

one of the act, approved the twenty-first day of June, one thousand nine hundred and nineteen (Pamphlet Laws, five hundred fifty-six), is hereby further amended to read as follows:

Route One Hundred and Forty-seven. From West Chester to Reading.—Commencing in West Chester, and running by way of Whiteland to Lionville; thence over the State Road to Windsor, Ludwigs, Pughtown, and Bucktown to a point on the Schuylkill road, opposite Pottstown; thence, by spur, [to] *across* the bridge [across] over the Schuylkill River to an intersection with State highway number one hundred and forty-six at High and Hanover Streets in Pottstown; thence to a point on the dividing line between Chester and Berks counties; thence by way of Brower and Birdsboro to a point on the boundary line of the city of Reading, Berks County: *Provided, however, That the Commonwealth shall not be liable for the cost of the removal of any grade crossing on the section of road added by this amendment, or any part thereof.*

APPROVED—The 22d day of June, A. D. 1931.

GIFFORD PINCHOT

No. 272

AN ACT

To amend sections one, two, three, four and five of the act, approved the eleventh day of July, one thousand nine hundred and twenty-three (Pamphlet Laws, one thousand thirty-two), entitled "An act providing for the abatement of nuisances caused by the improper grading or defective paving or encroaching fences in alleys, in cities of the first class; for the establishment of lines and grades for, and the grading, paving, or repaving of, said alleys, and the grading of private alleys hereafter laid out; and for apportioning the cost, and for the filing of liens therefor," extending the provisions of said act to driveways.

Section 1. Be it enacted, &c., That sections one, two, three, four and five of the act, approved the eleventh day of July, one thousand nine hundred and twenty-three (Pamphlet Laws, one thousand thirty-two), entitled "An act providing for the abatement of nuisances caused by the improper grading or defective paving or encroaching fences in alleys, in cities of the first class; for the establishment of lines and grades for, and the grading, paving, or repaving of, said alleys, and the grading of private alleys hereafter laid out; and for apportioning the cost, and for the filing of liens therefor," are hereby amended to read as follows:

Section 1. Be it enacted, &c., That in cities of the first class when the board of health shall declare any private alley or driveway to be a nuisance by reason of improper grading or defective paving of said alley or

Alleys and driveways.

Cities of first class.

Sections 1, 2, 3, 4 and 5, act of July 11, 1923 (P. L. 1032), amended.

Cities of first class.

Alleys and driveways declared to be nuisances.

Duty of Department of Public Works.

*driveway*, and shall so certify to the Department of Public Works, the said Department of Public Works is hereby empowered to abate said nuisance upon the neglect or refusal of the registered owners of the property abutting on, or having the use, or actually using, such alley or *driveway* to abate said nuisance within ten days after service of notice, by the said Department of Public Works, upon the said registered owners so to do, as hereinafter provided.

Grading, paving, etc.

Section 2. The said Department of Public Works shall grade, pave, or repave the said alleys or *driveways* in accordance with lines and grades established by the surveyor and regulator of the district in which said alleys or *driveways* are situate, and the said surveyor and regulator is hereby empowered to establish such lines and grades.

Surveyor and regulator to establish lines.

Encroaching fences declared to be nuisances.

Section 3. Any fence encroaching upon a public or private alley or *driveway* is hereby declared a nuisance and made unlawful; and the said Department of Public Works is empowered to remove such fence from within the established lines of said alleys or *driveways*, after ten days' notice as set forth in this act. It shall be the duty of the registered owner of the premises on which such fence is erected, or to which it appertains, to remove such encroachment upon being notified. His failure so to do shall constitute a violation of this act.

Removal by department.

Removal by owner upon notice.

No alley or driveway to be opened unless in accordance with established lines.

Section 4. No alley or *driveway* having an outlet to any public street, public highway, public alley, or to a private alley or *driveway* which has an outlet to any public street, highway, or alley, shall hereafter be laid out or opened unless it shall be in accordance with lines and grades established by the surveyor and regulator for the district in which said alley will be situate.

Costs and expenses.

Section 5. The said Department of Public Works is hereby empowered to charge the cost and expense of the grading, paving, or repaving of said alleys or *driveways*, or part or parts of said alleys or *driveways*, upon the said owners in proportion to the width of their properties abutting thereon, or having the use thereof by deed or otherwise, or actually using the alley or *driveway*, or in any other proportions as may, under the facts and circumstances of the case, be deemed just and proper by the said Department of Public Works and also to charge the cost of the removal of any encroaching fence to the owner of the said fence. Upon the failure to pay any of the said charges, the department shall cause liens to be filed therefor, in the name of the city, in the manner and according to the practice prescribed by law with respect to municipal claims.

Failure to pay.

Lien.

APPROVED—The 22d day of June, A. D. 1931.

GIFFORD PINCHOT