the city, without previous authority of law; and any officer drawing or countersigning any warrant, or passing any voucher for the same, or paying the same, shall be guilty of a misdemeanor, and on conviction thereof be punished by a fine not exceeding five thousand dollars, and imprisonment not exceeding one year.
- Section 5. All stationery, paper, and fuel used in the council and in other departments of the city government, and all work and materials required by the city, shall be furnished, and the printing, advertising, and all other kinds of work to be done for the city, except ordinary repairs of highways and sewers and other public improvements, shall be performed, under contract to be given to the lowest responsible bidder, under such regulations as shall be prescribed by ordinance; and all sales of personal property owned by the city shall be to the highest bidder, under such regulations as shall be prescribed by ordinance or resolution. Council may by ordinance provide a contingent fund for necessary repairs or incidental expenses, not otherwise provided for in the general appropriations, and such funds may be expended without advertising for bids.
- Section 6. No money shall be paid out of the city treasury except upon appropriation made according to law, and on warrant drawn by the proper officer in pursuance thereof; and no municipal department shall create any debt or make any contract except in pursuance of previous authority of law or ordinance.
- Section 7. Any member of council who shall solicit, demand or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation, or person, any money, office, appointment, employment, testimonial, reward, thing of value, or enjoyment, or of personal advantage, or promise thereof, for his vote or official influence, or for withholding the same, or with an understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby; or who shall solicit or demand such money or other advantage, matter, or thing aforesaid, for another, as the consideration of his vote or official influence, or for withholding the same, or shall give or withhold his vote or influence in consideration of the

payment or promise of such money, advantage, or thing to another; shall be held guilty of bribery, and upon conviction thereof shall be punished by a fine not exceeding ten thousand dollars, and by separate and solitary confinement at labor for a period not exceeding five years, and shall be forever incapable of holding any place of profit or trust in this Commonwealth.

Section 8. Any person who shall, directly or indirectly, offer, give, or promise any money or thing of value, testimonial, privilege, or personal advantage to any member of council, to influence him in the performance or non-performance of any of his public or official duties, shall be guilty of bribery, and be punished in such manner as that offense is by law punishable.

Bribery of members.

Section 9. A member who has a personal or private interest in any measure or bill proposed or pending before the council shall disclose the fact to council, and shall not vote thereon, nor take any part in the discussion of the same. If such interested person shall vote without disclosing his interest in such measure or bill, and the same be carried by his vote, he shall forfeit his office, and the measure or bill shall be void.

Interested members shall not vote.

Section 10. No portion of the property of the city shall be used for private gain by any officer of the city, councilman, agent or employee of said city, or any department thereof; nor shall the same be wilfully used or injured, or be sold or disposed of in any manner, without the consent of the council, by any officer, councilman, agent or employe. Nor shall any officer, councilman, agent or employe of the said city, or any department thereof, be interested, directly or indirectly, either personally or as a member or officer of any firm, company, or corporation contracting with the city, or any department thereof, for the use, purchase or sale, lease, occupation or enjoyment, of any of the works, material, or property of said city. Any violation of the provisions of this section shall be a misdemeanor, and upon conviction thereof the person or persons so offending shall be punished by a fine not exceeding one thousand dollars, and by imprisonment not exceeding one year, or either, at the discretion of the court trying the same; and, upon such conviction, the party offending shall be forthwith removed from his office or employment, and shall not thereafter be eligible to election or appointment to any place of profit or trust under said city, or any department thereof.

Forfeiture of office, etc.

City property not to be used for private gain.

Officers and employes shall not be interested in contracts.

Violation.

Penalty.

Section 11. No member of the council, or any other city officer, shall become surety in any bond or obligation given to the city by any officer, or by any agent or contractor, for the faithful performance of any trust,

Officers shall not become surety.

agency, or contract. Any person becoming surety in violation of the provisions hereof shall forfeit his office and be deemed guilty of a misdemeanor, punishable upon conviction by a fine not exceeding five hundred dollars.

Shall not be interested in contract or agreement.

Section 12. No member of the council, or other officer of the city, shall, either directly or indirectly, be a party to, or in any manner interested in, any contract or agreement with such city, for any matter, cause, or thing whatsoever, by which any liability or indebtedness is in any way or manner created against such city; and if any contract or agreement shall be made in violation of the foregoing provision, the same shall be null and void, and no action shall ever be maintained thereon against said city.

Purchase of warrant, claim, etc., prohibited.

Section 13. No member of the council, or other officer of such city, shall purchase any warrant, order, or claim for labor or supplies furnished to said city, nor be interested, directly or indirectly, in the purchase of the same for any sum less than the amount specified therein; and any such person, purchasing a warrant, order, or claim in violation of the foregoing provision, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one hundred dollars.

Penalty.

Section 14. All officers of the several cities of the third class, whether elected or appointed, shall, before entering upon their respective duties, take and subscribe the oath prescribed by section one of article seven of the Constitution of this Commonwealth. Any person refusing to take such oath shall forfeit his right to the office; and any person guilty of violation thereof shall be deemed guilty of a misdemeanor, and upon conviction shall be sentenced to pay a fine not exceeding one thousand dollars, and to undergo an imprisonment not exceeding one year, or either, at the discretion of the court.

Oath of office.

Violation.

Penalty.

Section 15. Except as otherwise provided in this act, the terms of members of council, and all other city and ward officers of said cities, except aldermen, elected at the regular municipal election in any year, shall begin on the first Monday of January next ensuing thereto, and shall continue for the period fixed by law for the duration thereof in each particular case; and all elections for officers whose terms will expire on the first Monday of January of any year shall be held on the Tuesday following immediately after the first Monday of November next preceding thereto in the odd numbered years.

Terms.

Elections.

Organization of council.

Section 16. The members of council of the several cities of the third class shall assemble in their place of meeting, for the purpose of organizing, at ten o'clock in the forenoon of the first Monday of January next

succeeding the regular municipal election in the odd-numbered years; and the mayors of said cities shall be inaugurated and take the oath of office on the said day and hour of the first Monday of January following their election.

In the year one thousand nine hundred and thirteen, the council shall organize at ten o'clock in the forenoon of the first Monday of December; and the mayors elected at the municipal election of that year shall be inaugurated and take the oath of office on the said day and hour.

Inauguration of mayor.

In the year A. D. 1913.

The mayor shall be the president of the council.

President of council.

Section 17. Whenever an election shall be held for city officers on the first Tuesday following the first Monday of November in any odd-numbered year, for regular terms of service, it shall be the duty of the mayor to procure, at the expense of the city, from the prothonotary of the court of common pleas of the proper county, by which court the returns thereof shall be computed, a certified copy, under the seal of the court, of the vote for all such officers as computed by the court according to law, and lay the same before council on the date and time fixed by law for their organization; and the said certificate shall be filed among the city archives, and a copy thereof entered upon the journal. In the case of special election for a member or members of council to fill a vacancy or vacancies, the mayor shall procure from the prothonotary, as aforesaid, a certificate of the vote for such member or members as returned to his office by the proper election officers, and lay the same before the council at the next regular meeting succeeding such election, which council shall enter the same among its proceedings. The court of quarter sessions shall appoint the places for holding the municipal and the general elections in all of the election districts of said cities.

Elections in odd-numbered years.

Certificate.

Record and filing.

Special election.

Certificate.

Record.

ARTICLE V.

Corporate Powers.

Section 1. The corporate powers, and the number, character, powers, and duties of the officers, of cities of third class now in existence by virtue of the laws of the Commonwealth, shall be and remain as now provided by law, except where otherwise provided by this act.

Corporate powers, etc.

Section 2. Every city of the third class within this Commonwealth is hereby declared to be a body corporate and politic, and shall have perpetual succession, and shall have power—

Powers defined.

1. To sue and be sued;
2. To purchase and hold real and personal property for the use of the city;

3. To lease and to sell and to convey any real or personal property owned by the city, and to make such order respecting the same as many be conducive to the interests of the city;

4. To make all contracts, and do all other acts in relation to the property and affairs of the city necessary to the exercise of its corporate or administrative powers;

5. To have and use a corporate seal, and alter the same at pleasure; and every such seal shall have upon it the word "Pennsylvania," the name of the city, and the year of its original incorporation.

The powers hereby granted shall be exercised by the mayor and councilmen of such cities in the manner herein provided.

Section 3. Every city of the third class in its corporate capacity is authorized and empowered to enact ordinances for the following purposes, in addition to the other powers granted by this and other acts:—

Enactment of ordinances.

1. To levy and collect taxes for general revenue purposes, not to exceed ten mills on the dollar in any one year, on all persons, real, personal and mixed property, within the limits of said city, taxable according to the laws of the State of Pennsylvania for county purposes; the valuation of such property to be assessed as hereinafter provided.

Levy of taxes.

General.

2. To provide for the assessment and collection of taxes, in addition to the above, not exceeding one per centum on the dollar upon the assessed valuation in any one year, on all persons, real and personal property, and all other matters and things within said city taxable for county purposes, for the payment of interest on bonded indebtedness, and for the payment of loans to support the government, and to make necessary improvements in said city.

Levy of taxes.

Special.

3. To impose a poll-tax for general revenue purposes, not exceeding one dollar annually, on all male inhabitants above the age of twenty-one years.

Poll-tax.

4. To levy and collect a license tax, not exceeding one hundred dollars each, annually, on all auctioneers, contractors, druggists, hawkers, peddlers, produce or merchandise venders, bankers, brokers, undertakers, pawnbrokers, merchants of all kinds, persons selling or leasing goods upon instalments, grocers, confectioners, butchers, restaurants, billiard parlors, bowling-alleys, billiard tables, pool and other gaming tables; drays, hacks, carriages, omnibuses, automobiles, carts, wagons, street railway cars, and other vehicles used in the city for hire or pay; lumber dealers, including commission men and all persons who make a business of buying lumber for sale, at wholesale or retail; furniture dealers, saddle or harness dealers, stationers, jewelers, livery or automobile or boarding

License taxes.

stable keepers, real estate agents; agents of fire, life, or other insurance companies; market-house companies, garage companies, express companies, or agencies; telegraph, telephone, steam-heating, gas, natural gas, water, electric light, or power companies, or agencies; or individuals furnishing communication, light, heat, or power by any of the means enumerated; and to regulate the collection of the same.

5. To borrow money on the credit of the city, and to pledge the credit and revenue thereof for the payment of the same, to an amount not exceeding two per centum upon the assessed value of the taxable property in said city; and, with the consent of the people of the said city, obtained at an election held under the provisions of the Constitution and the general laws of this Commonwealth, to increase the indebtedness of such city, to an amount not exceeding in the aggregate seven per centum upon the assessed valuation of the taxable property therein.

Borrow money.

Increase debt, with consent of the people.

6. To provide for the issuing of bonds, and for the application of bonds already issued by cities heretofore incorporated, for the purpose of funding any and all indebtedness, now existing or hereafter created, of the city, now due or to become due: Provided, That said bonds shall be payable in not less than five years, and not more than thirty years from the date of their issue, and that the same shall bear interest at a rate not exceeding six per centum per annum, with interest coupons attached, payable annually or semiannually; and the said bonds shall not be sold or exchanged for less than their par value.

Issue of bonds, etc.

Proviso.

7. To make provision for a sinking-fund to pay at maturity the bonded indebtedness of the city, and to levy and collect taxes on all the taxable property in the city, in addition to all other taxes, for the purpose of paying the same, under and subject to the limitations and requirements of this act and of the Constitution and laws of this Commonwealth.

Payment of bonds. Sinking-fund.

8. To lay out, open, widen, straighten, alter, extend, improve, establish, or re-establish grades of, and keep in order and repair and in safe passable condition, any street, avenue, alley, or lane, or any part thereof, within the city limits, or to vacate and discontinue the same whenever deemed expedient for the public good; and to make sidewalks, and construct and maintain bridges and culverts; and to provide for the cost thereof either in whole or in part from the general revenues of the city. No ordinance for the opening, widening, straightening, extending, or vacating of any street, avenue, alley, or lane, or parts thereof, shall be passed except in the manner provided in clause ten of this section.

Opening, improvement, etc., of streets, alleys, etc.

Sidewalks.

Bridges and culverts.

Passing of ordinances.

9. To construct and reconstruct sewers, and to extend the same beyond the city limits, in accordance with the provisions of existing laws; and for the purpose of such construction or extension to take and occupy private lands and property, making compensation therefor to the owners thereof as required by law.
10. To cause to be graded, paved or macadamized any public street, lane, or alley, or part thereof, which is now or may hereafter be laid out and opened in any of said cities, and have the same set with curbstone; and to provide for the payment of the cost and expenses thereof, in whole or in part, by the city, or by the owners of real estate bounding and abutting thereon, which cost and expense upon the abutting real estate shall be assessed according to the foot-front rule, or according to benefits, as council shall by ordinance determine, except in case of grading only, the said cost and expense of which shall be assessed according to benefits. When the costs and expenses, or any part thereof, are to be paid for by the foot-front rule, the city shall assess or cause to be assessed the said cost and expense upon the real estate abounding or abutting on the line of the improvement, by an equal assessment on said property in proportion to the number of feet the same fronts on the respective street, lane, or alley, or part thereof, to be improved; and the council must provide for an equitable reduction from the frontage of lots at all street and other intersections, and at other places where, from the peculiar or pointed shape of the lots, an assessment for the full frontage would be inequitable and unequal. When the costs and expenses of any grading, paving, macadamizing, or other improvement of any street, lane or alley, or part thereof, is to be paid for by the owners of real estate abutting as aforesaid, according to benefits, the same shall be assessed by viewers appointed by the court of common pleas, as is now or shall be hereafter provided by act of Assembly. But no ordinance shall be passed providing for the paving, macadamizing, grading, or other improvement of any street, avenue, lane, or alley, or part thereof, or for the opening, widening, straightening, or extending or vacating thereof, except upon the petition of a majority in number or interest of the owners of property abutting on the line of the proposed improvement, to be verified by the affidavit of one or more of the petitioners (a majority in interest of owners of undivided interests in any piece of property to be deemed and treated as one person, for the purpose of said petition), unless the ordinance for such improvement shall have been passed by the affirmative vote of at least four members of council; in which case council may direct the improvement to be made at the
- Sewers.
- Grading, paving, etc.
- Assessments.
- Foot-front rule.
- According to benefits.
- Viewers.
- Ordinances.
- Petition.
- Affidavits.
- Affirmative vote of four members.

cost, or in part at the cost, of the owners, or at the cost of the city, in whole or in part, without petition: Provided, however, That no such ordinance ordering any street or alley, or part thereof, to be thus improved, without a petition therefor, shall be finally passed in a less period than thirty days from the date of its introduction; and, in the meantime, copies of such ordinance shall be published in the official newspaper or newspapers of said cities for three consecutive weeks, once a week, immediately following the introduction thereof, and, in case said city shall have no official newspaper, then in at least one and not more than two newspapers published in the county in which such city is situate, once a week for three consecutive weeks: Provided, however, That the requirements for such publication shall not preclude the amendements of any paving ordinance as to the kind of pavement with which any street or alley, or part thereof, is proposed to be paved. The passage of the ordinance providing for any of the aforesaid improvements, upon petition therefor, and the publication of the names of the petitioners in one newspaper, or newspapers, published in said city, by one insertion, at least five days before the passage of said ordinance, shall be conclusive that a majority in number or interest have petitioned therefor. The cost and expenses of any improvement of streets and construction of sewers, done and completed under an ordinance providing for the assessment of the cost and expense therefor under the foot-front rule, may be assessed according to benefits upon the passage of an ordinance to that effect within six months after the completion of the work, which assessment according to benefits shall be made in like manner and in like effect as if the original ordinance providing for the improvement had provided for such assessment.

11. To require owners of property abutting on any public street, lane, or alley to construct, pave, curb, repave, and recurb the sidewalks, and keep the same in good repair along such property, with such materials, at such grades, and under such regulations as may be prescribed by ordinance, and upon failure of such owners to comply therewith upon notice, to authorize the same to be done by the city, and the expense thereof be levied and collected from such owners, with costs, which amount shall be a lien upon such premises from the time of the commencement of the work, which date shall be fixed by certificates of the city engineer, filed with the clerk, and may be collected by action at law, or such lien may be filed and proceeded in as herein provided in the case of municipal liens, or the cost may be borne by the city in whole or in part; if in part, the rest to be collected from the owners in manner as above provided.

Without petition.

Proviso.

Publication of ordinances.

Proviso.

Publication of names of petitioners.

Cost and expenses.

Ordinance.

May require owners to pave, and curb sidewalks.

Levy.

Lien.

Procedure.

12. To provide for the payment of the debts and expenses of the city, and to appropriate money therefor.

Create offices, boards, departments, etc.

13. To create any office, public board, or department which they may deem necessary for the good government and interest of the city; to prescribe the powers thereof, and to regulate and prescribe the terms, duties, and compensation of all such officers, and of all officers who are members of any public board of any department so created. But no ordinance shall be passed increasing or diminishing the salary or compensation of any officer, or of any member of any public board or department, after his or their election or appointment: Provided, however, That in case of the creation of any public board or department, the members thereof shall, except where otherwise provided by this act, be elected or chosen by the council; but no two persons from the same ward shall serve on the same board at the same time: Provided, That the provisions of this section as to the creation of any public board or department, and prescribing the duties thereof, shall not apply to the creation of any board of commissioners of water-works of any city wherein the title to the water-works therein located is in the name of the commissioners of water-works.

Terms, duties and compensation.

Proviso.

Proviso.

Official bonds.

14. To require from all officers and agents of the city, elected or appointed, lawful bonds and security for the faithful performance of their duties; and no officer or agent required by law or ordinance to give bond, as aforesaid, shall be sworn into office or enter upon the duties thereof until such bond shall have been duly approved by the proper authority.

Removal of officers.

15. To provide for the removal of officers of the city whose offices are established by ordinance, and whose removal is not otherwise herein provided for.

Removal of obstructions.

16. To require the removal of all obstructions from the sidewalks, curbstones, gutters, streets, and street-crossings at the expense of the owners or occupiers of the ground fronting thereon, or at the expense of the person or persons placing the same there; and to regulate the planting and protection of shade-trees in the streets, the building of cellar and basement-ways, and other excavations through or under the sidewalks in said city.

Trees.

Regulation of porches, signs, etc.

17. To make and establish such and so many uniform rules and regulations as to them may seem expedient for the better regulations of porches, porticos, benches, doorsteps, railings; bulk, bay or jut windows; areas, cellar doors, and cellar windows; signs and sign posts, boards, poles or frames, awnings, awning posts, or other devices or things, projecting over, under, into, or otherwise occupying, the sidewalks or other portion of any of the streets, lanes, alleys; and in relation to

boxes, bales, barrels, hogsheads, crates, or articles of merchandise, lumber, coal, wood, ashes, building materials, or any other article or thing whatsoever, placed in or upon any of the said sidewalks or other portion of said streets, lanes, or alleys; and also to prevent and remove all encroachments thereon.

Merchandise, lumber, coal, etc.,

18. To provide for and require the construction and maintenance of bridges or other crossings over or under railroad tracks, and to enter into contracts with railroad companies for the construction and maintenance of the same; to require the erection of safety-gates and the placing of flagmen at the intersection of railroads with public streets; to forbid the obstruction of the said crossings by locomotives or railroad cars; and also to make regulations concerning the rate of speed at which locomotives, cars, or trains shall pass upon or across the streets within the built-up portions of the city.

Bridges, etc., over or under railroad tracks.

Flagmen.

Speed of engines, etc.

19. To establish and maintain night-watch and police, and define the duties of the same.

Police, etc.

20. To regulate the police of the city; and to impose fines, forfeitures, and penalties for the violation of any ordinance, and provide for the recovery and collection of the same, and, in default of payment, to provide for confinement in the city or county prison, or to hard labor upon the streets, or elsewhere, for the benefit of the city.

Regulations.

21. To provide for the erection or purchase of lockups or watch-houses in some convenient part of the city, for the detention and confinement of vagrants and persons arrested by the police officers, until the persons so arrested can be taken before the proper magistrate for hearing, and committed to prison or discharged; but no person shall be detained therein for a longer time than twenty-four hours, except upon the order of a magistrate legally authorized, who may commit such person for further hearing.

Lockups, etc.

22. To erect or purchase, establish and maintain hospitals, prisons, workhouses, houses of correction for juvenile or other offenders, and to prescribe regulations for the government thereof; and also to erect all public buildings necessary for the use of the city, or of any department thereof; to purchase, or take, use, and occupy, private lands upon which to erect any of the said buildings; to purchase, take, use, and occupy, within the limits of the respective city, or within the county adjacent thereto, private lands, upon which to establish and maintain a hospital or hospitals for the treatment and separation of persons suffering with contagious and infectious diseases; to purchase, or take, use, and occupy within the limits of such city, or within the county adjacent thereto, private lands, upon which to

Hospitals, prisons, workhouses, etc.

Public buildings.

Contagious diseases.

- Poor-farm. establish and maintain a poor-farm, with all necessary and convenient buildings and appliances, where the city may support and maintain such poor persons as such city is by law required to support and maintain; and the damages accruing by reason of the acquisition of any private property for the purposes aforesaid shall be compensated in the manner now, or which may hereafter be, provided for by law, for the ascertainment and payment of damages for private property taken for public uses.
- Compensation. 23. To establish and enforce suitable police regulations, for the protection of persons and property at public squares, parks, depots, depot ground, and other places of public resort, and for the arrest and commitment of professional thieves.
- Policing of public squares, parks, etc. 24. To offer rewards for the arrest and conviction of persons guilty of capital or other high crimes within the city, but no policeman shall be entitled to receive any share thereof.
- Rewards for arrest, etc. 25. To license, and collect a license-tax, from all skating-rinks, operas, theatres, concerts, shows, circuses, menageries, and all kinds of public exhibitions for pay (except those for religious, educational or charitable purposes); to regulate the same, and to restrain all exhibitions of indecent or immoral character.
- License public amusements. 26. To regulate the time and place of bathing in rivers and other public water in and adjoining the said city.
- Bathing. 27. To establish stands for coaches, cabs, omnibuses, carriages, wagons, automobiles, and other vehicles for hire, and to enforce the observance and use thereof; and to fix the rates and prices for transportation of persons and property from one part of the city to another.
- Cab-stands, etc. 28. To restrain, prohibit, and suppress tippling shops, houses of prostitution, gambling houses, gaming, cock or dog fighting, and other disorderly or unlawful establishments or practices, desecration of the Sabbath day, commonly called Sunday, and all kinds of public indecencies.
- Rates. 29. To prevent and restrain riots, noises, disturbances, or disorderly assemblies in any street, house, or place in the city; to regulate, prevent, and punish the discharge of firearms, rockets, powder, fireworks, or any other dangerous combustible material, in the streets, lots, grounds, alleys, or in the vicinity of any building; to prevent and punish the carrying of concealed deadly weapons; to arrest, fine, or set at work on the streets or elsewhere, all vagrants found in said city; to prevent and punish horse-racing, fast driving or riding in the streets, highways, alleys, bridges, or places in the city, and all games, practices, or amusements
- Tippling shops, gaming, prostitution, etc. Prevent riot, etc.
- Fire-arms. etc. Vagrants.

therein likely to result in danger or damage to any person or property; and to prevent and punish the riding or driving of horses, mules, oxen, cattle, or other teams, or the passage of any vehicle drawn thereby, or self-propelled, over and across sidewalks, and to regulate the passing of the same through the public streets.

30. To purchase and own ground for, and to erect and establish, market houses and market places; for which latter purpose parts of any streets or sidewalks may be temporarily used; to contract with any person or persons, or association of persons, companies or corporations, for the erection and regulation of market houses and market places, on such terms and conditions and in such manner as the council may prescribe, and raise all necessary revenue therefor as herein provided; and also to levy and collect a license-tax from every person, or persons, who may be authorized by council to occupy any portion of the streets or sidewalk for temporary public market purposes.

31. To regulate the weighing and measuring of every commodity sold in the city, in all cases not otherwise provided for by law, including the measuring of gas, water, and electric currents; to provide for and regulate the inspection and weighing of hay, grain and coal, and the measuring of wood, bark and fuel, to be used in the city, and to designate the place or places of inspecting and weighing the same; and to regulate and prescribe the place or places for exposing for sale hay, coal, bark, and wood; and to demand and receive reasonable fees for inspection, weighing, and measuring, as aforesaid; and for the regulation and stamping of weights and measures, and the regulation and inspection of gas, water, and electric current meters, and other meters.

32. To provide for the construction and maintenance of levees and ferries within the jurisdiction of any such city, or within the limits thereof; to erect wharves on navigable waters adjacent to the city, regulate the use thereof, collect wharfage, and establish wharf and dock lines; and to provide for protection against floods, and constructing and maintaining docks, retaining walls, dams, or embankments, and by removing obstructions from and deepening the channels of rivers and streams flowing through or adjacent to the city.

33. To establish and change the channels, beds, and mouths of water-courses through lands, marshes or waters in or adjacent to the city; to crib, wall, and cover them over, and to prevent and remove obstructions therefrom at the expense of those causing the same; to establish, make, and regulate public wells, cisterns, aqueducts, and reservoirs and water, and to

Fast driving.

Riding or driving on sidewalks.

Markets.

Contracts.

License tax.

Weighing and measuring of commodities.

Markets for hay, coal, wood, etc.

Fees.

Weights and measures.

Meters.

Levees and ferries.

Protection against floods.

Regulation of water-courses

Public wells, cisterns, etc

provide for filling the same; to establish the lines of banks of streams of water which pass through or along the boundary of such cities, and by proceeding at law or equity to prevent and remove all such encroachments on the banks of streams and water-courses as threaten to or do injure said city or the property therein.

Public parks.
Taxes.

34. To purchase lands and premises for public parks, and to levy and collect such special taxes as may be necessary to pay for the same; and to make appropriations for the improvement, and regulations for the government, of parks owned and controlled by the city.

Pens, pounds,
etc.

35. To provide for the erection of all needful pens, pounds, and buildings, within or without the city limits; to appoint keepers thereof; and to regulate or prohibit the running at large of cattle, hogs, horses, mules, sheep, goats, dogs, or other animals, also geese, ducks, chickens, fowls, et cetera; and to cause such as may be running at large to be impounded, and sold to discharge the costs and penalties provided for the violations of such prohibitions and the expenses of impounding and of keeping the same and of such sale; to regulate and provide for taxing the owners and harborers of dogs, to destroy dogs found at large contrary to any ordinance, providing the owners cannot be found, or who neglect to care for such dogs.

Running at large
of animals.

Taxing or killing
of dogs.

Public health.

36. To make regulations for the enforcement of the laws of the Commonwealth relating to the control of communicable contagious diseases, and for the enforcement of the regulations and orders of the State Department of Health; to make regulations to secure the general health of the inhabitants, and to remove, prevent, and abate nuisances.

Nuisances.

Quarantine.

37. To make all necessary orders and regulations to prevent the introduction of contagious or pestilential diseases into the city; to make quarantine laws for that purpose, and to enforce the same.

Fire department.

38. To purchase fire-engines, hooks, ladders, trucks, fire-alarms, and other apparatus for the extinction of fires; to organize a fire department, with or without pay; to make the necessary appropriation for the maintenance of the same, and to prescribe rules and regulations for the government of the officers and companies belonging thereto; and, if a paid department, to provide by ordinance for the election or appointment of the officers and companies belonging thereto.

39. To regulate the construction and inspection of fire-places, chimneys, stoves, stove-pipes, ovens, boilers, kettles, forges, or any apparatus used in any building, manufactory or business, and to order the suppression or cleaning thereof when deemed necessary for the prevention of fires; to regulate or prohibit the manu-

facture, sale, storage, or transportation of inflammable or explosive substances within the city, and to prescribe limits within which no dangerous, obnoxious, or offensive business shall be carried on.

Fire-places, chimneys, etc.

Explosives, etc.

40. To provide a system for the inspection of buildings, to insure their structural or sanitary safety and incombustibility, and for the appointment of one or more building inspectors; to prescribe limits within which buildings shall not be constructed, reconstructed, enlarged, or additions made thereto, or into or within which they or any of them shall not be removed, except the same be of incombustible materials with fire-proof roofs; and any building erected, reconstructed, enlarged, or having additions made thereto, or removed into or within such limits, contrary to the provisions of any ordinance forbidding the same, shall be a public nuisance and abatable as such, and may be restrained by injunction.

Inspection of buildings.

Fire Limits.

Public nuisance.

41. To provide for and regulate the lighting of streets with gas or electric lights, or light by other means, and to require and regulate the numbering of houses.

Street lighting and numbering.

42. To have the exclusive right, at all times, to supply the city with gas or other light, and such persons, partnerships, and corporations therein as may desire the same, at such prices as may be agreed upon; and also to have, at all times, the unrestricted right to make, erect, and maintain the necessary buildings, machinery, and apparatus for manufacturing and distributing the same; or, in territory not supplied with light, to make contracts with and to authorize any person, company, or association so to do, and to give such person, company, or association the privilege of supplying gas or other light, as aforesaid, for any length of time not exceeding ten years.

Lighting of city.

Buildings, etc.

Contracts.

43. To have the exclusive right, at all times, to supply the city with water, and such persons, partnerships, and corporations therein as may desire the same, at such prices as may be agreed upon; and for that purpose to have, at all times, the unrestricted right, subject to the provisions of existing laws, to make, erect, and maintain all proper works, machinery, buildings, cisterns, reservoirs, pipes, conduits, for the raising, reception, conveyances, and distribution of water; or, in territory not supplied with water, to make contracts with and authorize any person, company, or association so to do, and to give such person, company, or association the privilege of furnishing water, as aforesaid, for any length of time not exceeding ten years: Provided, That the provisions of this section shall not apply to any city wherein the title to the water-works therein located is in the name of the commissioners of water-works.

Water.

Works, etc.

Contracts.

Proviso..

Entry upon lands
and lots.

44. To enter upon land or lands, lot or lots, of any person or persons, within the city, at all reasonable hours, by their duly appointed city engineer, in order to set out the foundation and regulate the walls to be built between party and party as to the breadth and thickness thereof, which foundation shall be laid equally upon the land of the persons between whom such party wall is to be made; and the first builder shall be reimbursed one moiety of the charge of said wall, or for so much thereof as the next builder shall have occasion to make use of, before such next builder shall or may use or break into said wall.

Party walls.

Entry.

Fences.

45. To enter upon the land or lands, lot or lots, of any person or persons, within the city, at all reasonable hours, by their duly appointed city engineers, in order to regulate partition fences; and when adjoining parties shall improve or enclose their lots, such fences shall be made in the manner generally used, and be kept in good repair at the equal expenses of the parties, unless the owners or occupants between whom such fences are erected shall agree otherwise.

Ordinances, by-
laws, rules and
regulations.

46. To make all such ordinances, by-laws, rules, and regulations, not inconsistent with the Constitution and laws of this Commonwealth, as may be expedient or necessary, in addition to the special powers in this section granted, for the proper management, care, and control of the city and its finances, and the maintenance of the peace, good government, safety, and welfare of the city, and its trade, commerce, and manufactures, and the same to alter, modify, and repeal at pleasure; and to enforce all ordinances by inflicting penalties upon inhabitants or other persons for violation thereof, not exceeding one hundred dollars for any one offence, recoverable with costs, together with judgment or imprisonment, not exceeding thirty days, if the amount of said judgment and costs shall not be paid.

Enforcement.

Vacation of
streets, lanes
and alleys.

47. That the municipalities of the Commonwealth shall have power and authority to vacate, in whole or in part, all streets, lanes, and alleys within their corporate limits laid out by this Commonwealth, whenever the same or the portion to be vacated shall have remained unopened for a continuous period of thirty years next preceding such vacation.

Damages and
benefits.

48. In the exercising the power aforesaid, all proceedings for the ascertaining of damages and the assessment of benefits incident thereto shall be as now provided by law in reference to payment of costs, damages, and expenses of public improvements within municipal corporations.

ARTICLE VI.

City Council.

Section 1. The mayor and members of the city council in cities of the third class shall be at least twenty-five years of age, and shall be elected by the electors at large. They shall have been citizens and inhabitants of the city wherein they shall be elected one year next before their election, and shall reside therein during their terms of service.

Mayor and members of council.

Election.

Eligibility.

In cities of the third class where the term of mayor expires on the first Monday of December in the year one thousand nine hundred and thirteen, the qualified electors of such city shall, at the municipal election in that year, elect a mayor, who shall serve from said first Monday until the first Monday of January, one thousand nine hundred and eighteen. In the year one thousand nine hundred and seventeen, and quadriennially thereafter, the qualified electors of said city shall, at the municipal election, elect a mayor, who shall serve for a term of four years from the first Monday of January next succeeding his election. In cities of the third class where the mayor was elected at the municipal election in the year one thousand nine hundred and eleven, the qualified electors of the city shall, in the year one thousand nine hundred and fifteen, and quadriennially thereafter, elect a mayor, who shall serve for a term of four years from the first Monday of January next succeeding his election. At the first municipal election held after the passage of this act, and biennially thereafter, the qualified electors of each city of the third class shall elect four members of council, who shall serve for a term of two years from the first Monday of January next succeeding their election, except in the case of members first elected under this act, who shall serve from the first Monday of December next following their election until the first Monday of January, one thousand nine hundred and sixteen.

Election of mayor.

Election of members of council.

Exception.

Section 2. Each member of council, including the mayor, shall have the right to vote on all questions coming before the council; but the mayor shall have no right to veto such acts as shall have been passed by the affirmative vote of a majority of the members elected to said council.

Voting.

Veto.

Section 3. The members of council shall take the oath of office prescribed by law, which oath may be administered by any person authorized to administer oaths. Three members of council shall constitute a quorum, but a smaller number may compel the attendance of absent members, under penalties to be prescribed by ordinance. The council may determine its own rules, provided said rules are not inconsistent with the Constitution and laws of the State of Pennsylvania.

Oath of office.

Quorum.

Rules.

Stated meetings.	Section 4. The council of each of said cities of the third class shall hold stated meetings at least once in each month, and continue them so long as the transaction of the public business demands, and at such other times as may be fixed by ordinance. The said council may hold special meetings at such times as any two councilmen may deem proper to call the same, upon twenty-four hours' notice to each member, which notice shall state whether such meeting is to be convened for special or general business. All meetings of council, whether regular or special, shall be open to the public. The council shall be a continuous body, and it shall be lawful for any council to complete any unfinished business or legislation begun by the preceding council.
Special meetings.	
Public.	
Journal.	Section 5. The said council in cities of the third class shall keep a journal of its proceedings, which shall be at all times open to public inspection. Upon every vote the yeas and nays shall be called and recorded; and every motion, resolution, or ordinance shall be reduced to writing before the vote is taken thereon. Except where they shall be personally or privately interested, no member shall withhold his vote on any measure or question, unless he shall state his reason therefor to the council, which may excuse him and enter the reason upon the journal.
Yeas and nays.	
Withholding of vote.	
Legislation.	Section 6. Every legislative act of the council shall be by resolution or ordinance, and every ordinance or resolution which shall have passed said council shall be signed by the mayor and attested by the city clerk.
Ordinances.	Section 7. All ordinances may be proved by the certificate of the city clerk, under the corporate seal; and when printed or published in book or pamphlet form, and purporting to be published by authority of the city, shall be read and received as evidence in all courts and places without further proof. All ordinances shall, unless otherwise provided therein or by law, shall take effect in ten days after their passage, upon their being signed by the mayor and attested by the city clerk, and every ordinance prescribing a penalty for the violation thereof shall be forthwith published, at least three times, in not more than two newspapers printed and circulated within the city, in such manner as council may direct. All ordinances shall, within one month after their passage, be certified and recorded by the city clerk, in a book provided by the city for that purpose, which shall be at all times open to the inspection of citizens.
Evidence.	
When to take effect.	
Publication.	
Certified and recorded.	
Fiscal year.	Section 8. The fiscal year of each of said cities of the third class shall begin on the first Monday of January in each and every year. This section shall not take effect until the first day of January, one thousand nine hundred and fifteen, until which date the fiscal year in each city of the third class shall remain as heretofore.

Section 9. The council shall, at the end of each fiscal year, cause to be published, in not more than two newspapers printed and circulated in said city, a summarized statement of the receipts and expenditures of the city during the preceding year, its present funded and floating indebtedness and the date of the maturity of the funded debt, and schedule of its assets and the character and value thereof, and the amount of taxable property therein. The council may, at its discretion, cause said summarized statement to be printed in pamphlet form, instead of being published in newspapers aforesaid: Provided, The said pamphlet be supplied for general distribution and notice published in at least two newspapers that the said pamphlets may be had upon request at the office of the city clerk.

Annual statement.

Publication.

Section 10. The several departments of the city government shall, before the commencement of the fiscal year, present to the council an estimate of the probable receipts and expenditures, and of the amount required by each of said departments for the public service, during the ensuing year, and council shall then proceed to make the annual appropriation thereto. No appropriation shall be made for any purpose until the interest accruing on the funded debt of the city, and the principal of such part of said debt as may be coming due, the salaries of officers, and the ordinary and necessary expenses of the city, shall first be provided for. When all estimates for the expenditures for the ensuing year shall be finally made, council shall fix the tax rate at such figure as, with all sources of revenue, will fully meet and cover the aggregate amount of such estimate; and no appropriation shall be made for any purpose in excess of the estimated receipts for the current fiscal year.

Estimate of receipts and expenditures.

Appropriations.

Tax rate.

Section 11. The councilmen in cities of the third class shall receive for their services during their term of service annual salaries, to be fixed by ordinance, payable in monthly installments. Council may, by ordinance fixing said salaries, provide for the assessment and retention therefrom of reasonable fines for absence from regular or special meetings of council or councilmanic committees. Council shall, by ordinance, fix the respective salaries to be paid to councilmen for their services. The salary paid to any councilman shall not be less than two hundred fifty dollars per year, nor more than three thousand dollars per year: Provided, however, That for the first term of councilmen elected under the provisions of this act, and until thereafter changed by ordinance, the salary of each councilman shall be as follows: In cities of the third class of fifteen thousand inhabitants or under, by the last United States census,

Compensation.

Fines.

Proviso.

Salaries, first term.

each councilman shall receive a salary of three hundred dollars per annum; where said population is between fifteen thousand and thirty thousand, seven hundred and fifty dollars per annum; in cities having a population above thirty thousand, and not to exceed fifty thousand, two thousand dollars per annum; in cities having a population of over fifty thousand, and not exceeding seventy thousand, two thousand five hundred dollars per annum; in cities having a population of over seventy thousand, three thousand dollars per annum.

Ordinance to fix salaries.

The first council elected under the provisions of this act shall, by ordinance, determine the amount of salaries to be paid in said cities. The compensation to be received by councilmen shall not be increased or diminished during the term for which they shall have been elected; but succeeding councils may change all compensation, said change to take effect after the expiration of term of office of the council making such change.

Powers or magistrates.

Section 12. The council shall have power to enforce the attendance of witnesses, the production of books and papers, and power to administer oaths, in the same manner and with like effect, and under the same penalties, as in the case of magistrates exercising criminal or civil jurisdiction under the statutes of Pennsylvania.

Terms of councilmen.
Officers.

Section 13. The terms of office of all members of council and of all other officers in cities of the third class, who are in office at the time this act becomes effective, shall cease and determine on the first Monday in December next succeeding the passage hereof, except wherein otherwise provided in this act: Provided, however. That city treasurers, city controllers, city solicitors, city engineers, city assessors, and city clerks, who are in office at the time of the passage hereof, shall continue to exercise their offices for the remainder of the terms for which they were elected, and, at the expiration of their respective terms of office, the persons elected to succeed said officers shall hold said offices as provided in this act.

Proviso.

Incumbents.

ARTICLE VII.

Executive Department.

Executive department.

Section 1. The executive and administrative powers, authority, and duties, in every city of the third class, shall be distributed into and among five departments, as follows:

1. Department of Public Affairs.
2. Department of Accounts and Finance.
3. Department of Public Safety.
4. Department of Streets and Public Improvements.
5. Department of Parks and Public Property.

The council shall determine the powers and duties to be performed by, and assign them to, the appropriate department; shall prescribe the powers and duties of officers and employes; may assign particular officers and employes to one or more of the departments; may require an officer or employe to perform duties in two or more departments; and may make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the city.

Council to determine powers and duties of departments, etc.

Section 2. The mayor shall be superintendent of the department of public affairs; and the council shall, at the first regular meeting after the election of its members, designate by majority vote one councilman to be superintendent of the department of accounts and finance, one to be superintendent of the department of public safety, one to be superintendent of the department of streets and public improvements, and one to be superintendent of the department of parks and public property; but such designation shall be changed whenever it appears that the public service would be benefited thereby.

Superintendents

Designation of

Section 3. The mayor shall be the chief executive magistrate of the city. It shall be his duty to be vigilant and active in causing the ordinances of the city, and the laws of the Commonwealth relating to the government of the city, to be executed and enforced therein; and, in order to enable him effectually to preserve the public peace within the city, all the powers which are devolved by the laws of this State upon sheriffs to prevent and suppress mobs, riots, unlawful and tumultuous assemblies, are hereby conferred upon him; and he shall have authority, upon occasions of threatened public disorder, to require and enforce the closing up of bars, or any establishments in which liquors are sold, during the continuance thereof.

Chief Executive Magistrate.

Duties.

Powers.

Section 4. The mayor shall also supervise the conduct of all city officers, examine the grounds of all reasonable complaints against any of them, and cause all of their violation or neglect of their duty to be promptly punished or reported to the proper tribunal for correction; and for the purpose aforesaid he is hereby empowered to issue subpoenas and compulsory processes, under his official seal, for the attendance of such persons and the production of such books and papers as he may deem necessary. He shall have the authority, at all times, to call upon any officials of the city or heads of departments for any information as to the affairs under their control and management as he may require; and he may call special meetings of council to consider any matter which he may think

Supervision of city officers.

Compulsory process.

- Annual statement.** proper. He shall communicate to council, at their first stated meeting in January of each year, and from time to time as he may deem expedient, a statement of the condition and affairs of the city in respect to its government, finances, and improvements, together with suggestions and recommendations of all such measures as he may deem conducive to the interests and welfare thereof.
- Criminal jurisdiction.** Section 5. The mayor shall have the criminal jurisdiction of an alderman within the city; and shall have no civil jurisdiction except in relation to actions for fines, penalties, or forfeitures imposed by virtue of the ordinances of the city, or the laws of this Commonwealth relating thereto. He shall have the power of a committing magistrate, under the acts of Assembly relating to tramps and vagrants; and shall, in addition, have authority to commit to any city or county prison, for a term not exceeding thirty days, any dissolute or disorderly persons, in default of payment of such fine or penalty as may be fixed by ordinance, with the cost of suit or arrest. He shall be empowered to take acknowledgments of any instruments in writing, solemnize marriages, and administer oaths and affirmations, and shall attest all his acts with his official seal. He shall keep a docket, and shall enter therein all actions and proceedings had before him; and said docket with the entries therein, and duly certified transcripts thereof, shall be received in evidence in the same manner and with like effect as the docket entries and transcripts of aldermen are by law admissible for similar purposes. He shall charge and receive for all official services the same fees and costs as are allowed by law to the alderman of the city for similar services, but shall pay over the same into the city treasury monthly, according to the statements thereof, verified by oath or affirmation before the superintendent of finance, and filed with him.
- Powers of magistrate.**
- Seal.**
- Docket.**
- Evidence.**
- Fees and costs.**
- Police force.** Section 6. The council shall fix, by ordinance, the number, rank, and compensation of the members of the city police force, and prescribe all necessary rules and regulations for the organization and government thereof in accordance with this act; and it shall be a misdemeanor in office for any policeman to ask, demand, or receive any other compensation or reward whatsoever for his official services, to be followed by dismissal from office: Provided, That members of the police force may receive and retain rewards offered for the arrest of persons accused of crime committed outside of the city in which they hold office. The council may also designate, from the force, the chief and other officers, who shall be subject to the direction and control of the council, and shall serve as such officers until their successors be duly designated and qualified.
- Misdemeanor.**
- Proviso.**
- Officers.**

Section 7. Policemen shall be ex officio constables of the city, and shall and may, without warrant and upon view, arrest and commit for hearing any and all persons guilty of breach of the peace, vagrancy, riotous or disorderly conduct or drunkenness, or who may be engaged in the commission of any unlawful act tending to imperil the personal security or endanger the property of the citizens, or violating any of the ordinances of said city for the violation of which a fine or penalty is imposed. They shall have authority to serve and execute all criminal process or processes for the violation of the city ordinances which may be issued by the mayor or any alderman, and shall charge the same fees and costs as pertain by law to the constables of the city for similar services; but the said fees and costs shall be received and collected by the mayor, and by him paid into the city treasury monthly as herein provided. Policemen shall obey the orders of the mayor and make report to him, which report shall be laid by him before council whenever required. The mayor shall exercise a constant supervision and control over their conduct, and hear and determine all complaints against them in the discharge of their duties; and he shall be required to remove from office any member or officer of the police force upon a resolution to that effect passed by council.

Policemen shall be ex-officio constables.

Service of process, etc.

Fees and costs.

Mayor to control.

Dismissal of policemen.

Section 8. The council shall have the power of appointment and dismissal of all employes and subordinate officers of the city, except as otherwise provided by this act. The council shall cause the mayor to issue his proclamation to the qualified electors of the city, at least ten days before the annual municipal election, stating therein the officers to be voted for at such election.

Appointment and dismissal of employes, etc.

Mayor's election proclamation.

Section 9. If for any reason whatsoever a vacancy occurs in the city council, whether as to the mayor or one or more of the other members of council, the city council shall, by its remaining members, call a special city election, the date of which said special city election shall be fixed by council, and notice thereof given by public announcement of council for at least ten days prior thereto, as herein provided, to fill the vacancy or vacancies for the unexpired term or terms, respectively; and this shall be repeated, from time to time, as often as necessary; except that, if such vacancy or vacancies occur less than four months prior to the city election, the vacancy shall remain unfilled and the work apportioned among the remaining councilmen, without extra compensation, until said city election.

Vacancies in council.

Special election.

Exception.

Vice-president. The member of council who shall be designated superintendent of the department of accounts and finance, shall be vice-president of the city council and acting mayor of the city during the absence or inability of the mayor to act; and, during such absence or inability, he shall exercise all the rights and powers of the mayor.

Actions, etc., for violation of ordinances, etc. Section 10. All actions, prosecutions, complaints, and proceedings for the violation of the ordinances of the city, and for fines, penalties, and forfeitures imposed thereby, shall be instituted in the corporate name of the city, and be conducted in the manner prescribed by law. No warrant shall be issued except upon complaint, upon oath or affirmation, specifying the ordinance for the violation of which the same is issued and all process shall be directed to and served by any policeman or constable of the city, who shall execute the same anywhere within the city, or in the county of which it is part, or elsewhere, as may be provided by law. Warrants shall be returnable forthwith, and every summons shall be returnable in not less than five nor more than eight days from the date thereof; and, upon such return, the like proceeding shall be had in all cases as are or may be directed by law in relation to summary conviction, or proceeding for the recovery of penalties, before justices of the peace, with the same right of appeal from any final judgment entered therein. All fines and penalties for the violation of the city ordinances received by any magistrate, and all fees, costs, fines, and penalties received by any alderman in cases heard before him while presiding in the mayor's police court, shall be paid over by the magistrate before whom the same are recovered into the city treasury, monthly, according to a statement thereof, certified by oath or affirmation before the superintendent of finance, and filed with him. Any alderman of the city may, at the request of the mayor or acting mayor, where either is for any reason unable or unwilling to act, attend the mayor's police court, and there perform all such duties and exercise all such powers as to which he has concurrent jurisdiction with the mayor, and for such services shall be allowed such compensation as council shall provide.

Warrants.

Service.

Returns.

Procedure.

Fines and penalties.

Alderman may preside at mayor's police court.

Compensation.

Superintendent of department of accounts and finance.

Accounts.

Section 11. The superintendent of the department of accounts and finance shall have charge and keep a record of accounts, under appropriate titles, to show separately and distinctly all of the assets and property whatsoever vested in the city, and all trusts in care of the same, debts owing by the city, and all of the receipts and expenditures of the various departments. He shall have the supervision and control of the

accounts of all of the departments, and require from them at any time a statement in writing of all money or property of the city in their hands. He shall countersign all warrants upon the city treasury, the form whereof shall be prescribed by council, and shall not suffer any appropriation made by the city council to be overdrawn, but no warrant shall be countersigned unless there is money in the treasury to pay the same. In every case in which an appropriation shall be exhausted, and the object of which is not completed, he shall immediately report the fact to the city council; and accompany such report with a statement of the moneys which have been drawn on such appropriation, and the particular purposes for which they were drawn. He shall furnish bond, in such amount and with such sureties as shall be fixed by ordinance.

Shall countersign warrants.

Exhausted appropriations.

Bond.

Section 12. Whenever a warrant on the treasurer shall be presented to the superintendent of finance to be countersigned, the person presenting the same shall be, by the superintendent of finance, required to produce evidence:

Evidence to be produced by those presenting warrants.

(1) That the amount expressed in the warrant is due to the person in whose favor it is drawn.

(2) That the supplies or services, for payment of which the warrant is drawn, have been furnished or performed according to law and the terms of the contract.

Section 13. Every contract involving an appropriation of money shall designate the item of appropriation on which it is founded; and the estimated amount of the expenditure thereunder shall be charged against such item, and so certified by the superintendent of finance on the contract before it shall take effect as a contract, and the payments required by such contracts shall be made from the fund appropriated therefor. If the superintendent of finance shall certify any contract in excess of the appropriation made therefor, the city shall not be liable for such excess; but the superintendent of finance shall be liable for the same, which may be recovered in an action at law by the contracting party aggrieved. It shall be the duty of the superintendent of finance to certify contracts for the payment of which sufficient appropriations have been made.

Contracts.

Estimates.

Payments

If certified in excess of appropriation.

Duty of superintendent.

Section 14. The superintendent of finance shall, from time to time, and as often as he may deem expedient or the city council shall direct, suggest plans to the council for the management and improvement of the city finances; and he shall make a report, verified by oath or affirmation, to the city council, at the first stated meeting in January in each year, of the public accounts of the city, and of the trusts in its care, exhibiting all of the expenditure thereof, respectively,

Shall suggest plans, etc.

Annual report.

and the sources from which the revenue and funds are derived and in what manner the same have been disbursed; each account to be accompanied by a statement in detail of the several appropriations made by council, the amount drawn on each appropriation, and the balance outstanding to the debit or credit of such appropriation at the close of the fiscal year, which report shall be published in pamphlet form. He shall also, at the first stated meeting in January in each year, present to council a detailed statement of the estimated receipts, expenditures, and liabilities of every kind for the ensuing year, with the balance of unexpended appropriations, and all other information of value as a basis for fixing the levy and tax rate for the next fiscal year.

Publication.

Detailed statement.

Salary of the mayor.

Section 15. The mayor of each city of the third class in Pennsylvania, elected under the provision of this act, shall receive for his services during his term of service an annual salary to be fixed by ordinance, payable in monthly installments. The council in said cities shall, by ordinance, fix the amount of the salary to be paid to the mayor for his services, and may provide for the assessment and retention therefrom of reasonable fines for absence from regular or special meetings of council or councilmanic committees. The amount of said salary in cities of the third class shall not be less than five hundred dollars, nor more than three thousand five hundred dollars, per year. For the first term of any mayor elected under the provisions of this act, and until thereafter changed by ordinance, the salary of said mayors in cities of the third class shall be as follows: In cities having a population of fifteen thousand or under, by the last United States census, five hundred dollars; in cities having a population of over fifteen thousand, and less than thirty thousand, inhabitants, one thousand two hundred dollars per year; in cities having a population exceeding thirty thousand, and not exceeding fifty thousand, inhabitants, two thousand five hundred dollars per annum; in cities having a population of over fifty thousand, and not exceeding seventy thousand, inhabitants, three thousand dollars per annum; in cities having a population of over seventy thousand inhabitants, three thousand five hundred dollars per annum.

Fines for absence.

First term.

Fixing of salary.

The first council elected under the provisions of this act, shall, by ordinance, fix the salary to be paid to the mayor in said cities for succeeding terms; and the amount of compensation for the mayor in any of said cities shall not be increased or diminished during the term of office for which he shall be elected. Succeeding councils may change the amount of such compensation.

ARTICLE VIII.

Section 1. Subject to the provisions of section thirteen of article six of this act, the council of each city of the third class shall, on the first Monday of January after its election, elect a city treasurer, who shall hold his office for the term of two years from said first Monday of January and until his successor is duly elected and qualified, or until the said treasurer shall have been removed from office according to law. The city treasurer shall be a competent accountant, and shall have been a resident of the city and an elector thereof for at least three years previous to his election. He shall give lawful bond to the city, with two or more sufficient sureties, or with a surety or other company authorized by law to act as surety, to be approved by the council, in such sum as it may by ordinance direct, conditioned for the honest and faithful discharge of his official duties and the safe-keeping and payment over of all public moneys entrusted to his care. He shall receive a fixed annual salary, to be provided by ordinance.

Section 2. The city treasurer shall demand and receive all moneys payable to the city from whatever source, and shall pay all warrants duly countersigned by the Superintendent of Finance. His accounts shall be kept in such manner as to clearly exhibit all the items of receipts and expenditures of the city, the sources from whence the moneys are received and the objects for which the same are disbursed; and he shall keep separate and distinct accounts of the receipts and expenditures of the city, the sinking-fund, and the water and lighting department, respectively, and also of every special fund which may come into his hands. No money shall be paid out of the city treasury unless the same shall have been previously appropriated by council to the purpose for which it is to be drawn, which shall be explicitly mentioned in the warrant therefor. The treasurer shall keep the public funds in such banks or financial depositories as council may direct, under such restrictions and safeguards as council may provide, and shall verify his cash accounts monthly, or whenever required, to the satisfaction of council; and upon any default therein he may be suspended from office, and another treasurer appointed, as council may determine. No city treasurer shall be reappointed, unless and until he shall have made such settlement on his duplicates and accounts for the past year as shall be satisfactory to council.

City treasurer.

Qualifications.

Bond.

Salary.

Receipts and disbursements.

Accounts.

Specific appropriations.

Custody of funds.

Default.

Reappointment.

Delivery of
moneys, books,
etc.

Section 3. The city treasurer, and every other officer of the city receiving or having in his possession any money, accounts, property, or effects belonging to the corporation, shall, upon the termination of his office, deliver the same to the city or to his duly qualified successor. Any vacancy in the office of city treasurer shall be filled by the vote of the members elected to council, and the person so chosen to fill the same shall serve during the unexpired term of said officer.

Vacancy.

ARTICLE IX.

City controller.

Elections.

Section 1. In cities of the third class where the term of city controller expires on the first Monday of December, in the year one thousand nine hundred and thirteen, the qualified electors of the city shall, at the municipal election of that year, elect a city controller, who shall serve from said first Monday of December until the first Monday of January, one thousand nine hundred and eighteen. In the year one thousand nine hundred and seventeen, and quadrennially thereafter, the qualified electors of such city shall, at the municipal election, elect a city controller, who shall serve for a term of four years from the first Monday of January next succeeding his election. In cities of the third class where the city controller was elected at the municipal election in the year one thousand nine hundred and eleven, the qualified electors of the city shall, in the year one thousand nine hundred and fifteen, and quadrennially thereafter, elect a city controller, who shall serve for a term of four years from the first Monday of January next succeeding his election. The city controller shall examine, audit, and settle all accounts whatsoever in which the city is concerned, either as debtor or creditor, where provision for the settlement thereof is made by law; and, where no provision or an insufficient provision has been made, he shall examine such accounts and report to the city council the facts relating thereto. He shall have authority to administer oaths or affirmations in relation to any matter touching the authentication of every account with, or claim or demand against, the city, but shall not be entitled to receive any fee therefor.

Examine, audit,
and settle ac-
counts.

Authority to ad-
minister oaths.
etc.

Compensation.

Section 2. The said city controller shall receive such compensation as may be prescribed by council.

City clerk.

Section 3. That the council of each city of the third class in this Commonwealth are hereby authorized and directed to elect a city clerk, whose term of office and compensation shall be fixed by ordinance: Provided, however; That the said term of office shall not exceed four years.

Certified ordi-
nance, etc.

Section 4. Any ordinance, resolution, motion, or other proceeding of council, when certified by him un-

der the seal of the proper city, may be read in evidence in any court in this Commonwealth. He shall also have the power of a notary public to administer oaths in any matter pertaining to the business of said city, or in any legal proceeding in which it is interested. He shall also perform such other duties as shall be prescribed by ordinance or resolution of council.

Evidence.

May administer oaths.

ARTICLE X.

Section 1. Subject to the provisions of article six, the council of each of said cities of the third class shall, on the first Monday of January following the election of members thereof, or as soon thereafter as may be practicable, by the vote of a majority of the members chosen, elect one person, learned in the law and qualified to practice in the Supreme Court of this Commonwealth, who shall be styled the city solicitor, and shall serve for the term of two years from the said first Monday of January and until his successor shall be duly qualified, unless he shall have been removed from office sooner in the method prescribed by law. Vacancies in said office shall be filled by council for the unexpired term. He shall give lawful bond to the corporation, with two or more sureties, or with a surety or other company authorized by law to act as surety, to be approved by council, in such sum as they shall by ordinance direct, conditioned for the faithful performance of his official duties as the same are or may be defined by law or ordinance.

City solicitor.

Term.

Vacancy.

Bond.

Section 2. The law matters of the city shall be under the superintendence, direction, and control of the city solicitor; and no department of the city shall employ or retain any additional counsel, in any matter or cause, except with the previous assent of council. He shall keep his office within the city, and there shall be deposited and preserved therein all assurances of title, and all contracts, bonds, books, patents, deeds, leases, mortgages, and other evidence of debt belonging to the city, unless the council shall otherwise provide or direct: Provided, That the provisions of this article ten shall not apply to any Board of Commissioners of water-works of any city wherein the title to the water-works therein located is in the name of the commissioners of water-works.

Law matters to be in his control.

Office.

Custodian of contracts, bonds, leases, etc.

Proviso.

Application of this section.

Section 3. The city solicitor shall prepare all bonds, obligations, contracts, leases, conveyances, and assurances to which the city or any department thereof may be party, as may be directed by resolution or ordinance; shall commence and prosecute all and every suit or suits, action or actions, brought by the corporation, for or on account of any of the estates, rights, trusts, privileges, claims, or demands of the

Duties of the solicitor.

same, as well as defend all actions or suits against the said corporation or any officer thereof, wherein or whereby any of the estates, rights, privileges, trusts, ordinances, or acts of the corporation, or any department thereof, may be brought in question before any court in this Commonwealth; and shall do all and every professional act incident to the office which he may be lawfully authorized and required to do by the mayor, or by any ordinance or resolution of the said council. He shall, whenever required, furnish the council, the committees thereof, the mayor, or the heads of departments, with his opinion, in writing, upon any question of law which may be submitted by any of them in their official capacities.

Opinions.

City lien docket.

Section 4. There shall be kept in the office of the city solicitor a city lien docket, which shall be open to public inspection, and in which he shall cause to be entered all claims for curbing, paving, or repaving sidewalks, assessments of damages, contributions for opening public streets, lanes, and alleys, or parts thereof, for grading, paving, and macadamizing the same, for water and lighting frontage tax and water and lighting rates, sewerage, city taxes, and other matters that may be the subject of claim on the part of the city, which have or shall be returned to the solicitor as remaining due and unpaid after the period prescribed by law or ordinance for the payment of such claims; and it shall be the duty of the head of each department, wherein any such claim shall originate, to furnish to the city solicitor, within the period prescribed by law or ordinance, a statement of all claims for curbing, paving, et cetera, which remain due or unpaid, a certified copy of which the said heads of departments shall at the same time furnish to the superintendent of finance. Upon the payment of any lien or other debt of record due the city, to any person authorized to receive the same, it shall be the duty of the city solicitor forthwith to enter satisfaction upon the proper record thereof.

Entries.

Statements of claims.

Satisfaction of lien, etc.

Monthly return.

Payments.

Fees.

Salary.

Section 5. The city solicitor shall, at least once in every month, make a return to the superintendent of finance, under oath or affirmation, of each item of moneys received by or through him, or his assistants, by virtue of his office, or on account of any matters connected therewith; and immediately upon making such return he shall pay over the amount in his hands to the city treasurer. He shall, in like manner, pay into the city treasury all fees received by him in his official capacity; but this provision shall not be taken to include the judgment fee or commission allowed him in his capacity of attorney, under any act of Assembly of this Commonwealth. He shall receive a fixed annual salary, to be provided by ordinance.

ARTICLE XI.

Section 1. The council of any city of the third class of the State of Pennsylvania may, by ordinance, create a board of health. The organization, powers, and duties of said board of health shall be as provided by laws now in force in relation to boards of health.

Board of Health.

Section 2. In all cities of the third class where the council of said city shall not elect to create, by ordinance, a board of health, as provided in section one hereof, the said council shall exercise all the rights, duties, and obligations imposed by existing legislation upon boards of health in cities of the third class.

When board is not created.

Section 3. The city clerk in cities of the third class shall be ex officio secretary of the board of health, in case the council of said city shall create a board of health under the provisions of this act.

Secretary ex-officio.

ARTICLE XII.

Section 1. Any qualified registered voter in any city of the third class may be nominated to any elective municipal office in said city in the following manner:

Nominations.

Municipal officers.

Section 2. It shall be lawful for any such person to be proposed for any elective municipal office by the filing of a petition with the county commissioners, at least three weeks before the date of the primary election for municipal offices; said petition to be signed by at least twenty-five qualified registered voters of said city.

Petition.

Signers.

Section 3. The petitions proposing the names of citizens for municipal elective offices shall set forth that the signers thereof are qualified and registered voters residing in said city; and shall set forth the residence and occupation of the candidate proposed, and of each person signing said petition; but said petition shall have nothing thereon to designate any political party, or any party affiliations of the person proposed as a candidate, or of the persons proposing the said name.

What shall be set forth.

No political designation.

Section 4. The county commissioners of the county in which any city of the third class shall be located shall cause to be printed, for the use of voters at any primary election in said city of the third class, where public elective municipal officers are to be nominated, a non-partisan primary ballot, which ballot shall be substantially in the following form:

Non-partisan primary ballot.

Form of primary ballot.

NAME OF OFFICE

Vote for (stating number to be elected).

Name of Candidate. (Address of Candidate.)

Name of Candidate. (Address of Candidate.)

NAME OF OFFICE

Vote for (stating number to be elected).

Name of Candidate. (Address of Candidate.)

Name of Candidate. (Address of Candidate.)

The said municipal primary ballots shall be uniform; and shall have nothing written, printed, stamped, engraved, or in any way marked thereon, to indicate or designate any political party, or the political affiliations of any candidate for office named thereon.

Printing upon
the ballot.

Section 5. Upon the non-partisan primary ballot, provided for in the preceding section of this article, the county commissioners shall cause to be printed the names of the municipal offices to be filled at the next regular municipal election, followed by the words "mark one" (or, as case may be, indicating the number to be elected). Below the words designating an office to be filled shall be printed the names of all persons who have been proposed for such office in accordance with the preceding sections of this article, placing after each name an appropriate square for marking, and no other names shall be placed on said ballot. Space shall be provided, however, below the names printed on the said ballot, wherein voters may insert additional names, if said voters shall desire to vote for a person for said office whose name has not been printed on said ballot.

Space.

How names shall
be placed.

Section 6. Where more than one person shall be proposed for the same office, the names of the persons proposed shall be placed on said ballot by the county commissioners in the order to be determined by drawing lots, which said drawing shall be done publicly by the county commissioners; and notice of the time and place of said drawing shall be given by the commissioners to each person whose name is entitled to be placed on said primary ballot, at least three days before the time of said drawing, and said persons shall be entitled to be present in person or by representative at said drawing.

Notice of drawing.

Number of ballots
to be supplied.

Section 7. The county commissioners shall prepare, and furnish to the election officer in each precinct of each city of the third class, as many official non-partisan primary ballots as are equal to one and one-half times the number of registered voters in such precinct: Provided, however, That an additional number of ballots shall be provided by the commissioners, for each precinct, if more ballots shall be needed than the number above specified. The said county commissioners shall also furnish one-half as many specimen ballots as the number of official ballots, which said

Proviso.

Specimen ballots.

specimen ballots shall be an exact duplicate of the official ballot, but printed on a paper of a different color.

Section 8. At the primary election preceding each election where municipal officers are to be elected, it shall be the duty of the election officers in each precinct of every city of the third class to deliver to each voter, who has established his right to vote, one non-partisan primary ballot, having printed thereon the names of all persons proposed for municipal officers in accordance with the preceding sections of this article. The election officers shall receive, and place in the ballot-box at each primary election preceding an election for city offices, the ballots furnished to the voters in the manner specified in the preceding section of this article, after said electors have had opportunity to mark the same as provided by law; and no other ballots for nomination of municipal officers shall be received or placed in said ballot box.

Primary election.

Duty of election officers.

Section 9. At the close of polling at said primary election, in each city of the third class, the election officers shall, in the manner prescribed by law, tabulate and compute the votes cast for the various persons whose names may be inserted or printed on the non-partisan ballot, and marked according to law; and shall make return of said vote to the county commissioners, whose duty it shall be to receive, tabulate, and compute primary election returns; said returns to be made as prescribed by law. Said election officers shall also cause the statements required by law of the number of votes cast for each candidate to be posted up at such place and in the manner prescribed by law. If, for any office to be filled at the ensuing general municipal election, there shall be more persons proposed than the number to be elected to the said office, the persons receiving the highest number of votes, up to double the number of persons to be elected to said office, shall be the nominees for said office.

Tabulation, etc., of vote.

Returns to county commissioners.

If more are proposed than are to be elected.

Section 10. At each regular or special municipal primary or election for offices, in cities of the third class, the county commissioners of the county in which said city shall be located shall cause the names of the persons nominated in accordance with the foregoing sections of this article, and of no other persons, to be printed on the official ballot to be used at said election. Said official ballots shall have the names of the offices to be filled and said candidates printed on said ballot, with appropriate squares after each name, for voters to mark in the manner prescribed by law, except that there shall not be printed, engraved, stamped, or marked on any ballot any thing to indicate any political party, or party affiliation of any candidate for municipal office. Following the names

Official ballots.

Details.

Non-partisan.

Space.

of said candidates, space shall be provided on said ballot wherein any voter may insert the name of any persons for whom he wishes to vote and whose name may not be printed on said ballot.

No other ballot, shall be received, Counted.

Section 11. No other ballot than that prescribed in the foregoing section of this article shall be received or counted by the election officers for any regular municipal primary, or election for the election of public officers in cities of the third class, and the provisions of this article shall apply to every regular or special municipal election in said cities of the third class.

Direction upon ballot.

Section 12. Upon each ballot for the use of electors in any municipal primary or election shall be printed the following words: "The voter will mark an X in the square opposite the name of each person for whom he wishes to vote. He may insert in the blank space provided the names of candidates not nominated for whom he desires to vote. Names so inserted need not be marked with an X."

When provisions of article may be suspended.

Section 13. If, either at the time of the passage of this act or at any time thereafter, there be in force any law providing a general system of non-partisan nominations and elections for elective municipal offices, or for any group or class of elective offices including municipal offices, the operation of the provisions of the foregoing sections of this article twelve shall be suspended while such law is in force.

ARTICLE XIII.

Sewerage.

Sewerage.

Section 1. The council of any city of the third class shall have power, subject to the provisions of existing laws, without petition therefor, to construct and reconstruct, or cause to be constructed, sewers of all kinds in its public streets, lanes, alleys, highways, and over and across public and private lands or property, and to pay the cost and expense thereof out of the general revenues, or special funds raised for said purpose, or to assess the same, in whole or in part, upon abutting property, as hereinafter mentioned; and, where the cost of constructing any sewer is paid for wholly from city funds, the respective city shall have authority to charge a reasonable fee for tapping or connecting with said sewer. In the case of the construction of main sewers, or of any sewer which can be used in part for main sewerage purposes, and in all cases where said sewer will also serve as a local sewer, the said city is authorized to and may provide for assessing the abutting property with the local sewerage part thereof according to the foot-front, or the assessed valuation of the said property for city purposes, or according to benefits. The cost of all

Tapping fee.

Main sewers.

Assessments for sewerage.

main sewers, or of any sewers used in part for main sewerages purposes, over and above the amount assessed for local sewerage as above provided, shall be paid for from the city funds as aforesaid. Council may also provide that the cost and expenses of local, lateral, branch, and other sewers may be assessed against the abutting property according to the foot-front, or according to the assessed valuation thereof for city purposes, or according to benefits. And it shall be lawful for any such city to construct, or cause to be constructed, a sewerage system of sewers in streets, lanes, alleys, and highways, with extensions thereof, and with lateral and branch sewers therefrom, in other streets, lanes, alleys, and highways, and in public or private lands, at the same time, as part of the same improvement, and under the same contract, and the cost and expense thereof may be assessed as is herein provided.

Section 2. Where council determine to construct local, lateral, and other sewers, and to assess the cost and expenses thereof according to the foot-front rule, they shall provide for a reduction of one-half, or other equitable part or portion, from the frontage of the longest side of all corner lots, and at other places where, from the peculiar or pointed shape of the lots, an assessment for the full frontage would be inequitable and unequal; and if the owner of the abutting property is not satisfied with the allowance or reduction, or refuses, he shall have the right to have three viewers appointed by the court of common pleas; and the proceedings shall be the same as in cases where land is taken for the widening of a street, or damage claimed for change of grade. Where the council determine to construct main, local, lateral, or branch sewers, and to assess the cost and expense thereof according to benefits, in addition to the remedies which now or may hereafter exist for the assessment of the said cost and expense by viewers appointed by court, the said council may appoint three disinterested freeholders as viewers, who, or a majority of whom, shall assess the costs and expense of said sewers upon the lands abounding or abutting thereon in proportion, as nearly as may be, to the benefits which may result to each lots or parcel of land. Said viewers, or a majority thereof, shall report their assessment to the council, in the manner set forth in the third section of this article, and said council shall act thereon as in said article provided.

Section 3. Said viewers, or a majority of them, shall make report in writing, specifying the amount assessed by them upon each lot or parcel of land for main or local sewerage separately, and file the same with the city clerk within such time as the council

Cost.

Local, lateral or
branch services.

Assessments.

System of
sewers.

Assessment.

Assessments under
the foot-front
rule.Reduction at
corners, etc.

Viewers.

According to
benefits.

Viewers.

Assessments.

Report to coun-
cil.Specific report
of assessments.

Filing.

Proceedings after report is filed.
 Publication.
 Objection.
 Hearing.
 Reassessment.

shall direct. After the report is filed, council shall cause not less than ten days' public notice to be given in two newspapers of the city, if so many be published therein, of the object of such assessments, and that the same will come before them for confirmation at a time to be specified in said notice. Objections to the assessment shall be in writing and be filed with the city clerk, and may be heard before the city council at the time specified in the notice. Council may, after hearing objections, modify, set aside, or confirm said assessments. If council sets aside the first or any other assessment, they may appoint other viewers, of the same qualifications as hereinbefore provided, and cause new assessments to be made, and the proceedings shall be the same as herein directed in case of the first assessment.

Certification to city treasurer.
 Filing of liens.

Section 4. After making assessments for sewerage of any kind, council may direct that they be certified to the city treasurer, or to such party as said assessments may be assigned to for collection; and if such assessments be not paid within such time as council may by ordinance prescribe, it shall be lawful to file liens therefor in the prothonotary's office of the proper county, as provided by this act, and said liens shall bear interest from the time the assessments were payable, at the rate of six per centum per annum, until paid.

Gas- water- and steam-pipes, etc.
 Proviso.
 House connections.
 Notice.
 Cost of paving, etc.
 Liens.

Section 5. The city council may provide by ordinance for the laying, renewing, and repairing of all gas, water, steam, or other pipes, or conduits, in any street or highway, before the paving, repaving, or repairing of the same, and for making the necessary house connections with said pipes, and also for the necessary house connections and branches with and leading into main or lateral sewers: Provided, That in no case, except as a sanitary measure, of which council shall judge, shall they require such house connections to be extended further from such sewers, or from such gas, water, steam, or other pipes, or conduits, than to the inner line of the curbstone of such street or highway. Council may, after notice to all companies, corporations, persons, and owners affected, and in default of compliance therewith, cause said pipes to be laid, renewed, or repaired, and said connections made, and collect the cost of paving, and repairing all pipes and pipe connections, from the companies, corporations, or persons owning or operating the said gas, water, steam, and other pipes, or conduits, with interest; and the cost of the sewer connections shall be a first lien against the land for whose benefit such connections are made, and a specification of lien shall be filed therefor, and the lien and the proceedings thereon shall be as in the case of other municipal liens.

ARTICLE XIV.

Exercise of Right of Eminent Domain; Assessment of Damages and Benefits.

Section 1. Any city of the third class shall have power whenever it shall be deemed necessary, either in the laying out, opening, widening, extending, or grading of streets, lanes, or alleys, or in the erection or construction of water, gas, or electric light works, slopes, embankments, or sewers, or in the changing of watercourses, or for any other purpose authorized by this act, to take, use, occupy, or injure private lands, property, toll-bridges, or materials; and in case the compensation for the damages done, or the benefits accruing therefrom, have not been agreed upon, the court of common pleas of the proper county, or any law judge thereof in vacation, on application thereto by petition by said city or by any person interested, shall appoint three members of the board of viewers of the proper county to view and ascertain the damages done, and the benefits which have accrued, by reason of the said taking, use, occupancy, or injury; and shall appoint a time not less than twenty nor more than thirty days thereafter for said viewers to meet at or upon the premises, where the damages are alleged to be sustained or the property taken, or on the line of said street or sewer improvement, as the case may be, of which time and place ten days' notice shall be given by the petitioners to the said viewers and to all parties interested, by personal service upon the parties, their agents, attorneys, or legal representatives, by publication in one or more newspapers, or by hand bills posted upon the premises, or otherwise, as the said court shall direct, having regard to the circumstances of each case.

Section 2. The said viewers, or any two of them, having been duly sworn or affirmed faithfully, justly, and impartially to decide and a true report to make concerning all matters and things to be submitted to them, and in relation to which they are authorized to inquire in pursuance of the provisions of this act, and having viewed the premises or examined the property or materials, shall estimate and determine the quantity, quality, and value of said land so taken, occupied, or injured, or to be taken, occupied, or injured, or the property and materials so used or taken away, as the case may be, and having a due regard to and making just allowance for the advantages which may have resulted, or which may seem likely to result, to the owners of said land, property, or material in consequence

Right of eminent domain.

Exercise of.

Petition.

Viewers.

Time and place of view.

Notice.

Duties of viewers.

View.

of the making of the improvements aforesaid, for which the property or materials are to be taken; and having made a fair and just comparison of said advantages and disadvantages, they shall estimate and determine their value, and whether any, and, if any, what amount of damages has been or may be sustained and to whom the same is payable; and after having determined the damages sustained to all the properties affected by said improvement, together with the benefits as hereinafter mentioned, they shall make report thereof to the said court.

Section 3. The council of said city shall have power to provide by ordinance for the payment of damages sustained by making the improvements aforesaid, or by the vacation of any public highway, either by the city or by assessment upon property benefited by such improvement; and, in the latter case, the viewers appointed to assess damages shall also assess upon any property benefited by such improvements such amount, for the special advantages which may accrue to the said several properties from such improvements, as they may deem proper, and shall report the same to the said court: Provided, That assessments for benefits shall not exceed the damages awarded or agreed upon: And provided further, That parties assessed for benefits shall have the same right to file exceptions to said report, or to appeal therefrom, as herein provided for in the case of assessment of damages for property taken, injured, or destroyed.

Section 4. If any damages be awarded, and the report be confirmed by the said court, judgment shall be entered thereon; and, if the amount thereof be not paid within thirty days after the entry of such judgment, execution may then issue thereon, as in other cases of debt, for the sum so awarded; but assessments for benefit shall be collected as hereinafter provided.

Section 5. In all cases where the parties have not agreed upon the amount of damages claimed, or where, by reason of the absence or legal incapacity of the owner or owners, no such agreement can be made for lands, property, or materials to be taken, occupied, or injured, the city shall tender sufficient security to the parties claiming or entitled to damages, or to the attorney or agent of any person absent, or to the agent or other officer of a corporation, or to the guardian or committee of any one under legal incapacity, the condition of which shall be that the said city shall pay, or cause to be paid, such amount of damages as the party shall be entitled to receive after the same shall have been agreed upon by the parties or assessed in the manner provided by this act: Provided, That in case the party or parties claiming damages refuse or do not accept the security so tendered, the said city shall then give the party, his or their agent, or attorney

Estimate.

Report.

Benefits.

Report.

Proviso.

Proviso.

Judgment.

Execution.

In case parties cannot agree.

Tender of security.

Proviso.

Refusal to accept.

or other officer, a written notice of the time when the same will be presented for filing in the court; and thereafter the said city may present said security to the court of common pleas of the county where the land or other property is situated, and if approved the security shall be filed in said court for the benefit of those interested; and recovery may be had thereon for the amount of damages assessed, and if the same be not paid it may be collected by execution on the judgment in the issue framed to try the question.

Filing in court.

Section 6. The viewers provided for in the foregoing sections of this article may be appointed before or at any time within six years after the entry, taking, appropriation, or injury, or the passing of an ordinance providing for any matter set forth in section one of article fourteen, of any property or materials for constructing said improvement; and upon the report of said viewers, or any two of them, being filed in the said court, any party may, within thirty days thereafter, file his, her, or their appeal from the said report to the said court. Such appeal shall be in writing, and accompanied by an affidavit of the appellant, or their agent or attorney, that the same is not taken for the purpose of delay, but because the affiant firmly believes that injustice has been done; and, after such appeal, either party may put the cause at issue in the form directed by said court, and the same shall be tried by said court and jury; and, after final judgment, either party may have an appeal therefrom to the proper court, the Superior Court or the Supreme Court, in the manner prescribed in other cases. The said court of common pleas shall have power to order what notices shall be given in connection with any part of the proceedings, and may make all such orders as it may deem requisite. If any exceptions be filed with any appeal to the proceedings, they shall be speedily disposed of, and if allowed a new view shall be ordered, and if disallowed the appeal shall proceed as hereinbefore provided.

When viewers may be appointed.

Report.

Appeal.

Jury trial.

Appeal.

Section 7. In case any such city shall repeal any ordinance passed, or discontinue any proceeding taken, providing for any of the improvements mentioned in the first section of this article, prior to the entry upon, taking, appropriation, or injury to any property or material, and within thirty days after the filing of the report of viewers assessing damages and benefit, the said city shall not thereafter be liable to pay any damages which have been or might have been assessed; but all costs upon any proceeding had thereon shall be paid by the said city.

Repeal of ordinance, etc.

Costs.

Section 8. In all cases where land or property have been heretofore taken, used, occupied, or appropriated for any of the purposes aforesaid, within five years last

When land or property has been heretofore taken, etc.

past, or where any ordinance has been passed providing for such taking, using, or occupancy, and the damages sustained thereby or the benefits accruing therefrom have not yet been legally determined, it shall be lawful to proceed and determine said damages and benefits and collect the same under the provisions of this article, with the same effect as if said improvement had been undertaken or proceeded in after the passage of this act, whether there has been any actual physical taking or not.

Use of turnpike
and plank roads.

Jury of view.

Section 9. Whenever it shall become necessary, in the progress of the building improvement of any said cities to grade, curb, bridge, culvert, or pave any of the highways used as turnpikes or plank roads, it shall be lawful for council to agree for the relinquishment of such parts thereof as may be so required from time to time; and if the parties cannot agree, to obtain a jury of view upon such parts, to assess the damage the company owning the franchises may sustain by the city using the same for said purposes; such jury to be appointed by the court of quarter sessions of the proper county, six in number; said viewers shall take into consideration whether such turnpike or plank road company shall have occupied a previous public highway or ground purchased by the company.

ARTICLE XV.

Taxation and Municipal Claims.

Taxation and
municipal claims.

City assessor.
Term.

Removal of.

Vacancy.

Oath of office.

Section 1. Subject to the provisions of article six of this act, the council of each of said cities of the third class shall, on the first Monday of January, or as soon thereafter as may be conveniently done, elect one person, resident of the city for at least five years previous to his election, a qualified elector thereof, and owner of real estate therein, at the time of his election and during the entire term of service, of the assessed value of at least five hundred dollars, as city assessor, to serve from the date of his election until the first Monday of January of the succeeding year. Council shall not permit any person elected assessor to enter upon the duties of said office, nor continue in office, when he does not have and possess all of the qualifications aforesaid; and for this purpose council shall have power, by a majority vote of all the members elected thereto, to declare the said office of assessor vacant at any time any person has not or ceases to have the qualifications aforesaid for the said office; and they may, thereupon, fill the vacancy thus occasioned, in the manner hereinafter provided for the filling of vacancies.

Section 2. The said assessor shall, before entering upon his duties, take and subscribe the oath prescribed

for municipal officers, and file the same with the city clerk. Any vacancy happening in said office shall be filled by appointment by council, for the unexpired term.

Section 3. The council may, during each triennial year and in the intervening years, appoint such assistant assessors, to serve for such length of time as council may authorize, direct, or appoint by ordinance, and such assistant assessors shall be removable at the pleasure of council. The compensation or salary of the city assessor, and of the assistant assessors, if any, shall be fixed by ordinance of council.

Section 4. The assessor shall make, or cause to be made during the year of the triennial assessment for county purposes, a full, just, equal, and impartial assessment of all property, real, personal and mixed, and all matters and things within the city subject by law to taxation for city purposes, and a just and perfect list of all property exempt by law from taxation, with a just valuation of the same. With his assessments he shall return such dimension, description, or quantity of each lot or parcel of land as will be sufficient to identify the same, together with the number and kind of improvements. In all cases they shall value the property at such sums as the same would, in their judgment, bring at a fair public sale thereof. And it shall be the further duty of said assessor to return annually a list of all the male inhabitants over twenty-one years of age.

Section 5. The said assessor may assess real estate in the name, or names, of the registered owner, actual owner (legal or equitable), reputed owner, owner of the life estate, occupier, vendor, vendees, or any person who has had or had any connection with the legal title thereof, or an interest in the premises, or has charge or control thereof; in the name of the husband, when lands are owned by the wife; partnership property in the name of the partnership, or in the name of the partners, or any of them; trust property in the name of the trustee or trustees, or any of them, or in the name of the cestui que trust; property of a minor in the name of the minor, or his guardian; property of a lunatic in the name of the lunatic, or his committee; and property formerly belonging to a person, since deceased, may be assessed in the name of the decedent, or in the name of the estate of said decedent, or of his administrator or administrators, executor or executors, or his heirs generally, or in the name of any administrator, executor, or heir; and in assessing the same in the names of the executors, administrators, or heirs it shall not be necessary to designate, them by their christian or surnames; and other property not

Vacancies.

Assistant assessors.

Salaries or compensation.

Triennial assessment.

Exemption list.

Valuation.

List of male adults.

How real estate may be assessed.

herein provided for may be assessed in the manner the same is assessed for county taxation, but this provision shall not prevent the collection under existing laws of any tax assessed against property by a sufficient designation or description, where the same has been assessed in the name of any person or persons who are not the owners thereof; and where lands of owners are part within and part without the city limits they shall be assessed in the same manner and within the same jurisdiction as if the same were being assessed for county purposes.

Real estate assessments.

Duties of assessor after the triennial assessment.

Section 6. In the years succeeding the triennial assessment the said assessor shall perform the following duties with reference to the assessment of real estate, namely: (a) He shall assess any real estate in the manner aforesaid which has been omitted, and correct any errors which may have been made in making the triennial assessment; (b) add to the assessment any property which has ceased to be exempt; (c) add to the value of any real estate the value of any new building or other new improvements; (d) deduct from the value of any real estate any depreciation caused by destruction, injury, or otherwise, howsoever; (e) where tracts as assessed at the triennial assessment have been subdivided, they shall equalize and apportion the assessment of the lands thus subdivided upon the basis of the value as fixed at the triennial assessments upon the whole lot or tract; (f) where any borough, township, part of borough or township, or any tract or tracts of land, have been added to the city since the last triennial assessment, to make a full, just, and impartial assessment of the property in the annexed district, and return the same in a like manner as if it were a triennial assessment; (g) when any property has been transferred, to make the proper changes or transfers upon the proper assessment books and duplicates; (h) to perform such other duties as may be prescribed by ordinance, necessary to the making of proper assessments or valuations. And to perform the following duties as to the assessment of the personal estate and other matters and subjects of taxation, namely: (a) To assess any personal property or subjects of taxation omitted at the triennial assessment, and to add such additional personal estate and subjects of taxation as the person assessed may have acquired since the triennial assessment; (b) to make deductions where such property has been disposed of; (c) to reduce valuation when property has been depreciated, lost, or destroyed. But when any real estate is assessed which had been omitted, errors corrected, or any increase is made in valuation or by additions for any cause after the triennial assessment, or where valuations have been made upon subdivisions of any lot or tract, such assess-

Assessment of personal estate, etc.

ments shall not be considered final or conclusive without first giving to the person or party affected thereby at least five days' notice of a time and place where such person or party may be heard by the assessor.

Notice to taxable.

Section 7. When the said assessor ascertains that any property is omitted, he shall assess the same for the omitted years, but not back further than and including the last preceding year of the triennial assessment; and the person or party owning said omitted real estate shall be liable for the tax against the said lands for the omitted year or years, at the tax rate levied during the omitted year, and the proper authorities shall make out the proper tax and place the amount thereof in the hands of the city treasurer for collection.

Omitted real estate.

Section 8. The said assessor shall have the right to procure such books, maps, et cetera, as may be necessary to the performance of his duties, and, when authorized by council, may employ clerks for the purpose of transcribing and making duplicates and assessment books. He, and each of them, shall have power to administer oaths, and to require under oath of every taxable or person in charge or control of any property an inventory of his taxable property, with his estimation of the just, full, fair, and impartial value thereof, and which, in his judgment, the same would bring at a fair public sale thereof. Such estimation shall not be conclusive; but shall be subject to revision by increase, decrease, or equalization with other property.

Books, maps, etc.

Clerks.

Oaths.

Sworn inventory.

Section 9. Where any city has established a registry of real estate by law, the said assessor shall have the right to obtain from the official in charge of said registry such information as to the registered owners of real estate as said department is able to furnish, and under such rules and regulations as shall be established by ordinance of council; and it shall be a sufficient description of any real estate in any assessment books or duplicates to designate the same by such city lot number, other number, or such other designation, as the same shall appear in the registry department.

Registry of real estate.

Section 10. The said assessor shall complete his triennial assessment, and the annual assessments in intervening years, on or before the first day of September in each year; and he shall have power to add to the duplicates in the hands of the city treasurer any subject of taxation therefrom, and to rectify any and all errors and mistakes made therein.

Completion of assessments.

Section 11. When the time or times, and place, for the meeting or meetings of the board of revision and appeal shall have been fixed, it shall be the duty of said assessor to give, or cause to be given, at least five days' printed or written notice to each and every tax-

Meeting of board of revision and appeal.

Notice.

- able inhabitant of the city, resident therein, if he, she, or they can be found, of the amount or sum for which he, she, or they stand rated in any triennial assessment; and also of any sum or amount for which said persons stand rated by reason of any change in his, her, or their assessment in any intervening year, by reason of any cause whatsoever; together with the time and place of hearing appeals by said board of revision and appeal; and any person dissatisfied or aggrieved by the assessment made by the assessor, may appeal to the said board of revision and appeal, and be heard at the time fixed in the notice, to be served as aforesaid. In case the property owner is not found, the notice above provided for may be served upon any tenant or other occupant of the premises.
- Appeal.**
- Service of notice.**
- Removal of assessor.**
- Negligence, etc.**
- Ordinances.**
- Board of revision of taxes and appeals.**
- Precept.**
- Assessment.**
- Powers and duties.**
- Section 12. Any assessor may be removed from office by council, and the vacancy thus occasioned may be filled in the manner hereinbefore provided; and any assessor or assessors who shall wilfully omit, neglect, or refuse to assess any property liable to taxation, shall be held responsible to the proper city for any loss or damage caused thereby.
- Section 13. The council of each of the said cities of the third class shall have authority to pass such ordinances as they may deem proper and necessary, providing for and regulating the manner of making the aforesaid assessments, valuations, and transfers, and the taking of appeals to the board of revision and appeal, and regulating proceedings before said board on any and all matters not specifically provided for in this act.
- Section 14. The mayor and council of each city of the third class shall constitute a board of revision of taxes and appeals. The said council acting as a board of revision may, in any year other than a triennial year, if they shall deem a new assessment necessary, on or before the first day of May, issue their precept to the city assessor requiring him to make out and return a full, just, and equal assessment of property within the city, or such parts thereof as the said board of revision may deem advisable; and they shall take and receive the triennial and yearly assessment as returned by the city assessor, and shall have power and authority to revise, equalize, or alter such assessments, in any and every year, by increasing or reducing the valuation either in individual cases or by wards, or parts of wards, and to add to the assessment book, and to the duplicate thereof in the hands of the city treasurer, any property or the occupation of any person subject to taxation omitted therefrom, and any real estate in such city which has been exempt from taxation, and has ceased to be occupied and used for the purpose or purposes which entitle it to such ex-

emption, as taxable for the portion of the year commencing at the time when the right to exemption ceases, and such real estate shall thereupon become subject to taxation, at the rate fixed for the year, for the proportionate part of the year during which it is not entitled to exemption; and it shall be their duty to rectify all errors, and, when deemed necessary, they may require the attendance of the assessor and assistant assessors, or any of them, or other citizens, before them for examination on oath or affirmation, either singly or together; and they shall hear and determine all appeals by taxpayers from the assessments made by the city assessor, at such time and place as they may prescribe, at least five days' printed or written notice of which shall be given. It shall be the further duty of said assessor to give five days' written or printed notice to every taxable inhabitant of the city of any increase or addition to the valuation assessed against him by the city assessor, together with the time and place of hearing appeals therefrom. For the purposes of all hearings, and for all other purposes necessary to the discharge of his duties, the said assessor shall have authority to administer oaths and affirmations touching any matter relating thereto, and any wilfully false statement, under oath, as to any material fact by the complainant or attorney shall be deemed perjury and be punishable as such. The city clerk shall serve as clerk of said board. The said board shall procure and have the custody and control of all books relating to assessment of city taxes, and keep them arranged according to wards and dates, and shall furnish the city assessor the necessary books for taking the assessment, which, on the completion of such assessment, shall be returned to such board of revision of taxes and appeal. The said board shall complete their labors, and the hearing and determination of all appeals, on or before the first day of December in each year; after which the assessment shall be copied, by wards, into duplicate for the use of the city; and the assessment, so corrected and copied, shall be and remain a lawful assessment for the purpose of city taxation until altered as provided by this act. The decision of the board shall be subject to an appeal to the court of common pleas wherein such city is situated, in accordance with the existing laws, whose decision shall be final, and if the appeal to the court shall be groundless the appellant shall pay the costs of the appeal.

Errors.

Hearings on appeals.

Notice to taxables of increase.

False statement.

Perjury.

Clerk.

Custody of assessment books, etc.

Time for completion.

Duplicates.

Decisions of the board.

Appeals.

Costs.

ARTICLE XVI.

Section 1. Subject to the provisions of article six of this act, the council of each city of the third class shall, on the first Monday of January succeeding their

City engineer.

election, or as soon thereafter as practicable; elect by majority vote of said council a competent civil engineer, who shall be styled the city engineer, and shall serve for a term of two years from the date of his election, and until his successor shall be duly qualified, unless he shall sooner be removed from said office according to law.

Powers. Section 2. The engineering matters of the city shall be under the superintendence, direction, and control of the city engineer, and no department of the city shall employ or retain any additional engineer, except with the previous assent of council; and the city engineer shall appoint such number of assistants and employes as council shall authorize by ordinance: **Assistants and employes.** **Proviso.** Provided, That the provisions of this article, sixteen, shall not apply to any Board of Commissioners of Water-works of any city wherein the title to the water-works therein located is in the name of the Commissioners of Water-works.

Bond. Section 3. The said city engineer shall be required to give bond for the faithful performance of his duties, in such sum as may be prescribed by ordinance; said bond to be approved by council. **Salary.** The city engineer shall receive a fixed annual salary, to be fixed by ordinance.

Duties of the engineers. Section 4. The city engineer shall perform such duties as council shall prescribe with reference to the construction, reconstruction, maintenance, and repair of all streets, roads, pavements, sewers, bridges, culverts, and other engineering work. He shall prepare plans, specifications, and estimates for all such work undertaken by such city; and shall, whenever required, furnish council, the committees thereof, the mayor, public boards, or heads of departments, with reports, information, or estimates on any city engineering work, or questions submitted by either of them in their official capacity. He shall immediately after the completion of any municipal improvement, the cost and expense of which, in whole or in part, is to be paid by the abutting property, make certificate in which he shall state the day or time on which the particular improvement was completed, and shall file the same with the city clerk, who shall enter the said day or time of completion in a book to be by him kept for said purposes; and the said day or time mentioned in said certificate shall be conclusive on all parties as to the time the said work was completed; and the time of completion of the work, referred to in this section and in other parts of this act, shall be taken to mean the time of the completion of the whole contract for the improvement. He shall also furnish to said clerk a certificate showing the time on which any such particular improvement was com-
Certificate as to time of completion of work.
Time of completion of work construed.
Certificate of commencement.

menced, and such certificates shall be conclusive evidence of the time when the said improvement was begun; and an entry of such date shall be made by said clerk in the books aforesaid. The said engineer shall also have the charge and direction of all surveys and regulations authorized by any act of Assembly, or ordinance of such city, and shall perform such other duties as council shall direct.

Surveys, etc.

Section 5. For the purpose of procuring accurate information in reference to the ownership of all real estate, the council of each of said cities of the third class shall provide, by ordinance, for a registry thereof in accordance with this act.

Registry of real estate.

Section 6. The city engineer of any of said cities in which such registry shall be established as aforesaid, under the direction of council, shall cause to be made all such necessary books, maps, and plans as will show the situation and dimensions of each property therein, which books, maps, or plans shall be so prepared as to show the city number, and name of the owner or owners thereof, with blank spaces for the owner of each lot, with provision for the names of future owners, and dates of future transfer of title; and for such purpose the said engineer shall have free access, without charge, to any of the public records wherein the necessary information may be obtainable therefor; and may also cause search to be made in any other place for any muniments or evidence of title, not reported to him as hereinafter provided, and requisite for the completion of said books, maps, or plans. The said books, maps, and plans shall be carefully preserved in the department of surveys of said cities; and shall be so kept, by additions from time to time, or otherwise, as to show the ownership of every lot or piece of real estate, or subdivision thereof, within the city limits, with the successive transmissions of title, from the date of the commencement of such plans; but nothing therein or in this article shall invalidate any municipal or tax claim, by reason of the fact that the same is not assessed or levied against the registered owner. Certified copies, under the hand of the said engineer, of any of the entries in said books, or upon said maps or plans, shall be received in evidence in the same manner as the books, maps, and plans themselves might be admissible for such purposes; and may be also furnished to any person desiring the same, for such fee or compensation for the use of the city as may be fixed by ordinance.

Books, maps, and plans.

Preparation of maps, etc.

Custody of books, maps, etc.

Certified copies.

Evidence.

Section 7. It shall be the duty of all owners of unregistered real estate within the city limits, within one month from the date of the approval of the ordinance establishing such registry, and of every subsequent purchaser, devisee, or person acquiring title

Duty of unregistered owners, et al.

by partition or otherwise, to any real estate therein, within one month after acquiring such title, to furnish to the said engineer, at his office, descriptions of their respective properties, upon blanks to be furnished by the city, and, at the same time, to present their conveyance to be stamped by said engineer, without charge, as evidence of the registration thereof. Any person or persons neglecting or refusing to comply with the provisions of this section, for a period of thirty days after public notice of the requirements thereof, shall be liable to a penalty of five dollars, to be recovered, with costs of suit, in the name and for the use of the city, as penalties for the violation of city ordinances are recoverable.

Section 8. The sheriffs of the respective counties in which such cities are situated shall present for registry the deeds of all properties within the city limits sold by them at judicial sales, whether in partition or otherwise; and the prothonotaries and recorders of deeds thereof shall not admit for record any deed for any city property, bearing date subsequent to the approval of the ordinance for the establishment of such registry, unless the same shall first have been duly stamped as herein directed, as proof of registry; and any prothonotary or recorder who shall record any deed before the provisions of this section have first been complied with shall be liable to a penalty of five dollars for each deed recorded in violation hereof, to be recovered, with costs of suit, in the manner hereinbefore provided.

ARTICLE XVII.

Topographical Survey.

Section 1. Any city of the third class shall have power, by ordinance, to cause a topographical survey thereof to be made by their duly appointed city engineer, or by such other civil engineer and assistants as they may employ for that purpose.

Section 2. It shall be the duty of said engineer, upon being duly authorized thereto, to procure and keep in his office such necessary plot or other books as shall be necessary for the purpose of entering or recording thereon all the streets, avenues, and highways of the city, already opened or to be hereafter opened, and to survey and mark the lines of all the streets, avenues, and highways of the city, already opened or intended to be opened for public use, and to survey and lay out new streets, avenues, and highways, as council may deem necessary, for a regular and convenient city plan, and, if thereto specially directed, he shall fix and report a grade for any proposed new streets; and, for the said purposes, the said engineer

and his assistants shall have full power and authority to enter upon the lands and premises of any person or persons within the said city. When the survey shall be completed, the said engineer, shall make or cause to be made a draft or plan thereof, with every provision and explanation for a full understanding of the same distinctly designated, where the new streets, avenues, and highways shall thereafter be opened, and shall return the same to the council; and it shall remain in the office of the city clerk, and open to inspection by those interested, until finally approved as hereinafter provided.

Right of entry.

Draft or plan.

Section 3. It shall be the duty of the said council to give at least thirty days' previous notice, in at least two of the public newspapers published in said city (if so many be published therein), and by posting at least ten handbills upon lands or territory contained in the map or plan returned for approval, that on a certain day or days, to be fixed by the said council, the said council will hear any objection that may be made to said draft or plan by any freeholder or citizen of said city, or interested person; and the council at the time appointed, or at any subsequent time within three months, shall determine whether any and what alterations shall be made in the said plan or draft; and when the same is finally approved, whether as returned or as altered and changed, said council may direct that the same be entered and recorded in the plot-book of street plans, in the office of the city engineer.

Notice of time for hearing objections.

Approval.

Record.

Section 4. In case the city engineer is directed to report grades for said streets, avenues, or highways, the same shall be noted on said draft or plan, and be returned with his surveys; and said grades shall be subject to alterations and changes by council, in the manner aforesaid, and when approved by the said council shall become part of the plans, and be entered and be recorded as aforesaid. Upon the recording of said plan or draft in the street plan book, and the passage of an ordinance approving said street drafts or plans and grades (or of either, as the case may be), therein designating the book and page, or pages, at or in which the said plan or plans are recorded, thereafter all the streets, avenues, and highways, as designated upon said approved plan and recorded as aforesaid, shall be adjudged and taken to be laid out and located public highways; and in case the council shall thereafter change or alter, or should they by themselves or their officers deviate from the regulations of the streets, avenues, or highways so as aforesaid established, and damages thereby accrue to the property of any person or persons in consequence thereof, the said city shall be liable for the payment of such damages.

Grades of streets, etc.

Recording and approval.

Public highways.

Changes, etc.

Damages.

Sectional surveys
or drafts.

Section 5. Sectional surveys or drafts may be returned to the said council by said engineer at any time, and be confirmed as aforesaid, and with like force and effect.

Reports.

Section 6. The said engineer may, from time to time, as he shall deem expedient and the said council shall direct, make report of the surveys, plans, and regulations by him made, in convenient sections, without awaiting the completion of the entire survey, and shall make duplicate drafts and plans of said section in the manner hereinbefore prescribed; and the same proceedings shall be had for the final confirmation of such partial or sectional drafts and plans as is herein directed in relation to the confirmation of the entire survey, and with like effect and force.

Duplicates.

Buildings within
street lines, etc.

Section 7. If any owner or owners of real estate, or any other person, shall erect or construct any house or other building within the line of any street, avenue, or highway as surveyed and marked on the draft or plan aforesaid, or upon any section thereof, after the final confirmation of the same, such owner or person shall not be entitled to claim or recover any damages which may be caused by the removal of such house or buildings for the opening or widening of any such street, avenue, or highway. All proceedings for the opening, widening, grading, or otherwise improving, of the public streets, avenues, or highways, so as aforesaid surveyed, established, and confirmed, and the payment of damages or contributions therefor, shall be regulated as provided by law.

Procedure for
opening, etc.

ARTICLE XVIII.

Indebtedness.

Sinking-fund.

Tax to be levied

Bonds.

Section 1. For the purpose of creating a sinking-fund for the gradual extinguishment of the bonds and funded debt of the respective cities of the third class, the council of each thereof shall annually (until payment of bonds and funded debts be fully provided for), by special tax or otherwise, levy and collect, in addition to the other taxes of said corporations, a tax of not less than one-fourth of one mill, and not exceeding three mills, upon the assessed value of the taxable property of each of the said cities, to be called the sinking-fund, which shall be paid into the city treasury, and shall be applied toward the extinguishment of said bonds and funded debt whose payment is not otherwise provided for, and to no other purpose whatever; and the said bonds, when purchased, shall be conspicuously stamped to show that they were purchased for the sinking-fund of said city, and the interest on said bonds shall be collected and used in a like manner with the taxes collected for said sinking-fund.

Section 2. Whenever by the Constitution and laws of this Commonwealth any city of the third class shall be authorized to increase its indebtedness by borrowing money on the faith and credit of said city, the proposed ordinance to effect the loan shall be introduced at a stated meeting of the council, and the draft thereof published in at least two of the newspapers of the city, if so many be published therein, once a week for four weeks, before the final consideration and passage thereof by the said council. The specific purpose or purposes for which the said loan is authorized, shall be distinctly set out in the said ordinance, and the moneys received for said loan shall not be used for any purpose other than those so stated; and the said city shall, at or before the time of authorizing the said loan, provide for the collection of an annual tax sufficient to pay the interest and also the principal of the said loan within thirty years.

Increase of indebtedness.

Ordinances.

Publication.

Specific purpose.

Annual tax.

Section 3. Any of the said cities of the third class may, in the manner prescribed by law, redeem its existing bonded indebtedness, as fast as the same may become due and payable, by the issue of new bonds therefor, bearing interest at a rate not exceeding six per centum per annum, redeemable in not less than five years, and payable at any time not exceeding thirty years from the date of issue thereof, at the option of the said city; said bonds shall be exempt from all taxation except for State purposes.

Redemption of bonded indebtedness.

Section 4. The mayor, treasurer, and superintendent of finance of each of the said cities shall constitute a board of commissioners of the sinking-fund of the city. The mayor shall be chairman, and the superintendent of finance, secretary; and it shall be the duty of the board to keep the accounts of the sinking-fund and to see to the proper application and superintend the investment of the same, in accordance with law and the directions of the city council. The said commissioners shall meet as often as may be necessary, keep a record of the proceedings, and shall annually in the month of January make a report to council of the condition and application of the fund, together with such recommendations in relation thereto as they shall deem expedient: Provided, That council shall not direct the investment of any moneys to the credit of the sinking-fund except in the loans of said cities, respectively, the loans of the United States, or the loans of the State of Pennsylvania, and the income derived from any of said investments shall be credited and applied to the said several sinking-funds, respectively.

Board of sinking fund commissioners.

Duties.

Meetings.

Proviso.

Investments.

ARTICLE XIX.

Section 1. Any proposed ordinance may be submitted to the council by a petition signed by the electors of any city of the third class of the Commonwealth of Pennsylvania. Upon the written request of one hundred qualified electors, directed to the city clerk, asking that a petition be prepared, he shall prepare such petition within ten days; and in the meantime notice shall be given in one of the daily newspapers, if one be published in the city, and, if not, then in a weekly newspaper, that such petition will be ready for signing at the expiration of ten days from the presentation of the aforesaid request. This notice shall state the purpose for which the petition is made, the place where and when it may be signed, and ten days shall be allowed for signatures. The signing shall be done in the city clerk's office only, and the petition shall be retained there at all times during the period of ten days. Each signer shall add to his signature his place of residence, street and number, and shall make oath before the city clerk that he is a qualified elector of the city and resides at the address given. At the expiration of the ten days aforesaid, and within ten days thereafter, the city clerk shall examine such petition, and from the voters registered ascertain whether or not said petition is signed by voters equal to twenty per centum of all votes cast for all candidates for mayor at the last preceding municipal election, and, if necessary, the council shall allow him extra help for that purpose; and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to contain less than twenty per centum, as aforesaid, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days, after such amendment, make like examination and certification of the amended petition; and if his certificate shall show the same to contain less than twenty per centum, as aforesaid, it shall be returned to the person filing the same, without prejudice. If the petition shall be certified to contain twenty per centum of said votes cast, as aforesaid, the clerk shall submit the same to the council without delay. If the petition accompanying the proposed ordinance be signed by electors equal in number to twenty per centum of the votes cast for all candidates for mayor at the last preceding municipal election, and contains a request that the said ordinance be submitted to a vote of the people if not passed by the council, such council shall either:

(a) Pass said ordinance without alteration, within twenty days, except as otherwise provided herein, after attachment of the clerk's certificate to the accompanying petition; or

Ordinances proposed by petition.

Publication.

Contents of notice.

Signing of petition.

Oaths.

Examination of petition.

Certificate of clerk.

Amendment.

Submission to council.

Procedure in council.

(b) Forthwith, after the clerk shall attach to the petition accompanying such ordinance his certificate of sufficiency, the council shall call a special election unless the general municipal election is fixed within ninety days thereafter; and at such special or general election, if one is so fixed, such ordinance shall be submitted without alteration to the vote of the electors of the said city. The ballots used when voting upon said ordinance shall be supplied by council, and shall contain the words, "For the ordinance" (stating the nature of proposed ordinance), and "Against the ordinance" (stating the nature of proposed ordinance). If the majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of said city. Any ordinance which, under the provisions of article nineteen or article twenty of this act, is proposed by petition, or which shall be adopted by a vote of the people, cannot be repealed or amended within two years, except by a vote of the people. Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this section, but there shall not be more than one special election in any period of six months for such purpose. The council may submit a proposition for the repeal of any such ordinance or amendments thereto, to be voted upon at any succeeding general city election; and should such proposition, so submitted, receive a majority of the votes thereon at such election, such ordinance shall thereby be repealed or amended accordingly. Whenever any ordinance or proposition is required by this act to be submitted to the voters of the city at any election, city clerks shall cause such ordinance or proposition to be published once in each of the daily newspapers published in said city, such publication to be not more than twenty or less than five days before the submission of such proposition or ordinance to be voted on.

Election.

Ballots.

Affirmative vote.

Repeal or amendment.

Not more than one special election semi-annually.

Publication of ordinances, etc.

ARTICLE XX.

Section 1. No ordinance passed by the council, except when otherwise required by the general laws of the State, or required or permitted by the provisions of this act, and except ordinances for the immediate preservation of the public peace, health, or safety, which contains a statement of their urgency, shall go into effect before ten days from the time of its final passage; and if, during the said ten days from the time of its final passage, a petition signed by electors of the city equal in number to at least twenty per centum of the entire votes of all candidates for mayor at the last preceding general municipal election at which a mayor was elected, protesting against the passage of such ordinance, be presented to the council, the same shall thereupon be suspended from going into operation;

Ordinances, when to take effect.

Petition.

Protest.

and it shall be the duty of the council to reconsider such ordinance; and, if the same is not entirely repealed, the council shall submit the ordinance, as is provided by subsection (b) of section one of article nineteen of this act, to the vote of the electors of the city, either at the general election or at a special municipal election to be called for that purpose; and such ordinance shall not go into effect or become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. Said petition shall be prepared, signed, and perfected in all respects, in accordance with the provisions of said section one of article nineteen, and be examined and certified to by the clerk in all respects as therein provided: And provided, That the provisions of article nineteen and article twenty shall not become effective until January first, nineteen hundred and fourteen, nor apply to any tax levy, nor to the annual appropriation ordinance, nor to any ordinance providing for the exercise of the right of eminent domain: And provided further, That no franchise or consent to occupy the public streets, highways, or other places in any of said cities shall be given or granted to any person or persons, railroad, railway, gas, water, electric light, telegraph, or telephone company, or to any other public service corporation, except by ordinance; and no ordinance for such purpose shall go into effect for thirty days after its approval, or for thirty days after the time it would otherwise have become a law. If within said thirty days a petition, prepared, advertised, and perfected, in all respects complying with the provisions of article nineteen, section one, is addressed to the council, signed by electors of the city equal in number to at least twenty per centum of the total number of registered voters, as shown by the last preceding registration, protesting against the passage of said ordinance, the latter shall be suspended. It shall be the duty of the city clerk, within ten days after said petition is filed with him, to examine and ascertain from the registry of votes whether or not said petition is signed by the requisite number of electors, and, if necessary, the council shall allow the said clerk extra help for said purpose. When the said clerk has made said examination, he shall attach his certificate to said petition, showing the result of his examination; and, if it shall appear that the petition has not the requisite number of electors as petitioners, no further action shall be taken; but this shall not prevent the filing of another petition in like manner within said thirty days, and, in case such petition is presented, the same proceedings shall be had thereon as in the first petition. If no petition having the twenty per centum of electors as hereinabove provided is presented or filed with the city

Reconsideration.

Submission at election.

Proviso.

Application of articles 19 and 20.

Granting of franchise, etc.

Petition.

Protest.

Duty of city clerk.

Examination.

Certificate.

clerk, within said thirty days, the said ordinance shall then go into immediate effect, unless otherwise provided in the ordinance.

In case the petition or petitions, provided for in the preceding section, be signed by the twenty per centum of the total number of registered voters shown by the last preceding registration, the council shall reconsider such ordinance; and, if the same is not entirely repealed, the council shall call a special election, unless the general or municipal election is to be held within ninety days therefrom, in which latter case the question of reference shall be to the general or municipal election, as the case may be. At the special election, if one is so fixed by the council, or at the general or the municipal election occurring within ninety days, the said ordinance shall be submitted without alteration.

When the submission is at a general or municipal election, the city clerk shall certify to the county commissioners a copy of the ordinance, and the proceedings of council directing the referendum vote; and the county commissioners shall cause the proper ballot to be printed in the ballot sheet used at the said respective elections. Where there is a special election the ballots shall be prepared and furnished by the city; and said elections shall be held by the same officers who hold the general or municipal elections (as the case may be), and the expenses of said special elections shall be paid for by the city; and said city may fix, not only the day of election, but the time for opening and closing of the polls. Any number of ordinances may be referred and voted on at the same election, and there shall not be more than one special election every six months. The ballot for each referendum shall be substantially in the following form:

City Ordinance Referendum.

If you are for the ordinance, mark an X opposite the word FOR; if you are against the ordinance, mark an X opposite the word AGAINST.

Approval of the city ordinance (stating the purpose of said ordinance).

For	
Against	

Reconsideration of ordinances.

Election.

Submission of ordinance.

Certificate to county commissioners.

Ballots.

Special election.

Conduct of election.

Form of ballot.

The officers holding said elections shall keep tally sheets and make returns of votes in the same manner as tally sheets are kept and returns made in the election of officers and the submission of other questions as now provided by law. The said returns shall be filed with the prothonotary of the court of common pleas, and the said court shall compute the returns and cause the result thereof to be filed in the said court, and the said prothonotary shall certify the result to

Duties of officers.

Returns.

Special election.

the council of the proper city. In case of special elections the said prothonotary shall lay the returns of elections before the said court at a meeting or session of the said court to be held on the Tuesday succeeding said election, for computation, as aforesaid. If it shall appear that more persons have voted for said ordinance than against it, the ordinance shall take immediate effect the same as if it had been approved by the mayor and there had been no referendum vote thereon. If the vote is against said ordinance, it shall be lost and of no effect.

Affirmation.

Negative.

Publication of ordinances.

Before any referendum election is held on any ordinance as hereinbefore provided, it shall be the duty of the city clerk to publish or cause to be published a copy of the ordinance which is submitted to a vote of the people, one insertion in at least two newspapers published in the respective city, and, if two newspapers are not published in the city, then in two newspapers published in the county, if there be such; said publication to be not less than five nor more than twenty days before the respective election; and a copy of said publication, duly verified by affidavit, shall be filed by the city clerk in the prothonotary's office of said court, with the result of the election as computed and filed by the court.

Filing.

ARTICLE XXI.

Definition and Repeal.

Definition.

Section 1. The term "cities of the third class" shall include only:

"Cities of the third class."

First. All cities which have been incorporated under the provisions of an act of Assembly, entitled "An act dividing cities of this State into three classes, regulating the passage of ordinances, providing for contracts for supplies and work for said cities, authorizing the increase of indebtedness, and the creation of a sinking fund to redeem the same, defining and punishing certain offenses in all of said cities, and providing for the incorporation and government of the cities of the third class," approved the twenty-third day of May, one thousand eight hundred and seventy-four, or which may hereafter be incorporated under the provisions of this act.

Second. All cities which have accepted the provisions of said act of the twenty-third day of May, one thousand eight hundred and seventy-four, in the manner prescribed in the fifty-seventh section thereof.

Third. All other cities of the proper population, or any city of less population than ten thousand inhabitants, incorporated prior to May twenty-third, one thousand eight hundred and seventy-four, by a special act

of Assembly, only from and after the date of their acceptance of the provisions of the said act of twenty-third day of May, one thousand eight hundred and seventy-four, in the manner prescribed in the fifty-seventh section thereof; and any city which has been incorporated under the provisions of the act of May twenty-third, one thousand eight hundred and eighty-nine, entitled "An act providing for the incorporation and government of cities of the third class."

Section 2. No right or interest which has become vested under acts or parts of acts inconsistent herewith or supplied by the provisions hereof shall be destroyed or impaired by the operation of this act, or by the exercise of any power granted therein. All officers of each of said cities of the third class, in office at the date of approval, shall, except where otherwise herein provided, continue to hold their offices for the term for which they were respectively elected; but all ordinances of any of said cities heretofore legally passed, not inconsistent with such provisions, are hereby made valid, and shall be and remain in full force and virtue until altered or repealed.

Vested right or interest.

Incumbents.

Validation of ordinances.

Section 3. It shall be the duty of the council of every city of the third class forthwith to pass such ordinances, in accordance with the provisions of this act, as may be necessary to carry into effect the requirements thereof.

Repeals.

Section 4. All acts of Assembly or parts of acts relating to cities of the third class, not inconsistent with the provisions of this act, shall be and remain in full force; and all acts and parts of acts, general, special, or local, appertaining to the subject-matter covered by this act, so far as they are inconsistent with the provisions thereof, be, and the same are, hereby repealed, except that nothing in this act shall be interpreted to repeal, abridge, or in any way affect the provisions of an act, approved the twenty-second day of April, Anno Domini nineteen hundred and five, entitled "An act to preserve the purity of the waters of the State, for the protection of the public health."

Section 5. Each section of this act and every part thereof is hereby declared to be an independent section or part of a section; and if any section, subsection, sentence, clause, or phrase of this act, shall, for any reason, be held unconstitutional, the validity of the remaining phrases, clauses, sentences, subsections and sections of this act shall not be affected thereby.

Act construed.

Constitutionality.

APPROVED—The 27th day of June, A. D. 1913.

JOHN K. TENER,