

No. 119

## AN ACT

To amend sections one, five, and seven, and section six as amended, of the act, approved the third day of May, one thousand nine hundred and seventeen (Pamphlet Laws, one hundred thirty-eight, entitled "An act relating to the appointment of persons to the fire departments in cities of the third class; constituting a civil service board in relation thereto; providing for and regulating examinations, the manner of appointments, and the manner and power of removal of employes of said department; and providing a method for fixing compensation of a secretary," by bringing health officers, sanitary policemen, and inspectors of the health department in such cities within its provisions.

Cities of the third class.

Section 1 of act of May 3, 1917 (P. L. 138), amended.

Fire department and health department.

Section 1. Be it enacted, &c., That section one of the act, approved the third day of May, one thousand nine hundred and seventeen (Pamphlet Laws, one hundred and thirty-eight), entitled "An act relating to the appointment of persons to the fire departments in cities of the third class; constituting a civil service board in relation thereto; providing for and regulating examinations, the manner of appointments, and the manner and power of removal of employes of said department; and providing a method for fixing compensation of a secretary," is hereby amended to read as follows:

Appointees to pass examinations of civil service board.

Health officers, sanitary policemen and inspectors.

Section 1. Be it enacted, &c., That, from and after the passage of this act, no person or persons may be appointed to any salaried position whatever in the fire department, (except volunteer departments,) *or health officers other than registered physicians, or as sanitary policemen or inspectors of the health department*, in any city of the third class in this Commonwealth, without first having passed all the examinations hereinafter provided for, and having been appointed in the manner and according to the terms, provisions, and conditions of this act.

Section 5 amended.

Application of act.

Section 2. That section five of said act is hereby amended to read as follows:

Section 5. The provisions of this act shall apply to all regular salaried employes of said fire department *and to health officers, other than registered physicians, and to sanitary policemen and inspectors of the health department*; and all appointments made under the provisions of this act shall be for and during good behavior, and no employe shall be removed or transferred for any political reasons whatever: Provided further, however, That among those persons possessing equal qualifications and eligibility for appointment, preference in appointment shall be given to men who have served as volunteer or call firemen, and honorably discharged sailors and soldiers who served in the Navy or Army of the United States during the time of war: And provided further, That all persons who have had a total service of two years, and who hold appointment in said department of said cities at the time this act

Proviso.

Proviso.

goes into effect, shall remain in office without being required to pass examination, and be removed only in accordance with the provisions of this act: Provided further, That, in cases of emergency, temporary appointments in the said department may be made without complying with the provisions of this act.

Proviso.

Section 3. That section six of said act, as amended by the act, approved the eleventh day of July, one thousand nine hundred and twenty-three (Pamphlet Laws, nine hundred ninety-six), entitled "An act to amend section six of the act, approved the third day of May, one thousand nine hundred and seventeen (Pamphlet Laws, one hundred and thirty-eight), entitled "An act relating to the appointment of persons to the fire department in cities of the third class; constituting a civil service board in relation thereto; providing for and regulating examinations, the manner of appointments, and the manner and power of removal of employes of said department; and providing a method for fixing compensation of a secretary," is hereby further amended to read as follows:

Section 6 further amended.

Section 6. All employes of said [department] departments shall be subject to suspension by the superintendent of the department for misconduct, or violation of any law of this Commonwealth, any ordinance of the city, or regulation of the department, pending action by the city council upon the charges made against any of such employes; and on hearing before the city council, where they may be represented by counsel, they may be fined or suspended for a period not exceeding thirty days with or without pay, or they may be discharged by city council, if found guilty of the charges made against them: Provided, however, That said superintendent of said department may, for misconduct or violation as aforesaid, suspend any employe of [said fire] such department for a period of ten days, with or without pay, without preferring charges and without a hearing of council: And further provided, however, If it should become necessary to reduce the number of men in said department for purposes of economy, seniority rights shall prevail, and any and all removals for such cause or causes shall be from the members last appointed, and the member or members serving the shortest time shall be removed first; but members with longer times of service may be discharged for cause.

Suspensions.

Fines.

Discharge.

Proviso.

Proviso.

Section 4. That section seven of said act is hereby amended to read as follows:

Section 7 amended.

Section 7. The said civil service board may appoint a secretary and prescribe his duties. He shall be subject to removal at any time by the board, and the board shall have power to change his duties. The compensation to be paid said secretary provided for by this act, and all necessary stationery and supplies for said

Secretary of board.

Compensation of secretary and supplies.

Application of  
act.

board, shall be such as councils shall by ordinance direct. This act shall apply in all cities of the third class; but only to regular salaried employes of the fire department, *and to health officers, other than registered physicians, and to sanitary policemen and inspectors of the health department* in said city, and not to any volunteer fire department in said city.

APPROVED—The 7th day of April, A. D. 1927.

JOHN S. FISHER

No. 120

AN ACT

To amend section one of an act, approved the twelfth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, five hundred and seventy-three), entitled "An act validating ordinances and proceedings by councils in boroughs for the paving and curbing of public highways, and validating municipal liens therefor when they have not been filed in time," by extending the provisions of said act to include improvements to cartways and footwalks.

Boroughs.

Section 1 of act of  
May 12, 1925 (P.  
L. 573), amended.

Section 1. Be it enacted, &c., That section one of an act, approved the twelfth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, five hundred and seventy-three), entitled "An act validating ordinances and proceedings by councils in boroughs for the paving and curbing of public highways, and validating municipal liens therefor when they have not been filed in time," is hereby amended to read as follows:

Ordinances and  
proceedings for  
improving high-  
ways.

Cartway or foot-  
walk.

Section 1. Be it enacted, &c., That whenever in any borough in this Commonwealth prior to the passage of this act a highway or part thereof, *either cartway or footwalk*, has been improved by being paved, graded, or paved and curbed with brick or other paving and curbing material, in the pursuance of authority of an act of Assembly, and an ordinance passed and enacted in pursuance thereof, and the costs and expenses or part thereof of the improvement assessed on the abutting property owners, as provided by the ordinance and act of Assembly authorizing and directing such improvement, and a municipal claim or lien has been filed against the property therefor, but owing to some defect in the ordinance, assessment or for any other reason the ordinance or proceeding by the council authorizing and directing the improvement and making the assessment therefor, or the proceeding in the filing of any municipal claim or lien therefor, are for any reason defective or invalid, or where by reason of the fact that the interest of the person or corporation named in the lien as owner or reputed owner is an estate in the mineral only,