

No. 317

AN ACT

Relating to cities of the third class; and amending, revising,
and consolidating the law relating thereto.

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Section 1. Be it enacted, &c., That the laws relating to cities of the third class be and the same are hereby amended, revised, and consolidated, as follows:

ARTICLE I

PRELIMINARY PROVISIONS

Section 101. Short Title.—This act shall be known, and may be cited, as “The Third Class City Law.”

Section 102. Definition.—The word “city” or “cities,” as used in this act, shall be construed to mean a city or cities of the third class.

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

- (a) The procedure for the collecting of municipal and tax claims by liens;
- (b) The procedure for the incurring and increasing of city indebtedness;
- (c) Election officers and conduct of elections;
- (d) Public schools, except the collection of school taxes by the city treasurer;
- (e) Aldermen;
- (f) Constables;
- (g) The giving of municipal consent to public service companies;
- (h) Weights and measures;
- (i) Validations of elections, bonds, ordinances, and acts of corporate officers;
- (j) Joint city and county buildings;
- (k) Libraries.

Section 104. Construction of Act Generally to Preserve Existing Situations.—The provisions of this act, so far as they are the same as those of existing laws, are intended as a continuation of such laws and not as new enactments. The repeal by this act of any act of Assembly, or part thereof, shall not revive any act, or part thereof, heretofore repealed or superseded, nor affect the corporate existence of any city heretofore in-

corporated. The provisions of this act shall not affect any act done, liability incurred, or right accrued or vested, or affect any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such repealed laws. All ordinances, resolutions, regulations and rules, made pursuant to any act of Assembly repealed by this act, shall continue with the same force and effect as if such act had not been repealed. Any person holding office or position under or by virtue of any act of Assembly repealed by this act shall continue to hold such office or position until the expiration of the term thereof, subject to the conditions and tenure attached to such office or position prior to the passage of this act.

Section 105. Constitutional Construction.—The provisions of this act shall be severable, and, if any of its provisions shall be held to be unconstitutional, the decision so holding shall not be construed to affect the validity of any of the remaining provisions of this act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included therein.

Section 106. Construction of References.—Whenever in this act reference is made to any act by title or otherwise, such reference shall be construed to apply to and include any codification wherein the provisions of the act referred to are substantially reenacted.

Section 107. Cities to Which Act Applies.—This act shall apply to (a) all cities which have been incorporated under or which have accepted the provisions of the act of Assembly, approved the twenty-third day of May, one thousand eight hundred and seventy-four (Pamphlet Laws, two hundred thirty), 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," and the amendments thereto; (b) all cities which have been incorporated under the provisions of the act of May twenty-third, one thousand eight hundred and eighty-nine (Pamphlet Laws, two hundred seventy-seven), entitled "An act providing for the incorporation and government of cities of the third class," and the amendments thereto; (c) all cities which have been incorporated under the provisions of the act of Assembly, approved June twenty-seventh, one thousand nine hundred and thirteen (Pamphlet Laws, five hundred sixty-eight), entitled "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," and the amendments thereto; (d) all cities formed by the consolidation of boroughs having voted separately to become cities in accordance with the provisions of the act, approved May twenty-fourth, one thousand nine hundred and seventeen (Pamphlet Laws, two hundred sixty-two), entitled "An act to enable two or more boroughs that are contiguous or in close proximity to be united and to become one city, wherever each of said boroughs shall have heretofore voted or shall hereafter vote to become a city of the third class, under laws now enacted or which may hereafter be enacted; and wherever each of said boroughs has duly received or shall hereafter duly receive letters patent constituting it a city of the third class, but where sufficient time shall not have elapsed after the granting of such letters patent for the holding of a municipal election; providing for the consequences of such consolidation, the government of such consolidated city, the payment of the indebtedness of each of the united territories and the enforcement of debts and claims due to and from each, and fixing the jurisdiction over the said consolidated city in the courts of the county in which the majority of its inhabitants shall reside;" and (e) all cities incorporated under the provisions of this act as therein provided.

Section 108. **Effective Date.**—This act shall go into effect on the first day of July, one thousand nine hundred and thirty-one.

Section 109. Whenever, under the provisions of this act, advertisement, notice, or publication is required to be published in one newspaper, such publication shall be made in a newspaper of general circulation, as defined by the Newspaper Advertising Act of May sixteen, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand seven hundred eighty-four), printed in the city, if there is such a newspaper, and, if not, then in a newspaper circulating generally in such city. If such notice is required to be published in more than one newspaper, it shall be published in at least one newspaper of general circulation, defined as aforesaid, printed, if there be such a newspaper, or circulating generally as above provided in the city. When such notice relates to any proceeding or matter in any court, or the holding of an election for the increase of indebtedness, or the issue and sale of bonds to be paid by taxation, such notice shall also, in counties of the second, third, fourth and fifth classes, be published in the legal newspaper, if any, designated by the rules of court of the proper county for the publication of legal notices and advertisements, unless such publication be dispensed with by special order of court: Provided, however, That ordi-

nances, auditor's statements, summaries of auditor's statements, advertisements inviting proposals for public contracts and for bids for materials and supplies, or lists of delinquent taxpayers, shall be published only in newspapers of general circulation, defined as aforesaid.

ARTICLE II

INCORPORATION

Section 201. Units Which May be Chartered as Cities.—Cities of the third class shall be chartered whenever a majority of the electors of any towns, township, or borough, or any two or more contiguous towns, townships, and/or boroughs, situate within the limits of the same county or situate in two or more contiguous counties, and having separately or together, as the case may be, 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.

Section 202. Resolution to Submit Question to Electors.—The council or corporate authorities of any such town, township, or borough, or of any contiguous towns, townships, and/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 contiguous towns, townships, and/or boroughs, shall become a city of the third class, to the qualified electors thereof, to be known as the "City of"

Section 203. Notice of Election.—The said council and the corporate authorities 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, and/or boroughs, in accord with the provisions of section 109 of this act.

Section 204. Resolution Certified to County Commissioners; Form of Question.—The said council and corporate authorities shall certify said resolution to the county commissioners of the proper county or counties, who shall thereupon cause a proper question to be printed on a separate ballot to be used at the said general or municipal election in the towns, townships, and/or boroughs, aforesaid, in the manner required by the general election laws. The electors shall designate, with a cross mark (x) in one of said squares, their desire to vote for or against such city charter.

Section 205. Duties of Election Officers; Returns of Election.—The election officers within each town, town-

ship, and/or borough, so voting, shall count the votes so cast for and against such city charter, and make return thereof, on blanks to be furnished by the county commissioners of the proper county or counties, to the clerk of the court of quarter sessions of the proper county or counties, who shall compute the same and certify the result thereof to the council and corporate authorities aforesaid, and also make returns thereof to the Secretary of the Commonwealth, and to the Secretary of Internal Affairs, each duly certified in the manner required by law. 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. All the electors, inspectors, judges, and clerks, voting at and in attendance upon the election, shall be subject to the penalties imposed by the election laws of this Commonwealth.

Section 206. Effect of Vote Against City Charter.—Whenever by the returns of the election in any town, township, and/or borough, it shall appear that in any one 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 the question in such town, township, or borough for three years thereafter.

Section 207. Governor to Issue Charter Where Vote for City Charter; Boundaries.—If it shall appear by the said returns that there is a majority in each town, township, and borough, aforesaid, in favor of the city charter, the corporate authorities of all such towns, townships, and/or boroughs shall, within sixty days after such election, furnish to the Secretary of the Commonwealth the necessary information with respect to the boundaries of said city, and 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

Section 208. Property of Entities Vested in City.—All of the property and estates whatsoever, real and personal, of the towns, townships, and/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.

Section 209. Existing Governments Preserved Temporarily; Organization of City.—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 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.

Whenever, in the organization of the city government of any newly incorporated city, any person is elected by council to any office for which this act provides a definite term and fixes a definite time for the election of persons thereto, the persons so elected shall serve only for such time as intervenes between his election and the next ensuing day fixed by this act for the election of such officer.

Section 210. Existing Liabilities, Debts and Claims Transferred to New City.—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. 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. The bonds and floating indebtedness, and the interest thereon, of each of said towns, townships, or boroughs, contracted prior to such consolidation, shall be paid by the said city thus organized and chartered, so that the taxes shall be uniform throughout the territorial limits of the whole city.

Section 211. Jurisdiction of Courts Where City Situate in More Than One County.—Any city of the third class heretofore or hereafter formed out of one or more boroughs and/or townships, formed by the consolidation of boroughs partly lying or situate in different counties, shall, for all municipal purposes of government and control, be deemed and considered as under and within the jurisdiction of the courts of that county in which is situate the borough first incorporated of those forming such consolidated borough.

ARTICLE III

CHANGE OF CORPORATE TITLE

Section 301. Resolution and Petition to Change Corporate Title.—Whenever the council of any city shall, by resolution, decide to change the corporate title of such city, it shall present its petition to the court of quarter sessions of the county wherein such city is situate, petitioning such court to change the corporate title thereof in accordance with the resolution, a certified copy of which shall be attached to such petition.

Section 302. Hearing; Decree.—Upon the presenta-

tion of such petition, the said court shall fix a day for a hearing thereof and shall direct that notice of such hearing be published once a week for three weeks in two newspapers, in accord with the provisions of section one hundred and nine of this act. At such hearing the court shall hear the testimony and argument of persons both for and against the change of the corporate title of such city and, if convinced that the corporate title of such city should be changed as prayed for in the petition of the council of said city, shall enter upon the proceedings its order and decree changing the corporate title of such city in accordance with the resolution of the council thereof. If the said court should not be convinced that such corporate title should be changed, the petition shall be dismissed.

Section 303. Recording Decree.—Upon the filing of a certified copy of the decree of said court, changing the corporate name of any such city, in the office of the Secretary of the Commonwealth and the recording thereof in the office of the recorder of deeds of the county wherein such city is situate, the corporate title of said city shall thereafter be as set forth in said decree.

Section 304. Existing Rights and Liabilities Preserved.—No change in the corporate title of any city shall in any way affect any liabilities incurred, rights accrued or vested, obligations issued or contracted, or any suits or prosecutions pending or instituted to enforce any right or penalty accrued or punish any offense committed prior to such change.

ARTICLE IV

CREATION AND DIVISION OF WARDS

Section 401. Petition for Creation or Division of Wards.—New wards may be created in cities, or wards therein may be divided, 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 of the district seeking to be created as a new ward, or of the ward to be divided, or by the petition of the council of the city.

Section 402. Petition for Striking Territory from One Ward and Attaching to Another.—Any part or district of a ward in any city may be detached therefrom and attached to another ward by the court of quarter sessions of the proper county, on application thereto for that purpose, by the petition of at least twenty-five qualified electors of the district to be stricken off or attached, or by the petition of the council of the city.

Section 403. Appointment of Commission; Report; Order of Court.—Upon the presentation of any such petition praying for the creation of a new ward out of

parts of two or more wards, or the division of a ward, or for the detaching from a ward of a part or district thereof and attaching the same to another ward, 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: Provided, however, That in cities having not more than three wards, said commissioners shall be selected from the city at large, and may be residents of the ward or wards to be affected thereby. The commissioners so appointed, or any four of them, shall examine the premises and make a draft of the new ward or wards proposed to be created, or of the ward or wards to be divided, or of the wards affected, showing the division or change thereof, or showing the lines as any separation and attachment will affect them, as the case may be. The commissioners 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 404. Election; Form of Ballot.—If the commissioners or a majority of them report favorably to such creation or division, or the detaching from a ward of a part or district thereof and attaching the same to another ward, the court shall order the question of the creation, or division of such ward, to be submitted to the qualified electors of the ward or wards affected, and in the case of the detachment of territory to the electors of the ward from which the territory is to be stricken off, at the general or municipal election occurring not less than ninety days thereafter. The clerk of said court shall certify such order to the county commissioners of the proper county, who shall thereupon cause a proper question to be printed on a separate ballot to be used at such election in the manner provided by the general election laws. The electors shall designate, with a cross mark (X) in one of said squares, their desire to vote for or against such creation or division or detachment.

Section 405. Notice of Election.—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 are printed in said city, and 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.

Section 406. Election Laws to Apply.—All the electors, judges, inspectors and clerks, voting at and in attendance upon the election to be held under the provisions of this article, shall be subject to the penalties imposed by the election laws of this Commonwealth.

Section 407. Computing Vote; Return; Order of Court; Resubmission of Question; Limit of Size and Number of Wards.—The officers of such election shall receive and count the said ballots in the manner prescribed by law, and shall forthwith make out a return, on forms furnished by the county commissioners, showing the number of votes for and against such new ward, or for or against such division or detachment of territory, as the case may be, and shall deliver the same to the clerk of the court of quarter sessions of the proper county within three days. The said clerk shall compute said return, and forthwith certify the result thereof to the court. If it appears that a majority of the votes so taken are for a new ward, or for a division or for the detachment of territory and its attachment to another ward, said court shall thereupon order and decree the creation of such new ward or wards, or such division, or such detachment and attachment agreeably to the lines marked out and returned by the commissioners, and shall number the new wards when necessary, and order 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, or against division or against detachment, no further action shall be had upon such proceeding, nor shall any new application for such new ward or such division or detachment and attachment 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, for taxation purposes, and no city shall contain more than twenty-one wards.

Section 408. Change of Ward Lines by Court.—Whenever it shall appear to the court of quarter sessions in proceedings for the division of any ward, or the creation of new wards, where any of the boundaries or divisions thereof are a creek or stream, or any other invisible line, that any of said lines have become changed, obliterated, uncertain or undesirable by reason of the opening of streets, the construction of sewers, the development of the locality, or any other cause, the said court shall make such order or decree as to the relocation of the line as to them may appear proper, so that the same shall conform as near as possible to the boundary lines which may have been previously determined upon.

ARTICLE V

ANNEXATION OF TERRITORY

(a) Annexation of Boroughs, Townships and Parts of Townships

Section 501. Petition for Annexation of Boroughs

or Townships and Parts of Townships.—Any borough having a population of less than ten thousand inhabitants, or any township or part of a township, contiguous to any city, whether wholly or partially within the same or different counties, may become annexed to any such city in the following manner:

(a) In the case of a borough, the borough council may pass an ordinance for such annexation, whenever three-fifths of the taxable inhabitants of such borough shall present a petition, accompanied with the written consent of a majority in number and interest of property owners of the borough, asking for such annexation.

(b) 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 the council of said city, accompanied with the written consent of a majority in number and interest of property owners of such township or part of a township, asking for such annexation.

(c) In case of part of a township, when there are no taxable inhabitants residing therein, then whenever three-fifths of the property owners in number and interest of property situated therein shall present a petition to the council of said city asking for such annexation.

In construing this section, a majority in interest of owners of undivided interests in any piece of property shall be deemed and treated as one person for the purpose of ascertaining the number of petitioners.

Section 502. Advertisement; Plots.—Before any such petition is circulated or signed, notice thereof shall be given by advertisement once a week for four weeks in two newspapers published in or circulated throughout the territory to be annexed. Such notice shall state the purpose of the petition and the date it will be ready for signing. All such petitions shall be accompanied by a plot or plots of the territory to be annexed, showing all streets and highways, municipal improvements and public buildings.

Section 503. Ordinance of City; Filing Copy Thereof.—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 part of a township, together with the required plots in any case, the council of said city may, by ordinance, annex such borough, township, or part of a township to the said city. Certified copies of the borough and city ordinances and the petition and the plans shall be filed in the office of the clerk of the court of quarter sessions of the said county. Nothing contained in subdivision (a) of this article shall be deemed to require any city to annex any borough, township or part of a township.

Section 504. Conclusiveness of Ordinance; Referendum; Appeal.—Thirty days after the filing of the

said annexation ordinance by the said city council, such ordinance and the action of the said city council shall be finally conclusive, unless a referendum petition is filed as is provided in this act, or unless an appeal therefrom is taken within the said thirty days, by petition to the court of quarter sessions of the county in which the city is located.

Section 505. Hearing on Appeal; Notice; Appeal from Final Order.—Where an appeal is taken by any person aggrieved by such annexation ordinance, the court shall fix a day for hearing the same. Notice shall be given to all parties interested in such manner as the court shall direct. After such hearing, the court shall decide whether the proceedings are in conformity with this act, making an order or decree dismissing the appeal and approving the annexation, or sustaining the appeal and dismissing the annexation. From any such final order or decree, any party in interest, aggrieved by such order or decree, may have an appeal to the Supreme Court as in other cases. Upon final determination and approval of the annexation ordinance by the court of quarter sessions, or by the Supreme Court, the annexation shall take effect immediately.

(b) Annexation of Outlying Lots in a Township

Section 515. Annexation of Outlying Lots; Appointment of Viewers.—Upon application by petition to the court of quarter sessions signed by a majority or more of the taxable inhabitants, accompanied by the written consent of a majority of the property owners in number and interest of any outlots or sections of land in a township containing not more than one hundred acres of land contiguous to the city, and being part of the same county in which the city is situated, stating that they desire the same to be annexed to said city, the desirability 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 the petition of the council of the city praying for the annexation of such outlots or sections of land and containing a copy of the resolution of the council of said city approving the annexation, the said court shall thereupon appoint three viewers, who shall be nonresidents of the city or of the territory to be annexed, to inquire into and investigate the allegations and facts stated in the said petition.

Section 516. Notice of View; Report; Decree.—Notice of the first hearing of the said viewers shall be given to the city, and to at least one of the petitioners as the court may direct. The said viewers, or a majority of them, shall make report to said court at its next session 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, and if no appeal is taken within thirty days therefrom, the said court shall thereupon make an order or decree to carry the annexation into effect.

Section 517. Appeal; Hearing; Notice; Decree.— Within thirty days after filing of such report, any person aggrieved thereby may take an appeal, by petition to the court of quarter sessions, setting forth their complaint, and thereupon the court shall fix a day for hearing the same. Notice of such appeal shall be given to all parties interested by publication once in one newspaper, in accord with the provisions of section one hundred and nine of this act. After such hearing, the court shall decide whether the proceedings are in conformity with this act, and make an order or decree either dismissing the appeal and approving such annexation or sustaining the appeal. From any such final order or decree, any party in interest, aggrieved by such order or decree, may have an appeal to the Supreme Court as in other cases. When the court of quarter sessions makes an order to carry such annexation into effect, where no appeal is taken, and upon final determination and approval of the annexation ordinance by the court of quarter sessions, or by the Supreme Court, where an appeal has been taken, the said outlots or sections of land shall at once and thereafter be a part of said city as fully as if the same had been originally a part thereof.

Section 518. Compensation of Viewers.—The viewers herein provided for shall be allowed five dollars per day for each and every day actually spent by them in the performance of their duties, together with their actual necessary expenses. The costs of the proceedings in all cases shall be paid by the city.

(c) Annexation of Part of a Borough

Section 525. Petition for Annexation of Territory in a Borough; Ordinance of City.—Territory in a borough contiguous to a city or separated therefrom by a river or stream may be detached from the borough and annexed to the city in the following manner:

A petition signed by owners of the land in the territory proposed to be detached and annexed, and described in the petition, shall be presented to the borough authorities, who, if they find that the petition is signed by either a majority of freehold owners or by the owners of two-thirds of the area of the territory described, and that the assessed valuation of the territory described is not in excess of five per centum of the assessed valuation of the borough, may, by ordinance, detach the described territory, subject to the acceptance of the detached portion by the city of the third class, and upon notice from the council of the borough that it has ordained the detachment of the described territory of the borough for

the purpose of having it annexed to the city of the third class, the city may, by ordinance, annex the portion of the borough so proposed to be detached.

Section 526. Filing of Plans.—Upon such annexation by ordinance, a plan of the territory annexed shall be filed by the borough council in the office of the county commissioners and thereupon the detachment and annexation shall be effective. Provided, however, That if there be no delay through litigation or causes beyond the control of the councils, the plan shall be filed within ninety (90) days after the presentation of the petition to the city council, and, if the proceedings are not thus completed, they shall be void in their entirety and of no effect.

(d) Indebtedness and Public Property when Borough or Township is Annexed

Section 535. Apportionment of Indebtedness of Borough or Township; Taxes to be Uniform.—All the indebtedness of each borough or township annexed to a contiguous city under the provisions of this act, as well as the indebtedness of the city to which the same is annexed, shall be paid by the city as enlarged by such annexation; and all territory included within the limits of the same shall be liable for the payment of the floating and bonded indebtedness, and the interest thereon, of all the territory included within such enlarged city; and all taxes thereafter levied therefor shall be uniform throughout the territorial limits of such enlarged city.

Section 536. Property of Annexed Territory to Become Property of City.—All of the public property owned by any such borough or township annexed to any city shall become and remain the public property of the said city.

(e) Apportionment of Indebtedness when Part of a Township or Outlying Lots are Annexed

Section 540. Adjustment of Indebtedness when Part of Township is Annexed.—Where any part of any township or outlying lots are annexed to any city, the township officers of that part of the said township not annexed, and the city council of the said city, shall make a just and proper adjustment and apportionment of all public property owned by the said township at the time of said annexation, both real and personal, including funds as well as indebtedness, if any, to and between the said township and the city. In making such adjustment and apportionment of the property and indebtedness, the township and the city shall be entitled respectively to share in a division of the property and indebtedness in the proportion that the assessed valuation of the land remaining in the township bears to the

assessed valuation of the land annexed. The adjustment and apportionment as made shall be reduced to writing, and duly executed and acknowledged by the proper officials, and filed in the office of the clerk of the court of quarter sessions of the county in which said city is located.

Section 541. Appointment of Commission; Contents of Report.—In case the said council of the said city and the townships authorities cannot make such amicable apportionment and adjustment of their property and indebtedness within six months after any such annexation, then, in that case, the said council or any officer of the said township may present a petition to the court of quarter sessions of the county in which the said city is located. Whereupon the said court shall appoint three disinterested commissioners, residents and taxpayers of said county not residing in the said city nor in the said township, who, after hearing, due notice of which shall be given to the city and township interested by publication once in one or more newspapers, at least twenty days before said hearing, in accord with the provisions of section one hundred and nine of this act, shall make report to the court, making an apportionment and adjustment according to the provisions of this act of all the property as well as indebtedness, if any, to and between the said city and the said township, said report to state the amount, if any, that shall be due and payable from the city to the township, or from the township to the city, as well as the amount of indebtedness, if any, that shall be assumed by the city or township, or both of them.

Section 542. Notice of Filing of Report; Exceptions; Confirmation.—The commissioners shall give the city and the township at least five days' notice of the filing of their report. Unless exceptions are filed thereto by the city or by the township within thirty days after filing thereof, the same shall be confirmed by the court absolutely. Any sum awarded by the report to the city or to the township shall be a legal and valid claim in its favor against the city or township charged therewith, and the amount of debt, if any, apportioned to any city or township shall be a legal and valid claim against such city or township charged therewith. Any property, real or personal, given and adjudged to the city or the township shall become and be the property of the city or the township to which ever one the same is given and adjudged. Upon such report being confirmed, such claim or indebtedness charged against any city or township may be collected in the same manner as a judgment is collected against any city or township.

Section 543. Compensation of Commissioners; Costs.—The commissioners shall be allowed five dollars per day for each day actually spent by them in the per-

formance of their duties, together with their actual necessary expenses. All costs and expenses of such proceedings shall be apportioned by the court to and between the said city and the said township as it shall deem proper.

Section 544. Disposition of Exceptions; Appeal.—In case exceptions are filed to the report of the commissioners, the court shall dispose of the same, taking testimony if deemed advisable, and the decision of the court thereon shall be final and binding on the several cities and townships, unless an appeal is taken within thirty days to the Superior or Supreme Court as in other cases.

Section 545. Jurisdiction when Territory is in Two or More Counties.—In cases where a city or township is situated in two or more counties, the court of quarter sessions of the county in which the city is located shall have exclusive jurisdiction over the matter, but the same shall be heard by a judge, not a resident of either of the judicial districts affected, who shall be called to preside specially in the matter, and, in such case, the court shall appoint the commissioners hereinbefore provided for from both or all of such counties.

(f) **Apportionment of Indebtedness when Part of a Borough is Annexed**

Section 550. Apportionment of Indebtedness; Decree of Court.—The court of quarter sessions of the proper county, in cases where any part of a borough is annexed to a city, upon a petition of the borough or city, may hear evidence and consider the indebtedness and assessed valuation of the borough and the city and the assessed valuation of the territory annexed, and may enter a decree making such adjustment of the indebtedness and the manner and time of the payment thereof as to the court may seem meet and proper.

Section 551. Collection of Taxes Assessed Prior to Annexation.—Any taxes assessed prior to the going into effect of the proceedings shall be paid to the borough, and the collection and enforcement thereof shall be as though the land had not been detached.

(g) **Wards**

Section 560. Distribution of Annexed Territory Among Wards; New Wards; Ward Officers.—Within thirty days from the effective date of any annexation, the city council shall cause a petition to be presented to the court of quarter sessions of the county in which the said city is located, praying for the distribution of the annexed territory among the wards of the said city, or for the creation of a new ward or wards out of the same, and to make such order or decree as may be necessary to constitute such ward or wards an election

district or election districts, or add to or create new election districts in a ward or wards to which such territory is attached, and the said court shall, in case of the creation of a new ward or wards, appoint the election and other officers of the same, and name the place or places of holding the first election in the said ward or wards for 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, elected at the next succeeding municipal election, shall be duly qualified. Any decree of court creating a new ward or wards shall be entered in full upon the records of said court and certified copies thereof, under the seal of the court, shall be delivered by the clerk of said court to and be filed by the city clerk of the city and the secretary of the school district in which said ward or wards become located.

(h) Annexation of Part of a Ward to a Contiguous Ward

Section 565. Annexation of Part of Ward to Another Ward.—Part of any ward in a city may be annexed to another ward contiguous thereto by the court of quarter sessions of the county, upon petition of the city council or of twenty-five or more qualified electors of such territory which is petitioned to be so annexed. Such petition shall specify the boundaries thereof and the necessity therefor, and shall be sworn to by one or more of the petitioners.

Section 566. Notice of Hearing; Decree.—Upon presentation of such petition, the court shall fix a time for hearing the same, and notice of such hearing shall be given by advertisement, once a week for three consecutive weeks, in at least one newspaper of general circulation throughout the city wherein such wards are located.

At the time so fixed, the court, upon hearing all parties interested in such question of annexation, shall make such decree as, in its opinion, will best promote the interests of the public and the convenience of the inhabitants of such wards affected thereby. Such decree may annex to such contiguous ward such territory as petitioned, either in whole or part, or deny such petition, and shall be final as to such annexation. Such question need not be referred to the vote of the electors of the wards affected thereby.

Section 567. Election Districts.—If by such decree of the court of quarter sessions any part of a ward is annexed to a contiguous ward, the said court shall fix the place of holding elections in the election districts

affected thereby, and, if necessary, shall appoint election officers, who shall serve until their successors may be elected according to law.

Section 568. Exclusive Method.—The procedure provided by this subdivision (h) of article five for annexing a part of a ward to a contiguous ward is a separate and complete method and is in addition to any method or procedure already provided by law for accomplishing the same purpose, and the cost of the proceedings shall be paid by the county.

ARTICLE VI

CITY BOUNDARIES

Section 601. Navigable Stream Boundaries.—Whenever any city is bounded by the nearest margin of a navigable stream, and an opposite township, borough, or city is also bounded by the nearest margin of the same stream, the boundaries of such city shall extend to the center line of the stream. Nothing contained in this section shall be construed to repeal any local or special law providing otherwise.

Section 602. Court to Establish Disputed Boundaries.—The court of quarter sessions, upon petition, may ascertain and establish disputed boundaries between two or more cities, or between cities and boroughs or townships.

Section 603. Petition to Court; Commissioners; Report.—Upon such petition, the court shall appoint as commissioners three impartial men, one of whom shall be a competent surveyor. After giving notice to parties affected by publication once in at least one newspaper, as required by section one hundred and nine of this act, they shall view the disputed boundaries. The commissioners, or any two of them, shall report to the next succeeding term of court, which report shall contain their recommendations and be accompanied with a plot of the proposed boundary, if the same cannot be fully described by natural lines. The court shall make such order thereupon as to it shall seem just and reasonable.

Section 604. Reviews; Exceptions and Issues.—Any person affected may petition the court for a review, or may except to the report of the commissioners. When matters of fact are in dispute, the court may frame an issue and certify the same for trial to the court of common pleas.

Section 605. Pay and Expenses of Commissioners.—The commissioners shall each receive three dollars per day, except the surveyor who shall receive five dollars per day, for each day necessarily employed in the performance of their duties, and mileage at the rate of ten cents per mile for each mile necessarily traveled, to be

paid equally by the municipalities or townships interested.

Section 606. **Boundary Monuments.**—Whenever a boundary is established pursuant to the preceding sections of this article, the court shall cause the same to be marked with stone monuments, placed at intervals not exceeding fifteen hundred feet, and the expense of the placing of said monuments, when approved by the court, shall be borne equally by the municipalities or townships interested, and the court shall compel payment of the same according to law.

ARTICLE VII

ELECTION OF CITY OFFICERS

Section 701. **Election Proclamation.**—The council shall cause the mayor to issue his proclamation to the qualified electors of the city, at least ten days before each municipal election, stating therein the officers to be voted for at such election. Notice of such proclamation shall be published once in at least one newspaper of general circulation, as provided in section one hundred and nine of this act.

Section 702. **Nomination of City Officers.**—The mayor, members of council, the city controller, and city treasurer shall be nominated on party tickets at party primaries, in the same manner, and at the same time, and subject to the same laws in all respects, as govern the nomination of municipal officers nominated by the electors of the several municipalities in accordance with the provisions of law governing primary elections.

Section 703. **Elected Officers; Term; Eligible to Re-election.**—The elected officers of each city shall be a mayor, four members of council, a controller, and a treasurer. Each of such officers shall serve for a term of four years from the first Monday of January next succeeding his election, and until his successor is elected and duly qualified, and shall be eligible to re-election.

Section 704. **Present Officers to Continue in Office.**—The mayor, members of council, controller, and treasurer in office at the time of the approval of this act shall serve for the terms for which they were respectively elected.

Section 705. **Election of Officers.**—At the municipal election in each city immediately preceding the expiration of the term of any elected officer or officers thereof, the electors of such city shall elect a qualified person or persons to fill such office or offices for terms of four years.

Section 706. **Time and Place of Elections.**—Elections for city officers shall be at the time and place designated by law for holding of municipal elections.

Section 707. First Elections in Newly Created Cities.—At the first municipal election occurring at least ninety days after the date of the letters patent issued by the Governor incorporating any city, the qualified electors of such city shall elect a mayor, a treasurer, and a controller to serve for terms of four years from the first Monday of January next succeeding their election, and every fourth year thereafter such officers shall be elected in such city to serve for terms of four years each. At such election, the electors of such city shall elect four members of city council. The two candidates for such office receiving respectively the highest number of votes at such election shall serve for four years from the first Monday of January next succeeding their election, and the two candidates for council at such election receiving the next highest number of votes shall serve for the term of two years from the first Monday of January next succeeding their election, and thereafter two members of council shall be elected at each biennial municipal election to serve for terms of four years each from the first Monday of January next succeeding their election.

Section 708. Tie Vote of Candidates.—In case of a tie vote between two or more candidates for a city office having the highest number of votes, such candidates shall, in the presence of council, determine by lot which of them shall be entitled to hold the office.

Section 709. Certificates of Election.—Whenever an election shall have been held for city officers, 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.

ARTICLE VIII

VACANCIES IN OFFICE

Section 801. Vacancies in Council and Office of Mayor.—If for any reason whatsoever a vacancy occurs, or exists in the city council, whether as to the mayor or one or more of the other members of council, the city council shall, by a majority of its remaining members, fill such vacancy, within thirty (30) days thereafter, by electing a qualified elector to serve until his successor is elected by the qualified electors at the next municipal election, occurring at least ninety days thereafter, and is duly sworn into office. The person so elected shall serve for the remainder of the term of the person originally elected to said office.

In case vacancies should occur whereby the officers of three or four of the five members of the city council become vacant, the remaining one or two members shall fill such vacancies, one at a time, giving the new appointee such reasonable notice of his appointment as will enable him to meet and act with the then qualified member or members of the city council in making further appointments until three members of city council have been qualified, whereupon the said three members shall fill the remaining vacancies at a meeting attended by the said three members of said city council, such appointees to receive a majority of the votes of the said three members present at any such meeting. The person or persons selected to fill such vacancy or vacancies shall hold their offices as herein provided.

If, by reason of a tie vote, or otherwise, such vacancy shall not have been filled by the remaining members of city council within the time as limited herein, the court of common pleas of the proper county, upon the petition of ten or more qualified electors, shall fill such vacancy by the appointment of a qualified person, for the portion of the unexpired term as above provided. Nominations of candidates for any such office shall be made at the primary preceding the said municipal election.

If at any time vacancies should occur or exist in the membership of all five members of city council, the court of common pleas of the county in which such city is situate shall appoint a city council, including a mayor, of persons properly qualified, who shall serve as hereinbefore provided.

Section 802. Vacancy in Office of Treasurer.—Any vacancy in the office of city treasurer shall be filled by the council, and the person so chosen to fill the same shall serve during the unexpired term of said officer.

Section 803. Vacancy in Office of Controller.—In case a vacancy occurs in the office of city controller thirty days or more prior to the time for the holding of the next municipal primary election, the council shall fill the vacancy by electing a city controller to serve until the first Monday of January next succeeding the time of holding said municipal primary election, and the qualified electors of the city in which said vacancy exists shall, at said municipal primary election, nominate and, at the succeeding municipal election, elect in the manner provided by law, a city controller who shall serve for the regular term of four years from the first Monday of January succeeding his election; but in case the vacancy occurs less than thirty days prior to the next municipal primary election, the council shall elect a controller to serve during the remainder of the term of the city controller whose office has become vacant.

ARTICLE IX

GENERAL PROVISIONS RELATING TO CITY OFFICERS AND EMPLOYEES

Section 901. Appointment and Removal of Officers and Employes.—Council shall have the power of appointment and dismissal of all employes and subordinate officers of the city, and shall provide for the removal of officers of the city whose offices are established by ordinance, except where otherwise provided by this act.

Section 902. Officers and Employes; Number; Duties; Compensation.—Council shall prescribe, by ordinance, the number, duties, and compensation of the officers and employes of the city. 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. No ordinance shall be passed giving any extra compensation to any officer, servant, employe or contractor, without previous authority of law. 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, upon conviction thereof, shall be sentenced to pay a fine not exceeding five thousand dollars, and undergo imprisonment not exceeding one year.

Section 903. Salaries of Officers not to be Increased After Election.—No city shall increase or diminish the salary, compensation, or emoluments of any elected officer after his election.

Section 904. Offices to be Held until Qualification of Successors.—Any officer of any city, who has been elected or appointed and has qualified, shall hold said office until his successor is elected or appointed and duly qualifies.

Section 905. Oath of Office; Violation of Oath; Penalty.—All officers of the city, 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. Any person guilty of a violation of his oath shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment not exceeding one year, or both, at the discretion of the court.

Section 906. Bond to be Given by Officers and Agents.—Council may require from all officers and agents of the city, elected or appointed, lawful bonds and security for the faithful performance of their duties. 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.

Section 907. Surety Bonds; Premiums.—When any officer or employe of any city shall be required to give a bond for the faithful performance of his duties, and such bond shall be required to be endorsed by a surety company, it shall be lawful for such city to pay the premium on such bond.

Section 908. Officers not to Become Surety on Bonds Given to City; Penalty.—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, agency, or contract. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and, upon conviction, shall forfeit his office and shall be sentenced to pay a fine not exceeding one hundred dollars.

Section 909. Moneys and Accounts to be Delivered by Officer to Successor.—Every officer of the city receiving or having in his possession any money, accounts, property, or effects belonging to the city shall, upon termination of his office, deliver the same to the city or to his qualified successor.

Section 910. Receipt of Bribe by Officer or Employe of City; Penalty.—Any member of council, or other city officer or employe, who shall solicit, demand, or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation, or persons, any moneys, 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 who 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 sentenced to pay a fine not exceeding ten thousand dollars, and to undergo imprisonment for a period not exceeding five years, and shall be forever incapable of holding any place of profit or trust in this Commonwealth.

Section 911. Bribery of Officers or Employes; Penalty.—Any person who shall, directly or indirectly, offer, give, or promise any money or anything of value, testimonial, privilege, or personal advantage to any member of council or other city officer or employe, to influence

him in the performance or nonperformance of any of his public or official duties, shall be guilty of bribery, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding ten thousand dollars, and to undergo imprisonment for a period not exceeding five years.

Section 912. City Property not to be Used by Officers for Gain; Interest in Contracts; Penalty.—No portion of the property of the city shall be used for private gain by any officer of the city, councilman, agent or employe 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 by any officer, councilman, agent or employe, without the consent of the council. 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, in the use, purchase or sale, lease, occupation or enjoyment, as aforesaid, of any of the works, material, or property of said city. Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo imprisonment not exceeding one year, or both, at the discretion of the court. 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.

Section 913. Officers not to be Interested in Contracts With City; Void Contracts.—No member of the council, or other officer of the city, shall, either directly or indirectly, be a party to, or be 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. If any contract or agreement shall be made in violation of the provisions of this section, the same shall be null and void, and no action shall ever be maintained thereon against said city.

Section 914. Warrants or Claims not to be Purchased by Officers; Penalty.—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. Any such person violating any of the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one hundred dollars.

Section 915. City Leagues.—Any city may unite with

other cities, or with the cities of two or more classes, and may form and organize leagues of said cities, and hold annual conventions for the study and consideration of such municipal affairs as concern and pertain to the cities comprising the league. Each city member of a league shall send delegates thereto and pay the necessary expenses incident to their attending said convention, and pay dues to the league, and provide a fund for the necessary costs and expenses of the league and league conventions and the work carried on by said league.

ARTICLE X

THE COUNCIL

(a) General Provisions

Section 1001. Qualifications of Members of Council.

—The members of the city council shall be at least twenty-five years of age, and shall be elected by the electors at large. They shall have been residents 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. No officer of the United States or of the State of Pennsylvania (except notaries public or officers of the militia), nor any county officer, or any officer or employe of any school district embraced in the territory of said city, or any other officer or any employe of said city, or any department thereof, shall serve as a member of council during his continuance or employment, except as hereinafter provided.

Section 1002. Vesting of Legislative Power.—The legislative power of every city shall be vested in a council composed of the mayor and four councilmen.

Section 1003. Organization of Council; Inauguration of Mayor.—The members of council of the several cities 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. The mayor shall be the president of the council, and a member thereof.

Section 1004. Oath of Councilmen; Quorum; Rules.—The members of council shall take the oath of office provided for by this act, 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, but such rules shall not be inconsistent with the Constitution and laws of the State of Pennsylvania.

Section 1005. Meetings of Council; Notice.—The

council shall hold stated meetings at least once in each month, and at such other times as may be fixed by ordinance, and continue them so long as the transaction of the public business demands. The mayor may, and upon request of two councilmen must, call special meetings of council upon twenty-four hours' notice to each member, which notice shall state whether such meeting is to be convened for special or general business. Such notice may be waived by unanimous consent of council. 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.

Section 1006. Necessary Ordinances; Imposition of Fines.—The council of every city shall pass ordinances, rules and regulations in accordance with the provisions of this act, and not inconsistent therewith, as may be necessary to carry into effect the requirements thereof, and may impose fines and penalties for the violation of such ordinances, rules and regulations, recoverable in the manner hereinafter provided for the recovery of fines and penalties for the violation of city ordinances and subject to like limitations as to the amount thereof.

Section 1007. Right to Vote; No Veto; Vote Necessary to Pass Ordinance.—Each member of council, including the mayor, shall have the right to vote on all questions coming before the council. The mayor shall have no right of veto. Except as otherwise provided in this act, an affirmative vote of three members shall be necessary in order to pass any ordinance.

Section 1008. Journal of Proceedings; Recording and Withholding of Vote.—The council shall keep a journal of its proceedings, which shall be in the possession of the city clerk, and which shall at all times be open to public inspection. Upon every vote, the yeas and nays shall be called and recorded by the city clerk. 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.

Section 1009. Disclosures of Interest by Councilman.—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.

Section 1010. Ordinances and Resolutions; Signing by Mayor and City Clerk.—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.

Section 1011. Bills; Titles.—No ordinances shall be passed by council except by bill. 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 1012. Reading of Bills; Final Passage.—Every bill shall be read at length. No bill shall be passed finally on the same day on which it was introduced. At least three days shall intervene before its final passage.

Section 1013. Ordinances for Payments not Authorized by Law.—No ordinance shall be passed providing for the payment of any claim against the city without previous authority of law. 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, upon conviction thereof, shall be sentenced to pay a fine not exceeding five thousand dollars, and undergo imprisonment not exceeding one year.

Section 1014. Validation of Paving Ordinances.—Any city may validate any paving ordinance, heretofore or hereafter illegally passed, whether with or without petition, by repassing the ordinance with a vote of four members thereof, except in cases of paving ordinances where the improvement has been completed for a period of more than two years. The repassing of any such ordinance, in the manner aforesaid, shall cure any irregularity or illegality, whether in the petition or in the ordinance.

Section 1015. Proof of Ordinance; Evidence; Time of Taking Effect; Publication; Recording.—All ordinances, resolutions, motions or other proceedings of council 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, take effect in ten days after their passage, upon their being signed by the mayor and attested by the city clerk. 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 the manner provided by section one hundred and nine

of this act. 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.

Section 1016. Attendance of Witnesses and Production of Books Before Council or Committee Thereof.—The council of any city may compel the attendance of witnesses, and the production of books, papers, and other evidence, at any meeting of the body or any committee thereof. For that purpose, subpoenas may issue, signed by the mayor or the chairman of the committee, in any pending case of inquiry, investigation, or impeachment, and the same may be served and executed in any part of this Commonwealth. Any member of council and the city clerk shall have power to administer oaths to such witnesses. If any witness shall refuse to testify as to any fact within his knowledge, or to produce any books or papers within his possession or under his control, required to be used as evidence in any such case, the city clerk shall forthwith report the facts relating to such refusal to the court of common pleas of the county within which such city is situated. All questions arising upon such refusal, and also upon any new evidence, not included in said clerk's report (which new evidence may be offered in behalf of or against such witness), shall at once be heard by said court. If the court determines that the testimony or evidence required by such witness is legal and properly competent, and ought to be given or produced by him, then said court shall make an order commanding such witness to testify or produce books or papers, or both, as the case may be. If such witness shall thereafter, in disobedience of such order of the court, refuse to testify or to produce books or papers, as aforesaid, then the said court shall have power to order the commitment of such witness to the county jail of the proper county for contempt.

Any person, so called as a witness, and examined under oath, shall be liable to indictment, conviction, and punishment for perjury, in the same manner and to the same extent as if the witness had been called and examined before any committee of the Legislature, or in any judicial proceeding before any of the courts of record, in accordance with existing laws. No person outside of such city, subpoenaed as aforesaid, shall be required to respond to the same until he has been furnished with mileage to and from said city, at the rate of ten cents per mile, and a per diem allowance of two dollars for the time his presence is desired in said city.

Section 1017. Salaries.—Councilmen shall receive for their services during their term of service annual salaries, to be fixed by ordinance, payable in monthly or

semi-monthly instalments. Councils may, by the 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. The salary paid to any councilman shall not be less than two hundred and fifty dollars per year, nor more than four thousand five hundred dollars per year. For the term of city councilmen in newly created cities, and until thereafter changed by ordinance, the salary of each councilman shall be as follows:

In cities of fifteen thousand inhabitants or under by the last United States census, each councilman shall receive a salary of four hundred and fifty dollars per annum; where said population is between fifteen thousand and thirty thousand, eleven hundred and twenty-five dollars per annum; in cities having a population above thirty thousand and not exceeding fifty thousand, three thousand dollars per annum; in cities having a population of over fifty thousand and not exceeding seventy thousand, three thousand seven hundred and fifty dollars per annum; in cities having a population of over seventy thousand, four thousand five hundred dollars per annum. The compensation to be received by councilmen shall not be increased or diminished after their election; but succeeding councils may change all compensation, said change to take effect as to councilmen elected after such change of salaries has been made.

Section 1018. Enforcement of Ordinances; Recovery and Payment Over of Fines and Penalties.—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. All process shall be directed to and be 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. Every summons shall be returnable in not less than five nor more than eight days from the date thereof. Upon such return, like proceeding shall be had in all cases as are directed by law for summary convictions, or proceedings for the recovery of penalties, before justices of the peace, with the same right of appeal from any final judgment entered.

All fines and penalties for the violation of the city ordinances received by any magistrate or alderman, and all fees, costs, fines, and penalties received by any alder-

man in cases heard before him while presiding in the mayor's police court, shall be paid over by the magistrate or alderman before whom the same are recovered into the city treasury, monthly, according to a statement certified by oath or affirmation taken before the superintendent of accounts and 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.

Section 1019. Cost of Maintenance of Prisoners in County Jails.—When a prisoner shall be committed to any county jail or prison in this Commonwealth, either for the nonpayment of a fine or penalty imposed for the violation of any city ordinance, or while awaiting a hearing upon any charge for the violation of any city ordinance, the costs of proceedings and the expenses of maintaining such prisoner during his confinement by virtue of any such commitment, shall be paid by the city, whose ordinances were alleged to have been violated, or to which any such fines or penalties are payable. The county in which such city is located shall not be liable for any such maintenance, or to any officer, magistrate, alderman, or person for any costs of such proceedings.

(b) Initiative

Section 1030. Initiation of Ordinances by Petition; Exceptions.—Any proposed ordinance may be submitted to the council by a petition signed by the electors of any city, except:

(a) Ordinances relating to any matter, subject or thing, which is not the subject of a referendum vote as provided in subdivision (c) of this article; or

(b) Ordinances to repeal, amend, or modify any ordinance which has been subject to the provisions of the referendum as provided in subdivision (c) of this article.

Section 1031. Petition; Notice.—The city clerk, upon the written request of one hundred qualified electors of the city, directed to him, asking for the preparation of a petition for the submission of any ordinance to the council of such city, and accompanied by a copy of the proposed ordinance, shall prepare such petition within ten days, and in the meantime notice shall be published, at least one time, in one newspaper, in the manner provided by section one hundred and nine of this act, that such petition will be ready for signing at the expiration of ten days from the presentation of said request. This notice shall state the purpose for which the petition is

made, the place where and when it may be signed. Ten days shall be allowed for signatures.

Section 1032. Signing; Oath.—The signing shall be done in the city clerk's office only. 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 by 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. The city clerk shall keep his office open for the purpose of permitting voters to sign such petition from eight o'clock ante meridian to ten o'clock post meridian of each day except Sundays and holidays. He shall not permit any person to sign such petitions after ten o'clock post meridian on the last day for signing the same.

Section 1033. Number of Signatures; Examination and Certificate by City Clerk.—At the expiration of the ten days aforesaid, and within ten days thereafter, the city clerk shall examine such petition, and, from the record of registered voters of the city, 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 at which a mayor was elected. If necessary, the council shall allow the city clerk extra help for that purpose. The city clerk shall attach to said petition his certificate showing the result of said examination.

Section 1034. Amendment; Returns for Insufficient Signatures.—If, by the clerk's certificate, the petition is shown to contain less than the required twenty per centum as aforesaid, it may be amended by the addition of signatures within ten days from the date of said certificate. The city clerk shall, within ten days after such amendment, make like examination and certification of the amended petition. If his certificate shall again show the same to contain less than the required twenty per centum as aforesaid, it shall be returned to the person filing the same, without prejudice.

Section 1035. Submission to Council.—If the petition shall be certified to contain the required twenty per centum of said votes cast as aforesaid, the clerk shall submit the same to the council without delay.

Section 1036. Actions by Council.—If the petition accompanying the proposed ordinance be signed by electors in number to twenty per centum of the votes cast for all candidates for mayor at the last preceding municipal election at which a mayor was elected, the 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

(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 or municipal election is fixed within ninety days thereafter; and at such special, general or municipal election, such ordinance shall be submitted without alteration to the vote of the electors of the said city.

Section 1037. Form of Ballot on Submission to Vote.—The ballots used when voting upon said ordinance shall be supplied by council, and shall contain a question, stating the nature of proposed ordinance, followed by the words “yes” and “no” and blank spaces in which the voter, by his X mark, may express his preference. The ballots shall be counted and returns thereof made and computed as provided in section ten hundred and sixty-two (Section 1062) of this act.

Section 1038. Effect of Majority Vote.—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.

Section 1039. No Repeal Within Two Years.—Any ordinance which is proposed by petition, or which shall be adopted by a vote of the electors, cannot be repealed or amended within two years except by a vote of the electors.

Section 1040. Number of Proposed Ordinances to be Submitted; Special Elections Limited.—Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this subdivision, but there shall not be more than one special election in any period of six months for such purpose.

Section 1041. Submission for Repeal by Council.—The council may submit a proposition for the repeal or amendment of any such ordinance to be voted upon at any succeeding municipal or general election. Should such proposition, so submitted, receive a majority of the votes cast thereon at such election, such ordinance shall thereby be repealed or amended accordingly.

Section 1042. Publication of Proposed Ordinance.—Whenever any ordinance is to be submitted to the voters of the city at any election, the city clerk shall cause such ordinance to be published once in at least two of the newspapers published in said city, as required by section one hundred and nine of this act, not less than five nor more than twenty days before the submission of such ordinance to be voted on.

(c) Referendum

Section 1050. Referendum; Exceptions.—No ordinances passed by council shall go into effect before ten (10) days from the time of its final passage, except:

(a) Ordinances expressly required to be passed by

the general laws of the State or by the provisions of any act of Assembly, or the provisions of which and the matters to be carried out thereunder are subject to the approval of an officer or tribunal of the State Government;

(b) Ordinances providing for tax levies, annual and other appropriations, and for the exercise of the right of eminent domain;

(c) Ordinances for the preservation of the public peace, health, morals, safety, and in the exercise of the police powers of the city government, and for the prevention and abatement of nuisances;

(d) Any ordinance providing for an election to increase indebtedness, and any other ordinance which by law must be submitted to an election before it shall take effect:

(e) Ordinances for the opening, paving, grading, or other improvement of streets or highways, when the improvement is petitioned for by a majority in number or interest of the abutting property owners;

(f) Ordinances for the construction of sewers, and for the purpose of keeping the streets, highways, and sidewalks in good order and repair and in a safe and passable condition.

Section 1051. Petition; Reconsideration of Ordinance.

—If, during such period of 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 vote cast for all candidates for mayor at the last preceding municipal election at which a mayor was elected, protesting against the passage of any ordinance other than those excepted from the provisions of this subdivision by the foregoing section, is presented to the council, said ordinance shall be suspended from going into operation, and council shall reconsider such ordinance.

Section 1052. Preparation of Petition by City Clerk; Notice.—Such petition shall be prepared by the city clerk immediately upon receipt by him of written request of one hundred qualified electors of the city asking that the same be prepared. Upon its preparation, he shall give notice by one insertion in one of the daily newspapers, if one be published in the city, and, if not, then in a weekly or daily newspaper published in the county, that such petition is ready for signing and the purpose of the petition, giving the place where and time when it may be signed. The said signing shall be done only in the city clerk's office, where the petition shall be retained during the period of ten days after the passage of the said ordinance.

Section 1053. Additional Petitions.—In order to facilitate the signing of such petition, the city clerk shall cause to be made at least two additional similar peti-

tions for signing by the qualified electors, and the signing of such petitions shall have the same force and effect as the signing of the original petition. The city clerk is hereby authorized to employ at least two persons to take charge of said additional petitions; the city clerk and said persons being hereby empowered to administer the oath hereinafter required to be taken by the electors.

Section 1054. Signatures; Oath; Time of Signing.—Each signer shall add to his signature his place of residence by street and number, and shall make oath before the city clerk, or other person authorized as aforesaid, that he is a qualified elector of the city and resides at the address given. The city clerk shall keep his office open for the purpose of signatures to the petitions from eight o'clock ante meridian to ten o'clock post meridian of each day except Sundays and holidays. He shall not permit any person to sign any of the said petitions after ten o'clock post meridian of the tenth day following the passage of the ordinance on which the referendum vote is prayed for.

Section 1055. Presentation of Petition to Council.—At the expiration of said ten days, the said petition shall be deemed and taken to be filed with and presented to the council, and it shall be the duty of the city clerk to lay the same before the council at its first meeting thereafter.

Section 1056. Ascertainment of Number of Signers; Report.—After its presentation, the city clerk shall ascertain from the record of registered voters of the city whether or not said referendum petition is signed by voters equal to twenty per centum of all the votes cast for mayor at the last preceding municipal election at which a mayor was elected. If necessary, the council shall allow him extra help for that purpose, and, after he has made said examination, he shall report the result thereof to council.

Section 1057. Ordinances Granting Franchises.—No franchise or consent to occupy the public streets, highways, or other places in any city of the third class shall be given or granted to any person or persons, railroad, railway, gas, water, light, telephone or telegraph company, or to any public service corporation, except by ordinance, and no ordinance for such purpose shall go into effect for thirty days after its final passage.

Section 1058. Petition against Ordinances; Suspension.—If, within said thirty days, a petition prepared, advertised, and perfected in all respects complying with the provisions of this subdivision (except that the petitioners shall have thirty days in which to prepare said petition), is addressed to the council, signed by registered electors of the city equal in number to at least twenty per centum of all the votes cast for mayor at the last

preceding municipal election at which a mayor was elected, protesting against the passage of said ordinance, the latter shall be suspended, and it shall be the duty of the city clerk to examine said petition and ascertain, from the registry of voters, whether or not said petition is signed by the required number of electors. If necessary, the council shall allow the city clerk extra help for said purpose. Upon such examination he shall report the result to council.

Section 1059. Effect of Petition; Submission to Voters.—If, in any case, it shall appear that the petitions provided for in this subdivision have not been signed by the requisite number of voters, no action shall be taken, but the ordinances shall be deemed and taken to be in full force from the time or times they each would have gone into effect had there been no petition against the same. But in cases such petitions are signed by electors equal to twenty per centum of all the votes cast for mayor as aforesaid, 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 case the question of reference shall be to the general or municipal election, as the case may be. At such special, general or municipal election occurring within ninety days, the said ordinance shall be submitted without alteration.

Section 1060. Certification of County Commissioners; Ballots; Expense of Elections.—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 question to be printed on a separate ballot for use in the election districts of the city. Where there is a special election, the ballots shall be prepared and furnished by the city, and said elections shall be held by the regular election officers. The expenses of said special elections shall be paid for by the city, and said city may fix, not only the day of the election, but the time for opening and closing the polls. Any number of ordinances may be referred to and voted on at the same election. There may not be more than one special election every six months.

Section 1061. Form of Ballot.—The ballot used when voting upon such ordinance shall contain a question stating the nature of the referred ordinance followed by the words "yes" and "no" and blank spaces in which the voter, by his X mark, may express his preference.

Section 1062. Computing and Filing Returns.—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 elections of officers and the

submission of other questions as now provided by law. The returns shall be filed with the prothonotary of the court of common pleas, and the court shall compute the returns and cause the results thereof to be filed in said court. The prothonotary shall certify the result to the council of the proper city. In case of special elections, the prothonotary shall lay the returns of the election before the court at a meeting or session of the court to be held on the Tuesday succeeding the election for computation as aforesaid.

Section 1063. Effect of the Vote.—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 passed by the council, been signed 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.

Section 1064. Publication of Ordinance Before Election.—Before any referendum election is held on any ordinance, it shall be the duty of the city clerk to cause to be published a copy of the ordinance which is to be submitted to the vote of the people, once in at least two newspapers, as required by section one hundred and nine of this act. 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.

ARTICLE XI

THE EXECUTIVE DEPARTMENT

Section 1101. Executive Departments.—The executive and administrative powers, authority, and duties in each city 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.

Section 1102. Determination of Powers and Duties of Departments.—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 deemed necessary or proper for the efficient and economical conduct of the business of the city.

Section 1103. Designation of Departments; Changes.—

The mayor shall be director of the department of public affairs. The council shall, at the biennial organization meeting, designate, by majority vote, one councilman to be director of the department of accounts and finance, one to be director of the department of public safety, one to be director of the department of streets and public improvements, and one to be director of the department of parks and public property. Such designation shall be changed whenever it appears that the public service would be benefited thereby.

ARTICLE XII

THE MAYOR

Section 1201. Qualifications.—The mayor shall be at least twenty-five years of age, and shall be elected at large by the electors of the city. He shall have been a resident and inhabitant of the city wherein he shall be elected one year, and of the State for four years, next before his election, and shall reside in the city during his term of service.

Section 1202. Chief Executive; Inauguration.—The mayor shall be the chief executive of the city. He shall be inaugurated and take the oath of office provided for by this act at ten o'clock in the forenoon of the first Monday of January next succeeding his election, or as soon thereafter as possible.

Section 1203. Execution of Laws; Powers of Sheriff Conferred.—It shall be the duty of the mayor 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. 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, and unlawful and tumultuous assemblies, are hereby conferred upon him.

Section 1204. Supervision of Conduct of City Officers.—The mayor shall supervise the conduct of all city officers, examine the grounds of all reasonable complaints against any of them, and cause all of their violations or neglect of duty to be promptly punished or reported to the council for correction. For the purposes 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.

Section 1205. Information from Heads of Departments; Special Meetings; Communications to Council.—The mayor shall have the authority, at all times, to call upon any official of the city or heads of departments for any information as to the affairs under their control and

management as he may require. He shall communicate to council, 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 interest and welfare thereof.

Section 1206. Criminal and Civil Jurisdiction; Docket; Fees.—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 the Commonwealth relating thereto.

He shall have the power of a committing magistrate under the acts of Assembly relating to tramps, vagrants, dissolute, disorderly and drunken persons, as may be provided by law.

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 aldermen of the city for similar services, but shall pay over the same into the city treasury monthly, according to the statements thereof, verified by his oath or affirmation taken before the superintendent of accounts and finance, and filed with him.

Section 1207. Salary.—The mayor of each city shall receive for his services during the term of service an annual salary to be fixed by ordinance, payable in monthly instalments. The council shall, by ordinance, fix the amount of 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 salary in cities shall not be less than five hundred dollars nor more than five thousand two hundred and fifty dollars per year. Until changed by ordinance, the salary of mayors in newly created cities shall be as follows: In cities having a population of fifteen thousand or under, by the last United States census, five hundred dollars per annum; in cities having a population of over fifteen thousand, and less than thirty thousand inhabitants, one thousand two hundred dollars per annum; in cities having a population exceed-

ing thirty thousand, and not exceeding fifty thousand inhabitants, two thousand five hundred and fifty 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.

The amount of compensation for the mayor in any of the said cities shall not be increased or diminished after his election. Succeeding councils may change the amount of such compensation, but such change shall not affect the compensation of the mayor then in office or elected and not inaugurated.

Section 1208. Acting Mayor; Powers and Duties.—The member of city council who shall be designated as the director 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. In the event of a vacancy in the office of the mayor by reason of death, resignation, or otherwise, the vice president of council shall, in like manner, act as the mayor until the successor of the mayor is duly elected and qualified as hereinbefore provided. In case of the absence or inability of the director of accounts and finance to act, the council shall designate one of its members to act as mayor.

ARTICLE XIII

CITY CLERK

Section 1301. Election; Compensation; Removal.—The council of each city shall elect a city clerk and fix his compensation by ordinance. He shall serve for a term of four years and until his successor is duly elected and qualified, and shall be removable in the manner provided by law for the removal of appointed officers.

Section 1302. Power to Administer Oaths; Duties.—The city clerk shall 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 law, ordinance or resolution of council.

ARTICLE XIV

THE CITY TREASURER

Section 1401. Qualifications.—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.

Section 1402. Bond; Salary.—The city treasurer shall

give lawful bond to the city, with two or more sufficient sureties, or with a surety 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, and that as tax collector he shall well and truly collect and pay or account for the whole amount of the taxes charged and assessed in the duplicates which shall be delivered to him during his term of office. The city treasurer shall be required to give but one bond to the city, which shall include his duties as city treasurer and collector of taxes, and shall cover the full term of his office. He shall, as city treasurer, receive a fixed annual salary, to be provided by ordinance. His compensation as tax collector for the city shall be fixed as provided in article twenty-five of this act.

Section 1403. Receipt and Payment of Moneys.—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 director of finance and the city controller.

Section 1404. Method of Keeping Accounts.—The accounts of the city treasurer shall be kept in such manner as to clearly exhibit all the items of receipts and expenditures of the city, and the sources from whence the moneys are received and the objects for which the same are disbursed. 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.

Section 1405. Moneys Appropriated Only to be Paid Out.—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.

Section 1406. Depositories of City Funds.—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.

Section 1407. Delivery of City Property in His Possession to Successor.—The city treasurer shall, upon the termination of his office, deliver to the city or to his duly qualified successor all moneys, accounts, property or effects in his possession belonging to the city.

ARTICLE XV

THE CITY ENGINEER

(a) General Provisions

Section 1501. Election of the City Engineer; Term; Bond; Filling of Vacancies.—The council of each city shall, on the first Monday of May, one thousand nine hundred and thirty-two, and on the first Monday of May every fourth year thereafter, or as soon thereafter as practicable in each of said years, elect a city engineer, who shall be a registered engineer. He shall serve for a term of four years from the said first Monday of May and until his successor is qualified, unless sooner removed in the method prescribed by law for the removal of appointed officers. He shall receive a fixed annual salary to be provided by ordinance. He shall give lawful bond to the city, 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 it shall by ordinance direct, conditioned for the faithful performance of his official duties. Vacancies in said office shall be filled by council for the unexpired term.

Section 1502. Control of Engineering Matters.—The city engineer shall have the superintendence, direction and control of the engineering matters of the city, and no department of the city shall employ or retain any additional engineer, except with the previous assent of council. Assistants and employes in the office of the city engineer shall be appointed in accordance with the civil service provisions of this act. The provisions of this article 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.

Section 1503. Duties; Preparation of Plans.—The city engineer shall perform such duties as the 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.

Section 1504. Certificate of Commencement and of Completion of Municipal Improvements.—The city engineer 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 kept by him 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. 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 the city clerk a certificate showing the time on which any such particular improvement was commenced, and such certificate shall be conclusive evidence of the time when the said improvement was begun. An entry of such date shall be made by said clerk in the books aforesaid.

Section 1505. Surveys.—The city engineer shall 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.

(b) Real Estate Registry

Section 1515. Council to Provide for Registry of Real Estate.—For the purpose of procuring accurate information in reference to the ownership of all real estate, the council of each city shall provide, by ordinance, for a registry thereof in accordance with this subdivision.

Section 1516. Preparation of Books, Plans and Maps.—The city engineer of any city in which such registry shall be established 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. For such purpose, the city engineer shall have free access, without charge, to any of the public records wherein the necessary information may be obtainable therefor. He 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.

Section 1517. Preservation of Records.—The said books, maps and plans shall be carefully preserved in the office of the engineer, 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 herein 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.

Section 1518. Certified Copies of Entries Admissible as Evidence.—Certified copies, signed by the city 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.

Section 1519. Duties Imposed on Owners of Real Estate when Registry Established; Penalty.—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 every subsequent purchaser, devisee, or person acquiring title by partition or otherwise, to any real estate therein, within one month after acquiring such title, shall 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, 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: Provided, however, That such registration may within said thirty day period be also effected by the recorder of deeds of the county, in accordance with existing law.

Section 1520. Registry of Properties Sold at Judicial Sales.—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 by execution, in partition, or otherwise.

(c) Topographical Survey

Section 1530. Council May Authorize Topographical Survey.—Any city may, by ordinance, cause a topographical survey thereof to be made by its city engineer, or by such other civil engineer and assistants as they may employ for that purpose.

Section 1531. Record of Highways; Surveys; Grades.—The city engineer, upon being duly authorized, shall 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. He shall 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 survey and lay out new streets, avenues and highways, as council may deem necessary, for a regular and convenient city plan, and, if specially directed, he shall report a grade for any proposed new streets. For the said purposes, the city 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.

Section 1532. Return of Draft of Completed Survey to Council; Inspection.—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 necessary for a full understanding of the same, distinctly designating where new streets, avenues and highways are thereafter to be opened, and shall return the same to the council. It shall remain in the office of the city clerk, and open to inspection by those interested, until finally approved as hereinafter provided.

Section 1533. Notice of Return; Objections; Alterations; Approval; Recording.—Council shall give at least thirty days' previous notice by publication once in at least two (2) newspapers of general circulation, if there be that many, as required by section one hundred and nine of this act, 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. 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. 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.

Section 1534. Notation of Grades on Plans.—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 recorded as aforesaid.

Section 1535. Effect of Recording.—Upon the recording of such 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 desig-

nated upon said approved plan and recorded as aforesaid, shall be adjudged and taken to be laid out and located public highways.

Section 1536. Deviation from Established Plans; Liability of City.—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.

Section 1537. Sectional Surveys.—Sectional surveys or drafts may be returned to the council by said engineer at any time, and be confirmed as aforesaid, and with like force and effect.

Section 1538. Reports of Partial Surveys; Confirmation.—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. 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.

Section 1539. Buildings within Street Lines.—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.

Section 1540. Procedure for Opening, Grading, Et Cetera.—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 as provided by this act.

ARTICLE XVI

THE CITY SOLICITOR

Section 1601. Election of City Solicitor; Term; Compensation; Bond; Filling of Vacancies.—The council of each city shall, on the first Monday of May, one thousand nine hundred and thirty-two, and on the first Monday of May every fourth year thereafter, or as soon thereafter as practicable in each of said years, elect a city solicitor,

who shall be learned in the law and qualified to practice in the Supreme Court of the Commonwealth. He shall serve for a term of four years from the said first Monday of May and until his successor is qualified, unless sooner removed in the method prescribed by law for the removal of appointed officers. He shall receive a fixed annual salary to be provided by ordinance. He shall give lawful bond to the city, 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. Vacancies in said office shall be filled by council for the unexpired term.

Section 1602. Direction of Law Matters.—The city solicitor shall have the superintendence, direction, and control of the law matters of the city. No department of the city shall employ or retain any additional counsel in any matter or cause, except with the previous assent of council.

Section 1603. Office; Records to be Kept.—The city solicitor 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.

The provisions of this article 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.

Section 1604. Duties.—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, and shall commence and prosecute all and every suit or suits, action or actions, brought by the city, for or on account of any of the estates, rights, trusts, privileges, claims, or demands, of the same, as well as defend all actions or suits against the said city or any officer thereof, wherein or whereby any of the estates, rights, privileges, trusts, ordinances, or acts of the city or any department thereof, may be brought in question before any court in this Commonwealth. He 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 council.

Section 1605. Written Opinions to be Furnished.—The city solicitor shall, whenever required, furnish the council, 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.

Section 1606. City Lien Docket.—The city solicitor shall keep in his office 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.

Section 1607. Department Heads to Furnish Statements of Claim.—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.

Section 1608. Satisfaction of Liens Due City.—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.

Section 1609. Return and Payment of Money and Fees Received.—The city solicitor shall, at least once in every month, make a return to the director 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 matter connected therewith. 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.

Section 1610. Assistant Solicitor.—The council of each city may elect an assistant city solicitor, whose term of office shall be four years, and whose compensation shall be fixed by ordinance.

ARTICLE XVII

THE CITY CONTROLLER

Section 1701. Qualifications.—The city controller 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.

Section 1702. Bond; Salary.—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.

Section 1703. Compensation.—He shall receive a fixed annual salary, to be provided by ordinance, which shall not be less than the compensation paid to members of council.

Section 1704. Examination and Audit of Accounts.—The city controller shall examine, audit and settle all accounts whatsoever in which the city is concerned, either as debtor or creditor, and shall also examine and audit the accounts of all bureaus, officers, and departments which collect, receive, and disburse public moneys, or who are charged with the management, control, or custody thereof, and in case he discovers any default, irregularity, delinquency, or mismanagement, he shall make report to the council. He shall likewise audit and report upon the accounts of any such officer upon the death, resignation, removal or expiration of the term of the said officer.

(a) He shall likewise audit, or cause to be made by a certified public accountant an annual audit of, all the accounts of any municipal officer in any department of the city government who may be charged with the duty, or who may perform the services, of receiving and disbursing the funds of any association, society, or organization of municipal employes or persons, directly or indirectly connected with the municipal government, for the benefit, relief, or pensioning of firemen, policemen, or other municipal employes. Such audits always shall be made in the months of January and February following each calendar year, and be annually reported to council before the first day of March, as other reports of the controller are made.

(b) Brief abstracts or summaries of the reports of such accounts and financial statements shall be published at least once a week for two weeks in one newspaper, in accord with the provisions of section one hundred and nine of this act. The expense and cost of such publication shall be paid out of the funds of the various associations, organizations, or societies, as their other expenses are paid.

Section 1705. Annual Report to Council.—The city controller shall make report to council, on the first Monday of March in each year, and oftener if so required by council, of the audits which he shall have made of the accounts of the officers having charge, custody, control and disbursements of public moneys, showing the balance in their hands respectively. The city controller shall immediately prepare an intelligent summary of said reports, showing the fiscal condition of the affairs of the city, and publish the same at least one time in at least

two newspapers of general circulation, as required by section one hundred and nine of this act, and post at least one copy of said summary, as published, in a conspicuous public place in each ward of the city and the city or town hall.

Section 1706. Power to Administer Oaths; Counter-signing of Warrants.—The city controller shall have the power to administer oaths or affirmations in relation to any matter touching the authentication of any account, claim, or demand against the city, but shall not receive any fee therefor, and shall countersign all warrants for the payment of moneys out of the city treasury when satisfied of the legality of such payment.

Section 1707. Power to Subpoena City Officers.—The city controller shall have power to issue subpoenas to obtain the attendance of officers whose accounts he is authorized to adjust, audit, and settle, and also to subpoena any person or persons who it may be necessary to examine as witnesses, and in case any city officer or any witness refuses to appear upon being subpoenaed, he shall report such refusal to council, and the council is hereby empowered to enact ordinances to compel the attendance of city officers and witnesses before the said city controller and to impose penalties in case of refusal.

Section 1708. Appointment of Deputy Controller; Powers; Responsibility.—The city controller may appoint a deputy controller, who in case of the sickness, absence, or inability of such controller to act, shall have the same powers and shall perform the same duties as are imposed by law upon the city controller. In the case of such appointment, the said controller shall be responsible for the acts of such deputy. Such deputy controller shall furnish such bond and receive such compensation as shall be fixed by council.

Section 1709. Appointment of Temporary Deputy by Council; Bond; Compensation.—In case of the sickness, absence, or inability of a city controller, and when no deputy shall have been appointed by him, the council of such city may elect a deputy controller to serve during the sickness, absence, or inability of such controller, or until such controller shall appoint a deputy, as aforesaid, who shall furnish such bond, and receive such compensation, as shall be fixed by council.

ARTICLE XVIII

ACCOUNTS AND FINANCES

Section 1801. Fiscal Year.—The fiscal year of each city shall begin on the first Monday of January in each and every year.

Section 1802. Director of Accounts and Finance; Bond.—The director of accounts and finance shall be the head of the Department of Accounts and Finance. He

shall furnish bond in such amount and with such sureties as shall be fixed by ordinance. He shall have authority to administer oaths and 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.

Section 1803. Deputy.—The director of accounts and finance may appoint a deputy, subject to the approval of council, which shall fix the salary of such deputy. The deputy shall have power to administer oaths and affirmations in all matters relating to the affairs of said office. The director of accounts and finance shall in all cases be responsible and liable for the actions and conduct of the said deputy.

Section 1804. Regulations Concerning Appropriations.—No debt shall be created by any department of the city, except in pursuance of previous authority of law, ordinance, or resolution. 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. In every case in which an appropriation shall be exhausted, and the object of which is not completed, the director of accounts and finance 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 purpose for which they were drawn.

Section 1805. Countersigning Warrants; Evidence Required.—The director of the Department of Accounts and Finance 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 council to be overdrawn. No warrant shall be countersigned unless there is money in the treasury to pay the same. Whenever a warrant on the treasurer shall be presented to the director of finance to be countersigned, the person presenting the same shall be, by the director of finance, required to produce evidence:

(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, if any.

Section 1806. Record of Assets, Property, Trusts, Debts Due, Receipts and Expenditures.—The director 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.

Section 1807. Supervision of Accounts of Depart-

ments.—The director of accounts and finance 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.

Section 1808. Suggestions by Director for Improvement of City Finances.—The director of accounts and finance may, from time to time, and shall, when the council shall direct, suggest plans to the council for the management and improvement of the city finances.

Section 1809. Annual Budget.—The director of accounts and finance shall, at the first stated meeting in December 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.

The several departments of the city government shall, before the first stated meeting in December, 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 as a basis for making the annual appropriations thereto.

Section 1810. Appropriations; Tax Rate.—When all estimates for the receipts, liabilities, and expenditures for the ensuing year shall be made, council shall proceed to make the annual appropriations, and 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.

No appropriation, however, 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, and no appropriation shall be made for any purpose in excess of the estimated receipts for the fiscal year for which such appropriations are made.

Section 1811. Annual Reports; Publication.—The director of accounts and finance shall make a report, verified by oath or affirmation, to the council at the stated meeting in March in each year of the public accounts of the city and of the trusts in its care for the preceding fiscal year, exhibiting all of the expenditures thereof, respectively, and the sources from which the revenue and funds are derived and in what measures the same have been disbursed. Each account shall 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.

Such report, accompanied by a statement of the present funded and floating indebtedness of the city and the date and maturity of the funded debt, a schedule of its assets and the character and value thereof, and the amount of taxable property therein, shall be published once in not more than two newspapers printed and circulated in such city, as required by section one hundred and nine of this act: Provided, Council may cause such statement to be printed in pamphlet form in addition to the publications made as aforesaid.

ARTICLE XIX

CONTRACTS AND PURCHASING

Section 1901. Power to Make Contracts.—Each city may make contracts for carrying into execution the provisions of this act and the laws of the Commonwealth, but no department thereof shall make any contract, except in pursuance of previous authority of law or ordinance. The council shall, by ordinance, provide for and regulate the award of all contracts.

Section 1902. Regulations Concerning Contracts.—All work and materials required by any city of the third class, or any department thereof, where the amount exceeds the sum of five hundred dollars, shall be furnished and performed under written contract, and the contract shall be awarded and given to the lowest responsible bidder, after advertising once a week for three weeks in not more than two newspapers, in accord with the provisions of section one hundred and nine of this act: Provided, That the requirements of this section as to advertising and contracts and bidding and to the sum of five hundred dollars shall not apply to repairs of highways, sewers, and other public improvements, or to resurfacing or maintaining of highways, or to street and sewer cleaning, or to the collection of rubbish, ashes, and garbage, made, done and provided by the officers and employes of the city: And further provided, That where the roadway of a street is to be paved originally and for the first time, or reconstructed by putting down a new base, or a sewer is to be constructed, or grading done, such work shall be done under written contract, after advertising as provided in section one hundred and nine of this act, and such contract shall be given to the lowest responsible bidder.

The council shall, by ordinance, provide for and regulate the purchase of supplies and materials and the sale of personal property.

The council may also, by ordinance, provide a contingent fund or funds for necessary repairs and incidental expenses, not otherwise provided in the general appropriations, and such funds may be expended without advertising for bids.

Section 1903. Purchasing Department.—Each city may, by ordinance, provide for the establishment of a purchasing department, which shall have supervision over the purchase and distribution of all supplies purchased to the amount allowed by the provisions of the next preceding section of this act. The said department shall be attached to the department of accounts and finance or such other department as council may determine, and shall be operated in accordance with rules and regulations to be adopted by council, the rules to include the manner in which quotations shall be secured on the supplies purchased. The said department shall assist council at all times in eliminating waste and extravagance in the purchase and distribution of the supplies of the city.

Section 1904. Designation of Appropriation; Certification in Excess of Appropriation.—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 director of accounts and finance on the contract before it shall take effect as a contract. The payments required by such contracts shall be made from the fund appropriated therefor. If the director of accounts and finance shall certify any contract in excess of the appropriation made therefor, the city shall not be liable for such excess, but the director of accounts and 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 director of accounts and finance to certify contracts for the payment of which sufficient appropriations have been made, and he shall, within ten days after any certification of a contract, report back to the council in writing that he has or has not certified the same in accordance with the provisions of this section.

Section 1905. Bonds for the Protection of Labor and Material-Men.—It shall be the duty of every city to require any person, copartnership, association, or corporation, entering into a contract with such city for the construction, erection, installation, completion, alteration, repair of, or addition to, any public work or improvement of any kind whatsoever, where the amount of such contract is in excess of five hundred (\$500) dollars, before commencing work under such contract, to execute and deliver to such city, in addition to any other bond which may now or hereafter be required by law to be given in connection with such contract, an additional bond for the use of any and every person, copartnership, association, or corporation interested, in a sum not less than fifty (50%) per centum and not more than one hundred (100%) per centum of the contract price, as such city may prescribe, having as surety

thereon one or more surety companies legally authorized to do business in this Commonwealth, conditioned for the prompt payment of all material furnished and labor supplied or performed in the prosecution of the work, whether or not the said material or labor enter into and become component parts of the work or improvement contemplated. Such additional bond shall be deposited with and held by the city for the use of any party interested therein. Every such additional bond shall provide that every person, copartnership, association, or corporation who, whether as sub-contractor or otherwise, has furnished material or supplied or performed labor in the prosecution of the work as above provided, and who has not been paid therefor, may sue in assumpsit on said additional bond, in the name of the city, for his, their, or its use and prosecute the same to final judgment for such sum or sums as may be justly due him, them, or it, and have execution thereof: Provided, however, That the city shall not be liable for the payment of any costs or expense of any suit.

Section 1906. Separate Bids for Plumbing, Heating, Ventilating and Electrical Work.—In the preparation of specifications for the erection, construction, and alteration of any public building, when the entire cost of such work shall exceed one thousand dollars, the architect, engineer, or other person preparing such specifications, shall prepare separate specifications for the plumbing, heating, ventilating, and electrical work. The person or persons authorized to enter into contracts for the erection, construction, or alteration of such public buildings shall receive separate bids upon each of the said branches of work, and award the contract for the same to the lowest responsible bidder for each of said branches.

Section 1907. Acceptance by Contractor of Workmen's Compensation Act.—All contracts executed by any city, or any officer or bureau or board thereof, which involve the construction or doing of any work involving the employment of labor, shall contain a provision that the contractor shall accept, in so far as the work covered by any such contract is concerned, the provisions of the Workmen's Compensation Act of one thousand nine hundred fifteen, and any supplements or amendments thereto, and that the said contractor will insure his liability thereunder, or file with the city with whom the contract is made a certificate of exemption from insurance from the Bureau of Workmen's Compensation of the Department of Labor and Industry.

Every officer of any city, or bureau or department thereof, who shall sign, on behalf of the said city, any contract requiring in its performance the employment of labor, shall require, before the said contract shall be signed, proof that the said contractor with whom the

contract is made shall have accepted the Workmen's Compensation Act of one thousand nine hundred fifteen, and any supplements or amendments thereto, and proof that the said contractor has insured his liability thereunder in accordance with the terms of the said act, or that the said contractor has had issued to him a certificate of exemption from insurance from the Bureau of Workmen's Compensation of the Department of Labor and Industry.

Any contract executed in violation of the provisions of this section shall be null and void.

Section 1908. Contracts for Improvements; Assignment of Assessments.—Where the whole or any part of the cost of an improvement is to be paid by assessments upon the property abutting or benefited, the city may enter into an agreement with the contractor that he shall take an assignment of such assessments in payment of the amount due him under the terms of his contract, and, in such case, the city shall not be otherwise liable under such contract, whether said assessments are collectible or not.

Section 1909. Architects and Engineers in Employ of City; Prohibitions from Bidding on Public Works; Penalty.—It shall be unlawful for any architect or engineer, in the employ of any city, and engaged in the preparation of plans, specifications, or estimates, to bid on any public work at any letting of such work in this Commonwealth.

It is unlawful for the officers of any city, charged with the duty of letting any public work, to award a contract to any such architect or engineer, in the employ of the Commonwealth, or of any county, municipality, borough, township, or other subdivision of the Commonwealth.

It is unlawful for any architect or engineer, in the employ of the Commonwealth, or of any county, municipality, borough, township, or other subdivision of the Commonwealth, to be in any wise interested in any contract for public work for the city, or receive any remuneration or gratuity from any person interested in such contract.

Any person or persons violating these provisions, or either of them, shall forfeit his office, and shall be guilty of a misdemeanor, and, on conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars, or to undergo imprisonment for not less than six months, or both, in the discretion of the court.

Section 1910. Contracts with Railway Companies.—Subject to the provisions of the Public Service Company Law, any city, of the one part, and any street railway company, surface, elevated or underground, or motor power company leasing and operating the franchise and property of such company within the limits of such

city, of the other part, may enter into contracts with each other affecting, fixing, and regulating the franchises, powers, duties, and liabilities of such companies, and the regulations and respective rights of the contracting parties. Such contracts may, inter alia, provide for payments by the companies to the city in lieu of the performance of certain duties or the payment of license fees or charges imposed in favor of such city, by the charters of the respective companies, or by any general law or ordinance, for the appointment by the city of a certain number of persons to act as directors of such company, in conjunction with the directors elected by the stockholders of such company, and, further, may provide for the ultimate acquisition by the city, upon terms mutually satisfactory, of the leaseholds, property, and franchises of the contracting companies.

Section 1911. Contracts for Relocation of Railroads.—Subject to the provisions of the Public Service Company Law, any city may enter into contracts with any of the railroad companies, whose roads enter its limits, whereby the said railroad companies may relocate, change or elevate their railroads within said limits, or either of them, in such manner as, in the judgment of the proper authorities of such city, may be best adapted to secure the safety of lives and property, and promote the interest of said city; and, for that purpose, may do all such acts as may be necessary and proper to effectually carry out such contracts. Any such contracts, made by any railroad company or companies as aforesaid with any city, are hereby fully ratified and confirmed. Nothing herein contained shall affect any contract made, or hereafter to be made, with any railroad company, from apportioning the expenses of altering and adjusting the grades of existing railroads and intersecting streets in any city so as to dispense with grade crossings.

Section 1912. Contracts with Street Railways for Exclusive Right to Lay Tracks.—In case any city shall deem it necessary for the public benefit and convenience to secure the removal of any street railway tracks already laid, or prevent the laying of such tracks already authorized to be laid, or to change the route of any street railway on any street or streets, or portion of a street or streets, within its corporate limits, and such purpose or purposes can be accomplished by agreement with the street passenger railway company or motor power company owning, leasing or operating such tracks, the said parties may, subject to the provisions of the Public Service Company Law, enter into a contract, for a period not exceeding fifty years, for such considerations and upon such terms and conditions, and containing such stipulations, reservations and covenants as may be agreed upon between the respective parties thereto;

and such contract may include a covenant providing that, during the continuance thereof, municipal consent shall not be granted to any other company to use or occupy the street, streets, or portions of a street or streets, covered by such contract, for street railway or passenger transportation purposes; which covenant shall be enforceable by bill in equity against such city, in case of attempted breach thereof; and such contract may also provide for the laying or relaying of such tracks upon such terms and under such contingencies and conditions as may be agreed upon. When such contract shall have been made, it shall form a part of the charter of the company, with like force and effect as to all its terms, conditions, stipulations, restrictions, covenants, and provisions as to change of routes as if the same formed a part of the original charter of such company; and no removal of tracks already laid, or postponement of or delay in the time of beginning or completing the work of laying tracks already authorized to be laid, and no change of route therein provided for, shall operate or be construed to deprive or divest any such company, entering into such contract, of any of the rights, franchises, or privileges possessed by it at the time of entering into such contract, so as to operate in favor of any company subsequently formed and seeking to occupy, for street railway purposes, the street, streets, or portions of a street or streets, covered by such contract. Nothing in this section contained, nor any contract made in pursuance thereof, shall be construed to limit or affect in any way, or impose any additional liability for the exercise of, the right of a steam railroad company to lay its tracks, over, upon, under, and across such street or streets, or portions thereof.

ARTICLE XX

POLICE BUREAU

Section 2001. Appointment, Number, Rank, Compensation and Qualifications of Policemen.—The council shall fix, by ordinance, the number, rank and compensation of the members of the city police force, who shall be appointed in accordance with the civil service provisions of this act. No policeman shall, after his appointment and qualification, hold at the same time the office of constable. Council shall prescribe all necessary rules and regulations for the organization and government of the police force.

Section 2002. Designation of Chief and Other Officers.—The council may designate, from the force, the chief and other officers who shall serve as such officers until their successors are appointed and qualified.

Section 2003. Extra Policemen; Compensation.—The council or the mayor, acting by authority and direction

of council, on occasions of threatened public disorder or danger, whenever, in the judgment of the council or the mayor, it is necessary for the public safety or to preserve order, may appoint supernumerary or extra policemen to serve for such period as the council or the mayor may designate, not exceeding ten days, whose compensation shall be fixed by council before or at the time said appointments are made.

Section 2004. Hours of Service; Exceptions.—No city shall employ or require any police officer to remain on duty for more than eight hours in any twenty-four consecutive hours, or more than fifty-six hours in any one week, unless in emergency cases for the suppression of riots or tumults or the preservation of the public peace. Nothing contained herein shall prevent any such city from requiring any such police officer to remain on duty or to work sixteen hours in any twenty-four consecutive hours, not more than one day each week, if required by a change in working hours or a change in shifts.

Section 2005. Powers of Policemen to Arrest.—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.

Section 2006. Service of Process; Fees; Payment into Treasury.—Policemen shall have authority to serve and execute all criminal process or processes for the violation of 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 or alderman, and by him paid into the city treasury monthly as herein provided.

Section 2007. Supervision by Mayor.—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.

Section 2008. Extra Compensation Prohibited; Exception; Penalty.—No policeman shall ask, demand or receive any compensation or reward whatsoever for his services other than that provided by ordinance, except rewards offered for the arrest of persons accused of crime committed outside of the city in which they hold office. Any policeman violating any of the provisions

of this section shall be guilty of a misdemeanor in office, and, upon conviction, shall be sentenced to pay a fine not exceeding fifty dollars, or undergo imprisonment not exceeding thirty days, or both, at the discretion of the court, to be followed by dismissal from office.

ARTICLE XXI

FIRE BUREAU

Section 2101. Organization of Fire Bureau; Maintenance; Apparatus.—Each city may organize a fire bureau, with or without pay, make appropriations for the maintenance of the same, prescribe rules and regulations for the government of the officers and companies belonging thereto, and purchase fire engines, hooks, ladders, trucks, fire alarms and other apparatus for the extinguishment of fires.

Section 2102. Paid Bureau; Election of Officers and Companies.—When a paid fire bureau is organized by any city, the city may provide, by ordinance, for the election or appointment of the officers and companies belonging thereto.

Section 2103. Platoon System; Hours of Service.—The director of the department having charge of the fire bureau in each city shall divide the officers and members of companies of the uniformed fire force in the employ of such cities, excepting the chief engineer and assistant chiefs, and those employed subject to call, into two bodies or platoons—one to perform day service, and the other to perform night service. The hours of day service shall not exceed ten, commencing at eight o'clock in the morning; the hours of night service shall not exceed fourteen, commencing at six o'clock in the afternoon. In cases of riot, serious conflagration, or other such emergency, the chief engineer of the bureau of fire, or the assistant chief deputy, or chief officer in charge at any fire, shall have the power to assign all the members of the fire force to continuous duty, or to continue any member thereof on duty, if necessary. No member of either of said platoons shall be required to perform continuous day service or continuous night service for a longer consecutive period than two weeks, nor be kept on duty continuously longer than ten hours in the day platoon or fourteen hours in the night platoon, excepting as may be necessary to equalize the hours of duty and service, and also excepting in cases of riot, serious conflagration, or other such emergency, as above provided.

Section 2104. Fire Marshal; Powers.—Every city may, by ordinance, provide for the creation of the office of fire marshal to be appointed by the mayor, by and with the approval and consent of council, biennially. Such fire marshal, under the instructions and orders of the mayor, may enter any building or premises wherein

a fire has at any time occurred for the purpose of making such examination as may be deemed necessary to ascertain the cause of burning.

Section 2105. Obstructing Fire Marshal; Penalty.—Any person preventing or obstructing, or attempting to prevent or obstruct, said fire marshal while in the discharge of his duty shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined in a sum not exceeding fifty dollars, or undergo an imprisonment not exceeding three calendar months, or both, at the discretion of the court.

Section 2106. Investigation of Cause of Fire; Power of Mayor.—The mayor of any city may, whenever in his judgment the occasion demands it, issue a subpoena, in the name of the State of Pennsylvania, to any person or persons requiring them to attend before him or the fire marshal at such time and place as may be named in said subpoena, then and there to testify, under oath or affirmation, which the fire marshal in the absence of the mayor is hereby empowered to administer, as to the origin of any fire occurring within the bounds of such city, and also as to any facts or circumstances that may be deemed important to secure the detection and conviction of any party or parties guilty of the offense of arson or attempted arson.

Section 2107. Chief of Police or Fire Chief Ex-officio Fire Marshal.—The chief of police or the fire chief of any city may, by ordinance, be made ex-officio fire marshal thereof, and in such case all the powers and duties herein given to or imposed upon such fire marshal shall be enjoyed and exercised by such chief of police or chief of the fire department, as the case may be.

Section 2108. Compensation Insurance for Injured Firemen.—Each city may make such appropriations as may be necessary to secure insurance or compensation for volunteer firemen killed or injured while going to, returning from, or attending fires in said municipality or territory adjacent thereto.

ARTICLE XXII

BUREAU OF MINE INSPECTION AND SURFACE SUPPORT

Section 2201. Ordinance Creating.—Each city within the limits of the anthracite region of the Commonwealth may, by ordinance, create a bureau of mine inspection and surface support.

Section 2202. Bureau, How Constituted.—The bureau shall consist of one practical mining engineer, to be appointed by the mayor, with consent of the council, and such assistants, clerks, and employes as the council may provide. The officers and employes of the bureau shall receive such compensation as may be prescribed by council.

Section 2203. Inspection of Mines.—Members of the bureau may enter, inspect, examine and survey any mine or colliery, within the limits of the city, at all reasonable times, either by day or night, but not so as to impede nor obstruct the workings of the mine or colliery; and may take with them such other persons as may be necessary for the purpose of making an examination or survey. The owner, operator, or superintendent of such mine or colliery shall furnish the means necessary for such entry, inspection, examination, survey and exit.

Section 2204. Operators to Furnish Maps; Contents.—The owner, operator, or superintendent of every coal mine or colliery, within three months after the passage of an ordinance by any borough creating such bureau, shall make or cause to be made and furnished to such bureau an accurate map or plan of the workings or excavations of such coal mine or colliery, on a scale of one hundred feet to the inch. The map or plan shall exhibit the workings or excavations in every seam of coal on a separate sheet, and the tunnels and passages connecting with such workings or excavations. It shall show in degrees the general inclination of the strata, with any material deflection therein in the workings or excavations, and shall also show the tidal elevations of the bottom of every shaft, slope, tunnel, and gangway, and of any other point in the mine or on the surface where such elevation shall be deemed necessary by the bureau. The map or plan shall show the number of the last survey station and date of each survey on the gangways or the most advanced workings.

Section 2205. Extensions to be Placed on Maps.—Every mine owner, operator, or superintendent shall place or cause to be placed upon the map of the bureau, at least once in every three months, all the extensions made in any mine, within the limits of such city, during the three preceding months, except those made within thirty days immediately preceding the time of placing such extensions upon the said map.

Section 2206. Certain Surface Supports not to be Removed.—It shall be unlawful for any person, copartnership, association, or corporation to dig, mine, remove, or carry away the coal, rock, earth, or other minerals or materials forming the natural support of the surface beneath the public highways, streets, alleys, courts and places of any city, in the anthracite region, to such an extent and in such a manner as to thereby remove the necessary support of the surface, without having first placed or constructed an artificial permanent support sufficient to uphold and preserve the stability of the surfaces of such public highways, streets, alleys, courts and places.

Section 2207. Penalty.—Any person, being the gen-

eral manager, superintendent, or person in charge of the work of any corporation, copartnership, or association, violating any of the provisions of this article shall be guilty of a misdemeanor, and, upon conviction before any alderman of the city, shall be sentenced for such offense to pay a fine not exceeding one thousand dollars, or to undergo imprisonment in the county jail for a period not exceeding ninety days, or both. All fines imposed under this section shall be paid into the treasury of the city.

Section 2208. Enactment of Ordinances.—Council may enact such ordinances as may be necessary for the enforcement of the provisions of this article.

ARTICLE XXIII

PUBLIC HEALTH

(a) Creation, Organization, and General Powers and Duties of Boards of Health

Section 2301. Creation of Board of Health.—Any city may, by ordinance, create a board of health as herein provided, with the powers and duties herein enumerated, and may appoint the officers and subordinates thereof. It shall be the duty of the board of health to enforce the laws of the Commonwealth enacted for the protection of the public health.

Section 2302. Powers of Council as Board of Health.—In cities where the council of said city shall not elect to create, by ordinance, a board of health, the said council shall exercise all the rights and perform the duties and obligations imposed by this act and the laws of the Commonwealth upon boards of health.

Section 2303. Appointment and Terms of Members of Board of Health; Removal and Filling of Vacancies.—The board of health shall consist of five members, to be appointed by council, who shall serve without compensation, and none of whom shall be members of council. At least two of their number shall be reputable physicians of not less than two years' experience in the practice of their profession. The board shall be appointed by districts to be fixed by council, representing as equally as may be all portions of the city, and shall serve for the term of five years from the first Monday of April succeeding their appointment. Council may remove any or all of the members of said board for official misconduct or neglect of duty, and fill all vacancies for the unexpired term. At the first appointment, council shall designate one of the members to serve for one year, one for two years, one for three years, one for four years, and one for five years, and thereafter one member of said board shall be appointed annually to serve for the term of five years.

Section 2304. Oath of Office; Organization of Board; Secretary and Health Officer; Salaries; Bonds; Oath.—The members of the board shall severally take and subscribe the oath of office provided by this act. The board shall organize annually on the first Monday of January. If the council shall fail to appoint the officers and subordinates of the board as hereinbefore provided, the board shall elect one of their number as president, a secretary not of their body, and a health officer. The secretary and health officer shall receive such salary as may be fixed by the board, and shall hold their offices at the pleasure of the appointing power. The secretary and health officer shall severally give bond to the city, in such sums as may be fixed by ordinance, for the faithful discharge of their duties, and shall also take and subscribe the oath required of members of the board.

Section 2305. Duties of Secretary and Health Officer.—The secretary shall keep the minutes of the proceedings of the board, and perform such other duties as may be directed by the board. The health officer shall execute the orders of the board, and, for that purpose, shall have and exercise the powers and authority of a policeman of the city.

Section 2306. Administration of Oaths and Affirmations.—The president and secretary of the board shall have full power to administer oaths and affirmations in any proceedings or investigations touching the regulations of the board, but shall not be entitled to receive any fee therefor.

Section 2307. Sanitary Police.—The mayor shall detail police from the regular police force of such city to be known as "sanitary police" or make new appointments for the purpose, whenever, in the opinion of the board of health, the public health and sanitary condition of such city may require. The number of sanitary police shall be determined by the board of health, according to exigencies of the circumstances. Said sanitary police shall be subject to the exclusive direction and control of said board for the enforcement of proper sanitary measures and the promotion of the public health.

Whenever, in the opinion of the board of health, the services of the sanitary police are no longer required, they shall, on recommendation of the board of health, be returned to duty as regular policemen or, if newly appointed, be dismissed as the mayor may direct, but no permanent increase of the police force shall be made without the consent of councils by ordinance duly enacted.

Section 2308. Orders and Regulations.—The board of health shall have power to make and enforce all necessary orders and regulations to prevent the introduction of communicable diseases; for the enforcement of the

laws of the Commonwealth and the regulations of the State Department of Health, relating to the control of such diseases; to secure the general health of the inhabitants of the city; to remove, prevent, and abate nuisances; and to enforce the vaccination laws.

Section 2309. *Gratuitous Service for Protection of Public Health.*—The board may take measures and supply agents, and afford inducements and facilities for general and gratuitous vaccination and disinfection, and may afford medical relief to and among the poor of such city, as in its opinion the protection of the public health may require.

Section 2310. *Hospitals.*—The said board of health may, with the consent of the councils, in case of the prevalence or apprehended prevalence of any contagious or infectious disease within the city, establish one or more hospitals and make provision and regulations for the management of the same. The board may in such cases, unless otherwise provided by council, appoint as many ward or district physicians and other sanitary agents as they may deem necessary, whose salaries shall be fixed by the board before their appointment.

Section 2311. *Budget Estimates.*—The board of health shall submit annually to councils, before the commencement of the fiscal year, an estimate of the probable receipts and expenditures of the board during the ensuing year, and councils shall then proceed to make such appropriation thereto as they shall deem necessary.

Section 2312. *Appropriations for Excess Expenditures Caused by Epidemics.*—Whenever the board of health by reason of an epidemic is compelled to incur expense in excess of the amount appropriated by council, it shall be the duty of council, upon application and certification from the board of health, to pass the necessary appropriating ordinances to pay the excess so incurred and certified.

Section 2313. *Annual Report.*—The said board shall, in the month of March of each year, submit a report, in writing, to councils of its operations for the preceding year, with the necessary statistics thereof, together with such other information or suggestions relative to the sanitary condition and requirements of the city as it may deem proper, and councils shall publish the same in its annual report. The board shall also transmit to the State Department of Health copies of all its reports and publications, together with such information relating to sanitation as may, from time to time, be required by said department.

Section 2314. *Payment Over of Fees and Penalties.*—All fees which shall be collected or received by the board, or by any officer thereof in his official capacity, shall be paid over into the city treasury, monthly, to-

gether with all penalties which shall be recovered for the violation of any regulation of the board.

Section 2315. Proceedings of Board to be Public.—The proceedings of the board shall be public and its journal of proceedings open to the inspection of any taxpayer.

(b) Nuisances

Section 2325. Nuisances; Examination; Abatement.—The board of health as a body or by committee, or the health officer, together with his subordinates, assistants and workmen under and by order of said board, may enter, at any time, upon any premises in the city upon which there is suspected to be any infectious disease or nuisance detrimental to the public health, for the purpose of examining and abating the same. All written orders for the removal of nuisances, issued to the health officer by order of the board of health, attested by the secretary, shall be executed by him and his subordinates and workmen. The costs and expenses of the removal of nuisances shall be recoverable from the owner or owners of the premises from which the nuisance shall be removed, or from any person or persons causing or maintaining the same. The amount of the cost and expense thereof shall be a lien upon the premises which has caused, or from which the nuisance shall be removed, from the time of the commencement of the work, which date shall be fixed by certificate of the health officer filed with the city clerk. Such lien may be filed and proceeded in as provided by law in the case of municipal liens.

Section 2326. Abatement of Nuisances upon Private Alleys.—The board of health may abate nuisances upon private alleys, now existing or hereafter to be laid out, upon the neglect or refusal of the owners of the properties, having the use of said alleys, to abate said nuisance within ten days after service of notice upon the owners so to do.

Where a nuisance is caused by the improper grading or defective paving of private alleys, upon the neglect or refusal of the said owners to grade, pave, or repave the said alleys within ten days after service of notice so to do, the said board of health is hereby empowered to certify the matter to the city council, and the council may thereupon, in the manner provided by law for public streets, proceed to grade, pave, or repave the said alleys in accordance with grades established by the city.

The board of health is hereby empowered to charge the cost and expense of abating the said nuisances, and the city is empowered to charge the cost and expense of the grading, paving, or repaving of the said alleys, upon the owners in their proper proportions, and, upon failure to pay the said charges, to file liens therefor in the manner provided and according to the practice prescribed by law with respect to municipal claims.

Section 2327. Petitions to Vacate Nuisances.—Whenever the board of health shall declare as a nuisance any public alley, lane or passageway, any two or more owners of property adjacent or abutting upon the same may present their petition, verified by oath or affirmation, to the court of quarter sessions, setting forth the facts regarding such nuisance and praying that said alley, lane or passageway may be vacated. Such petition shall be accompanied by a certificate of the board of health, setting forth that they have declared such alley, lane, or passageway to be a public nuisance.

Section 2328. Jury of View.—The court shall thereupon appoint a jury of view of three men of the county. The jury, being sworn or affirmed to faithfully perform its duties, shall give notice to all parties likely to be affected by the proceedings of the time and place of the first meeting, in such manner as the court shall direct.

Section 2329. Hearings and Report.—After the first meeting, the jury shall proceed to view the premises, hear all parties interested and their witnesses, and shall prepare a report of findings and recommendations as to whether or not such alley, lane or passageway, or part thereof, should be vacated, and in such report shall award damages and assess benefits to the property affected.

Section 2330. Notice of Filing Report.—The jury shall give notice, in writing, to all parties affected by their report at least ten days before the same is filed in court. The notice shall state the time and place when and where such report will be open to inspection.

Section 2331. Exceptions to Report.—Any person aggrieved by such report may file exceptions thereto with the jury, whereupon the jury shall reconsider their report, with the exceptions, and change the same, as justice may require. The report as finally prepared shall be filed in court.

Section 2332. Appeals from Report.—Any person affected by the report shall have an appeal to the court of common pleas within thirty days after the report is filed, and the procedure on such appeal shall be the same as in actions of trespass.

Section 2333. Confirmation of Report.—At the end of the period allowed for an appeal, the report shall be absolutely confirmed by the court as to such awards or assessments from which no appeals have been taken.

Section 2334. When Vacation Proceedings not to be Had.—No alley, lane or passageway shall be vacated in any case where the vacating deprives any lot abutting thereon of the sole means of ingress or egress, otherwise than to or from the front line thereof, nor where it was created by grant or contract and not theretofore accepted by the public.

Section 2335. Conditions Dangerous to Life or Health to be Declared Nuisances; Order to Abate.—Whenever any building, erection, excavation, premises, business, pursuit, matter or thing, or the sewerage, drainage, or ventilation thereof, in the opinion of the board of health, either in whole or in part, is in a condition or in effect dangerous to life or health, the board may declare the same, to the extent it may specify, to be a public nuisance and dangerous to life and health, and may order the same to be removed, abated, suspended, altered, or otherwise improved or purified, and shall cause said order, before its execution, to be served on the owner, agent, occupant or tenant thereof or some of them, if said parties or any of them are in such city and can be found. If the party so served shall, before its execution is commenced, apply to said board to have said order or its execution stayed or modified, the said board shall temporarily suspend or modify said order and give to such party or parties together, as the case, in the opinion of the board, may require a reasonable and fair opportunity to be heard before said board, and to present proofs and facts against said declaration and the execution of said order, or in favor of its modification. The board shall enter upon its minutes such facts and proofs as it may receive and its proceedings on such hearing, and thereafter may rescind, modify or reaffirm its said declaration and order and require execution of said original or of a new or modified order, to be made in such form and effect as it may finally determine.

Section 2336. Bone Boiling Establishments.—No establishment for bone boiling or for use as a depository of dead animals shall be erected or operated in any city without permission of the board of health of the city, and in accordance with regulations prescribed by the said board. Any person violating any of the provisions of this section shall, for every offense and for each month's continuance of the same, be liable to a fine of fifty dollars, to be collected and disposed of in the manner herein prescribed for the recovery of fines and penalties imposed by ordinances, and shall, in addition, be liable for indictment at common law for creating and maintaining a nuisance.

Section 2337. Keeping and Slaughtering of Animals and Poultry.—Any city may prohibit the keeping and slaughtering of horses, cows, calves, swine, sheep, goats, and other animals or fowls, deemed objectionable by the board of health, in any dwelling, rooming-house, or tenement, or any part thereof; nor shall any of the aforesaid animals or such fowl be kept in the yard of any such building, or the lot thereof, or the property adjoining, in closely built up sections, without the person desiring to keep the same first having obtained a permit

from the board of health. Application for such permit shall be accompanied by a fee of fifty cents, and such permit when granted shall expire not later than the calendar year for which it is issued.

(c) Corporations Acting as Boards of Health

Section 2345. Board of Directors of Corporation to be Appointed Members of Board of Health.—Whenever any corporation not for profit has been or shall hereafter be chartered, whose principal corporate purpose is or shall be substantially to preserve and promote the health of the public of any city, and the control and elimination of disease, and such corporation, in the opinion of the council of such city and the State Department of Health, shall have at its disposal sufficient means to render its assistance of value to the city in the administration of its public health affairs, and is properly organized and managed, said council may, by ordinance, appoint the members of the board of directors for such corporation as the board of health of such city for a term of five years. The said board of directors shall not be more than nine or less than five in number, and at least two of the members shall be reputable physicians with not less than five years' experience in the practice of their profession. When, by limitation in the charter or by-laws of such corporation, the office of any member of the board of directors shall terminate, such person's membership in the board of health shall also terminate and a vacancy in such membership exist, to be filled as hereinafter provided. Whenever the number of directors of such corporation shall be increased, subject, however, to the aforesaid maximum limitation of nine, the council of said city may appoint any person added to the corporation's board of directors as an additional member of the board of health for a term equal in the unexpired term of the other members, subject, also, to termination resulting from limitations in the corporation's charter or by-laws as aforesaid.

Section 2346. Councilmen and School Directors Eligible for Appointment.—Members of council of such city, not more than two in number, and one member of the board of directors of the school district of such city, if they are also members of the board of directors of said corporation, shall be eligible to appointment as members of the board of health of said city.

Section 2347. Power of Board.—The board of health so appointed shall have all the power and authority and perform the duties now or hereafter conferred and prescribed by law upon boards of health of cities.

Section 2348. Health Officer.—If the board of directors of such corporation shall employ as manager or chief administrator of the activities and operations of the corporation a reputable physician of five years' ex-

perience in the practice of his profession, or in public health work, for a compensation to be paid out of the corporation's funds, it shall be lawful for such council to appoint such manager or chief administrator as the principal health officer of such city, with all the powers and authority and duties now or hereafter to be conferred or prescribed by law upon principal health officers.

Section 2349. Secretary.—The secretary of the board of directors of such corporation may serve as secretary of such board of health.

Section 2350. Filling of Vacancies.—As the five year terms of members of such board of health expire, and as vacancies therein occur, the council of such city may appoint successors to those whose terms shall have so expired for further terms of five years, and appoint persons to fill vacancies in both cases by selection of the then members of such board of directors, including, in the case of vacancies, the persons in the said board of directors who may be selected to fill the vacancies therein. Such appointment in the case of a vacancy shall be for the unexpired portion of the five year term.

Section 2351. Appointment and Removal of Health Employes.—The council of such city shall, in all cases where possible, follow the recommendations of said board of health as to appointment and removal of all persons having to do with the administration of the public health affairs of the city. Such appointees shall be required to pass any civil service examination required by any civil service commission lawfully established in such city.

Section 2352. No Compensation for Members.—The members of such board of health shall serve without compensation from the city.

This subdivision (c) shall be effective only under the circumstances set forth in section two thousand three hundred and forty-five.

(d) Penalties

Section 2360. Any person violating any provision of this article or any order of said board of health, made under the authority of the same, or of any law or ordinance therein referred to, or who shall obstruct or interfere with any person in the execution of any order of said board, or wilfully and illegally omit to obey any such order, shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine not exceeding one hundred dollars, or undergo imprisonment not exceeding ninety days, or both, at the discretion of the court.

ARTICLE XXIV

CORPORATE POWERS

Section 2401. Existing Powers Saved.—The corporate powers and the duties of the officers of cities, now in existence by virtue of the laws of the Commonwealth, and not repealed by this act, shall be and remain as now provided by law.

Section 2402. Powers of City.—Each city is hereby declared to be a body corporate and politic, and shall have perpetual succession, and may:

1. Sue and be sued;
2. Purchase and hold real and personal property for the use of the city;
3. Lease, sell and convey any real or personal property owned by the city, and make such order respecting the same as may be conducive to the interests of the city;
4. 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. Have and use a corporate seal, and alter the same at pleasure. Every such seal shall have upon it the word "Pennsylvania," the name of the city, and the year of its original incorporation;
6. Display the flag of the Commonwealth or of any county, city, borough or other municipality in the Commonwealth on the public buildings of the city.

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

Section 2403. Specific Powers.—In addition to other powers granted by this act, the council of each city shall have power, by ordinance:

1. Payment of Debts and Expenses.—To provide for the payment of the debts and expenses of the city, and to appropriate money therefor.
2. Hiring of Employes; Salaries.—To provide for and regulate the manner of hiring and discharging employes and laborers, and the fixing of their salaries or compensation.
3. Creation of Necessary Offices, Boards or Departments.—To create any office, public board, or department which it may deem necessary for the good government and interests of the city, and, unless otherwise provided by this act, elect the members of any board, bureau or commission; 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 or 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 board, bureau or commission, after his or their election or appointment. The pro-

visions of this clause as to the creation of any public board, bureau or commission, 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.

4. Lock-ups or Watch-houses.—To provide for the erection or purchase of lock-ups 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. No person shall be detained therein for a longer time than twenty-four hours, except upon the order of the mayor or an alderman legally authorized, who may commit such person for further hearing.

5. Market Houses and Milk Depots.—To purchase and own ground for, and to erect, maintain, and establish, market houses, milk depots, and market places, for which latter purpose parts of any streets, sidewalks or city property may be temporarily used; to provide and enforce suitable general market regulations; to contract with any person or persons or association of persons, companies, or corporations, for the erection and regulation of market houses, milk depots, and market places, on such terms and conditions and in such manner as the council may prescribe; to raise all necessary revenue therefor as herein provided; and 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 sidewalks for temporary market purposes.

6. Collection and Removal of Garbage.—To provide for the collection and removal of garbage, ashes and other waste or refuse material.

7. Comfort and Waiting Stations and Drinking Fountains; Waiting Rooms for Females in Court Houses.—To take, purchase or acquire, by the right of eminent domain, subject to proceedings provided for by this act in cases of the exercise of the right of eminent domain, property for the purpose of erecting, providing, maintaining, and operating thereon comfort stations, waiting stations and drinking fountains; and to construct and maintain such stations and fountains in any of the highways within their corporate limits; to provide and equip and maintain in the court house, in cooperation with the county commissioners of the county wherein the city is situated, whenever such city is the county seat, rest or waiting rooms for females, and provide female attendants therefor. One-half of the cost of providing such waiting and rest rooms, and of maintaining the same, including salaries and all incidental expenses, shall be paid by the county, and the

other half by the city; for all which purposes the council may appropriate moneys.

8. Running at Large of Animals, Et Cetera.—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.

9. Destruction of Dogs.—To destroy dogs found at large contrary to the laws of the Commonwealth.

10. Inspection and Regulation of Fireplaces, Chimneys, Et Cetera; Smoke Regulations.—To regulate the construction and inspection of fireplaces, chimneys, stoves, stovepipes, 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 and control the production and emission of unnecessary smoke from any chimney or other source, except railroad locomotives.

11. Manufacture, Sale and Storage of Explosives; Offensive Business.—To regulate or prohibit the manufacture, 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.

12. Regulation of Partition Fences.—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.

13. Public Wells, Cisterns, Acqueducts, and Reservoirs.—To establish, make, and regulate public wells, cisterns, acqueducts, and reservoirs, and to provide for filling the same.

14. Construction of Levees and Ferries; Deepening of Channels.—To provide for the construction and maintenance of levees and ferries within the jurisdiction of the city and 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; to provide for protection against floods; to construct and maintain docks, retaining walls,

dams, or embankments; and to remove obstructions from, deepen and widen the channels of rivers and streams flowing through or adjacent to the city.

15. Railroad Crossing; Flagmen; Speed of Locomotives.—Subject to the provisions of the Public Service Company Law, 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 to regulate 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.

16. Removal of Nuisances and Obstructions.—To require the removal of all obstructions and nuisances from the sidewalks, curbstones, gutters, streets, public alleys, ways 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 or causing the same.

17. Regulation of Signs, Porches, Et Cetera.—To regulate, by uniform rules and regulations, porches, porticoes, 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, the building of cellars and basement ways and other excavations through or under the sidewalks, and 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.

18. Trees.—To regulate the planting, trimming, care and protection of shade trees in the streets.

19. Numbering of Buildings.—To require and regulate the numbering of buildings.

20. Cab-stands; Rates.—To establish stands for coaches, cabs, omnibuses, carriages, wagons, automobiles, and other vehicles for hire, and to enforce the observance and use thereof.

21. Night Watch.—To establish and maintain a night watch and police, and define the duties of the same.

22. Police Protection, Et Cetera, Parks, Et Cetera; Commitment of Professional Thieves.—To establish and enforce suitable police regulations for the protection of persons and property at public squares, parks, depots,

depot grounds, and other places of public resort, and for the arrest and commitment of professional thieves, and suspicious persons found in any part of the city who can give no reasonable account of themselves.

23. Rewards for Apprehension of Certain Criminals.—To offer rewards for the arrest and conviction of persons guilty of capital or other high crimes within the city.

24. Tippling Shops, Gaming, Prosecution, Et Cetera.—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.

25. Prevent Riots.—To prevent and restrain riots, noises, disturbances, or disorderly assemblies in any street, house, or place in the city.

26. Regulate Discharge of Firearms.—To regulate, prohibit, and prevent the discharge of firearms, rockets, powder, or any other dangerous combustible material within the city, and to prevent the carrying of concealed deadly weapons.

27. Sale and Use of Fireworks; Discharge of Firearms.—To regulate or prohibit and prevent the sale, use and discharge of fireworks, firecrackers, sparklers, and other pyrotechnics in such cities, and the unnecessary firing and discharge of firearms in the city.

28. Arrest of Vagrants.—To arrest, fine, or set at work on the streets, or elsewhere, all vagrants found in said city.

29. Horse Racing on Streets.—To prevent horse racing, fast driving or riding in the streets, highways, alleys, bridges, or places in the city, and all games, practices, or amusements, therein likely to result in danger or damages to any person or property.

30. Riding or Driving on Sidewalks.—To prevent the riding or driving of animals, or the passage of any vehicle drawn thereby, or self-propelled, over, along and across sidewalks, and to regulate the passing of the same through the public streets.

31. Regulations of Skating-Rinks, Theatres, Et Cetera.—To regulate 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); and to restrain all exhibitions of indecent or immoral character.

32. Bathing; Boat Houses and Bath Houses.—To regulate the time and place of bathing in rivers and other public water in and adjoining the said city, and to construct, maintain and manage municipal boat houses and bath houses.

33. Appropriations for Memorial Day.—To appropriate money for the expenses of Memorial Day services.

34. Appropriations to Posts of Veterans.—To appropriate annually to each camp of the United States War Veterans, and to each post of the American Legion, and to each post of the Veterans of Foreign Wars, and to each Naval Association, and to each post of the Grand Army of the Republic, and to each post of the Disabled American Veterans of the World War, and to each organization of ex-service men in the city, incorporated under the laws of the Commonwealth, a sum not to exceed two hundred dollars, to aid in defraying the expenses of Memorial Day and Armistice Day. Where the Grand Army of the Republic has ceased to exist or to function, such appropriation may be made to the Sons of Union Veterans of the Civil War, or, in the absence of such order, to a duly constituted organization which conducts the decorating of the graves of Union veterans of the Civil war. Such payments shall be made to defray actual expenses only. Before any payment is made, the organization receiving the same shall submit verified accounts of their expenditures.

35. Support of National Guard Units.—To appropriate annually a sum not exceeding seven hundred and fifty dollars for the support and maintenance of any dismounted company or similar unit of the National Guard, and a sum not to exceed fifteen hundred dollars for the support and maintenance of any mounted or motorized troop or similar unit of the National Guard, using and occupying an armory, building, rooms, or quarters within the limits of the city. Any moneys so appropriated shall be paid by warrant drawn to the order of the commanding officer of such company, only when it shall be certified to the city, by the Adjutant General of the State, that the said company or companies have satisfactorily passed the annual inspection provided by law. The moneys so appropriated shall be used and expended solely and exclusively for the support and maintenance, discipline and training of the said company; and the commanding officer shall account, by the proper vouchers to the said city each year, for the expenditure of the money so appropriated, and no appropriation shall be made for any subsequent year until the expenditure of the previous year is duly and satisfactorily accounted for.

36. Appropriation of Money, Et Cetera, to Assist in Erection of Armories.—To appropriate money or convey land, either independently or in conjunction with any county, city, town, borough, or other municipal division to the Commonwealth of Pennsylvania, for the purpose of assisting the Armory Board of the Com-

monwealth of Pennsylvania in the erection of armories for the use of the National Guard, and to furnish water, light, or fuel free of cost to the Commonwealth of Pennsylvania for use in any armory of the National Guard; and to do all things necessary to accomplish the purpose of this clause.

37. Eminent Domain for National Guard Purposes.—To take, by right of eminent domain, for the purpose of appropriating to themselves for the use of the National Guard of Pennsylvania, such public lands, easements, and public property as may be in their possession or control and used or held by them for any other purpose. Such right, however, shall not be exercised as to any street or wharf, but all other public easements and property may be appropriated and used for the purposes herein provided, any limitation of the use thereof by the city, either by donation, dedication, appropriation, statute, or otherwise, to the contrary notwithstanding.

38. Lands for Armory Purposes.—To acquire, by purchase or by gift, or by the right of eminent domain, any land for the use of the National Guard of Pennsylvania; and to convey such lands so acquired to the Commonwealth of Pennsylvania to assist the Armory Board in the erection of armories. The proceedings for the condemnation of lands, under the provisions of this clause, and for the assessment of damages for property taken, injured or destroyed, shall be taken in the manner as is provided by this act for the condemnation of land for public purposes. The power conferred by this clause shall not be exercised to take any church property, grave-yard, cemetery, or any dwelling-house or the curtilage of the same in the actual occupancy of the owner.

39. Purchase of Burial Grounds for Deceased Service Men.—To appropriate money for and purchase plots of ground in any cemetery or burial ground, within their respective limits, for the interment of such deceased service men as shall hereafter die within such city, or shall die beyond such city and shall have a legal residence within such city at the time of their death, and whose bodies are entitled to be buried by the county under the provisions of existing laws.

40. Payment of Rent for Veterans' Posts and Camps.—By a two-third vote of the council, to appropriate money to any incorporated camp or post of veterans of any war in which the United States was engaged, to be used in the payment of the rent of any building or rooms in which such camp or post has its regular meetings.

41. Rooms for Meetings of Veterans.—To furnish, upon application, to each organization composed of veterans of the Civil War, veterans of the Spanish

American War, veterans of the War with Germany and Austria, veterans of any foreign war, and sons of veterans, a room or rooms in any public building of such city, sufficient for the meeting of each of such organizations at least once each month.

42. Care of Memorials.—To take charge of, care for, maintain, and keep in good order and repair, at the expense of the city, any soldiers' monument, gun or carriage, or similar memorial, situate in the city, and not in the charge or care of any person, body, or organization, and not put up or placed by the Government of the United States, the Commonwealth of Pennsylvania, the commissioners of the county, or by the direction or authority of any other state of the Union, and to receive from any person or organization any moneys or funds which can be used for the maintenance of such memorials, and to expend the same.

43. Manufacture and Sale of Ice.—To manufacture ice, and to sell the same to the inhabitants of the city at such rates as shall be fixed by ordinance, and to erect, equip, and maintain such buildings and other structures, and purchase or hire and maintain such vehicles, as may be deemed necessary for such purpose.

44. Inspection of Milk.—To provide for the inspection of milk, milk depots, and dairies, under such rules and regulations as will protect the people from adulteration and dilution of the same.

45. Municipal Music.—To appropriate money to defray the expenses of musical entertainments held under the auspices of the cities, and for the purpose of having music in any public park or place.

46. Regulation and Licensing of Auction Sales.—To regulate and license sales of merchandise at public auction, other than judicial sales, sales by executors or administrators, or sales by or in behalf of licensed pawnbrokers of unredeemed pledges in the manner provided by law.

47. Aid to Historical Societies.—To make annual appropriations for the support and maintenance of the principal historical society located therein, which shall be incorporated under the laws of the Commonwealth, shall own its own building and keep it open to the public, shall have a membership of at least two hundred persons who pay annual dues of at least two dollars, shall hold, annually, at least six regular meetings that shall be open to the public, and shall at all times maintain facilities for the free storage, deposit, and inspection of official documents and records of the city, and other proper public or historical archives and records.

48. Establishment of Institutions to Collect Educational Collections.—To establish institutions authorized to collect and hold certain educational and economic

collections, the object of each being the scientific, educational, and economic instruction of the public concerning commerce, manufacturing, mining, and agriculture; said institutions to have power to purchase or accept by gift any real estate, money, or personal property necessary for their use and promotion, and power to use, convey, or transfer the same, as if they were bodies corporate, to be governed by boards of trustees, nominated, appointed, and confirmed in such manner as council may determine.

49. Sprinkling of Streets.—To cause any public street, or part thereof, not less than one block, to be sprinkled with water or, if such street is paved, to be cleaned during such time as it may be necessary, at the expense of the owners of property abutting upon the same. Upon the petition of the owners of such property, who shall represent a majority of the feet front on the street or part thereof, it shall be the duty of council to cause such sprinkling or cleaning to be done at the expense of the owners of property abutting thereon. Council may cause such sprinkling to be done with the water of the city, when water works are owned or operated by the city, and with sprinkling carts and apparatus owned by the city, or may contract for the use of said carts and apparatus with the lowest responsible bidder.

50. Electric Wires may be Placed Underground in Certain Districts.—To define a reasonable district within which all electric light wires, telephone and telegraph wires shall be placed under ground in conduits owned either by the municipality or by corporations owning such wires, or by corporations organized for the purpose of laying such conduits and renting space therein. In all cases in which such conduits are owned by any private corporation, partnership, or individual, there shall be reserved to the city, whether expressed in the ordinance or not, the right to regulate, by ordinance, the manner in which such conduit shall be used, and the terms and conditions and rate of rental to be charged for space therein, and also the right to take such conduits, either by purchase, upon agreement of the owners thereof and the city, or by condemnation proceedings; in which latter case the proceedings for the assessment of damages shall be the same as provided in this act for property taken, injured or destroyed.

The court of quarter sessions of the county upon the appeal of any person may review any ordinance passed in pursuance of this act, and may annul such ordinance if deemed unreasonable, such appeal to be taken within thirty days from the approval of such ordinance.

51. Gift Ambulance; Maintenance.—To acquire, by gift or bequest, and to operate and maintain a motor ambulance for the purposes of conveying sick and in-

jured residents of the city and the vicinity to and from hospitals, and, for such purposes, to appropriate and expend moneys of the city.

52. Weighing and Measuring of Commodities.—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; to regulate and prescribe the place or places for exposing for sale hay, coal, bark and wood; to demand and receive reasonable fees for such inspection, weighing and measuring; for the regulation and stamping of weights and measures; and the regulation and inspection of gas, water, and electric current meters, and other meters.

53. Insurance with Mutual Companies.—To make contracts of insurance with any mutual fire insurance company, duly authorized by law to transact business in the Commonwealth of Pennsylvania, on any building or property owned by the city.

54. Local Self-Government.—In addition to the powers and authority vested in each city by the provisions of this act, to make and adopt all such ordinances, by-laws, rules and regulations, not inconsistent with or restrained by the Constitution and laws of this Commonwealth, as may be expedient or necessary 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 also all such ordinances, by-laws, rules and regulations as may be necessary in and to the exercise of the powers and authority of local self-government in all municipal affairs; and the said ordinances, by-laws, rules and regulations to alter, modify, and repeal at pleasure; and to enforce all ordinances inflicting penalties upon inhabitants or other persons for violations thereof, not exceeding three hundred dollars for any one offense, recoverable with costs, together with judgment of imprisonment, not exceeding ninety days, if the amount of said judgment and costs shall not be paid: Provided, however, That no ordinance, by-law, rule or regulation shall be made or passed which contravenes or violates any of the provisions of the Constitution of the United States or of this Commonwealth, or of any act of Assembly heretofore or that may be hereafter passed and in force in said city.

ARTICLE XXV

TAXATION

(a) Assessments and Revisions

Section 2501. Election of Assessor; Term; Removal; Qualifications.—The council of each city on the first Monday of January, one thousand nine hundred and thirty-two, and on the first Monday of January in every fourth year thereafter, or as soon thereafter as may be conveniently done, shall 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 for the term of four years from the first Monday of January in the year in which he is elected. Any assessor may be removed from office by council and the vacancy thus occasioned may be filled in the manner hereinafter provided. 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. 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. They may thereupon fill the vacancy thus occasioned, in the manner hereinafter provided for the filling of vacancies.

Section 2502. Oath of Assessor; Filling of Vacancies.—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 2503. Assistant Assessors; Compensation of Assessors and Assistants.—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. 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.

Section 2504. Assessment of Property; Duties of Assessors.—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, taxable according to the laws of this Commonwealth for county purposes, and all matters and things within the city subject by law to taxation for city purposes, and a just and perfect list of all prop-

erty exempt by law from taxation, with a just valuation of the same. But nothing hereinbefore contained shall be construed as making taxable for city purposes the classes of personal property which by law are made taxable exclusively for county purposes at the rate of four mills. With his assessments, he shall return such dimension, description, or quality 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 he shall value, or cause to be valued, the property at such sums as the same would, in his judgment, bring at a fair public sale thereof. It shall be the further duty of the assessor to return annually a list of all the inhabitants over twenty-one years of age.

Section 2505. Manner of Assessments.—The 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 or has 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 guardian or 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 herein provided for may be assessed in the manner the same is assessed for county taxation. 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. 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.

Section 2506. Duties of Assessors in Other Than Triennial Years.—In the years between triennial assessments, the said assessor shall perform the following duties with reference to the assessment of property and other matters and subjects of taxation, namely: He shall,

(a) Assess any property which has been omitted, and correct any errors of law, fact or judgment which may have been made in making the triennial assessment;

(b) Add to the assessment any property which has ceased to be exempt and any property acquired since the triennial assessment;

(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 property any depreciation caused by destruction, injury, or otherwise, howsoever;

(e) Where tracts as assessed at the triennial assessment have been subdivided, 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 tracts;

(f) Where any borough, township, part of a borough or township, or any tract or tracts of land, have been added to the city, since the last triennial assessment, make a full 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 or disposed of, make the proper changes, deductions or transfers upon the proper assessment books and duplicates;

(h) Perform such other duties, as may be prescribed by ordinance, necessary to the making of proper assessments or valuations.

Section 2507. Notice to Owner of Change of Valuation; Appeal.—When any property 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 assessment 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.

Section 2508. Omitted Property to be Assessed; Liability of Owner for Back Taxes.—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 year of the preceding triennial assessment. The person or party owning said omitted property shall be liable for the tax against the property for the omitted year or years, at the tax rate levied during the omitted year or years, and the proper authorities shall make out the proper tax and place the amount thereof in the hands of the city treasurer for collection.

Section 2509. Clerks; Power to Administer Oaths; Inventories.—The 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 duplicate 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 estimate 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 estimate shall not be conclusive, but shall be subject to revision by increase, decrease or equalization with other property.

Section 2510. Information from Real Estate Registry Office; Sufficiency of Descriptions.—Where any city has established a registry of real estate by law, the 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. 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 designation, as is used on the registry.

Section 2511. Time of Completion of Assessments.—The assessor shall complete his triennial assessment, and the annual assessments in intervening years, on or before the first day of September in each year, or as soon thereafter as practicable. He may, with the approval of the board of revision and appeals, add to the duplicates in the hands of the city treasurer any subject of taxation omitted therefrom, and rectify any and all errors and mistakes made therein.

Section 2512. Liability for Neglect.—Any assessor or assessors who shall wilfully omit, neglect, or refuse to assess any property liable to taxation shall be held responsible to the city for any loss or damage caused thereby.

Section 2513. Ordinances to Regulate Assessments, Transfers, Appeals, Et Cetera.—The council of each city may pass such ordinances as it may deem proper and necessary, providing for and regulating the manner of making the 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 2514. Board of Revision of Taxes and Appeals.—The council of each city shall constitute the board of revision of taxes and appeals, and the city clerk shall serve as clerk thereof.

Section 2515. New Assessments.—The council, in any years other than a triennial year, if it shall deem a new

assessment necessary, may, on or before the first day of May, issue its precept to the city assessor and by ordinance or resolution require him to make out and return a full, just, and equal assessment of property within the city, or such parts thereof as may be deemed advisable.

Section 2516. Revision of Assessments.—The said board of revision of taxes and appeals shall take and receive the triennial and yearly assessment as returned by the city assessor, and may revise, equalize, and/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; rectify all errors, and add to the assessment book, and to the duplicate thereof in the hands of the city treasurer, any property or 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 entitled it to such exemption, as taxable for the portion of the year commencing at the time when the right to exemption ceases. Such property 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.

Section 2517. Hearing of Appeals.—The board of revision of taxes and appeals 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. It shall hear and determine all appeals by taxpayers from the assessments made by the city assessor, at such time and place as it may prescribe.

Section 2518. Notice to Taxables of Assessments; Appeals.—When the time or time and place for the meeting or meetings of the board of revision and appeals shall have been fixed, the assessor shall give, or cause to be given, at least five days' printed or written notice to each taxable of the city, of the amount or sum for which such taxable stands rated in any triennial assessment, 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, for any cause whatsoever, together with the time and place of hearing appeals. Such notice may be served personally or by posting on the premises or by mailing the same to the last known address of the taxable. Any person dissatisfied or aggrieved by the assessment, or any change thereof, made by the assessor, may appeal to the said board of revision and appeal, and be heard at the time and place fixed in the notice.

Section 2519. Power of Assessor to Administer Oaths.—For the purposes of all hearings, and for all other purposes necessary to the discharge of his duties, the as-

essor shall have authority to administer oaths and affirmations touching any matter relating thereto.

Section 2520. Custody of Assessment Books; Completion of Work of Board.—The board of revision of taxes and appeals 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 making the assessment, which, on the completion of such assessment, shall be returned to such board of revision of taxes and appeals. The board shall complete its labors, and the hearing and determination of all appeals, on or before the first day of December of each year, or as soon thereafter as practicable, after which the assessment shall be copied, by wards, into a tax duplicate or duplicates for the use of the city. The assessment, so corrected and copied, shall be and remain a lawful assessment for the purpose of city taxation until altered as provided in this article.

Section 2521. Appeals from Decisions of Board; Costs.—Any owner of taxable property who may feel aggrieved by the last or any future assessment or valuation of his taxable property may appeal from the decision of the board of revision of taxes and appeals to the court of common pleas of the county within which such property is situated, and, for that purpose, may present to said court, or file in the prothonotary's office, within sixty days after the board of revision of taxes and appeals have held the appeals provided for by law and acted on the said assessments and valuations, a petition signed by him, his agent, or attorney, setting forth the facts of the case. The court shall thereupon, after notice to the said board of revision of taxes and appeals, hear the said appeal and the proofs in the case, and make such orders and decrees touching the matter complained of as to the judges of said court may seem just and equitable, having due regard to the valuation and assessment made of other property in such city. The costs of the appeal and hearing shall be apportioned or paid as the court may direct. The said appeals shall not, however, prevent the collection of the taxes complained of, but in case the same shall be reduced, then the excess shall be returned to the person or persons who shall have paid the same.

(b) Levy and Collection

Section 2551. Tax Levies.—The council of each city may, by ordinance, levy and provide for the collection of the following taxes:

1. A tax for general revenue purposes, not to exceed fifteen mills on the dollar in any one year, on all persons and property taxable according to the laws of the Commonwealth for county purposes; the valuation of

such property to be assessed as hereinbefore provided.

2. A tax in addition to the above, not exceeding ten mills on the dollar upon the assessed valuation in any one year, on all persons and property 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 the city.

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

Any ordinance of council fixing the rate of taxation for any year at a mill rate shall also include a statement expressing the rate of taxation in dollars and cents on each one hundred dollars of assessed valuation of taxable property.

Section 2552. City Treasurer to be Tax Collector.—The city treasurer, by virtue of his office, shall be the collector of the city, school, and poor taxes, assessed or levied in the city by the proper authorities therein.

Section 2553. Bond of Treasurer as Tax Collector.—The treasurer, as collector of taxes, before entering upon his duties, shall give bond to the city as provided in article fourteen of this act, and in the usual form to the other respective authorities levying taxes which he is authorized to collect, in an amount to be by them severally fixed, with corporate or at least two sufficient sureties to be by them approved, conditioned that the said treasurer, as collector of taxes, shall well and truly collect and pay over or account for the whole amount of the taxes charged and assessed in the duplicates which shall be delivered to him during his term of office. Should the city or any of the said authorities levying any tax be of opinion, at any time, that the bond given is not sufficient, the city or said authority may require the said treasurer, as collector, to give additional security, to be approved in manner as aforesaid. The said collector shall not in any event be required to give bond or bonds aggregating an amount in excess of the tax to be collected by him.

Section 2554. Oath of City Treasurer as Collector of Taxes.—At the time the city treasurer enters upon his duties, he shall take and subscribe his oath of office as collector of city, school, and poor taxes, which oath shall be filed with the city clerk.

Section 2555. Office for Receipt of Taxes; Supplies.—The city treasurer, as collector of taxes, shall keep his office in the same place occupied by him as city treasurer, which shall be kept open for the receipt of taxes at all times during business hours. All printing and stationery supplies shall be furnished by the proper authorities, respectively.

Section 2556. Compensation of Treasurer as Tax Col-

lector.—The compensation or commission of the said treasurer as collector of city and poor taxes shall be fixed by the respective authority levying the tax: Provided, however, That this compensation shall not, in any event, be less than one-fourth of one per centum on all taxes paid him before any penalty has been incurred, and five per centum on all taxes paid him after the penalty has been incurred. His compensation for collecting city taxes shall be paid by warrant, but he shall have the right to retain his commission or compensation from and out of the other taxes collected by him. His compensation for the collection of school taxes shall be fixed as provided by the school laws of the Commonwealth.

Section 2557. Date of Delivery of Duplicate; Collection.—The council of each city and the poor authorities, now empowered or which may be hereafter empowered to levy taxes upon persons and property within the city, shall, on or before the first day of March in each year, make out and deliver their respective duplicates of taxes assessed to the city treasurer, as the collector of the said taxes, which shall be collected by the city treasurer, by virtue of his office as aforesaid. The proper school authorities shall make out and deliver the school duplicates of their respective school districts of said city at the time and in the manner provided by the school laws of the Commonwealth. All duplicates of taxes placed in the hands of said treasurer shall at all times be open to the proper inspection of the taxpayers and of the proper auditing and examining officers of said city or of the school district, as the case may be, and shall be delivered by said treasurer at the expiration of his term to his successor in office.

Section 2558. Warrants for Collection of Taxes.—The said several duplicates shall be accompanied with the warrants of the proper authorities, directing and authorizing the said treasurer, as the collector of taxes, to collect the same. The warrant for the collection of any school tax shall be executed in the manner provided by the school laws of the Commonwealth. The warrant for the tax levied by the city shall be executed by the mayor, and be countersigned by the city controller. In the case of poor taxes, the warrant shall be executed by the authority levying the tax.

Section 2559. Powers of City Treasurer as Tax Collector.—The city treasurer, as the collector of taxes, may appoint as many deputies as shall be necessary to enable him to collect the said taxes or any of them, which deputies shall be paid by the said treasurer. The respective authorities levying the tax shall not in any wise be liable for their compensation nor for their official conduct. The city treasurer, as the collector of the several taxes, and his deputies, shall have and exer-

cise all the powers vested by law in the several collectors of State and county taxes, and in all the remedies for the collection thereof; and shall have additional power and authority, after five days' notice, to seize by levy and distress any personal property on the premises assessed, belonging to tenants, purchasers, or others without regard to the date of assessment or levy of the tax, and to sell the same, giving ten days' public notice of such sale by written or printed advertisement; and to levy upon any personal property of the delinquent, that may be found within the county, for the collection of said taxes; and after notice of sale, to sell the same for the payment of said taxes. The several warrants shall be effectual to authorize the said treasurer, as collector of taxes, to collect the said taxes during two years from the date of each respective warrant.

Section 2560. Person Occupying Land Liable for Taxes; Distraint of Goods; Recovery of Taxes Paid.—Any person occupying real estate shall be liable to pay all the taxes becoming due and payable thereon, and the goods and chattels of such person shall be liable to distress and sale for the nonpayment of any taxes assessed upon such real estate during his possession and occupancy and remaining unpaid in like manner as if they were the goods and chattels of the owner of such real estate; and having so paid such taxes or any part thereof, the occupant of such real estate may by action of debt, or otherwise, recover said taxes from his landlord or person liable thereof, or, at his election, defalcate the amount thereof in the payment of the rent due such landlord, unless such defalcation or recovery would impair any contract or agreement between them previously made.

Section 2561. Imprisonment for Failure to Pay Tax.—In case goods and chattels sufficient to satisfy any such taxes, with costs, cannot be found, the city treasurer, as collector of taxes or a person deputed by him, may take such delinquent and convey him or her to the prison of the proper county, there to remain until the amount of such tax, together with the costs and charges, which shall be the same as allowed constables for similar services, shall be paid, or secured to be paid, or until he shall be otherwise discharged by due course of law.

Section 2562. Exonerations.—The council of each city shall have authority to exonerate any taxes for sufficient cause.

Section 2563. Reductions and Penalties.—All persons who shall make payment during the months of March and April, in each year, of city and poor tax shall be entitled to a reduction or abatement of one per centum from the amount thereof. All such taxes

shall be payable at their face during the months of May and June in each year. Upon all city and poor taxes remaining unpaid on the first day of July in each year, one per centum shall be added thereto, and upon the first day of each succeeding month thereafter, there shall be added or charged an additional penalty for nonpayment of one per centum, until such taxes are paid, which penalty shall be added to the taxes by said treasurer, as collector, and be collected by him.

Section 2564. Monthly Payment Over of Taxes; Monthly Report.—The city treasurer, as collector of taxes, shall, once a month, or oftener if required by ordinance or resolution, pay over to himself as city treasurer, or charge himself therewith, all the city and poor taxes collected by him. At the same time he shall make a report or return to the director of accounts and finance, verified by affidavit, showing by whom and upon what real estate the city and poor taxes have been paid.

Section 2565. Settlement of Accounts of Collector.—The final accounts and monthly returns of the city treasurer, as collector of taxes, shall be settled by the controller or proper authority entitled to examine and audit the same. The collector shall, in settling his duplicates, state a separate account for each different tax collected by him.

Section 2566. Satisfaction upon Duplicates; Time of Final Settlement; Exonerations.—Upon the payment to the city treasurer, as collector of taxes, of any taxes assessed against property, it shall be his duty to satisfy the property taxes thus paid, upon the duplicates in his hands. He shall finally settle with the proper authorities all duplicates of city and poor taxes delivered to him, on or before the first Monday of July of the year following the date of the delivery of such duplicates, and pay over the amount charged against him, except such sums as he may be exonerated from collecting by the proper authorities.

Section 2567. Rights of Treasury after Expiration of Term of Office.—Upon the expiration of the term of office of the city treasurer, in case of any of the taxes which he was commanded to collect remain unpaid, he shall have the right:

(a) To collect all the delinquent taxes, for the space of one year after the expiration of his term of office; and, for this purpose, all warrants issued to him during his term of office shall be effective to him, as collector of taxes, for the space of one year after the expiration of his term as city treasurer;

(b) To certify real estate taxes, remaining unpaid and delinquent, to the city solicitor, for filing in the court of common pleas as a city lien;

(c) Or he may turn over the unpaid or delinquent

taxes on real estate to his successor in office, who shall have power to collect the same, either by having the same filed in court as a lien or sell the same at public sale, as provided by law authorizing the sale of real estate for the payment of delinquent taxes;

In case the city treasurer, as collector of taxes, pays the taxes levied against any property, he shall be entitled to collect the same from the person or persons who are liable therefor, by his warrant, so long as it is in force, or have real estate taxes filed in court as a lien, for his use; and, after the expiration of his term as city treasurer, he shall continue in office as the collector of school taxes until the end of the then current school year.

Section 2568. Tax Liens; Schedule of Uncollected Taxes; Liability for False Return.—Upon the settlement of the duplicates of city, poor, and school taxes which by law are made a lien on real estate, the city treasurer, as collector of said taxes, shall make out schedules of said city, school, or poor taxes uncollected upon his duplicates, with a brief description of the properties against which the same are assessed, for the purpose of having the same entered for lien or sold, according to law. Each schedule shall be accompanied by his affidavit thereto, setting forth that after the proper efforts he could not find sufficient personal property out of which the said taxes or any part thereof could be made or collected, as provided by law. The failure of the said collector to collect the said taxes from personal property, when the same could have been collected shall not impair the lien thereof or affect any sale made for the collection thereof. In case any such collector shall make any wilfully false return, he shall be liable therefor to any person or persons injured thereby.

Section 2569. Certification of Schedule.—The schedule of unpaid city taxes shall be certified by the city treasurer, as collector of taxes, to the city solicitor for filing in court, with the like force and effect as if certified by the city treasurer under existing laws. The schedule of unpaid school and poor taxes shall be certified to such officer or person as is now, or shall hereafter be, designated to receive the same for filing as a lien in court; and where no such person is designated, the said schedule may be certified to the solicitor of the authority levying the tax, who may cause the said taxes to be registered as a lien in court, under existing laws, and the certifying of the said schedules by the city treasurer, as a collector, shall in all cases have the like effect as if the same had been certified by the city treasurer, as aforesaid.

(c) Sales of Real Estate for Delinquent Taxes
Section 2575. Public Sale of Property to Satisfy

Tax Claims.—In addition to other remedies provided for the collection of delinquent city taxes, the city treasurer may sell at public sale, in the manner hereinafter provided, any property upon which the taxes, assessed and levied, have not been paid and have become delinquent.

Section 2576. Time of Holding Sales.—Such sales shall be made on the first Monday in June, in the year succeeding the year in which the respective taxes are assessed and levied, or on any day to which such sale may be adjourned, or on any first Monday of June in any succeeding year.

Section 2577. Certification of Schedules of Taxes.—Where the treasurer has not already in his hands the duplicates of said taxes, or certificates or schedules thereof, any receiver or collector of taxes, or other person having such delinquent taxes in his hands, shall certify to the city treasurer schedules of all unpaid taxes, with descriptions of the property assessed.

Section 2578. Advertisement of Sales.—The city treasurer shall advertise for sale any of the property upon which it appears the taxes have not been paid, as shown by the duplicates in his hands, or by the returns or schedules certified to him, as aforesaid. Said advertisement shall be made, once a week for three successive weeks prior to the day of sale, in at least two newspapers of general circulation, printed and published in the city, and, in case two newspapers are not published in said city, then publication shall be made in two newspapers printed and published in the county in which the city is situate. The city treasurer shall also cause to be posted or tacked, in a conspicuous place on each parcel or lot of land advertised for sale, at least ten days prior to the day of sale, a notice stating that said property will be sold by said treasurer, for delinquent taxes, on a certain day and time, and at a certain place within the city, for which posting of notice he shall receive and tax as costs twenty-five cents for each notice. No sale shall be valid where the taxes have been paid prior to said advertisement, or where the taxes and costs have been paid after advertisement and before sale.

Section 2579. Redemption of Lands by Owner or Interested Person.—Any lands so sold may be redeemed by the owner, or by any one interested in said lands, at any time within two years after such sale, by the payment to the city treasurer of the full amount which the purchaser paid to said treasurer for taxes and costs, and twenty-five per centum in addition thereto. When the sale has been made for less than the taxes and costs, the party redeeming shall pay to said treasurer the balance of taxes and costs which were not made by the sale of the said property. In case there are any

city taxes, levied either before or after the said sale, which remain unpaid, the person redeeming shall pay the same; and in case the purchaser has paid any taxes of any kind whatsoever, assessed and levied against said property, the same shall be reimbursed to said purchaser before any redemption shall take effect.

Section 2580. Record of Sales to be Kept; City may Purchase Lands at Sale.—The treasurer shall keep in his office a book, in which he shall enter all the sales made by him, giving a description of each property sold, the name of the person as the owner thereof as the same appears upon the duplicate, or has been returned to him, the time of sale and the price at which sold, together with the cost. The city shall have the right to bid, at any such sale, the amount of taxes and costs, and, if necessary, purchase such lands.

Section 2581. Payment of Purchase Price by Purchaser; Resale for Default.—Any purchaser or purchasers at said treasurer's sale, except the city, as soon as the property is struck down, shall pay the amount of the purchase money, or such part thereof as may be necessary to pay all the taxes and costs, as also one dollar and fifty cents for the use of the prothonotary, for entering the report of the treasurer, filing surplus bond, and acknowledgment of the treasurer's deed, as hereinafter mentioned. In case said amount is not forthwith paid, after the property is struck down, the sale may be avoided and the property put up again by the city treasurer, at said sale or at any subsequent sale.

Section 2582. Return of Sale.—The city treasurer shall make a report and return to the court of common pleas, wherein he shall set forth, (a) a brief description of each parcel of real estate sold; (b) the name of the person (where known), in which the same is assessed; (c) the amount of tax, and the year for which the same was assessed; (d) the time when and the names of the newspapers in which the advertisement for sale was made, with a copy of said advertisement; (e) the time of sale; (f) the name of the purchaser; and (g) the price for which each respective property was sold.

Section 2583. Confirmation of Sale; Disposition of Objections.—Upon the presentation of said report or return, if it shall appear to said court that such sale has been regularly conducted, under the provisions of this subdivision (c) of this article, the said report and sales so made shall be confirmed nisi; in case no objections or exceptions are filed to any such sale in the office of the prothonotary within ninety days from the date of such sale, a decree of absolute confirmation shall be entered, as of course, by the prothonotary. Any objections or exceptions to such a sale may raise the

legality of the taxes for nonpayment of which the real estate was sold or the return thereof, or the validity of the sale for the reason that the tax was actually paid, or question the regularity or legality of the proceedings of the treasurer in any respect. In case any objections or exceptions are filed, they shall be disposed of according to the practice of the court, and, when the same are overruled or set aside, a decree of absolute confirmation shall be entered by the court. If such objections or exceptions are sustained and the court deems the defect not amendable, it shall, by its order or decree, invalidate the sale. From the decisions of the court of common pleas any party affected may appeal to the Supreme or Superior Court as in other cases. If no objections or exceptions are filed as herein finally overruled and the sale confirmed absolutely, the validity of the assessment of the tax and the validity of the proceedings of the treasurer, with respect to such sale, shall not thereafter be inquired into judicially in equity or by civil proceedings by the person or persons in whose name such property was sold, his, her or their heirs, or his, her or their grantees or assigns, subsequent to the date of the assessment of the taxes for which such sale was made, and such sale, after the period of redemption shall be terminated, shall be deemed to pass a good and valid title to the purchaser as against the person or persons in whose name such property was sold, provided the purchaser has filed the bond for surplus moneys as hereinafter provided.

Section 2584. Filing of Surplus Bond.—After any sale of property or lands for delinquent taxes has been confirmed by the court, as aforesaid, the purchaser or purchasers, where the bid exceeds the taxes and costs as aforesaid, shall make and execute to the said treasurer for the use of the persons entitled, a bond for the surplus money that may remain after satisfying and paying all the taxes and costs, as aforesaid, with warrant of attorney to confess judgment annexed thereto. The treasurer shall forthwith file said bond in the office of the prothonotary of the proper county, at the number and term where said report and return is filed. The surplus bond, filed as aforesaid, from the time of the date of the deed for property thus sold, shall bind as effectually, and in like manner as judgments, the land by said treasurer sold, into whose hands or possession they may come. The owners of said lands at the time of sale, their heirs or assigns or other legal representatives, may, at any time within five years after such sale, cause judgment to be entered in said court upon said bond, in the name of said treasurer, for the use of said owners, their heirs, assigns or legal representatives, as the case may be. In case the moneys mentioned in said bonds, with legal interest thereon from

the time it is demanded, be not paid within three months after such entry, execution may forthwith issue for the recovery thereof.

Section 2585. Acknowledgment and Delivery of Deeds.—When the purchaser has paid the amount of his bid, or such portion thereof as he is required to pay under this subdivision, and has given the surplus bond as above required, the city treasurer shall make the said purchasers, his or their heirs or assigns, a deed in fee simple for the lands sold, as aforesaid, and the said deed or deeds to duly acknowledge in the court of common pleas. Such acknowledgment shall be duly entered and recorded by the prothonotary of said court in the treasurer's deed book. For such service and the entry of the report of the city treasurer, and filing surplus bond, the prothonotary shall receive the sum of one dollar and fifty cents for each property sold.

Section 2586. Acknowledgment of Receipt of Redemption Money.—Where the owner or other person interested in the land thus sold shall redeem the same, and pay the satisfaction fee, the city treasurer shall acknowledge the receipt of the redemption moneys upon the margin of the acknowledgment of the treasurer's deed, as the same is entered and recorded in the prothonotary's office. Thereafter said deed shall be void and of no effect. Thereupon such owner or persons interested shall be entitled to have the treasurer's deed delivered up to him, her or them by the purchaser for cancellation. The city treasurer shall pay to said purchaser all the moneys he had paid at the time of sale, together with the twenty-five per centum penalty thereon; and shall enter upon the book of sales kept by him, as hereinbefore provided, an acknowledgement or receipt showing that the owner or party interested redeemed the same, giving date of redemption and amount of money received.

(d) City Sales of Real Estate Purchased to Protect Taxes and Municipal Claims

Section 2590. Power to Sell.—Any city may, by ordinance or resolution, sell, in the manner hereinafter provided, any real estate owned by the city, which shall have been purchased by such city at a public sale held for the nonpayment of delinquent taxes, or which shall have been purchased at any public sale by the city for the purpose of protecting any municipal claim or lien held by such city against such property.

Section 2591. Advertisement of Sale; Bids.—After a resolution or ordinance has been passed by the council, authorizing and directing the sale of any real estate under the provisions of this subdivision, the city treasurer shall advertise such proposed sale, once a week for four successive weeks, in at least one newspaper of gen-

eral circulation within such city. The advertisements shall give a description of the property to be sold and the terms and conditions of sale, shall ask for sealed bids for the purchase thereof, direct all bids to be sent to the city clerk on or before a certain date and give any other information relating to such bids as may be necessary, shall announce that the bids shall be opened and read at public meeting of council to be held at a time fixed, and that the council shall have the right to reject any and all bids.

Section 2592. Delivery of Deed.—After the provisions of the preceding section have been complied with and the directions contained in the aforesaid advertisements have been properly followed, if the council shall have accepted the highest responsible bid for such property, the city treasurer shall, within twenty days after such acceptance and upon the receipt of the purchase money, deliver to the successful bidder, his heirs or assigns, a deed in fee-simple for the property sold as aforesaid, which shall be acknowledged by the mayor and attested by the city clerk. Said deed shall convey to the purchaser all the right, title, and interest of said city in and to such property.

ARTICLE XXVI

LICENSES AND LICENSE FEES

(a) General Powers to License

Section 2601. License Taxes for Revenue Purposes.—Council may, by ordinance, levy and collect a license tax for general revenue purposes, not exceeding one hundred dollars each, annually, on all auctioneers, contractors, druggists, hawkers, peddlers, produce or merchandise venders, bankers, brokers, undertakers, pawnbrokers, trading stamp or premium companies or dealers, warehouses or storage houses or places, merchants of all kinds, persons selling or leasing goods upon instalments, grocers, confectioners, butchers, wholesale meat dealers, restaurants, billiard-parlors, bowling-alleys, billiard tables, pool tables, and other gaming tables, drays, hacks, carriages, omnibuses, automobiles, carts, wagons, street railway cars, and including other vehicles likewise used in the city for hire or pay; all skating rinks, operas, theatres, shows, circuses, menageries, and all kinds of public exhibitions for pay, except those for religious, educational or charitable purposes; all lumber dealers, commission men, and all persons who make a business of buying lumber for sale at wholesale or retail; all furniture dealers, saddle or harness dealers, stationers, jewelers, livery or automobile or boarding-stable keepers; all real estate agents, market-house companies and owners of market houses, garage companies and owners of other than private garages, express com-

panies or agencies; and, where no other license tax is imposed, on 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. The taxes assessed under this section shall be in addition to all other taxes levied and collected by the city, county, or Commonwealth.

Section 2602. Licensing of Motor Vehicles.—Each city may regulate the transportation by motor vehicles (not operated on tracks) of passengers or property, for pay, within the limits of the city, or from points in the city to points beyond the limits of the city. In such regulation, the city may impose reasonable license fees, make regulations for the operation of vehicles, and may designate certain streets upon which such vehicles may only be operated.

Section 2603. Licensing of Plumbers.—Council may license and provide for the collection of a license fee from all persons, copartnerships, associations, or corporations engaged or engaging in the business or work of plumbing and/or house drainage, who shall have been certified as being qualified to engage in such business, in such manner as may be provided by ordinance or the laws of the Commonwealth.

(b) Restrictions

Section 2610. Farmers.—No city shall levy or collect any license fee from any farmer who sells his own produce in or about the streets of the city.

Section 2611. Equality of Residents and Nonresidents.—No city shall levy or collect, under the provisions of any ordinance heretofore or hereafter enacted, any license tax or fee upon or from any manufacturer or the agent, representative, or employe of any manufacturer who is a resident of the Commonwealth for soliciting orders for or for selling any goods, merchandise, or wares manufactured within this Commonwealth that is not or cannot legally be imposed upon or exacted or collected from any manufacturer or dealer or the agent, representative, or employe of any manufacturer who is a nonresident of the Commonwealth for soliciting orders for or for selling any goods, merchandise, or wares manufactured without the Commonwealth.

Section 2612. Insurance Business.—No city shall levy or collect any license fee upon insurance companies or their agents, or insurance brokers, authorized to transact business under the laws of the Commonwealth.

Section 2613. Persons Taking Orders by Samples.—No city shall levy or collect any license fee or mercantile tax upon persons taking orders for merchandise by sample, from dealers or merchants for individuals or

companies who pay a license or mercantile tax at their chief places of business. Nothing in this section shall authorize any person to sell by retail to others than dealers or merchants.

(c) Transient Retail Merchants

Section 2620. License.—Every person, whether principal or agent, entering into, beginning, or desiring to begin, a transient retail business in any city for the sale of any goods, wares, or merchandise whatsoever, and who hires, leases, occupies, or uses any room, apartment, store, shop, building, railway car, or other place or structure for the exhibition and sale of such goods, wares, or merchandise, shall take out a license for the same from the proper authorities of the city: Provided, however, That nothing herein contained shall apply to farmers selling their own produce, or to any sale of goods, wares, or merchandise, donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose.

Section 2621. Amount of License Fee.—The amount of such license in any city shall be fixed by ordinance, and shall not be less than twenty-five dollars (\$25.00) nor exceed the sum of two hundred dollars (\$200.00) per month, or fractional part thereof, to be paid to the treasurer of said city. Said license shall be renewed monthly during the continuance of said sale, and upon failure of said person or persons so to secure such license, he, she or they shall be fined, in a summary proceeding, a sum not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00), to be collected as other fines are by law collectible, and, in default of payment of said fines, shall be imprisoned in the jail of said county for a period not exceeding thirty (30) days.

Section 2622. Commonwealth License Saved.—Nothing contained in this subdivision (c) shall be construed to relieve any person, partnership, or corporation from the duty of taking out a license, or from the payment of any license tax imposed or authorized by any other statute of this Commonwealth.

(d) Public Dances and Dance Halls

Section 2630. Definitions.—The term "public dance" or "public ball," as used in this subdivision (d), shall be taken to include any dance or ball conducted in connection with instruction in dancing for hire, and any dance or ball to which admission may be had by the payment of a fee or by the purchase, possession, or presentation of a ticket or token, or in connection with which a charge is made for caring for clothing or other property, and any dance or ball to which the public generally

may gain admission with or without the payment of a fee.

The term "dance hall" or "ball room," as used in this subdivision, shall be taken to include any room, place, or space in which a public dance or public ball, as herein defined, shall be held, and any room, hall, or academy in which classes in dancing are held and instruction in dancing is given for hire.

Section 2631. Permits for Dances; Fees.—No person, persons, society, club, or corporation shall hold a public dance or public ball, within the limits of any city, without having first obtained a permit therefor from the mayor thereof, except for dances held and conducted by regularly established instructors in dancing in connection with such instruction.

The fee for such permit, which shall be paid at the time of the issuing thereof, shall be one dollar for each public dance or ball.

Section 2632. Dance Halls, Ball Rooms, and Academies to be Licensed; Fees.—It shall be unlawful to hold or conduct any public dance or public ball, or to hold or conduct classes in dancing, or to give instructions in dancing for hire, in any hall, ball room, or academy, within the limits of any city, unless the dance hall or ball room or academy, in which the same may be held, shall have been duly licensed for such purpose.

Application for such license shall be made by the proprietor of such dance hall or ball room or academy to the mayor, who is hereby authorized to issue the same.

The fee payable for each such license granted hereunder shall be as follows:

In the case of dance halls maintained and conducted in connection with regularly established instruction in dancing, and exclusively used in such connection, the annual license fee shall be ten dollars.

In the case of all other dance halls and ball rooms, the annual license fee shall be fifteen dollars.

Each license granted hereunder shall expire on the first day of June of each year.

The fee payable for each license granted hereunder shall be for the whole or any portion of a calendar year, and all moneys received by way of license fees hereunder shall be paid into the general fund of the city.

Every licensed public dance hall or ball room or academy shall post its license in a conspicuous place within the hall where the dance is held.

Section 2633. Mayor to Investigate Applications.—It shall be the duty of the mayor to cause an investigation of all applications for public dance hall or ball room licenses to determine whether or not the dance hall, ball room, or academy, sought to be licensed, com-

plies with the rules, regulations, ordinances, and laws applicable thereto, and, in making such investigation, he shall, when desired, have the assistance of any department of the government of the city.

Section 2634. Safe and Proper Places only to be Licensed.—No license for a public dance hall or ball room or academy shall be issued until it shall be ascertained that the place for which it is issued complies with and conforms to all laws, ordinances, health and fire regulations, applicable thereto, and is a safe and proper place for the purpose for which it shall be used, properly ventilated, and supplied with sufficient toilet conveniences.

Section 2635. Revocation of Licenses.—The license of any public dance hall or ball room or academy may be forfeited or revoked by the mayor for disorderly or immoral conduct on the premises, or upon proof that the dance hall, ball room, or academy was frequented by disorderly or immoral persons, or for the violation of any of the rules, regulations, ordinances, and laws governing or applying to public dance halls, ball rooms, or academies, or public dances. If at any time the license of a public dance hall, ball room, or academy shall be forfeited or revoked, at least three months shall elapse before another license or permit shall be granted for dancing on the same premises.

Section 2636. Licensed Places to be Kept Clean.—All public dance halls or ball rooms or academies shall be kept at all times in a clean, healthful, and sanitary condition, and all stairways and other passages and all rooms connected with public dance hall, ball room, or academy shall be kept open and well lighted.

Section 2637. Inspection of Licensed Places; Power of Police to Vacate.—All public dance halls, ball rooms, and academies shall be subject to inspection by the police department of the city at all reasonable times and whenever they are open for dancing, instruction in dancing, or for any other purpose.

Any police officer shall have the power to cause the place, hall, or room where any public dance or ball is given to be vacated whenever any provision of any law or ordinance with regard to public dances and public balls is being violated, or whenever any indecent act shall be committed, or when any disorder of a gross, violent or vulgar character shall take place therein.

Section 2638. Persons Under Sixteen to be Excluded after Nine O'clock Post Meridian.—It shall be unlawful, after nine o'clock post meridian, to permit any person to attend or take part in any public dance who has not reached the age of sixteen years.

Section 2639. Halls to be Closed at One O'clock Ante Meridian.—All public dances shall be discontinued, and all public dance halls shall be closed, on or before the

hour of one o'clock ante meridian: Provided, however, That upon the application of a bona fide organization or society, and upon an investigation by the proper authority, the mayor may grant such organization or society a permit to continue a dance until two o'clock ante meridian.

Section 2640. Penalties.—Any person, persons, society, club, or corporation who shall violate any of the provisions of this subdivision (d), shall be subject to a penalty of twenty-five (\$25.00) dollars, to be recovered with costs in a summary proceeding.

ARTICLE XXVII

INDEBTEDNESS

Section 2701. No Unauthorized Debt to be Created.—No city and no municipal department thereof shall create any debt, except in pursuance of previous authority of law or ordinance.

Section 2702. Limitation of Indebtedness.—Council may borrow money on the credit of the city, and 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 a majority of the electors of the city voting at an election held under the provisions of the Constitution and the general laws of this Commonwealth, 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, and to an amount not exceeding ten per centum of such valuation if such increase shall have been assented to by three-fifths of the electors voting at such election.

Section 2703. Funding Indebtedness; Time of Payment; Interest.—Council may provide for the issuing of bonds, for the purpose of funding any and all indebtedness, now existing or hereafter created, of the city, now due or to become due. Such bonds shall be payable in not less than one year and not more than twenty years from the date of their issue, and may be issued in series payable at different times within said twenty years or in equal annual instalments. Such bonds shall bear interest at a rate not exceeding six per centum per annum, with interest coupons attached, payable annually or semi-annually. The said bonds shall not be sold or exchanged for less than their par value.

Section 2704. Redemption of Bonds by New Issues.—Any city 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 one year, and payable at any time not exceeding twenty 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.

Section 2705. Improvement Bonds.—In making improvements where the cost thereof is to be paid by assessments, in whole or in part, upon property abutting or benefited, the city may issue improvement bonds, based solely upon the assessments for such improvements, and imposing no municipal liability.

Section 2706. Ordinance for Increase; Publication.—Whenever, by the Constitution and laws of this Commonwealth, any city 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, except such purpose as has been changed in accordance with existing law. The 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 twenty years.

Section 2707. Sale of Bonds; Advertisement; Private Sale.—When any city, having authority so to do, shall borrow money and issue bonds or other securities therefor, except in the case of the giving of notes for temporary loans as may be authorized by law, the authorities thereof shall sell the same to the highest responsible bidder, after public notice by advertisement, once a week for three weeks, in at least one newspaper of general circulation published in the county, in which such city is situated. No bid for such bonds or securities at less than their par value shall be accepted. Where bonds and securities shall have been heretofore or shall hereafter be advertised for sale, as herein provided, and no bids have been received, then it shall be lawful for such city to sell the same at private sale for not less than par and accrued interest.

Section 2708. Creation of Sinking Fund and Application of Moneys Therein.—Each city shall create a sinking fund to pay at maturity the bonds and funded debts of the city. The revenues derived from taxes levied for sinking fund purposes shall be applied toward the extinguishment of said bonds and funded debt and to no other purpose whatsoever. All city bonds when pur-

chased for the sinking fund shall be conspicuously stamped to show that they were purchased for the sinking fund or funds of the 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 2709. Sinking Fund Commissioners; Duties.—The mayor, treasurer, and director of finance of each city shall constitute a board of commissioners of the sinking fund of the city. The mayor shall be chairman, and the director of finance, secretary. The board shall keep the accounts of the sinking fund, see to their proper application, and superintend the investment of the same, in accordance with law and the directions of the city council. The council shall not direct the investment of any moneys to the credit of the sinking fund except in the loans of the city, the loans of the United States, or the loans of the State of Pennsylvania. The income derived from any investments shall be credited and applied to the sinking fund or funds, respectively. The 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.

Section 2710. Liability in Bond Transfers.—All certificates of loans, issued by a city, shall be transferable by the legal owner thereof without any liability on the part of the transfer agents of the city to recognize or see to the execution of any trust, whether expressed or implied, or constructive, to which such loans may be subject, unless such transfer agents of the city shall have previously received notice, in writing, signed by or on behalf of the person for whom such loans appear by the certificate thereof to be held in trust, that the proposed transfer would be a violation of such trust.

ARTICLE XXVIII

PROCEDURE FOR THE EXERCISE OF EMINENT DOMAIN AND THE ASSESSMENT OF DAMAGES AND BENEFITS BY VIEWERS

Section 2801. Exercise of Eminent Domain.—In the laying out, opening, widening, extending, vacating, grading, or changing the grades or lines, of streets, lanes or alleys the construction of bridges, and the piers, abutments and approaches therefor, the construction of slopes, embankments, and sewers, the erection and extension of water-works, public buildings, public works, filtration plants, sewage systems, sewage treatment works, garbage disposal plants, gas plants, electric light plants, houses of detention, workhouses, poor farms,

poor houses, fire engine houses, hospitals, public auditoriums, memorial buildings, gymnasiums, public baths, swimming pools, indoor recreation centers, comfort stations, waiting stations, drinking fountains, and libraries, the establishing of parks and playgrounds, and changing of watercourses, the acquisition of lands for use of National Guard, and for all other purposes authorized by this act and the laws of the Commonwealth, a city may enter upon, appropriate, take, use, occupy, injure, or destroy, private lands, property, toll bridges, or material.

Section 2802. Restrictions as to Certain Property.—In addition to the restrictions made by other provisions of this act in particular cases, no city shall exercise the right of eminent domain as against land now occupied by any building which was used during the Colonial or Revolutionary period as a place of Assembly by the Council of the Colony of Pennsylvania, the Supreme Executive Council of the Commonwealth of Pennsylvania, or the Congress of the United States; or as against the land occupied by any fort, redoubt, or blockhouse, erected during the Colonial or Revolutionary period, or any building used as headquarters by the Commander-in-Chief of the Continental Army, or as against the site of any building, fort, redoubt, blockhouse, or headquarters, which are preserved for their historic associations and not for private profit. The Colonial and Revolutionary period shall be taken as ended on the third day of September, one thousand seven hundred and eighty-three.

Section 2803. Right to Damage for Injury to Property.—The right to damages against cities is given to all owners or tenants of lands, property, or material, abutting on, or through which pass, roads, streets, lanes, or alleys, injured by the laying out, opening, widening, vacating, extending, or grading of such roads, streets, lanes, or alleys, or the changing of the grades or lines thereof; the construction and the vacation of bridges and piers, abutments and approaches therefor, and the construction of sewers over, upon, or through such lands or property.

Section 2804. Damages for Vacations.—Whenever viewers are appointed to vacate any road, streets, or highway, and the vacation of the same takes no land from the owner abutting thereof, if, in the opinion of the viewers, such vacation damages the property of the abutting owner, they may award damages to such owner as though land has been actually taken, and such damages shall be ascertained as provided in this article.

Section 2805. Damages Due to Grade; Plan to Show Change of Grade.—In all cases of assessment of damages for the opening or widening of any street or highway, the award of damages, if any, shall include all damages due to the grade at which said street or high-

way is to be opened or widened, and the plan attached to the report of the viewers awarding the damages shall have therein a profile plan showing the existing grade, as well as the grade to which said street is to be opened and widened.

Section 2806. Pledge of Credit of City in Lieu of Bond.—Whenever any city shall exercise the power of eminent domain for any of the purposes authorized by law, it shall not be necessary for such city to give or tender security for the taking, injury or destruction of private property, but the funds raised, or proper and lawful to be raised, by the power of taxation in such city, shall be pledged and are hereby made security to the owner or owners of private property so taken, injured or destroyed for all damages which they may sustain on account of such taking, injury or destruction, and such cities shall not be required to give or tender any further security or to give or tender any bond or bonds whatsoever unless, by proper petition, it shall appear to the proper court that the power of taxation of such city is not sufficient security in a particular proceeding, in which case said court may require such city to give or tender bond therein with surety.

Section 2807. Possession of Property upon Tender of Bond.—Whenever, in any condemnation proceedings, any city has upon order of the court tendered a bond to secure the payment of damages, and the same has been accepted, or, if the acceptance has been refused and the bond has been filed in and approved by the court, the city shall have the right to immediate possession of the property.

Section 2808. Filing Bond; Recovery Thereon.—If approved by the court, the security shall be filed therein for the benefit of those interested and recovery may be had thereon for the amount of damages assessed. If the damages are not paid, they may be collected by execution on the judgment in the issue framed to try the question. Upon the approval of the security, the city may proceed with the improvement.

Section 2809. Condition of Bond; Notice of Filing in Court.—The condition of the security shall be that the 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 for by this article. In case the party claiming damages refuses to accept the security tendered, the city shall give the party or his agent, attorney, guardian, or committee, a written notice of the time when the same will be presented for the filing in court.

Section 2810. Notice to Quit; Possession; Procedure.—If the owner, lessee, or occupier shall refuse to remove his personal property or give up possession of any

property taken by the city in the exercise of its power of eminent domain, the city may serve written notice upon such owner, lessee, or his agent, or the occupier to remove his personal property and give up possession of such property within sixty days from the date of the service of such notice.

If the owner, lessee, or occupier shall refuse to remove his personal property and give possession, upon proof of the service of the notice, a writ of habere facias possessionem shall forthwith issue, directing the sheriff to give to the city possession.

Section 2811. Value of Property not to be Assessed as Benefits; Exception.—In all cases of the appropriation of property for public use, other than for roads or streets, it shall not be lawful to assess any portion of the damage done to or value of the property so appropriated, against the other property adjoining or in the vicinity of the property so appropriated.

Section 2812. Plans of Properties Condemned to be Furnished to Viewers.—In all proceedings to assess damages for the taking, injury or destruction of property for public use, the city taking, injuring or destroying property for said purpose, shall furnish the board of viewers with a correct plan of all properties affected showing all buildings or other structures thereon, their width, length, elevation, and cubical contents, names of all owners, tenants, or occupiers thereof, the topography of the land, and the grades and widths of all highways running through or abutting on said properties, and all other data necessary for a proper determination of the amount of damages caused by the taking, injury or destruction of said property.

Said plans shall be prepared and ready for the use of the viewers at their first meeting, and copies thereof shall be furnished to all owners, tenants, and occupiers of the property and all other parties affected thereby, without charge.

Section 2813. Condemnation Petition to Specify Liens; Exception.—In all proceedings instituted for the condemnation and appropriation of property by the exercise of the right of eminent domain, excepting proceedings to ascertain damages and benefits by reason of street or sewer improvements, the petition for the appointment of viewers therein shall contain allegations specifying any judgments, mortgages, or other claims (hereinafter designated "liens") which are liens upon the land and property sought to be appropriated or condemned as aforesaid.

Section 2814. Findings of Facts as to Liens.—Testimony shall be taken in said proceedings to ascertain the amounts of said liens and the dates of the entry of the same, and the amounts of said liens and the dates of entry thereof shall be found as facts by the viewers in

said proceedings. Certified lists of liens filed in the office of the prothonotary shall be prima facie evidence of the existence, dates, amounts, dates of entry, and places of record, of said liens, and, unless modified or overcome by oral or documentary evidence, shall be conclusive upon the parties thereto as to items just specified.

Section 2815. Reports of Viewers as to Liens; Appeals; Distribution to Lien Creditors; Discharge of Liens.—Where it appears that liens exist as aforesaid, which are liens upon property sought to be condemned and appropriated as aforesaid, a report of the facts found as aforesaid shall be made to the court having jurisdiction of the proceeding, which report shall be subject to exceptions in manner to be regulated by the Supreme Court, by general rules prescribed, amended, and published from time to time; and, upon the findings in relation to said liens being finally found by said court having jurisdiction of said proceedings, said court shall make an order directing the payment and distribution of the amount found to be payable as compensation to the parties entitled thereto, first to the owners of said liens, then to the owners of the property appropriated as aforesaid: Provided, however, That the parties interested shall have the right of appeal from said order of distribution to the Superior and Supreme Courts of the Commonwealth, as shall be determined by the amount distributed to said parties respectively, in manner now provided by law. Payment in accordance with said order of distribution shall absolutely discharge the party making said payment from all claims of whatsoever nature by any person, firm, corporation, or claimant, as against said property, when the payment thereof shall be evidenced by a receipt of record in said proceedings; and, in said receipt and on the record thereof, any claimant may reserve the right to pursue the owner of said property for any balance due upon his lien against any other property or assets of the said owner.

Section 2816. Vesting Title.—Upon payment of the compensation for land or property appropriated as aforesaid, in accordance with said order of distribution, title to the land or property appropriated shall vest in the taker thereof in accordance with provisions of the law under which such appropriation is made, and all claims for compensation shall be deemed paid and satisfied as herein provided.

Section 2817. Competency of Evidence as to Market Value of Property.—In all proceedings arising from the exercise of the right of eminent domain, it shall be competent for all witnesses called, when duly qualified, to state their opinion as to the market value of the property before the exercise of the right of eminent domain and as unaffected by it, and its market value immedi-

ately after the exercise of the right of eminent domain and as affected thereby:

(a) To state, in detail and costs, all the elements of benefit or damage which they have taken into consideration in arriving at their opinion;

(b) In arriving at their opinion as to the market value immediately after the exercise of the right of eminent domain, to add to their opinion of the market value before such exercise, the cost or value of all the elements of benefit or advantage, and to deduct therefrom all disadvantage or damage in order to arrive at the market value after such exercise of the right of eminent domain and as affected thereby;

(c) In all proceedings to assess damages or benefits for the opening of any street, alley, or other highway, to take into consideration, as one of the elements of advantage or disadvantage, the cost of street improvements;

In all claims for damages against a city, arising from the exercise of the right of eminent domain, it shall be competent for the party or parties claiming damages to offer in evidence, as a declaration against interest, the value of the property affected as assessed for the purpose of taxation.

Section 2818. Proceedings where Assessments by Viewers Waived.—In any proceeding to ascertain the damage caused to any owner of property by reason of the appropriation of property for public use where the owner and city cannot agree upon the amount of damage done, the parties may, by agreement, waive the right to have such damages assessed by viewers, and the owner may file his claim in the court of common pleas of the county, and rule the defendant to plead thereto within fifteen days from the service of such rule upon the city, and the suit shall be proceeded with as if an award of viewers has been filed and an appeal had been taken therefrom.

Either party to such an action may, on motion, have the jury visit and view the property affected.

Section 2819. Petition for Viewers; Time of Meeting.—Except as is in this act otherwise provided, in case the compensation for damages or benefits accruing from the exercise of the right of eminent domain and/or from the erection and construction of public improvements have not been agreed upon, any court of common pleas, or any law judge thereof in vacation, on application thereto by petition by the city or any person affected, shall appoint three viewers, from the board of viewers of the county to view and ascertain the damages done and/or the benefits which have accrued by reason of the said taking, use, occupancy, or injury, or the erection and construction of public improvements, and appoint a time, not less than twenty nor more than thirty days

thereafter, when the viewers shall meet at or upon the premises affected.

Section 2820. When Viewers may be Appointed.—The viewers provided for in the preceding section 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 the same, or the completion of any public improvement.

Section 2821. Notice of Meeting of Viewers.—Except when otherwise in this act provided, the viewers shall give at least ten days' notice of the time of their first meeting, by publication in one or more newspapers of the county, and by handbills posted upon the premises, or otherwise, as the court shall direct.

Section 2822. Swearing Viewers; Hearings; Report.—The said viewers, or any two of them, having been duly sworn or affirmed faithfully, justly, and impartially to decide and to make a true report 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, if any, 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 of the making of the improvements aforesaid, for which the property or materials, if any, 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 are payable, and after having determined the damages sustained to all the properties affected by said improvement, together with the benefits, they shall prepare a schedule thereof and make report thereof to the said court.

Section 2823. Assessment of Damages and Benefits.—Council may provide, by ordinance, for the payment of damages sustained by making public improvements, or by the vacation of any public highway, either by the city, or in the case of the taking or injury of property for roads and streets 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.

The total assessments for benefits shall not exceed the total damages awarded or agreed upon.

Section 2824. Assessment Awards.—In proceedings to assess damages and benefits, if the property is both benefited and damaged by such improvements, the excess of damages over benefits, or the excess of benefits over damages, or nothing in case the benefits and damages are equal, shall be awarded to or assessed against the several owners of property affected thereby.

Section 2825. Separate Reports of Damages and Benefits.—The preceding section shall not prevent the viewers from making a separate report of the damages and benefits, respectively. In such event, if the damages to the property of any person be greater than the benefits, or if the benefits be greater than the damages, or if the damages and benefits be equal, in either case the viewers shall strike a balance and carry the difference forward to another column, so that the assessment shall show what amount is to be received or paid by the property owner and the difference only shall be collectible of or paid to such property owner. Appeals taken from the report of the board of viewers shall be from net amount only.

Section 2826. Notice when Schedules will be Exhibited.—The viewers shall give notice to all parties to whom damages are allowed, or upon whom assessments for benefits are made, of a time not less than ten days thereafter, and of a place where the viewers will meet and exhibit their schedule and hear all exceptions thereto.

Section 2827. Service of Notices.—Such notice shall be given, in the manner provided by law for the service of a summons in a personal action, if the parties can be found in the city, or upon an adult person residing upon the property affected by the assessment, in case the owner or reputed owner cannot be found, and to all others by publication once in the newspaper or newspapers in which the first notices of the view were published, and by posting conspicuously on the premises. Council may, by ordinance, provide by whom the notice shall be served and posted, and fix the compensation for such service.

Section 2828. Report of Viewers; Plan of Improvements.—After making whatever changes are necessary, the viewers shall report to the court, within three months from the date of their appointment, unless the time for so doing shall be extended by the court, showing the damages and benefits allowed and assessed in each case, and file therewith a plan showing the improvement, the properties taken, injured or destroyed, and properties benefited.

Section 2829. Notice of Filing of Report.—When the report is filed, notice thereof shall immediately be given, by publication once in the newspapers publishing the notice of the meeting of viewers. Such notice shall state

the date of filing of the report, contain a schedule of the damages allowed and benefits assessed; and shall state that, unless exceptions be filed thereto or an appeal to the court of common pleas is taken therefrom within thirty days from the date of filing, the report will be confirmed absolutely.

Section 2830. City to Pay Court Costs.—The court costs, except the compensation of the viewers, shall be paid by the city.

Section 2831. Judgment for Amount of Award; Execution; Collection of Assessments; Payment of Damages into Court in Certain Cases.—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 benefits shall be collected as provided by law.

When no appeal is taken as hereinafter provided, and judgment is entered, and the parties to whom damages have been awarded refuse to accept payment of such award or judgment, then it shall be lawful for such city, upon petition to the court, after notice as ordered by court, to pay the amount of the award and costs into the court. The court, upon such payment, shall order the satisfaction of the award or judgment.

Section 2832. Exceptions to Report of Viewers.—Within thirty days after the filing of any report, any party affected may file exceptions to the same, and the court shall confirm, modify, or change the same, or change the assessments made therein, or refer it back to the same or new viewers.

Section 2833. Confirmation of Report of Viewers.—When the report is filed, the prothonotary shall mark it confirmed nisi. In case no exceptions are filed thereto, he shall, at the expiration of thirty days, enter a decree that the report is confirmed absolutely.

Section 2834. Effect of Exceptions on Confirmation of Report.—When exceptions are filed which affect the entire report, the same shall not be confirmed absolutely as to any part thereof until the exceptions have been finally disposed of. When the exceptions do not affect the entire report, the court shall confirm the assessments to which exceptions have not been taken.

Section 2835. Appeals from Confirmation after Exceptions.—Within three months after the confirmation of any report, following the filing of exceptions thereto, any party affected may appeal from the decree of the court below to the Superior or Supreme Court, as the case may be.

Section 2836. Effect of Appeals.—When any appeal is taken from the action of the court confirming any

viewers' report or part thereof, if the appeal affects the entire report, it shall have the effect of suspending the absolute confirmation thereof until the appeal is finally disposed of, but where the appeal is to matters which do not affect the entire report or any other assessment, such appeal shall affect only the particular assessment for which the appeal is taken.

Section 2837. Filing Assignments of Error, Et Cetera.—In order to determine whether any appeal affects the entire report, or any particular assessment, the appellant shall file in the court below, before or at the time of filing his writ of certiorari, a copy of his specifications or assignments of error or grounds of appeal. Upon failure so to do, the city or any party affected may, by notice or rule upon the appellant, cause such specifications, assignments of error, or grounds of appeal to be filed.

Section 2838. Certificate of Judge of the Court Below.—Upon the request of the city, or any party affected, the court below, or any judge thereof in vacation, shall certify whether the appeal affects the entire report, and said certificate shall be conclusive. Where the court or judge certifies that the appeal will affect the entire report, no further proceedings shall be taken in the court below until after the final action of the appellate court, but where the court or judge certifies that the appeal will affect only a particular assessment, then the confirmation of all other assessments shall be final.

Section 2839. Effect of Affirmation of Decree of Court Below.—If, on any appeal, the action of the court below is affirmed, the date of the decree or judgment of the appellate court shall be taken as the day on which the report was finally confirmed.

Section 2840. Consolidation of Appeals.—Where any appeal is taken to the Supreme Court, and an appeal is also taken to the Superior Court, and the appeals in both cases are substantially the same, the Superior Court may certify such appeal to the Supreme Court to be heard with the other appeals from the same report.

The Supreme Court shall consolidate all such appeals and hear them as one case. Where several appeals are taken from the confirmation of the same report, either to the Superior or Supreme Court, and the grounds of appeal are similar, the appellate court may consolidate the appeals.

Section 2841. Appellants May Unite in Appeals; Effect Thereof.—Several parties may unite in a single appeal, either to the Superior or Supreme Court, where the grounds of appeal are similar, but the uniting of the appellants shall not unite the amounts or change the jurisdiction. When the appeal, if taken by each appellant singly, would be to the Superior Court, then the appeal shall be to that court, but, if the appeal of any one

appellant would be to the Supreme Court, then the joint appeal shall be to that court. If an appeal has been taken to the Supreme Court, any other party, without regard to the amount involved, if the grounds of appeal are similar, may appeal to the same court and join in such appeal.

Section 2842. Appeals from Reports of Viewers for Jury Trial.—Within thirty days after any report of viewers is filed in court, any party whose property is taken, injured or destroyed, or who is assessed benefits, may appeal to the court of common pleas and demand a trial by jury. Where an appeal is so taken to a portion of the report, the portion not appealed from shall be confirmed absolutely, at the expiration of thirty days after the report is filed in court. The appeal shall state the grounds upon which it is taken, and shall be signed by the appellant, or by his agent or attorney, and shall be accompanied by an affidavit that it is not taken for the purpose of delay but because the appellant believes that injustice has been done.

Section 2843. Costs.—Upon the trial of any such appeal, in case the party appellant does not obtain a verdict more favorable than was the report of the viewers as finally confirmed, the appellant shall not recover any costs.

Section 2844. Notices; Appeals from the Court Below.—The court of common pleas shall order what notices shall be given in connection with such proceedings, and may, by rule or otherwise, prescribe the form of pleadings. After verdict and final judgment, either party may, within three months, appeal to the Superior or Supreme Court.

Section 2845. Appeals to the Wrong Court.—Should any appeal under this article be made to the wrong court, such court shall certify the appeal to the court to which it should have been taken.

Section 2846. Appeals not to Prevent Filing Liens.—No appeal taken under this article shall prevent the filing of liens by any city for any assessment of benefits made by any such report, but upon the final termination of the issue, the court shall make such order as to the lien filed as shall appear right and proper.

Section 2847. Discontinuance of Proceedings.—If any city shall repeal any ordinance, or discontinue any proceeding, providing for any of the improvements mentioned in this article, prior to the entry upon, taking, or injury to any property or materials, and within thirty days after the filing of the report of the viewers assessing damages and benefits, the city shall not be liable to pay any damages which have or might have been assessed, but all costs upon any such proceedings shall be paid by the city, including attorney's fees to be fixed by the court on behalf of the owner or owners.

Section 2848. Assessments to Bear Interest.—All assessments for benefits, costs, and expenses, and all damages allowed, shall bear interest at the expiration of thirty days after they shall have been finally ascertained.

ARTICLE XXIX

STREETS AND HIGHWAYS

(a) Plans and Location

Section 2901. General Plan of Highways.—Every city shall have a general plan of its highways, streets and alleys, including those which have been laid out but not opened.

Section 2902. Filing Plans; Subdivisions.—The plan shall be filed in the office of the city engineer, or other proper office of the city, and all subdivisions of property thereafter made shall conform thereto.

Section 2903. Alterations; Maps and Plots to be Approved.—The location of highways, streets or alleys laid out by council shall not afterwards be altered without the consent of council. No map or plot of highways, streets or alleys shall be entered in any public office of the county until approved by council.

Section 2904. Location of Highways.—Cities may, by ordinance, locate highways, streets and alleys, and include therein highways, streets and alleys theretofore opened or used for highway purposes; and may locate highways, streets or alleys theretofore opened or used for highway purposes of a greater width; and may revise the lines of such highways, streets or alleys in accordance therewith, and place the same on the general plan of such city. All subdivisions of property thereafter made shall conform thereto.

Section 2905. Locations not to Authorize Entry.—No such location shall authorize the entry upon or appropriation of any property, within such located highway, street or alley, not theretofore opened or used for highway purposes, nor shall the same interfere in any way with the rights of the owners to the full use of such property, except as hereinafter provided.

Section 2906. No Damages Allowed for Erections Upon Located Highways.—No person shall recover any damages for the taking for public use of any buildings or improvements constructed within the lines of any located highway, street or alley after the same shall have been so located, and any such building or improvement shall be removed at the expense of the owner.

(b) Opening, Widening, Extending, Straightening and Vacating

Section 2915. Power to Open, Etc.—Cities, with or without any petition of property owners, may open,

widen, straighten, alter, extend and improve, and may establish or re-establish the grades of, and keep in order and repair and in safe passable condition, any highway, street, avenue, alley or lane, or any part thereof, within the city limits, or may vacate and discontinue the same whenever deemed expedient for the public good (including the right to vacate highways laid out by the Commonwealth which have remained unopened for thirty years), and provide for the payment of the cost thereof, either in whole or in part, from the general revenues of the city.

Section 2916. Ordinances when no Petition is Presented.—Any ordinance for the opening, widening, straightening, extending or vacating of any highway, street, avenue, alley or lane, without petition of property owners, shall be adopted by the affirmative vote of at least four members of council. No such ordinance shall be finally adopted until the expiration of twenty-eight days from the date of its introduction and, in the meantime, copies thereof shall be published in one or more of the newspapers of the city, once a week for three consecutive weeks, immediately following the introduction thereof, and in case no newspaper is published in the city, then in the same manner in one newspaper published in the county.

Section 2917. Erection of Improvements Restricted.—Any ordinance widening or straightening any highway, street, avenue, alley, lane, or part thereof, shall fix the new line or lines and may require that thereafter no owner or builder shall erect any new building or rebuild or alter the front of any building already erected without making it conform to the new lines. In which case the land owner's right of action shall accrue only when the city actually enters on and occupies the land within the said lines, or the said building is located or relocated to conform to said lines.

Section 2918. Petitions for Opening, Etc.—Petitions to councils for the opening, widening, straightening, altering, extending, vacating, or for the establishing or re-establishing of the grade of any highway, street, avenue, alley or lane, shall be signed by a majority, in number and interest, of the owners of property abutting on the line of the proposed improvement or vacation as fixed at the time of its presentation, and shall be verified by the affidavit of one or more of the petitioners. The majority in interest of owners of undivided interests in any piece of property shall be deemed as one person for the purposes of the petition.

Section 2919. Notice of Ordinance and Petition; Appeal.—Upon the approval of any ordinance passed pursuant to said petition, notice shall be given, once a week in one newspaper, as required by section one hundred and nine of this act, and by handbills posted in conspic-

uous places along the line of the proposed improvement. The notice shall state the fact of the passage of the ordinance, and the date thereof, that the petition for the improvement was signed by a majority in interest and number of the owners of property abutting the line of the proposed improvement, and that any person interested, denying the fact such petition was so signed, may appeal to the court of common pleas of the county within thirty days after the passage thereof.

Section 2920. Appeal from Ordinance.—Any person interested may, within thirty days from the passage of the ordinance, present a petition to the court of common pleas of the county, whereupon the court shall determine whether such improvement was petitioned for by the requisite majority. If said court shall find that it was not so petitioned for, it shall declare the ordinance void, otherwise it shall approve the same.

Section 2921. Effect of Failure to Appeal.—If no appeal is taken, or if the court on appeal approves the ordinance, the city may proceed with the improvement. Thereafter all parties interested shall be estopped from denying the fact that the petition was signed by the requisite majority of the property owners.

Section 2922. Assessment of Damages and Benefits.—In any proceedings under this subdivision of this article, viewers shall be appointed, damages awarded, and benefits assessed as provided in this act for such proceedings.

(c) Grading, Paving, Macadamizing, Et Cetera

Section 2930. Power to Grade, Pave, Macadamize, Et Cetera.—Every city may grade, pave, macadamize or otherwise improve any public highway, street, avenue, lane or alley, or part thereof, and the sidewalks thereof when included as a part of the improvement, have the same set with curbstone, and provide for the drainage thereof. Every city may also provide for the improvement of any highway, street, avenue, lane or alley, or any sections or parts thereof, in length, in the space between the curb, gutter, or actual carriage-way line and the property line, either by an original work or improvement thereon, or by a change, repair, renewal, or alteration in the said highway, curb, parking spaces, or shade trees, or by changing, altering, renewing, replanting, pruning, or otherwise improving the same, in any or all of said particulars.

Section 2931. Payment of Cost of Improvement.—The costs and expenses thereof shall be paid, 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 the benefits, as council shall, by ordinance, determine, except that in

case of grading only, the said costs and expense shall be assessed according to benefits.

Section 2932. Assessment of Cost by Foot-Front Rule.—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 expenses upon the real estate bounding 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. The council may provide for an equitable reduction from the frontage of lots at all street, alley, railroad, or like intersections, or where, from the peculiar or pointed shape of the lots, an assessment for the full frontage would be inequitable.

Section 2933. Assessment of Costs According to Benefits.—When the cost and expenses, or any part thereof, of any grading, paving, macadamizing, or other improvement of any highway, street, avenue, lane or alley, or part thereof, is to be paid for by the owners of real estate abutting or bounding as aforesaid, according to benefits, the same shall be assessed by viewers appointed by the court of common pleas, as provided in this act for the assessment of benefits by viewers.

Section 2934. Ordinance for Improvement at Expense of Property Owners upon Petition.—Council may, by ordinance, provide for the paving, macadamizing, grading, or other improvement of any highway, street, avenue, lane or alley, or part thereof, at the cost and expense of the abutting property owners in whole or in part, upon the petition therefor of a majority in number or interest of the owners of property abutting or bounding 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.

Section 2935. Ordinance for Improvement at Expense of Property Owners without Petition.—Council may, by ordinance, provide for the paving, macadamizing, grading or other improvement of any highway, street, avenue, lane or alley, or part thereof, at the cost and expense of the abutting property owners, in whole or in part, without petition therefor of abutting property owners if the ordinance for such improvement has been passed by the affirmative vote of four members of council. Such ordinance shall not be passed in a less period than twenty-eight days from the date of its introduction; and, in the meantime, copies of such ordinance shall be published, in one or more newspapers, once a week for three weeks, in the manner required by section one hundred and nine of this act. The requirements for such publication shall not, however, preclude the amendment

of any paving ordinance as to the kind of pavement with which any highway, street, avenue, lane, or alley, or part thereof, or sidewalk, is proposed to be paved.

Section 2936. Passage of Ordinance and Publication of Names of Petitioners Conclusive of Number of Petitioners.—The passage of the ordinance providing for any of such improvements upon petition therefor, and the publication of the names of the petitioners in one newspaper or newspapers, published in said city, and, in case no paper is published in said city, then in one newspaper published in the county in which said city is located, by one insertion, at least five days before the passage of said ordinance, shall be conclusive that a majority in number or interest (as the case may be) have petitioned therefor.

Section 2937. Appeal from Ordinance.—Any person affected may, within thirty days from the passage of the ordinance, if such ordinance has not been advertised as hereinbefore provided, present a petition to the court of common pleas of the county, whereupon the court shall determine whether such improvement was petitioned for by the requisite majority. If said court shall find that it was not so petitioned for, it shall declare the ordinance void, otherwise it shall approve the same.

Section 2938. Effect of Failure to Appeal.—If no appeal shall be taken, or if the court on appeal shall approve the ordinance, the city may proceed with the improvement. Thereafter all parties affected shall be estopped from denying the fact that the petition was signed by the requisite majority of the property owners.

Section 2939. Assessment of Damages and Benefits.—In any proceedings under this subdivision of this article where the cost and expense of the improvement is not assessed by the foot-front rule, viewers shall be appointed, damages awarded, and benefits assessed as provided in this act, for such proceedings.

Section 2940. Change of Method of Assessing Cost of Improvement.—The cost and expense of any such improvement, done and completed under an ordinance providing for the assessment of the cost and expenses thereof, 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 respective work, which assessment according to benefits shall be made in like manner and with like effect as if the original ordinance providing for the improvement had therein provided for such assessment.

Section 2941. Preparation of Streets for Paving or Repairing.—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 be the judge, shall council 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. A separate lien may be filed therefor, or such sewer connection cost may be included in any lien filed for the cost of such street improvement, and the lien and the proceedings thereon shall be as in the case of other municipal liens.

(d) Grade Crossings

Section 2950. Consent of Public Service Commission.—Every city constructing a highway across a railroad shall construct the same above or below the grade thereof, unless permitted by the Public Service Commission to construct the same at grade.

Section 2951. Public Service Commission; Jurisdiction; Damages.—Any such crossings of a railroad by a highway, or any vacation of any highway crossing a railroad, shall be constructed only in the manner prescribed by, and under the jurisdiction of, the Public Service Commission. The compensation for damages to the owners of adjacent property taken, injured or destroyed shall be ascertained, fixed, and paid in the manner prescribed in the Public Service Company Law.

(e) Acquisition of Unobstructed View Across Lands

Section 2955. Acquisition of Unobstructed Views.—Any city may acquire, by purchase or by the right of eminent domain, a free and unobstructed view down and across lands located at or near the intersection of any two highways, or a highway and a railroad or railway, or at any curve in any highway, as may be necessary, to assure a free and unobstructed view in all directions at such crossings, and to so prevent the use of such lands for any purpose or in any manner which may interfere with or obstruct the vision of any person or persons traveling upon any such highway. Upon any such condemnation, the city may, from time to time, abate or remove, or cause to be abated or removed, any obstruction to such view over and across such lands.

The proceedings for the condemnation of such view over and across such lands, and for the assessment of damages for property taken, injured or destroyed, shall be in the manner provided in this act for property taken, injured or destroyed.

Upon the condemnation of a view over and across any lands for the purposes aforesaid, the owner of such lands may make every such use thereof as will not interfere with a free and unobstructed view at such dangerous crossing or curve. Unless specially provided for in such condemnation proceedings, such condemnation shall not be construed to prevent the owner thereof from using such land for pasture or the growing of grass, oats, wheat or other crops which will not obstruct the vision more than wheat.

(f) Use of Abutting Lands

Section 2960. Use of Abutting Lands for Embankments, Slopes, Fills, and Culverts.—In the grading of any street, lane or alley, or any part thereof, cities are hereby authorized and empowered to use so much of the lots and lands abutting on the same for the construction of embankments, slopes, fills and culverts, as may be necessary and proper for the completion of the improvement. The assessment of damages, costs, and expenses, resulting thereby, shall be regarded as other assessments of damages, costs, and expenses, caused by the grading of streets, lanes and alleys in said city and shall be assessed and paid as is provided by this act in such cases.

(g) Abandoned Turnpikes

Section 2963. Maintenance and Improvement of Condemned and Abandoned Turnpikes.—When any turnpike, or part thereof, situate in the same or more than one county, shall be condemned for public use, free of tolls, and the assessment of damages therefor shall have been paid by the county, or when any turnpike company or association has abandoned its turnpike, or any part thereof, or when any turnpike company or association has been dissolved, such turnpike, or part thereof, located within the limits of any city shall be maintained and improved in the same manner as other streets of the city.

(h) Unlawful Assessments

Section 2965. Repayment of Assessments Paid to City by Owners of Property Unlawfully Assessed.—Whenever any city shall have, under existing laws, paved, curbed, and guttered, or otherwise improved its highways, or any of them, or has opened or graded or acquired or condemned property in or along its highways, or any of them, at the expense, in whole or in part, of the owners of property bounding and abutting thereon and such

owners, or any number of them, shall have paid the assessments levied against them by such city, or by viewers, for such improvement into the city treasury, the said city is hereby authorized and empowered to refund to the said owners, or to their heirs or assigns, the amount of the assessment thus paid by them, if it shall have been determined, by any proceeding at law or in equity, by a court of competent jurisdiction that the owners of property bounding or abutting on said highway or highways were not liable for the payment of such improvement at the time such improvement was ordered by the council of said cities to be made.

(i) Highways Connecting City with Improved Roads

Section 2970. Appropriation for Connections with State Highways.—Cities may, singly or jointly, with counties and/or boroughs, appropriate and expend moneys for the improvement of highways outside of the limits of such cities, for the purpose of connecting improved streets in such cities with a State highway or State-aid highway whenever that part of the connecting highway to be improved outside the city limits shall be less than one mile in length.

(j) Detours

Section 2975. Highways not to be Closed to Vehicular Traffic; Exceptions.—No highway, street or road shall be closed to vehicular traffic, except upon order of the Department of Streets and Public Improvements, or, in cases of emergency, wherein the safety of the public would be endangered, nor shall any such highway, street or road be so closed for a longer period than is necessary for the purpose for which such order is issued.

Section 2976. Closing of Highways Designated as Detours by State.—No highway, street or road shall be closed to vehicular traffic when the same has been designated as a detour by the State Department of Highways, unless the written consent of the Department of Highways has first been obtained, or unless council shall, by resolution duly recorded on its minutes, declare such closing necessary for the safety of the public.

Section 2977. Notice of Detour on Streets Forming Part of State Highway.—When any highway, street or road which forms a part or section of a State highway, is closed to vehicular traffic, the city shall at once notify the State Department of Highways of the creation of a detour, as hereinafter provided. When such detour is removed, the Department of Highways shall also be notified at once of the removal.

Section 2978. Detours to be Provided when Highways Closed.—When any highway, street or road shall be closed, as hereinbefore provided, it shall be the duty of the authorities authorizing the closing to immediately

designate or lay out a detour, on which they shall erect or cause to be erected and maintained while such detour is in use, legible signs at each public highway intersection throughout its entire length, indicating the direction to the main highway. During the period when such detour is in use, it shall be the duty of the authorities closing the main highway to maintain such detour in safe and passable condition. It shall also be the duty of the authorities closing the main highway and maintaining the detour to immediately remove all detour signs when the highway originally closed is opened for traffic. Said authorities shall, as soon as possible, repair the road designated as a detour, and place same in a condition at least equal to its condition when designated as a detour. Whenever necessary in the creation of a detour, as aforesaid, the authorities responsible for laying out the detour may enter into agreement with the owners of private lands, covering the acquisition of right of way privileges over private property for the period when the main highway shall be closed to traffic. In the exercise of the rights conferred by this section, the authorities responsible are hereby empowered to pay for the necessary maintenance, subsequent repair, and land rental out of such funds as are available for the construction and/or maintenance of the highways, streets and roads in their charge.

Section 2979. Penalties.—Any person who shall wilfully remove, deface, destroy or disregard any barricade, light, danger sign, detour sign, or warning of any other character whatsoever so erected or placed, or who shall drive on, over or across any highway which has been closed by proper authority, shall, upon conviction thereof in a summary proceeding before a magistrate, alderman, or justice of the peace, be sentenced to pay a fine of not less than twenty-five dollars nor more than one hundred dollars, and the costs of prosecution, and, in default of the payment thereof, shall be imprisoned one day for each dollar of fine and costs unpaid: Provided, however, That persons who have no outlet due to the closing of a highway may drive on, over or across such highway, with the consent in writing of, and subject to such conditions as may be prescribed by, the authorities responsible for the closing or their agents or contractors, without being subject to the penalties imposed by this section.

In addition to the penalties herein provided, the authorities responsible for the maintenance of a highway which has been closed to vehicular traffic, or their agents or contractors, may, in an action at law, recover damages from any person or persons who have damaged a highway by driving on, over or across the same when it is closed to vehicular traffic. All fines collected under

the provisions of this section shall be paid by the officer receiving the same to the treasurer of the city.

(k) Boundary Streets and Highways

Section 2985. Maintenance of Highways Forming Boundaries.—Whenever any highway or street is on the boundary line between any city and a township, such highway or street shall be maintained jointly by the city and the township. For the purpose of maintaining any such highway or street, the authorities of any such city are hereby directed to enter into agreements with the authorities of such township providing the manner in which the same shall be maintained, and providing for the division of the cost of maintenance between the city and township. If any such city or township shall fail or refuse to enter into any such contract, or if the city and township cannot agree, any taxpayer or the corporate authorities of the city or township may present a petition to the court of quarter sessions of the county, setting forth the facts. The court, after hearing, of which such notice shall be given to all parties interested as the court may direct, shall make an order directing the manner of such maintenance and the division of the cost of maintenance between the city and the township. The action of the court shall be final.

Section 2986. Highways, the Center Line of Which is the Boundary between Municipalities in the Same County.—Whenever the center line of any highway constitutes the dividing line between any city and a township located in the same county, the city may enter into a contract with the commissioners of the county and the commissioners or road supervisors of the township, as the case may be, providing for the grading, curbing, and macadamizing or paving, of the roadway of said highway; the cost of such improvement, to be borne one-half by the city, and one-half by the county and township, in equal portions.

The alteration or improvement shall be construed, and subsequent repairs shall be made, under the supervision of the proper authorities of the city, in compliance with existing laws governing the construction of such alterations or improvements in said city, and in further compliance with plans and specifications to be agreed upon, in writing, between said city and the commissioners of the county and commissioners or road supervisors of the said township. The cost of repairs shall be borne one-half by the city, and one-half by the township, or by the county and township, in equal portions, or such other proportions as may be agreed upon by the county and township.

Section 2987. Highways, the Center Line of Which is the Boundary between Municipalities in Different Counties.—Whenever the center line of any highway consti-

tutes a dividing line between a city and a township located in an adjacent county, the city may enter into a contract with the commissioners of the county and the commissioners or township supervisors of such township, as the case may be, providing for the grading, curbing, macadamizing, or paving of the roadway of said highway, the cost thereof to be borne one-half by the city, and one-half by the township and the county in which such township shall be situated, in equal portions.

Such alteration or improvement shall be constructed, and subsequent repairs shall be made, under the supervision of the proper authorities of the city, in compliance with the provisions of this act governing such construction or improvement by the city, and in further compliance with plans and specifications to be agreed upon in writing between such city and the commissioners of the county and the commissioners or township supervisors of the township. The cost of repairs shall be borne one-half by the city, and one-half by the township or by the county and township in equal portions or such other proportion as may be agreed upon by the county and township.

In all cases in which it shall be found impossible to enter into such contract or agreement, or where either the city or the township or the county in which such township is situated shall refuse to enter into such contract or agreement, either the city or the county or township may present its petition to the court of common pleas of either county, setting forth the facts and circumstances, including the condition of the highway from which the necessity or desirability for the grading, curbing, macadamizing, or paving of the roadway appears, and the estimated cost thereof, and that the terms of the said contract cannot be agreed upon by the said city and the county or township, or either or any of them, or that either such city or the county or township, or any or either of them, refuses to enter into such contract. Such petition may pray that such court may, after hearing all the parties concerned, make its order or decree, defining the nature and character of the improvement reasonably necessary or desirable to be made to the roadway, and requiring the parties hereinabove specified to enter into a contract or contracts for the making and constructing of the same as herein provided for.

A copy of the said petition, duly certified, shall be served upon the city or the county and township concerned, other than the petitioner, with notice of such day as may be fixed by the court for the hearing. Thereupon, either or both of the parties served with such notice shall be entitled, on or before such date, to file in the said court its answers to the said petition, setting forth its version of the facts or such other matters in re-

lation thereto as may be deemed necessary or proper by it. The court, upon the date so fixed or at such other time as it may appoint, shall hear the evidence of the parties, or it may refer the matter to a master, who shall hear the testimony of the parties and report his findings, in the same manner and under the same procedure as provided by the rules in equity in similar cases.

The court may reject, confirm, or modify the report of the master and may make its decree or order directing the making of such alterations or improvements to the roadway as may be deemed reasonably necessary or desirable and providing for the sharing of the cost of such improvements, one-half by the city, and one-half by the county and township in equal portions. The said order or decree may further provide that the repairs to such alterations and improvements subsequently required shall be borne one-half by the city, and one-half by the county or township in equal portions or such other proportions as between the county and the township as such court may find to be legal and proper. Thereupon the said grading, curbing, macadamizing, or paving of the roadway of such highway shall proceed in accordance with the decree or order of the said court in the same manner as if the contract or agreement provided for in this section had been entered into and duly executed.

Section 2988. Highways More Than Half of Whose Width is Within City.—Whenever any highway, street or alley, more than one-half the width of which is within the limits of any city shall divide the said city from any other municipality or township located within the same county, such highway, street or alley may be improved by the city in the same manner as if the said highway, street or alley were entirely located within the limits of said city.

The property abutting on the side of said highway, street or alley which is located outside the limits of the city making such improvements shall, for a depth of one hundred and fifty feet plus one-half the width of said highway, street or alley from its center line, be assessed for any and all municipal improvements to or on the said highway, street or alley in the same manner as such property would be assessed under the provisions of this act if it were entirely located within the limits of such city.

Section 2989. Assessment on Property Outside Limits Where Highway Entirely Within City.—Whenever any highway, street or alley, entirely within the limits of any city, shall divide the said city from any other municipality or township located in the same county, the property on the side of said highway, street or alley, opposite the present line of said city, shall, for a depth of one hundred and fifty feet from said line, be assessed

for any and all municipal improvements to or on the highways, streets or alleys on which the said property shall abut, in the manner provided by this act for such proceedings, as if the said property were entirely located within the limits of said city.

ARTICLE XXX

SIDEWALKS

Section 3001. Power to Compel Construction of Sidewalks.—Cities may, without petition, require owners of property abutting on any public highway, 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.

Section 3002. Construction by Cities Upon Failure of Owner So to Do; Collection of Cost.—Upon failure of such owners to construct, pave, curb, repave or recurb such sidewalk after notice so to do, the same may 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 completion 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 provided by law 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.

Section 3003. Emergency Repairs; Notice.—Cities may make emergency repairs to sidewalks, within corporate limits, when, in the opinion of the officer or head of the department lawfully having charge of sidewalk repairs, a dangerous condition exists that can be repaired by an expenditure of not more than twenty-five dollars, upon failure of the owner of the property to make such repair within forty-eight hours after the service of notice upon such owner so to do. If the owner cannot be served within the county, notice may be served upon the agent of the owner or the party in possession, if any there be, or, if there be no agent or party in possession, the notice may be served by posting upon the most public part of the said premises.

This section is intended to provide an additional remedy for cities in connection with emergency repairs where the actual cost of doing the work does not exceed twenty-five dollars. The certificate of the officer or head of the department in charge of repairs to sidewalks shall be conclusive evidence of the existence of the emergency justifying such repair.

Section 3004. Cost of Emergency Repairs to be a Lien.—Upon the completion of any emergency repairs,

the cost thereof shall be a charge against the owner of the property, and shall be a lien, until paid, upon the abutting property, provided a claim is filed therefor in accordance with the law providing for the filing and collection of municipal claims.

ARTICLE XXXI

BRIDGES AND VIADUCTS

(a) Construction

Section 3101. *Construction of Bridges and Viaducts.*—Cities may locate, build and maintain bridges or viaducts and the piers and abutments therefor, to be used as public highways, over rivers, creeks, streams, railroads and private property, or over and across any of them, whether the said viaducts or bridges be wholly within, or partly without and partly within, the city limits, for the purpose of uniting two or more different streets or highways, or separate parts of the same highway or extension thereof.

Section 3102. *Ordinance for Location of Bridges; Procedure.*—Cities may enact ordinances providing for the laying-out and opening of the routes or locations for said bridges and viaducts, which shall be public highways; and the proceedings for the said laying-out and fixing the locations, and for the opening thereof, shall be the same as is provided by this act for the laying-out and opening of streets, except that no petition of property owners shall be required therefor.

Section 3103. *Right to Appropriate Property; Assessment of Damages.*—In case the city has not agreed with the owner or owners for the damages done, or likely to be done, by the erection of said bridge or viaduct, the city may take and appropriate the lands and property necessary, over and across which to erect said bridge or viaduct, and the damages and benefits caused by such taking and appropriation shall be assessed in the same manner and with like proceedings as provided by this act for property taken, injured or destroyed.

Section 3104. *Unite with County or Other Corporation in Contract for Joint Construction.*—The city may enter into and unite in a contract or in contracts with the county commissioners of the proper county, where said bridge or viaduct will cross a river, creek or stream, or other place, over which the county is authorized by law to build bridges; and also with railroad, street railway, and other companies and parties interested, or with any or all of them, for the building, constructing, and maintenance of said bridge or viaduct, or for certain parts or portions thereof, and for the payment of any damages caused by the location and the said erection.

Section 3105. *Stipulations of Joint Contract; Main-*

tenance.—The contracts provided for in the next preceding section may stipulate that the city shall pay a certain part or portion of the whole contract price or cost of the work, including damages; or may stipulate that the city shall construct, or pay for the construction of, a certain part or portion of the work, and may otherwise provide for the payment of the damages. When any railroad company, street railway or other company, or other parties interested, agrees to pay a certain part or portion of the cost of the entire work, they shall pay such part or portion into the proper city treasury. Upon said payment, the city treasurer shall be liable therefor, and he shall pay the same over to the contractor, as may be provided in the contract. The said agreements may also provide for the maintenance of the said bridges and viaducts after their erection.

Section 3106. Subsequent Contract with Railroad Which has not Contributed toward Cost.—No railroad, which has not contributed to the payment of the cost of construction of said viaduct or bridge, shall be permitted to run its line or lines of tracks under said bridge or viaduct, unless it shall enter into a contract with the city to thereafter pay a reasonable amount, part or portion toward the keeping-up and maintaining of the said structure, which amount shall be at the same rate, on the same basis, as is paid by the other railroad companies.

Section 3107. Plans; Bids; Awarding of Contract.—After any such contract has been entered into, the city in conjunction with the county commissioners may have prepared plans or specifications of the entire work, and thereafter advertise for bids, and award the contract to the lowest responsible bidder. The contract for the said work shall provide that the county shall pay for its certain part of said bridge or viaduct, and the city shall contract for the other part of the said work, but the said contract, as to the city's part thereof, shall be based upon the appropriation made by the city for the part of the work for which it had agreed to pay, and the remaining part of the contract price shall be based upon the amounts the other parties have agreed to pay. The contractor shall have a right of action against the city for the part thereof which the city agrees to pay, and also for any moneys paid into the city treasury on account of such bridge or viaduct.

Section 3108. Construction by City; Advertisement.—In case the county commissioners do not unite in any such contract, or in case said bridge or viaduct does not cross any river, creek, stream, or place, over which the county is authorized to build bridges, the city may contract for the construction of the viaduct, as aforesaid, and pay for the entire work; or contract with all, or any other, of the aforesaid parties, in manner

aforesaid, in which case the plans and specifications for the said work shall be prepared by the city, and advertisement shall be made for bids, and the contract let, in the manner hereinbefore provided. The contract for the work shall be based upon the city's appropriation, and upon the amounts agreed to be paid by the other parties, as provided in the preceding section.

Section 3109. Recording of Contract.—Any of the contracts hereinabove provided for may be recorded in the recorder's office of the proper county, in which the city is situate. Such record shall be notice to all persons who might be affected thereby.

Section 3110. Power to Construct Boundary Bridges.—Whenever a creek, over which a bridge may be necessary, shall be on the division line of a city and municipality or township, the city shall unite with such municipality or township in the construction and maintenance of a bridge, and pay an equal share of the expenses incident thereto.

(b) Acquisition of Existing Bridges

Section 3120. Power to Acquire Existing Bridge.—Any city which is divided or separated in any of its territorial sections or parts by intervening rivers or streams of water may purchase, enter upon, take, use, hold and appropriate such bridge or bridges, together with the approaches and appurtenance thereto, lying within its corporate limits as shall have been erected and are now in use over such rivers or streams of water so dividing and separating the sections or parts aforesaid.

Section 3121. Assessment of Damages.—In case the compensation to be paid for such bridge cannot be agreed upon, the amount of damages due the owner or owners thereof for the taking, use and appropriation thereof shall be assessed in the manner provided in this act in the case of property taken, injured or destroyed.

(c) Acquisition of Toll-Bridges

Section 3130. Power to Acquire Toll-Bridges.—Any city may purchase, condemn, maintain, and use any public toll-bridge crossing any river or stream within the limits of such municipality, together with the approaches and appurtenances thereto; and may enter into contracts, as hereinafter provided, with the county commissioners of the proper county, whereby said county shall pay a portion of the cost thereof.

Section 3131. Assessment of Damages for Taking.—In case the compensation to be paid for such bridge cannot be agreed upon, the amount of damages due the owner or owners thereof for the taking, use and appropriation thereof shall be assessed in the manner provided

in this act in the case of property taken, injured or destroyed.

Section 3132. Damages and Costs in Case of Discontinuance of Proceedings.—In case any city shall discontinue any proceeding taken, providing for the appropriation or condemnation of any bridge prior to the entry upon, taking, or appropriation thereof, and before judgment therein, the city shall not thereafter be liable to pay any damages which have been or might have been allowed; but all costs upon any proceedings had thereon shall be paid by it, together with any actual damage, loss, or injury sustained by reason of such proceedings; and such damage, loss, or injury shall be determined and fixed by the court in which the proceedings are pending.

Section 3133. Contract with County for Purchase.—The city may enter into and unite in a contract with the county commissioners of the county in which said bridge is located upon such terms and conditions as may be agreed upon for the purchase, appropriation, or condemnation of said bridge. The contract may stipulate that the city and county shall pay a certain part or portion of the whole purchase price or damages allowed by condemnation proceedings. The amounts to be paid by the county shall be paid into the city treasury, and, upon said payment, the city treasurer shall be liable therefor, and it shall be held and applied solely for the said purpose or purposes. The said contracts may also provide for and include provisions for the maintenance, repair, and rebuilding of the said bridge, after its purchase or condemnation by the said city.

Section 3134. To Become a Public Bridge; Rentals for Other than Foot and Vehicle Travel.—Whenever any toll-bridge shall be so purchased or condemned, the city shall control, maintain, and use the said bridge as a public bridge, but may charge tolls or rentals for the use thereof, from railway, telephone, and telegraph companies, and other persons making a use thereof for other than ordinary public foot and vehicle travel. Where contracts existed between such companies and persons and the owners of the bridge at the time of such purchase or condemnation, such contracts shall be preserved for the benefit of the city and shall be assigned thereto.

ARTICLE XXXII

SEWERS

(a) Construction

Section 3201. Construction of Sewers; Cost.—Any city may, without petition therefor, construct and reconstruct, or cause to be constructed, sewers of all kinds, including house connections to the curb, in its public high-

way, streets, lanes and alleys, and over and across public and private lands or property, and pay the cost and expense thereof out of the general revenues or special funds raised for said purpose, or assess the same, in whole or in part, upon abutting property, as hereinafter provided.

For such purposes, the city shall have power to exercise the right of eminent domain. The damages for property taken, injured or destroyed shall be ascertained and paid as provided in this act for such proceedings.

Section 3202. Fee for Tapping Where Sewer is Paid For by City.—Where the cost of constructing any sewer is paid for wholly from city funds, the city may charge a reasonable fee for tapping or connecting with said sewer.

Section 3203. Assessment of Cost of Local Part of Main Sewers.—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 city 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.

Section 3204. Costs of Main Sewers.—The cost of all main sewers, or of any sewers used in part for main sewerage purposes, over and above the amount assessed for local sewerage as above provided, shall be paid for from the city funds as aforesaid.

Section 3205. Assessment of Cost of Local Sewers.—Council may also provide that the cost and expenses of local, lateral, branch, including house connections to the curbs, 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.

Section 3206. Construction of Sewerage System; Assessment of Cost.—Any city may 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 highways, streets, lanes and alleys, 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 3207. Reductions in Assessments for Irregular Shaped Lots.—Where council determines 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 as-

assessment for the full frontage would be inequitable. If the owner of the abutting property is not satisfied with the allowance or reduction, or refuses to accept the same, he shall have the right to have three viewers appointed by the court of common pleas; and the proceedings shall be provided in this act for the assessment of damages and benefits by viewers.

Section 3208. Assessment of Cost by Viewers Appointed by Council.—Where the council determines 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 expenses of said sewers upon the lands bounding or abutting thereon in proportion, as nearly as may be, to the benefits which may result to each lot or parcel of land. Said viewers, or a majority thereof, shall report their assessment to the council, in the manner hereinafter set forth, and said council shall act thereon as hereinafter provided.

Section 3209. Report of Council's Viewers; Notice; Objections; Hearing.—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 shall direct. After the report is filed, council shall cause not less than ten days' public notice to be given, by publication once in two newspapers of the city, as required by section one hundred and nine of this act, of the object of such assessments, and that the same will come 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.

Section 3210. Certification of Assessments for Collection; Liens.—After making assessments for sewers, council may direct that they be certified to the city treasurer, or to such party as said assessments may be assigned to for collection. If such assessments are 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 law. Said liens

shall bear interest from the time the assessments were payable, at the rate of six per centum per annum, until paid.

Section 3211. Rental Charge for Use of Sewers.—Whenever any city has constructed any sewer, or sewer system, or sewage disposal plant, either wholly or partially at public expense, or has acquired the same at public expense, such city may provide by ordinance for the collection of an annual rental or charge for the use of such sewer, sewer system, or sewage disposal plant from the owners of the property served by it.

Section 3212. Limitation of Amount of Sewer Rental Charge.—Such annual rental shall not exceed the amount expended annually by the city in the operation, maintenance, repair, alteration, inspection, depreciation, or other expenses in relation to such sewer, sewer system, or sewage disposal plant, and may include any interest on money expended by the city in the construction or acquisition of such sewer, sewer system, or sewage disposal plant. The said annual sum shall be apportioned equitably among the several properties served by the said sewer, sewer system, or sewage disposal plant.

Section 3213. Warrants for Collection of Sewer Rentals.—Council shall execute a warrant or warrants authorizing the collection of such annual sewer rentals or charges to the officer employed by council to collect the same.

Section 3214. Collection of Sewer Rentals.—Such annual sewer rentals or charges shall be a lien on the properties charged with the payment thereof from the date set in the ordinance, and, if not paid after thirty days' notice, may be collected by an action in assumpsit in the name of the city against the owner of the property charged or by distress of personal property on the premises or by a lien filed in the nature of a municipal lien.

(b) Acquisition of Existing Sewers

Section 3220. Purchase of Existing Sewers.—Any city, in which any corporation created and existing under and by virtue of the laws of this Commonwealth, or any person or persons or unincorporated associations, have constructed and are maintaining or may hereafter construct and maintain sewers, culverts, conduits, and pipes, with the necessary inlets and appliances, for surface, under-surface and sewage drainage, may become the owners of such sewers, culverts, conduits, and pipes, with the necessary inlets and appliances, for surface, under-surface, and sewage drainage, and the property of such company, person or persons, or unincorporated associations, by paying therefor the actual value of the same at the time of taking by the city.

Section 3221. Ascertainment of Price in Case of Disagreement.—In case of disagreement as to the amount

to be paid, the same shall be ascertained in the manner provided by this act in case of property taken, injured or destroyed.

Section 3222. Appointment of Viewers.—Whenever the amount to be paid by any city to any corporation, person or persons, or unincorporated association, for the acquisition of such sewers, culverts, conduits, and pipes, with the necessary inlets and appliances, shall have been ascertained in the manner provided in the preceding section, 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 any person interested, shall appoint viewers who shall assess the costs and expenses of the sewers, culverts, conduits, and pipes, with the necessary inlets and appliances, acquired by said city, upon the property benefited according to benefits, if sufficient can be found, but if not, then the deficiency, when finally ascertained, shall be paid by the city; and the proceedings of said viewers, and the proceedings on their report, shall be as provided in this act for the assessment of damages and benefits.

(c) **Construction of Sewers Outside Cartway and Curb Lines**

Section 3230. Power to Construct.—Cities may require and permit sanitary sewers and sewer pipes to be laid and constructed outside the cartway and the curb lines thereof in any street or highway.

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

Section 3231. Collection of Costs and Expenses.—The costs and expenses of any sewer laid and constructed as aforesaid may be assessed against the abutting property, in front of which the same is laid, and such costs and expenses, when so assessed, shall be assessed and collected in the way and manner as the costs and expenses of other sewers are assessed and collected in the respective city in which the same are laid.

(d) **Joint Sewers**

Section 3240. Agreements for Joint Sewers.—Cities may enter into agreements with municipalities or townships, for the purpose of building sewers, including trunk-line sewers or drains and sewage treatment works. Such agreements shall provide for the joint maintenance of the same.

Section 3241. Approval of Sanitary Water Board.—No such sewer or plant shall be constructed until plans and specifications have been submitted to the Sanitary Water Board, and approved in accordance with provisions of the act of assembly providing for such approval.

Section 3242. Connections with Sewers of Adjacent

Municipalities.—Any city may connect with an existing sewer, owned by any adjacent municipality, for sewage purposes, in the manner prescribed in the following sections of this subdivision of this article.

Section 3243. Applications to Court.—Whenever any city desires to connect with the existing sewer of any adjacent municipality, and no agreement has been reached between such city and the adjacent municipality, an application shall be made by council to the court of quarter sessions of the county, setting forth that fact.

Section 3244. Appointment of Viewers.—If the court shall be of the opinion that such connection can be made without impairing the usefulness of the existing sewer, it shall appoint three viewers, who shall view the premises and investigate the facts of the case, and shall assess the proportionate part of the expense of building the original sewer upon such city, and shall fix the proportion of the expense for repairs which each municipality shall thereafter bear, and determine all other questions liable to arise in connection therewith.

Section 3245. Report of Viewers; Appeals to Court.—The viewers shall report to the court the result of their investigation, which report shall be confirmed within thirty days, unless exceptions thereto be filed. After confirmation of such report, or the disposal of any exceptions, any party interested may appeal from the decision of the court of quarter sessions to the Supreme or Superior Court.

ARTICLE XXXIII

COLLECTION BY INSTALMENT OF THE COST OF HIGHWAY AND SEWER IMPROVEMENTS

(a) Highway and Sewer Improvements

Section 3301. Payment of Assessments in Instalments.—Whenever any ordinance is passed providing for the grading, paving or macadamizing or other improvement of any highway, street, lane or alley, or part thereof, or for the construction of any sewer, the expense whereof is to be defrayed by local assessments as hereinbefore provided, it may be prescribed in such ordinance that the assessments may be paid in not more than ten equal instalments, payable at such times as may be fixed by ordinance, the last thereof not to be more than ten years after the completion of the work on the improvement for which it is assessed. The instalments shall bear interest at the rate of not more than six per centum per annum, commencing at such time as may be fixed by ordinance. If any of said instalments shall remain unpaid for two months after the same shall become due and payable, the whole of the assessment remaining unpaid shall be due and payable.

Any person upon whom such assessment has been made may pay all or as many as he chooses of such instalments before the same are due.

Section 3302. Collection of Assessments.—All assessments made in pursuance hereof shall be collected in the same manner and with the same penalties as provided by law for the collection of municipal claims.

(b) Highway Improvements

Section 3310. Issue of Bonds for Payment of Cost of Improvement.—In order to provide for the payment of the cost and expense of the permanent paving and improvement of any street, highway, lane or alley, or part thereof, cities may in addition to other methods provided, from time to time, issue their bonds in such sums as may be required, in all to an amount not exceeding the cost and expense of such improvement and interest thereon.

Said bonds shall bear the name of the highway, street, lane or alley to be improved. They shall be payable at a period not less than five years from the date of their issue, to be provided in the ordinance directing the improvement, and bear interest at a rate not exceeding six per centum per annum, payable semiannually, on the first day of July and January.

Section 3311. Separate Voting for Each Improvement.—In all cases where it may be necessary to obtain the assent of the electors to such issue of bonds, the question of thus increasing the city debt shall be so submitted to the electors that they shall have the opportunity of voting for or against the issue of bonds for the improvement of any particular highway, street, lane or alley separately and apart from the question of increasing the city debt for the improvement of any other highway, street, lane or alley.

Section 3312. Disposition of Proceeds of Sale of Bonds; Assessment on Properties.—Said bonds shall be negotiated at not less than par as other bonds of said cities are negotiated, and the proceeds thereof applied solely to the payment of the cost of said improvement. The contract price of the same, and interest thereon to the first day, when interest thereon is payable, shall be taken as the cost of said improvement, to be assessed on the property benefited, according to the provisions of this act.

Section 3313. Entering of Assessments as Liens.—Such assessments shall be entered in the proper municipal lien and judgment docket in the prothonotary's office, and shall, if filed within six months from the completion of the improvements, without the issuing of a scire facias to revive, remain a first lien upon the property assessed until fully paid, having precedence of all other liens, except taxes, and shall not be diverted by

any judicial sale, unless the payment of the same is provided for from the proceeds of such sale.

The assessment shall state the name of the city claimant, the name of the owner or reputed owner, a reasonable description of the property, the amount claimed to be due, for what improvement the claim is made, and the time when the assessment was finally confirmed or made.

Section 3314. Instalment Payment of Assessments.—Such assessment shall be payable at the city treasurer's office in equal semiannual instalments, with interest, at the rate provided in said bonds, from the date to which interest was computed on the amount of the assessments, or so much as remains unpaid from time to time, until all said assessments and interest are fully paid. The money so received by the city treasurer shall be applied to the sinking fund.

Section 3315. Collection of Unpaid Instalments.—In case of default in the payment of any semiannual instalment of said assessment and interest for a period of sixty days after the same shall become due and payable, the entire assessment and accrued interest shall become due and payable, and the city solicitor shall proceed to collect the same under the provisions of laws creating and regulating municipal liens and proceedings thereon.

Section 3316. Payment in Advance; Discharge of Lien as Part of Property.—Any owner of property against whom an assessment shall have been made for such improvement shall have the right to pay the same, or any part remaining unpaid, in full with interest thereon to the next semiannual payment due on said assessment, and such payment shall discharge the lien. If any owner shall subdivide any property after such lien attaches, he, in like manner, may discharge the same upon any subdivided portion thereof by paying the amount for which said part would be liable.

ARTICLE XXXIV

WATER-COURSES

Section 3401. Changing of Water-Courses; Removing Obstructions Therefrom.—Cities may, by ordinance, after the consent of the Water and Power Resources Board has first been obtained, establish the lines, change and vacate the channels, beds, and mouths of water-courses, other than navigable streams, through lands, marshes or waters in or adjacent to the city; crib, wall, confine, pave or completely inclose, and prevent and remove obstructions therefrom at the expense of those causing the same; and, for such purposes, may enter upon and condemn such property and materials as may be necessary. Cities may also, by ordinance, establish the lines of banks of streams of water which pass through

or along the boundary of such cities, and by proceedings at law or equity prevent and remove all such encroachments on the banks of streams and water-courses as threaten to or do injure the city or the property therein.

Section 3402. Notice.—No ordinance for the establishment of lines or the vacation or alteration of the course or channel of any water-course shall be passed, until notice thereof has been given, by publication of the proposed ordinance, at least once a week for three consecutive weeks, in one newspaper published in the city.

Section 3403. Viewers to Assess Damages.—The city may, at any time after the passage of the ordinance, present a petition to the court of common pleas, setting forth the lines established and the nature of the vacation or alteration proposed in the course or channel of such water-course, together with a description of the proposed improvements, and praying the court to appoint three viewers to ascertain the damages, costs, and expenses resulting therefrom, and to assess the damages, costs, and expenses, for so much thereof as the viewers may deem reasonable, upon the property benefited.

Section 3404. Appointment of Viewers.—The court, or any law judge thereof in vacation, shall appoint three viewers from the county road of viewers, and appoint a time, not less than twenty nor more than thirty days thereafter, when the viewers shall meet upon the line of the improvement and view the same and the premises affected.

Section 3405. Proceedings to Assess Damages.—The proceedings before such viewers for the allowances of damages for property taken, injured or destroyed, and for the assessment of benefits upon property benefited, shall be as provided in this act for the assessment of damages and benefits in eminent domain proceedings.

Section 3406. Discontinuance of Proceedings.—If any city shall repeal any ordinance passed, or discontinue any proceeding taken, providing for any such improvements, prior to the entry upon, appropriation, or injury to any property or materials, the city shall not be liable to pay any damages, but all costs upon any such proceeding, together with any actual damage or injury sustained by reason of such proceeding, shall be paid by the city.

Section 3407. Liens.—When the court has entered its final decree confirming the report or fixing the assessments, the assessments of benefits shall become liens upon the property assessed. Claims therefor may be collected in the same manner as municipal claims are collected, or they may be collected by action of assumpsit, the lien of the judgment, however, to be limited to the property assessed.

Section 3408. Waters Excepted.—Nothing contained in the preceding sections of this article shall apply to any water-course used by any municipality or water company as a source of supply, unless such municipality or water company shall consent to such vacation or alteration.

Section 3409. Construction of Dams.—Whenever the consent of the Water and Power Resources Board has been granted to any city to construct and maintain a dam, in a public navigable river or stream flowing through, or partly within and partly without its corporate limits, for the purpose of improving the sanitary conditions thereof, such city may purchase, acquire, enter upon, take, use and appropriate private property, either within or without its territorial limits, for that purpose. If the city cannot agree with the owner or lessee of such private property upon the compensation for the property appropriated or the damages done, or when, by reason of the absence or legal incapacity of any such owner or lessee, no such compensation can be agreed upon, the court of common pleas of the county in which such property may be situate, or any judge thereof in vacation, on application thereto by petition by said city or such owner, lessee, or any person affected, shall appoint viewers to view and ascertain the damages done by reason thereof, and the proceedings thereupon shall be as provided in this act in the case of property taken, injured or destroyed.

ARTICLE XXXV

PUBLIC SERVICE

(a) Water Supply

(1) General Provisions

Section 3501. Exclusive Right to Furnish Water to City.—Each city shall 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, by ordinance, 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. 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.

(2) Acquisition by Eminent Domain

Section 3505. Appropriation of Lands and Waters.—Any city desiring to erect water-works, or to improve its water supply, may appropriate springs, streams, rivers, or creeks, and lands, easements, and rights of way, within or without its limits; and, for the purpose of conducting water obtained outside the limits of the city, may lay pipes under and over any lands, rivers, streams, bridges, highways, and across railroads. No water appropriated under the provisions of this section shall be used in such manner as to deprive the owner thereof of the free use and enjoyment of the same for domestic or farm purposes.

Section 3506. Agreements as to Damages; Bonds.—Prior to any such appropriation, the city shall attempt to agree with the owner as to the damage done, or likely to be done. If the parties cannot agree, or the owner cannot be found, or is under legal incapacity, the city shall, if required by the court upon petition, file its bond in the court of common pleas, conditioned for the payment to the owner of the property of the damages for the taking thereof, when the same shall have been ascertained.

Section 3507. Appointment of Viewers; Proceedings.—Upon petition of either the property owner or city, the court shall appoint three viewers from the county board of viewers, who shall assess the damages for the property or rights appropriated, and shall fix a time for their meeting, of which notice shall be given to all parties interested by newspaper publication, at least once in at least one newspaper, ten days prior to such meeting, as required by section one hundred and nine of this act, and the posting of hand bills along the line of said improvement. The proceedings for the assessment of damages shall be as provided in this act in case of property taken, injured or destroyed.

(3) Acquisition by Purchase after Appraisalment

Section 3515. Petition to Court Expressing Desire to Acquire Water-Works.—Whenever any person, firm, or any corporation shall own any water-works or system, and a city is desirous of owning and operating such water-works or system, such city may present its petition to the court of common pleas of the county, setting forth that the city is desirous of owning such water-works or system, and that it will be necessary to issue bonds, to be secured by such water-works or system, and that a value should be placed upon such water-works or system, including all property, real and personal, used in connection therewith.

Section 3516. Appointment of Engineers as Appraisers to Make Valuation.—The court shall thereupon appoint three civil engineers, as appraisers, to

value and appraise such water-works or system, and the property used in connection therewith, and the contracts or agreements with municipalities or townships, who shall file their report in the court within three months after their appointment, unless such time be extended by the court.

Section 3517. Powers of Appraisers.—The appraisers shall have access to the books and records of the person, firm, or corporation, owning such water-works or system, to inform themselves as to the income and value thereof. They shall have power to administer oaths and are authorized to take the testimony of witnesses. Their report shall be final if not appealed from.

Section 3518. Appeal from Appraisalment.—Within ten days after notice of the filing of any report, either party may appeal from such appraisalment, alleging an undervaluation or overvaluation of the property, and praying for a hearing before the court. The court shall thereupon fix a time when such appeal may be heard, of which time at least ten days' notice shall be given to the parties, and, upon such hearing, the court shall have power to modify such report, and either party may appeal from the final confirmation of such report to the Superior or Supreme Court.

Section 3519. Effect of Failure of Owner of Works to Accept Price Fixed.—After the value is finally determined, the city may buy such water-works or system at the valuation so fixed; and the person, firm, or corporation owning the same shall, within ten days after notice, file in court its consent to sell and convey its water-works or system and property to the city at the valuation fixed. And, in default thereof, such person, firm, or corporation shall cease to have any exclusive privilege of supplying the city, or the citizens thereof, with water, and the city may install such water-works or system as may be necessary for the accommodation of the public.

Section 3520. Issue of Bonds.—For the purpose of such purchase, the city may issue bonds, which shall be secured solely by such water-works systems and property, and the revenues thereof, and without any other liability on the part of such city.

Section 3521. Limit of Bond Issue.—Such bonds shall not exceed in amount the value fixed by the appraisers or the court. The proceeds of the sale of such bonds shall be used exclusively for the purpose of paying for the property acquired.

Section 3522. Redemption of Bonds; Interest.—The bonds shall be payable within thirty years from the date of their issue, and shall be redeemable at such earlier periods as the city may by ordinance provide, and shall bear interest at a rate not exceeding six per centum

per annum. The bonds shall be exempt from taxation for any purpose.

Section 3523. Sinking Fund.—The city shall provide a sinking fund for the revenues derived from such water-works or system, for the payment of the interest on such bonds, and for their redemption.

Section 3524. Terms of Existing Contracts to Govern.—Should there be, at the time of the passage of this act, a contract or agreement, in writing, existing between any person, firm, or corporation, owning such water-works or system, and the city, dated prior to May thirty-first, one thousand nine hundred and seven, establishing or fixing the manner in which such water-works or system may be appraised and acquired, then the appraisal shall be made in accordance with the terms of such contract, and the respective parties to such contract shall, in lieu of the preceding provisions of this subdivision, carry out the terms of such contract in arriving at the value of such water-works or system.

(4) Acquisition of Competing Water Companies
by Cities

Section 3530. Power to Acquire Companies Operating in Same Territory.—Any city owning, operating, or controlling a system of water-works for the supplying of water to persons, partnerships, and corporations residing therein, and for fire protection, whether the title to the said water-works be in the name of commissioners of water-works or in the city itself or otherwise, may acquire all the water-works, including water pipes, mains, service attachments, fire hydrants, and improvements of any water corporation or private individual operating partly within and partly without the limits of the said city, both so much as is included within the limits of the said city, and so much as is without the limits of the said city, serving the territory adjacent thereto, and acquire and exercise all of the franchises and powers of said prior owner both within and without the city limits.

No such municipal acquisition shall be valid until, upon application filed by the city and formally joined in by the proposed vendor water company, the Public Service Commission of the Commonwealth of Pennsylvania shall have found and determined, after public hearing, that the granting of such application and the service contemplated by the city is necessary or proper for the service, accommodation, and convenience of the public. In any such proceeding, the entire matter shall be before the commission, and no further specific approvals of the said commission, which might otherwise be required, shall be necessary.

Section 3531. Service Outside Limits Subject to Control of Public Service Commission.—The service of

water by any such city in the territory outside of the limits of the city shall be subject to regulation and control by the Public Service Commission as to character of service, extensions, and rates, with the same force and in like manner as though the city serving in such territory were in fact a water corporation and with respect to such territory outside of the limits of the city, and shall have all the powers and be subject to all the duties of a water corporation.

Section 3532. Different Rates Within and Without City.—Inasmuch as the city may be serving its inhabitants at less than the actual cost of service, including capital charges and depreciation, because the plant may have been or may be built and operated in part out of the funds raised by municipal taxation, no rate, classification, rule, regulation, or practice, put in operation by the city in the portion of its territory supplied, located beyond the city limits shall be considered as unjustly discriminatory solely by reason of the fact that a different rate, classification, rule, regulation, or practice is in operation within the boundaries of the municipality with respect to a similar service rendered.

(5) Power to Furnish Water to Consumer Outside City

Section 3540. All cities wherein the title to the water-works therein located is in the name of the city, and the commissioners of water-works of any city wherein the title to the water-works is in the name of the commissioners of water-works, may extend the water-pipes and improvements of any such water-works, beyond the bounds of the cities wherein they are located, into the county and municipalities of the county in the vicinity of such cities; and furnish water to any and all corporations, institutions, persons, and municipalities in the counties in which said cities are located, in accordance with law and the rules and regulations of the Public Service Commission. This section does not authorize a city to extend water-pipes or supply water in territory, outside the boundaries of such cities, which territory is being supplied with water by a private company.

(6) Power to Lease Water-Works

Section 3550. Lease of Water-Works.—The council of any city may, on behalf of such city, enter into a contract with any private individual, copartnership, association, or corporation, for the leasing of any water supply, works, systems, and property, or both, of such private individual, copartnership, association, or corporation.

Section 3551. Terms of Lease; Rental.—The said leasing may be for such term of years and at such rental, as shall be agreed upon by the city and the

private individual, copartnership, association, or corporation.

Section 3552. Operation of Property.—The property, so acquired, shall be operated in the same manner as if the same had been acquired by such city by purchase or condemnation proceedings.

Section 3553. Rates.—The council of the city, with the consent of the Public Service Commission, shall fix the rates to be charged for the water furnished within the limits of such city to individuals, copartnerships, associations, or corporations.

(7) Condemnation of Lands for Road Purposes and to Prevent Contamination

Section 3560. Overflowing Roads; Acquisition of Lands to Reconstruct Roads.—Whenever any city, in supplying water to the public, shall find it necessary, in storing water, to occupy and overflow with water portions of any turnpike or public road, or whenever any public road leads into or crosses over any reservoir used for the storage of water, the city shall cause such turnpike or road to be reconstructed, at its own expense, on a favorable location and in as perfect manner as the original road, and, for such purposes, is authorized to condemn land whenever an agreement as to the price cannot be had with the owners.

Section 3561. Filing Maps and Plans.—After such change is made, the city shall file in the court of quarter sessions of the county a map or plan showing such change of road, and shall furnish to the supervisors or other authorities of the township, or municipal corporation, a copy of such map.

Section 3562. Condemnation of Lands to Prevent Contamination.—Cities may acquire, by purchase or condemnation, such lands along and contiguous to the streams of water or reservoirs from which water is taken for public use, as may be necessary to preserve the same from contamination.

Section 3563. Security for Payment of Damages.—No land shall be taken for the uses mentioned in this subdivision of this article until compensation therefor shall have been paid, or secured, before such taking, injury or destruction.

Section 3564. Condemnation Proceedings.—The damages incurred in changing the location of any such turnpike or public road, and in condemning land to preserve water from contamination, shall be ascertained in the manner provided in this act in case of property taken, injured or destroyed.

(8) Miscellaneous Provisions

Section 3570. Power of City to Patrol Through Private Lands.—Any city owning and operating a water-works system is hereby authorized and empowered to

enter, by any of its employes, upon private lands through which may pass any stream or streams of water supplying such city, for the purpose of patrolling the drainage area of such stream or streams, and making investigations or inquiries pertaining to the condition of the stream or streams, sanitary or otherwise. Any injury or damage done to the property, so entered upon, shall be paid by such city.

Section 3571. Leasing of Part of Water-Works for Yacht Harbor.—The council, or the commission of water-works, or other body of any city having charge and control of the water-works property of any such city, may, subject to the approval of the State Department of Health, and subject to proper restrictions, lease, for a period of years, any portion of the real property, not exceeding three acres, and any water area, under its control, and not necessary or essential for the operation and maintenance of such water-works, for the purpose of establishing and maintaining a harbor for yachts and for the erection of proper and suitable buildings in connection therewith, whenever the occupation of the grounds and water areas so leased shall not interfere with the operation of such water-works or in any manner affect the sanitary conditions of any public water supply.

Any such lease, before the same is executed, shall be submitted to and be approved by the Department of Health.

(b) Power and Light

Section 3575. Power to Furnish Light.—Cities shall have the exclusive right, at all times, to supply the city with electric, 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 shall 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.

Section 3576. Street Lighting; Ornamental Lighting Systems.—Cities may, by ordinance, provide for and regulate the lighting of streets with gas or electric light, or light by other means, and, upon petition of the majority of the property owners in number or interest abutting on any street or section thereof, may install ornamental lighting systems and assess the costs of installation, maintenance, and/or operation entirely upon the city, or entirely upon the abutting property owners,

or partly upon the abutting property owners and partly on the city.

(c) Water and Lighting Commission

Section 3580. Creation of Water and Lighting Department.—Any city which now has the title to any water, gas, or electric light works, by conveyance to the same in its corporate name, or which may hereafter erect or purchase water, gas, or electric light works, under the provisions of this act, may create a department to be called the water and lighting department, and, for the organization and government of the same, the council may divide the city into three districts for the election of a board of commissioners, which districts shall be numbered one, two, and three; one commissioner to be chosen from each respective district, of which he shall be a resident at the time of his election, and no member of council or person holding any city office shall be eligible as a member of said board.

Section 3581. Election of Members of Commission.—The council of such city creating such department, as aforesaid, may, on the second Monday of April, or within thirty days thereafter, elect one person from each of said districts as a member of the board of commissioners of the water and lighting department; and at the first election each member of council shall vote for but two commissioners, and the three persons, being one from each of said districts, having the highest number of votes shall be declared elected. The commissioners so elected shall serve for the term of one, two, and three years, respectively, to be computed from the date of election, and until their successors are duly elected and qualified. The term of each shall be determined by lot at the first meeting of the board, and thereafter on the second Monday of April of each year, or within thirty days thereafter, the council shall elect one commissioner to serve for the term of three years.

Section 3582. Compensation of Commissioners; Oath; Removal; Filling of Vacancies.—The members of the board of commissioners, created as aforesaid, shall receive such compensation for their services as may be provided by ordinance. Before entering upon their respective duties, they shall take and subscribe the oath prescribed by this act for city officers, and they shall be removable by council for misdemeanor in office or neglect of duty. All vacancies occurring in the board shall be filled by council for the unexpired term.

Section 3583. Duties of Board.—The board shall take charge of the water and lighting department so created, and shall employ and dismiss at pleasure a superintendent and a clerk, who shall be secretary of the board, whose compensation shall be fixed by council. The board shall employ such laborers, mechanics and workmen as they may deem necessary for the economical

and efficient administration of said department. They shall purchase such materials and supplies as may be required for keeping the works in good repair, and have charge and control of all constructions, repairs, enlargements and extensions of the works, and shall conduct and manage the affairs and business of the department in accordance with law and the directions of council.

Section 3584. Estimates of New Work to be Furnished Council.—The said board of commissioners shall, whenever called upon by council, make and submit to them full estimates of the cost, charges and expenses of any new work, enlargement, extension of water or lighting supply, or alteration which council may contemplate making relative to said works; and may, at any time, submit to council any suggestions and estimates they may see proper to make touching the improvement, extension, or enlargement of said works, but no new construction, reconstruction, extension, supply of water or light, or enlargement of said works shall be undertaken by said commissioners so created, or materials or supplies be purchased therefor, without the previous consent and direction of council.

Section 3585. Payment of Cost of Extensions by Property Owners; Frontage Tax.—Whenever an extension of a supply of water or light to portions of the city not previously supplied shall be made by the said commissioners, they shall make out a full statement of the number of feet of main pipes laid or extended through any of the streets of the city in which main pipes were not laid before the said extension, and shall file the same in the department; and it shall be the duty of the clerk of said department, forthwith, on receipt of said statement to make out a list of all owners of houses, lots and buildings on each side of the street through which said pipes are extended, and to charge said owners, and each of them, for each and every house, lot or building so situated in said streets, at such rate per foot as council may by ordinance fix, for said mains extending along the front of their respective houses, lots and buildings. Nothing herein contained shall be construed to prevent council from providing for the payment of water and gas pipes by the city.

Section 3586. Collection of Frontage Tax; Assessment of Cost.—Said charge shall be called the frontage water tax, or lighting tax, as the case may be, and shall be collected and recovered in the manner provided by law for the recovery of municipal claims. Whenever any pipes for the conveyance of water or light shall be laid in any of the streets or highways within such city, the owners of the ground in front of which the same shall be laid shall pay for the expense

thereof such sum for each foot of the front of their ground upon such street as council may, by ordinance, direct: Provided, That in all corner lots an allowance shall be made of one-third ($1/3$) the length of their front, but such allowance shall be always and only on the street or highway having the longest front and in case both fronts are of equal dimensions, the allowance shall be made in the street in which the pipes shall be last laid, but in no case shall the allowance exceed sixty (60) feet on any corner lot: And provided further, That when a corner lot shall have erected upon it two or more separate tenements, there shall only be an allowance made equal to one-third ($1/3$) of the depth of the corner tenement and the yard adjoining. The provisions of this and the foregoing section shall not apply to any lot or piece of ground in such city upon which there may be a supply of water or gas obtained from any other source whatever, but if at any time the owner of such lot or piece of ground shall desire to obtain a supply of water or gas from the works of such city, then and in that case the provisions of this section shall first be complied with.

Section 3587. Fixing Rates.—The board of commissioners may, with the approval of council, fix the water and lighting rates, and the quantity to be used, and for that purpose they shall, on the first Monday of March in each year, establish the rates for the succeeding year, which rates shall be submitted by them to council for its approval, and, when approved, such rates shall not be changed for and during the year, but if not approved, the existing rates shall continue until modified by the commissioners, with the approval of council.

Section 3588. Collection of Lighting and Water Rates.—Council shall provide, by ordinance, for the collection of all the lighting and water rates that may accrue, from time to time, to the city for the use of the water or light, fixing the time when such rates shall be payable, and the penalties for nonpayment thereof; and such rates shall be charged to the respective owners of the real estate on which such water or light is used, and if the same shall not be paid in accordance with the provisions of such ordinance, claims for the amounts due shall be registered in the city lien docket in the same manner as provided by law in the case of unpaid city taxes on real estate, with the like force and effect as to the lien thereof.

Section 3589. Report to Council; Accounts of City Treasurer; Disposition of Surplus.—The board of commissioners shall, annually at a stated meeting of council in the month of January, report to said council a full statement of all the repairs, alterations, reconstructions, new constructions, expenditures, and everything relating to the management and cost to the city of main-

taining the said works. The city treasurer shall keep his accounts in such manner as to show in his monthly report, distinctly and separately, the entire amount of revenue realized during each month from the water and lighting departments of said city, respectively; and the revenues derived from the said water and lighting departments shall be applied exclusively to the purposes of said departments, respectively; and the surplus, if any, to the reduction of the debt thereof. Any surplus revenues from said water and lighting departments, after the payment of all the debts of said respective departments, shall be applied as follows: The surplus from the water revenues, to the reduction of the bonded indebtedness which has been created by the city for the erection and construction of its water-works; and the surplus from the lighting revenues, to the reduction of any bonded indebtedness which has been created by the city for the erection and construction of its lighting plant.

ARTICLE XXXVI

PUBLIC BUILDINGS AND WORKS

Section 3601. Hospitals, Prisons, Poor Farms, Et Cetera.—Cities may, by ordinance, erect, purchase, establish or maintain hospitals, prisons, workhouses, or houses of correction for juvenile or other offenders, prescribe regulations for the government thereof; and erect all public buildings necessary for the use of the city, or of any department thereof; purchase, take, use, or occupy, private lands upon which to erect any of the said buildings; purchase, take, use, or occupy, within or without the limits of the respective city, whether within the county wherein is located the city, or within a county adjacent thereto, or within both, private lands and buildings; establish and maintain a general hospital, or hospitals, for the cure and treatment of the sick and injured, or a hospital or hospitals for the treatment and separation of persons suffering with contagious or infectious diseases, with authority to prescribe rules and regulations for the government, management, and maintenance thereof; purchase, take, use, or occupy, within the limits of the county of such city or within a county adjacent thereto, or within both, private lands upon which to 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; acquire, by purchase, within or without the city, but within the county, sufficient real estate for present and future use upon which to erect workhouses or houses of detention, poor houses, garbage and incinerating furnaces. The proceedings for the assessment of damages for any property taken,

occupied or used for any such purpose shall be the same as provided in this act for property taken, injured or destroyed.

Section 3602. Public Auditoriums, Libraries, Memorials and Monuments.—Cities may take, purchase, or acquire, through condemnation proceedings, property for the purpose of erecting thereon public auditoriums, public libraries, public memorial buildings, and monuments.

Section 3603. Payment of Cost of Erection and Maintenance.—Cities may appropriate money or issue bonds for the erection, on said property purchased or acquired through condemnation proceedings, public auditoriums, public libraries, public memorial buildings, and monuments. Cities may also appropriate moneys for the operation and maintenance of such public auditoriums, public libraries, memorial buildings, and monuments.

Section 3604. Proceedings for Assessment of Damages.—All proceedings for the assessment of damages for property taken for auditoriums, libraries, memorials and monuments shall be had in the manner provided by this act for property taken, injured or destroyed.

Section 3605. Donation of Land by City for Library Purposes; Contributions toward Maintenance.—Cities may donate ground thus acquired for a public library to any library association provided said association will furnish the funds for the erection of the library building, the plans of which are approved by the city, but only in such cases where the said library association is by its by-laws and charter compelled to put back into the property any surplus earnings from the operation of said library. Cities, by order of council, may contribute, from time to time, towards the operating support of such library a sum not to exceed fifty per centum (50%) of the annual operating maintenance of said library.

Section 3606. Rental of Public Auditoriums; Disposition of Proceeds.—Cities, in the case of public auditoriums, may, by order of council, charge a nominal rental for the use of said auditorium. All moneys derived from rental of said auditoriums shall first be devoted to the maintenance of said auditorium, and any annual balance accruing therefrom shall be turned over to the city funds for the maintenance of public parks and grounds.

Section 3607. Leasing of City Property as Memorials.—Cities may lease real estate, the property of said city, on long term improvement leases, at a nominal rental or otherwise, to a corporation of the first class, for the purpose of providing an auditorium for dramatic, musical, artistic, literary, or scientific events, including provision for the accommodation for patriotic societies or groups, or such other purposes as may be

approved, from time to time, by the city, said auditorium to be a memorial to the heroes of the Great War.

Section 3608. Term of Lease; Renewals; Improvements to be Erected.—Every such lease shall be for a term of not more than ninety-nine years, and may provide for a right of renewal for a like term, and shall contain provision for the improvement of the real estate by the erection of a suitable building or buildings of dignified and appropriate architecture, absolute ownership of which building or buildings shall revert to the city, free of any claim or charge, at the end of the term of the said lease or any renewal thereof.

Section 3609. Use of Buildings.—The building, so erected, may be used for any one or more of the following purposes, which are hereby declared, in respect of this subject matter, to be used for public purposes: As an auditorium for dramatic, musical, artistic, literary, or scientific events, including provision for the accommodation of patriotic societies or groups, or such other accommodation and features as may be approved, from time to time, by the city.

Section 3610 Title in City; Exemption from Taxation; Maintenance.—The title to the said property, as so improved, shall remain in the city, and neither the said real estate, nor the leasehold estate created by such lease, shall be subject to local or other taxation.

The leases shall be exclusively liable for the maintenance and upkeep of the demised premises, and shall be solely responsible for the maintenance and operation thereof.

Section 3611. Rental.—Any such lease may provide that the lessor shall be entitled to receive a sum equal to the net income of said demised premises after reasonable reserves and proper amortization charges.

Section 3612. Location of City Prisons Restricted.—No city shall erect or construct a city prison or lock-up, or use any existing building or lock-up for the first time, which will be or is located within five hundred feet of any public school building.

ARTICLE XXXVII

PARKS, PLAYGROUNDS, AND RECREATION CENTERS

Section 3701. Plans of Parks and Playgrounds.—Every city shall have a general plan of its parks and playgrounds, including those which have been or may be laid out, but not opened. Said plan shall be filed in the office of the engineer or other proper office of the city, and all subdivisions of property thereafter made shall conform thereto. The location of parks or playgrounds, laid out and confirmed by authority of council, shall not afterwards be altered without the consent of council. No map or plot of parks or playgrounds

shall be entered or recorded in any public office of the county in which said city is situated until approved by council. No person shall hereafter be entitled to recover any damages for the taking for public use of any building or improvements of any kind which may be placed or constructed upon or within the lines of any located park or playground, after the same shall have been located or ordained by council.

Section 3702. Lands for Planned Parks to be Appropriated within Three Years.—Whenever any park or parkway may hereafter be superimposed upon the confirmed plan of the streets or parks of any city, in sections not entirely built up, by ordinance of council, unless an ordinance actually appropriating the land within the lines of said park or parkway to public use is duly passed by council thereof, or said land is acquired by council, within three years from the passage of said ordinance superimposing said plan upon said land, said ordinance superimposing said plans upon said land shall be void and of no effect, and said plan shall be automatically removed from said land as if it had never been placed thereon; nor shall any plan again be superimposed on said land without an accompanying ordinance condemning same to public use.

Section 3703. Acquisition of Lands and Buildings.—Cities may enter upon, take, use, purchase and acquire, by gift or by the right of eminent domain, lands, property and buildings, for the purpose of making, extending, enlarging, and maintaining public parks, parkways, playgrounds, playfields, gymnasiums, public baths, swimming pools, or indoor recreation centers, may levy and collect such special taxes as may be necessary to pay for the same, and make appropriations for the improvement, maintenance, care, regulation, and government of the same. Cities may designate and set apart for use for any of the purposes specified in this section lands and buildings owned by such cities and not dedicated or devoted to other public use. Cities may also lease lands and buildings in such city for temporary use for such purposes. Lands, property and buildings outside the limits of the city may be taken for the purpose of a park, parkway, or playground, and such lands may be annexed to the city, in the manner provided by this act for the annexation of territory to a city.

Section 3704. Creation of Recreation Board.—The authority to supervise and maintain parks, playgrounds, playfields, gymnasiums, public baths, swimming pools, or indoor recreation centers may be vested in any existing body or board, or in a recreation board, as council shall determine. Council may equip, operate, and maintain the parks, playgrounds, playfields, gymnasiums, swimming pools, bathing places, public baths.

or indoor recreation centers, as authorized by this act. Such authorities may, for the purpose of carrying out the provisions of this article, employ play leaders, recreation directors, supervisors, superintendents, or any other officer or employes, as they deem proper.

Section 3705. Composition of Board.—If council shall determine that the power to equip, operate, and maintain parks, playgrounds, playfields, gymnasiums, public baths, bathing places, swimming pools, or recreation centers, shall be exercised by a recreation board, they may establish in said city such recreation board, which shall possess all the powers, and be subject to all the responsibilities of council under this article. Such board, when established, shall consist of five persons, two of the members shall be members of the school board. The board shall be appointed by the mayor and shall serve for terms of five years, or until their successors are appointed, except that the members of such board, first appointed, shall be appointed for such terms that the term of one member shall expire annually thereafter. Members of such board shall serve without pay. Women shall be eligible for appointment. Vacancies in such board, occurring otherwise than by expiration of term, shall be for the unexpired term and shall be filled in the same manner as original appointments.

Section 3706. Organization of Board; Employes.—The members of a recreation board, established pursuant to this article, shall elect their own chairman and secretary and select all other necessary officers, to serve for a period of one year, and may employ such persons as may be needed, as authorized by this act. Such board shall have power to adopt rules and regulations for the conduct of all business within its jurisdiction.

Section 3707. Joint Ownership and Maintenance.—Any city may, jointly with any other city or cities and/or any borough or boroughs and/or township or townships, acquire property for, and operate and maintain, any parks, playgrounds, playfields, gymnasiums, public baths, bathing places, swimming pools, or indoor recreation centers. Any city may join with any school district, in equipping, operating, and maintaining playgrounds, playfields, gymnasiums, public baths, swimming pools, and indoor recreation centers, and may appropriate money therefor.

Section 3708. Issue of Bonds.—The city council may issue bonds for the purpose of acquiring lands or buildings for parks, parkways, playgrounds, playfields, gymnasiums, swimming pools, public baths, and indoor recreation centers, and for the equipment therefor.

Section 3709. Maintenance and Tax Levy.—All expenses incurred in the operation of such parks, park-

ways, playgrounds, playfields, gymnasiums, swimming pools, public baths, bathing places, and indoor recreation centers, established as herein provided, shall be payable from the treasury of the city. Council may annually appropriate, and cause to be raised by taxation, such tax, not to exceed two mills on the dollar of the assessed valuation of taxable property in such city, for the purpose of maintaining and operating parks, parkways, playgrounds, playfields, gymnasiums, public baths, bathing places, swimming pools, and recreation centers.

Section 3710. Leasing by City of its Parks or Playgrounds.—Cities may enter into contracts and agreements with any incorporated association, acting within its corporate powers, for the use by the latter of any park or playground, owned, leased, or occupied by said cities, for such period and upon such terms as to maintenance, upkeep and improvement of such ground as may be mutually agreed upon. No such contract or agreement, however, shall permanently exclude the public of said cities from the use and enjoyment of said parks and playgrounds. The said cities shall at all times be invested with the power and authority to adopt suitable rules and regulations concerning the use and occupation of said parks and playgrounds by the public generally, and by such incorporated associations specially.

Section 3711. Sale of Coal Under Parks or Commons.—Council may sell and lease, at the best price obtainable, and subject to such conditions as it may deem necessary to impose for the protection of the surface, the coal under any park or common owned by and situate within the corporate limits of the city. When any park or common shall front on a river or other public stream, such portion of the amount realized from the sale or lease of such coal may be used for the erection of retaining walls, as council shall deem necessary for the purpose. Before any such coal shall be sold or leased, the proposed sale shall be advertised, in accord with the provisions of section one hundred and nine of this act, at least once a week in three daily papers published in the city in which said coal is situate, if there be so many, and also in some New York journal or magazine, devoted to coal mines and mining, for four weeks; and sealed bids shall be received, and the person, copartnership, association or corporation offering the highest and best price shall be the purchaser.

Section 3712. Use of Proceeds of Sale or Lease of Coal Under Parks.—Whenever any city shall have sold or leased the coal underlying any public park or common within the limits of said city, the proceeds of said sale or lease, except as hereinbefore otherwise provided, shall be applied only as follows: First. To the improve-

ment, policing, and lighting of the said park or common, or the redemption of bonds issued for the improvement of said park or common; second. Any surplus of the said proceeds left beyond what is required for improving, policing, and lighting said park or common may be applied and used for the purchase and improvement of other lands, within the limits of the city or immediately adjacent thereto, for use as public parks or commons, or for the building of bridges and construction of drains and sewers: Provided, That no land shall be purchased for such use with said funds unless the ordinance authorizing the purchase shall have been passed by the affirmative vote of two-thirds of the members elected to the said council.

Section 3713. Application of Rentals to Payment of Cost of Improvements; Issue of Bonds.—Whenever hereafter any such city shall have leased the coal under any public park or common for a rental or royalty payable in periodical instalments, in order to provide for the payment of the cost of any such improvements authorized in the preceding sections, the said city may, from time to time, issue improvement bonds, based upon the faith and credit of the city and upon the pledge of such royalties, in such sums as may be from time to time required, not to exceed the cost of such improvement and the interest thereon. Such bonds shall bear interest at the rate not to exceed six per centum per annum, payable semiannually.

The said rental or royalty shall be paid to the city treasurer, and placed to the credit of the sinking fund for the redemption of said bonds and the payment of the interest thereon as the same shall become due. The method of redemption shall be provided for in the ordinance authorizing the issuing of such bonds.

Section 3714. Sale of Bonds; Application of Proceeds.—Said bonds shall be sold at not less than par, and the proceeds thereof shall be applied solely to the payment of the cost of the said improvement hereinbefore referred to. They shall be redeemable in not less than five (5) years, and payable at any time not exceeding thirty (30) years, from the date of issue thereof, at the option of said city.

Section 3715. Appointment of Directors of City Trusts.—Whenever any property or estate, whatsoever, has been conveyed, bequeathed or devised to any city, in trust, for the purpose of establishing or maintaining a public park or other public purpose for the use and benefit of citizens of such city, the court of common pleas of the county in which such city is located, on petition of council of said city, shall appoint five persons as directors of city trusts, all of whom shall be citizens of such city, and none of whom shall hold any office or employment thereunder, who shall exercise and discharge all the duties and powers of said city, how-

ever acquired, concerning such property, conveyed, bequeathed or devised to such charitable use, to the extent that the same has been or hereafter may be, by statute or otherwise, vested in or delegated to the said city or the officers thereof.

Section 3716. Term of Service; Removal; Vacancies.—The persons so appointed shall serve as members of the board of directors of city trusts during good behavior, subject, however, to the removal by the court of common pleas for dereliction or neglect of duty, or for any other cause deemed by the said court to be important for the conservation of the said trust thus imposed upon them.

All vacancies shall be, from time to time, filled by the said court, on petition of the council, of said city, or any of its citizens.

Section 3717. Duties of Directors.—The said directors of trusts shall carefully invest and preserve the trust funds; make such rules and by-laws for the proper regulation of their business not inconsistent with the terms annexed to any conveyance, bequest or devise in any deed or last will and testament of any decedent; appoint and employ as many agents and employes as, in their judgment, shall be necessary for the proper discharge of the said trust or trusts; and, in the name and in accordance with the conditions of said trusts, do and all things requisite for the proper administration and management of the property under their control.

Section 3718. Directors to be Agents of City; to Have no Interest in Contracts.—The said directors, in the discharge of their duties and within the scope of their powers, shall be considered agents or officers of the city, but no compensation or emolument whatever shall be received by them for any services performed relating to the said trusts, nor shall any of them have or acquire any personal interest in any contract whatever made through them or their agents or employes.

Section 3719. Appointment of Park Guards.—The council of every city shall have power, under the provisions of this article, to provide, by ordinance, for the selection and employment of such number of persons as they deem necessary to act as park guards, fix their compensation and duties, and provide for their uniforming.

Section 3720. Powers of Park Guards.—Persons appointed as park guards, under any ordinance passed pursuant to the provisions of the preceding section, shall have, in the parks and playgrounds and other public places in such cities, the same power, in preserving the peace, maintaining order, and making arrests, as policemen have in such cities.

Section 3721. Control of Park Guards.—Such park guards shall be under the supervision, control, and

direction of the director of the Department of Parks and Public Property.

ARTICLE XXXVIII

SHADE TREES AND FORESTS

(a) Shade Trees

Section 3801. Shade Tree Commission.—Any city may establish a commission to be known as the Shade Tree Commission of such city.

Section 3802. Composition of Commission.—The commission shall be composed of three freeholders of the city, who shall be appointed by the mayor, and shall serve without compensation.

Whenever a shade tree commission is established by any city, the mayor shall appoint three freeholders, one for a term of three years, one for a term of four years, and one for a term of five years.

On the expiration of the term of any commissioner, a successor shall be appointed by the mayor to serve for a term of five years.

Vacancies in the office of commissioner shall be filled by the mayor for the unexpired term.

Section 3803. Powers may be Vested in Park Commission.—Whenever in any city there exists a commission for the care of public parks, the council may, by ordinance, provide that the park commission shall have all the powers and be subject to all the duties prescribed by this article for the shade tree commission.

Section 3804. Powers of Commission.—The commission shall have exclusive custody and control of the shade trees in the city, and may plant, remove, maintain, and protect shade trees on the public highways in the city.

The commission may employ and pay such superintendents, engineers, foresters, tree-wardens, or other assistants, as the proper performance of the duties devolving upon it shall require, and may make, publish, and enforce regulations for the care and protection of the shade trees of the city. No such regulation shall be in force until it has been approved by the council, and until it has been published at least twice in one or two newspapers of the city.

Section 3805. Report of Commission.—The shade tree commission shall annually report in full to the council its transactions and expenses for the last fiscal year of the city. The park commission in cities wherein the park commission is authorized to act as the shade tree commission, may incorporate such transactions and expenses in its regular report to council.

Section 3806. Notices by Commission.—Whenever any shade tree commission, or park commission, acting as a shade tree commission, proposes to plant, trans-

plant, or remove shade trees on any highway, notice of the time and place of the meeting at which such work is to be considered shall be given in one or more newspapers published in the city, once a week for two weeks immediately preceding the time of the meeting, in accord with the provisions of section one hundred and nine of this act. The notice shall specify in detail the highways or portions thereof upon which trees are proposed to be so planted, replanted, or removed.

Section 3807. Payment by Owners.—The cost of planting, transplanting, or removing any shade trees in the highways of the city, of the necessary and suitable guards, curbing, or grading for the protection thereof, and of the replacing of any pavement or sidewalk necessarily disturbed in the execution of such work, shall be paid by the owner of the real estate in front of whose property the work is done.

The amount each freeholder is to pay shall be ascertained and certified by the commission to council and to the city treasurer.

Section 3808. Assessments; Liens.—Upon the filing of the certificate with the council, the city clerk shall cause thirty days' written notice to be given by mail to the persons against whose property an assessment has been made. The notice shall state the amount of the assessment, and the time and place of payment, and shall be accompanied with a copy of the certificate.

The amount assessed against the real estate shall be a lien from the time of the filing of the certificate with the council, and, if not paid within the time designated in the notice, a claim may be filed and collected by the city solicitor in the same manner as municipal claims are filed and collected.

Section 3809. Maintenance by City; Tax Levy.—The cost and expenses of caring for such trees after having been planted and the expense of the notice provided in the preceding section shall be paid by the city.

The needed amount shall each year be certified by the commissioners to council and shall be drawn against, as required by the commission, in the same manner as money appropriated for city purposes.

The city council may levy a special tax, not to exceed the sum of one-tenth of one mill on the dollar on the assessed valuation of the property in said city, for the purpose of defraying the cost and expenses of caring for such shade trees and the administrative expenses connected therewith, or it may provide for such expenses by appropriations equal to the amount certified to be required by the commission.

Section 3810. Penalties.—The commission may assess penalties for the violation of its regulations and of this article so far as it relates to shade trees. Any penalty so assessed shall be a lien upon the real estate of the

offender and may be collected as municipal claims are collected.

All penalties or assessments imposed under this article shall be paid to the city treasurer, to be placed to the credit of the commission, subject to be drawn upon by the commission for the purposes of the preceding sections of this article.

(b) Memorial Trees

Section 3820. Planting of Memorial Trees.—Whenever, in any city, the council shall be satisfied that, by voluntary contribution or by appropriation of public money, sufficient funds are available to carry out the planting of a memorial tree for every Pennsylvanian who died in the service of the United States in the World War, or in consequence of disabilities incurred in such service during the war, and who had been a resident of such city at the time of his or her enlistment or induction into said service, then the council may arrange for the planting of a memorial tree for every such Pennsylvanian who had been a resident of said city. Such trees either shall be planted near the homes of such Pennsylvanians or in a memorial grove. Such trees or groves shall be appropriately marked by metal plates, monuments, or other effective and permanent means, to identify the purpose for their planting.

Section 3821. Penalty for Injury to Memorial Trees.—Any person wilfully, maliciously, or negligently destroying or injuring any trees planted pursuant to the provisions of this subdivision (b) shall be guilty of a misdemeanor, and, upon conviction, shall be liable to a fine not exceeding five hundred (\$500.00) dollars, or imprisonment not exceeding three (3) months, or by both such fine and imprisonment, in the discretion of the court.

(c) Forests

Section 3830. Acquisition of Land for Forest Purposes.—Cities may acquire, by purchase, gift, or lease, and hold tracts of land covered with forest or tree growth or suitable for the growth of trees, and administer the same, under the direction of the commissioner of forestry, in accordance with the practices and principles of scientific forestry, for the benefit of the city. Such tracts may be of any size suitable for the purpose and may be located within or without the city limits.

Section 3831. Approval of Secretary of Forests and Waters.—Before the passage of any ordinance for the acquisition of land to be used as municipal forests, the mayor shall submit to the Secretary of Forests and Waters and secure his approval of the area and location of such land.

Section 3832. Ordinance Declaring Intention.—

Whenever the council of any city deems it expedient to acquire any lands for the purposes of municipal forests, it shall so declare in an ordinance wherein shall be set forth all facts and conditions relating to the proposed action.

Section 3833. Appropriations of Money.—All money necessary for the purchase of such tracts shall be appropriated in the same manner as appropriations for city purposes, and such funds may be provided from the current revenue or by the proceeds of a sale of bonds in accordance with existing law.

Section 3834. Rules and Regulations.—Upon the acquisition of any municipal forests or lands suitable for such, the council shall notify the Secretary of Forests and Waters, who shall make such rules for the government and proper administration of the same as may be necessary. The council shall publish such rules, declare the uses of the forest in accordance with the intent of this subdivision (c) of this article, and make such provisions for its administration, maintenance, protection and development as shall be deemed necessary or expedient. The rules governing the administration of such forests shall have for their main purpose the producing of a continuing city revenue by the sale of forest products.

Section 3835. Appropriations and Revenues.—All moneys necessary to be expended for the administration, maintenance, protection, and development of such forests shall be appropriated and applied as is now done for city purposes. All revenue and emoluments arising from such forests shall be paid into the city treasury to be used for general city purposes.

Section 3836. Use of Forests.—Municipal forests may be used by the public as general outing or recreation grounds subject to the rules governing their administration as municipal forests.

Section 3837. Ordinance of Sale.—Whenever the council of any city deems it expedient to alienate any municipal forest, or part thereof, it shall so declare in an ordinance wherein shall be set forth all the facts and conditions relating to the proposed action, which proposed ordinance shall be advertised once a week for three weeks prior to its passage. No ordinance shall be effective in legalizing such alienation until it has been approved by a majority vote of the people at the next ensuing election.

Section 3838. Appropriation for Forest Work.—Cities may appropriate moneys to any forest protection association cooperating in forest work with the State Department of Forests and Waters, or to be expended in direct cooperation with said department in forest work.

ARTICLE XXXIX

WHARVES AND DOCKS

Section 3901. Power to Erect Wharves.—Cities may erect wharves in navigable waters adjacent to the city, regulate the use thereof, collect wharfage, establish wharf and dock lines, and construct and maintain docks, retaining walls, dams and/or embankments.

Section 3902. Erection of Market-Houses and Railway Tracks on Wharves.—Cities may erect and maintain market-houses and terminal sheds or stations on its wharves, for the receipt and distribution of freight, express, and other matter hauled by boats, railroads, and street cars; construct railroad and street railway tracks or other facilities on said wharves to provide for the convenient handling of such freight or express matters; and collect rents, tolls, or charges for the use of such market-houses, terminal stations, tracks, and other facilities. No permit other than a license revocable at will shall be granted for the use of such tracks, terminal stations, or other facilities, and no exclusive permit for the use of such tracks or facilities shall be granted.

No structure so erected, and no right granted under the powers herein conferred, shall interfere with the general public use of wharves for river commerce.

Section 3903. Use of Unnecessary Wharves for Other Municipal Purposes.—Whenever any city, by ordinance, declares that any public landing, or public wharf, or part thereof, fronting on any navigable river and lying within its limits, has become unnecessary for use for public landing or public wharf purposes, the city may take, enter upon, and occupy for use for any other public purposes whatsoever, the public landing, or public wharf, or part thereof, so found unnecessary for such purposes, any limitation of use thereof by the municipality arising from donation, dedication, appropriation, statute, or otherwise, to the contrary notwithstanding.

Section 3904. Appropriation of Wharf Properties for General Purposes.—Cities are vested with the right of eminent domain for the purpose of appropriating, for such general public uses, all such public landings or public wharves, or parts thereof, so found unnecessary for such purposes, together with any easements, property and property rights connected therewith.

Section 3905. Assessment of Damages.—All damages arising from the exercise of the power of eminent domain hereunder shall be ascertained and awarded in the manner provided by this act for property taken, injured or destroyed.

ARTICLE XL

CITY PLANNING

Section 4001. City Planning Commission; Appointment of Commissioners; Vacancies; Powers.—A city planning commission, consisting of five persons to be appointed by the city council, is hereby created. In the first instance, one member of said commission shall be appointed for one year; one, for two years; one, for three years; one, for four years; and one, for five years. Annually thereafter a member of said commission shall be appointed for a term of five years. An appointment to fill a casual vacancy shall be only for the unexpired portion of the term. All members of the said commission shall reside within the zone of jurisdiction of said commission, as hereinafter defined. No person holding office under the government of the city, except the mayor or other members of council shall be ineligible to serve as a member of the city planning commission. The commission may make and alter rules and regulations for their own organization and procedure, consistent with the ordinances of the city and the laws of the Commonwealth. The members of the commission shall serve without compensation, and make annually to the council a report of their transactions. The commission may employ engineers and other persons, whose salaries and wages, and other necessary expenses of the commission, shall be provided for by appropriations of council.

Section 4002. Action on Ordinances Relating to Public Buildings, Streets, Parks, Bridges, Et Cetera.—The clerk of council shall, upon introduction, furnish to the city planning commission, for its consideration, a copy of all ordinances and bills, and all amendments thereto, relating to the location of any public building of the city; to the location, extension, widening, narrowing, enlargement, ornamentation, and parking of any street, boulevard, parkway, park, playground, or other public ground; to the relocation, vacation, curtailment, changes of use, or any other alteration of the city plan, with relation to any of the same; and to the location of any bridge, tunnel and subway, or any surface, underground, or elevated railway. The commission shall have the power to disapprove any of the said ordinances, bills, or amendments, which disapproval, however, must be communicated to council, in writing, within one week from the introduction of said ordinances, but such disapproval shall not operate as a veto.

Section 4003. Maps of City and Environs; Recommendations to Council.—The city planning commission may make, or cause to be made, and lay before council, and, at its discretion, cause to be published, maps of the city or any portion thereof, including territory extend-

ing three miles beyond the city limits, showing the streets and highways and other natural and artificial features, and also locations proposed by it for any new public buildings, civic centre, street, parkway, park, playground, or any other public ground or public improvement, or any widening, extension, or relocation of the same, or any change in the city plan by it deemed advisable. It may make recommendations to council, from time to time, concerning any such matters and things aforesaid, for action by council; and, in so doing, it shall have regard for the present conditions and future needs and growth of the city, and the distribution and relative location of all the principle and other streets and railways, waterways, and all other means of public travel and business communications, as well as the distribution and relative location of all public buildings, public grounds, and open spaces devoted to public use.

Section 4004. Recommendations to Public Authorities, Corporations and Individuals.—The city planning commission may make recommendations to any public authorities, or any corporations or individuals in said cities, with reference to the location of any buildings, structures, or works to be erected or constructed by them.

Section 4005. Approval of Plans of Building Lots; Conflict of Jurisdiction.—All plans, plots, or re-plots of lands laid out in building lots, and the streets, alleys, or other portions of the same intended to be dedicated to public use, or for the use of purchasers or owners of lots fronting thereon or adjacent thereto, and located within the city limits, or for a distance of three miles outside thereof, shall be submitted to the city planning commission and be approved by it before it shall be recorded. No unapproved plan shall be received or recorded in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the city planning commission. The disapproval of any such plan by the city planning commission shall be deemed a refusal of the proposed dedication shown thereon. The approval of the commission shall be deemed an acceptance of the proposed dedication; but shall not impose any duty upon the city concerning the maintenance or improvement of any such dedicated parts, until the proper authorities of the city shall have made actual appropriation of the same by acceptance, entry, use, or improvement. No sewer, water, or gas main, or pipes, or other improvement, shall be voted or made within the area under the jurisdiction of said commission, for the use of any such purchasers or owners; nor shall any permit for connection with or other use of any such improvement existing, or for any other reason made, be given to any such purchasers or owners until such plan is so approved. Where the jurisdictional limit of three miles outside of the city limits, as provided in

this section, may conflict with the zone of similar character connected with another municipality, the jurisdiction of said commission shall extend only to the point equidistant between the city limits and the limits of said municipality.

Section 4006. Jurisdiction may be Transferred to Other Municipal Bureau or Commission.—Cities may provide, by ordinance, for the exercise of all rights and powers herein conferred upon the city planning commission, by a park commission, or kindred municipal bureau or commission, authorized under existing laws.

ARTICLE XLI

ZONING AND BUILDING REGULATIONS

(a) Inspections and Building Ordinances

Section 4101. Appointment of Building Inspectors.—Each city may appoint one or more building inspectors, and fix their compensation, payable by the city.

Section 4102. Building Inspectors; Building Ordinances.—Each city may provide a system for the inspection of buildings to insure their safety and incombustibility and may prescribe limits within which buildings shall not be constructed, reconstructed, enlarged by 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. 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.

(b) Zoning

Section 4110. Power to Regulate and Restrict Building Operations; Districts.—Cities may, by ordinance, regulate and restrict the height, number of stories, bulk, and size of buildings and other structures, the percentage of lots that may be occupied, the size, depth, and width of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence, or other purposes, and may make different regulations for different districts thereof, and may alter the same; but no alteration of such regulations may be made, except by the affirmative vote of not less than four of the members of council. Such regulations shall provide that a board of appeals may determine and vary their application in harmony with their general purpose and intent, and in accordance with general or specific rules therein contained.

Section 4111. Recommendations of Regulations to

Council; Hearings; Adoption; Changes.—The city planning commission, where such bodies exist, or a committee of the council, or such other commission or committee as may be created by the council for the purpose, shall recommend to the council the boundaries of districts and appropriate regulations and restrictions to be imposed therein. Such body shall make a tentative report, and hold public meetings thereon, before submitting its final report. At such time as the council may require, after such final report, council shall afford persons affected an opportunity to be heard, at a time and place to be specified in a notice of hearing to be published for ten consecutive days in a daily newspaper or newspapers of general circulation in said city. Council shall not determine the boundaries of any district, nor impose any regulations or restrictions, until after the final report and after said hearing.

Council may, from time to time, after public notice and hearing, amend, supplement, or change such regulations, restrictions, or district boundaries. If a protest against a proposed amendment, supplement, or change be presented, duly signed, by the owners of twenty per centum, or more, of the frontage proposed to be altered, or by the owners of twenty per centum of the frontage immediately in the rear thereof, or by the owners of twenty per centum of the frontage directly opposite the frontage proposed to be altered, a three-fourth vote of the members of council shall be required to adopt such proposed amendment, supplement, or change.

Section 4112. Exemption of Public Service Corporation Buildings.—The foregoing sections of this article shall not apply to any existing or proposed building, or extension thereof, used or to be used by public corporations, if upon petition of the corporation, the Public Service Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

Section 4113. Board of Appeals.—Council shall appoint a board of appeals, and, in the regulations and restrictions adopted pursuant to the authority of this subdivision (b) of this article, shall provide that the board of appeals may, in appropriate cases, and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance, its supplements and amendments, in harmony with its general purpose and intent, and in accordance with general or specific rules therein contained.

The board of appeals shall consist of three members, one of whom shall be appointed to serve until the first Monday of January following the adoption of the zoning ordinance; one, until the first Monday of the second January thereafter; and one, until the first Monday

of the third January thereafter. Their successors shall be appointed, on the expiration of their respective terms, to serve three years. The appointing authority, upon written charges, shall have the power to remove any member for cause, and after public hearing. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant.

The board shall adopt rules in accordance with the provisions of any zoning ordinance adopted. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman, or in his absence, the acting chairman may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the board shall immediately be filed in the office of the board and shall be a public record.

The board of appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the provisions of this subdivision or of any ordinance adopted pursuant thereto.

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

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

In exercising the above mentioned powers, such board may, in conformity with the provisions of this subdivision (b) of this article, reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and, to that end, shall have all the powers of the officer from whom the appeal is taken.

Such board of appeals shall also hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with the enforcement of any zoning ordinance. It shall also hear and decide all matters referred to it or upon which it is required to pass under any such

ordinance. Such appeal may be taken by any person aggrieved or by any officer, department, board, or bureau of the city affected by the decision of the administrative officer.

Such appeal shall be taken within a reasonable time as provided by the rules of the board, by filing with the officer from whom the appeal is taken, and with the board of appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceeding in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of appeals, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board of appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

The board of appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof as well as due notice at least six days prior to the hearing, by mail, to the parties in interest at the address filed with the appeal, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

Any person or persons jointly or severally aggrieved by any decision of the board of appeals, or any taxpayers, or any officer, department, board, or bureau of the municipality may present to the court of common pleas of the respective county a petition duly verified, setting forth that such decision is illegal in whole or in part, specifying the grounds of the illegality. Such petition must be presented to the court within thirty days after the filing of the decision in the office of the board.

Upon the presentation of such petition, the court may allow an appeal directed to the board of appeals, to review such decision of the board of appeals, and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application on notice to the board and on due cause shown, grant a restraining order.

The board of appeals shall not be required to return the original papers acted upon by it, but it shall be

sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from, and shall be verified.

If upon the hearing it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse, or affirm wholly or partly, or may modify the decision brought up for review.

Costs shall not be allowed against the city unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.

All issues in any proceeding under this section shall have preference over all other civil actions and proceedings.

(c) Uniform Building Lines

Section 4115. Cities may establish and maintain uniform building lines upon any or all public streets, roads, highways, lanes and alleys of the city.

(d) Health and Sanitary Ordinances and Regulations

Section 4120. Power to Adopt Regulations.—Cities may enact and enforce suitable ordinances to govern and regulate the construction, alteration, repairs, occupation, maintenance, sanitation, lighting, ventilation, water supply, toilet facilities, drainage, use and inspection of all buildings or parts of buildings constructed, erected, altered, designed, or used, in whole or in part, for human habitation, and of the sanitation and inspection of land appurtenant thereto; and the said ordinances may provide proper penalties, not exceeding three hundred (\$300) dollars, for the violation of their provisions.

Section 4121. Actions to Restrain Unlawful Construction.—In case any building or structure is constructed, reconstructed, altered, repaired, converted, or maintained, or any building or land is used, in violation of any such ordinance, the city, in addition to the penalties provided by such ordinance, may institute appropriate actions or proceedings, at law or in equity, to prevent and restrain such unlawful construction, reconstruction, alteration, repairs, conversion, maintenance, or use, and to restrain, correct, or abate such violation and to prevent the occupancy of said building or structure.

(e) Party Walls

Section 4125. Cities may 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.

(f) Abatement of Nuisances

Section 4140. Petition for Removal of Nuisances; Viewers.—The council of any city may, by resolution, authorize and empower the mayor of such city to present a petition to the court of common pleas of the county wherein such city is located, setting forth that any property, building, premises, business or occupation, specifying the same fully and describing the same accurately, located within said city has become a public nuisance, injurious or dangerous to the community and to the public health. Upon the presentation and hearing of such petition, if the nuisance complained of be not a nuisance, per se, then the court may appoint three viewers, from the county board of viewers, to go upon the premises where said nuisance is alleged to exist—at a time to be fixed in the order appointing the same, of which time due notice shall be given to all persons affected, which shall be not less than twenty nor more than thirty days from the date of the order making such appointment—and shall thereupon, being first duly sworn, view the property, premises, building, business or occupation, shall hear the parties, their witnesses and counsel, and shall make due report thereof to the court appointing them.

Section 4141. Power of Viewers.—The viewers, appointed as aforesaid, may:

First. Determine whether or not the property, premises, building, business or occupation is a nuisance, and, if they shall find it is a nuisance, shall so return in their award; and

Second. Find what, if any, compensation shall be paid by the said city to the owner or owners of said property, premises, building, business or occupation for the abatement of the same, and if the findings of the said viewers be in favor of the said city and direct the abatement of said nuisance, then judgment shall be entered upon their award within thirty days after the same is filed, unless the said award be appealed from or exceptions thereto be filed within thirty days. No execution

or other process for the collection of any sum of money awarded to any person or persons, corporation or corporations, as compensation for the abatement of any nuisance, shall issue until the said nuisance has been fully and completely abated, and return thereof made to the court.

Section 4142. Appeals.—Any of the parties interested in any proceedings provided by the preceding two sections may appeal to the court of common pleas of the proper county within thirty days from the date of filing an award; such appeal to be in the same form as now governs appeals from the awards of viewers appointed pursuant to this act to assess damages for property taken, injured or destroyed, the party appealing to pay the costs incurred and to give bond, with one surety, for the payment of all costs which may thereafter be incurred. Upon such appeal being perfected, the court shall frame an issue, which issue shall be placed at the head of the next trial list then open, and shall be tried by the court and jury in the same manner as feigned issues are now tried. Upon such trial the jury shall have power to find the same facts as are provided may be found by the viewers. If the jury shall find in favor of the city and award any compensation to the owner or owners of said property, premises, buildings, business or occupation, judgment shall be entered upon the verdict of a jury. No execution or other process for the collection of such judgment shall issue until the nuisance complained of shall have been fully and completely abated, and return thereof made to the court; upon which the court shall have power to award execution or other process necessary to enforce the collection of the judgment.

Section 4143. Abatement of Nuisance after Award by Viewers.—Whenever the award of viewers, or the verdict of a jury, shall find that a nuisance exists, and the owner or owners of any property, premises, building, business or occupation causing the same shall fail to abate the same within sixty days from the date of the judgment, the authorities of said city shall have full power and authority to enter upon said property, premises or building where said nuisance exists and abate the same, and shall not be liable in any form of action for so doing. The cost and expense of abating the same shall be deducted from any compensation awarded in said proceedings.

ARTICLE XLII

AERONAUTICS

Section 4201. Power to Acquire Land for Aeronautical Purposes; Maintenance of Municipal Airdromes.—A city may acquire, by lease, purchase or condemnation proceedings, any land lying either within or without the territorial limits of the city, and within or without the

territorial limits of the county in which such city is located, which, in the judgment of council, may be necessary and desirable for the purpose of establishing and maintaining municipal airdromes and/or aviation landing fields.

Section 4202. Proceedings for Condemnation.—The proceedings for the condemnation of lands under the provisions of this act, and for the assessment of damages for property taken, injured or destroyed, shall be conducted in the manner provided by this act in the case of property taken, injured or destroyed. The title acquired by the city exercising the power of condemnation shall be a title in fee-simple.

Section 4203. Leasing of Land Acquired for Aeronautical Purposes.—Any city acquiring land for any aeronautical purposes may lease the same, or part thereof, to any individual or corporation desiring to use the same for the purpose of landing or starting an aeroplane therefrom, or for other aeronautical purposes, on such terms and subject to such conditions and regulations as may be provided. Any such city may enter into a contract, in the form of a lease, providing for the use of said land, or any part thereof, by the Government of the United States for air mail delivery, or other aeronautical purposes, upon nominal rental or without consideration.

Section 4204. Operation of Airdrome Jointly with County.—Any city acquiring land for any aviation purpose may operate and maintain said municipal airdrome or aviation landing field jointly with any county, upon such terms and conditions as may be agreed upon between the corporate authorities of the city and the county commissioners of the county.

Section 4205. Appropriation for Support of Airdromes or Landing Fields.—Cities, which do not own, lease, or operate municipal airdromes or aviation landing fields, may appropriate money for the support and maintenance of airdromes or aviation landing fields, situate either within or without the limitations of any city, but within the limitations of the county in which such city is located.

ARTICLE XLIII

PENSIONS

(a) Police

Section 4301. Police Pension Fund; Direction of.—Cities shall establish, by ordinance, a police pension fund, to be maintained by an equal and proportionate monthly charge against each member of the police force, which shall not exceed annually three per centum of the pay of such member; which fund shall be under the direction of council or committed to the direction of such officers

of the city as may be designated by council, and applied, under such regulations as council may, by ordinance, prescribe, for the benefit of such members of the police force as shall receive honorable discharge therefrom by reason of age or disability and the families of such as may be injured or killed in the service, but such allowances as shall be made to those who are retired by reason of the disabilities of age shall be in conformity with a uniform scale.

Section 4302. Retirement; Final Discharge.—Such ordinance may prescribe a minimum period of continuous service, not less than twenty years, after which members of the force may be retired from active duty, and such members as are retired shall be subject to service, from time to time, as a police reserve until unfitted for such service, when they may be finally discharged by reason of age or disability.

Section 4303. Maximum Amount of Premium.—Payments for allowances shall not be a charge on any other fund in the treasury of the city or under its control save the police pension fund herein provided for. The basis of the apportionment of the pension shall be determined by the rate of the monthly pay of the member at the date of injury, death, honorable discharge, or retirement, and shall not in any case exceed in any year one-half the annual pay of such member computed at such monthly rate.

Section 4304. Causes for Forfeiture of Rights in Fund.—Whenever any person shall become entitled to receive an allowance from the police pension fund, and shall have been admitted to participate therein, he shall not be deprived of his right to an equal and proportionate participation therein upon the basis upon which he first became entitled thereto, save from one or more of the following causes, that is to say: Conviction of a crime or misdemeanor, becoming an habitual drunkard, becoming a nonresident of the State, or failing to comply with some general regulation relating to the management of said fund which may be made by ordinance, and which may provide that a failure to comply therewith shall terminate the right to participate in the pension fund after such due notice and hearing as shall be prescribed by ordinance.

Section 4305. Payments to Pension Funds by City.—There shall be paid annually to the organization or association, constituting and having in charge the distribution of police pension funds in every city, a sum of money not exceeding one per centum of all city taxes collected by the city, other than taxes levied to pay interest on or extinguish the debt of the city or any part thereof.

Section 4306. Designation of Organization to Manage Pension Fund.—The organization, having in charge

the distribution of police pension funds, herein mentioned, shall consist only of such as is by ordinance designated as the official and authorized organization or association to hold, receive, and distribute the funds of moneys for the purpose of pensioning the police officers of the city.

Section 4307. Trusts for Benefit of Police Pension Fund.—Any city may take, by gift, grant, devise or bequest, any money or property, real, personal or mixed, in trust for the benefit of such pension fund, and the care, management, investment and disposal of such trust funds or property shall be vested in such officer or officers of such city, for the time being, as the city may designate, and such care, management and disposal shall likewise be directed by ordinance and the said trust funds shall be governed thereby, subject to such directions, not inconsistent therewith, as the donors of such funds and property may prescribe.

(b) Firemen

Section 4320. Firemen's Pension Fund; Direction Of.—Cities may establish, by ordinance, a firemen's pension fund, to be maintained by an equal and proportionate monthly charge against each member of the fire department, which shall not exceed annually three per centum of the pay of such member; which fund shall be under the direction of council or committed to the direction of such officers of the city as may be designated by council, and applied, under such regulations as council may, by ordinance, prescribe, for the benefit of such members of the fire department as shall receive honorable discharge therefrom by reason of age or disability and the families, of such as may be injured or killed in the service but such allowances as shall be made to those who are retired by reason of the disabilities of age shall be in conformity with a uniform scale.

Section 4321. Retirement; Final Discharge.—Such ordinance may prescribe a minimum period of continuous service, not less than twenty years, after which members of the department may be retired from active duty, and such members as are retired shall be subject to service, from time to time, as a firemen's reserve until unfitted for such service, when they may be finally discharged by reason of age or disability.

Section 4322. Maximum Amount of Premium.—Payments for allowances shall not be a charge on any other fund in the treasury of the city or under its control save the firemen's pension fund herein provided for. The basis of the apportionment of the pension shall be determined by the rate of the monthly pay of the member at the date of death, honorable discharge, or retirement, and shall not in any case exceed in any year one-

half the annual pay of such member computed at such monthly rate.

Section 4323. Causes for Forfeiture of Rights in Fund.—Whenever any person shall become entitled to receive an allowance from the firemen's pension fund, and shall have been admitted to participate therein, he shall not be deprived of his right to an equal and proportionate participation therein upon the basis upon which he first became entitled thereto, save from one or more of the following causes, that is to say: Conviction of a crime or misdemeanor, becoming an habitual drunkard, becoming a nonresident of the State, or failing to comply with some general regulation relating to the management of said fund which may be made by ordinance, and which may provide that a failure to comply therewith shall terminate the right to participate in the pension fund after such due notice and hearing as shall be prescribed by ordinance.

Section 4324. Payments to Firemen's Pension Funds by City.—There may be paid to the organization or association, constituting and having in charge the distribution of firemen's pension funds in every city, one per centum of all city taxes collected by the city, other than taxes levied to pay interest on or extinguish the debt of the city or any part thereof.

Section 4325. Designation of Organization to Manage Pension Fund.—The organization having in charge the firemen's pension fund, herein mentioned, shall consist only of such as is by ordinance designated as the official and authorized organization or association to hold, receive, and distribute the funds or moneys for the purpose of pensioning the firemen of said city.

Section 4326. Trusts for Benefit of Firemen's Pension Fund.—Any such city may take, by gift, grant, devise or bequest, any money or property, real, personal or mixed, in trust for the benefit of such pension fund, and the care, management, investment and disposal of such trust funds or property shall be vested in such officer or officers of such city, for the time being, as the said city may designate, and such care, management and disposal shall likewise be directed by ordinance and the said trust funds shall be governed thereby, subject to such directions, not inconsistent therewith, as the donors of such funds and property may prescribe.

(c) Pension Funds for Employes Other Than
Policemen and Firemen

Section 4340. Pension Funds for Employes other than Police or Firemen.—Cities may create a pension fund for the pensioning of employes of said cities who are not members of the police force or fire department thereof, and the families of such as may be injured or

killed in the service, in the manner, under the conditions and subject to the qualifications following.

Section 4341. Pension Board; Duties.—In any city which creates such pension fund, there shall be created a board to be known as the pension board, consisting of the mayor, the city controller, the superintendent of finance, and two employes to be chosen by the employes contributing to the pension fund. It shall be the duty of said board to register all persons employed by the said city, and to administer the collections and distribution of the fund herein provided for, and make such reasonable rules in the premises as such board may deem necessary to carry into effect the provisions of this act.

Section 4342. Retirement Age.—Every person, now or hereafter employed by any city which has created such pension fund and pension board as hereinbefore provided, of the age of sixty years, and upwards, who shall have been so employed for a period of twenty years or more, shall, upon application to the board of pensions herein created, be retired from service and shall, during the remainder of his or her life, receive the pension or compensation fixed by this act, subject to such qualifications as are herein contained.

Section 4343. Retirement Allowance; Proof of Disability.—During the lifetime of any person in the employment of any city creating such pension fund and pension board as hereinbefore provided, he or she shall be entitled to receive as a pension annually, from the fund set aside for the purpose, fifty per centum of the amount which would constitute the average annual salary or wages which he or she received during the last five years of his or her employment by the said city, said pension to be paid in semimonthly payments. Should any persons so employed, after twenty years of service, be dismissed, voluntarily retired, or be in any manner deprived of his or her position or employment, before attaining the age of sixty years, upon continuing a monthly payment to the fund equal to the last amount due and paid monthly while in active service, said person shall be entitled to the pension above mentioned, notwithstanding he or she has not attained the age of sixty years at the time of his or her separation from the service of such city, but said pension shall not commence until he or she has attained the age of sixty years. Should any employe, however, become totally and permanently disabled, after twenty years of service and before attaining the age of sixty years, he or she shall be entitled to the said pension. Proof of total and permanent disability shall consist of the sworn statement of three practicing physicians, designated by the board, that the employe is in a permanent condition of health which would permanently disable him or her from performing the duties of his or her position or office.

Section 4344. Amount of Payments into Fund; Re-payment before Retirement.—The employes of any city, creating such pension fund and pension board, shall pay into the board of pensions monthly an amount equal to two per centum of their monthly salaries or wages, in no event, however, paying at a rate greater than four dollars per month, which shall be applied to the purposes of the fund. Payment of the monthly amount or contribution herein mentioned shall cease and be discontinued at the time the beneficiary receives the pension herein provided. If for any cause any employe contributing to the pension fund shall cease to be an employe of the city before the said employe becomes entitled to a pension, the total amount of the contributions paid into the pension fund by such employe shall be refunded to him or her in full, without interest. If any such employe shall have returned to him or her the amount contributed as aforesaid, and shall afterward reenter the employ of the city, said employe shall not be entitled to the pension designated until twenty years after said reemployment, unless he or she shall return to the pension fund the amount withdrawn, in which event that period of twenty years shall be computed from the time said employe first enters the service of the city. In the event of the death of any such employe, before the said employe becomes entitled to the pension aforesaid, the said total amount of contributions paid into the pension fund by said employe shall be paid over to the estate of said deceased employe.

Section 4345. Payments by Laborers Optional.—Any person holding a position in any such city as a laborer, at a per diem wage, shall not be compelled to pay or contribute toward the pension fund herein provided for, but shall have the option or choice of so doing and, in that event only, of becoming entitled to the pension provided by this act.

Section 4346. Heads of Departments to Certify List of Employes.—The head of every department and office employing persons entitled to receive a pension shall certify to the board of pensions all persons so employed and the amount of salary or wages which is paid to said employe, together with dismissals, resignations, or terminations of service and, from the records of their office or department, shall furnish such other relative information as the board of pensions shall require.

Section 4347. Receipt, Investment and Payment of Funds.—It shall be the duty of the board of pensions to receive and retain and, when deemed advisable, to invest the funds payable in accordance with the provisions of this subdivision of this article, and to pay over by warrant or check the amount due to said employes.

Section 4348. Appropriations to Fund by Council.—The council may annually set aside, apportion, and ap-

propriate, out of all taxes and income of such city, unto the board of pensions, a sum sufficient to maintain the pensions or compensations due hereunder.

Section 4349. Application.—The benefits conferred by this subdivision of this article shall apply to all persons employed in any capacity by, or holding positions in, the cities creating a pension fund and pension board in accordance with its provisions, but this subdivision shall not apply to employes of such departments, bureaus, or offices as are otherwise protected by pension authorized by law.

Section 4350. Computation of Time of Service.—The time of service herein specified, namely, twenty years, shall be computed from the time of the first or original employments, said employment to consist of service to the city and need not be continuous.

Section 4351. Funds Payable to be Free of Attachment.—The compensation or pension herein mentioned shall not be subject to attachment or execution, and shall be payable only to the beneficiary designated, and shall not be subject to assignment or transfer.

Section 4352. Employe Defined.—The term "employe," as used in this subdivision, is meant to include all persons in the service of cities of the third class creating a pension fund and a pension board in accordance with the provisions thereof, who are not now otherwise protected by pensions authorized by this act.

Section 4353. Beneficiaries of Fund not to be Employed by City.—No person or persons who shall have become a beneficiary shall be employed by the said city in any capacity, excepting in an office elected by popular vote, but during any such elected term he or she shall not be entitled to a pension.

ARTICLE XLIV

CIVIL SERVICE

Section 4401. Examinations Required of All Appointees.—No person or persons may be appointed to any position whatever in the police department, or in the engineering or electrical department, or in the position of building inspector, or 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, without having first passed all the examinations hereinafter provided for, and having been appointed in the manner and according to the terms and provisions and conditions of this article.

Section 4402. Appointment of Examining Boards.—There shall be the following civil service boards in each city: (a) A board for the examination of applicants for appointment to any position in the police depart-

ment; (b) a board for the examination of applicants for appointment to any salaried position in the fire department (except volunteer departments), or health officers other than registered physicians, or as sanitary policemen or inspectors of the health department; (c) a board for the examination of applicants for appointment to any position in the engineering or electrical departments, or to the position of building inspectors.

Each of said boards shall consist of three citizens, who shall be elected by council for terms of four years or until their successors are elected and qualified. One of the members of the boards, provided for in clauses (a) and (b) of this section, shall be an educator and one shall be a physician. Any person may be appointed to one or more of said boards.

Section 4403. Terms; Filling of Vacancies; Compensation; Quorum.—At the first election in newly created cities, council shall elect to each of said boards one person to serve for two years, one person to serve for three years, and one person to serve for four years. Upon the expiration of the term of any member of any of said boards, in any city, one person shall be elected by the city council to serve upon said board for the term of four years. If any vacancies occur they shall be filled by the city council for the unexpired term. Each of said members, before entering upon the duties of his office, shall take and subscribe to the oath of office prescribed by this act and file the same, duly certified by the officer administering it, with the controller of the city. No salary or other compensation shall be paid to any member of the said boards. Two members of the board shall constitute a quorum necessary for the transaction of business of that board. Said boards shall organize for the purpose of transacting all business immediately after their first appointment and, from time to time, thereafter as new appointments to such board are made.

Section 4404. Rules and Regulations; Examinations.—Each of said boards shall prepare and adopt such rules and regulations to cover the selection and appointment of all persons as hereinbefore provided, to be hereafter employed or appointed in said cities, as in the judgment of said boards shall be best adapted to securing the best service for the public. Such rules and regulations shall provide for ascertaining and determining, so far as possible, the physical qualifications, habits, reputation, standing, experience and education of all applicants for such positions, respectively; and they shall provide for examinations upon any and all subjects deemed proper or necessary by said boards for the purpose of determining their qualifications for the position sought and applied for.

Section 4405. Grading for Discharged Soldiers or

Sailors.—When any person who was engaged in the military or naval service of the United States during any war in which the United States engaged, and has an honorable discharge therefrom, shall take any examination for appointment or promotion, his examination shall be marked or graded fifteen per centum perfect before the quality or contents of the examination shall be considered. When the examination of any such person is completed and graded, such grading or percentage as the examination merits shall be added to the aforesaid fifteen per centum, and such total mark or grade shall represent the final grade or classification of such person and shall determine his or her order of standing on the eligible list.

Section 4406. Selection of Appointee from Certified List of Applicants.—Said boards shall make and keep, in numerical order, a list containing the names of all applicants for civil service positions in said city who may pass the required mental and physical examinations. Where more than one person takes examinations for any of said positions at the same time, the names of all those successfully passing such examination shall be entered upon the list of eligible names in the order of their respective percentages, the highest coming first. The board shall furnish to council a certified copy of all lists so prepared and kept. Wherever any vacancy shall occur in any civil service position in said city, the city council shall make written application to the president of the proper board, who shall forthwith certify to the city council, in writing, the four names on the list of applicants for such position having the highest percentage. Thereupon the director of the department in which such appointment is to be made shall nominate to the city council one of the four persons whose names are submitted to fill such positions. If the city council approves such nomination, the person nominated shall be appointed to fill such vacancy, and shall be assigned for service in the department. If the council does not approve such nomination, then the director of the department in which such appointment is to be made shall submit another nomination for such position from the remaining three names, and if such nomination is not approved by the council, he shall submit the third name, and if such nomination is not approved, he shall submit the fourth name. The person of the four submitted whose nomination by the director is approved by the city council shall be appointed to fill such a position in the department or as building inspector. In all cases the boards may recommend those in the employ of a department for promotion in case the person recommended is competent for the higher position. The name of the person so appointed shall be immediately stricken from the list of said board, and the names of the three rejected

persons shall immediately be restored to their proper place in said list: Provided, however, That if the names of any applicant has been submitted to the said council and been rejected three times, then such name shall be stricken from the eligible list.

Section 4407. Preference in Appointment to Soldiers and Sailors; Temporary Appointments.—The provisions of this article shall apply to all employes of said cities as described in section one of this article. All appointments made subject to the provisions of this article shall be for and during good behavior, and no employe shall be removed or transferred for any political reasons whatever. Among those persons possessing qualifications and eligibility for appointment, preference in appointment shall be given to honorably discharged soldiers and sailors who served in the Army or Navy of the United States during time of war: Provided, That preference may be given, by the appointing power, to all honorable discharged soldiers, sailors, and marines, who served in the Army or Navy of the United States during times of war, who have passed the required civil service examinations, notwithstanding, the fact that the names of such soldiers, sailors, and marines may not be among the four names standing highest upon the eligible lists as hereinbefore provided. Such appointments of soldiers, sailors, and marines may be made without regard to any age limitations now provided for by law or the rules and regulations of any board or commission having in charge civil service regulations in any county, city, or borough.

All persons holding appointments in said several departments or as building inspectors of said cities, at the time this act goes into effect, shall retain their positions without being required to pass examination, and be removed only in accordance with the provisions of this article.

In case of riot or emergency, temporary appointments to positions in the civil service may be made without complying with the provisions of this article.

Section 4408. Suspension; Reduction of Employes.—All employes subject to civil service shall be subject to suspension by the director 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. 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. The director of each such department may, for misconduct or violation as aforesaid, suspend any employe of such department for a period of ten days, with or without pay, without preferring charges

and without a hearing of council: Provided, however, That 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.

Section 4409. Secretaries of Boards; Compensation.—Each of said civil service boards may appoint a secretary and prescribe his duties. He shall be subject to removal at any time by the board appointing him, and such board shall have power to change his duties. The compensation to be paid said secretaries and all necessary stationery and supplies for said boards shall be such as council shall by ordinance direct.

ARTICLE XLV

CHARITIES AND WELFARE

Section 4501. Creation of Department of Charity.—Council, by ordinance, may create a bureau for the purpose of administering charity and for support of the poor, create any office which may be deemed necessary for the proper government, support, and management of said bureau, and regulate and prescribe the powers, duties, and compensation of all such officers. Such bureau shall have the care, management, administration, and supervision of the charities, almshouses, poorhouses, and the relief of the poor of the city, subject, however, to the control of the council.

Section 4502. Power to Levy Special Tax.—Council may levy a tax annually, not exceeding ten mills on the dollar, on all persons and property taxable by the city for city purposes, for the support of said bureau.

Section 4503. Hospitals; Appropriations; Free Treatment for Poor.—Any city may acquire, by gift, devise, or bequest, lands, chattels, securities and funds for the establishment and maintenance of a hospital, for the purposes of caring for the sick and injured residents of such city and the vicinity thereof, and, for such purposes, to appropriate and expend money of the city: Provided, That the poor residents of such city shall receive free treatment to the extent that it is possible to provide for same with the means available. Such hospital, or any ward therein, may be named in accord with the wishes of any person making a substantial donation thereto by will or otherwise.

Section 4504. Appointment of Trustees for Gifts; Powers.—Such gifts, devises, bequests and appropriated funds shall be under the supervision of a board of trustees, to be appointed by council, consisting of at least nine trustees, three of whom shall be members of coun-

cil, three of whom shall be licensed and practicing physicians in such city and the vicinity thereof, and the remainder of which board shall consist of residents of such city and vicinity thereof. Said appointments shall at all times be made subject to the approval of the orphans' court of the county in which said city is situated. Said board of trustees shall at all times be subject to the resolutions of council and the jurisdiction of said court, which shall have power to remove any of them upon petition of such city. Any vacancy in such board may be filled by a new appointment in manner aforesaid. Said board of trustees shall make reasonable rules for the management of such hospital, and appoint and remove the physicians, surgeons, nurses, and other employes necessary for the conduct thereof.

ARTICLE XLVI

COLLECTION OF MUNICIPAL CLAIMS BY SUIT

Section 4601. Collection of Municipal Claims by Suit.—In addition to the remedies provided by law for the filing of liens for the collection of municipal claims, all cities may proceed for the recovery and collection of municipal claims by action of assumpsit against the person or persons who were the owner or owners of the property at the time of the completion of the improvement, notwithstanding the fact that there was a failure on the part of any such city, or its agents, to enter any such municipal claim as a lien against the property assessed for the improvement, and for the recovery of which the action of assumpsit was brought. Any such action in assumpsit shall be commenced within three years after the completion of the improvement from which said claim arises.

This section shall extend to all municipal claims where the improvement was heretofore made, where the action of assumpsit has been instituted under the provisions of prior acts of Assembly, and where the claim was not barred by the statute of limitations affecting actions of debt or assumpsit.

ARTICLE XLVII

ACTS OF ASSEMBLY REPEALED; SAVING CLAUSE

Section 4701. The following acts and parts of acts of Assembly are hereby repealed as particularly set forth:

Section thirty-four of the act, approved the thirteenth day of June, one thousand eight hundred and thirty-six (Pamphlet Laws, five hundred fifty-one), entitled "An act relating to roads, highways and bridges," in so far as it relates to third class cities.

The act approved the twentieth day of April, one thousand eight hundred and sixty-nine (Pamphlet Laws,

eighty-one), entitled "An act to authorize the councils of cities and boroughs in this Commonwealth to provide for the inspection of milk," in so far as it relates to third class cities.

The act approved the fifteenth day of June, one thousand eight hundred and seventy-one (Pamphlet Laws, three hundred ninety-one), entitled "An act relating to the assessment of damage for the appropriation of land for public use," in so far as it relates to third class cities.

The act approved the twenty-third day of May, one thousand eight hundred and seventy-four (Pamphlet Laws, two hundred twenty-two), entitled, "An act to facilitate the transfer of stocks and loans," in so far as its relates to third class cities.

Sections two, three, four, five, six, seven, eight, nine, ten, eleven, twelve and thirteen of the act, approved the twenty-third day of May, one thousand eight hundred and seventy-four (Pamphlet Laws, two hundred thirty), entitled "An act dividing the 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 cities of the third class," in so far as it relates to third class cities.

Sections fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-six, forty-seven, forty-eight, forty-nine, fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight and fifty-nine of the act, approved the twenty-third day of May, one thousand eight hundred and seventy-four (Pamphlet Laws, two hundred thirty), entitled "An act dividing the 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 offences in all of said cities, and providing for the incorporation and government of cities of the third class," absolutely.

The act approved the ninth day of June, one thousand eight hundred and seventy-four (Pamphlet Laws, two hundred eighty-two), entitled "An act to authorize the counties, cities, towns or townships of this State, respectively, to enter into contracts with railroad companies whose roads enter their limits, whereby said companies may relocate, change or elevate their railroads," in so far as it relates to third class cities.

The act approved the thirteenth day of June, one thou-

sand eight hundred and seventy-four (Pamphlet Laws, two hundred eighty-three), entitled "An act for further regulation of appeals from assessments of damages to owners of property taken for public use," in so far as it relates to third class cities.

The act approved the eighteenth day of March, one thousand eight hundred and seventy-five (Pamphlet Laws, fifteen), entitled "A supplement to an act, entitled 'An act dividing the 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 offences in all of said cities, and providing for the incorporation and government of cities of the third class,' approved May twenty-third, Anno Domini one thousand eight hundred and seventy-four," absolutely.

The act approved the first day of May, one thousand eight hundred and seventy-six (Pamphlet Laws, eighty-six), entitled "An act providing for the appraisal, collection and payment of damages to private property by the grading of streets or alleys in cities other than those of the first, second and fifth classes, and authorizing the occupation of private property for the purposes of slopes or embankments in the improvement of streets or alleys therein," absolutely.

The act approved the eight day of May, one thousand eight hundred and seventy-six (Pamphlet Laws, one hundred thirty-two), entitled "An act authorizing certain wards, districts and subdivisions of any public and municipal corporations in this Commonwealth to borrow money by mortgage upon their real estate," in so far as it relates to third class cities.

The act approved the twenty-third day of March, one thousand eight hundred and seventy-seven (Pamphlet Laws, twenty), entitled "An act to empower any taxpayer of any township, borough, school, poor or other municipal district, upon petition and affidavit, to become a party to any suit or process pending against said district," in so far as it relates to third class cities.

The act approved the twenty-third day of March, one thousand eight hundred and seventy-seven (Pamphlet Laws, thirty-five), entitled "An act to revise and amend an act, entitled 'An act dividing the cities of the 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 offences in all of said cities, and providing for the incorporation and government of cities of the third class,' approved May twenty-third, Anno Domini one thousand eight hundred and seventy-four,

fixing the sinking fund tax of the respective cities of this Commonwealth," in so far as it relates to third class cities.

The act approved the twenty-fourth day of March, one thousand eight hundred and seventy-seven (Pamphlet Laws, forty-seven), entitled "A supplement to an act, entitled 'An act dividing the 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 such offences in all of said cities, and providing for the incorporation and government of cities of the third class,'" approved May twenty-third, Anno Domini one thousand eight hundred and seventy-four," absolutely.

The act approved the eighth day of June, one thousand eight hundred and eighty-one (Pamphlet Laws, sixty-eight), entitled "An act declaratory of the meaning of, and amending, the thirteenth section of an act, entitled 'An act dividing the 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 cities of the third class,' approved May twenty-third, Anno Domini one thousand eight hundred and seventy-four relating to the opening, widening, narrowing, vacating, and changing the grades of streets, et cetera, in cities," in so far as it relates to third class cities.

The act approved the tenth day of June, one thousand eight hundred and eighty-one (Pamphlet Laws, one hundred nine), entitled "An act to prohibit the peddling, selling, or hawking of produce and merchandise, in cities of the second and third classes within this Commonwealth, without a license," in so far as it relates to third class cities.

The act approved the seventeenth day of May, one thousand eight hundred and eighty-three (Pamphlet Laws, thirty-one), entitled "An act to prohibit cities, boroughs and municipalities from levying any license or mercantile tax, upon persons taking orders for goods or merchandise by sample, for individuals or companies who pay a license or mercantile tax at their chief place of business, and also to prohibit the collection of such licenses, or mercantile taxes," in so far as it relates to third class cities.

The act approved the thirtieth day of April, one thousand eight hundred and eighty-five (Pamphlet Laws, eleven), entitled "A supplement to 'An act dividing the 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 cities of the third class,' approved May twenty-three, Anno Domini one thousand eight hundred and seventy-four," absolutely.

The act approved the twenty-fourth day of May, one thousand eight hundred and eighty-seven (Pamphlet Laws, one hundred eighty-five), entitled "An act to provide for licensing and taxing foreign dealers in merchandise and their agents in the several cities and boroughs in the Commonwealth," in so far as it relates to third class cities.

The act approved the twenty-fourth day of May, one thousand eight hundred and eighty-seven (Pamphlet Laws, two hundred three), entitled "An act declaring and defining the limits of townships, boroughs and cities bounded by any of the navigable streams of the Commonwealth," in so far as it relates to third class cities.

The act approved the twenty-fifth day of May, one thousand eight hundred and eighty-seven (Pamphlet Laws, two hundred sixty-seven), entitled "An act to authorize cities and boroughs to condemn property and rights, inside and outside of their limits, for the purpose of obtaining and supplying water," in so far as it relates to third class cities.

The act approved the thirteenth day of May, one thousand eight hundred and eighty-nine (Pamphlet Laws, one hundred ninety-two), entitled "An act supplementary to 'An act dividing the 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 offences in all of said cities, and providing for the incorporation and government of cities of the third class,' approved twenty-third day of May, Anno Domini one thousand eight hundred and seventy-four, authorizing and empowering cities of the third class, and other cities containing less than ten thousand inhabitants coming within the provisions of said act, to enact ordinances for the creation of a department for the administration of charity and support of the poor, and providing for the government, support and maintenance of said department," absolutely.

The act approved the twenty-third day of May, one thousand eight hundred and eighty-nine (Pamphlet Laws, two hundred seventy-seven), entitled "An act providing for the incorporation and government of cities of the third class," absolutely.

The act approved the sixteenth day of May, one thou-

sand eight hundred and ninety-one (Pamphlet Laws, sixty-four), entitled "An act authorizing the changing of lines and annexing part of one ward to another in cities of the third class," absolutely.

The act approved the sixteenth day of May, one thousand eight hundred and ninety-one (Pamphlet Laws, seventy-five), entitled "An act in relation to the laying out, opening, widening, straightening, extending or vacating streets and alleys, and the construction of bridges in the several municipalities of this Commonwealth, the grading, paving, macadamizing, or otherwise, improving streets and alleys, providing for ascertaining the damages to private property resulting therefrom, the assessment of the damages, costs and expenses thereof upon the property benefited, and the construction of sewers and payment of the damages, costs and expenses thereof, including damages to private property resulting therefrom," in so far as it relates to third class cities.

The act approved the twenty-third day of May, one thousand eight hundred and ninety-one (Pamphlet Laws, one hundred nine), entitled "An act to provide for the security to be entered by municipal corporations for the taking of land for the opening or widening of roads, streets and highways," in so far as it relates to third class cities.

The act approved the second day of June, one thousand eight hundred and ninety-one (Pamphlet Laws, one hundred seventy-two), entitled "A supplement to an act, entitled 'An act for future regulations of appeals from assessors of damages to owners of property taken for public use,' approved the thirteenth day of June, one thousand eight hundred and seventy-four," in so far as it relates to third class cities.

The act approved the ninth day of June, one thousand eight hundred and ninety-one (Pamphlet Laws, two hundred fifty-five), entitled "An act amending clause thirteen of section three of article five of an act, entitled 'An act providing for the incorporation and government of cities of the third class,' approved May twenty-third, Anno Domini one thousand eight hundred and eighty-nine," absolutely.

The act approved the twenty-four day of June, one thousand eight hundred and ninety-one (Pamphlet Laws, three hundred ninety-four), entitled "An act relating to public parks in the several cities of the Commonwealth, authorizing the purchase of lands therefor by said cities, and the improvement and maintenance thereof, and repealing the act, approved May eighteenth, one thousand eight hundred and seventy-one, entitled 'An act relative to a public park in the city of Pittsburgh, Pennsylvania,' " in so far as it relates to third class cities.

The act approved the twenty-fourth day of May, one thousand eight hundred and ninety-three (Pamphlet

Laws, one hundred twenty-nine), entitled "An act to empower boroughs and cities to establish a police pension fund, to take property in trust therefor, and regulating and providing for the regulation of the same," in so far as it relates to third class cities.

The act approved the twenty-sixth day of May, one thousand eight hundred and ninety-three (Pamphlet Laws, one hundred thirty-nine), entitled "An act authorizing cities of the Commonwealth of Pennsylvania to enter upon, take, use and appropriate private property for the construction of piers, abutments, fills, slopes and approaches for bridges crossing rivers within the corporate limits thereof, and providing the manner in which compensation shall be made," in so far as it relates to third class cities.

The act approved the twenty-sixth day of May, one thousand eight hundred and ninety-three (Pamphlet Laws, one hundred fifty-four), entitled "An act authorizing cities of the Commonwealth of Pennsylvania to purchase, maintain, use and condemn bridges erected and in use over rivers and streams separating or dividing any part or district of such cities, and providing the manner in which compensation shall be made," in so far as it relates to third class cities.

The act approved the third day of June, one thousand eight hundred and ninety-three (Pamphlet Laws, two hundred eighty-four), entitled "An act to provide for the establishing and ascertaining the lines and boundaries between two or more cities, boroughs, or townships, cities and boroughs, townships and boroughs, or cities and townships, within this Commonwealth, and regulating the proceedings thereof," in so far as it relates to third class cities.

The act approved the twelfth day of June, one thousand eight hundred and ninety-three (Pamphlet Laws, four hundred fifty-three), entitled "An act providing a system whereby cities may pave streets and alleys, pay the cost thereof by the issue of bonds and collect the same from the property benefited, in instalments," in so far as it relates to third class cities.

The act approved the twelfth day of June, one thousand eight hundred and ninety-three (Pamphlet Laws, four hundred fifty-nine), entitled "An act to amend the first section of an act, entitled 'An act in relations to the laying out, opening, widening, straightening, extending or vacating streets and alleys, and the construction of bridges in the several municipalities of this Commonwealth, the grading, paving, macadamizing, or otherwise, improving streets and alleys, providing for ascertaining the damages to private property resulting therefrom, the assessment of the damages, costs and expenses thereof upon the property benefited, and the construction of sewers and payment of the damages, costs and ex-

penses thereof, including damages to private property resulting therefrom,' approved the sixteenth day of May, Anno Domini one thousand eight hundred and ninety-one, providing for assessment of damages where streets and alleys are changed in grade or location," in so far as it relates to third class cities.

The act approved the twenty-first day of May, one thousand eight hundred and ninety-five (Pamphlet Laws, eighty-nine), entitled "An act relating to actions brought to ascertain or recover damages for appropriation of rights of way or easements in lands by corporations invested with the right of eminent domain, and empowering and authorizing owners of lands and corporations, municipal or otherwise, desiring to exercise the right of eminent domain in such lands, to waive the assessment of damages by viewers, and granting the right to either party to demand and have the jury engaged in trying such action visit and view said land and premises," in so far as it relates to third class cities.

The act approved the twenty-second day of May, one thousand eight hundred and ninety-five (Pamphlet Laws, one hundred five), entitled "An act empowering cities of this Commonwealth to grade, pave, curb, macadamize and otherwise improve the public streets and alleys, or parts thereof, within their corporate limits without petition of property holders, and providing for the payment of the costs, damages and expenses thereof," in so far as it relates to third class cities.

The act approved the twenty-second day of May, one thousand eight hundred and ninety-five (Pamphlet Laws, one hundred six), entitled "An act amending section nine of an act, entitled 'An act in relation to the laying out, opening, widening, straightening, extending or vacating streets and alleys, and the construction of bridges in the several municipalities of this Commonwealth, the grading, paving, macadamizing or otherwise improving streets and alleys, providing for ascertaining the damages to private property resulting therefrom, the assessment of the damages, costs and expenses thereof upon the property benefited, and the construction of sewers and payment of the damages, costs and expenses thereof, including damages to private property resulting therefrom,' approved May sixteenth, Anno Domini one thousand eight hundred and ninety-one, enabling municipal corporations to lay out, open, widen, extend and vacate streets or alleys, upon petition or without petition of property owners," in so far as it relates to third class cities.

The act approved the twenty-third day of May, one thousand eight hundred and ninety-five (Pamphlet Laws, one hundred eighteen), entitled "An act amending sections three, four, five, eleven and twelve of article fif-

teen of an act, entitled 'An act providing for the incorporation and government of cities of the third class,' approved the twenty-third day of May, Anno Domini one thousand eight hundred and eighty-nine, defining the powers of city assessors in cities of the third class; constituting a board of revision of taxes and appeals in said cities, providing for the appointment of its members, and defining its powers; providing for a system of supervising assessments and altering and changing the same by said board; providing for an appeal from its decision; and regulating the lien of taxes so assessed," absolutely.

The act approved the eighth day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, one hundred eighty-eight), entitled "An act providing for the manner of ascertaining, determining, awarding, and paying compensation and damages in all cases where municipalities of this Commonwealth may hereafter be authorized by law to take, use and appropriate private property for the purpose of making, enlarging and maintaining public parks within the corporate limits of such municipality," in so far as it relates to third class cities.

The act approved the twenty-fourth day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, two hundred and sixty-three), entitled "An act providing for the creation of the office of fire marshal in cities of the third class, defining his powers and duties, fixing the penalties for preventing or obstructing him in the discharge of his duties, and providing for hearings before such marshal," absolutely.

The act approved the twenty-fifth day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, two hundred ninety-eight), entitled "An act to authorize cities, boroughs, and townships of this Commonwealth to appropriate moneys for Memorial Day services," in so far as it relates to third class cities.

The act approved the twenty-sixth day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, three hundred thirty-two), entitled "An act conferring upon municipalities the right of eminent domain for the purpose of appropriating public property for use of the National Guard of Pennsylvania," in so far as it relates to third class cities.

The act approved the twenty-sixth day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, three hundred forty-nine), entitled "An act authorizing the cities of this Commonwealth to purchase, acquire, take, use and appropriate private property for public park purposes," in so far as it relates to third class cities.

The act approved the twenty-sixth day of June, one thousand eight hundred and ninety-five (Pamphlet

Laws, three hundred sixty-seven), entitled "An act to provide for the abatement of nuisances in cities of the third class," absolutely.

The act approved the nineteenth day of May, one thousand eight hundred and ninety-seven (Pamphlet Laws, seventy-seven), entitled "An act granting the permission and regulating the establishment and operation of bone boiling establishments and depositories of dead animals in the Commonwealth of Pennsylvania, and providing for violations of the provisions of this act," in so far as it relates to third class cities.

The act approved the fifteenth day of June, one thousand eight hundred and ninety-seven (Pamphlet Laws, one hundred fifty-nine), entitled "An act authorizing controllers of the several cities of this Commonwealth to appoint probate clerks," in so far as it relates to third class cities.

The act approved the ninth day of July, one thousand eight hundred and ninety-seven (Pamphlet Laws, two hundred seventeen), entitled "An act to provide for the re-location of boundary lines between wards in the cities of this Commonwealth," in so far as it relates to third class cities.

The act approved the fourteenth day of July, one thousand eight hundred and ninety-seven (Pamphlet Laws, two hundred sixty-six), entitled "An act to regulate the remuneration of policemen and constables employed as policemen throughout the Commonwealth of Pennsylvania, and prohibiting them from charging or accepting any fee or other compensation, in addition to their salary, except as public rewards and mileage for traveling expenses," in so far as it relates to third class cities.

The act approved the fifteenth day of July, one thousand eight hundred and ninety-seven (Pamphlet Laws, two hundred seventy-three), entitled "An act to amend section two of an act, approved June twenty-sixth, Anno Domini one thousand eight hundred and ninety-five, entitled 'An act authorizing the cities of this Commonwealth to purchase, acquire, take, use and appropriate private property for public park purposes,' by providing the manner in which damages sustained shall be assessed and collected," in so far as it relates to third class cities.

The act approved the twenty-eighth day of April, one thousand eight hundred and ninety-nine (Pamphlet Laws, seventy-four), entitled "An act authorizing any borough or city within this Commonwealth to vacate, change, alter or relocate the course or channel of any creek, run or natural waterway, other than navigable streams, and for this purpose to enter upon, condemn and take property and materials necessary to such vacation, change, alteration or relocation, and providing for the ascertainment and assessment of costs, damages

and expenses, as well as the levy and collection of benefits arising therefrom, and constituting such benefits a lien upon the properties upon which they are respectively assessed," in so far as it relates to third class cities.

The act approved the twenty-eighth day of April, one thousand eight hundred and ninety-nine (Pamphlet Laws, one hundred), entitled "An act amending section eight of an act, entitled 'An act in relation to the laying out, opening, widening, straightening, extending or vacating streets and alleys, and the construction of bridges in the several municipalities of this Commonwealth, the grading, paving, macadamizing or otherwise improving streets and alleys, providing for ascertaining the damages to private property resulting therefrom, the assessment of the damages, costs and expenses thereof upon the property benefited, and the construction of sewers and payment of the damages, costs and expenses thereof, including damages to private property resulting therefrom,' approved May sixteenth, Anno Domini one thousand eight hundred and ninety-one, extending the provisions of said act to the grading, paving, curbing, macadamizing, or improvement of parts of streets or alleys," in so far as it relates to third class cities.

The act approved the second day of May, one thousand eight hundred and ninety-nine (Pamphlet Laws, one hundred eighty-eight), entitled "A supplement to an act, entitled 'An act providing for the incorporation and government of cities of the third class,' approved May twenty-third, one thousand eight hundred and eighty-nine, and providing for the assessment and collection of special taxes, upon properties abutting, for street sprinkling and street cleaning," absolutely.

The act approved the nineteenth day of April, one thousand nine hundred and one (Pamphlet Laws, eighty-two), entitled "An act making it lawful for any municipality, in which a corporation, created and existing under and by virtue of the laws of this Commonwealth, have constructed and are maintaining, or may hereafter construct and maintain, sewers, culverts, conduits, and pipes, with the necessary inlets and appliances, for surface, under-surface and sewage drainage, to become the owner of such sewers, culverts, conduits, and pipes, with the necessary inlets and appliances aforesaid; providing the amount to be paid for the same, and the manner of ascertaining such amount in case of disagreement between the municipality and the corporation owning the same," in so far as it relates to third class cities.

The act approved the eleventh day of May, one thousand nine hundred and one (Pamphlet Laws, one hundred eighty-seven), entitled "An act to amend an act, entitled 'An act authorizing the cities of this Commonwealth to purchase, acquire, take, use and appropriate private property for public park purposes,' approved

the twenty-sixth day of June, Anno Domini eighteen hundred and ninety-five," in so far as it relates to third class cities.

The act approved the sixteenth day of May, one thousand nine hundred and one (Pamphlet Laws, two hundred twenty-four), entitled "An act to revise and amend an act, entitled 'An act providing for the incorporation and government of cities of the third class,' approved May twenty-third, Anno Domini one thousand eight hundred and eighty-nine, enlarging, modifying and defining the powers of cities of the third class," absolutely.

The act approved the twenty-first day of May, one thousand nine hundred and one (Pamphlet Laws, two hundred seventy-three), entitled "An act amending an act, entitled 'An act to authorize the councils of the cities of the first class of the Commonwealth to appropriate annually a sum, not exceeding five hundred dollars, for the support and maintenance of each company of the National Guard using and occupying an armory, building, rooms or quarters within said cities, in addition to the annual appropriation by the Legislature,' approved the twenty-fourth day of May, Anno Domini one thousand eight hundred and eighty-seven, by extending the provisions of said act to cities of the second and third class," in so far as it relates to third class cities.

The act approved the fourth day of June, one thousand nine hundred and one (Pamphlet Laws, four hundred twenty-four), entitled "An act authorizing councils of cities of the third class, by ordinance, to sell or lease, at the best price obtainable, the coal under any public park or common owned by said city, and to apply the proceeds thereof to improving, policing and lighting the said park or common," absolutely.

The act approved the fourth day of June, one thousand nine hundred and one (Pamphlet Laws, four hundred twenty-nine), entitled "An act for the establishment of boards of city trusts, in certain cities of this Commonwealth," in so far as it relates to third class cities.

The act approved the seventh day of June, one thousand nine hundred and one (Pamphlet Laws, five hundred thirty-one), entitled "An act relating to railroad crossings of highways, and for the regulation, alteration and abolition of grade crossings, except in cities of the first and second classes," in so far as it relates to third class cities.

The act approved the twentieth day of June, one thousand nine hundred and one (Pamphlet Laws, five hundred seventy-eight), entitled "An act relating to the collection of city, school and poor taxes, in the several cities of the third class in this Commonwealth, and providing that the city treasurer of each of said cities,

by virtue of his office, shall be the collector of the said several taxes; prescribing his duties and fixing his compensation," absolutely.

The act approved the seventeenth day of July, one thousand nine hundred and one (Pamphlet Laws, six hundred sixty-eight), entitled "An act authorizing any municipality to connect with the sewer of any other municipality and township of the first class, for sewage purposes, and providing a method for ascertaining the damages caused thereby, and for the assessment and payment of the same," in so far as it relates to third class cities.

The act approved the eleventh day of March, one thousand nine hundred and three (Pamphlet Laws, twenty-five), entitled "An act providing the security to be given or tendered by the several cities of this Commonwealth, in the taking, appropriation, or injury of lands and property for any public use or purpose authorized by law," in so far as it relates to third class cities.

The act approved the eighteenth day of March, one thousand nine hundred and three (Pamphlet Laws, twenty-eight), entitled "An act regulating the filing of reports of viewers or juries of view, appointed by the courts of this Commonwealth to assess damages and benefits for the taking, injury or destruction of private property in the construction or enlargement of public works, highways or improvements," in so far as it relates to third class cities.

The act approved the nineteenth day of March, one thousand nine hundred and three (Pamphlet Laws, thirty-one), entitled "An act authorizing councils, in boroughs and in cities of the second class and third class, within this Commonwealth, to issue subpoenas, and to take the testimony of witnesses in any pending case of inquiry, investigation, or impeachment; also providing for the compulsory production of books and papers, and a mode of compelling the attendance of witnesses, by attachment for contempt; and providing for the punishment of perjury, by witnesses so called," in so far as it relates to third class cities.

The act approved the nineteenth day of March, one thousand nine hundred and three (Pamphlet Laws, thirty-five), entitled "An act amending section nine of an act, entitled 'An act in relation to the laying out, opening, widening, straightening, extending or vacating streets and alleys, and the construction of bridges in the several municipalities of this Commonwealth, the grading, paving, macadamizing, or otherwise improving streets and alleys, providing for ascertaining the damages to private property resulting therefrom, the assessment of the damages, costs and expenses thereof upon the property benefited, and the construction of sewers

and payment of the damages, costs and expenses thereof, including damages to private property resulting therefrom,' approved May sixteenth, Anno Domini one thousand eight hundred and ninety-one, enabling municipal corporations to lay out, open, widen, extend, and vacate streets or alleys, upon petition or without petition of property owners, as amended by the act, approved the twenty-second day of May, Anno Domini one thousand eight hundred and ninety-five, providing for the approval of ordinances by the city recorder and the publication of the ordinances," in so far as it relates to third class cities.

The act approved the twenty-sixth day of March, one thousand nine hundred and three (Pamphlet Laws, sixty-three), entitled "An act authorizing and empowering the several cities of this Commonwealth to purchase, or acquire by condemnation proceedings, such real estate, within the city limits, as they may need, upon which to erect or construct municipal buildings, fire engine houses, gas and electric light works, and, within or without the city limits, upon which to erect hospitals, water-works, and poorhouses, and for the purpose of a poor-farm," in so far as it relates to third class cities.

The act approved the twenty-sixth day of March, one thousand nine hundred and three (Pamphlet Laws, seventy-one), entitled "An act relating to the location, construction and maintenance of viaducts and bridges in cities and adjacent territory; empowering the several cities of this Commonwealth to construct, or have constructed, bridges or viaducts over rivers, creeks, streams, railroads and private lands, or over and across any of them, for public highways, and to procure locations therefor by purchase or condemnation proceedings, whether the same be wholly within, or partly within and partly without, the city limits; authorizing said cities to unite and enter into a contract or contracts with the county commissioners of the proper county, and with railroad, street railway, and other companies and parties interested or with any of them, for the erection, construction and maintenance of said viaducts and bridges, and for the payment of the damages caused by their location and erection; and forbidding any railroad company to pass under any such viaduct or bridge, without contributing to the cost of maintenance thereof," in so far as it relates to third class cities.

The act approved the thirtieth day of March, one thousand nine hundred and three (Pamphlet Laws, one hundred six), entitled "An act authorizing and empowering the city treasurers of the several cities of second class and third class of this Commonwealth to sell at public sale all properties upon which the taxes, assessed

and levied, are delinquent and remain unpaid," in so far as it relates to third class cities.

The act approved the thirtieth day of March, one thousand nine hundred and three (Pamphlet Laws, one hundred fifteen), entitled "An act amending clause twenty-two of section three of article five, and sections one and two of article thirteen, of an act, entitled 'An act providing for the incorporation and government of cities of the third class,' approved the twenty-third day of May, Anno Domini one thousand eight hundred and eighty-nine, and amending clauses ten and forty of said section three, article five, and section eleven of article six, and section four of article sixteen, of said act, as the same were enacted by amendment, by an act revising and amending said act, approved the sixteenth day of May, Anno Domini one thousand nine hundred and one," absolutely.

The act approved the second day of April, one thousand nine hundred and three (Pamphlet Laws, one hundred twenty-four), entitled "An act amending sections two and six of an act, entitled 'An act in relation to the laying out, opening, widening, straightening, extending or vacating streets and alleys, and the construction of bridges in the several municipalities of this Commonwealth, the grading, paving, macadamizing or otherwise improving streets and alleys, providing for ascertaining the damages to private property resulting therefrom, the assessment of the damages, costs and expenses thereof upon the property benefited, and the construction of sewers and payment of the damages, costs and expenses thereof, including damages to private property resulting therefrom,' approved the sixteenth day of May, Anno Domini one thousand eight hundred and ninety-one," in so far as it relates to third class cities.

The act approved the sixteenth day of April, one thousand nine hundred and three (Pamphlet Laws, two hundred fifteen), entitled "An act supplementary to an act 'authorizing councils of cities of the third class, by ordinance, to sell or lease, at the best price obtainable, the coal under any public park or common used by said city, and to apply the proceeds thereof to improving, policing and lighting the said park or common,' approved the fourth day of June, Anno Domini one thousand nine hundred and one; providing for the issue of park improvement bonds, and the expenditure of the surplus, not required for improvement, in the purchase of other parks or commons," absolutely.

The act approved the twenty-second day of April, one thousand nine hundred and three (Pamphlet Laws, two hundred fifty-eight), entitled "An act to permit farmers to sell their own produce without a license-fee, in and about the streets of any borough or city

of this Commonwealth," in so far as it relates to third class cities.

The act approved the twenty-fifth day of April, one thousand nine hundred and three (Pamphlet Laws, three hundred one), entitled "An act amending section one of an act, entitled 'An act empowering cities of this Commonwealth to grade, pave, curb, macadamize, and otherwise improve the public streets and alleys, or parts thereof, within their corporate limits, without petition of property holders, and providing for the payment of the costs, damages and expenses thereof,' approved the twenty-second day of May, Anno Domini one thousand eight hundred and ninety-five; providing for the approval of ordinances by the city recorder, and the number of publications of the ordinance," in so far as it relates to third class cities.

The act approved the twenty-fifth day of April, one thousand nine hundred and three (Pamphlet Laws, three hundred twelve), entitled "A supplement to an act approved twenty-third day of May, one thousand eight hundred and eighty-nine, entitled 'An act for the incorporation and government of cities of the third class,' providing for the adjustment of the indebtedness of such cities, and boroughs or townships annexed thereto," absolutely.

The act approved the twenty-fifth day of April, one thousand nine hundred and three (Pamphlet Laws, three hundred fourteen), entitled "An act authorizing the councils of any city of this Commonwealth, with the approval of the mayor or recorder thereof, to establish scientific, educational and economic institutions and to create boards of trustees for the government of each institution," in so far as it relates to third class cities.

The act approved the twenty-fifth day of April, one thousand nine hundred and three (Pamphlet Laws, three hundred sixteen), entitled "An act to further amend an act, entitled 'An act authorizing cities of this Commonwealth to purchase, acquire, take, use and appropriate private property for public park purposes,' approved the twenty-sixth day of June, eighteen hundred and ninety-five, so that poorhouse property may be taken for park purposes," absolutely.

The act approved the twenty-eighth day of April, one thousand nine hundred and three (Pamphlet Laws, three hundred thirty-five), entitled "An act to further define the police power of cities of the third class and boroughs, with reference to electric light wires," in so far as it relates to third class cities.

The act approved the twenty-first day of March, one thousand nine hundred and five (Pamphlet Laws, forty-six), entitled "An act authorizing the municipalities of the Commonwealth 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," in so far as it relates to third class cities.

The act approved the twenty-eighth day of March, one thousand nine hundred and five (Pamphlet Laws, sixty-one), entitled "An act providing for the payment of the expense of maintaining prisoners, committed to county prisons for nonpayment of fines or penalties imposed for the violation of city or borough ordinances, or ordinances of townships of the first class, by the city, borough, or township of the first class, to which such fines are payable," in so far as it relates to third class cities.

The act approved the twenty-ninth day of March, one thousand nine hundred and five (Pamphlet Laws, seventy-one), entitled "An act supplementary to an act, entitled 'An act providing for the incorporation and government of cities of the third class,' approved the twenty-third day of May, Anno Domini one thousand eight hundred eighty-nine, and the amendments thereof; enlarging, modifying, defining and prescribing the powers and duties of the city assessors, elected in pursuance of article fifteen of the said act, and its amendments, relating to their qualifications, compensation and obligations; and providing that the councils of each of the said cities shall have and exercise certain powers with reference to said assessors, the Board of Revision and Appeal, and the assessment and collection of taxes," absolutely.

The act approved the fourth day of April, one thousand nine hundred and five (Pamphlet Laws, one hundred two), entitled "An act to provide for the better protection of life and property, by the examination and licensing of engineers having charge of steam-boilers, steam-engines, and appliances connected therewith, in cities of the second and third class of this Commonwealth, and providing penalties for violation," in so far as it relates to third class cities.

The act approved the tenth day of April, one thousand nine hundred and five (Pamphlet Laws, one hundred twenty-five), entitled "An act giving all cities in Pennsylvania the right to take lands, under the power of eminent domain, for the purpose of building sewers either within or without their corporate limits, and providing a method of compensation," in so far as it relates to third class cities.

The act approved the tenth day of April, one thousand nine hundred and five (Pamphlet Laws, one hundred twenty-seven), entitled "An act to amend section one, article one, of an act, entitled 'An act providing for the incorporation and government of cities of the

third class,' approved May twenty-third, Anno Domini one thousand eight hundred and eighty-nine; providing for the submission of the question of incorporation of such city of the third class, by councils, upon the petition of a certain number of the qualified electors of the towns or boroughs embraced within the limits of the proposed city," absolutely.

The act approved the seventeenth day of April, one thousand nine hundred and five (Pamphlet Laws, one hundred ninety-three), entitled "An act to provide for the vacation and closing of alleys, lanes, or passageways that are, or may hereafter become public nuisances; and to compensate abutting property owners or others who may be damaged thereby, and assess benefits, if any there be," in so far as it relates to third class cities.

The act approved the eighteenth day of April, one thousand nine hundred and five (Pamphlet Laws, one hundred ninety-eight), entitled "An act supplementary to an act, entitled 'An act in relation to the laying out, opening, widening, straightening, extending or vacating streets and alleys, and the construction of bridges, in the several municipalities of this Commonwealth, the grading, paving, macadamizing or otherwise improving streets and alleys, providing for ascertaining the damages to private property resulting therefrom, the assessment of the damages, costs, and expenses thereof upon the property benefited, and the construction of sewers and the payment of the damages, costs and expenses thereof, including the damages to private property resulting therefrom,' approved the sixteenth day of May, Anno Domini one thousand eight hundred and ninety-one; relating to exceptions and to the confirmation of the reports of viewers and of parts thereof, and of appeals to the Superior and Supreme Court from the confirmation of viewers' reports or parts thereof, in the manner of taking the same, and the effect thereof," in so far as it relates to third class cities.

The act approved the twentieth day of April, one thousand nine hundred and five (Pamphlet Laws, two hundred thirty-seven), entitled "An act to provide for the repair and maintenance or improvement, by the proper county, city or borough, of turnpikes heretofore or hereafter appropriated or condemned, or any part thereof, for public use free of tolls," in so far as it relates to third class cities.

The act approved the twenty-second day of April, one thousand nine hundred and five (Pamphlet Laws, two hundred ninety-five), entitled "An act authorizing vacation of public highways at grade crossings over railroads, and the opening of undergrade or overgrade crossings in lieu thereof, by the court of quarter sessions," in so far as it relates to third class cities.

The act approved the second day of May, one thou-

sand nine hundred and five (Pamphlet Laws, three hundred fifty), entitled "An act authorizing and empowering cities, owning and operating water-works systems, to enter, by any of its employes, upon private lands through which may pass any stream or streams of water supplying such cities, for the purpose of patrolling the drainage area, and making investigations or inquiries pertaining to the condition of the stream or streams, sanitary or otherwise," in so far as it relates to third class cities.

The act approved the third day of May, one thousand nine hundred and five (Pamphlet Laws, three hundred seventy-nine), entitled "An act authorizing contracts between cities, boroughs, and townships of the one part, and street passenger railway companies and motor power companies, of the other part; providing for the keeping of certain streets free from street railway tracks, by permitting the temporary relocation or abandonment of tracks already laid, or the postponement of the laying of tracks duly authorized, while preserving the rights of such company to resume the exercise of its said franchises upon the termination or breach of such contract," in so far as it relates to third class cities.

The act approved the seventh day of March, one thousand nine hundred and seven (Pamphlet Laws, eleven), entitled "An act providing for the election of a city clerk in the several cities of the third class, in this Commonwealth; prescribing his duties, term, and compensation; and empowering him to administer oaths, and certify ordinances, resolutions, and other proceedings of councils," absolutely.

The act approved the fourteenth day of March, one thousand nine hundred and seven (Pamphlet Laws, twelve), entitled "An act amending section one (1) of an act, entitled 'An act authorizing and empowering the several cities of this Commonwealth to purchase, or acquire by condemnation proceedings, such real estate, within the city limits, as they may need, upon which to erect or construct municipal buildings, fire engine houses, gas and electric light works, and, within or without the city limits, upon which to erect hospitals, water-works, and poorhouses, and for the purpose of a poor-farm,' approved the twenty-sixth day of March, Anno Domini one thousand nine hundred and three, so as to provide for the acquiring by purchase or condemnation proceedings of sufficient real estate, within or without the city limits, as may be necessary for present and future use, upon which to erect and construct workhouses or houses of detention, poorhouses, garbage or incinerating furnaces, sewage disposal works or plants, with the necessary filter-beds, appliances, drains and sewers, and for extensions thereof," in so far as it relates to third class cities.

The act approved the twenty-eighth day of March, one thousand nine hundred and seven (Pamphlet Laws, thirty-seven), entitled "An act authorizing cities of the third class to fix, by ordinance, the date of commencement of the fiscal year," absolutely.

The act approved the fifteenth day of April, one thousand nine hundred and seven (Pamphlet Laws, sixty-six), entitled "An act to amend section one of article one of an act, entitled 'An act providing for the incorporation and government of cities of the third class,' approved May twenty-third, Anno Domini one thousand eight hundred and eighty-nine; providing for the submission of the question of incorporation of such city of the third class, by councils, upon the petition of a certain number of the qualified electors of the towns or boroughs embraced within the limits of the proposed city,' approved the tenth day of April, Anno Domini one thousand nine hundred and five; providing for the submission of such question of the incorporation of such city of the third class, by the court of quarter sessions of the peace of the county wherein such proposed city is to be located, upon the petition of a certain number of the qualified electors of the towns and boroughs embraced within the limits of the proposed city, to the qualified electors, and the manner of voting thereon," absolutely.

The act approved the fifteenth day of April, one thousand nine hundred and seven (Pamphlet Laws, eighty), entitled "An act authorizing contracts between cities, boroughs or townships of the one part, and street passenger railway companies, surface, elevated, or underground, or motor power companies leasing and operating the franchises and property of such companies, of the other part, affecting, fixing and regulating the franchises, powers, duties and liabilities of such companies, the management of the same, the relations and respective rights of the contracting parties, and the ultimate acquisition by such cities, boroughs and townships of the property, leaseholds and franchises of said contracting companies," in so far as it relates to third class cities.

The act approved the fifteenth day of April, one thousand nine hundred and seven (Pamphlet Laws, eighty-one), entitled "An act to regulate the construction, maintenance, and inspection of scaffolding, or slings, hangers, blocks, pulleys, stays, braces, ladders, irons or ropes, that are used in the construction, alteration, repairing, painting, cleaning, or pointing of buildings, within the limits of cities of the first, second, and third class: and providing punishment for violation of the provisions of this act," in so far as it relates to third class cities.

The act approved the fifteenth day of April, one thousand nine hundred and seven (Pamphlet Laws, ninety), entitled "An act to amend section one of the act, approved May twenty-fifth one thousand eight hundred and eighty-seven, entitled 'An act to authorize cities and boroughs to condemn property and rights, inside and outside of their limits, for the purpose of obtaining and supplying water,' so as to include springs," in so far as it relates to third class cities.

The act approved the twenty-fifth day of April, one thousand nine hundred and seven (Pamphlet Laws, one hundred four), entitled "An act to amend the first section of an act, entitled 'An act to provide for the repair and maintenance or improvement, by the proper county, city, or borough, of turnpikes heretofore or hereafter appropriated or condemned, or any part thereof, for public use free of tolls,' approved the twentieth day of April, Anno Domini one thousand nine hundred and five; providing for the repair and maintenance or improvement, by the proper county, city, or borough, of turnpikes heretofore or hereafter abandoned, or any part thereof, and for the repair, maintenance, or improvement of any turnpike, or part thereof, where the company or association owning the same has been or may hereafter be dissolved," in so far as it relates to third class cities.

The act approved the twenty-fifth day of April, one thousand nine hundred and seven (Pamphlet Laws, one hundred seventeen), entitled "An act amending an act, approved the twentieth day of June, nineteen hundred and one, entitled 'An act relating to the collection of city, school, and poor taxes in the several cities of the third class in this Commonwealth, and providing that the city treasurer of each of said cities, by virtue of his office, shall be the collector of the said several taxes; prescribing his duties and fixing his compensation,' in relation to the compensation to be paid for the collection of taxes," absolutely.

The act approved the seventh day of May, one thousand nine hundred and seven (Pamphlet Laws, one hundred sixty-seven), entitled "An act authorizing municipal corporations, owning their own water systems, to relocate roads destroyed by overflow of reservoirs, or otherwise, and to acquire land to preserve water supply from contamination," in so far as it relates to third class cities.

The act approved the tenth day of May, one thousand nine hundred and seven (Pamphlet Laws, one hundred ninety-six), entitled "An act exempting certain real estate from the power of eminent domain as exercised by corporations incorporated under the laws of Pennsylvania," in so far as it relates to third class cities.

The act approved the twenty-third day of May, one

thousand nine hundred and seven (Pamphlet Laws, two hundred and twenty-five), entitled "An act providing for the payment of the premiums on bonds of county, city, borough, school district, and township employes," in so far as it relates to third class cities.

The act approved the twenty-eighth day of May, one thousand nine hundred and seven (Pamphlet Laws, two hundred sixty-eight), entitled "An act to further amend section one, article one, of an act, entitled 'An act providing for the incorporation and government of cities of the third class,' approved the twenty-third day of May, Anno Domini one thousand eight hundred and eighty-nine, and which was amended by an act, approved the tenth day of April, Anno Domini one thousand nine hundred and five; prescribing the manner, and computing and making return of same," absolutely.

The act approved the twenty-eighth day of May, one thousand nine hundred and seven (Pamphlet Laws, two hundred eighty-seven), entitled "An act to authorize municipalities or townships to make assessments for municipal improvements outside of their corporate limits, under certain conditions," in so far as it relates to third class cities.

The act approved the twenty-eighth day of May, one thousand nine hundred and seven (Pamphlet Laws, two hundred ninety-five), entitled "A supplement to an act, entitled 'An act for the annexation of any city, borough, township, or part of a township, to a contiguous city, and providing for the indebtedness of the same,' approved the twenty-eighth day of April, Anno Domini one thousand nine hundred and three; to enable territory now annexed, or which may hereafter be annexed under the provisions of said act, to be arranged and erected into a ward, or wards, of the city to which it is annexed; and providing the procedure for that purpose, and for the proper representation of the ward or wards erected," in so far as it relates to third class cities.

The act approved the twenty-eighth day of May, one thousand nine hundred and seven (Pamphlet Laws, two hundred ninety-seven), entitled "An act authorizing the creation of a bureau of elevator inspection and the powers thereof, in the cities of this Commonwealth, and providing remedies and penalties for violating the provisions of ordinances passed or orders made by said bureau in relation thereto," in so far as it relates to third class cities.

The act approved the thirty-first day of May, one thousand nine hundred and seven (Pamphlet Laws, three hundred forty-nine), entitled "An act to provide for the planting and care of shade trees, on highways of townships of the first class, boroughs, and cities of the Commonwealth of Pennsylvania, and providing for the cost thereof," in so far as it relates to third class cities.

The act approved the thirty-first day of May, one thousand nine hundred and seven (Pamphlet Laws, three hundred fifty-five), entitled "An act providing for the acquiring of water plants or systems by municipalities from corporations, firms, or individuals, and the manner of ascertaining and arriving at the value of the same; and to authorize municipalities of this Commonwealth to issue bonds, secured by such water plants or systems, for the payment thereof; and to provide a sinking fund therefor, out of the revenues of said plants," in so far as it relates to third class cities.

The act approved the first day of June, one thousand nine hundred and seven (Pamphlet Laws, three hundred seventy-seven), entitled "A supplement to an act, approved April twenty-eighth, one thousand nine hundred three, entitled 'An act for the annexation of any city, borough, township, or part of a township, to a contiguous city, and providing for the indebtedness of the same,' providing for the preservation of rights of creditors and of liens, and for funding the debt of the municipality or school district annexed," in so far as it relates to third class cities.

The act approved the first day of June, one thousand nine hundred and seven (Pamphlet Laws, three hundred seventy-eight), entitled "An act authorizing any city of the third class within this Commonwealth to confine and pave, or completely enclose, any creek, run, or natural waterway, other than navigable streams, and for this purpose to enter upon any lands necessary to such confining and paving, or complete enclosure; and providing for the ascertainment and assessment of the costs, damages and expenses thereof, as well as the levy and collection of benefits arising therefrom, and constituting such benefits a lien upon the properties upon which they are respectively assessed," absolutely.

The act approved the seventh day of June, one thousand nine hundred and seven (Pamphlet Laws, four hundred sixty-one), entitled "An act providing a method to secure possession of lands, buildings or other property acquired under the power of eminent domain," in so far as it relates to third class cities.

The act approved the eighth day of June, one thousand nine hundred and seven (Pamphlet Laws, four hundred sixty-six), entitled "An act authorizing cities of this Commonwealth to purchase, acquire, take, use, and appropriate private property, for the purposes of making, enlarging, extending, and maintaining public parks, parkways, and playgrounds; authorizing the said cities to purchase, acquire, take, use, and appropriate neighboring private property, within two hundred feet of the boundary lines of such public parks, parkways, and playgrounds, in order to protect the same by resale, with restrictions; authorizing the resale of such

neighboring property, with such restrictions in the deeds of resale in regard to the use thereof as will protect such public park, parkways, and playgrounds; and providing for the manner of ascertaining, determining, awarding, and paying compensation and damages in all cases where property is taken, used, and appropriated for the said purposes," in so far as it relates to third class cities.

The act approved the eighth day of June, one thousand nine hundred and seven (Pamphlet Laws, five hundred three), entitled "An act to provide for the vacation and closing of alleys, lanes, or passageways that are or may hereafter become public nuisances, and to compensate abutting property owners or others who may be damaged thereby, and assess benefits if any there be," in so far as it relates to third class cities.

The act approved the fifteenth day of March, one thousand nine hundred and nine (Pamphlet Laws, thirty-three), entitled "An act relating to armories for the National Guard of Pennsylvania; authorizing counties, cities, towns, boroughs, and other municipal divisions of the Commonwealth to provide and appropriate moneys, or purchase and convey land, or convey land owned by any county, city, town, borough, or other municipal division of the Commonwealth, to assist the Armory Board in the erection of armories, and to furnish, free of cost to the Commonwealth, water, light, fuel, either or all, for use in any armory," in so far as it relates to third class cities.

The act approved the twenty-fourth day of March, one thousand nine hundred and nine (Pamphlet Laws, fifty-nine), entitled "An act authorizing controllers of the several cities of this Commonwealth to appoint a deputy controller, and prescribing his duties," in so far as it relates to third class cities.

The act approved the twenty-fourth day of March, one thousand nine hundred and nine (Pamphlet Laws, sixty-seven), entitled "An act authorizing municipalities to purchase or condemn public toll-bridges crossing rivers or streams within the limits thereof; and giving power to municipalities to charge and collect tolls or rentals, for the use of any such bridge, from railway, telephone, and telegraph companies, and other persons making a use thereof for other than ordinary public foot and vehicle travel; and providing for the preservation of existing contracts with such persons, and their assignment to such municipality," in so far as it relates to third class cities.

The act approved the twenty-fourth day of March, one thousand nine hundred and nine (Pamphlet Laws, sixty-nine), entitled "An act authorizing municipalities to purchase, condemn, maintain, and use public toll-bridges crossing rivers or streams within the limits

thereof, and to enter into a contract with the county commissioners of the proper county,—when said commissioners are duly authorized thereto by the court of quarter sessions, on petition of twenty or more taxpayers of such county,—whereby the said county shall pay a portion of the cost thereof; and giving power to the municipalities to charge and collect tolls or rentals, for the use of any such bridge, from railway, telephone, and telegraph companies and other persons making a use thereof for other than ordinary public foot and vehicle travel; and providing for the preservation of existing contracts with such persons, and their assignment to such municipality," in so far as it relates to third class cities.

The act approved the twenty-second day of April, one thousand nine hundred and nine (Pamphlet Laws, one hundred twenty-four), entitled "An act to permit the acquisition of forest or other suitable lands by municipalities, for the purpose of establishing municipal forests; and providing for the administration, maintenance, protection, and development of such forests," in so far as it relates to third class cities.

The act approved the twenty-second day of April, one thousand nine hundred and nine (Pamphlet Laws, one hundred thirty-five), entitled "An act to amend sections five and six of an act, entitled 'An act providing for the acquiring of water plants or systems by municipalities, from corporations, firms, or individuals, and the manner of ascertaining and arriving at the value of the same; and to authorize municipalities of this Commonwealth to issue bonds, secured by such water plants or systems, for the payment thereof; and to provide a sinking fund therefor, out of the revenues of said plants,' approved May thirty-first, one thousand nine hundred and seven; limiting the liability of municipalities on the bonds issued for such water plants or systems, and providing that the bonds mentioned in said act shall be payable in thirty years from the date of their issue," in so far as it relates to third class cities.

The act approved the twenty-seventh day of April, one thousand nine hundred and nine (Pamphlet Laws, one hundred ninety-two); entitled "An act amending section eight of article seven of an act, entitled 'An act providing for the incorporation and government of cities of the third class,' approved May twenty-third, Anno Domini one thousand eight hundred and eighty-nine; by providing for the disposition of all fees received by any magistrate or alderman while presiding in the mayor's police court, and authorizing councils to provide compensation for such services," absolutely.

The act approved the twenty-ninth day of April, one thousand nine hundred and nine (Pamphlet Laws, two

hundred ninety-six), entitled "An act permitting cities of the third class to validate paving ordinances heretofore or hereafter illegally passed, whether with or without petition, by repassing the ordinance by a majority of three-fourths of all the members of each branch of councils," absolutely.

The act approved the first day of May, one thousand nine hundred and nine (Pamphlet Laws, three hundred six), entitled "An act to authorize municipalities to unite in the construction of a sewage system, and to permit municipalities to form corporations for the purpose of constructing a sewage system," in so far as it relates to third class cities.

The act approved the sixth day of May, one thousand nine hundred and nine (Pamphlet Laws, four hundred fifty-nine), entitled "An act to further amend an act, entitled 'An act authorizing cities of this Commonwealth to purchase, acquire, take, use, and appropriate private property for public park purposes,' approved the twenty-sixth day of June, eighteen hundred and ninety-five, as amended by an act, approved the twenty-fifth day of April, nineteen hundred and three, so that poorhouse property may be taken for park purposes," in so far as it relates to third class cities.

The act approved the twentieth day of April, one thousand nine hundred and eleven (Pamphlet Laws, seventy), entitled "An act fixing the terms of the mayors, and members of select and common councils, in the several cities of this Commonwealth," in so far as it relates to third class cities.

The act approved the twenty-first day of April, one thousand nine hundred and eleven (Pamphlet Laws, eighty), entitled "An act to authorize any territory that may be annexed to a city under existing laws to be added to an adjacent ward or wards, or created into a new ward, and providing for the election of officers and places of holding elections in new wards thus created," in so far as it relates to third class cities.

The act approved the fifth day of May, one thousand nine hundred and eleven (Pamphlet Laws, one hundred seventeen), entitled "An act to amend an act, approved the twenty-third day of May, Anno Domini one thousand eight hundred and seventy-four, entitled 'An act dividing the cities of this State into three classes, regulating the passage of ordinances, providing for contracts for supplies and work of said cities, authorizing the increase of indebtedness, and the creation of a sinking fund to redeem the same, defining and punishing certain offences in all of said cities, and providing for the incorporation and government of cities of the third class,' by fixing the number of viewers at three," absolutely.

The act approved the tenth day of May, one thou-

sand nine hundred and eleven (Pamphlet Laws, two hundred eight), entitled "An act regulating the appointment or election of deputy controllers in cities, and prescribing their powers and duties," in so far as it relates to third class cities.

The act approved the seventh day of June, one thousand nine hundred and eleven (Pamphlet Laws, six hundred seventy-seven), entitled "An act providing for the payment of the costs of proceedings and the expenses of maintaining prisoners committed to county prisons, either for nonpayment of fines or penalties imposed for, or while awaiting a hearing upon, any charge for the violation of any city or borough ordinance, or any ordinance of townships of the first class, by the city, borough, or township of the first class whose ordinances are alleged to have been violated, or to which any such fines or penalties are payable," in so far as it relates to third class cities.

The act approved the ninth day of June, one thousand nine hundred and eleven (Pamphlet Laws, eight hundred fifty-seven), entitled "An act fixing the time for organization of the legislative departments of municipal governments, and for the inauguration of mayors of cities," in so far as it relates to third class cities.

The act approved the fifteenth day of June, one thousand nine hundred and eleven (Pamphlet Laws, nine hundred sixty-six), entitled "An act to amend the first and second sections of an act, approved the first day of May, Anno Domini one thousand nine hundred and nine, entitled 'An act to authorize municipalities to unite in the construction of a sewage system, and to permit municipalities to form corporations for the purpose of constructing a sewage system,' by including townships," in so far as it relates to third class cities.

The act approved the nineteenth day of June, one thousand nine hundred and eleven (Pamphlet Laws, ten hundred thirty-three), entitled "An act to amend the second section of an act, approved the twenty-fifth day of May, Anno Domini one thousand eight hundred and eighty-seven, entitled 'An act to authorize cities and boroughs to condemn property and rights, inside and outside of their limits, for the purpose of obtaining and supplying water,' by fixing the number of the viewers at three," in so far as it relates to third class cities.

The act approved the nineteenth day of June, one thousand nine hundred and eleven (Pamphlet Laws, ten hundred thirty-six), entitled "An act to amend the first section of an act, approved the eighth day of June, Anno Domini one thousand nine hundred and seven, entitled 'An act to provide for the vacation and closing of alleys, lanes, or passageways that are, or may hereafter become, public nuisances, and to compensate abutting property owners or others who may be dam-

aged thereby, and assess benefits if any there be,' by fixing the number of the jury at three," in so far as it relates to third class cities.

The act approved the nineteenth day of June, one thousand nine hundred and eleven (Pamphlet Laws, ten hundred forty-nine), entitled "An act providing for the election of city assessors in cities of the third class; fixing their term, and the time for the completion of their annual and triennial assessments, and the expiration of the terms of assessors now in office," absolutely.

The act approved the twentieth day of June, one thousand nine hundred and eleven (Pamphlet Laws, ten hundred eighty-seven), entitled "An act to amend the first section of an act, approved the seventeenth day of April, Anno Domini one thousand nine hundred and five, entitled 'An act to provide for the vacation and closing of alleys, lanes, or passageways that are, or may hereafter become, public nuisances; and to compensate abutting property owners or others who may be damaged thereby, and assess benefits if any there be,' by fixing the number of the jury at three," in so far as it relates to third class cities.

The act approved the twenty-first day of June, one thousand nine hundred and eleven (Pamphlet Laws, eleven hundred two), entitled "An act amending section three of article one, section five of article three, sections sixteen, seventeen, and eighteen of article four, section two of article six, section one of article seven, sections one and three of article eight, and sections one and seven of article nine, of an act, entitled 'An act providing for the incorporation and government of cities of the third class,' approved the twenty-third day of May, Anno Domini one thousand eight hundred and eighty-nine," absolutely.

The act approved the first day of May, one thousand nine hundred and thirteen (Pamphlet Laws, one hundred fifty-five), entitled "An act regulating the letting of certain contracts for the erection, construction, and alteration of public buildings," in so far as it relates to third class cities.

The act approved the fifteenth day of May, one thousand nine hundred and thirteen (Pamphlet Laws, two hundred twelve), entitled "A supplement to an act, entitled 'An act in relation to the laying out, opening, widening, straightening, extending, or vacating streets and alleys, and the construction of bridges, in the several municipalities of this Commonwealth; the grading, paving, macadamizing, or otherwise improving, streets and alleys; providing for ascertaining the damages to private property resulting therefrom, the assessment of the damages, costs, and expenses thereof upon the property benefited, and the construction of sewers and payment of the damages, costs, and expenses there-

of, including damages to private property resulting therefrom,' approved the sixteenth day of May, Anno Domini one thousand eight hundred and ninety-one; empowering municipalities to locate streets and alleys, and to include therein streets and alleys, or parts thereof, theretofore opened or used for highway purposes," in so far as it relates to third class cities.

The act approved the fifteenth day of May, one thousand nine hundred and thirteen (Pamphlet Laws, two hundred fifteen), entitled "A supplement to an act, entitled 'An act in relation to the laying out, opening, widening, straightening, extending, or vacating streets and alleys, and the construction of bridges, in the several municipalities of this Commonwealth; the grading, paving, macadamizing, or otherwise improving, streets and alleys, providing for ascertaining damages to private property resulting therefrom; the assessment of the damages, costs, and expenses thereof upon the property benefited; and the construction of sewers, and payment of the damages, costs, and expenses thereof, including damages to private property resulting therefrom,' approved the sixteenth day of May, Anno Domini one thousand eight hundred and ninety-one (Pamphlet Laws, seventy-five); by providing that, in proceedings to assess damages and benefits arising from improvements under the act to which this is a supplement, if property is both benefited and damaged by such improvements, the excess of damages over benefits, or the excess of benefits over damages, or nothing in case the benefits and damages are equal, shall be awarded to or assessed against the owners of property, and providing that the report thereof made by the Board of Viewers shall show the net result only," in so far as it relates to third class cities.

The act approved the sixteenth day of May, one thousand nine hundred and thirteen (Pamphlet Laws, two hundred sixteen), entitled "An act to amend an act, approved the fourth day of April, one thousand nine hundred and five, entitled 'An act to provide for the better protection of life and property by the examination and licensing of engineers having charge of steam-boilers, steam-engines, and appliances connected therewith, in cities of the second and third class of this Commonwealth, and providing penalties for violation,' " in so far as it relates to third class cities.

The act approved the twentieth day of May, one thousand nine hundred and thirteen (Pamphlet Laws, two hundred sixty-seven), entitled "An act providing a method whereby highways, the center line of which constitutes a dividing line between a city or borough and a township in the same county, may be altered or improved and the cost thereof apportioned," in so far as it relates to third class cities.

The act approved the twenty-third day of May, one thousand nine hundred and thirteen (Pamphlet Laws, three hundred thirty-six), entitled "An act permitting counties, cities, and boroughs, singly or jointly, of the Commonwealth of Pennsylvania, to appropriate and expend moneys for the improvement of highways outside the limits of such cities or boroughs, for the purpose of connecting improved streets of such cities or boroughs with a State highway or State-aid highway, when the highway outside of the limits of such cities or boroughs is less than one mile in length, and will connect such cities or boroughs with the State highway or State-aid highways," in so far as it relates to third class cities.

The act approved the twenty-eighth day of May, one thousand nine hundred and thirteen (Pamphlet Laws, three hundred sixty-eight), entitled "An act giving to all owners or tenants of lands, property, or material, abutting on, or through which pass, roads, streets, lanes, or alleys, injured by the laying out, opening, widening, vacating, extending, or grading of said roads, streets, lanes, or alleys, or the changing of grades and lines thereof, by cities, counties, boroughs, or townships, within this Commonwealth; the construction and the vacating by said cities, counties, boroughs, or townships of bridges, and the piers, abutments, approaches, embankments, slopes or causeways therefor, or leading thereto, which abut on or pass through or along said lands, property, or material; and the construction by said cities, counties, boroughs, or townships of sewers in, over, upon, along, or through said lands, property, or material, the right to damages for said injuries; directing all juries of view appointed, or that shall hereafter be appointed, under existing laws for assessing damages or benefits for taking, using, occupying, or injuring lands, property or material, to assess said damages, if any, against said cities, counties, boroughs or townships, as the case may be, and the benefits, if any, in connection therewith; granting the right of appeal to the proper court of common pleas from the report of said juries, and the trial by jury in said court of common pleas, and the right to file exceptions to said report; and the right of appeal to the Superior Court or Supreme Court, after disposal of exceptions, or verdict and final judgment; and providing that this act shall apply to all existing and future proceedings," in so far as it relates to third class cities.

The act approved the fifth day of June, one thousand nine hundred and thirteen (Pamphlet Laws, four hundred nineteen), entitled "An act to authorize the display of the State, county, city, borough, or other municipal flags on public buildings in the Commonwealth," in so far as it relates to third class cities.

The act approved the fifth day of June, one thousand

nine hundred and thirteen (Pamphlet Laws, four hundred twenty-three), entitled "An act authorizing any city that has been or shall be granted the consent of the Commonwealth of Pennsylvania to construct and maintain a dam in any navigable river or stream, to purchase, acquire, enter upon, take, use, and appropriate private property, within or without its territorial limits, for that purpose; and providing the manner in which damages sustained shall be determined and collected," in so far as it relates to third class cities.

The act approved the twelfth day of June, one thousand nine hundred and thirteen (Pamphlet Laws, four hundred eighty-eight), entitled "An act amending the first section of an act, entitled 'An act to further define the police power of cities of the third class and boroughs, with reference to electric light wires,' approved the twenty-eighth day of April, one thousand nine hundred and three, so as to include telegraph and telephone wires, and reducing the number of jurors," in so far as it relates to third class cities.

The act approved the thirteenth day of June, one thousand nine hundred and thirteen (Pamphlet Laws, five hundred seven), entitled "An act authorizing the commissioners of water-works of any city of the third class, wherein the title to the water-works therein located is in the name of the commissioners of water-works, to extend their pipes and improvements beyond the city limits and supply water to persons, corporations, and municipalities within the county, and regulating the supply of water," in so far as it relates to third class cities.

The act approved the twentieth day of June, one thousand nine hundred and thirteen (Pamphlet Laws, five hundred forty-three), entitled "An act relating to damages in case of taking of property for use as a public wharf, pier, or bulkhead," in so far as it relates to third class cities.

The act approved the twenty-fifth day of June, one thousand nine hundred and thirteen (Pamphlet Laws, five hundred fifty), entitled "A supplement to an act, approved the twenty-third day of May, one thousand eight hundred and eighty-nine, entitled 'An act for the incorporation and government of cities of the third class,' authorizing third class cities to manufacture and sell ice," absolutely.

The act approved the twenty-seventh day of June, one thousand nine hundred and thirteen (Pamphlet Laws, five hundred sixty-eight), entitled "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," absolutely.

The act approved the twenty-seventh day of June, one thousand nine hundred and thirteen (Pamphlet Laws, six hundred and thirty-two), entitled "An act to authorize all cities and boroughs in the Commonwealth of Pennsylvania to construct and maintain comfort- and waiting-stations, and drinking-fountains in the public highways of such municipalities, and providing the manner of ascertaining and collecting the damages caused by the construction of such improvements," in so far as it relates to third class cities.

The act approved the twenty-seventh day of June one thousand nine hundred and thirteen (Pamphlet Laws, six hundred thirty-three), entitled "An act to permit viewers to award damages, for the vacation of streets, roads, or highways, to abutting owners, where no land is actually taken," in so far as it relates to third class cities.

The act approved the twenty-seventh day of June, one thousand nine hundred and thirteen (Pamphlet Laws, six hundred thirty-three), entitled "An act to amend an act, approved the twentieth day of June, one thousand nine hundred one, entitled 'An act relating to the collection of city, school, and poor taxes in the several cities of the third class in this Commonwealth; and providing that the city treasurer of each of said cities, by virtue of his office, shall be the collector of the said several taxes; prescribing his duties and fixing his compensation,' by extending to August first the date for the payment of taxes," absolutely.

The act approved the seventh day of July, one thousand nine hundred and thirteen (Pamphlet Laws, six hundred ninety-four), entitled "An act providing for and regulating the incorporation into a third class city of a borough, or of two or more contiguous boroughs," absolutely.

The act approved the sixteenth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, seven hundred fifty-two), entitled "A supplement to an act, entitled 'An act providing for the incorporation and government of cities of the third class,' approved the twenty-third day of May, Anno Domini one thousand eight hundred eighty-nine, creating a City Planning Department, defining its jurisdiction, and extending the same so as to regulate the laying out and recording of plans of lots within the limits of the city, and for three miles beyond the city limits; and to regulate the making and use of certain public improvements until said plans are approved by said department, and authorizing the exercise of the powers herein provided by a park or other municipal commission," absolutely.

The act approved the twenty-first day of July, one thousand nine hundred and thirteen (Pamphlet Laws, eight hundred sixty-five), entitled "An act amending

and supplementing an act, entitled 'An act making it lawful for any municipality, in which a corporation created and existing under and by virtue of the laws of this Commonwealth have constructed and are maintaining, or may hereafter construct and maintain, sewers, culverts, conduits, and pipes, with the necessary inlets and appliances, for surface, under-surface and sewage drainage, to become the owner of such sewers, culverts, conduits, and pipes, with the necessary inlets and appliances aforesaid; providing the amount to be paid for the same, and the manner of ascertaining such amount in case of disagreement between the municipality and the corporation owning the same,' approved April nineteenth, one thousand nine hundred and one, by extending the provisions thereof to sewers, culverts, conduits, and pipes, with the necessary inlets and appliances, owned by individuals and unincorporated associations; and providing for the assessment of the costs and expenses of the property, so acquired, upon the properties benefited thereby or upon the proper municipality," in so far as it relates to third class cities.

The act approved the twenty-second day of July, one thousand nine hundred and thirteen (Pamphlet Laws, nine hundred two), entitled "An act to amend an act, entitled 'An act in relation to the laying out, opening, widening, straightening, extending, or vacating streets and alleys, and the construction of bridges, in the several municipalities of this Commonwealth; the grading, paving, macadamizing, or otherwise improving streets and alleys; providing for ascertaining the damages to private property resulting therefrom, the assessment of the damages, costs, and expenses thereof upon the property benefited; and the construction of sewers, and payment of the damages, costs, and expenses thereof, including damages to private property resulting therefrom,' approved the sixteenth day of May, Anno Domini one thousand eight hundred and ninety-one," in so far as it relates to third class cities.

The act approved the twenty-fourth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, one thousand seventeen), entitled "An act conferring certain powers upon municipalities of this Commonwealth in and on the public wharves within the limits of such municipalities," in so far as it relates to third class cities.

The act approved the twenty-sixth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, one thousand four hundred thirty-nine), entitled "An act regulating the mining out and removing of the coal and other minerals and support underlying and beneath the surface of the several streets, avenues, thoroughfares, courts, alleys, places, and public highways within the limits of the several municipal corporations, and au-

thorizing the creation of a Bureau of Mine Inspection and Surface Support by any municipal corporation, within the anthracite coal fields of this Commonwealth, and giving such bureau jurisdiction, and providing for the filing of certain maps and plans, and providing a penalty for violation thereof," in so far as it relates to third class cities.

The act approved the thirty-first day of March, one thousand nine hundred and fifteen (Pamphlet Laws, thirty-eight), entitled "An act authorizing cities of the third class, wherein the title to the water-works therein located is in the city, to extend their pipes and improvements beyond the city limits, and supply water to persons, corporations, and municipalities within the county, and regulating the supply of water," absolutely.

The act approved the fourteenth day of April, one thousand nine hundred and fifteen (Pamphlet Laws, one hundred twenty-two), entitled "An act providing for the payment of judgments and mortgages, and other claims, which are liens on property affected by public improvements or appropriated by the exercise of the right of eminent domain," in so far as it relates to third class cities.

The act approved the twenty-first day of April, one thousand nine hundred and fifteen (Pamphlet Laws, one hundred thirty-nine), entitled "An act to amend section one of article four of an act, approved the twenty-seventh day of June, one thousand nine hundred and thirteen (Pamphlet Laws, five hundred sixty-eight), entitled '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,'" absolutely.

The act approved the twenty-first day of April, one thousand nine hundred and fifteen (Pamphlet Laws, one hundred fifty-nine), entitled "An act relating to the competency of witnesses and to the rules of evidence in proceedings arising from the exercise of the right of eminent domain," in so far as it relates to third class cities.

The act approved the twenty-third day of April, one thousand nine hundred and fifteen (Pamphlet Laws, one hundred seventy-four), entitled "An act authorizing counties and municipalities to unite in providing in the court-house certain rest or waiting-rooms," in so far as it relates to third class cities.

The act approved the third day of May, one thousand nine hundred and fifteen (Pamphlet Laws, two hundred seventeen), entitled "An act prohibiting any city, county, or municipality from imposing or collecting any license fee upon insurance companies or their agents, or insurance brokers licensed to transact busi-

ness by the Insurance Commissioner," in so far as it relates to third class cities.

The act approved the thirteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred six), entitled "An act to amend an act, approved the twenty-seventh day of June, one thousand nine hundred thirteen, entitled '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,' by providing for formation of such cities from parts of two or more contiguous counties," absolutely.

The act approved the thirteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred nine), entitled "A supplement to an act, approved the twenty-seventh day of June, one thousand nine hundred and thirteen, entitled '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,' " absolutely.

The act approved the twenty-eighth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, five hundred seventy-three), entitled "An act amending an act, entitled 'An act in relation to the laying out, opening, widening, straightening, extending, or vacating streets and alleys, and the construction of bridges, in the several municipalities of this Commonwealth; the grading, paving, macadamizing, or otherwise improving, streets and alleys; providing for ascertaining the damages to private property resulting therefrom; the assessment of the damages, costs, and expenses thereof upon the property benefited; and the construction of sewers, and payment of the damages, costs, and expenses thereof, including damages to private property resulting therefrom,' approved the sixteenth day of May, Anno Domini one thousand eight hundred and ninety-one, as amended, by providing for the placing of foot-walks, curb, parking space, shade-trees, or otherwise improving the space between the curb line and the property line in said streets, lanes, and alleys, and by providing for the payment of the damages, costs, and expenses thereof," in so far as it relates to third class cities.

The act approved the twenty-eighth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, five hundred seventy-nine), entitled "An act making incompatible the offices of councilmen in municipalities and school directors," in so far as it relates to councilmen of third class cities.

The act approved the first day of June, one thousand nine hundred and fifteen (Pamphlet Laws, six

hundred eighty-five), entitled "An act providing for the payment of interest on damages caused by the taking, injury, or destruction of private property for public use," in so far as it relates to third class cities.

The act approved the first day of June, one thousand nine hundred and fifteen (Pamphlet Laws, six hundred eighty-five), entitled "An act authorizing cities to regulate and license certain motor-vehicles," in so far as third class cities.

The act approved the eleventh day of June, one thousand nine hundred and fifteen (Pamphlet Laws, nine hundred forty-two), entitled "An act to amend an act, approved the fourteenth day of April, one thousand nine hundred fifteen, entitled 'An act providing for the payment of judgments and mortgages, and other claims, which are liens on property affected by public improvements or appropriated by the exercise of the right of eminent domain,'" in so far as it relates to third class cities.

The act approved the fifteenth day of June, one thousand nine hundred and fifteen (Pamphlet Laws, nine hundred eighty-five), entitled "An act to provide that assessments of damages for the opening or widening of any street or highway in any city or borough, or other municipality in this Commonwealth, shall include all damages for the opening or widening of the street or highway at the existing confirmed grade of such street or highway," in so far as it relates to third class cities.

The act approved the fifth day of April, one thousand nine hundred and seventeen (Pamphlet Laws, forty-four), entitled "An act authorizing cities of the third class to appropriate money annually for music in public parks and in other public places," absolutely.

The act approved the sixth day of April, one thousand nine hundred and seventeen (Pamphlet Laws, fifty-two), entitled "An act to amend section nine of article seven of an act, entitled '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,' approved the twenty-seventh day of June, one thousand nine hundred and thirteen," absolutely.

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 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," absolutely.

The act approved the third day of May, one thousand nine hundred and seventeen (Pamphlet Laws, one hundred forty-one), entitled "An act authorizing cities, boroughs, and towns to lease water-supply works and systems; providing for the operation thereof and the establishment of rates," in so far as it relates to third class cities.

The act approved the tenth day of May, one thousand nine hundred and seventeen (Pamphlet Laws, one hundred fifty-eight), entitled "An act to authorize counties, cities, boroughs, towns, townships, school districts, and poor districts to require a bond to protect labor and material-men, and providing for suits thereon by laborers and material-men furnishing labor and material in and about the erection, alteration, addition, and repair of public buildings," in so far as it relates to third class cities.

The act approved the tenth day of May, one thousand nine hundred and seventeen (Pamphlet Laws, one hundred sixty-one), entitled "An act to amend section one of an act, approved the twenty-first day of May, one thousand nine hundred and one, entitled 'An act amending an act, entitled "An act to authorize the councils of the cities of the first class of this Commonwealth to appropriate annually a sum not exceeding five hundred dollars, for the support and maintenance of each company of the National Guard using and occupying an armory, building, rooms, or quarters within said cities, in addition to the annual appropriation by the Legislature," approved the twenty-fourth day of May, Anno Domini one thousand eight hundred and eighty-seven, by extending the provisions of said act to cities of the second and third class,' by authorizing appropriations to batteries of artillery and regimental sanitary detachments," in so far as it relates to third class cities.

The act approved the twenty-fourth day of May, one thousand nine hundred and seventeen (Pamphlet Laws, two hundred sixty-two), entitled "An act to enable two or more boroughs that are contiguous or in close proximity to be united and to become one city, wherever each of said boroughs shall have heretofore voted or shall hereafter vote to become a city of the third class, under laws now enacted or which may hereafter be enacted; and wherever each of said boroughs has duly received or shall hereafter duly receive letters patent constituting it a city of the third class, but where sufficient time shall not have elapsed after the granting of such letters patent for the holding of a municipal election; providing for the consequences of such consolidation; the government of such consolidated city; the payment of the indebtedness of each of the united territories and the enforcement of debts and

claims due to and from each, and fixing the jurisdiction over the said consolidated city in the courts of the county in which the majority of its inhabitants shall reside," absolutely.

The act approved the twenty-ninth day of May, one thousand nine hundred and seventeen (Pamphlet Laws, three hundred fifteen), entitled "An act amending sections one, three, seven, ten, eleven, and repealing section eight, of an act, entitled 'An act relating to the collection of city, school, and poor taxes in the several cities of the third class in this Commonwealth; and providing that the city treasurer of each of said cities, by virtue of his office, shall be collector of the said several taxes; prescribing his duties and fixing his compensation,' approved the twentieth day of June, Anno Domini one thousand nine hundred and one," absolutely.

The act approved the twentieth day of June, one thousand nine hundred and seventeen (Pamphlet Laws, six hundred and eighteen), entitled "An act relating to the appointment of persons to the police department in cities of the third class; 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," absolutely.

The act approved the twenty-eighth day of June, one thousand nine hundred and seventeen (Pamphlet Laws, six hundred fifty), entitled "An act to amend an act, approved the eleventh day of June, one thousand nine hundred fifteen, entitled 'An act to amend an act, approved the fourteenth day of April, one thousand nine hundred fifteen, entitled "An act providing for the payment of judgments and mortgages, and other claims, which are liens on property affected by public improvements or appropriated by the exercise of the right of eminent domain,"' excepting proceedings to ascertain damages and benefits by reason of municipal, street, or sewer improvements," in so far as it relates to third class cities.

The act approved the fifth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, six hundred eighty-two), entitled "An act authorizing cities to refund moneys paid by property owners into their treasuries, when a court of competent jurisdiction shall have determined that there was no liability for such payment when made," in so far as it relates to third class cities.

The act approved the sixth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, seven hundred forty-seven), entitled "An act requiring all counties, cities, boroughs, townships, school districts, and other municipalities and incorporated districts, to sell any bonds or other securities issued by them to the high-

est responsible bidder, after due public notice," in so far as it relates to third class cities.

The act approved the sixth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, seven hundred fifty-two), entitled "An act authorizing cities, counties, townships, boroughs, and other municipal divisions and subdivisions of the Commonwealth, to provide for the performance of all or any portion of any public work, done for said cities, counties, townships, boroughs, or other municipal divisions and subdivisions within the limits of said counties, cities, townships, boroughs, or other municipal divisions or subdivisions of the Commonwealth, and validating all such ordinances and regulations heretofore made," in so far as it relates to third class cities.

The act approved the sixteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, one thousand two), entitled "An act relating to the appointment of persons to the engineering and electrical departments, and of building inspectors, 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 departments and of building inspectors; and providing a method for fixing compensation of examiners," absolutely.

The act approved the seventeenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, one thousand nineteen), entitled "An act to amend and revise an act, entitled '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,' approved the twenty-seventh day of June, one thousand nine hundred and thirteen; changing and modifying the qualifications of commissioners, to be appointed by the court of quarter sessions, for the division or creation of wards in cities of the third class," absolutely.

The act approved the eighteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, one thousand eighty-three), entitled "An act requiring all persons contracting with the Commonwealth, or any department or officer thereof, or any municipal corporation, division, or subdivision of the Commonwealth, to accept the provisions of the State Workmen's Compensation Act, and to insure the said contractor's liability thereunder, or secure an exemption from insurance in accordance with the terms of the said act in respect to such contract," in so far as it relates to third class cities.

The act approved the nineteenth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, one thousand ninety-three), entitled "An act to amend sec-

tion two of article eight, and section one of article nine, of an act approved the twenty-seventh day of June, one thousand nine hundred and thirteen (Pamphlet Laws, five hundred sixty-eight), entitled '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,' absolutely.

The act approved the twenty-first day of March, one thousand nine hundred and nineteen (Pamphlet Laws, twenty), entitled "An act to amend section one of an act, approved the fifth day of July, one thousand nine hundred and seventeen, entitled 'An act authorizing cities to refund moneys paid by property owners into their treasuries, when a court of competent jurisdiction shall have determined that there was no liability for such payment when made,' extending the provisions thereof to boroughs and incorporated towns," in so far as it relates to third class cities.

The act approved the eighth day of May, one thousand nine hundred and nineteen (Pamphlet Laws, one hundred thirty), entitled "An act requiring prothonotaries and clerks of courts to furnish to the Secretary of Internal Affairs copies of orders of court relative to the creation, consolidation, division, and partition of cities, boroughs, and townships, and fixing the fee of such officers for such services," in so far as it relates to third class cities.

The act approved the sixteenth day of May, one thousand nine hundred and nineteen (Pamphlet Laws, one hundred ninety-three), entitled "An act to provide for the licensing and regulation of public dance halls and ball rooms, and for the regulation, supervision of public dances and balls in cities of the first, second, and third classes," in so far as it relates to third class cities.

The act approved the seventeenth day of May, one thousand nine hundred and nineteen (Pamphlet Laws, two hundred four), entitled "An act to amend section six of an act, approved the twentieth day of June, one thousand nine hundred and seventeen (Pamphlet Laws, six hundred and eighteen), entitled 'An act relating to the appointment of persons to the police department in cities of the third class; 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,' so as to permit temporary suspensions by the superintendent of public affairs," absolutely.

The act approved the twenty-seventh day of May, one thousand nine hundred and nineteen (Pamphlet Laws, three hundred ten), entitled "An act to amend and revise an act, entitled '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,' approved the twenty-seventh day of June, Anno Domini one thousand nine hundred and thirteen, enlarging, changing, modifying and defining certain of the powers of cities of the third class," absolutely.

The act approved the fourth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, three hundred seventy-three), entitled "An act to amend section three, article five of the act, approved the twenty-seventh day of June, one thousand nine hundred thirteen (Pamphlet Laws, five hundred and sixty-eight), entitled '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,' by adding thereto clause forty-nine, relative to appropriations for municipal music." absolutely.

The act approved the twelfth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, four hundred forty-four), entitled "An act relating to appointments under the civil service in counties, cities, and boroughs, and providing penalties," in so far as it relates to third class cities.

The act approved the twentieth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, five hundred thirteen), entitled "An act providing a method whereby highways, the center line of which constitutes a dividing line between a city and a township in an adjacent county, may be altered or improved, and the cost thereof apportioned between the city, county, and township; and providing the procedure to be followed where such city and the township or the county in which such township is situated do not or cannot agree with respect to the method of such alterations or improvements or the apportionment of the cost thereof," in so far as it relates to third class cities.

The act approved the eighth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, seven hundred thirty-four), entitled "An act to further amend the act, approved the thirtieth day of March, one thousand nine hundred and fifteen, entitled 'An act to promote the health and efficiency of firemen, in cities of the second class, by providing for a two-platoon system for firemen in the department of public safety of such cities,' as amended, by extending the same to cities of the third class," in so far as it relates to third class cities.

The act approved the eighth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, seven hundred sixty-three), entitled "A supplement to an act, en-

titled 'An act in relation to the laying out, opening, widening, straightening, extending, or vacating streets and alleys, and the construction of bridges in the several municipalities of this Commonwealth, the grading, paving, macadamizing, or otherwise improving streets and alleys, providing for ascertaining damages to private property resulting therefrom, the assessment of the damages, costs and expenses thereof upon the property benefited, and the construction of sewers and payment of the damages, costs and expenses thereof, including damages to private property resulting therefrom,' approved the sixteenth day of May, Anno Domini one thousand eight hundred and ninety-one (Pamphlet Laws, seventy-five), by providing that all municipal corporations of this Commonwealth in the grading of any street, lane, or alley, or any part thereof, shall be, and are hereby, authorized and empowered to use so much of the lots and lands abutting on the same for the constitution of embankments, slopes, fills, and culverts as may be necessary and proper for the completion of the improvement; and the damages resulting thereby shall be regarded as other damages caused by the grading of streets, lanes, and alleys in said municipalities, and shall be paid as is now provided by existing laws where land is actually taken for the laying out, opening, widening, extending, or grading of streets, lanes, or alleys," in so far as it relates to third class cities.

The act approved the eighth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, seven hundred eighty-three), entitled "An act empowering cities to take, purchase, or condemn property, and to appropriate money for the erection thereon of public auditoriums, libraries, memorial buildings, and monuments; and providing for their operation and maintenance," in so far as it relates to third class cities.

The act approved the eighth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, seven hundred eighty-four), entitled "An act authorizing counties, cities, and boroughs to furnish rooms in public buildings for meeting places for certain organizations," in so far as it relates to third class cities.

The act approved the eighth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, seven hundred eighty-four), entitled "An act empowering cities of the second and third classes, boroughs and counties, to acquire, maintain, and operate playgrounds, playfields, gymnasiums, public baths, swimming pools, and indoor recreation centers, authorizing school districts to join in the maintenance and operation of said activities; and authorizing the issue of bonds and the levy of taxes for such purposes," in so far as it relates to third class cities.

The act approved the tenth day of July, one thousand

nine hundred and nineteen (Pamphlet Laws, nine hundred three), entitled "An act to amend and to repeal certain sections of an act, approved the twenty-seventh day of June, one thousand nine hundred and thirteen (Pamphlet Laws, five hundred and sixty-eight), entitled '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,' " absolutely.

The act approved the twelfth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, nine hundred twenty-three), entitled "An act to amend an act, approved the thirty-first day of March, one thousand nine hundred and fifteen (Pamphlet Laws, thirty-six), entitled 'An act authorizing cities of the first and second classes to appropriate city funds for the maintenance of historical societies,' by extending the same to cities of the third class," in so far as it relates to third class cities.

The act approved the fifteenth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, nine hundred sixty-eight), entitled "An act to amend section thirteen, article seven of an act, approved the twenty-seventh day of June, one thousand nine hundred and thirteen (Pamphlet Laws, five hundred and sixty-eight), entitled '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,' " absolutely.

The act approved the seventeenth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, one thousand thirty-five), entitled "An act authorizing cities of the third class to prohibit the keeping and slaughtering of horses, cows, calves, swine, sheep, goats, and any other animal or fowl deemed objectionable by the Department of Health," absolutely.

The act approved the thirtieth day of March, one thousand nine hundred and twenty-one (Pamphlet Laws, sixty-six), entitled "An act authorizing cities of the third class to elect an assistant city solicitor, whose term of office shall be four years, and whose compensation shall be fixed by ordinance," absolutely.

The act approved the eighteenth day of April, one thousand nine hundred and twenty-one (Pamphlet Laws, one hundred forty-eight), entitled "An act to empower cities of the third class to establish a firemen's pension fund, to take property in trust therefor; and regulating and providing for the regulation of the same," absolutely.

The act approved the twenty-first day of April, one thousand nine hundred and twenty-one (Pamphlet Laws,

two hundred sixty-eight), entitled "An act relating to police pension funds in cities of the third class, and directing such cities to appropriate certain moneys there-to," absolutely.

The act approved the twenty-sixth day of April, one thousand nine hundred and twenty-one (Pamphlet Laws, two hundred eighty-three), entitled "An act authorizing the council of cities of the third class, whenever any city of such class shall have sold or leased the coal underlying any public park or common within the limits of said city, to apply the proceeds thereof for certain improvements of such park or common and the policing and lighting thereof, for the purchase of certain land for park purposes, and for other public improvements, and providing for the issuing of improvement bonds for such purposes," absolutely.

The act approved the fifth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, four hundred twenty), entitled "An act to supplement an act, entitled 'An act authorizing the erection and construction by counties of memorial halls in memory of the soldiers, sailors and marines of such counties; providing for an election to determine whether such hall shall be erected; providing for the purchase and condemnation of property for such purposes; regulating the use of such halls; and providing for the maintenance and care of the same, by a board of control, at the expense of the county,' approved the seventeenth day of March, one thousand nine hundred and twenty-one, by providing for the planting of memorial trees, and prescribing penalties," in so far as it relates to third class cities.

The act approved the tenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, four hundred twenty-eight), entitled "An act fixing the time for the confirmation of the reports of viewers, or portions thereof, in proceedings to assess damages or benefits incident to public improvements, where no exceptions are filed or appeals taken," in so far it relates to third class cities.

The act approved the tenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, four hundred thirty), entitled "An act authorizing the cities of this Commonwealth to regulate or prohibit and prevent the use and sale of fireworks, firecrackers, sparklers, and other pyrotechnics, and the unnecessary firing and discharge of firearms in or into the highways or other public places of such cities," in so far as it relates to third class cities.

The act approved the eleventh day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, four hundred eighty-four), entitled "An act to amend sections one, two, three, five, six and seven of an act, approved the eighth day of July, one thousand nine hun-

dred and nineteen (Pamphlet Laws, seven hundred and eighty-four), entitled 'An act empowering cities of the second and third classes, boroughs, and counties, to acquire, maintain, and operate playgrounds, playfields, gymnasiums, public baths, swimming pools, and indoor recreation centers; authorizing school districts to join in the maintenance and operation of said activities; and authorizing the issue of bonds and the levy of taxes for such purposes,' by extending the provisions thereof so as to include townships," in so far as it relates to third class cities.

The act approved the twelfth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, five hundred forty-four), entitled "An act authorizing counties, cities, boroughs, towns, and townships to acquire lands by purchase, gift, or condemnation, and to convey such lands to the Commonwealth for use of the National Guard," in so far as it relates to third class cities.

The act approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, eight hundred forty-four), entitled "An act to amend an act, entitled 'An act amending section nine of an act, entitled "An act in relation to the laying out, opening, widening, straightening, extending, or vacating streets and alleys, and the construction of bridges in the several municipalities of this Commonwealth, the grading, paving, macadamizing, or otherwise improving streets and alleys, providing for ascertaining the damages to private property resulting therefrom, the assessment of the damages, costs and expenses thereof upon the property benefited, and the construction of sewers and payment of the damages, costs and expenses thereof, including damages to private property resulting therefrom," approved May sixteenth, Anno Domini one thousand eight hundred and ninety-one, enabling municipal corporations to lay out, open, widen, extend, and vacate streets or alleys, upon petition or without petition of property owners, as amended by the act, approved the twenty-second day of May, Anno Domini one thousand eight hundred and ninety-five; providing for the approval of ordinances by the city recorder and the publication of the ordinances,' approved the nineteenth day of March, Anno Domini one thousand nine hundred and three (Pamphlet Laws, thirty-five); providing that the ordinances may require that no building may be built or altered except to conform to the lines fixed by the widening or straightening ordinances, and that, in such case, the landowner's right of action shall not accrue until actual occupancy by the municipality or the locating or relocating of the building to conform to the new lines," in so far as it relates to third class cities.

The act approved the seventeenth day of May, one

thousand nine hundred and twenty-one (Pamphlet Laws, eight hundred sixty-three), entitled "An act to amend an act, approved the twenty-fourth day of May, one thousand eight hundred and eighty-seven (Pamphlet Laws, one hundred eighty-two), entitled 'An act to authorize the council of the cities of the first class of the Commonwealth to appropriate annually a sum, not exceeding five hundred dollars, for the support and maintenance of each company of the National Guard using and occupying an armory, building, room, or quarters within said cities, in addition to the annual appropriation by the Legislature,' fixing the amounts which may be appropriated by cities of the first, second, and third classes to companies, troops, and similar units of the National Guard, and extending the provisions of said act to counties," in so far as it related to third class cities.

The act approved the twentieth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, nine hundred fifty-seven), entitled "An act empowering cities to take, purchase, or condemn property for the purpose of erecting, providing, maintaining, and operating thereon playgrounds, playfields, gymnasiums, public baths, swimming pools, indoor recreation centers, comfort stations, waiting stations, and drinking fountains," in so far as it relates to third class cities.

The act approved the twentieth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, nine hundred eighty-seven), entitled "An act empowering cities of the third class to contract with certain incorporated associations to use and occupy public parks and playgrounds, subject to regulations prescribed by said cities," absolutely.

The act approved the twenty-fourth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, ten hundred sixty-eight), entitled "An act to amend section four of an act, approved the twentieth day of June, one thousand nine hundred and seventeen (Pamphlet Laws, six hundred eighteen), entitled 'An act relating to the appointment of persons to the police department in cities of the third class; 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,' " absolutely.

The act approved the third day of April, one thousand nine hundred and twenty-three (Pamphlet Laws, fifty-four), entitled "An act authorizing cities of the third class to regulate the location of business, trades, and industries; the location, size, and use of buildings, and the areas of yards, courts, and open spaces," absolutely.

The act approved the twenty-sixth day of April, one thousand nine hundred and twenty-three (Pamphlet Laws, ninety), entitled "An act authorizing counties,

cities, boroughs, and townships to appropriate moneys for forest work," so far as it relates to third class cities.

The act approved the twenty-sixth day of April, one thousand nine hundred and twenty-three (Pamphlet Laws, one hundred five), entitled "An act to amend section one of the act, approved the twenty-third day of May, one thousand nine hundred and seven (Pamphlet Laws, two hundred and twenty-five), entitled 'An act providing for the payment of the premiums on bonds of county, city, borough, school district, and township employes,' extending the provisions thereof to officers," in so far as it relates to third class cities.

The act approved the twenty-seventh day of April, one thousand nine hundred and twenty-three (Pamphlet Laws, one hundred seven), entitled "An act providing for the establishing and maintenance of uniform building lines in cities of the third class," absolutely.

The act approved the first day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, one hundred fourteen), entitled "An act prohibiting the location by cities of the third class of city prisons or lock-ups close to public school buildings," absolutely.

The act approved the third day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, one hundred thirty-five), entitled "An act relating to the acquisition of land for park purposes by any city in this Commonwealth in sections not entirely built up; limiting time for condemnation by councils, or condemnation or purchase by park commissioners, after same has been placed on city plan for park purposes by ordinance of councils or action of park commissioners; and providing for removal from city plan upon failure to condemn or purchase within time specified herein," in so far as it relates to third class cities.

The act approved the third day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, one hundred thirty-six), entitled "An act authorizing cities, boroughs, towns, and townships to purchase burial plots for certain deceased service men," in so far as it relates to third class cities.

The act approved the ninth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, one hundred seventy-nine), entitled "An act authorizing cities of the third class to sell certain real estate; and prescribing the procedure to be followed," absolutely.

The act approved the eleventh day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, two hundred three), entitled "An act providing that any person who was engaged in the military or naval service of the United States during any war in which the United States was engaged, and having an honorable discharge therefrom, shall receive credit for the experience and training derived from such service in

civil service examinations," in so far as it relates to third class cities.

The act approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, four hundred forty-two), entitled "An act to provide for the licensing of transient, retail merchants in cities, boroughs, and townships; and providing a penalty for the failure to obtain such license," in so far as it relates to third class cities.

The act approved the twenty-fifth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, four hundred fifty-two), entitled "An act authorizing cities, boroughs, and incorporated towns to require and permit the laying and constructing of sanitary sewers and sewer pipes outside the cartway and the curb lines thereof in all streets and highways, and prescribing the uses thereof; and providing for the assessment of the costs and expenses of any such sewer against the abutting property in the front of which the said sewer is laid," in so far as it relates to third class cities.

The act approved the fourteenth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, eight hundred one), entitled "An act authorizing the State Highway Department, the Public Service Commission, counties, cities, boroughs, and townships to purchase, or condemn by the right of eminent domain, free and unobstructed view over and across lands at certain highway, railroad, and railway intersections and curves, so as to prevent and permit removal of interference with and obstruction of the vision of users of said highways; and providing for the use of such lands in such manner as not to interfere with a free and unobstructed view," in so far as it relates to third class cities.

The act approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, eight hundred forty-four), entitled "An act authorizing cities and boroughs to appropriate moneys to organizations or veterans to assist in paying rent," in so far as it relates to third class cities.

The act approved the twenty-ninth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, nine hundred sixty-six), entitled "An act to amend clause forty-one, section three, article five of an act, approved the twenty-seventh day of June, one thousand nine hundred and thirteen (Pamphlet Laws, five hundred and sixty-eight), entitled '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,' " absolutely.

The act approved the eleventh day of July, one thousand nine hundred and twenty-three (Pamphlet Laws, nine hundred ninety-seven), entitled "An act to amend section six of the act, approved the twentieth day of June, one thousand nine hundred and seventeen (Pamphlet Laws, six hundred and eighteen), entitled 'An act relating to the appointment of persons to the police department in cities of the third class; 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,' as amended," absolutely.

The act approved the eleventh day of July, one thousand nine hundred and twenty-three (Pamphlet Laws, ten hundred thirty-nine), entitled "An act authorizing cities and boroughs to make emergency repairs to dangerous sidewalks; and providing for the cost of collection thereof from the abutting property owners," in so far as it relates to third class cities.

The act approved the third day of March, one thousand nine hundred and twenty-five (Pamphlet Laws, six), entitled "An act to amend section fifty-seven of the act, approved the twenty-third day of May, one thousand eight hundred and seventy-four (Pamphlet Laws, two hundred and thirty), entitled 'An act dividing the 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 cities of the third class,' providing for the acceptance of said act by certain cities of the third class, providing for the election of certain city officers and members of city council in such cities, and fixing the time when the terms of members of councils, and certain city officers then in office, shall cease and be terminated," absolutely.

The act approved the twenty-third day of March, one thousand nine hundred and twenty-five (Pamphlet Laws, sixty-four), entitled "An act authorizing any city of the third class to acquire by purchase all the facilities, improvements, and franchises of any water corporation operating partly within and partly without the limits of the said city, and, having obtained the same, to supply water to persons, corporations, and municipalities both within the limits of the city and the territory before served by the water corporation without the city; requiring that, before so doing, the approval of the Public Service Commission be had of the action of the selling company, and of the municipal purchase, and of the rendering of this service by the municipality; and regulating the procedure for obtaining this approval; per-

mitting the city to classify the service outside of the city as different from the service within the city as to rates and otherwise, and subjecting the service by the city beyond its limits to the same regulation and control by the Public Service Commission as to rates, service, and otherwise as though in the territory thus served beyond the limits of the city the serving was by a water corporation; and providing that higher rates or different regulations for the district outside of the city limits shall not be held to be unjustly discriminatory for the sole reason that they are different from those in force in the city," absolutely.

The act approved the first day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, one hundred seven), entitled "An act to further amend an act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, eight hundred ninety-four), entitled 'An act to amend an act, approved the twenty-fifth day of June, one thousand nine hundred and thirteen (Pamphlet Laws, five hundred and fifty), entitled "An act authorizing the several counties, incorporated towns, and boroughs to appropriate annually sums of money to each camp of the United Spanish War Veterans, and of the Army of the Philippines, and to each post of the American Veterans of Foreign Service, in the respective counties, boroughs, and towns, to aid in defraying the expenses of Memorial Day;" by authorizing appropriations to each post of the American Legion, Veterans of Foreign Wars, and to each Naval Association, and each post of the Grand Army of the Republic,' by extending the provisions thereof to cities and boroughs; and by authorizing appropriations for Armistice Day," in so far as it relates to third class cities.

The act approved the seventh day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, one hundred seventy-nine), entitled "An act amending clause forty-six of section three of article five of an act, approved the twenty-seventh day of June, one thousand nine hundred and thirteen (Pamphlet Laws, five hundred sixty-eight), entitled '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,' as amended, so as to provide that cities of said class shall have the right to exercise the powers and authority of local self-government in all municipal affairs," absolutely.

The act approved the seventh day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, one hundred eighty-one), entitled "An act enabling cities of any one class and the cities of two or more

classes uniting together for the same purpose to form and organize leagues; hold annual conventions for the study and consideration of such municipal affairs as concern and pertain to the cities comprising the league; send delegates thereto; and provide for the payment of the necessary costs and expenses of such leagues' conventions and the sending of the delegates thereto," in so far as it relates to third class cities.

The act approved the tenth day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, two hundred twenty-four), entitled "An act to further amend section eleven of article six, and section fifteen of article seven, of an act, approved the twenty-seventh day of June, one thousand nine hundred and thirteen (Pamphlet Laws, five hundred and sixty-eight), entitled '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,' by changing the salaries of councilmen and mayors," absolutely.

The act approved the twenty-seventh day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, three hundred five), entitled "An act authorizing counties, cities, boroughs, incorporated towns, townships and school districts to make contracts of insurance with mutual fire insurance companies duly authorized to transact business in the Commonwealth of Pennsylvania," in so far as it relates to third class cities.

The act approved the twenty-seventh day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, three hundred ten), entitled "An act to provide for the preparation of plans for the use of viewlers, owners, tenants, and occupiers of property, and all other parties affected in proceedings for the assessment of damages for the taking, injury, or destruction of private property for public use, and the furnishing of copies thereof to parties affected thereby," in so far as it relates to third class cities.

The act approved the twenty-seventh day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, three hundred forty-four), entitled "An act to amend section one of, and to add sections four, five, and six to, an act, entitled 'An act authorizing cities of the third class to regulate the location of business, trades, and industries; the location, size, and use of buildings and the areas of yards, courts, and open spaces,' approved the third day of April, one thousand nine hundred and twenty-three (Pamphlet Laws, fifty-four); providing for regulating and restricting the height, number of stories, bulk, and size of buildings and other structures; the percentage of lot that may be occupied; the size, depth, and width of yards, courts, and other open

spaces; the density of population; and the location and use of buildings, structures and land for trade, industry, residence, or other purposes; providing for a board of appeals to review decisions of the officer charged with the enforcement of any zoning ordinance duly adopted by said cities; establishing appeals from the decision of said board of appeals to the court of common pleas of the respective counties; and authorizing said appeals to be advanced; also providing for the enforcement of zoning regulations established by said cities; and providing penalties for the violation of the same," absolutely.

The act approved the thirtieth day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, three hundred seventy-one), entitled "An act providing for the care and maintenance by cities, boroughs, incorporated towns, and townships of any soldiers' monument, gun, or carriage or other similar memorial, where there is no person, body, or organization in existence to care for and maintain the said memorials," in so far as it relates to third class cities.

The act approved the first day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, four hundred twenty-eight), entitled "An act providing for the improvement of certain streets, alleys, and highways on the boundary lines of cities, boroughs, and townships, and the assessment of properties abutting thereon, but lying outside the limits of such cities, boroughs, or townships," in so far as it relates to third class cities.

The act approved the second day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, four hundred ninety-four), entitled "An act authorizing municipalities to expend money for the purpose of insuring volunteer firemen against death or injuries while going to or returning from or attending fires," in so far as it relates to third class cities.

The act approved the fourth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, five hundred eleven), entitled "An act to amend article thirteen of the act, approved the twenty-seventh day of June, Anno Domini one thousand nine hundred and thirteen (Pamphlet Laws, five hundred and sixty-eight), entitled '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,' providing for a charge on property for the use of sewers and sewage disposal plants and the collection of such charge," absolutely.

The act approved the sixth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, five hundred thirty-six), entitled "An act to amend section one of article thirteen of an act, approved the

twenty-seventh day of June, one thousand nine hundred and thirteen (Pamphlet Laws, five hundred and sixty-eight), entitled 'An act providing for the incorporation, regulation, and government of cities of the third class; regulating nominations and election of municipal officers therein; and repealing, consolidating, and extending existing laws in relation thereto,' by authorizing cities to construct house connections from sewers to curbs and to assess the cost thereof to property owners," absolutely.

The act approved the sixth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, five hundred forty-six), entitled "An act to amend section one of the act, approved the tenth day of May, one thousand nine hundred and seventeen (Pamphlet Laws, one hundred fifty-eight), entitled 'An act to authorize counties, cities, boroughs, towns, townships, school districts, and poor districts to require a bond to protect labor and material-men, and providing for suits thereon by laborers and material-men furnishing labor and material in and about the erection, alteration, addition, and repair of public buildings,' " in so far as it relates to third class cities.

The act approved the thirteenth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, six hundred forty-two), entitled "An act to amend section one of the act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, four hundred forty-two), entitled 'An act to provide for the licensing of transient, retail merchants in cities, boroughs, and townships; and providing a penalty for the failure to obtain such license,' " in so far as it relates to third class cities.

The act approved the thirteenth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, six hundred forty-nine), entitled "An act to amend paragraph one of section three of article five of the act, approved the twenty-seventh day of June, one thousand nine hundred and thirteen (Pamphlet Laws, five hundred and sixty-eight), entitled '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,' changing the millage provided for general tax purposes," absolutely.

The act approved the fourteenth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, seven hundred forty-five), entitled "An act to prevent unfair discrimination against Pennsylvania manufacturers by making it unlawful for any municipality to levy license taxes or fees against such manu-

facturers that are not levied against nonresident manufacturers," in so far as it relates to third class cities.

The act approved the seventeenth day of March, one thousand nine hundred and twenty-seven (Pamphlet Laws, forty-one), entitled "An act authorizing cities to use, for any public purposes whatsoever, any public landing, or public wharf, or part thereof, within their respective limits, fronting on any navigable river and found unnecessary for such purposes, any limitation of use thereof by the municipality arising from donation, dedication, appropriation, statute, or otherwise, to the contrary notwithstanding; and vesting said cities with the power of eminent domain for such purposes," in so far as it relates to third class cities.

The act approved the twenty-second day of March, one thousand nine hundred and twenty-seven (Pamphlet Laws, forty-nine), entitled "An act to amend article one of an act, approved the twenty-seventh day of June, one thousand nine hundred and thirteen (Pamphlet Laws, five hundred and sixty-eight), entitled '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,' providing the procedure for changing the corporate title of any such city," absolutely.

The act approved the twenty-second day of March, one thousand nine hundred and twenty-seven (Pamphlet Laws, fifty-three), entitled "An act providing for the holding over of officers of municipal corporations of this Commonwealth, hereafter or heretofore elected or appointed and having qualified, until their successors are elected or appointed and duly qualified," in so far as it relates to third class cities.

The act approved the twenty-fourth day of March, one thousand nine hundred and twenty-seven (Pamphlet Laws, fifty-six), entitled "An act to amend sections one, two, and three as amended, section four, and sections five, six, and seven as amended, of an act, approved the eighth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, seven hundred and eighty-four), entitled 'An act empowering cities of the second and third classes, boroughs, and counties, to acquire, maintain, and operate playgrounds, playfields, gymnasiums, public baths, swimming pools, and indoor recreation centers; authorizing school districts to join in the maintenance and operation of said activities; and authorizing the issue of bonds and the levy of taxes for such purposes,' as extended to townships, by further extending the provisions of this act, so as to include the acquiring, maintaining, and operation of parks," in so far as it relates to third class cities.

The act approved the seventh day of April, one thou-

sand nine hundred and twenty-seven (Pamphlet Laws, one hundred forty-eight), entitled "An act providing for the abatement of nuisances in private alleys in cities of the third class; and for the establishment of grades in and the grading, paving, and repaving, of such private alleys, where necessary to abate such nuisances; and providing for the filing of liens for the cost thereof," absolutely.

The act approved the seventh day of April, one thousand nine hundred and twenty-seven (Pamphlet Laws, one hundred fifty), entitled "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," absolutely.

The act approved the seventh day of April, one thousand nine hundred and twenty-seven (Pamphlet Laws, one hundred sixty-one), entitled "An act to amend section five of the act, approved the twenty-eighth day of April, one thousand nine hundred and three (Pamphlet Laws, three hundred and thirty-two), entitled 'An act for the annexation of any city, borough, township, or part of a township, to a contiguous city, and providing for the indebtedness of the same,' by requiring approval by the State Council of Education as a prerequisite to the annexation of part of a township to a contiguous city," in so far as it relates to third class cities.

The act approved the thirteenth day of April, one thousand nine hundred and twenty-seven (Pamphlet Laws, one ninety-six), entitled "An act authorizing cities of the third class to establish a pension fund for employes of said cities who are not now protected by pension authorized by the laws of this State and in force at the time of the passage of this act," absolutely.

The act approved the twenty-second day of April, one thousand nine hundred and twenty-seven (Pamphlet Laws, three hundred forty-two), entitled "An act authorizing the council, the commission of water-works or other body in charge of water-works property, in third class cities, to lease real property and water areas not necessary or essential for the operation or maintenance of the water-works," absolutely.

The act approved the twentieth day of April, one

thousand nine hundred and twenty-seven (Pamphlet Laws, three hundred fifty), entitled "An act making it unlawful for any architect or engineer, in the employ of the Commonwealth, or of any county, municipality, borough, township, or other subdivision of the Commonwealth, and engaged in the preparation of plans, specifications, or estimates, to bid on any public work, or to be interested in contracts for public work; making it unlawful for the officers of the Commonwealth, or any county, municipality, borough, township, or other subdivision of the Commonwealth, to award the contract to any such architect or engineer in the employ of the Commonwealth; and fixing penalties," in so far as it relates to third class cities.

The act approved the twenty-second day of April, one thousand nine hundred and twenty-seven (Pamphlet Laws, three hundred fifty-nine), entitled "An act making the power of taxation of cities of this Commonwealth security for the taking, injury, or destruction of private property for public use, without the entry of a bond," in so far as it relates to third class cities.

The act approved the twenty-third day of April, one thousand nine hundred and twenty-seven (Pamphlet Laws, three hundred seventy-three), entitled "An act regulating the hours of labor of policemen in cities of the third class," absolutely.

The act approved the twenty-third day of April, one thousand nine hundred and twenty-seven (Pamphlet Laws, three hundred seventy-four), entitled "An act to amend section six of article seven of the act, approved the twenty-seventh day of June, one thousand nine hundred and thirteen (Pamphlet Laws, five hundred sixty-eight), entitled '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'; as amended; making the office of policeman and constable incompatible," absolutely.

The act approved the twenty-third day of April, one thousand nine hundred and twenty-seven (Pamphlet Laws, three hundred seventy-eight), entitled "An act to amend section one of article twenty of the act, approved the twenty-seventh day of June, one thousand nine hundred and thirteen (Pamphlet Laws, five hundred sixty-eight), entitled '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,' as amended," absolutely.

The act approved the twenty-seventh day of April,

one thousand nine hundred and twenty-seven (Pamphlet Laws, four hundred eleven), entitled "An act to amend clause ten, section three, article five of the act, approved the twenty-seventh day of June, one thousand nine hundred and thirteen (Pamphlet Laws, five hundred and sixty-eight), entitled '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,' as amended," absolutely.

The act approved the twenty-seventh day of April, one thousand nine hundred and twenty-seven (Pamphlet Laws, four hundred sixty), entitled "An act authorizing municipalities to acquire by gift or bequest, and to operate and maintain motor ambulances," in so far as it relates to third class cities.

The act approved the fourth day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws, seven hundred twenty-eight), entitled "An act making the power of taxation of cities of this Commonwealth security for the taking, injury, or destruction of private property for public use, without the entry of a bond," in so far as it relates to third class cities.

The act approved the fourth day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws, seven hundred thirty-eight), entitled "An act requiring counties, cities, boroughs, towns, townships, school districts, and poor districts, when fixing rates of taxation in mills, to express such rates also in dollars and cents," in so far as it relates to third class cities.

The act approved the fourth day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws, seven hundred thirty-nine), entitled "An act to amend section fourteen of an act, approved the twentieth day of June, one thousand nine hundred and one (Pamphlet Laws, five hundred and seventy-eight), entitled 'An act relating to the collection of city, school and poor taxes in the several cities of the third class in this Commonwealth, and providing that the city treasurer of each of said cities, by virtue of his office, shall be the collector of the said several taxes; prescribing his duties and fixing his compensation,' as amended; further limiting the compensation of the collector for the collection of city and poor taxes, and excluding compensation of the collector of school taxes from the provisions of said section," absolutely.

The act approved the fifth day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws, eight hundred twelve), entitled "An act to amend section one of the act, approved the twenty-fifth day of June, one thousand nine hundred and thirteen (Pamphlet Laws, five hundred and fifty), entitled 'An act author-

izing the several counties, incorporated towns, and boroughs to appropriate annually sums of money to each camp of the United Spanish War Veterans, and of the Army of the Philippines, and to each post of the American Veterans of Foreign Service, in the respective counties, boroughs, and towns, to aid in defraying the expenses of Memorial Day,' as amended; authorizing appropriations to organizations agreeing to decorate graves of Civil War Veterans," in so far as it relates to third class cities.

The act approved the eleventh day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws, nine hundred sixty-four), entitled "An act to enable cities, incorporated towns, boroughs, and townships of the first class to govern and regulate by ordinance the construction, alteration, repairs, occupation, maintenance, sanitation, lighting, ventilation, water supply, toilet facilities, drainage, use and inspection of all buildings used for human habitation and land appurtenant thereto; and providing for the enforcement of such ordinances," in so far as it relates to third class cities.

The act approved the thirteenth day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws, nine hundred ninety-two), entitled "An act prohibiting cities, boroughs, towns, and townships to increase or diminish the salary, compensation or emoluments of elected officers after their election," in so far as it relates to third class cities.

The act approved the thirteenth day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws, nine hundred ninety-seven), entitled "An act to amend section one of, and to add section three to, an act, approved the twenty-sixth day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, three hundred and forty-nine), entitled 'An act authorizing the cities of this Commonwealth to purchase, acquire, take, use, and appropriate private property for public park purposes,' as amended; by adding parkways and playgrounds to the purpose for which such private property may be acquired; authorizing the annexation of such public parks, parkways, and playgrounds to such cities; and validating proceedings heretofore had annexing such public parks, parkways, and playgrounds to any such city," in so far as it relates to third class cities.

The act approved the thirteenth day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws, one thousand twenty), entitled "An act authorizing and empowering the cities of the third class to acquire by lease, purchase, or condemnation proceedings any land within or without the limits of said cities, but within the limits of the counties in which such cities are located, for the purpose of establishing

and maintaining municipal airdromes or aviation landing fields; providing for the procedure in cases of condemnation and the extent of title acquired; authorizing the lease by the cities of portions thereof to individuals or corporations upon such terms as may be fixed, and the lease thereof to the Government of the United States upon nominal rental; and empowering said cities to operate and maintain said fields jointly with any county within which said city is situate where the county is empowered to operate and maintain an airdrome or aviation landing field," absolutely except so far as it relates to counties.

The act approved the twenty-seventh day of February, one thousand nine hundred and twenty-nine (Pamphlet Laws, five), entitled "An act to amend article five, section two, clause twenty-two of an act, approved the twenty-seventh day of June, one thousand nine hundred and thirteen (Pamphlet Laws, five hundred and sixty-eight), entitled '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,' " absolutely.

The act approved the twenty-first day of March, one thousand nine hundred and twenty-nine (Pamphlet Laws, forty-two), entitled "An act to promote the public health; authorizing cities of the third class to appoint boards of health from the directorates of corporations not for profit, organized principally to preserve and promote the health of the public of such cities; defining the powers and duties of such boards of health and of health officers; and regulating the organization of such boards," absolutely.

The act approved the twenty-eighth day of March, one thousand nine hundred and twenty-nine (Pamphlet Laws, eighty-five), entitled "An act providing a method whereby territory within a borough contiguous to or separated from a third class city by a river or stream may be detached from the borough and annexed to such city," absolutely.

The act approved the twenty-eighth day of March, one thousand nine hundred and twenty-nine (Pamphlet Laws, one hundred six), entitled "An act to amend section one of the act, approved the tenth day of May, one thousand nine hundred and seventeen (Pamphlet Laws, one hundred fifty-eight), entitled 'An act to authorize counties, cities, boroughs, towns, townships, school districts, and poor districts to require a bond to protect labor and material-men and providing for suits thereon by laborers and material-men furnishing labor and material in and about the erection, alteration, addition, and repair of public buildings,' as amended,

extending the provisions of said act to roads and bridges and machinery," in so far as it relates to third class cities.

The act approved the fourth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, one hundred forty-nine), entitled "An act providing for the maintenance of roads and streets on the boundary line between cities or boroughs and townships, and the procedure in such cases," in so far as it relates to third class cities.

The act approved the eleventh day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, five hundred eighteen), entitled "An act to amend the act, approved the sixth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, seven hundred forty-seven), entitled 'An act requiring all counties, cities, boroughs, townships, school districts, and other municipalities and incorporated districts to sell any bonds or other securities issued by them to the highest responsible bidder after due public notice,' providing for private sales where no bids are received," in so far as it relates to third class cities.

The act approved the seventeenth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, five hundred twenty-seven), entitled "An act providing for the recovery and collection of municipal claims by action of assumpsit, without the necessity of entering liens for such claims, and repealing existing laws," in so far as it relates to third class cities.

The act approved the twenty-fourth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, six hundred fifty-five), entitled "An act to amend section two of article five of the act, approved the twenty-seventh day of June, one thousand nine hundred and thirteen (Pamphlet Laws, five hundred sixty-eight), entitled '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,' by adding thereto clause six, authorizing said cities to regulate sales at public auctions, and to provide penalties," absolutely.

The act approved the twenty-fifth day of April, one thousand nine hundred and twenty-nine (Pamphlet Laws, seven hundred fifty-five), entitled "An act authorizing cities of the third class to appropriate money for the support and maintenance of airdromes, or aviation landing fields, situate either within or without the limitations of such city, but within the limitations of the county in which such city is located," absolutely.

The act approved the twenty-fifth day of April, one thousand nine hundred and twenty-nine (Pamphlet

Laws, seven hundred seventy-seven), entitled "An act fixing the time when interest shall begin to run on the amounts fixed in reports of viewers for the taking, injury, and destruction of property by the right of eminent domain," in so far as it relates to third class cities.

The act approved the first day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred), entitled "An act to amend section five, article four, of the act, approved the twenty-seventh day of June, one thousand nine hundred and thirteen (Pamphlet Laws, five hundred and sixty-eight), entitled '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,' as amended," absolutely.

The act approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred seventy-two), entitled "An act to amend section one of the act, approved the twenty-fourth day of May, one thousand eight hundred and ninety-three (Pamphlet Laws, one hundred twenty-nine), entitled 'An act to empower boroughs and cities to establish a police pension fund; to take property in trust therefor; and regulating and providing for the regulation of the same,' directing the establishment of such funds by cities," in so far as it relates to third class cities.

The act approved the seventh day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand five hundred seventy-three), entitled "An act authorizing cities to lease real estate, the property of said city, on long term improvement leases, at a nominal rental or otherwise, to a corporation of the first class, for the purpose of providing an auditorium for dramatic, musical, artistic, literary, or scientific events, including provision for the accommodation of patriotic societies or groups, or such other purposes as may be approved from time to time by the city; declaring such uses to be used for public purposes; and exempting such real estate and leasehold interests therefrom from taxation," in so far as it relates to third class cities.

The act approved the seventh day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand five hundred eighty-two), entitled "An act to amend sections one and four of the act, approved the thirteenth day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws, one thousand twenty), entitled 'An act authorizing and empowering cities of the third class to acquire by lease, purchase, or con-

demnation proceedings any land within or without the limits of said cities, but within the limits of the counties in which such cities are located, for the purpose of establishing and maintaining municipal airdromes or aviation landing fields; providing for the procedure in cases of condemnation and the extent of title acquired; authorizing the lease by the cities of portions thereof to individuals or corporations upon such terms as may be fixed, and the lease thereof to the Government of the United States upon nominal rental; and empowering said cities to operate and maintain said fields jointly with any county within which said city is situate where the county is empowered to operate and maintain an airdrome or aviation landing field,' providing for the acquisition of land within or without the county, and conferring powers on counties to join with cities for such purpose, or to make appropriations to assist cities," absolutely, except as to counties.

The act approved the ninth day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand six hundred ninety-four), entitled "An act providing a method of annexation of boroughs having a population of less than ten thousand inhabitants, townships or parts of townships or outlying lots, to cities of the third class; providing for the addition of such territory to adjacent ward or wards of such cities, or for the erection of such territory into a new ward or wards; providing for the regulation of the indebtedness and assets of annexed territory; regulating the proceedings pertaining to such annexation; and repealing inconsistent legislation," absolutely.

The act approved the ninth day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand seven hundred two), entitled "An act regulating the closing of public highways and providing for the locating, marking and maintenance of detours necessitated by such closing; requiring boroughs, cities, and towns to notify the Department of Highways of the creation and discontinuance of certain detours; providing penalties for removing, destroying, defacing signs erected for warning or detour purposes, and for driving on, over or across highways which are closed by the proper persons or authorities, except in certain cases; further providing that the authorities responsible for the maintenance of highways which have been damaged, or their agents or contractors, shall have the right to recover the amount of such damages from the person or persons responsible, in addition to the penalties herein provided; and repealing certain acts," in so far as it relates to third class cities.

The act approved the seventeenth day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, eighteen hundred five), entitled "An act authoriz-

ing municipalities other than townships, to acquire by gift, devise, or bequest, lands, chattels, securities and funds for the establishment and maintenance of a hospital; to appoint trustees of such property, and funds, subject to the approval of the orphans' court; to operate and maintain such hospital through and by means of such trustees; and to expend municipal funds to aid in the establishment and maintenance of such hospital," in so far as it relates to third class cities.

The act approved the eighth day of April, one thousand nine hundred and thirty-one (Pamphlet Laws, seventeen) (Act Number Sixteen), entitled "An act to amend further section two of article five of the act approved the twenty-seventh day of June, one thousand nine hundred and thirteen (Pamphlet Laws, five hundred sixty-eight), entitled '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,' by empowering cities of the third class to license auction sales," absolutely.

The act approved the first day of April, one thousand nine hundred and thirty-one (Pamphlet Laws, twenty-five) (Act Number Twenty-three), entitled "An act providing an additional method for the annexation of a part of a ward to a ward contiguous thereto in cities of the third class," absolutely.

The act approved the twenty-fourth day of April, one thousand nine hundred and thirty-one (Pamphlet Laws, fifty-four) (Act Number Forty-four), entitled "An act providing for the appointment and compensation of park guards in cities of the third class; defining their powers; and imposing their supervision on the Superintendent of Parks and Public Property in such cities," absolutely.

All other acts or parts of acts of Assembly supplied by, inconsistent with, or pertaining to the subject matter covered by this act, are hereby repealed. It is the intention that this act shall furnish a complete and exclusive system for the government and regulation of cities of the third class, except as to the several matters enumerated in section one hundred and three of article one of this act.

But nothing contained in this act shall be construed to repeal any local or special laws; or to repeal the provisions of the Public Service Company Law, or any law relating to the Board of Commissioners of Navigation for the River Delaware and its Navigable Tributaries, or the provisions of any law, the enforcement of which is vested in the Department of Health or the Sanitary Water Board, or the provisions of any law, the enforce-

ment of which is vested in the Department of Forests and Waters or the Water and Power Resources Board.

APPROVED—The 23d day of June, A. D. 1931.

GIFFORD PINCHOT

No. 318

AN ACT

To repeal the act, approved the twenty-second day of July, one thousand nine hundred and nineteen (Pamphlet Laws, one thousand one hundred thirteen), entitled "An act authorizing cities of the third class to surrender their charter and be constituted a borough, and providing the procedure therefor."

Cities of third class.

Act of July 22, 1919 (P. L. 1113), repealed.

Section 1. Be it enacted, &c., That the act, approved the twenty-second day of July, one thousand nine hundred and nineteen (Pamphlet Laws, one thousand one hundred thirteen), entitled "An act authorizing cities of the third class to surrender their charter and be constituted a borough, and providing the procedure therefor," is hereby repealed.

APPROVED—The 23d day of June, A. D. 1931.

GIFFORD PINCHOT

No. 319

AN ACT

Declaring buildings and parts of buildings used for purposes of fornication, lewdness, assignation, and prostitution to be nuisances; providing a method of abating same; establishing a method of procedure against those who use said buildings, or parts thereof, for such purposes; and providing penalties for violations of this act.

Building used for fornication, etc.

Nuisance.

Misdemeanor.

Penalty.

Knowledge of unlawful use by owner.

Section 1. Be it enacted, &c., That any building, or part of a building, used for the purpose of fornication, lewdness, assignation, and/or prostitution is hereby declared to be a common nuisance; and any person who maintains such a common nuisance shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to imprisonment for not more than one year, or pay a fine not exceeding one thousand dollars, or both, at the discretion of the court.

Section 2. If a person, being the owner of any building, has knowledge of, or reason to believe, that such building, or a part thereof, is used for the purposes of fornication, lewdness, assignation, and/or prostitution,