

No. 569

AN ACT

To reenact, amend and revise the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-one (Pamphlet Laws 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto."

CONTENTS

Article	Sections
I. Preliminary Provisions,	101-[111] 110
II. Classification and Creation of Townships of the First Class,	201- 235
(a) Classification,	201
(b) Creation of Townships of the First Class from Townships of the Second Class,	205- 208
(bb) * <i>Reestablishment of Townships of the Second Class</i> ,	209- 209a
(c) Creation of Townships of the First Class by [Division and] Consolidation,	210-[221] 219
(d) Officers of Newly Created Townships,	225-[229] 228
(e) Certificate of Creation of Townships to be Furnished State Departments,	235
III. Township Lines and Boundaries, ...	301- 307
IV. Wards,	401-[409] 408
V. Election of Officers; Vacancies in Office,	501-[532] 533
(a) General Provisions,	501- 503
(b) Commissioners,	504-[507] 505
(c) Treasurer,	510- 511
(d) Assessors,	515 [-517]
(e) Auditors,	520
(f) Controller,	525- 526
(g) Vacancies in Office,	530- 533
VI. General Provisions Relating to Township Officers,	601-[623] 650
(a) General Provisions,	601-[604] 605
(b) County Associations of Township Officers,	610- 612
(c) State Association of Township Officers,	620- 623
(d) <i>Civil Service for Police and Firemen</i> ,	625- 650

* "Reestablishments" in original.

Article	Sections
VII. Township Commissioners,	701- 704
VIII. Township Treasurer,	801-[809] 808
IX. Township Secretary,	901- 903
X. Auditors,	1001-1019
XI. Controller,	1101-[1113] 1110
XII. Township Solicitor,	1201-1204
XIII. Township Engineer,	1301-1315
(a) <i>General Provisions</i> ,	1301-1306
(b) <i>Real Estate Registry</i> ,	1310-1315
XIV. Police,	1401-[1414] 1415
XV. Corporate Powers,	1501-1502
XVI. Public Health,	1601-1627
(a) Boards of Health,	1601-1614
(b) Vacation of [Lanes and Alleys] <i>Streets Declared Nuisances by</i> Board of Health,	1620-1627
XVII. Finance and Taxation,	1701-[1719] 1719
XVIII. Contracts,	1801-[1807] 1811
XIX. Eminent Domain; Assessment of Damages and Benefits,	1901-1953
(a) General Provisions Relating to Eminent Domain,	1901-[1916] 1918
(b) Procedure for the Exercise of Eminent Domain and for the *Assessment of Damages and Benefits,	1920-1953
XX. [Roads] Streets [and Highways], ...	2001-2096
(a) Plans of Streets,	2001
(b) Laying Out, Opening, Widening, Straightening, Vacating and Relaying [Out Roads] <i>Streets</i> , Et Cetera; Repairs and De- tours,	2005-2015
(c) Dedicated [Roads] Streets, [Lanes, Alleys] and Drainage Facilities,	[2020] 2019-2025
(d) Relocation, Alteration and Vaca- tion of [Roads] <i>Streets</i> in or near State Parks,	2030-2033
(e) Elimination of Curves,	2035
(f) Acquisition of Unobstructed Views at Curves and Inter- sections,	2040
(g) Changing or Altering [Roads] <i>Streets</i> by Agreement with Property Owners,	2045
(h) Grading, Draining, Curbing, Paving, Macadamizing [Roads	

* "Assessments" in original.

Article

Sections

	or] Streets on Petition, and Assessment of Benefits by Viewers,	2050-2056
(i)	Grading, Draining, Curbing, Paving or Macadamizing Streets and Collection of Cost by Foot Front Rule,	2060-2063
(j)	Road Material, Ditches, Drains and Watercourses,	2065-2067
(k)	Trees, [and] Shrubbery, and Obstructions within Limits of [Highways] Streets,	2070 [-2075]
(l)	Protection of [Highways] Streets from Snowdrifts,	2078
(m)	Guideposts and Index Boards, .	2080-2081
(n)	[Highways] Streets Crossing Railroads; Special Uses of [Highways] Streets,	2083-2084
(o)	County-aid in the Improvement of Township [Roads] Streets, .	2086
(p)	Penal Provisions,	2088
(q)	Opening, Making, Amending, and Repairing [Highways] Streets and Bridges by Contracts with Taxpayers,	2090-2096
XXI.	Boundary Roads and [Highways] Streets,	2101-2130
(a)	Opening, Repairing and Improving Streets on Division Line of Townships,	2101
(b)	Maintenance of [Roads] Streets between Township and Cities or Boroughs,	2105
(c)	[Highway] Street, the Centre Line of which is the Dividing Line between Townships and Boroughs or Cities in the Same County,	2110
(d)	[Highway] Street, the Centre Line of which is the Dividing Line between Townships and Cities in an Adjacent County, .	2115
(e)	Improvement of Street where more than One-half of Width is in Township; Assessment of Property outside Limits,	2120
(f)	Assessment of Property outside Limits of Township for Street Improvements,	2125

Article	Sections
(g) Grading, Curbing, Paving, Macadamizing Boundary Street, Et Cetera,	2130
XXII. Bridges and Viaducts,	2201-2225
(a) As Part of [Road] Street [Highway, Lane or Alley],	2201
(b) Over Railroads,	2205-2206
(c) Over Marshy or Swampy Grounds, Creeks, Rivulets, Gullies, Canals, and Railroads,	2210-2211
(d) Over Streams, Railroads, and Canals on Township Boundaries,	2220-2222
(e) Maintenance, Repair, and Rebuilding of Bridges Built by County,	2225
XXIII. Sidewalks,	2301-2304
XXIV. Sewers and Drains,	2401-[2441] 2445
(a) Establishing and Constructing Sewer and Drainage Systems, Sewer Connections, and Rates; Disposal of Sewage; Assessment of Cost of Construction, . . . <i>Assessment of Property Outside Limits of Township for Sewers,</i>	2401-2410 2411
(b) Acquisition of Sewer System from Private Interests; Distribution of [Cost] Costs, . . .	2415
(c) Contracts with Individuals or Corporations for Construction and Maintenance of Sewer and Drainage Systems,	2420
(d) Sewers and Drains in Streets [or Alleys], or over Private Property; Assessment of Cost of Construction According to Benefits,	2425
(e) Sewers under State and County Highways,	2430-2431
(f) Connecting with Sewer of Adjoining Municipality,	2435-2436
(g) Joint Sewers and Drains,	2440-2441
(h) <i>Non-debt Revenue Sewer Bonds.</i>	2445
XXV. Collection by Instalment of the Cost of Street, Curb, Sidewalk and Sewer Improvements,	2501-2507
XXVI. Revolving Fund for Street and Sewer Improvements,	2601-2602
XXVII. Water Supply and Waterworks, .	2701-2712

Article	Sections
(a) Acquisition, Construction and Maintenance,	2701-2705
(b) Construction, Acquisition and Maintenance of Waterworks in Connection with [Boroughs] <i>Municipalities</i> ,	2710-2712
XXVIII. Public Buildings,	2801-2806
XXIX. Licenses and License Fees,	2901-2912
(a) Transient Retail Merchants, ...	2901
(b) Restrictions,	2910-2912
XXX. Parks, Recreation Centers, Shade Trees and Forests,	3001-3048
(a) Public Parks, Playgrounds, and Recreation Centers,	3001-[3013] 3014
(b) Shade Tree Commission,	3020-3031
(c) Forests,	3040-3048
XXX-A. <i>Land Subdivisions</i> ,	3061-3068
XXXI. Zoning,	3101-[3110] 3111
XXXII. Township Planning Commission, ...	3201-[3206] 3203
XXXIII. Enforcement of Ordinances,	3301-3305
XXXIV. Actions by and against Townships, ..	3401-3406
XXXV. Repeals,	3501-3502

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

Section 1. Article I and sections 101 and 110 inclusive of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-one (Pamphlet Laws 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," are hereby reenacted, revised and amended to read as follows:

Section 1. Be it enacted, &c., That the laws relating to townships of the first class are hereby *reenacted*, amended, revised, consolidated, and changed, as follows:

ARTICLE I

PRELIMINARY PROVISIONS

Section 101. Short Title; *Effective Date*.—This act shall be known, and may be cited, as "The First Class Township [Law] *Code*." [This act shall take effect on the first day of July, one thousand nine hundred and thirty-one.] *This reenactment, revision, amendment and consolidation of the laws relating to townships of the first class shall become effective the first day of January, 1950.*

Section 102. [Definition.—The word "township" or "townships," as used in this act, shall mean a township

of the first class unless the context indicates otherwise.]
**Definitions.*—The following words, terms and phrases, as used in this act, shall have the meanings herein assigned to them unless the context clearly indicates otherwise.

(a) "Township," a township of the first class.

(b) "Street" includes a street, road, lane, alley, court, or public square.

(c) "Highway" or "State highway," a road or highway of the State highway system.

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

(a) [The procedure for] *The assessment and valuation of property and persons for the purposes of taxation and collection of taxes* and the collection of municipal [and tax] claims by liens;

(b) The method of incurring or increasing bonded indebtedness;

(c) Election officers and the general conduct of elections;

[(d) Poor districts;]

[(e)] (d) Public schools and school districts;

[(f)] (e) Constables;

[(g)] (f) Justices of the peace;

[(h)] (g) State roads [, State-aid roads] and private roads;

[(i)] (h) Validation of elections, bonds, ordinances, and acts of corporate officers;

[(j)] (i) Free non-sectarian libraries;

(j) *Crimes and offenses provided for in the Penal Code.*

Section 104. [Saving Clauses] *Construction of Act Generally.*—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 existence or class of any township heretofore created. 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, 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 under any act of Assembly repealed by this

* "Definitions" omitted in original.

act, shall continue to hold such office until the expiration of the term thereof, subject to the conditions attached to such office prior to the passage of this act.

Section 105. Constitutional Construction.—The provisions of this act shall be severable, and if any of the provisions shall be held to be unconstitutional, such decision shall not 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, such reference shall also apply to and include any codification wherein the provisions of the act referred to are substantially reenacted.

Section 107. How Act Applies.—This act shall apply to all townships of the first class within the Commonwealth, as now existing or hereinafter created.

Section 108. Saving Clauses Where Class of Townships Changed.—Whenever any township of the second class is designated a township of the first class, or whenever any township of the first class is reestablished as a township of the second class [, or whenever any township is divided], all liabilities incurred, rights accrued or vested, obligations issued or contracted, and all suits and prosecutions pending or to be instituted to enforce any right or penalty accrued or punish any offense committed, prior to such change of class [or division], and all ordinances, resolutions, rules and regulations shall continue with the same force and effect as if no such change [or division] had been made.

Section 109. Exception as to Taxation.—This act does not provide [a complete system] for the assessment and *valuation of property and persons for the purposes of taxation or the collection of township taxes* [but the taxation provisions herein contained shall be construed as supplementary to the general local taxation laws. All acts and parts of acts relating to taxation in townships of the first class, not inconsistent with this act, in force prior to the passage of this act, which are not reenacted or specifically repealed by this act, shall remain in force as to such townships in the same manner as prior to the passage of this act].

Section 110. Legal Advertising.—Whenever, under the provisions of this act, notice 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, approved May sixteenth, one thousand nine hundred and twenty-nine (Pamphlet

Laws, one thousand seven hundred eighty-four), printed in the township, if there is such a newspaper, and, if not, then in a newspaper circulating generally in such township. 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 township. 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 ordinances, auditors' statements, summaries of auditors' 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.

Section 2. Sections 201 to 214 inclusive of said act, as amended, are hereby reenacted, revised and amended to read as follows:

ARTICLE II

CLASSIFICATION AND CREATION OF TOWNSHIPS OF THE FIRST CLASS

(a) Classification

Section 201. The townships now in existence and those to be hereafter created are divided into two classes. Townships of the first class shall be those having a population of at least three hundred inhabitants to the square mile, which have heretofore fully organized and elected their officers and are now functioning as townships of the first class, or which may hereafter be created townships of the first class *in the manner provided in this act*. All townships, not townships of the first class, shall be townships of the second class. A change from one class to the other shall hereafter be made only as provided by this act or the laws relating to townships of the second class.

(b) Creation of Townships of the First Class from Townships of the Second Class

Section 205. Enrollment to Ascertain Population.— At any time not less than one year before the time fixed

for taking a decennial census of the United States, whenever the owners of twenty-five per centum of the assessed valuation of the real estate of any township of the second class shall present their petition to the court of quarter sessions, averring that the population of the township is at least three hundred inhabitants to the square mile, and shall give such security as the court may prescribe for the payment of all costs and expenses which may be incurred in any procedure had upon said petition, the court shall appoint a commissioner to perform the duties hereafter prescribed.

The said commissioner shall make an enrollment of the inhabitants of such township, and make report thereof to the court at the next ensuing term. Upon the filing of the report, the same shall be confirmed nisi, which confirmation shall become absolute unless excepted to within thirty days thereafter, during which time notice of the said filing and confirmation shall be advertised in a newspaper [published in the county] of *general circulation*, once a week for three weeks. If exceptions are filed to the report within the said thirty days, the court, upon consideration thereof, shall confirm the report or modify the said finding. After final confirmation, the clerk of the court shall certify to the county commissioners and to the township supervisors of the township the population of the township as shown by said proceedings. The costs and expenses of the proceedings, including a reasonable fee for the commissioner and attorney, shall be paid by the petitioners or by the township, or partly by each, as the court shall direct.

Section 206. Proclamations by County Commissioners.—In addition to the procedure provided in the preceding section, the county commissioners of each county shall, following each decennial census of the United States, ascertain from such census whether any township of the second class in the county has a population of three hundred inhabitants to the square mile, and shall immediately certify the fact that any township has a population of three hundred inhabitants to the square mile to the township supervisors of the township.

Section 207. Submission of Question to Voters.—At the first general or municipal election occurring [or at a special election held], at least ninety days after the ascertainment, by special enrollment or from the *last preceding* United States census [, including the United States census of one thousand nine hundred and thirty and each subsequent census], that any township of the second class has a population of at least three hundred inhabitants to the square mile, and after [the filing of]

a petition signed by at least five per centum of the registered voters of the township has been filed in the quarter sessions court, the question whether such township of the second class shall become a township of the first class shall be submitted to the voters of the township, and the county [commissioners] *board of elections* shall cause to be printed on separate ballots, to be used in such township at such election, a proper question framed in accordance with the [election laws of the Commonwealth. A special election for such purpose shall be held on a day to be fixed by the court of quarter sessions of the county, upon petition signed by at least five per centum of the registered voters of the township. The costs and expenses of such a special election shall be paid by the petitioners as the court may direct.] *Pennsylvania Election Code.*

Section 208. Returns of Election and Effect Thereof.—The election officers shall compute the votes cast at the election provided for in the preceding section and make return thereof to the clerk of the court of quarter sessions, who shall tabulate the same and certify the result thereof to the county commissioners and the township supervisors of such township. If a majority of the votes cast at any such election shall be in favor of becoming a township of the first class, the government of the township of the first class shall be organized and become operative on the first Monday of January next succeeding such election, at which time the terms of the officers of the township of the second class shall cease and terminate. If a majority of the votes cast at any such election shall be in favor of remaining a township of the second class, no further proceedings shall be had for a period of two years, after which period the supervisors, by unanimous action, may, or, upon petition of ten per centum of the registered voters of the township, shall, *through the County Board of Elections*, resubmit the question to the electors of the township in the manner hereinbefore provided.

(bb) Reestablishment of Townships of the
Second Class

Section 209. Ascertainment of Population.—At any time, not less than one year before the time fixed for taking a decennial census of the United States, whenever the owners of twenty-five per centum of the assessed valuation of the real estate of any township of the first class shall present their petition to the court of quarter sessions averring that the township no longer has a population of three hundred inhabitants to the square mile, and shall give such security as the court may pre-

scribe for the payment of all costs and expenses which may be incurred in any procedure had upon said petition, the court shall appoint a commissioner to perform the duties hereafter prescribed.

The said commissioner shall make an enrollment of the inhabitants of such township and make report thereof to the court at the next ensuing term. Upon the filing of the report the same shall be confirmed nisi, which confirmation shall become absolute unless excepted to within thirty days thereafter, during which time notice of the said filing and confirmation shall be advertised in a newspaper [published in the county] of *general circulation* once a week for three weeks. If exceptions are filed to the report within the said thirty days, the court, upon consideration thereof, shall confirm the report or modify the said finding. After final confirmation, the clerk of the court shall certify to the county commissioners and to the township supervisors of the township the population of the township, as shown by said proceedings. The costs and expenses of the proceedings, including a reasonable fee for the commissioner and attorney, shall be paid by the petitioners or by the township, or partly by each, as the court shall direct.

In addition to the procedure provided in the preceding paragraph, the county commissioners of each county shall, following each decennial census of the United States, ascertain from such census whether any township of the first class in the county no longer has a population of three hundred inhabitants to the square mile, and shall immediately certify the fact that any township no longer has a population of three hundred inhabitants to the square mile to the board of commissioners of the township.

Section 209a. Submission of Question to Voters; Returns of Election, and Effect Thereof.—At the first general or municipal election occurring at least ninety days after the ascertainment by special enrollment or from the *last preceding* United States census [, including the United States census of one thousand nine hundred and thirty, and each subsequent census], that any township of the first class no longer has a population of at least three hundred inhabitants to the square mile, the question whether such township of the first class shall be reestablished as a township of the second class shall be submitted to the voters of the township, and the county [commissioners] *board of elections* shall cause to be printed, on separate ballots to be used in such township at such election, a proper question framed in accordance with the election laws of the Commonwealth.

The election officers shall compute the votes cast at the election provided for in the preceding paragraph and make return thereof to the clerk of the court of quarter sessions, who shall tabulate the same and certify the result thereof to the county [commissioners] *board of elections* and the township commissioners of such township. If a majority of the votes cast at any such election shall be in favor of becoming reestablished as a township of the second class, the government of the township of the second class shall be organized and become operative on the first Monday of January next succeeding such election, at which time the terms of the officers of the township of the first class shall cease and terminate. If a majority of the votes cast at any such election shall be in favor of remaining a township of the first class, no further proceedings shall be had for a period of four years, after which period the board of township commissioners, by unanimous action, may, or upon petition of ten per centum of the registered voters of the township shall, *through the county board of elections*, resubmit the question of the electors of the township in the manner hereinbefore provided.

[The provisions of this and the preceding section shall apply to all townships of the first class the governments of which as townships of the second class have not been actually organized at the time this act becomes effective, and such townships shall continue as townships of the first class until the election hereinbefore provided shall determine otherwise.]

(c) Creation of Townships of the First Class
By Consolidation

Section 210. Manner in Which Townships of the First Class May Be Created.—The court of quarter sessions may, upon the presentation of petitions as hereinafter provided, create new townships of the first class by the consolidation of two or more townships of the first class located in the same county.

Section 211. Petitions.—(a) Petitions for the creation of townships, as provided in the preceding section, shall be signed by *registered* electors equal in number to at least five per centum of the highest total vote cast for candidates for any office in the townships affected at the last preceding municipal election. Such petition shall be sworn to and subscribed by at least three of the signers.

(b) Petitions for the consolidation of townships may also be presented when signed by a majority of the commissioners of each of the townships proposed to be consolidated and sworn to and subscribed by at least one commissioner from each such township.

Such petitions shall set forth the name of any proposed new township, and shall specify the reasons for such consolidation. Each such petition shall be accompanied by an accurate map or plot, prepared by an engineer, showing the lines of the new township, and the present division lines between such townships. Where natural marks are on such lines they shall also be shown.

Section 212. Confirmation Nisi of Petition; Notice of Filing.—Upon the presentation of any such petition, the same shall be confirmed nisi, and the court shall, by its order, require such notice to be given by the petitioners to the residents and commissioners of the townships affected as it deems proper.

Section 213. Exceptions; Confirmation Absolute of Petition.—Within thirty days after the filing of such petition, any taxpayer of the townships affected may file exceptions to such petition, questioning the sufficiency of the number of signers, or the legality of any signatures, or the accuracy or sufficiency of the map or plot attached thereto. The court, upon the filing of any exceptions, shall fix a day for hearing of which such notice shall be given as the court may direct. At such hearing, the court shall hear all parties interested and their witnesses. If the exceptions in the opinion of the court are sustained, and the court deems the petition not amendable, it shall dismiss the petition, otherwise it shall confirm the same absolutely, after any amendments permitted by the court have been made.

Section 214. Elections.—When any petition is confirmed absolutely, the court shall order an election to be held on the question of the consolidation of such townships, which shall be held on the day of the next general or municipal election occurring at least [sixty] *ninety* days after such order of court. Such election shall be held at the regular polling places in the townships affected. At any such election all of the [qualified] *registered* electors of the townships affected by such consolidation shall have the right to vote. The ballots at such election shall be furnished by the county commissioners and the question to be placed thereon shall be framed and printed on the ballots as provided by the [election laws of the Commonwealth] *Pennsylvania Election Code*.

Section 3. Section 215 of said act is hereby repealed.

Section 4. Sections 216, 217, 218 and 219 of said act are hereby reenacted, revised and amended to read as follows:

Section 216. Return of Election; Decree.—The election officers, after the polls have been closed, shall count

the ballots and certify the number of votes cast for and against such consolidation to the clerk of the court of quarter sessions, who shall tabulate and compute the same, and lay the result before the court. If it shall appear that a majority of the votes cast in each of the townships affected are in favor of the consolidation of two or more townships, the court shall order and decree the creation of the new township agreeably to the name and lines set forth in the petition, and the government of the new township shall be organized and become effective on the first Monday of January next succeeding such election, at which time the terms of office of township officers in such townships shall cease and terminate. If a majority of the votes cast in any of the townships affected are against the consolidation of such townships, no further action shall be had upon said proceedings. No new proceeding shall be entertained by the court for a period of two years.

Section 217. Boundary Monuments.—The court shall, when deemed necessary, cause the lines of any such new township to be *appropriately* marked with stone monuments placed at intervals not exceeding fifteen hundred feet, the cost thereof to be paid by the new township.

Section 218. Classification of New Townships.—Townships created by the consolidation of townships, as herein provided, shall be and remain townships of the first class, unless and until, by subsequent proceedings in accordance with [laws relating to townships of the second class] *this act*, any such township shall be re-established or proclaimed to be a township of the second class.

Section 219. Costs.—When a township of the first class is created as hereinbefore provided, the costs of the proceedings shall be paid by such township, and where any petition is dismissed or a majority of the electors of any one or more townships shall vote against the consolidation of any such township, the costs of the proceedings shall be paid by the townships proposed to be consolidated, *as the court may direct*.

Section 5. Section 221 of said act is hereby repealed.

Section 6. Sections 225, 226, 227 and 228 of said act are hereby reenacted, revised and amended to read as follows:

(d) Officers of Newly Created Townships

Section 225. Officers for New Townships.—Whenever a new township of the first class shall be created in accordance with any of the procedures in this article, the court of quarter sessions shall appoint five commissioners, and the other elective officers to which the township

is entitled, and fix the polling place or places in such *township. The officers so appointed shall hold their offices from the first Monday of January following the election creating such township until the first Monday of January following the municipal election at which officers of the township are elected as hereinafter provided.

Section 226. Election of Commissioners in New Townships.—At the first municipal election following the creation of a township as hereinbefore provided, if such township has not been divided into wards, there shall be elected five township commissioners at large. Three of such commissioners shall be elected for terms of four years each, and two for terms of two years each, from the first Monday of January next following such election. The ballots at such election shall designate the term for which each commissioner is elected. Their successors shall be elected for terms of four years in accordance with this act.

Section 227. Election of Treasurer in New Townships.—At such municipal election, the qualified electors of such township shall elect a township treasurer for a two or four year term so that his term shall expire at the same time as the terms of treasurers of other townships of the first class under the provisions of this act. Thereafter the term of treasurer of said township shall be four years from the first Monday of January next following his election.

Section 228. Election of Township Assessor and Assistant Township Assessor in New Townships.—At such municipal election, one township assessor shall be elected for a term of four years and one assistant township assessor for a term of two years. Thereafter the terms of such township assessor and assistant township assessor shall be four years from the first Monday of January succeeding their respective elections.

This section shall not apply to townships in counties having county boards for the assessment and revision of taxes where assessors, under existing laws, are appointed.

Section 7. Section 229 of said act is hereby repealed.

Section 8. Section 235 of said act is hereby reenacted, revised and amended to read as follows:

(e) Certificate of Creation of Townships to Be
Furnished State Departments

Section 235. Whenever a township of the first class is created, the clerk of the court shall certify such creation to the [Secretary] *Department of Internal Affairs*

* "townships" in original.

and [Secretary] *Department of Highways of the Commonwealth*. The clerk of the court shall be allowed a fee of [two] *three dollars and fifty cents* for his services, to be paid as part of the costs of the proceedings.

Section 9. Article III and sections 301 to 307 inclusive of said act are hereby reenacted, revised and amended to read as follows:

ARTICLE III

TOWNSHIP LINES AND BOUNDARIES

Section 301. [Center Line of Navigable Stream as Boundary] *Stream Boundaries*.—Whenever any township is bounded by the nearest margin of any navigable stream, and the opposite township, borough, or city, as the case may be, is also bounded by the nearest margin of the same stream, the middle of such stream shall be the boundary between such [townships, or] township and [any] *the opposite township*, borough or city. Nothing contained in this section shall be construed to repeal any local or special law providing to the contrary.

Section 302. [Petition to Alter or Ascertain Township Lines and] *Establishment of Boundaries*.—The courts of quarter sessions may, upon the presentation of a petition, (a) alter the lines of [two or more] *a township and any* adjoining [townships] *township, borough or city* so as to suit the convenience of the inhabitants thereof; (b) cause the lines or boundaries of townships to be ascertained and established; and (c) ascertain and establish disputed lines and boundaries between two or more townships or between townships and cities or boroughs. When any such petition is presented, the court may require the petitioners to file a bond in sufficient sum to secure the payment of all costs of the proceeding.

Section 303. [Appointment and Report of Commissioners] *Petition to Court; Commissioners' Report*.—Upon application by petition [to the court for any of the purposes set forth in the last preceding section], the court shall appoint three impartial citizens, one of whom shall be a registered [civil] *surveyor or engineer*, to inquire into the prayer of the petition. After having given notice to parties interested as directed by the court, the commissioners shall hold a hearing and view the [said] lines or boundaries; and they, or any two of them, shall prepare a report, together with their opinion of the same, and accompany it with a plot or draft of the lines and boundaries proposed to be altered or ascertained and established if the same cannot be fully designated by natural lines or boundaries. Upon the filing of

any such report, the same shall be confirmed nisi *and the court may, by its order, require such notice to be given by the petitioners to the parties interested, as it deems proper.*

Section 304. Exceptions and Procedure.—Exceptions to any such report may be filed by any person interested or *political subdivision* within thirty days after the filing of the report, and the court may thereupon fix a day for the hearing of such exceptions, of which [hearing] such notice shall be given as the court [shall] *may* direct. After hearing, the court shall have power to sustain such exceptions or to dismiss them and confirm the report, or refer the report back to the same or new commissioners, with like authority to make another report, on which like legal proceedings may be had. Where no exceptions are filed within thirty days after the filing of the report, the court shall confirm the same absolutely. When any report is confirmed absolutely, the court shall enter a decree altering or ascertaining and establishing the lines and boundaries as shown in said report.

Section 305. Monuments.—Whenever any such township line or boundary is altered or ascertained and established, the court shall cause the same to be *appropriately* marked with stone monuments placed at intervals not exceeding fifteen hundred feet.

Section 306. [Pay] *Compensation and Expenses of Commissioners* [, Civil Engineer and Chain-Carriers]; Costs.—The [pay] *compensation and expenses* of commissioners appointed to alter or ascertain and establish township lines shall be [ten dollars, the pay of civil engineers shall be twenty dollars, and the pay of chain-carriers shall be five dollars, for each day necessarily employed, and five cents per mile for each mile necessarily traveled in the discharge of their duties] *in the amount approved by the court.* The court shall, by its order, provide how the costs and expenses of any such proceeding, including the furnishing and placing of monuments, shall be paid, and may assess them against *the petitioners, any township [and/] or municipalities interested, or any of them.*

Section 307. Adjustment of Indebtedness.—Whenever the boundaries of any township have been altered or ascertained and established [upon application of the supervisors, commissioners, or the authorities of any school district or poor district], the court of [common pleas, sitting in equity] *quarter sessions* may adjust the taxes, debts, and expenses for township, municipal [, poor,] and school purposes between the townships, municipalities [poor] and school districts affected.

Section 10. Article IV and sections 401 to 408 inclusive of said act are hereby reenacted, revised and amended to read as follows:

ARTICLE IV

WARDS

Section 401. [Petitions to Create, Divide or Redivide Wards] *Creation, Division and Redivision of Wards.*—The court of quarter sessions, upon petition, may divide or redivide any township, heretofore or hereafter created, into wards, erect any wards out of two or more adjoining wards, or parts thereof, divide any wards already erected into two or more wards, or alter the lines or boundaries of any two or more adjoining wards, and may cause lines or boundaries of wards to be fixed and established. No township shall be divided or redivided into more than fifteen wards.

No ward shall be created containing less than three hundred *registered* electors therein, and all wards which now, or at any time hereafter shall, contain less than three hundred and fifty *registered* electors therein may in the discretion of the court be abolished, and if so abolished, the territory thereof shall be distributed among the remaining wards in such manner as the court of quarter sessions shall direct. All other wards as heretofore established shall remain as heretofore until altered or divided as provided in this article:

Provided, That if, in townships wherein any ward shall be abolished as herein provided, the number of wards shall be reduced to less than five, then the commissioner in the ward or wards abolished shall continue in office for the term for which elected, and shall become [the] *a* commissioner or commissioners at large from such township as provided in this act, with respect to townships having less than five wards.

Section 402. *Signing Petition; Appointment and Powers of Commissioners.*—The petition shall be signed by at least twenty free holders, residents of the township or of the ward or wards the limits of which it is proposed to change. Upon the presentation of the petition, the court shall appoint three impartial men as commissioners, one of whom shall be a [civil] *registered* engineer or *surveyor*, to inquire into the propriety of granting the prayer of the petitioners. The commissioners, or any two of them, shall make a report to the [next term of] court, and shall accompany it with a plot, showing the boundaries of the township and the wards before and after the proposed change, whenever the same cannot be fully designated by natural lines.

Section 403. *Filing and Confirmation of Report; Exceptions.—When the [same] *report* is presented, the court shall confirm the report nisi, which confirmation shall become absolute unless exceptions thereto are filed within thirty days after such confirmation nisi. The court may grant a review if, in its opinion, a better adjudication may thereby be secured. If no exceptions are filed, the court may confirm the report, or make such other order as *by* it shall be deemed proper. If exceptions are filed, the court shall fix a time for hearing, and thereafter shall enter such decree as by it shall be deemed just and proper. From the final decree as entered by the court of quarter sessions, there shall be no appeal.

Section 404. [Pay] *Compensation* of Commissioners.—The commissioners, appointed under the provisions of this act, shall receive [ten dollars per diem, except the civil engineer, who shall receive twenty dollars per diem. Each **commissioner shall also be entitled to mileage at the rate of five cents per mile circular] *such compensation as the court shall fix*. The compensation of the commissioners [and mileage,] and reasonable attorney's fees, shall be paid by the township in all cases where the prayer of the petitioners is granted, and in other cases shall be paid by the petitioners.

Section 405. Election Districts.—The court of quarter sessions may, from time to time, divide any such ward into two or more election districts so as to suit the conveniences of the electors thereof.

Section 406. Numbering of Wards.—When any township shall be divided or redivided into wards, or when any ward in any township shall be created, divided, or altered, the court shall, in its decree, fix the number of each of the wards of such township.

Section 407. Schedule for Election of Commissioners in Townships First Divided into Wards.—When a township is first divided into wards, the township commissioners then in office shall continue in office until the expiration of their respective terms.

At the first municipal election occurring at least ninety days after such division into wards, there shall be elected, by the [qualified] *registered* electors of each ward of the township, one township commissioner, who shall reside in the ward for which he is elected. At such election, the township commissioners elected in even-numbered wards shall be elected for terms of two years each, and those in odd-numbered wards for terms of four years each, or vice versa, as the case may be, in order that the expiration of such terms will harmonize with

* "Filing" in original.

** "commissioner" in original.

the expiration of terms of township commissioners elected for such numbered wards under the provisions of this act. Thereafter, successors to such commissioners *shall be* elected [by wards shall be elected] for terms of four years each at the municipal election immediately preceding the expiration of the terms of ward commissioners.

If the number of wards into which the township has been divided is less than five, then, at the municipal election preceding the expiration of the terms of any commissioner or commissioners theretofore elected at large, if such expiration of terms will leave the township with less than five township commissioners, there shall be elected at large a sufficient number of township commissioners so that the total number of commissioners elected by wards and at large in the township shall thereafter be five. If one township commissioner is elected at large at such election, he shall be elected for a term of four years. If two township commissioners are elected at large at such election, one shall be elected for a term of two years, and one for a term of four years. If three township commissioners are elected at large at such election, two shall be elected for terms of four years each, and one for a term of two years. Successors to such township commissioners elected at large at such election shall be elected for terms or four years each.

All terms of office of township commissioners, elected at large or by wards, shall commence on the first Monday of January next following their election.

Section 408. Schedule of Election of Commissioners in Newly Created Wards.—Whenever in a township previously divided into wards, a new ward is created, and the number of wards thereafter in such township, including the new ward, is less than five, then, at the municipal election next following the expiration of the term of the commissioner or commissioners elected at large whose terms shall first expire after such creation, there shall be elected, by the [qualified] *registered* electors of such new ward, one township commissioner, who shall reside in the ward for which he is elected, for a term of two or four years, so that the expiration of his term will harmonize with the expiration of terms of commissioners for such numbered wards under the provisions of this act. Successors to such township commissioners shall be elected for terms of four years. The number of commissioners thereafter elected at large in any such township shall be the difference between the number of wards and five, and a sufficient number of commissioners shall be elected at large at each municipal election preceding the expiration of terms of commis-

sioners at large so that the total number of commissioners in the township will at all times be five.

Whenever, in any township previously divided into wards, a new ward is created, and the number of wards thereafter in such township is five, then, at the municipal election preceding the expiration of the term of office of any commissioner or commissioners elected at large, a township commissioner shall be elected for such ward, who shall reside in the ward. Such election shall be for a two or four year term so that the expiration of his term will harmonize with the expiration of terms of commissioners for such numbered wards under the provisions of this act. The successor to such ward commissioner shall be elected for a four-year term. No township commissioner shall thereafter be elected at large in such township.

If the number of wards in such township, including the new ward, shall be more than five, the court of quarter sessions shall appoint a township commissioner for such new ward, who shall hold office until the first Monday in January succeeding the first municipal election at which township commissioners are elected in such numbered wards under the provisions of this act, at which election, and every four years thereafter, a township commissioner, who shall reside in the ward, shall be elected by the qualified electors of said ward for a term of four years.

All township commissioners elected under this section shall take office on the first Monday of January next succeeding their election.

Section 11. Section 409 of said act is hereby repealed.

Section 12. Sections 501 to 505 inclusive of said act are hereby reenacted, revised and amended to read as follows:

ARTICLE V

ELECTION OF OFFICERS; VACANCIES IN OFFICE

(a) General Provisions

Section 501. Electors Only Eligible.—No person shall be eligible to any elective office in any township unless he is [an] *registered* elector of the township for which he is chosen.

Section 502. Hold Until Successors Qualified.—Officers of townships *other than township commissioners* shall hold their offices until their successors are elected and qualified, *but such service shall not continue longer than the first Monday of January succeeding the next municipal election at which election a successor shall be elected for the unexpired term.*

Section 503. Elected Officers Enumerated.—The electors of each township shall elect (a) at least five township commissioners, (b) one township treasurer, (c) *except as hereinafter otherwise provided*, one township assessor *and* one assistant township assessor [and two assistant triennial assessors], and (d) *except as otherwise hereinafter provided*, three elected auditors or one appointed auditor, or one controller where such office has been established. *All elected township officers shall be registered electors of the township.*

(b) Commissioners

Section 504. Number and Election of Commissioners in Townships Having Wards.—In townships having less than five wards, the number of commissioners shall be five. One such commissioner shall be elected from each ward, and the remaining number of commissioners, to which the township is entitled, shall be elected at large. In townships having five or more wards, one commissioner shall be elected from each ward. Commissioners shall reside in the ward from which elected, and shall have resided in said ward continuously for at least one year before their election. Township commissioners shall be elected at municipal elections, preceding the expiration of the terms of commissioners then in office, for terms of four years each, from the first Monday of January succeeding their election. At the election in the year one thousand nine hundred and [thirty-one] *fifty-one*, the commissioners from odd-numbered wards shall be elected, and at the election in the year one thousand nine hundred and [thirty-three] *fifty-three*, those from even-numbered wards shall be elected. Elections at large shall be held at the municipal election preceding the expiration of the term of any commissioner elected at large.

Section 505. Number and Election of Commissioners in Townships Not Divided into Wards.—In townships not divided into wards, the number of township commissioners shall be five, who shall be elected at large by the voters of the township. At each municipal election, two or three township commissioners, as the case may be, shall be elected for terms of four years each, from the first Monday of January next succeeding, to take the place of the commissioners whose terms then expire.

Section 13. Section 506 of said act is hereby repealed.

Section 14. Sections 510, 511 and 515 of said act are hereby reenacted, revised and amended to read as follows:

(c) Treasurer

Section 510. Election of Treasurer.—At the municipal election in the year one thousand nine hundred and

[thirty-three] *fifty-three*, and every fourth year thereafter, the electors of each township shall elect a township treasurer for a term of four years, from the first Monday of January next following his election.

When the township treasurer is unable to perform the duties of his office and fails or refuses to appoint a deputy, the court of common pleas, on petition of the township commissioners shall appoint a deputy treasurer to serve until the treasurer is again able to perform the duties of his office, or until such deputy is removed by the court, but in no instance shall such deputy serve beyond the term of the treasurer in whose office he is serving as deputy treasurer. The court shall also fix the compensation of such deputy treasurer at a rate not to exceed that paid to the elected township treasurer. For the time such deputy shall serve such compensation shall be deducted from the compensation otherwise payable to the township treasurer. Such deputy shall furnish bond in the same manner as the bond of the treasurer.

Section 511. Eligibility.—The same person may hold the office of township treasurer and treasurer of the school district, but no township treasurer shall hold any other township office except that of tax collector.

(d) Assessors

Section 515. Election of Township Assessor and Assistant Township Assessor.—At the municipal election preceding the expiration of the term of any township assessor or assistant township assessor, and quadrennially thereafter, one township assessor or one assistant township assessor, or both, as the case may be, shall be elected for four year terms, from the first Monday of January next succeeding their election.

The compensation of the assistant township assessor shall be the same as provided by law for the township assessor, and shall be paid by the county.

This section shall not apply to townships in counties having county boards for the assessment and revision of taxes where assessors, under existing laws, are appointed.

Section 15. Sections 516 and 517 of said act are hereby repealed.

Section 16. Sections 520, 525, 526, 530, 531, 532 and 533 are hereby reenacted, revised and amended to read as follows:

(e) Auditors

Section 520. Election of Auditors.—At each municipal election, one auditor shall be elected for a term of six years, from the first Monday of January succeeding such election. No auditor shall at the same time hold any other elective or appointive office.

Any township may, instead of electing three auditors as above provided or one controller as hereinafter provided, provide, by ordinance, for the audit of its accounts by an auditor appointed by the court of [common pleas] *quarter sessions* of the county, who shall be either a person or firm licensed as a certified public accountant, or a person skilled in auditing work; and where such an ordinance is so adopted, such auditor shall be appointed by the court, [on or before the first Monday of January each year] *annually before the commencement of a fiscal year*, to audit the accounts of the township for the fiscal year then closing. Any such appointed auditor shall have and possess all the powers and perform all the duties provided in this act for elected auditors. The compensation of any such appointed auditor shall be fixed by the court. In townships so providing by ordinance for an appointed auditor, the office of elected auditor is hereby abolished.

Whenever any township has heretofore provided by ordinance, for the audit of its accounts by an auditor appointed by the court of [common pleas of] the county, said township shall have the right at any time to repeal said ordinance; and, thereupon, the office of auditor appointed by the court [of common pleas of the county] shall be abolished, and said township shall have the further right, at the next municipal election following the repeal of said ordinance, to elect three auditors, one for a term of two years, one for a term of four years, and one for a term of six years from the first Monday of January succeeding such election, which auditors so elected shall succeed the auditor appointed by the court [of common pleas of the county], and shall have and possess all the powers and perform all the duties provided in this act for elected auditors.

(f) Controller

Section 525. Election of Controller.—The qualified electors in every township of the first class, accepting the provisions of this act relating to the controller as hereinafter provided, shall, at the municipal election in the year one thousand nine hundred and [thirty-three] *fifty-three*, and every four years thereafter, elect as township controller one person, who shall be a competent accountant and [an] *a registered* elector of the township [for at least four years prior to his election]. The person so chosen shall serve for a term of four years, from the first Monday of January next succeeding his election.

Section 526. Acceptance of Controller; Provisions by Ordinance.—The provisions of this act relating to

the controller shall not become operative or effective in any township until the board of commissioners shall, by ordinance, accept the provisions of this act relating to the office of controller. Such office of controller shall be continued until the acceptance ordinance be repealed, when it shall terminate and the accounts of township officers shall thereafter be audited by auditors as in this act provided. When any township so accepts the provisions of this act, the court of quarter sessions, upon petition of the board of commissioners, shall appoint a controller, to hold office until the first Monday of January next succeeding the next municipal election at which a controller may be elected under the provisions of this act.

In all townships of the first class so accepting the provisions of this act, the office of township auditor is abolished.

(g) Vacancies in Office

Section 530. Township Commissioners.—When a vacancy occurs in the office of township commissioner in any township, by reason of death, resignation, removal from the township or ward, or otherwise, the board of township commissioners of such township shall fill such vacancy by appointing by resolution a [qualified] *registered* voter of the ward or township, as the case may be, in which the vacancy occurs. If the board of township commissioners of any township shall refuse, fail, or neglect, or be unable for any reason whatsoever, to fill such vacancy within thirty (30) days after the vacancy occurs, then the court of quarter sessions shall upon the petition of twenty [(20) qualified] *registered* voters of the ward or township, as the case may be, in which the vacancy occurs appoint a [qualified] *registered* voter of the township to fill the vacancy. In either event, the person so appointed shall hold office until the first Monday of January succeeding the next municipal election occurring at least sixty days after the happening of such vacancy, at which election a township commissioner shall be elected for the unexpired term of the person whose place he is elected to fill.

Section 531. Auditors.—When a vacancy occurs in the office of township auditor, by reason of death, resignation, removal from the township, or otherwise, the court of quarter sessions shall, upon the petition of *registered* electors, appoint a suitable person to fill such vacancy for the unexpired term of the person whose place he is appointed to fill.

Section 532. Township Treasurer and Controller.—The board of township commissioners [of townships] may fill any vacancy occurring in the office of township

treasurer or township controller by death, resignation, removal from the township, or otherwise. The person so appointed shall hold office until the first Monday of January succeeding the next municipal election occurring at least sixty days after the happening of such vacancy, at which election a treasurer or controller shall be elected for the unexpired term of the person whose place he is *elected to fill.

Section 533. Assessors.—Vacancies in the office of assessor *and* assistant township assessors [or assistant triennial assessors in townships] shall be filled in the manner provided by law.

Section 17. Sections 601, 602, 603 and 604 of said act are hereby reenacted, revised and amended to read as follows:

ARTICLE VI

GENERAL PROVISIONS RELATING TO TOWNSHIP OFFICERS

(a) General Provisions

Section 601. Oath.—Every person elected or appointed to any township office in any township shall, before entering upon the duties of his office, take and subscribe an oath or affirmation, before some person having authority to administer oaths, to support the Constitution of the United States and of this Commonwealth, and to perform the duties of his office with fidelity. A copy of such oath or affirmation shall, within ten days thereafter, be filed with the township secretary.

Section 602. Bonds.—When any officer or employe of any township is required to give bond for the faithful performance of his duties [, and such bond is required to be executed by a surety company], the township [shall] *may* pay the premium on such bond [except in the case of the treasurer where the township may pay such premium].

Section 603. Compensation.—No township shall increase or diminish the salary, compensation, or emoluments of any elected officer after his election. *Appointed officers and employes of the township shall receive such compensation for their services as the township commissioners shall prescribe.*

Section 604. Failure of Officer to Perform Duties.—If any township officer refuses or neglects to perform his duties, the court of quarter sessions, upon complaint in writing by one hundred citizens, owners of real estate residing in the township, may issue a rule upon such officer to show cause why his office should not be declared vacant and another appointed in his stead. Such rule shall be made returnable not less than two weeks from

* "electd" in original.

its date of issue. Upon hearing and proof that the facts alleged in the complaint are true, the court may declare the office vacant and appoint another in his stead, to hold office [until the next municipal election, at which time a person shall be elected] for the unexpired term.

Section 18. Said act is hereby amended by adding thereto section 605 as follows:

Section 605. A township may, by ordinance, provide as compensation to employes of not less than ten years of satisfactory service who are not less than sixty years of age a proportion of the compensation last paid to them but not in excess of fifty per centum thereof, as fixed in said ordinance or amendment thereto. Nothing herein shall preclude any employe of the township from joining any pension system or municipal retirement system that the township may establish or adopt. The intent and purpose of this section is to permit townships, without levying any special tax or exceeding the existing tax limitation for general revenue purposes, to pay to their employes who are too old to advantageously join any pensioning or retirement system a reasonable annuity in lieu of joining a pension or retirement system, and who are not and cannot now be socially protected by any Federal social security system.

Section 19. Sections 610, 611, 612, 620, 621, 622 and 623 of said act are hereby reenacted, amended and revised to read as follows:

(b) County Associations of Township Officers

Section 610. Formation of County Associations; Meetings.—County associations of township officers may be formed. Such associations, when formed, shall hold annual or semiannual conventions at the county seats of the respective counties, or some other suitable place within the county, for the purpose of considering and discussing questions and subjects pertaining to the best methods for the construction, improvement, and maintenance of the public highways and bridges, and the administration of township governments.

Section 611. Membership of Associations; Expenses of Members.—The township commissioners and other officers of the township designated by the township commissioners shall attend such conventions whenever possible. Each township officer attending such convention shall receive a certificate, signed by the presiding officer and acting secretary of the convention, attesting his presence at the convention. Such certificate shall entitle him to collect from the township treasurer the sum of three dollars per day for each day's attendance and mileage at the rate of five cents per mile traveled, to be computed by the

route usually traveled from his place of residence to the place where the convention is held. No township officer shall be paid for more than two days' attendance in any one year. The expenses of holding any such convention shall be paid pro rata by the townships joining therein.

Section 612. Officers of Association; Ex-Officio Membership.—The officers of the association shall consist of a president, two vice-presidents, a secretary, and a treasurer; all of whom, except the secretary, shall be members of the association, and shall hold office for one year or until their successors are chosen. If desirable, the secretary may be a person not a regular member of the association, and may be paid for his service such compensation, not exceeding [ten] *twenty-five* dollars per annum, as the other officers may determine. Every township shall have one vote in the convention. The mayor of any city, the burgess of any borough, or their duly appointed representative, the county commissioners, and the judges of the court in the county, the township engineer of the State Highway Department, the assistant engineers of the division of township highways, and the superintendent of State highways in charge of such county, shall be eligible to membership, but shall not be entitled to vote nor to hold office.

(c) State Association of Township Officers

Section 620. Formation of State Association Authorized.—The formation of a State association of township commissioners is hereby authorized. Such officers of the township as may be designated by the township commissioners may attend such meeting. The association shall hold annual meetings, at such time and place within the Commonwealth as it may designate, for the purpose of discussing various questions and subjects pertaining to the duties of township commissioners, and for the purpose of devising uniform, economical, and efficient methods of administering the affairs of townships [of the first class].

Section 621. Delegates from Townships.—Each township shall send *at least* one township officer as a delegate to each annual meeting of said State association, who shall be selected by the commissioners of the township of which he is a commissioner or an officer.

Section 622. Expenses of Delegates Paid by Townships.—The expenses of the delegates and other officers attending the annual meeting shall not exceed nine dollars [(\$9)] per day for each officer attending, for not more than three days, together with the actual mileage at the prevailing rate of railroad fare, [and] *which* shall be paid by the respective townships.

Section 623. Expenses of Annual Meeting [Limited].—The expenses of the annual meeting, including expenses of committees, printing, and stenographers, shall be paid by the respective townships joining in such State association.

Section 20. Said act is hereby amended by adding to Article VI, subdivision (d) * sections 625 to 650 to read as follows:

(d) Civil Service for Police and Firemen

Section 625. Appointments of Police and Firemen.—This subdivision (d) of this article shall not apply to any township having a police force of less than three members or to volunteer fire departments or companies employing their own operators or to townships having less than three salaried operators of fire apparatus. The subdivision (d) of this article is subject, as heretofore, to the power of the township commissioners to determine compensation. Hereafter, each and every appointment to and promotion directly by the township shall be made only according to qualifications and fitness to be ascertained by examinations which shall be competitive, as hereinafter provided.

No person shall hereafter be suspended, removed or reduced in rank as a paid employe in any police force or as a paid operator of fire apparatus of any township, except in accordance with the provisions of this subdivision.

Section 626. Civil Service Commission Created; Appointments; Vacancies.—There is hereby created in each township where a police force or paid fire apparatus operators as hereinbefore provided are being maintained, a civil service commission, hereinafter referred to as the commission. The commission shall consist of three commissioners who shall be qualified electors of the township and shall be appointed by the township commissioners initially to serve for the terms of two, four and six years, and as terms thereafter expire shall be appointed for terms of six years.

Any vacancy occurring in any commission for any reason whatsoever shall be filled for the unexpired term within the period of thirty days after such vacancy occurs.

Each member of the commission created by this subdivision, before entering upon the discharge of the duties of his office, shall take an oath or affirmation to support the Constitution of the United States and of the Commonwealth of Pennsylvania and to perform his official duties with fidelity.

Section 627. Offices Incompatible With Civil Service Commissioner.—No commissioner shall at the same time

* "and" deleted from original.

hold an elective or appointed office under the United States government, the Commonwealth of Pennsylvania, or any political subdivision of the Commonwealth, except that one member of the commission may be a member of the board of township commissioners.

Section 628. *Organization of Commission; Quorum.*—The commission first appointed shall organize within ten days of its appointment and shall elect one of its members as the chairman and one as the secretary. The commission shall thereafter meet and organize on the first Monday of each even-numbered year. Each commissioner shall be notified in writing of each and every meeting. Two members of the commission shall constitute a quorum and no action of the commission shall be valid unless it shall have the concurrence of at least two members.

Section 629. *Clerks and Supplies.*—The township shall furnish to the commission, on its requisition, such clerical assistance as may be necessary for the work of the commission. The township shall provide a suitable and convenient room for the use of the commission. The commission shall order from the township the necessary stationery, postage, printing or supplies, and the elected and appointed officials of every such township shall aid the commission in all proper ways in carrying out the provisions of this subdivision.

Section 630. *Rules and Regulations.*—The commission shall have power to prescribe, amend and enforce rules and regulations for carrying into effect the provisions of this subdivision and shall be governed thereby. Before any such rules and regulations are in force, the same shall first be approved by the township commissioners. When such rules and regulations have been so approved they shall not be annulled, amended or added to without the approval of the township commissioners. All rules and regulations and modifications thereof shall be printed for public distribution at the expense of the township.

Section 631. *Minutes and Records.*—The commission shall keep minutes of its proceedings and records of examinations and other official actions. All recommendations of applicants for appointment received by the commission shall be kept and preserved for a period of five years and all such records and all written causes of removal filed with the commission shall be subject to reasonable regulation and open to public inspection.

Section 632. *Investigations.*—The commission shall have power to make investigations concerning all matters touching the administration and enforcement of the civil service provisions of this article and rules and regulations

adopted thereunder. The chairman of the commission is hereby given power to administer oaths.

Section 633. Subpoenas.—The commission shall have power to issue subpoenas over the signature of the chairman to require the attendance of witnesses and the production of records and papers pertaining to any investigation or inquiry. The fees of such witnesses for attendance and travel shall be the same as for witnesses appearing in the courts and shall be paid from appropriations for the incidental expenses of the commission.

All officers in public service and employes shall attend and testify when required to do so by the commission.

If any person shall refuse or neglect to obey any subpoena issued by the commission he shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine not to exceed one hundred dollars (\$100), and in default of the payment of such fine and costs shall be imprisoned not to exceed thirty days.

If any person shall refuse or neglect to obey any subpoena issued by the commission, it may apply by petition to the court of common pleas of the county for its subpoena requiring the attendance of such persons before the commission or the court, there to testify and to produce any records and papers necessary, and in default thereof shall be held in contempt of court.

Section 634. Annual Report.—The commission shall make an annual report to the township commissioners containing a brief summary of its work during the year, which shall be available for public inspection.

Section 635. General Provisions Relating to Examinations.—The commission shall make rules and regulations to be approved as provided in section 630 hereof, providing for the examination of applicants for positions in the police force and as paid operators of fire apparatus and for promotions, which rules and regulations shall prescribe the minimum qualifications of all applicants to be examined and the passing grades. All examinations for positions or promotions shall be practical in character and shall relate to such matters and include such inquiries as will fairly test the merit and fitness of the persons examined to discharge the duties of the employment sought by them. All examinations shall be open to all applicants who have the minimum qualifications required by the rules and regulations. Each applicant for examination shall be subject to the regulations adopted by the commission and shall be required to submit to a physical examination before being admitted to the regular examination held by the commission.

Public notice of the time and place of every examination, together with the information as to the kind of position or place to be filled, shall be given by publication once in a newspaper of general circulation in the township or in a newspaper circulating generally in the township at least two weeks prior to each examination, and a copy of the notice shall be prominently posted in the office of the commission or other public place.

The commission shall post in its office the eligible list containing the names and grades of those who have passed the examination. Persons male or female who served in the military or naval service of the United States during any war in which the United States has been, is now, or shall hereafter be engaged and who have honorable discharges from such service, who have successfully passed the examination, shall be given the additional credits and preference in appointment and promotion provided for by law.

Section 636. Application for Examination.—Each person desiring to apply for examination shall file with the commission a formal application in which the applicant shall state under oath or affirmation, (a) his full name and residence or post office address, (b) his citizenship, place and date of birth, (c) his condition of health and physical capacity for public service, (d) his business or employment and his residence for the past five years, and (e) such other information as may be required by the commission's rules and regulations showing the applicant's qualifications for the position for which he is being examined.

Section 637. Rejection of Applicant; Hearing.—The commission may refuse to examine or, if examined, may refuse to certify after examination as eligible, any applicant who is found to lack any of the minimum qualifications for examination prescribed in the rules and regulations adopted for the position or employment for which he has applied, or who is physically disabled and unfit for the performance of the duties of the position to which he seeks employment, or who is addicted to the habitual use of intoxicating liquors or narcotic drugs, or who has been guilty of any crime involving moral turpitude or of infamous or notoriously disgraceful conduct, or who has been dismissed from public service for delinquency or misconduct in office, or who is affiliated with any group whose politics or activities are subversive to the form of government set forth in the Constitution and laws of the United States and Pennsylvania.

If any applicant or person feels himself aggrieved by the action of the commission in refusing to examine him or to certify him as eligible after examination, the com-

mission shall, at the request of such person, within ten (10) days appoint a time and place where he may appear personally and by counsel. Whereupon, the commission shall then review its refusal to make such examination or certification and take such testimony as may be offered. The decision of the commission shall be final.

Section 638. *Manner of Filling Appointments.*—Every position or employment in the police force or as paid operators of fire apparatus except that of chief of police or chief of the fire department or equivalent shall be filled only in the following manner: the township commissioners shall notify the commission of any vacancy which is to be filled and shall request the certification of a list of eligibles. The commission shall certify for each existing vacancy from the eligible list the names of three persons thereon who have received the highest average. The township commissioners shall, thereupon, with sole reference to the merits and fitness of the candidates, make an appointment from the three names certified unless they make objections to the commission as to one or more of the persons so certified for any of the reasons stated in section 637 of this subdivision. Should such objections be sustained by the commission, as provided in said section, the commission shall thereupon strike the name of such person from the eligible list and certify the next highest name for each name stricken off. As each subsequent vacancy occurs in the same or another position, precisely the same procedure shall be followed.

In the case of a vacancy in the office of chief of police or chief of the fire department or equivalent official, the township commissioners may nominate a person to the commission. It shall thereupon become the duty of the commission to subject such person to a non-competitive examination and if such person shall be certified by the commission as qualified he may then be appointed to such position and thereafter shall be subject to all the provisions of this subdivision.

Section 639. *Age; Applicant's Residence.*—No person shall be eligible to apply for examination unless he is more than twenty-one years of age at the date of application and has been a resident of the township for at least one year preceding immediately his application, unless no such resident applicants are available.

Section 640. *Probation Period.*—All original appointments to any position in the police force or as paid operators of fire apparatus shall be for a probationary period of six months, but during the probationary period an appointee may be dismissed only for a cause specified in section 637 of this subdivision. If at the close of a

probationary period the conduct or fitness of the probationer has not been satisfactory to the township commissioners, the probationer shall be notified in writing that he will not receive a permanent appointment. Thereupon, his appointment shall cease; otherwise, his retention shall be equivalent to a permanent appointment.

Section 641. Provisional Appointments.—Whenever there are urgent reasons for the filling of a vacancy in any position in the police force and there are no names on the eligible list for such appointment, the township commissioners may nominate a person to the commission for non-competitive examination and if such nominee shall be certified by the commission as qualified after such non-competitive examination he may be appointed provisionally to fill such vacancy. It shall thereupon become the duty of the commission within three weeks to hold a competitive examination and certify a list of eligibles and a regular appointment shall then be made from the name or names submitted by the commission: Provided, however, That nothing herein contained shall prevent the appointment without examination of persons temporarily as police officers in cases of riot or other emergency or of operators of fire apparatus in emergency cases.

Section 642. Promotions.—Promotions shall be based on merits to be ascertained by examinations to be prescribed by the commission. All questions relative to promotions shall be practical in character and such as will fairly test the merit and fitness of persons seeking promotion.

The township commissioners shall have power to determine in each instance whether an increase in salary shall constitute a promotion.

Section 643. Physical Examinations.—All applicants for examination shall undergo a physical examination which shall be conducted under the supervision of a doctor of medicine appointed by the commission. No person shall be eligible to take an examination until said doctor certifies that the applicant is free from any bodily or mental defects, deformity or disease that might incapacitate him from the discharge of the duties of the position desired.

Section 644. Removals.—No person employed in any police or fire force of any township shall be suspended, removed or reduced in rank except for the following reasons: (1) physical or mental disability affecting his ability to continue in service, in which cases the person shall receive an honorable discharge from service; (2) neglect or violation of any official duty; (3) violation

of any law of this Commonwealth which provides that such violation constitutes a misdemeanor or felony; (4) inefficiency, neglect, intemperance, disobedience of orders, or conduct unbecoming an officer; (5) intoxication while on duty; (6) engaging or participating in conducting of any political or election campaign otherwise than to exercise his own right of suffrage. A person so employed shall not be removed for religious, racial or political reasons. A written statement of any charges made against any person so employed shall be furnished to such person within five days after the same are filed with the commission.

If for reasons of economy or other reasons it shall be deemed necessary by any township to reduce the number of paid employes of the police or fire force, then such township shall apply the following procedure: (a) if there are any employes eligible for retirement under the terms of any retirement or pension law, then such reduction in numbers shall be made by retirement if the party to be retired is eligible for retirement; (b) if the number of paid employes in the police or fire forces eligible to retirement is insufficient to effect the necessary reduction in numbers or if there are no persons eligible for retirement or if no retirement or pension fund exists, then the reduction shall be effected by furloughing the man or men, including probationers, last appointed to the respective force. Such removal shall be accomplished by furloughing in numerical order commencing with the man last appointed until such reduction shall have been accomplished. In the event the said police force shall again be increased, the employes furloughed shall be reinstated in the order of their seniority in the service.

Section 645. Hearings on Dismissals and Reduction.
—If the person suspended, removed or reduced in rank shall demand a hearing by the commission, the demand shall be made to the commission. Such person may make written answers to any charges filed against him not later than the day fixed for hearing. The commission shall grant him a hearing which shall be held within a period of ten days from the filing of charges in writing unless continued by the commission for cause at the request of the township commissioners or the accused. At any such hearing, the person against whom the charges are made may be present in person and by counsel. The township commissioners, or the chief of police when the township commissioners are not in session, may suspend any such person without pay pending the determination of the charges against him, but in the event the commission fails to uphold the charges, then the person sought to be suspended, removed or demoted shall be

reinstated with full pay for the period during which he was suspended, removed or demoted, and no charges shall be officially recorded against his record.

A stenographic record of all testimony taken at such hearings shall be filed with and preserved by the commission, which record shall be sealed and not be available for public inspection in the event the charges are dismissed.

In the event the commission shall sustain the charges and order the suspension, removal or reduction in rank, the person suspended, removed or reduced in rank shall have immediate right of appeal to the court of common pleas of the county and the case shall there be determined as the court deems proper. No order of suspension made by the commission shall be for a longer period than one year. Such appeal shall be taken within sixty days from the date of entry by the commission of its final order and shall be by petition. Upon such appeal being taken and docketed, the court of common pleas shall fix a day for a hearing and shall proceed to hear the appeal on the original record and such additional proof or testimony as the parties concerned may desire to offer in evidence. The decision of the court affirming or reversing the decision of the commission shall be final and the employe shall be suspended, discharged, demoted or reinstated in accordance with the order of the court.

The township commissioners and the person sought to be suspended, removed or demoted shall at all times have the right to employ counsel before the commission and upon appeal to the court of common pleas and shall have the further right of appealing to the Superior or Supreme Court in the manner provided by law.

Section 646. Present Employes Exempted.—All appointments in the police or fire forces of townships, including the chief of police or equivalent official, upon the effective date of this act, shall continue to hold their positions and shall not be required to take any examination under the provisions of this act except such as may be required for promotion: Provided, however, That this section shall not be construed to apply to persons employed temporarily in emergency cases.

Section 647. Discrimination on Account of Political or Religious Affiliations.—No question in any form of application for examination or in any examination shall be so framed as to elicit information concerning the political or religious opinions of any applicant nor shall inquiry be made concerning such opinion or affiliations and all disclosures thereof shall be discountenanced.

No discrimination shall be exercised, threatened or promised by any person against or in favor of any appli-

cant or employe because of political or religious opinions or affiliations or race, and no offer or promise of reward, favor or benefit, directly or indirectly, shall be made to or received by any person for any act done or duty omitted or to be done under this subdivision of this article.

Section 648. Penalty.—Any township commissioner who by his vote causes to be appointed any person to the police force or as a fire apparatus operator contrary to the provisions of this subdivision, or any township commissioner or member of the civil service commission who wilfully refuses to comply with or conform to the provisions of this subdivision, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one hundred dollars (\$100) or suffer imprisonment not exceeding three months, or both.

Section 649. Salaries of Civil Service Commission.—The civil service commissioners of townships shall receive no compensation.

Section 650. Police Force and Fire Apparatus Operators Defined.—Police force as used in this subdivision shall mean a police force organized and operating as prescribed by law, the members of which devote their normal working hours to police duty or duty in connection with the bureau, agencies and services connected with police protection work and who are paid a stated salary or compensation for such work by the township.

Fire apparatus operators as used in this subdivision shall mean any person who operates fire apparatus and devotes his normal working hours to operating any piece of fire apparatus or other services connected with fire protection work and who is paid a stated salary or compensation for such work done by the township.

Section 21. Sections 701, 702, 703 and 704 of said act are hereby reenacted, amended and revised to read as follows:

ARTICLE VII

TOWNSHIP COMMISSIONERS

Section 701. Organization; Failure to Organize.—The township commissioners shall organize on the first Monday of January of each even-numbered year. They shall assemble for such purpose at their place of meeting at seven-thirty o'clock post meridian. Until otherwise designated by ordinance, the place of meeting shall be the oldest polling place in the township.

The board shall organize by the election of one of their number as president and one as a vice-president, who, as long as they continue to be commissioners, shall

hold office until their successors are elected and qualified. The president, or, in his absence, the vice-president, shall preside at all meetings of the board, and perform such other duties as are specified in this act or which may be prescribed by ordinance.

If a majority of the commissioners shall not attend at the organization meeting, those present may adjourn the meeting from day to day until a majority attend.

If the township commissioners of any township shall fail to organize within ten days from the time prescribed by this section, the court of quarter sessions, upon the petition of ten [taxable inhabitants] *registered electors*, verified by the affidavit of [five] *one* of the petitioners, shall issue a rule upon the delinquent [or delinquents] *commissioners* to show cause why their seats should not be declared vacant. The rule shall be returnable not less than five days from the time of its issue, and after hearing, the court may declare the seats of any delinquent vacant, and appoint others in their stead to hold office [until a successor is elected for the unexpired term at the next municipal election occurring at least sixty days thereafter] *for the respective unexpired terms*.

Section 702. Monthly Meetings; Quorum.—The board of *township commissioners* shall meet at least once a month, at such time and such place as may be designated by ordinance. A majority of the members of the board shall constitute a quorum.

Section 703. Compensation.—Each township commissioner shall receive a salary of not more than two hundred dollars per year in townships having a population of less than four thousand, not more than three hundred dollars per year in townships having a population of four thousand and more but less than ten thousand, [and] not more than four hundred dollars per year in townships having a population of ten thousand and more but less than fifteen thousand, not more than five hundred dollars in townships having a population of fifteen thousand or more but less than twenty thousand, and not more than six hundred dollars in townships having a population of twenty thousand or more. *Such salaries shall be payable quarterly as full compensation for the duties imposed by the provisions of this act.*

Section 704. Reports to [State Department of Highways] *Auditors*.—The township commissioners shall annually, on or before the first day of February [in each year, make a sworn statement to the State Department of Highways on blanks furnished to them by the said department, of the whole amount of tax levied during the preceding year for road and bridge purposes and

the total amount of taxes collected during the year for road and bridge purposes. They shall specify, in such report, the amount expended for maintenance or repairs of roads and bridges, for opening and building new roads and bridges, and for macadamizing or otherwise permanently improving roads, the number of miles of roads thus made, and the total number of miles of township roads in the township. Such report shall also contain such other matters and things pertaining to roads and bridges as the department may require.], *furnish to the township auditors such accurate information concerning the construction, reconstruction, maintenance and repair of the streets and the purchase of equipment and machinery and road mileage as may be required to enable the auditors to make the annual township report herein after prescribed.*

Section 22. Sections 801, 803, 804, 805, 806, 807 and 808 of said act are hereby reenacted, revised and amended to read as follows:

ARTICLE VIII

TOWNSHIP TREASURER

Section 801. Fidelity *Bond.—The treasurer of each township shall give a fidelity and not a surety bond to the Commonwealth in a sum to be prescribed by ordinance or resolution and at least equal to fifty per centum of the probable amount of the annual township tax. Such bond shall be subscribed by sureties approved by the township commissioners, or by a surety company or companies duly authorized to do business in this Commonwealth. The bond given by the treasurer shall be conditioned on a just accounting for and paying over all moneys belonging to the township funds that may come into his hands, as treasurer, from taxation or otherwise, for the payment over thereof only in the manner prescribed by law, for the delivery to his successor in office of all papers, books, documents, and other things held in right of his office, for the payment to such successor of any balance in money remaining in his hands or charged against him in the settlement of his accounts, and that, as tax collector of township, county, poor, institution district, and school taxes, he shall account for and pay over all moneys received by him as taxes, penalties and interest. The township treasurer and his sureties shall be discharged from further liability on any bond as tax collector as soon as all tax items, contained in the duplicates delivered to him, are either—(1)

* "Bonds" in original.

collected and paid over to the proper taxing district; or (2) set forth in schedules filed with or certified to the proper tax authorities; or (3) returned to the county commissioners for sale of the real estate by the county treasurer, or returned in accordance with the Real Estate Tax Sale Law approved July 7, 1947, Pamphlet Laws 1368; or (4) in the case of occupation, poll, and per capita taxes, [a record of those which remain uncollected is filed with the tax authority] accounted for by payment over or by exoneration which shall be granted by the taxing district upon oath or affirmation that as tax collector he has complied with section 20 of the Local Tax Collection Law approved May 25th, 1945, (Pamphlet Laws 1050). The township treasurer shall be required to give but one bond, which shall include his duties as township treasurer and collector of township, county, school, institution district, and poor taxes, and shall cover the full term of his office. Should the township, county, school district, institution district or poor district be of the opinion at any time, that the bond given is not sufficient, additional security may be required to be given at the expense of the taxing district requiring the same. The treasurer shall not, in any event, be required to give bond or bonds aggregating an amount in excess of the [tax] taxes to be collected by him. The bond or bonds given by the township treasurer shall be for the use of the township, the county, the institution district, and the school district [and the poor district]. Said bond shall be filed with the township commissioners.

Section 803. Accounts to Be Kept by Treasurer.—Every township treasurer shall take charge of all township moneys from all sources, and promptly deposit the same in a bank, banking institution or trust company in the name of the township, and keep distinct accounts of all sums received from taxes and other sources, which accounts shall at all times be open to the inspection of the commissioners and township auditor or controller. He shall annually state his accounts, and lay the same, together with the books and the vouchers, before the township [auditor] auditors or controller for audit.

Section 804. Payment of Moneys on Orders.—The township treasurer shall pay out the moneys coming into his hands only on orders, numbered in the order of their issue, signed by the president or vice president and attested by the secretary or assistant secretary of the board, and designating the appropriation out of which the orders shall be paid. *The signature of the president or vice-president may be a facsimile signature.* Any

township treasurer who shall pay out moneys in his hands except upon such orders, or shall pay out moneys in excess of the appropriation, shall be allowed no credit in the settlement of his accounts for the sum or sums so paid out, nor shall he have any claim or right of action against the township therefor.

Section 805. Powers as Tax Collector.—The township treasurer, by virtue of his office as treasurer, shall be tax collector. He shall collect all county, *institution district*, township, school [, poor], and other taxes, within such township, levied by authorities empowered to levy taxes. He shall, in addition to the powers, duties, and responsibilities enumerated in this act, have all the powers, perform all the duties, and be subject to all the obligations and responsibilities as are now by law vested in, conferred upon, or imposed upon, collectors of the several classes of taxes hereinbefore mentioned.

It is the purpose and intent of this section that no local taxes shall be collected in any township, except by the treasurer of the township.

Section 806. Oath [; Bond for County Taxes, Et Cetera].—The treasurer of every township shall, before he enters upon the duties of his office as collector of taxes for the county, take and subscribe an oath of office and file the same in the office of the court of quarter sessions. [, and shall annually enter into a bond to the Commonwealth, in not more than the amount of taxes charged and assessed in the county duplicates, with at least two sufficient sureties or one trust or bonding company. The bond shall be approved by the court of quarter sessions and shall be filed in the office of the clerk of said court. The condition of the bond shall be, that the treasurer shall well and truly pay over or account for the whole amount of taxes charged and assessed in the duplicates which shall be delivered to him. This bond does not cover the collection and payment over of township or school taxes.]

Section 807. Special Funds; Penalty.—Whenever any moneys are collected in any township for any special purpose and are paid into the hands of the treasurer of such township, it shall be unlawful for such treasurer to apply such moneys, or any part thereof, to any purpose other than that for which such moneys were collected. Every such misapplication shall be a misdemeanor. Upon conviction of such offense, the treasurer shall be punished by a fine of not less than the amount so misapplied, or by imprisonment for not less than three months and not more than one year.

Section 808. Depositories of Township Funds; Selection; Bonds.—The board of commissioners shall, from time to time, designate, by resolution, a depository or depositories for township funds. Such depository or depositories shall be banks, banking institutions or trust companies located in the Commonwealth.

Depositories so designated shall, upon receipt of notice of their selection as a depository of township funds, either furnish a bond to secure payment of deposits of township funds and any interest to the township, with a proper warrant to confess judgment in favor of the township, secured by a surety company or individual sureties to be approved by the board of commissioners, or deposit *obligations of the United States*, [municipal or county bonds, to be approved by the board of commissioners] *or the Commonwealth of Pennsylvania or any political subdivision thereof*, to secure the payment of township deposits and any interest thereon. Such surety bonds shall be in a sum, to be fixed by ordinance or resolution, at least equal to the probable greatest amount of such deposit at any one time. The [current] market value of deposit bonds shall be, at all times, at least equal to [the amount] *one hundred and twenty per centum of the amount of township funds [then on deposit with such depository] to be secured*. Such deposit bonds shall be accompanied by proper assignments or powers of attorney to transfer the same. In the event of the failure of the depository to pay to the township the full amount of such deposits and interest thereon, such bonds and the proceeds of sale thereof shall belong to the township until it shall receive therefrom the full amount of such deposits and interest thereon, and the township shall have a prior standing as respects such bonds and be in all respects preferred to any and all claims except such as have heretofore been preferred by law.

Nothing herein contained shall be construed to require a depository to furnish bond or collateral security to cover the amount of any deposit to the extent that the same is insured with the Federal Deposit Insurance Corporation.

The township treasurer shall, upon the designation and qualification of such depository or depositories, immediately transfer thereto the township funds, and shall thereafter keep such deposits solely in such depository or depositories in the name of the township.

No township treasurer complying with the provisions of this section, nor his surety or sureties, shall be charge-

able with losses in township funds caused by the failure or negligence of such depository or depositories.

Section 23. Sections 901, 902 and 903 of said act are hereby reenacted, revised and amended to read as follows:

ARTICLE IX

TOWNSHIP SECRETARY

Section 901. Election of Secretary; Salary.—The board of commissioners in townships shall elect a secretary, who must be a qualified voter of the township, and not a member of the board. He shall act as secretary of the board, shall be the official keeper of the minutes, and shall perform such other duties as are prescribed by ordinance or resolution of the board. He shall provide suitable books, the cost of which shall be paid out of the township funds, wherein he shall enter all matters of which he is required to keep a record. His salary shall be fixed by ordinance or resolution.

Section 902. Duties; Penalty.—The secretary of a township shall keep a record of the appropriations made by the township commissioners and the amounts chargeable thereto. He shall furnish to any person, so requesting, a statement showing the amount available for future charges against any appropriated fund. Any secretary who shall knowingly and wilfully furnish an incorrect statement shall, [be guilty of a misdemeanor, and] upon conviction thereof [, shall] *in a summary proceeding*, be sentenced to pay a fine of not more than [five] *three* hundred dollars *and in default of the payment of such fine and costs of prosecution shall be imprisoned for thirty days.*

Section 903. Records Open to Inspection.—The minute book and other records and documents of every township shall be open to the inspection of any taxpayer thereof, his, her, or its agent, upon demand therefor *at any time during business hours.*

Section 24. Article X and sections 1001 to 1019 inclusive of said act are hereby reenacted, revised and amended to read as follows:

ARTICLE X

AUDITORS

Section 1001. Meetings; General Duties; Compensation.—The auditors of townships shall meet annually, on the day following the day which is fixed by this act for the organization of the township commissioners, and shall audit, settle, and adjust the accounts of the township commissioners, township treasurer, tax collector, secretary, and other officers and per-

sons receiving and disbursing or authorizing the disbursement of the moneys of the township during the preceding fiscal year. The auditors shall make an audit of the dockets, transcripts, and other official records of the offices of the justice of the peace of the township to determine the amounts of fines and costs paid or due to the township. All justices of the peace shall open and make available to the auditors their dockets, transcripts, records, and all other official books or papers for the purpose of the audit: Provided, That in any case where a justice of the peace charges a fine contrary to ordinances, or to any act which makes such fine payable to the township, the said auditors have the power to surcharge such justices of the peace in any amount or amounts undercharged as set forth in said ordinances or act. Two auditors shall constitute a quorum. Each auditor shall receive six dollars (\$6) per diem for each day necessarily employed in the duties of his office, to be paid out of funds of the township. A day shall consist of not less than five hours in the aggregate. In completing their audit, the auditors shall not be employed more than the following number of days: In townships having a population of less than three thousand, twenty days; in townships having a population of three thousand and more but less than ten thousand, thirty days; and in townships having a population of ten thousand and more, forty days.

Section 1002. Subpoenas; Power to Administer Oaths; Penalty.—The auditors of each township may issue subpoenas to obtain the attendance of the officers and persons whose accounts they are required to adjust, their executors and administrators, and of any persons whom it may be necessary to examine as witnesses, and to compel their attendance by attachment, in like manner as any court of common pleas may in cases pending before them, and may also compel the production of all books, vouchers, and papers relative to such accounts. Such subpoena and attachment shall be issued by a justice of the peace and be served and executed by a constable or any township auditor.

The auditors of each township may administer oaths and affirmations to all persons brought or appearing before them, whether accountants, witnesses, or otherwise. All persons guilty of swearing or affirming falsely on such examination shall be guilty of perjury.

Section 1003. Surcharges; Auditors' Report; Publication of Financial Statements.—The auditors shall complete their audit, settlement, and adjustment within

as short a time as possible, and shall file copies thereof with the secretary of the township, the clerk of the court of quarter sessions, [and] the Department of Internal Affairs [not later than the fifteenth day of April] and the *Department of Highways not later than the fifteenth day of April*. Any officer or person whose act or neglect has contributed to the financial loss of the township shall be surcharged by the auditors with the amount of such loss. They shall, within ten days after the completion of their report, publish, by advertisement in at least one newspaper of general circulation published in the township, or if no newspaper is published therein, then in one newspaper circulating generally in the township a concise financial statement setting forth the balance in the treasury at the beginning of the preceding fiscal year; all revenues received during the fiscal year by major classifications; all expenditures made during the fiscal year by major functions, and the current resources and liabilities of the township at the end of the fiscal year; the gross liability and net debt of the township; the amount of the assessed valuation of the township; the assets of the township with the character and value thereof; the date of the last maturity of the respective forms of funded debt and the assets in the sinking fund. Such publication shall be deemed compliance with the provisions of the Municipal Borrowing Law, which requires the corporate authorities of townships of the first class to publish an annual statement of indebtedness. The auditors' report and financial statement shall be made on uniform forms prepared and furnished, as provided in section 1701a of this act. The auditors' report and financial statement shall be signed by all of the auditors and the auditors' report shall be duly verified by the oath of one of the auditors. Any auditor refusing or wilfully neglecting to file an auditors' report shall, upon conviction thereof, in a summary proceeding [brought at the instance of the Department of Internal Affairs], be sentenced to pay a fine of five dollars for each day's delay beyond the time fixed herein for the filing of such report and costs. All fines recovered shall be for the use of the Commonwealth.

Section 1004. Canceling Orders.—The auditors shall cancel all orders and vouchers presented to them, which they find have been paid, by writing the word "audited" on the face thereof.

Section 1005. Penalty for Failure to Perform Duty.—Any auditor neglecting or refusing to comply with

the preceding provisions of this article shall pay a penalty of one hundred dollars, to be recovered by suit, instituted in the name of the township, upon the complaint of any taxpayer, in the same manner as debts of like amount are recoverable. Any penalty recovered shall be paid into the treasury of the township.

Section 1006. Employment and Compensation of Attorney.—The auditors, in case of a disagreement with any official or board of officials whose accounts they are required to audit, may employ an attorney. Such attorney shall not be employed until reasonable effort to reach an agreement has been made, and only after notice of their intention so to do has been given to said official or board of officials. The compensation for such attorney shall be fixed by the auditors, and shall not exceed [the sum of ten dollars per day, nor total in any case more than] thirty dollars, unless [when] an appeal is taken to the courts, in which case the court shall fix the additional compensation for the attorney. The compensation for said attorney shall be paid out of the *general fund* [, the settlement of which is in dispute], by a warrant drawn by the auditors upon the *township* treasurer [of such fund, immediately upon the final settlement of the account].

Section 1007. Balances Due to Be Entered as Judgments.—Any balance, in any report of the auditors, against any officer of the township shall constitute a surcharge against such officer as fully as if expressly stated in said report to be a surcharge [, and the amount of any balance and of any express surcharge shall, unless appealed from within thirty days as hereinafter provided, be entered by the prothonotary as a judgment against such officer and in favor of the township]. Unless an appeal is taken as hereinafter provided, the auditors shall direct the clerk of the court of quarter sessions to certify the amount of every *such* balance or surcharge [, contained in any such report,] to the court of common pleas [for entry thereof by] *and* the prothonotary *shall enter the same* as a judgment *against such officer and in favor of the township*.

Section 1008. Collection of Surcharges [by Taxpayers].—The auditors or any *registered elector or taxpayer* of the township may enforce the collection [thereof] of a *judgment entered for a surcharge* for the benefit of the township, by *any appropriate* action or execution, upon filing in the court of common pleas a bond, with one or more sureties (in the case [only] of a *registered elector or taxpayer*), conditioned to indemnify the town-

ship from all costs which may accrue in the proceedings undertaken by such *registered elector or taxpayer*, subject, however, to all rights of appeal from the report of the auditors granted by this article.

Section 1009. Appeals from Report.—The township, or any *registered elector or taxpayer* thereof on its behalf, or any officer or person whose account is settled or audited by the township auditors, may appeal from any settlement or audit to the court of common pleas within forty-five days after the settlement has been filed in the court of quarter sessions.

Section 1010. Appeal Bond.—No appeal by a *registered elector or taxpayer* or officer shall be allowed unless the [applicant] *appellant* shall enter into a recognition to prosecute the same with effect, and to pay all [cost] *costs* accruing thereon in case, if the appellant be a *registered elector or taxpayer*, he shall fail to obtain a final decision more favorable to the township than that awarded by the auditors, or in case the appellant be an accounting officer, he shall fail to obtain a final decision more favorable to the officer than that awarded by the auditors.

Section 1011. Intervention by Taxpayers.—Whenever an appeal has been taken from the report of the auditors by the township, or by any person charged in such report with any sum of money, any *registered elector or taxpayer* of the township may intervene in such appeal, and either prosecute the same on its behalf, or defend it against the appeal of the person so charged. No *registered elector or taxpayer* shall intervene unless he shall file in the court of common pleas a bond, with one or more sufficient securities, conditioned to indemnify the township against all costs accruing by reason of such intervention.

Section 1012. Consolidation of Appeals.—When more than one appeal from the report of the auditors is taken, whether by the township, an officer or officers thereof, or by a *registered elector or taxpayer*, the court *may on its own motion and shall*, upon petition of any party interested, direct *that* the several appeals [to] be [disposed of in a single proceeding] *consolidated*.

Section 1013. Testimony and Argument.—Any person interested may order the appeal upon the argument list, and evidence may be taken [before any person authorized to administer oaths, upon rule for that purpose served upon the opposite party] *by deposition*.

Section 1014. Framed Issues.—Whenever any matter of fact is in dispute, the court of common pleas is authorized to frame an issue for the trial thereof.

Section 1015. *Prima Facie Evidence.*—The accounts of the officer [or officers] in question may be investigated de novo. The figures and facts found and stated by the auditors in their report of audit shall be taken as prima facie correct, as against any such officer, and the burden shall be upon each officer whose accounts are in question to establish the validity of the credits which he claims.

Section 1016. *Judgment.*—After hearing, the court shall file its findings of fact and law and enter judgment in accordance therewith, and the judgment so entered may be enforced by any appropriate proceedings by [the party prevailing] *any auditor, officer, registered elector, or taxpayer of the township.*

Section 1017. *Costs.*—In all cases of appeal from the report or audit of the township auditors to the court of common pleas, the costs shall abide the event of the suit as in other cases.

Section 1018. *Appeals.*—Any person interested may except to the rulings of the courts, and may appeal therefrom to the Superior or Supreme Court as in other cases.

Section 1019. *Counsel Fees.*—When an appeal is taken from the township auditor's report or settlement of the accounts of any public officer, in accordance with the laws relating thereto, and such appeal results favorably to the appellants in such a manner that money is recovered for any township, the court hearing such appeal shall make an order to pay a counsel fee. [, which it deems just and reasonable, to the counsel representing such appeal, out of the funds so recovered.

This section shall apply to all such cases now pending or hereafter brought in any court of this Commonwealth.]

Section 25. Sections 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108 and 1109 of said act are hereby re-enacted, amended and revised to read as follows:

ARTICLE XI

CONTROLLER

Section 1101. *Oath and Bond of Controller.*—The township controller, where such office has been created, shall, before entering upon the duties of his office, take and subscribe the oath prescribed by this act for township officers, and shall give bond to the township, with two or more sureties, or with a surety company, to be approved by the board of commissioners, in the sum of twenty thousand dollars, conditioned for the faithful discharge of his duties, and to adequately protect the

township from any illegal or unfaithful action by the controller. The cost of such bond shall be paid by the township.

The township controller may, at the instance of a taxpayer, and by rule upon him for that purpose, be compelled to justify his bond as to the amount thereof and the responsibility of the sureties before the court of common pleas.

Section 1102. Salary of Controller.—The salary of the controller shall be fixed by ordinance. In townships having a population of fifty thousand or more, the salary of the controller shall not exceed [four] *five thousand* dollars. In townships having a population of forty thousand or more, but less *than fifty thousand inhabitants, the salary of the controller shall not exceed [thirty-six] *forty-five* hundred dollars. In townships having a population of thirty thousand or more, but less than forty thousand inhabitants, the salary of the controller shall not exceed [twenty-four hundred] *three thousand* dollars. In townships having a population of twenty thousand or more, but less than thirty thousand inhabitants, the salary of the controller shall not exceed one thousand [five hundred] *eight hundred seventy-five* dollars. In townships having a population of fifteen thousand or more, but less than twenty thousand inhabitants, the salary of the controller shall not exceed [twelve] *fifteen* hundred dollars. In townships having a population of ten thousand or more, but less than fifteen thousand inhabitants, the salary of the controller shall not exceed [nine hundred] *eleven hundred twenty-five* dollars. In townships having a population of less than ten thousand and not less than five thousand, the salary of the controller shall not exceed [seven hundred] *one thousand and fifty* dollars. In townships having a population of less than five thousand and not less than twenty-five hundred, the salary of the controller shall not exceed [five hundred] *six hundred twenty-five* dollars. In townships having a population of less than two thousand five hundred, the salary of the controller shall not exceed three hundred *seventy-five* dollars.

Section 1103. General Powers and Duties of Controller; May Require Attendance of Witnesses; Penalty.—The township controller shall superintend the fiscal affairs of the township. He shall examine, audit, and settle all accounts whatsoever in which the township is concerned, either as debtor or creditor, where provisions for the settlement thereof are made by law, and where no such provisions, or an insufficient provision,

*"then" in original.

has been made, he shall examine such accounts and report to the board of commissioners the facts relating thereto, with his opinion thereon.

In the examination, audit and settlement of accounts the controller shall have all of the powers and perform all of the duties vested in and imposed on the auditors by this act. He shall make and file an annual report of his audit and make and publish the annual financial [report] *statement* in the same form and manner and at the same time as in this act required of the auditors.

The township controller shall have supervision and control of the accounts of all departments, bureaus, and officers of the township, authorized to collect, receive, or disburse the public moneys, or who are charged with the management or custody thereof. He shall audit their respective accounts and may at any time require from any of them a statement in writing of any moneys or property of the township in their hands or under their control, [and] *showing the amount of cash on hand and the amount deposited in banks and banking institutions, together with the names of such institutions. He shall have power to examine every such account of a township officer in any bank or banking institution to verify the accuracy of the statement of such township, department, bureau, or officer, and it shall be the duty of every such bank and banking institution, its officers and agents, to furnish full information to the controller in relation to such account. No banker or banking institution, its officers or agents, shall be subject to prosecution under other laws of this Commonwealth for disclosing any such information with respect to any such account [he]. He shall, immediately upon the discovery of any default, irregularity or delinquency, report the same to the board of commissioners. He shall also audit and report upon the account of any such officer upon the death, resignation, removal, or expiration of the term of the said officer.*

In the making of any audit or settlement, and in the authentication of any account or claim or demand against the township, the controller of any township shall have the same power and authority to obtain the attendance before him of parties and witnesses, and the production of books and papers, and to administer oaths and affirmations, as are given by law to [county and] township auditors. All persons guilty of swearing or affirming falsely before him shall be liable to the penalty for perjury.

Section 1104. Controller to Countersign Warrants.—The township controller shall countersign all warrants

upon the township treasurer, the form thereof to be prescribed by the board of commissioners, but no warrant shall be countersigned unless there is sufficient unencumbered money in the respective appropriation item to pay the same. Whenever a warrant on the treasurer shall be presented to the controller to be countersigned, the person presenting the same shall, if the controller require, 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

Section 1105. Controller to Prevent Appropriation *Over Drafts.—The township controller shall not permit any appropriation made by the board of township commissioners to be overdrawn. Whenever an appropriation is exhausted, the object of which is not complete, he shall immediately report the fact to the board of commissioners, and accompany such report with a statement of the moneys which have been drawn on such appropriation and the particular purpose for which they are drawn.

Section 1106. Amount of Contracts to Be Charged Against Appropriations.—Every contract involving 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 township controller on the contract, before it shall take effect as a contract, and the payment required by such contract shall be made from the fund appropriated therefor. If the controller shall certify any contract in excess of the appropriation made therefor, the township shall not be liable for such excess, but the controller and his sureties 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 controller to certify contracts for the payments of which sufficient appropriations have been made.

Section 1107. Management and Improvement of Township Finances.—The township controller shall, as often as he may deem expedient or the board of commissioners shall direct, suggest plans to the board of commissioners for the management and improvement of the township finances.

Section 1108. Books to Be Kept by Controller.—The township controller shall keep a regular set of

* Should probably read "Overdrafts."

books, in which shall be opened and kept as many accounts, under appropriate titles, as may be necessary to show separately and distinctly all the estates and property whatsoever, real and personal, vested in the township, all trusts in the care of the same, all debts due and owing the township, all receipts and expenditures of the various departments of the township government, and all appropriations made by the board of commissioners and the sums under the same, respectively.

Section 1109. Appeals from Controller's Report; Bond; Procedure on Appeal.—[It shall be lawful for the township, or any taxpayer thereof on its behalf, or any officer against whom any sum shall be charged in the report of audit by the controller as filed in the office of the clerk of the court, to appeal therefrom to the court of common pleas within thirty days after the same shall be filed in the prothonotary's office. The appeal shall be filed in the same number and term in which the report has been filed. If the appellant is a taxpayer, or any officer charged as aforesaid, he shall file a bond with one or more sufficient securities, conditioned to pay all costs thereafter accruing in case a decision more favorable to the party, on whose behalf the appeal shall be taken, than that contained in the report of audit shall not be obtained.

In case any appeal shall be taken as aforesaid, the same may be placed upon the argument list of said court by either party. Testimony and evidence as to the accounts of any such officer may be taken before said court, or by depositions, as the court may direct, in the course of which the said accounts may be investigated de novo, and the burden shall be upon each officer whose accounts are involved in the appeal of establishing, by evidence from original sources, his right to credits claimed by him, but the opposing party in such appeal may use any facts, figures or findings of the report of audit as prima facie evidence against any officer.] *Appeals may be taken from the settlement and audit of the controller as shown in the controller's report to the court of common pleas of the county, by the same persons, in the same manner, within the same time, subject to the same conditions and procedure, and with like effect in every respect as in this act provided in the cases of appeals from the settlement and audit of the auditors as shown in their report.*

Section 26. That sections 1110, 1111 and 1112 of said act are hereby repealed.

Section 27. Section 1113 of said act is hereby renumbered so as to be section 1110 and is reenacted, revised and amended to read as follows:

Section [1113] 1110. Controller to Retain Books, Documents, Et Cetera, Pending Appeals.—Every township controller shall retain in his possession, during the [thirty] *forty-five* days' period elapsing between the date of filing his report and the expiration of the time for filing the appeal therefrom, all books, documents, vouchers, checks and other papers which have been procured before him in the course of his audit of the accounts of township officers, and, if any appeal shall be taken, shall continue to hold the same for production in the proceeding to determine the appeal.

Section 28. Article XII and sections 1201, 1202, 1203 and 1204 of said act are hereby reenacted, revised and amended to read as follows:

ARTICLE XII

TOWNSHIP SOLICITOR

Section 1201. Election; Vacancies.—The board of commissioners, [on the first Monday of January] *at the commencement of the fiscal year* in any even-numbered year, or as soon thereafter as practicable, may elect, by a vote of a majority of the members, one person learned in the law, who shall be styled the township solicitor, and who shall serve for the term of two years, [from the first Monday of January of the even-numbered year in or succeeding which he was elected,] and until his successor qualifies. The compensation of the solicitor shall be fixed by the board of commissioners [and shall not exceed five thousand dollars per annum]. Vacancies in the office of township solicitor shall be filled by the board of commissioners for the unexpired term.

Section 1202. Bond.—The township solicitor shall, *if the board of commissioners so requires*, give a bond to the township, with two or more sureties, or one [trust or] bonding company, to be approved by the board of commissioners, in such sum as it shall by ordinance *or resolution* direct, conditioned for the faithful performance of his duty.

Section 1203. Solicitor to have Control of Law Matters.—The law matters of the township shall be under the superintendence, [discretion] *direction* and control of the township solicitor [and no]. *No* official or official body of the township, except as herein otherwise provided, shall employ an additional counsel without the assent or ratification of the board of commissioners.

Section 1204. Duties of Solicitor.—The township solicitor shall prepare such bonds, obligations, contracts, leases, conveyances, and assurances to which the town-

ship, or any department thereof, may be a party, as may be directed by ordinance or resolution; he shall commence and prosecute all actions brought by the township for or on account of any of the estates, rights, trusts, privileges, claims, or demands, as well as defend all actions or suits against the township, or any officer thereof, wherein or whereby any of the estates, rights, privileges, trusts, ordinances, or accounts of the township may be brought in question before any court in the Commonwealth; and shall do every professional act incident to the office which he may be authorized or required to do by the board of commissioners or by any ordinance or resolution. He shall, whenever required, furnish the board of commissioners, and the committees thereof, with his opinion in writing upon any question of law which may be submitted by any of them in their official capacities.

Section 29. Article XIII and sections 1301, 1302, 1303, 1304, 1305, 1306, 1310, 1311, 1312, 1314 and 1315 of said act are hereby reenacted, revised and amended to read as follows:

ARTICLE XIII

TOWNSHIP ENGINEER

(a) General Provisions

Section 1301. Election of Township Engineer; Term; Filling of Vacancies.—The board of commissioners [on the first Monday of January] *at the commencement of the fiscal year* in any even-numbered year, or as soon thereafter as may be practicable, may elect, by a vote of a majority of the members, one person as township engineer, who shall be a registered civil engineer. He shall serve for a term of two years [, from the first Monday of January of the even-numbered year in or succeeding which he was elected], and until his successor qualifies. The board of commissioners shall fix the compensation of the engineer. Vacancies in the office of township engineer shall be filled by the board of commissioners for the unexpired term.

Section 1302. Bond.—The township engineer shall, *if the board of commissioners so requires*, give a bond to the township, with two or more sureties, or one [trust or] bonding company, to be approved by the board of commissioners, in such sum as it shall by ordinance *or resolution* direct, conditioned for the faithful performance of his duty.

Section 1303. Control of Engineering Matters.—The township engineer shall have the superintendence, direc-

tion and control of the engineering matters of the township [and no]. *No department or officer* of the township shall employ or retain any additional engineer, except with the consent and ratification of the board of commissioners.

Section 1304. Duties; Preparation of Plans.—The township engineer shall perform such duties as the board of commissioners shall prescribe as 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 of all such work undertaken by such township, and shall, whenever required, furnish the board of commissioners, and the committees thereof, with reports, information, or estimates on any township engineering work or on questions submitted by any of them in their official capacity.

Section 1305. Certificate of Commencement and of Completion of Municipal Improvements.—The township engineer shall, immediately after the completion of any municipal improvement, the cost of which, in whole or in part, is to be paid by the owner of 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 township secretary, who shall enter the said day or time of completion of the work in a book to be kept by him for said purpose [; and the]. *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 township secretary a certificate showing the time at which any such particular improvement was commenced, and such certificate shall be conclusive evidence of the time when the said improvement was begun [; and an]. *An* entry of such date shall be made by said secretary in the book aforesaid.

Section 1306. Surveys.—The township engineer shall have the charge and direction of all surveys and regulations authorized by any act of Assembly or ordinance of such township.

(b) Real Estate Registry

Section 1310. Provisions for Registration of Real Estate.—For the purpose of procuring accurate information in reference to the ownership of all real estate, the board of township commissioners may provide, by ordinance for the registry thereof in the manner following.

Section 1311. Preparation of Books, Plans and Maps.—The township engineer of any township in which such registry shall be established [, as aforesaid,] 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 house number, if any, the 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 township 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 such books, maps or plans.

Section 1312. Preservation of Records.—The said books, maps and plans shall be carefully preserved in the office of the engineer of said township; 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 township limits, with the successive [transmissions] *transfers* of title, from the date of the commencement of such plans; but nothing therein or in this article shall invalidate any municipal or tax claim by reason of the fact that the same is not assessed or levied against the registered owner.

Section 1313. Certified Copies of Entries Admissible as Evidence.—Certified copies, under the hand of the said engineer, of any of the entries in said books, or upon said maps or plans shall be received in evidence in the same manner as the books, maps and plans themselves might be admissible for such purposes; and may be also furnished to any person desiring the same for such fee or compensation, for the use of the township, as may be fixed by ordinance.

Section 1314. Duties Imposed on Owners of Real Estate When Registry Established; Penalty.—All owners of unregistered real estate within the township limits, within one month from the date of the approval of the ordinance establishing such registry, and every subsequent purchaser, and every 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 furnished by the township, 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 township, as penalties for the violation of township 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 1315. Registry of Properties Sold at Judicial Sales; Duty of County Officers.—The sheriffs of the respective counties in which such townships are situated shall present for registry the deeds of all properties within the township limits sold by them at judicial sales, whether by execution or in partition or otherwise; and the prothonotaries and recorders of deeds of such counties shall not admit for record any deeds of any property in such township, bearing a date subsequent to the approval of an ordinance providing for the establishment of such registry, unless the same shall first have been duly stamped, as hereinbefore provided.

Section 30. Article XIV and sections 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413 and 1414 of said act are hereby reenacted, revised and amended, and section 1415 is added to said article as follows:

ARTICLE XIV

POLICE

Section 1401. Appointment, Compensation and Training of Policemen.—The board of township commissioners shall, *subject to the civil service provisions of this act, appoint and fix* [, by ordinance or resolution,] the number, rank and compensation of the members of the township police force. No policeman shall at the same time hold any public office other than constable and health officer. The board of commissioners shall prescribe all necessary rules and regulations for the organization of the police force. The board may assign the chief of police or any other member of the force to undergo a course of training at any training school for policemen, established and made available by the State or Federal Government, and may provide for the payment by the township of his expenses while in attendance in such training school.

Section 1402. Chief of Police and Other Officers.—The board of commissioners may designate the superintendent or the chief of police and other officers, who shall serve until their successors are duly designated and qualified.

Section 1403. Powers of Policemen.—Policemen shall be ex-officio constables of the township and may, without warrant and on view, arrest and commit for hearing any and all persons guilty of a 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 the township for the violation of which a fine or penalty is imposed.

Section 1404. Service of Process; Fees.—Policemen shall have authority to serve and execute all criminal process for the violation of the township ordinances, which may be issued by any justice of the peace of the township, and shall charge the same fees and costs as pertain by law to constables for similar services, but such fees and costs shall be paid to the township treasurer for the use of the township.

Section 1405. Supervision of Police.—The chief of police and policemen shall obey the orders of the board of township commissioners or such other person or committee as may be designated by ordinance or resolution of the board for such purposes.

Section 1406. Keepers to Receive Prisoners.—The keepers of jails, lockups, and station-houses shall receive all persons arrested by policemen for the commission of any offense against the laws of the Commonwealth or the ordinances of the township.

Section 1407. Badge.—The police, when on duty, shall wear a badge or shield with the words "Township Police" and the name of the township inscribed thereon.

Section 1408. Not to Receive Fees.—Townships employing policemen shall pay to all such policemen a fixed or stipulated salary. It shall not be lawful for any such policeman to charge or accept any fee or other compensation, in addition to his salary, for any service rendered or performed by him of any kind or nature whatsoever pertaining to his office or duties as a policeman, except public rewards and the expenses incurred in the discharge of his duties.

Section 1409. Establishment of Police Pension Fund; Management.—Townships may, by ordinance, establish a police pension fund to be maintained by an equal percentage charge against each member of the police force, not exceeding annually four per centum of the pay of such member. The fund shall be under the direction of the township commissioners or such committee as they may designate, and shall be applied, under such regulations as the commissioners may by ordinance prescribe,

* "riotous" in original.

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. Any allowances made to those who are retired by reason of disability or age shall be in conformity with a uniform scale.

Section 1410. Minimum Service for Retirement.—The ordinance establishing the police pension fund may prescribe a minimum period of continuous service, not less than twenty years, and an age limit after which members of the force may be retired from active duty and may be entitled to benefits of such fund. Policemen so retired shall be subject to service as police reserves until unfitted for such service by reason of age or disability, when they may be finally discharged.

Section 1411. Retirement Allowance.—The basis of the apportionment of the pension shall be determined by the rate of 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 1412. General Funds of Township not Liable.—Payments made for retirement allowances shall be a charge on no other fund in the treasury of the township or under its control other than the police pension fund.

Section 1413. Township Appropriations; Gifts; Management.—Any township may make contributions to the police pension fund and may take, by gift, grant, devise or bequest, any money or property, real, personal or mixed, in trust for the benefit of such police pension fund. The care, management, investment, and disposal of such trust funds or property shall be vested in such officers as the township commissioners shall, by ordinance, direct, and shall be governed by such officers, subject to any directions not inconsistent therewith, as the donors of such funds and property may prescribe. Any township may also make contributions to any incorporated police pension fund extending retirement benefits to police officers of the township, subject to such conditions as the township commissioners may impose.

Section 1414. Reasons for Denying Retirement Allowance.—No person participating in such police pension fund established by ordinance, and becoming entitled to receive a benefit therefrom, shall be deprived of his rights except for failing to comply with some general regulation relating to the management of such fund, which may be made by ordinance, and which provides that a failure to comply therewith shall terminate the right to participate in the pension fund, after such notice and hearing as it shall prescribe.

*Section 1415. Annuity Contracts in Lieu of Police Pension Fund.—Townships may provide annuity contracts for the purpose of paying pensions or annuities to the members of the police force who receive honorable discharge therefrom by reason of age or disability and the families *of such as may be injured or killed in service.*

Section 31. Article XV and Sections 1501 and 1502 of said act and the various existing clauses of said sections are hereby reenacted, revised and amended to read as follows:

ARTICLE XV

CORPORATE POWERS

Section 1501. Suits; Property.—Townships of the first class may—

I. Sue and be sued [by the name of the Township of];

II. [Acquire,] *Purchase, acquire by gift or otherwise.* hold, lease, let and convey such real and personal [estate as the purpose of the township shall require] *property as shall be deemed to be to the best interest of the township.* Such real and personal estate shall be taken and held only for the benefit of the inhabitants of the township, and for such objects and purposes as township rates and levies are authorized by law to be laid for.

Section 1502. The corporate power of a township of the first class shall be vested in the board of township commissioners. The board shall have power—

I. Ordinances and Resolutions. To adopt resolutions and ordinances prescribing the manner in which powers of the township shall be carried out, and generally regulating the affairs of the township. All such ordinances, unless otherwise provided by law, shall be published at least once in one newspaper of general circulation in the township. Such ordinance shall not become effective until ten days after the publication aforesaid. In any case in which maps, plans or drawings of any kind are adopted as part of an ordinance, the commissioners may, instead of publishing the same as part of the ordinance, refer, in publishing the ordinance, to the place where such maps, plans or drawings are on file and may be examined. In the adoption of any ordinance setting up a building code, plumbing code or other code complete in itself, for the regulation of any trade, occupation or line of activity, or undertaking, it shall not be required (this or any other law to the contrary notwithstanding) in publishing such ordinance to publish such code in full, but it shall be sufficient compliance with this

* "of" omitted in original.

act in such publication to set forth briefly the substance of such proposed code, and to give notice of the place where such code is on file and may be examined.

Complaint as to the legality of any ordinance or resolution may be made to the court of quarter sessions upon entering into bond with sufficient security to be approved by the court to prosecute the same with effect and for the payment of costs by any person aggrieved, within thirty days after any ordinance or resolution takes effect. The determination and the order of the court thereon shall be conclusive. In cases of the laying out of streets over private property the court shall have jurisdiction to review the propriety as well as the legality of the ordinance.

II. Fines for Violation of Ordinances. To prescribe fines and penalties, not exceeding three hundred dollars in any instance, for the violation of township ordinances, which fines and penalties may be collected by suit brought in the name of the township before any justice of the peace, in like manner as debts of like amount may be sued for by existing laws, *and to remit such fines and penalties.*

III. Officers, Positions and Departments. To create any office, position or department which may be deemed necessary for the good government and interests of the township; to fix the compensation of persons appointed thereto; and to employ the township assessor and any assistant township assessor to *perform work for the township in connection with the assessment and valuation of property and occupations for taxation purposes, or to perform other work when not engaged for the county, and to fix their compensation, payable by the township.

IV. Township Manager. To create, by ordinance, the office of township manager, and in like manner to abolish the same.

The powers, duties, term of office, and compensation of the township manager shall be regulated by ordinance. The commissioners may delegate, subject to recall, any of their respective non-legislative and non-judicial powers and duties to the township manager. He shall, *if required by the township commissioners*, give a bond to the township, with one or more sureties, or one bonding company, to be approved by the commissioners, in such sum as it shall, by ordinance *or resolution*, direct, conditioned for the faithful performance of his duties.

V. Police Force. To establish, equip, and maintain a police force, and to define the duties of the same.

* "perfrom" in original.

VI. Lockups and Commitments. To provide for the erection or purchase of lockups in the township for the detention and confinement of vagrants and persons arrested by the police officers until the persons so arrested can be taken before a justice of the peace for hearing; but no person shall be detained therein for a longer time than twenty-four hours (Sunday excepted) except upon order of a justice of the peace, legally authorized, who may commit any such person for further hearing.

VII. Committing Magistrate. To designate, from time to time, one of the justices of the peace to sit at the police station or town hall as a committing magistrate.

VIII. Vagrants. To arrest and confine, and to set to work on the [roads] *streets* or elsewhere, all vagrants found in the township.

IX. Disorderly Practices. To define and prohibit disorderly practices within the limits of the township.

X. Public Safety. To take all needful means for securing the safety of persons or property within the township.

XI. Road Implements. To purchase tools, implements, machinery, timber, and materials necessary for the making, paving, and repairing of streets [, highways,] *and* sidewalks, and other public work; to employ sufficient number of laborers to make and repair the same; and to lease or lend such tools, implements, and machinery to other townships, boroughs, or cities.

XII. Lights. To establish lights along the *streets and* highways, [including State and county highways,] whenever deemed expedient [, and on and along State highways and county highways, running through such townships]. No such lights shall be established upon State highways until a permit has first been obtained from the State Department of Highways, or upon county highways until a permit has first been obtained from the county commissioners.

XIII. Lighting Assessments. On the petition of the owners of a majority of the lineal feet frontage along any *street or* highway, or portion thereof, in any village within the township, to enter into contracts with electric, gas, or other lighting companies to light and illuminate the streets, highways, and other public places in said village with electric light, gas light, or other illuminant.

The township commissioners shall annually assess, or cause to be assessed, the cost and expense of the maintenance of said lights by an equal assessment on all property benefited by such lighting in proportion to the

number of feet the same fronts on the street, or highway, or portion thereof to be lighted. The township commissioners may provide for an equitable reduction from the frontage of lots, at intersections, or where, from the peculiar or pointed shape of lots, an assessment of the full frontage would be inequitable. No such assessment shall be made against any farm land, but vacant lots between built-up sections, whether tilled or untilled, shall not be deemed to be farm lands: Provided, however, That the assessment per front foot against vacant lots shall be only twenty-five per centum (25%) of the assessment per foot front against property with improvements thereon. All such assessments for street lighting shall be filed with the township treasurer, who shall give thirty days written or printed notice that the assessments are due and payable, stating the due date to each party assessed, either by service on the owner of the property, or by mailing such notice to the owner at his last known post office address. The township treasurer shall be entitled to the same commission for the collection of such assessments as he is entitled to by law for the collection of the township tax. If the assessments, or any of them remain unpaid at the expiration of a period not exceeding ninety days, the exact time to be fixed by the township commissioners, they shall be placed in the hands of the township solicitor for collection. The solicitor shall collect the same, together with five per centum (5%) as attorney's commission, and interest from the date such assessments were due, by a municipal claim filed against the property of the delinquent owner in like manner as municipal claims are by law filed and collected. Where an owner has two or more lots against which there is an assessment for the same year, all such lots shall be embraced in one claim. All assessments, when collected, shall be paid over to the township treasurer, who shall receive and shall keep all such assessments collected for lighting the *streets and* highways in a separate account and pay out the same only upon orders signed by the president or vice president of the township commissioners, attested by the secretary or assistant secretary. The treasurer shall make a report to the auditor or controller of the township annually.

[XIII.I.] Ornamental Standards for Street Lighting. On the petition of the owners of seventy-five per cent of the lineal feet frontage along any *street or* highway or portion thereof in any village within the township to provide for the furnishing and installation of ornamental standards for street lighting with fittings and underground wiring therefor along such *street or* highway or

the portion thereof affected, and to enter into contracts with electric, gas or other lighting companies to furnish and install such standards with the fittings and wiring therefor.

The township commissioners shall assess or cause to be assessed the cost and expense of the furnishing and installation of said standards, fittings and underground wiring by an equal assessment on all property benefited by the furnishing and installation of such standards, fittings and underground wiring in proportion to the number of feet the same fronts on the street or highway or portion thereof to be lighted. The township commissioners may provide for an equitable reduction from the frontage of lots at intersections, or where from the peculiar or pointed shape of lots an assessment of the full frontage would be inequitable. No such assessment shall be made against any farm land, but vacant lots between built-up sections, whether tilled or untilled, shall not be deemed to be farm lands. All such assessments for the cost of furnishing and installation of such standards, fittings and underground wiring shall be filed with the township treasurer, who shall give thirty days written or printed notice that the assessments are due and payable, stating the due date to each party assessed, either by service on the owner of the property or by mailing such notice to the owner at his last known post office address. The township treasurer shall be entitled to the same commission for the collection of such assessments as he is entitled to by law for the collection of the township tax. If the assessments or any of them remain unpaid at the expiration of a period not exceeding ninety days, the exact time to be fixed by the township commissioners, they shall be placed in the hands of the township solicitor for collection. The solicitor shall collect the same together with five per centum (5%) as attorney's commission and interest from the date such assessments were due by a municipal claim filed against the property of the delinquent owner in like manner as municipal claims are by law filed and collected. Where an owner has two or more lots against which there is an assessment all such lots may be embraced in one claim. All assessments when collected shall be paid over to the township treasurer who shall receive and shall keep all such assessments collected in a separate account and pay out the same only upon orders signed by the president or vice president of the township commissioners, attested by the secretary or assistant secretary. The treasurer shall make a report to the auditor or controller of the township annually until all of such assessments are paid in full.

XIV. Water Supplies. To enter into contracts with any person or corporation to supply water for fire protection and other purposes for a period not exceeding twenty years. No such contract shall be exclusive as against the right of any other water company, nor interfere with the right of such township to erect, maintain, and operate its own waterworks.

XV. Fire and Water Districts; Bond Issues and Taxes. To create, by ordinance, fire and water districts in any portion or portions of townships when, in their opinion, the same is necessary for the safety and convenience of the inhabitants of said township; to issue bonds restricted to the districts so created, for the purpose of procuring and maintaining the necessary supply of water to said district; and to levy such special tax restricted to said district as may be necessary to redeem any bonds so issued. In lieu of the foregoing provisions relating to the issue of bonds, the township commissioners may charge for any such water supply by an assessment of a special water or fire tax on all surface properties located in the water or fire district, which tax shall be based on the assessment for county purposes as established for general taxation. Such tax may be levied for a single year or for a term of years as the township commissioners may determine, but in the case of fire districts shall not exceed two mills per annum, and shall be collected in the same manner as other taxes: Provided, also, That in lieu of the foregoing provisions, that in all cases where said township shall have established a water system and shall construct main water lines in said township, the board of township commissioners may charge the cost of construction of any municipal water lines or lateral lines, upon any streets [, alleys, and thoroughfares] or *highways* adjacent to main lines, or such portion of the cost of construction as the board may deem proper, upon the properties benefited or accommodated thereby. The ordinance, providing for such charge, shall be adopted by the board within six months from date of the final completion of such system of water lines. Said charges shall be assessed and collected in the manner provided in this act for the assessment and collection of charges for the construction of sewers.

XVI. Fire Regulations. To make regulations *within the township or within such limits*, as may be deemed proper, relative to the cause and management of fires and the prevention thereof; to [take measures for the extinguishment of fires, either by making annual appropriations towards the maintenance of fire companies, or in such other manner as said board of commissioners may deem proper;] *purchase or contribute to the pur-*

chase of fire engines and fire apparatus for the use of the township, and to appropriate money to fire companies for the operation and maintenance thereof and for the construction, repair and maintenance of fire company houses; to ordain rules and regulations for the government of such fire companies and their officers, and to regulate the method to be followed in the extinguishment of fires [; to purchase and maintain apparatus for the extinguishment of fires, and to make rules and regulations for the management of same].

XVII. Fire Houses. To provide and maintain suitable places for the housing of engines, hose carts, and other apparatus for the extinguishment of fire. No such building shall be erected or maintained without obtaining the assent of the electors thereof, expressed at an election to be held at the place, time, and under the same regulations as provided by law for the holding of municipal elections. [At such election the judges, inspectors, and clerks shall receive ballots from the electors, which shall be prepared in the manner prescribed by the general election law. In receiving and counting and in making returns of the votes cast, the inspectors, judges, and clerks of said election shall be governed by the laws of this Commonwealth regulating municipal elections, and the vote shall be counted by the court as is now provided by laws for municipal elections. The constables of the township, by direction of the board of township commissioners, shall issue proclamation, ten days prior to date of the municipal election, stating that the qualified electors will vote "For or against a fire-engine house."]

XVIII. Building Regulations. To *prohibit or regulate the erection of wooden buildings in certain parts of the township and* make regulations for the construction of new buildings and the alteration and repair of old ones, and to require that before the work begins municipal approval of the plans and specifications therefor be secured; to classify buildings or parts of buildings according to the use to be made of them; to specify the mode of construction of such different classes of buildings; and to require that before any use or occupancy be changed from any classification to a different classification, as to which more stringent regulations are prescribed under the provisions of any ordinance relating thereto, municipal approval of the plans and specifications therefor be secured.

XIX. Building Sanitation Regulations. In addition to other remedies provided by law, and in order to promote the public health, safety, morals, and the general welfare, to 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. 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 ordinance enacted under authority conferred hereby, the [corporate authorities of the township,] *board of township commissioners*, in addition to penalties provided by ordinances enacted [herewith] *hereunder*, may institute appropriate actions or proceedings, at law or in equity, to prevent and restrain such lawful 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. The ordinances enacted pursuant to this clause shall not be inconsistent with the provisions of any statute governing the same matter, but all regulations prescribed by such ordinances, which are additional or supplementary to the statute law and not inconsistent therewith, or enacted for the purpose of carrying into effect the provisions of the statute law, shall be valid and binding. Such ordinances may adopt any standard building code, published and printed in book form, covering any or all of the above items, without incorporating such building code in the ordinance; or any township may enact such building code as its ordinance authorized under the provisions of this clause. In either event, such building code shall not be published or advertised in full, as provided by this section in the case of the adoption of ordinances: Provided, That notice of the adoption of such standard building code as the building ordinance of the township, together with a brief summary thereof setting forth the principal provisions of said ordinance in such reasonable detail as will give adequate notice of its contents pursuant to a uniform form which shall be prepared or approved by the Department of Labor and Industry, and a reference to the place or places, within the township, where copies of the building code adopted are deposited and may be examined, shall be published in the manner provided by this section for the publication of ordinances. Not less than three such copies shall be made available to public inspection and use, during business hours, for a period of not less than three months after the adoption of such building code.

XX. Building Inspectors. To provide for the inspection of the construction and repair of buildings, including the appointment of one or more building inspectors; to prescribe limits wherein none but buildings of noncombustible material and fireproof roofs shall be erected or substantially reconstructed or removed thereinto; to provide penalties for the violation of such regulations. Any building erected, reconstructed, or removed, contrary to the provisions of any ordinance passed for any of the purposes herein specified, is declared to be a public nuisance and abatable as such.

XXI. Building Lines. To establish, by ordinance, and maintain uniform building lines upon any or all public streets [, roads,] or highways [, lanes and alleys] of the township.

XXII. Numbering Buildings. To provide for and regulate the naming of streets [, courts and public squares;] and highways; and to require and regulate the numbering of buildings.

XXIII. Insurance. To make contracts with any fire insurance company, *association or exchange*, including mutual companies *duly authorized by law to transact insurance business in the Commonwealth*, insuring any building or property of the township; to make contracts with any insurance company insuring any public liability of the township; [to make contracts with any insurer for workmen's compensation, accident and health, retirement and group insurance for the benefit of its employes who may be required to contribute thereto, including volunteer firemen killed or injured while going to or returning from or attending fires within the township or territory adjacent thereto; and to expend public funds for all of these purposes; and to make donations to funds for pensions and retirement allowances for the benefit of its employes.] *to appropriate such amount as may be necessary to secure insurance or compensation for volunteer firemen of companies duly recognized by the township by motion or resolution, killed or injured while going to or returning or attending fires; to make contracts of insurance with any insurance company, association or exchange authorized to transact business in this Commonwealth insuring township employes or any class or classes thereof under a policy or policies of insurance covering workmen's compensation, life, health or accident insurance, and to contract with any such company granting annuities or pensions for the pensioning of such employes, and to agree to pay part or all of the premiums or charges for carrying such contracts, and to appropriate moneys from the township treasury for such purposes.*

XXIV. Markets, Market Houses and Peddling. To regulate markets and peddling, whether for individual use or for resale; to provide and enforce regulations for markets and market houses, whether for individual use or for sale or resale; and to acquire and own ground for and to erect, establish, and maintain market houses and market places, for which latter purposes, parts of any streets or sidewalks may be temporarily used as specified by the township commissioners; to contract with any person, firm, or corporation for the erection, maintenance, and regulation of market houses and market places, on such terms and conditions and in such manner as the board of commissioners may prescribe; to provide for the payment of the cost and expense of providing markets and market houses, either in whole or in part, from township funds; and to levy and collect a license tax from every person who may be authorized to occupy any portion of said market houses or places.

XXV. Milk Inspection. To provide for the inspection of milk and milk products; and to make regulations concerning the character and kind of milk and milk products which may be sold.

XXVI. Nuisances. To prohibit and remove any obstruction or nuisance in the streets and highways of the township; to make regulations respecting pigpens, slaughter houses, manure pits, drains, dumps, cesspools, and similar conditions, to prohibit and remove any noxious or offensive manufacture, art or business, or dangerous structure, or weeds, or any other nuisance whatsoever, on public or private grounds, prejudicial to the public health or safety, or to require the removal of the same by the owner or occupier of such grounds; in default of which, the township may cause the same to be done and collect the cost thereof, together with a penalty of [twenty] ten per centum of such cost, in the manner provided by law for the collection of municipal claims or by action of assumpsit without the filing of a claim, or may seek relief by bill in equity.

XXVII. Garbage and Rubbish. To make regulations relative to the accumulation of manure, compost and the like; to prohibit accumulations of garbage and rubbish upon private properties including the imposition and collection of reasonable fees and charges for the collection and removal thereof, and to prescribe fines and penalties for the violation of such regulations; and to provide, by contract or otherwise, for the collection, removal and disposal, through incinerating works, garbage plants or otherwise, of ashes, garbage, and rubbish, and to prescribe penalties for the enforcement thereof. Any such contract may be made for a period not exceeding three

years. *To erect, maintain and operate garbage or incinerating plants, either within or without the limits of the township, in order to provide for the destruction of garbage and other refuse material and to provide for the payment of the cost and expense thereof, either in whole or part, out of the funds of the township, and to acquire and to maintain lands and places for the dumping of ashes and other refuse material.*

XXVIII. *Inflammable and Explosive Articles.* To prohibit the manufacture, sale or [exposure of fireworks and other] *storage of inflammable and explosive articles; to prescribe the quantities of inflammable and explosive articles that may be kept in any place; and to prescribe such other safeguards as may be deemed necessary.*

XXIX. *Smoke Regulations.* To regulate the emission of smoke from chimneys, smokestacks and other sources, except locomotive smokestacks.

XXX. *Animals.* To prohibit or regulate the running at large of [animals] *dogs and in the enforcement of such regulations to direct the killing of dogs or their seizure and detention, including reasonable charges therefor, or to provide for their sale for the benefit of the township; to prohibit and regulate the running at large of other animals and to authorize their seizure and detention, including reasonable charges therefor, and to provide for their sale for the benefit of the township.*

XXXI. *Amusements.* To regulate, license, and [prohibit shows, circuses, sports and amusements of all sorts] *fix the time of opening and closing of, or to prohibit, theatrical exhibitions, amusements and dances at which an admission or other fee is charged; to regulate, license and fix the time of opening and closing pool-rooms, billiard-rooms, shooting galleries, skating rinks and bowling alleys; and to license, regulate or prohibit circuses.*

XXXII. *Party Walls and Fence Regulations.* To make regulations respecting foundations, party walls and partition fences; and to prescribe reasonable fees for the services of its officers and agents in the adjustment of party walls, partition fences and the like, and to enforce payment of the same.

XXXIII. *Watering Troughs.* To erect watering troughs *along the streets or highways [, at an expense not exceeding twenty dollars each,] and to keep the same in repair.*

XXXIV. *Motor Ambulances.* To acquire and to operate and maintain a motor ambulance for the purposes of conveying sick and injured persons of such [municipality] *township and the vicinity to and from hospitals, and, for such purposes, to appropriate and*

expend moneys of the township *or to appropriate money annually towards a non-profit community ambulance service.*

XXXV. Display of Flags. To display the flag of the United States, of the Commonwealth of Pennsylvania, and of any county, city, borough, or township on the public buildings or any property of the township.

XXXVI. Memorial Day Appropriations. To appropriate moneys for the expenses of Memorial Day services.

XXXVII. Care of Memorials. To maintain and keep in good order and repair at the expense of the township, and it shall be their duty so to do, any soldiers' monument, gun, or carriage, or other similar memorial, when there is not in existence any person, body or organization to care for and maintain the same, and when such memorials were not erected by the government of the United States, the Commonwealth of Pennsylvania, any other state, or by the commissioners of any county; and to receive from persons or organizations funds for such purposes.

XXXVIII. Soldiers' Cemeteries. To purchase plots of ground in any cemetery or burial ground for the interment of such deceased service men who shall hereafter die within such township, or shall die beyond such township and shall have a legal residence within such township at the time of their death, and whose bodies are entitled to be buried by the county under the provisions of existing laws. Such plots of ground shall be paid for out of the treasury of such township.

XXXIX. Appropriations to Civic Associations. To annually appropriate a sum, not exceeding two hundred dollars, for the support of any voluntary association composed of electors of the several townships within such county, or any of them, which association is formed for the study and investigation of the welfare, economics, management and government of townships, and for the protection and safeguarding of the rights and franchises of townships, and for the purpose of recommending legislation beneficial to townships, or any one or more of such purposes.

XL. Armory Buildings. To appropriate money or convey land, either independently or in connection with any county, city, town, borough, or township, to the Commonwealth of Pennsylvania for the purpose of assisting the Armory Board of the Commonwealth 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, for use in any armory, and to do all things necessary to accomplish the purposes of this clause.

XL I. Land for Armories. 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 highway or wharf, but all other public easements and property may be appropriated and used for the purpose herein provided, any limitation of the use thereof by the township, either by donation, dedication, appropriation, statute, or otherwise, to the contrary notwithstanding.

XL II. Land 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 act, and for the assessment of damages for property taken, injured or destroyed, shall be taken in the same manner as is now provided by this act for the condemnation of lands. The power conferred by this clause shall not be exercised to take any church property, graveyard, cemetery, or any dwelling house, or the curtilage of the same, in the actual occupancy of the owner.

XL III. Junk Dealers, Pawnbrokers, Auctions [, Etc.]. To regulate and license junk dealers, pawnbrokers, hucksters, peddlers, vendors, and public auctions and auctioneers *and to regulate the establishment and maintenance of junk yards, salvage yards and other places used and maintained for the collection, storage and disposal of used and second-hand goods and materials.*

XL IV. [Fire Prevention. To take measures for the prevention of fires by inspecting, regulating, and abating fire hazards.] *Health and Cleanliness Regulations. To make such regulations as may be deemed necessary for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the township and the inhabitants thereof.*

XL V. Comfort and Waiting Stations and Drinking Fountains. To acquire property for the purposes of providing, maintaining, and operating thereon comfort and waiting stations and drinking fountains; and to construct and maintain such stations and fountains on any of the *streets or highways* of the township.

XL VI. Support of National Guard Units. To appropriate annually a sum not exceeding seven hundred and fifty dollars for the support and maintenance, dis-

cipline and training 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. Where such units are organized as a battalion, regiment or similar organization, the total amount due may be paid to the commanding officer of the battalion, regiment or similar organization. Any moneys so appropriated shall be paid by warrant drawn to the order of the commanding officer of such company, battalion, regiment or similar organization, only when it shall be certified to the township, 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, battalion, regiment, or similar organization; and the commanding officer shall account, by the proper vouchers to the said township 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.

The accounts of such expenditures shall be subject to the inspection of the Department of Military Affairs, and shall be audited by the Auditor General, in the manner provided by law, for the audit of accounts of State moneys.

XLVII. Hospital Appropriations. For townships [of the first class] having a population of two thousand inhabitants and upwards, to appropriate moneys for the support of any incorporated hospital which is engaged in charitable work, and extends treatment and medical attention to the residents of such townships; but no such appropriation shall exceed, in any year, the cost of free service extended to residents of the township which is in excess of any amount paid by the Commonwealth towards such free service, and in no case more than the sum of one thousand dollars (\$1000).

*[XLVII.] **XLVIII.** Appropriations to Veterans' Home Associations. To annually appropriate a sum not exceeding three hundred dollars for the support of any Veterans' Home Association which provides a home or club-house within the township, for the use of United States War Veterans, and which is not maintained in whole or in part by the United States or any governmental agency other than the township.

* "[XLVII]" omitted in original.

XLVIII. Garbage and Treatment Works. [Separately or jointly] *Jointly* with one (1) or more municipalities to purchase any real property, within or without the township limits [of any such township, or municipality] and to erect and maintain garbage, or incinerating furnaces and all appliances necessary therefor.

XLIX. *Parking and Parking Lots. To regulate parking and provide parking accommodations so as to promote the convenience and protection of the public; to erect parking meters and to regulate parking meter charges.* To acquire by gift or purchase, or *the right of eminent domain, lands for use as parking lots, and to plan, design, locate, hold, construct, improve, maintain, operate, own or lease, either in the capacity of lessor or lessee and install facilities and equipment, including parking meters, on any such land to be devoted to the parking of vehicles of any kind, which in the judgment of the [corporate authorities,] board of township commissioners, may be necessary and desirable for the purpose of establishing and maintaining such parking lots and to regulate the use thereof.* Whenever any lands shall be acquired by any township for parking lots, they may be operated by such townships as parking lots for parking vehicles only, but not for the sale or distribution of any commodity, or when so provided by ordinance or resolution, they may be let to and for private operation as parking lots on such terms and conditions as may be prescribed.

[IL.] *L. Airports.* To acquire by lease or purchase or by exercising the power of eminent domain, in the manner provided in article nineteen of this act, any land lying either within or without the limits of the township, which in the judgment of the [corporate authorities thereof,] *board of township commissioners, may be necessary and desirable for the purpose of establishing and maintaining municipal airdromes, aviation landing fields and airport facilities.* The title acquired by the township exercising the power of condemnation shall be a title in fee simple. Any township having acquired land for such purposes may establish, equip, condition, operate and maintain the same as a municipal airport, airdrome, landing field, or intermediate landing field, any may lease the same or any part thereof, to any individual or corporation desiring to use the same for aviation purposes, and 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 the use by said Government of said land for aviation purposes upon nominal rental or without consideration.

Any township may acquire, by lease or purchase, land for aviation purposes as hereinbefore provided jointly with any county, city, borough, township, or political subdivision or municipality authority of this Commonwealth, and is hereby authorized and empowered to operate and maintain said airport, airdrome, landing field, or intermediate landing field jointly with any county, city, borough, township, or other political subdivision or municipality authority of this Commonwealth upon such terms and conditions, as may be agreed upon between the proper authorities of the county, city, borough, township, or other political subdivision of this Commonwealth.

Section 32. Clauses LI, LII, LIII, LIV and LV are hereby added to section 1502 of said act, to read as follows:

LI. Purchase and Planting of Trees. To accept, purchase and plant or contribute to the purchase and planting of shade trees and shrubs along the streets and sidewalks of the township, and to expend township moneys for such purpose.

LII. General Powers. 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 deemed expedient or necessary for the proper management, care and control of the township and its finances, and the maintenance of peace, good government and welfare of the township and its trade, commerce and manufactures.

LIII. Joint Municipal Agreements. To enter into agreements with other political subdivisions in accordance with existing laws in making joint purchases of materials, supplies or equipment, and in performing governmental powers, duties and functions, and in carrying into effect provisions of law relating to said subjects which are common to such political subdivisions.

LIV. Joint Contracts for Police and Fire Protection. To enter into contracts with the proper authorities of near or adjacent cities, boroughs and townships either for mutual aid or assistance in police and fire protection, or for the furnishing to or receiving from such cities, boroughs or townships aid and assistance in police and fire protection, and to make appropriations therefor: Provided, That in connection with such contracts it shall not be necessary to receive bids or require bonds as required for other contracts under existing law.

LV. Widening and Deepening Water-Courses. After a permit has been secured from the Water and Power Resources Board, to widen and deepen water-courses run-

ning through the township and to erect such dykes, retaining walls and embankments along the same as shall be necessary to prevent water from overflowing the banks thereof. For such purposes, townships may enter upon and condemn such property as may be necessary. Townships may enter upon land lying near such water-courses and secure such material as may be necessary in connection with such work. Damages for property taken, injured or destroyed as the result of such work shall be fixed and determined in the manner provided in article nineteen of this act. Townships may appropriate moneys for the purposes of carrying into effect the provisions of this clause.

LVI. Regulation of Charges. To make and regulate charges for the use of facilities of the township.

Section 33. Article XVI and sections 1601 to 1627 inclusive of said act are hereby reenacted, amended and revised to read as follows:

ARTICLE XVI

PUBLIC HEALTH

(a) Boards of Health

Section 1601. Appointment of Boards of Health and Health Officers.—The administration of the health laws in townships shall be enforced by a board of health, or by a health officer or officers, as the case may be, appointed by the township commissioners.

Where township commissioners elect to appoint a health officer or officers, the said health officer or officers shall have the same powers and duties, and exercise the same authority, as is [now] prescribed for boards of health in townships. All health officers, whether appointed by boards of health or township commissioners, shall have had some experience or training in public health work in accordance with rules and regulations established by the advisory health board of the State Department of Health. Such health officers shall not enter upon the performance of their duties until they are certified so to do by [the Secretary of Health of] the State Department of Health.

Section 1602. Members of Board; Terms; Secretary.—Where the township commissioners decide to appoint a board of health, said board shall be composed of five members—at least one of whom shall be a reputable physician of not less than two years' experience in the practice of his profession, if one resides within the township. The members of the board shall be appointed by the township commissioners. At the first appointment, one member shall be appointed 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 shall, in like manner, be appointed each year, to serve for five years. The members of the board of health shall serve without compensation [: Provided, however, If] *but if* any member of the board shall be elected to the office of secretary, he shall be entitled to receive a salary, fixed by the board for that office.

Section 1603. Organization of Board; Salary of Secretary; Bonds [of Members]; Fees and Penalties; Power to Administer Oaths.—The members of the board shall severally, take and subscribe to the oath prescribed for township officers; and shall annually organize by electing a president from among the members of the board, a secretary, who may or may not be a member of the board, and a health officer, who shall not be a member of the board. The secretary and the health officer shall receive such salary as may be fixed by the board and ratified by the board of commissioners of the township, and shall serve for a period of one year or until such time thereafter as their successors may be elected and qualified. They, *if required by the board of commissioners*, shall, severally, give bond to the township, in such sums as may be fixed by ordinance, for the faithful discharge of their duties, and shall also take and subscribe to the oath required [by] *of* members of the board.

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 township treasury monthly, together with all penalties which shall be recovered for the violation of any regulation of the board. The president and secretary shall have full power to administer oaths or affirmations in any proceeding or investigation touching the regulations of the board, but shall not be entitled to receive any fee therefor.

Section 1604. Duties of Secretary. The secretary of the board shall keep the minutes of its proceedings; shall keep accurate accounts of the expenditures of the board, shall transmit all bills to the board of township commissioners for payment in the same manner as other bills of the township are paid; *shall draw all requisitions for the payment of moneys on account of the board of health and present the same to the president of the board for his approval*; shall render statements of the expenditures to the board at each stated meeting or as frequently as the board may require; shall prepare, under the directions of the board, the annual report to the township commissioners, together with the estimate

of appropriation needed for the ensuing year. *He* shall report to the State Department of Health at the end of each week, and for the fraction of each week occurring at the end of each month, the cases of communicable disease reported to the board of health, on the form provided for that purpose by the State Department of Health; shall also make an annual report to the State Department of Health; and shall make such other reports and perform such other duties as the board of health may require.

Section 1605. Duties of Health Officer.—It shall be the duty of the health officer to attend all stated and special meetings of the board of health, and at all times be ready and available for the prompt performance of his official duties. He shall placard and quarantine all premises upon which cases of communicable disease exist, which have been reported to the board of health or of which he or the board of health may have knowledge, which are required by law or by regulation of the State Department of Health [or of the local board of health] to be placarded and quarantined; and shall disinfect such premises upon the expiration of the quarantine period and the recovery of the last person therein suffering from such disease. He shall serve written notice on teachers and persons in charge of public, parochial, Sunday, and other schools, requiring the exclusion from school of children who are suffering from or who reside in the same premises with other persons who are suffering from communicable diseases; shall make sanitary inspections; shall execute the orders of the board of health; and shall, in the performance of his duties, have the power and authority of a [policeman] *township police officer*.

Section 1606. Powers of Board of Health.—The [said] board of health shall have the power, and it shall be its duty, to enforce the laws of the Commonwealth, the regulations of the State Department of Health, and any ordinances of the township relating to health work, and to make and enforce such additional rules and regulations to prevent the introduction and spread of infectious or contagious diseases, by the regulation of intercourse with infected places, by the separation of infected persons and persons who shall have been exposed to any infectious or contagious disease, and by abating and removing all nuisances which it shall deem prejudicial to the public health, to mark infected houses or places, to prescribe rules for the construction and maintenance of house drains, wash pipes, soil pipes and

cesspools, and make all such other rules and regulations as it shall deem necessary for the preservation of the public health, and such other powers relating to health work as may be delegated by the township commissioners. The board shall also have power, with the consent of the township commissioners, in case of a prevalence or apprehended prevalence of any contagious or infectious diseases in its township, to establish one or more emergency hospitals, and to make provisions and regulations for the maintenance and management of the same.

The board shall also have the power to make, enforce, and cause to be published, all necessary rules and regulations *not inconsistent with law* for carrying into effect the powers and functions with which it is invested by law, and the power and authority relating to the public health conferred on townships. Such rules and regulations, when approved by the township commissioners, and when advertised in the same manner as other ordinances, shall have the force of ordinances of the township. All penalties or punishments prescribed for the violation thereof, as well as the expenses actually and necessarily incurred in carrying such rules and regulations into effect, shall be recoverable, for the use of the township, in the same manner as penalties for violation of the ordinances of the township, and subject to the like limitations as to the amount thereof.

Section 1607. Entry of Premises.—The board of health shall have the power, as a body or by committee, as well as the health officer, together with their assistants, subordinates, and workmen, under and by order of the said board, to enter at any time upon any premises in the township upon which there is suspected to be any infectious or contagious disease, or nuisance detrimental to the public health, for the purpose of examining and abating the same, and for any other purpose arising in connection with or in the performance of their duties.

Section 1608. Inspections.—The board of health may inspect house drains, waste and soil pipes, cesspools, waterclosets, slaughterhouses, hogpens, stables, stable yards, and any conditions or places whatsoever, in the township, which may constitute a nuisance or a menace to public health. Whenever any condition or place in the township is found by it to be a nuisance or a menace to the health of the people of the township, it shall issue a written order of abatement, directed to the owner, or agent of the owner of the premises, or to the occupant thereof, stating that the conditions specified therein constitute a nuisance or a menace to health, and ordering

an abatement thereof within such time as may be specified by it in such order. In case such order of abatement is not obeyed within the time specified therein, it shall thereupon issue a further written order to the health officer, directing him to remove or abate the same, which order shall be executed by him and his subordinates and workmen, and the expense thereof shall be recoverable from the owner of the premises upon or from which the nuisance or menace to health is abated or removed, in the same manner as debts of like character are now collected by law; or the said board of health may proceed to enforce such other remedy or inflict such penalty as may, by ordinance of the township, be provided.

Section 1609. Budget; Appropriations.—It shall be the duty of the board of health or appointed health officer or officers to submit annually, to the township commissioners, before the commencement of the fiscal year, an estimate of the probable expenditures of the board during the ensuing year; and the township commissioners shall then proceed to make such appropriations as may be deemed necessary [and the said]. *The* board of health, health officer or officers, shall, [in the month of January of each year] *at the close of each fiscal year*, submit a report, in writing, to the township commissioners, of its appropriation and expenditures for the preceding year, together with such other information on subjects relative to the sanitary conditions or requirements of the township as may be necessary [and council or township commissioners shall publish the same in their official journal].

Section 1610. Cooperation in Health Work.—Any township may cooperate with the county, or with any city, borough, township or school district, as well as with the State Department of Health, in the administration and enforcement of health laws.

Section 1611. Powers of Secretary of Health.—Whenever, in the opinion of the Secretary of Health of the Commonwealth, conditions found by him to exist in any township shall constitute a menace to the lives and health of people living outside the [corporate limits] *boundaries* of such township, or if it be known to him that any township is without an existing or efficient board of health, or health officer or officers, the Secretary of Health may enter, and take full charge of, and administer the health laws, regulations, and ordinances in such township, and may continue in charge thereof until he shall decide that a competent and efficient board of health, or health officer or officers, has been appointed and qualified for such township, and is ready, able and willing to assume and carry into effect the duties imposed upon it by law.

Section 1612. Expenses Incurred by Board or Secretary of Health.—All expenses incurred by any local board of health, its officers or employes, in the performance of the duties imposed upon it by law, and all expenses incurred by the Secretary of Health in accordance with the provisions of the preceding section, shall be paid by the township wherein such duties are performed, in the same manner as other expenses of such township are paid.

Section 1613. Suits by State Secretary of Health to Recover Expenses.—Whenever expenses incurred by the State Secretary of Health or *his agents*, in the administration of health laws in any township, in accordance with the provisions of this act, shall remain unpaid by said township for a period of more than three months after a statement of such expense has been rendered by him to such township, and demand for payment by him made, he shall, with the approval of the Governor, institute, in the name of the Commonwealth as plaintiff, an action of assumpsit against such township for the collection of such expense from the township, in the same manner as debts of like amount are collected by law: Provided, however, That, upon the trial of any such action of assumpsit, the reasonableness of the expenditures made by the Secretary of Health shall be submitted to the jury for its determination.

Section 1614. Payment of Expenses Recovered Into State Treasury.—All expenses incurred by the State Secretary of Health in the administration of health laws in any township, when paid to him by such township, or when collected by him, shall be returned by him to the State Treasurer, who shall credit the amount so received to the appropriation made to the Department of Health.

(b) Vacation of [Lanes and Alleys] *Streets*
Declared Nuisances by Board of Health

Section 1620. Petitions to Vacate Nuisances.—Whenever the board of health shall declare as a nuisance any public [alley, lane, or passageway,] *street or part thereof*, 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] *street* 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] *street* to be a public nuisance.

Section 1621. 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 1622. 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 their finding and recommendations as to whether or not such [alley, lane, or passageway,] *street*, or part thereof, should be vacated; and in such report shall award damages and assess benefits to the property affected.

Section 1623. Notice of Filing Report.—The jury shall give notice, in writing, to all parties affected by their report, [as] *at* least ten days before the same is filed in court. The notice shall state the time and place where such report will be open to inspection.

Section 1624. 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 1625. Appeals from Report.—Any person affected by the report shall have the right of 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 1626. 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 1627. When Vacation Proceedings not to Be Had.—No [alley, lane, or passageway] *street*, or *part thereof*, 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.

ARTICLE XVII

FINANCE AND TAXATION

Section 35. Article XVII and sections 1701 to 1712 inclusive of said act are hereby reenacted, amended and revised to read as follows:

Section 1701. Annual Budget; Regulation of Appropriations.—The board of township commissioners [of townships] shall each year, within sixty days after the first Monday of January, and, at least thirty days prior to the adoption of the annual budget, prepare a proposed budget showing an estimate of the several amounts of money which will be required for the several specific purposes of township government and expenses during the current fiscal year, and by ordinance appropriate, out of the revenues available for the year, the specific sums required as shown by the budget as finally adopted. The tax levied by the township [authorities] *commissioners* shall be fixed at such figure within the limit allowed by law, as, with all other sources of revenue, will meet and cover said appropriations. The total appropriation shall not exceed the revenues available for the fiscal year. If the funds available from taxation and other sources shall be estimated to be in excess of the requirements of the current fiscal year an appropriation may be made for the payment of township orders or indebtedness of the previous years.

The budget shall be prepared on a uniform form prepared and furnished as provided in section one thousand seven hundred and one A of this act. Final action shall not be taken on the proposed budget until after at least ten days public notice. The proposed budget shall be published or otherwise made available for public inspection at least twenty days prior to the date set for the adoption of the budget.

The township commissioners after making such revisions and changes therein, as appear advisable, shall adopt the budget.

The township commissioners may at any time by resolution make supplemental appropriations for any lawful purpose from any funds on hand or estimated to be received within the fiscal year and not appropriated to any other purpose, including the proceeds of any borrowing now or hereafter authorized by law.

The township commissioners shall have power to authorize the transfer within the same fund of any unencumbered balance, or any portion thereof, from one spending agency to another, but such action shall be taken only during the last nine months of the fiscal year.

Within fifteen days after the adoption of the budget, the township commissioners shall file a copy of the same in the office of the Department of Internal Affairs.

Section 1701a. Committee to Prepare Uniform Forms.—Uniform forms for the annual reports of township auditors and controllers to the Department of Internal Affairs, as required in [section one thousand and three and section one thousand one hundred and seven]

sections 1003 and 1103 of this act, and the uniform form for the annual budget, as required in section [one thousand seven hundred and one] 1701, shall be prepared by a committee consisting of four representatives from the Pennsylvania State Association of Township Commissioners and the Secretary of Internal Affairs, or his agent who shall be a person trained in the field of municipal finance.

Such representatives shall be appointed by the president of said organization within sixty days after the effective date of this act. As far as possible, such representatives shall be chosen to represent townships in the various population groups within the range of townships of the first class. The president of said organization shall supply to the Department of Internal Affairs the names and addresses of such representatives immediately upon their appointment.

Said representatives shall serve without compensation, but they shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the committee. The committee shall meet at the call of the Secretary of Internal Affairs, or his agent, who shall serve as chairman of the committee.

It shall be the duty of the Secretary of Internal Affairs, or his agent, to see to it that the forms required by this act are prepared in cooperation with said committee. In the event that said committee should for any reason fail to furnish such cooperation, the Secretary of Internal Affairs, or his agent, shall complete the preparation of the forms. After their preparation, he shall issue said forms and distribute them annually, as needed, to the proper *officers of each township.

Section 1702. Appropriations Not to Be Exceeded; Changes in Appropriations.—No work shall be hired to be done, no materials purchased, no contracts made, and no orders issued for the payment of any moneys, by the authorities of any township, in any amount which will cause the sums appropriated to specific purposes to be exceeded. No change in the purpose of the appropriations shall be made unless by an ordinance, which shall set out the reasons for and character of such change. If any work shall be done for or materials furnished to any township contrary to the provisions of this section, the township commissioners are hereby prohibited from authorizing payment therefor as a moral obligation or otherwise, unless ordered or directed so to do by the court of common pleas or the court of quarter sessions of the county in which such township is situate.

Section 1703. Certain contracts [, Et Cetera] Invalid.—No contracts, hirings, or purchases made, or orders or

* "officer" in original.

warrants issued, not provided for by an appropriation by the township commissioners as is required by law, or which would cause any appropriation to be exceeded, shall be valid.

Section 1704. Power to Create Indebtedness; Sinking Fund; Temporary Indebtedness.—The board of township commissioners may, by ordinance, borrow money and issue evidences of indebtedness therefor to the extent, and in the manner, in which municipal districts are now authorized to incur or increase the same, for the purpose of permanent improvements, but the total indebtedness so created shall not exceed two per centum of the county valuation of the property within the township without the assent of the electors of the township; or, by resolution of the board of township commissioners, they may authorize payment for permanent improvements or for other contracted obligations of the township by the issuance of certificates of indebtedness, payable on a certain date, not exceeding one year from the date of issue: Provided, That the total indebtedness so created by the township commissioners, together with other indebtedness created by them, does not exceed two per centum of the county valuation of the property within the township, without the assent of the electors thereof. The rate of interest on such indebtedness shall not exceed six per centum per annum. In authorizing the issue of obligations or securities for such loans, the township commissioners shall provide that moneys subsequently derived from assessments upon parties *benefited by such improvements shall be deposited in the sinking fund for the payment of the principal and interest of said obligations or securities.

Whenever the township funds have been exhausted, the township commissioners may [borrow,] *make temporary loans*, on the credit of the township, [money] in anticipation of taxes [levied and] to be collected for the current fiscal year, and issue a certificate of indebtedness [payable on a certain date not exceeding one year from the date of issue, to the end that work may be performed in proper season] *therefor. All such loans shall be repaid from the first moneys available from taxes in anticipation of which the same were made.*

Section 1705. Sinking Fund; Regulations and Investments.—It shall be the duty of the board of commissioners to cause accounts of the sinking fund and other accounts relating to the indebtedness of the township to be kept, and to see to the proper application and superintend the investment of moneys therein in accordance with law. The commissioners shall meet as often as may be necessary, and keep a record of the proceedings. The

* "benefitted" in original.

board of commissioners shall not direct the investment of any moneys to the credit of the sinking fund, except in loans of the township, the loans of the Commonwealth, or the loans of the United States, and the income derived from such investments or on any bank balances credited to the sinking fund shall be credited and applied only to the sinking fund.

Section 1706. Indebtedness and Orders of Previous Years.—No orders or indebtedness of any previous years shall be paid out of the funds of any fiscal year, unless the funds available from taxation and other sources shall be estimated to be in excess of requirements for the current fiscal year, in which case an appropriation may be made for such purpose to the extent of such excess, or unless, after the close of the fiscal year, it shall be ascertained that the funds appropriated and available therefor are in excess of the amount required, in which case such surplus may be applied to such former orders of indebtedness.

Section 1708. Disbursements to Pay Indebtedness.—All disbursements in discharge of township indebtedness duly incurred shall be made by the township treasurer or his deputy, by virtue of warrants or orders drawn on him by the order of the board of township commissioners, signed by the president or vice president and attested to by the secretary or assistant secretary of the board. The board shall prescribe, by ordinance, the manner in which bills for township indebtedness shall be approved for payment.

Section 1709. Tax Levies.—The board of township commissioners may levy taxes upon all property and upon all occupations within the township made taxable for township purposes, as ascertained by the valuation for county purposes made by the assessors of the several counties of this Commonwealth for the year for which the township taxes are levied, for the purposes and at the rate hereinafter specified: Provided, however, That such valuation shall be subject to correction by the county commissioners of the several counties, and to appeal by the taxable persons in accordance with existing laws.

One. An annual tax for general township purposes, not exceeding [ten] *twelve* mills, unless the board of township commissioners by majority action shall, upon due cause shown by resolution, petition the court of quarter sessions, in which case the court may order a rate of not more than [five] *three* mills additional to be levied: Further provided, That if, at the hearing before the court of quarter sessions upon said petition, of which notice shall be given as the court may direct, which hearing shall be held not less than ten nor more than

fifteen days after said petition shall be presented, the owners of real estate having assessed valuation of fifty per centum of the total assessed valuation of real estate in said township shall, by petition, object to the making of an order for any additional tax levy, the court shall thereupon deny the prayer of said petition.

Two. A tax for the purpose of building and maintaining suitable places for the housing of fire apparatus—the receipts from said tax for maintenance to be divided among the places maintained.

Three. An annual tax, not exceeding one-tenth of one mill, for the purpose of caring for trees planted under the supervision of the shade-tree commission, and for the purpose of publishing notices of meetings to consider the planting, removing, or changing of trees. In lieu of the tax provided for in this clause, the township commissioners may, by specific appropriation, provide for the maintenance of such trees from the general funds of the township.

Four. An annual tax so long as necessary [, not exceeding fifty per centum of the rate of assessment for township purposes], for the purpose of procuring a lot and/or erecting a building thereon for a townhouse, and for the payment of indebtedness incurred in connection therewith [: Provided, The total indebtedness for the payment of which any such tax shall be levied shall not exceed one-half of one per centum of the assessed value of real estate in the township].

Five. An annual tax sufficient to pay interest on indebtedness and sinking fund charges.

This section does not include the levy of any taxes upon particular districts, or parts of any township, for particular purposes, nor special levies otherwise provided for in this act.

Six. The commissioners of the township shall have the power to levy and collect annually on the valuation assessed for general township purposes as now is or may be provided by law, an additional tax not exceeding one-half ($\frac{1}{2}$) mill to provide for pensions, retirement, or the purchase of annuity contracts for township employes. This tax shall be kept in a separate fund and used only for the purposes herein provided.

Section 1710. Tax Rates to Be Expressed in Dollars and Cents.—Whenever the commissioners of any township shall, by ordinance, fix the rate of taxation for any year at a mill rate, such ordinance 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 1711. Special Levies to Pay Indebtedness.—In addition to the levies hereinbefore provided for, when it is shown to the court of quarter sessions that the debts

due by any township exceed the amount which the township commissioners may collect in any year by taxation, the court, after ascertaining the amount of indebtedness of any such township, may, by a writ of mandamus, direct the township commissioners, by special taxation, to collect an amount sufficient to pay the same. If the amount of such indebtedness is so large as to render it unadvisable to collect the same in any one year, taking into consideration other necessary taxation, the court may direct the same to be levied and collected by annual instalments, and may order such special taxes to be levied and collected during such successive years as may be required for payment of the same.

Section 1712. Delivery of Duplicates.—[As soon as possible after the receipt of the duplicate from the county commissioners, the] *The* board of township commissioners shall deliver a duplicate of the assessment of township taxes to the township treasurer, together with their warrant for the collection of the same.

Section 36. Article XVIII and sections 1801 and 1802 of said act are hereby reenacted, amended and revised to read as follows:

ARTICLE XVIII

CONTRACTS

Section 1801. Power to Make Contracts.—Townships [shall have power to] *may* make [such] contracts [as may be necessary] for *lawful purposes and for the purpose of* carrying into execution the provisions of this act and the laws of the Commonwealth.

Section 1802. General Regulations Concerning Contracts.—(a) All contracts or purchases made by any township, involving the expenditure of over five hundred dollars, except those hereinafter mentioned, shall be in writing, and shall be made only after notice by the secretary, published, in one newspaper of general circulation, published or circulating in the county in which the township is situated, at least three times at intervals of not less than three days where daily newspapers of general circulation are [available] *employed* for such publication, [and] *or* in case [of] weekly newspapers *are employed then the notice* shall be published once a week for two successive weeks. The first advertisement shall be published not less than ten days prior to the date fixed for the opening of bids. All plans and specifications shall be on file at least ten days in advance of opening bids.

(b) In every instance in which any contract for any public work, construction, materials, supplies, or other matters or things for any township shall be awarded upon competitive bids, it shall be the duty of the authori-

ties authorizing the same to award said contract to the lowest responsible bidder. Any published notice for bids shall contain full plans and specifications, or refer to the places where copies thereof can be obtained, and give the time and place of meeting of the township commissioners at which meeting bids shall be publicly opened and read. If, through lack of a quorum or other reason, no meeting shall be held at such time and place, notice of the same kind shall be repeated once at least six days before the meeting of the subsequent time and place fixed, and the foregoing provisions as to bids shall apply. The same course shall be pursued until a meeting shall actually be held for receiving and opening bids. Any contract made in violation of the provisions hereof shall be void. But nothing herein contained shall prevent the making of contracts for governmental services for a period exceeding one year, but any contract so made shall be executory only for the amounts agreed to be paid for such services to be rendered in succeeding fiscal years: Provided, That if, prior to the letting of any contract, taxpayers of the township, whose property valuation as assessed for taxable purposes within the township shall amount to sixty per centum or over of the total property valuation as assessed for taxable purposes within the township, shall sign and file, with the township secretary of the board [of township commissioners of the township], a written protest against such contemplated contract, then such contract shall not be let.

(c) The successful bidder, when advertising is required herein, shall be required to furnish bond with suitable reasonable requirements guaranteeing the performance of the contract, with sufficient surety, in the amount of fifty per centum of the amount of the liability under the contract, within twenty days after the contract has been awarded, unless the township commissioners shall prescribe a shorter period of not less than ten days. Upon failure to furnish such bond within such time the previous award shall be void. Deliveries, accomplishment and guarantees may be required in all cases of expenditures including exceptions herein.

[(c)] (d) The contracts or purchases made by the commissioners involving an expenditure of over five hundred dollars, which shall not require advertising or bidding, as hereinbefore provided, are as follows:

(1) Those for maintenance, repairs or replacements for water, electric light, or other public works of the township, provided they do not constitute new additions, extensions or enlargements of existing facilities and equipment but a bond may be required by the commissioners as in other cases of work done.

(2) Those made for improvements, repairs and maintenance of any kind made or provided by any township through its own employes: Provided, however, That this shall not apply to construction materials used in a street improvement.

(3) Those where particular types, models or pieces of new equipment, articles, apparatus, appliances, vehicles or parts thereof are desired by the commissioners which are patented and manufactured products.

(4) Those involving any policies of insurance or surety company bonds; those made for public utility service under tariffs on file with the Pennsylvania Public Utility Commission; those made with another political subdivision or a county; the Commonwealth of Pennsylvania; the Federal Government; any agency of the Commonwealth or the Federal Government or any municipal authority, including the sale, leasing or loan of any supplies or materials by the Commonwealth or Federal Government or their agencies. But the price thereof shall not be in excess of that fixed by the Commonwealth, the Federal Government or their agencies.

(5) *Those involving personal or professional services.*

Section 37. Section 1803 of said act is hereby repealed.

Section 38. Sections 1804, 1805, 1806 and 1807 of said act are hereby reenacted, amended or revised to read as follows:

Section 1804. [Contracts] *Bonds for Protection of Labor and Material-Men.*—It shall be the duty of every township to require any person, copartnership, association, or corporation, entering into a contract with such township 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 township, 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 per centum (50%) and not more than one hundred per centum (100%) of the contract price, as such township 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 in and become component parts of the work or improvement contemplated. Such addi-

tional bond shall be deposited with and held by the township 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 township, 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 thereon: Provided, however, That the township shall not be liable for the payment of any costs or expense of any suit.

Section 1805. Separate Specifications for Branches of Work.—In the preparation of specifications for the erection or alteration of any public building, when the entire cost of such work exceeds one thousand dollars, the architect, engineer, or person preparing such specifications shall prepare separate specifications for the plumbing, heating, ventilating, and electrical work, and the township shall receive separate bids upon each of such branches of work, and award the contract for the same to the lowest responsible bidder.

Section 1806. Workmen's Compensation Insurance.—All contracts executed by any township, 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 and fifteen, and any supplements or amendments thereto, and that the said contractor will insure his liability thereunder, or file with the township, with which 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 township who shall sign, on behalf of the township, 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 and 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 by the Bureau of Workmen's Compensation of the Department of Labor and Industry.

In any contract executed in violation of the provisions of this act, the township, which is a party thereto, shall be regarded as the employer and liable to pay compensation to any person entitled to compensation, under the laws of the Commonwealth, as the result of employment pursuant to such contract.

Section 1807. Engineers and Architects Not to Be Interested in Contracts.—It shall be unlawful for any architect or engineer in the employ of a township, and engaged in the preparation of plans, specifications, or estimates, or for any officer or employe of the township, directly or indirectly, to bid on any public work at any letting of such work in such township.

It shall be unlawful for the officers of a township, charged with the duty of letting any public work, to award a contract to any such architect, engineer, officer, or employe in the employ of the township.

It shall be unlawful for any architect, engineer, officer, or employe, in the employ of any township, to be in any wise interested in any contract for public work in such township, or to receive any remuneration or gratuity from any person interested in such contract.

Any person or persons violating these provisions, or any one 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 of not less than six months, or both, in the discretion of the court.

Section 39. Article XVIII of said act is hereby amended by adding thereto sections 1808, 1809, 1810 and 1811 to read as follows:

Section 1808. Minimum Wages under Contracts.—

(a) The specifications upon which contracts are entered into by any township for the construction, alteration or repair of any public work or improvement may, at the option of any such township, contain the minimum wage or wages which may be paid by the contractor or his subcontractors for the work performed by laborers and mechanics employed on such public work or improvement, and such laborers and mechanics shall in such cases be paid not less than such minimum wage or wages.

(b) Every contract for the construction, alteration or repair of any public work or improvement founded on specifications containing any such stipulation for minimum wage or wages shall stipulate a penalty of an amount equal to twice the difference between the minimum wage contained in said specifications and the wage actually paid to each laborer or mechanic for each day during which he has been employed at a wage less than that prescribed in said specifications.

(c) Every officer or person designated as an inspector of or having supervision over the work to be performed under any such contract in order to aid in enforcing the fulfillment thereof shall, upon observation or investigation, report to the commissioners of the township all violations of minimum wage stipulations, together with the name of each laborer or mechanic who has been paid a wage less than that prescribed by the specifications and the day or days of such violation.

(d) All such penalties shall be withheld and deducted for the use of the township from any moneys due the contractor by the officer or person whose duty it shall be to authorize the payment of moneys due such contractor, whether the violation of the minimum wage stipulation of the specifications was by the contractor or by any of his subcontractors: Provided, That if any such contractor or subcontractor subsequently pays to all laborers and mechanics the balance of the amounts stipulated in such contract, the township shall pay to the contractor the amounts so withheld as penalties.

Section 1809. *Discrimination Between Employes.*—Every contract for or on behalf of any township for the construction, alteration or repair of any public building or public work shall contain provisions by which the contractor agrees—

(a) That in the hiring of employes for the performance of work under this contract or any subcontract hereunder, no contractor, subcontractor, nor any person acting on behalf of such contractor or subcontractor, shall, by reason of race, creed or color, discriminate against any citizen of the Commonwealth of Pennsylvania who is qualified and available to perform the work to which the employment relates;

(b) That no contractor, subcontractor, nor any person on his behalf, shall, in any manner, discriminate against or intimidate any employe hired for the performance of work under his contract on account of race, creed or color;

(c) That there may be deducted from the amount payable to the contractor under this contract a penalty of five dollars for each person for each calendar day during which such person was discriminated against or intimidated in violation of the provisions of the contract; and

(d) That the contract may be cancelled or terminated by the township and all money due or to become due hereunder may be forfeited for a second or any subsequent violation of the terms or conditions of this portion of the contract.

Section 1810. *Publication of Contract Notices.*—Any township may legally authorize the publication of adver-

tising for bids for public works contracts, supplies or equipment, in addition to the newspapers specified by law, also in any publication or journal devoted to the dissemination of information about construction work published in this Commonwealth at least once a week and circulating among contractors, manufacturers and dealers doing business in the community in which such public works are to be constructed or supplies or equipment purchased: Provided, That no advertisement for bids for public works contracts, supplies or equipment shall be inserted in any publication or journal devoted to the dissemination of information about construction work which has not been established and regularly issued from a printing office and publication house in this Commonwealth for a period of at least eighteen months, and that such publication and journal shall be entered or entitled to be entered for admission to the United States mails as second class matter, and shall have a bona fide income from subscribers within the Commonwealth of Pennsylvania of not less than fifteen thousand dollars per annum, duly certified by a public accountant, and the rates and charges for such advertising shall not be in excess of those of newspapers of general circulation as defined by the Newspaper Advertising Act, of a like circulation, published in the community in which the public works are to be constructed or the supplies or equipment purchased.

Section 1811. *Penalty for Personal Interest in Contracts.*—Except as otherwise provided in this act, no township official, either elected or appointed, who knows or who by the exercise of reasonable diligence could know, shall be interested to any appreciable degree, either directly or indirectly, in any contract for the sale or furnishing of any supplies or materials for the use of the township or for any work to be done for such township involving the expenditure by the township of more than three hundred dollars in any year, but this limitation shall not apply to cases where such officer or appointee of the township is an employe of the person, firm or corporation to which the money is to be paid in a capacity with no possible influence on the transaction and in which he cannot be possibly benefited thereby, either financially or otherwise. But in the case of a commissioner, if he knows that he is within the exception just mentioned, he shall so inform the commissioners and shall refrain from voting on the expenditure or any ordinance relating thereto and shall in no manner participate therein. Any official or appointee who shall knowingly violate the provisions of this section shall be subject to surcharge to the extent of the damage shown to be thereby sustained by the township, to ouster from

office, and shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars.

Section 40. Article XIX and sections 1901 to 1916 inclusive of said article are hereby reenacted, revised and amended to read as follows:

ARTICLE XIX

EMINENT DOMAIN; ASSESSMENT OF DAMAGES AND BENEFITS

(a) General Provisions Relating to Eminent Domain

Section 1901. [Scope of Article.—Whenever, under the provisions of this act, the right of eminent domain and/or the ascertainment and assessment of damages and benefits in viewer proceedings is provided for, the proceedings shall be as set forth in this article.] *Exercise of Eminent Domain.*—*In the laying out, opening, widening, extending, vacating, grading or changing the grades or lines of streets, the construction of bridges and the piers and abutments therefor, the construction of slopes, embankments and sewers, including storm water drains, the erection and extension of waterworks, wharves and docks, public buildings, public works, lands and places for the disposal of ashes and other refuse materials, garbage treatment works and libraries, the establishing of parks, playgrounds and recreation places, the changing of watercourses, and for all other purposes authorized by this act, a township of the first class may enter upon, appropriate, injure or destroy private lands, property and material.*

Section 1902. *Restrictions As to Certain Property.*—In addition to the restrictions made by other provisions of this act in particular cases, no township 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 1903. Possession of Property upon Tender of Bond.—Whenever, in any condemnation proceedings, any township has 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 township shall have the right to immediate possession of the property.

Section 1904. Notice to Quit; Possession; Procedure.—If the owner, lessee, or occupier shall refuse to remove his personal property or give up possession, the township 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 township possession.

Section 1905. Bond of Township Without Surety Sufficient.—Whenever *the township shall tender any bond or* any court shall order any township to enter security for the payment of damages for the taking, injury or destruction of land, property or materials by right of eminent domain, the bond of the township shall be taken without [sureties] *surety*.

Section 1906. Value of Land or Property Not to Be Assessed as Benefits; Exceptions.—In all cases of the appropriation of land *or 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 land *or property* so appropriated against the other property adjoining or in the vicinity of the land *or property* so appropriated.

Section 1907. Right to Damages.—The right to damages against townships 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, by such townships; the construction and the vacation by such townships of bridges and piers, abutments, and approaches therefor; and the construction by such townships of sewers over, upon, or through such lands or property *and in all other cases where the power of eminent domain is exercised by a township and property is taken, injured or destroyed*.

Section 1908. Viewers' Report.—Viewers or juries of view appointed by any court to assess damages and benefits, due to the taking, injury, or destruction of private

land or property in and by the construction or enlargement of any public work, [highway,] *street*, or improvement, shall make their reports within a time which the court shall fix when appointing them, but if any of the viewers or juries of view shall, for any reason appearing sufficient to the court, be unable to file [its] *their* report within the period so fixed, the court may, either before or after the expiration of the time fixed, extend the time for the filing of such report.

Section 1909. *Plans of Properties Condemned to Be Furnished to Viewers.—In all proceedings to assess damages for the taking, injury or destruction of private *land or property* for public use, the township taking, injuring or destroying *land or property* for said purpose shall furnish the [board] *jury* of [viewers] *view* with a correct plan of all *land or 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] *streets* running through or abutting on said *lands or properties*, and all other data necessary for a proper determination of the amount of damages caused by the taking, injury or destruction of said private *land or 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 *land and property*, and all other parties affected thereby, without charge.

Section 1910. Condemnation Petition to Specify Liens; Exception.—In all proceedings instituted for the condemnation and appropriation of land and property by the exercise of the right of eminent domain, excepting proceedings to ascertain damages and benefits by reason of township street or sewer improvements, the petition for the appointment of viewers therein shall contain allegations specifying any judgments, mortgages, or other claims (herein designated "liens") which are liens upon the land and property sought to be appropriated or condemned as aforesaid.

Section 1911. 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, from the *Department of Revenue*, the courts of the Commonwealth and the United States, shall be prima facie evidence of the existence, dates, amounts, dates of entry,

* "Plan" in original.

and places of record of said liens, and, unless modified or overcome by *competent* oral or documentary evidence, shall be conclusive upon the parties thereto as to items just specified.

Section 1912. 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 *land or* 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 rule 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 *in the order of their priority*, then to the owners of the *land or* property appropriated as aforesaid [: Provided, however, That]. *Any of* the parties interested shall have the right of appeal from said order of distribution to the Superior or 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 *land or* 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 *land or* property for any balance due upon his lien against any other *land or* property or assets of the said owner.

Section 1913. 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] *township* 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 1914. Competency of Evidence as to Market Value of *Land or* 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 *land or* property before the exercise of the right of eminent domain and as unaffected by it and its market value

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

(a) To state, in detail and [costs] *amounts*, 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 element 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 improvement.

In all claims for damages against a township, 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 *land or property* affected as assessed for the purpose of taxation.

Section 1915. Proceedings Where Assessments by Viewers Waived.—In any proceeding to ascertain the damage caused to any owner of lands *or properties*, by reason of the appropriation of a right of way or easement by any township, where the owner and township cannot agree upon the amount of damage done, the parties may, by agreement, waive the right to have such damages assessed, and the owner may file his claim in the court of common pleas of the county, and rule the [defendant] *township* to plead thereto within fifteen days from the service of such rule upon the township, and the suit shall be proceeded with as if an award of viewers had 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 premises over or through which the proposed right of way or easement may extend.

Section 1916. Appeals in Eminent Domain Proceedings; Payment of Money Into Court.—In all cases of damages assessed against any township for *land or property* taken, injured or destroyed by the construction or enlargement of their works [, highways], *streets*, or improvements, whether such assessment shall have been made by viewers, or otherwise than upon trial in court, and an appeal is not provided for, an appeal may be taken by either party to the court of common pleas of the county within thirty days from the filing of the report.

Any such appeal taken shall be signed by the party taking the same or by his agent or attorney, and shall be accompanied by an affidavit of the party appellant, or of the agent or attorney, that the same is not for the purpose of delay, but because the affiant firmly believes that injustice has been done.

When no such appeal is taken and judgment is entered, and the party to whom damages have been awarded refuses to accept payment of such award or judgment, then it shall be lawful for [such] *the* township, 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 41. Said act is hereby amended by adding thereto sections 1917 and 1918 to read as follows:

Section 1917. Title Acquired.—In all cases where land or property is acquired in eminent domain proceedings other than for street purposes, or is acquired by gift, purchase or otherwise, the title obtained by the township shall be in fee simple: Provided, That in particular instances a different title may by agreement be acquired.

Section 1918. Land Transferable.—If the project or purpose for which any land or property has been taken, received or acquired shall be abandoned or found not to be desirable for the best interests of the township, the land or property thus obtained may be used for other township purposes, or sold, leased, or otherwise disposed of.

Section 42. Article XIX and sections 1920 to 1953 inclusive of said act are hereby reenacted, revised and amended to read as follows:

(b) Procedure for the Exercise of Eminent Domain and for the Assessment of Damages and Benefits

Section 1920. Petition for Viewers; Time of Meeting.—Except as [in this act] otherwise provided *in this act*, 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] *has* not been agreed upon, the court of common pleas, or any law judge thereof in vacation, on application thereto by petition by the township or any person interested, shall appoint three viewers, from the board of viewers of the county, and appoint a time, not less than twenty nor more than thirty days thereafter, when the viewers shall meet [upon the line] *at the place* of the improvement and view the same and the premises affected thereby.

Section 1921. When Viewers May Be Appointed.—The viewers provided for in the preceding section may be appointed before or after the entry, appropriation, or injury of any *land or property or appropriation of any materials* for constructing such improvements.

Section 1922. Notice of Meeting of Viewers.—Except [when] *as otherwise [in this act] provided in this act*, the viewers shall give at least ten days' notice of the time of their first meeting, by publication in one or more newspapers of general circulation in the township, and by handbills posted upon the premises, or otherwise as the court shall direct.

Section 1923. Swearing Viewers; Hearings; Schedules of Damages and Benefits.—The viewers, having been sworn or affirmed faithfully, justly and impartially to decide and a true report to make concerning all matters to be submitted to them and in relation to which they are authorized to inquire, and having viewed the premises and examined the *land or property*, shall hear all parties interested and their witnesses and shall determine the damages for *land or property* taken, injured or destroyed, if any, and to whom the same is payable, and having determined the damages, together with the benefits, they shall prepare a schedule thereof.

Section 1924. Assessment of Damages and Benefits.—The damages may be paid in whole or in part by the township, or may be assessed in whole or in part upon the *land or property* benefited. In the latter case, the viewers, having first determined the damages apart from the benefits, shall assess the total cost of the improvement, or so much thereof as may be just and reasonable, upon the *lands or properties* peculiarly benefited, including in the assessment all parties for which damages have been allowed, and shall report the same to the court. The total assessments for benefits shall not exceed the total damages awarded or agreed upon.

Section 1925. Assessment Awards.—In proceedings to assess damages and benefits, if the *land or 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 *the land or property* affected thereby.

Section 1926. Separate Reports of Damages and Benefits.—The [preceding section shall not prevent the] viewers [from making] *shall make* a separate report of the damages and benefits, respectively. [In such event, if] *If* the damages to the *land or 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 *land or* property owner and the difference only shall be collectible of or paid to such *land or* property owner. Appeals taken from the report of the board of viewers shall be from such net amount only.

Section 1927. 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 place where the viewers will meet and exhibit their schedule and hear all exceptions thereto.

Section 1928. Service of Notices.—Such notice *re- quired by the preceding section* 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 [township] *county in which the township is located*; or upon an adult person residing upon the *land or* property affected by the assessment, in case the owner or reputed owner cannot be found *in said county*; and to all others by publication in the newspaper or newspapers in which the first notices of the view were published, and by posting conspicuously on the premises. The board of commissioners may, by ordinance, provide by whom the notice shall be served and posted and fix the compensation for such service.

Section 1929. Report of Viewers; Plan of Improvements.—After making whatever changes are necessary, the viewers or a majority thereof shall report to the court, showing the damages and [/or] benefits allowed and assessed in each case, and file therewith a plan, to be secured or prepared by the viewers, showing the improvement, the *lands or* properties taken, injured or destroyed, and *lands or* properties benefited.

Section 1930. Notice of Filing of Report.—When the report is filed, notice thereof shall immediately be given, by publication once in the *newspaper or* newspapers publishing the notice provided for in this article. 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] *are* 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 1931. Townships to Pay Costs of Proceedings.—The cost of the proceedings, including court costs, except the compensation of the viewers, shall be paid by the township.

Section 1932. Bond of Township.—Except when [in this act] otherwise provided *in this act*, in all cases where the parties have not agreed upon the damages claimed, or where, by reason of the absence or legal incapacity of the owner, no such agreement can be made, the township may tender sufficient security to the party entitled to damages, or to the attorney or agent of any person absent, or to the agent or officer of a corporation, or to the guardian or committee of anyone under legal incapacity.

Section 1933. Condition of Bond; Notice of Filing in Court.—The condition of the security shall be that the township 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 township shall give the party, or his agent, attorney, guardian, or committee, a written notice of the time when the same will be presented in court.

Section 1934. Filing Bond; Recovery Thereon.—If approved by the court, the security shall be filed for the benefit of those interested, and recovery may be had thereon for the amount of damages assessed. If the damages [be] *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 township may proceed with the improvement.

Section 1935. Exceptions to Report of Viewers.—Within thirty days after the filing of any report, any party interested 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 1936. Confirmation of Report of Viewers.—When the report is filed, the prothonotary shall mark it confirmed nisi. In case no exceptions are filed thereto *or no appeal taken therefrom*, he shall enter a decree that the report is confirmed absolutely.

Section 1937. 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 1938. Appeals from Confirmations after Exceptions.—Within three months after the confirmation of any report, following the filing of exceptions thereto, any party interested may appeal from the decree of the

court below to the Superior or Supreme Court, as the case may be.

Section 1939. Effect of Appeals.—When any appeal is taken from the action of the court of *common pleas* 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 1940. 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 township or any party interested may, by notice or rule upon the appellant, cause such [specifications,] assignments of error, or *statement of the grounds of appeal* to be filed.

Section 1941. Certificate of Judge of the Court Below.—Upon the request of the township, or any party interested, 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 1942. 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 of judgment of the appellate court shall be taken as the day on which the report was finally confirmed.

Section 1943. 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 1944. 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 1945. Appeals from Reports of Viewers for Jury Trial.—Within thirty days after any report of viewers is filed in *the court of common pleas*, any party whose *land or property* is taken, injured or destroyed, or [who is assessed benefits,] *against whom benefits are assessed*, may appeal to the court of common pleas and demand a trial by jury. *Several parties may unite in a single appeal and where the grounds of appeal are similar the court may hear such appeals as one proceeding, but each party shall in any event be entitled to demand a separate trial by jury.* Where an appeal is so taken as 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.

Section 1946. Reasons for Appeals to Be Stated.—The appeal, as provided in the last preceding section, 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 1947. 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 1948. 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 1949. Appeals to the Wrong Court.—Should any appeal under this article *to the Supreme or Superior Court* be made to the wrong court, such court shall certify the appeal to the court to which it should have been taken.

Section 1950. Appeals Not to Prevent Filing Liens.—No appeal taken [under this article] *to any court* shall prevent the filing of liens by any township for any assessment 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 1951. Discontinuance of Proceedings.—If any township shall repeal any ordinance, or discontinue any proceeding, providing for any improvements, prior to the entry upon, taking, or injury to any *land or* property or *appropriation of any* materials, the township shall not be liable to pay any damages which have been assessed, but all costs upon any such proceedings shall be paid by the township, together with any actual damage sustained by reason of such proceeding.

Section 1952. Assessments to Bear Interest.—All assessments for benefits, costs, and expenses shall bear interest at *six per centum per annum* from the expiration of thirty days after they shall have been finally ascertained, and shall be payable to the treasurer of the township.

Section 1953. Damages to Bear Interest.—The amount of damages allowed in a report of viewers for the taking, injury or destruction of *land or* property by the exercise of the right of eminent domain shall, as finally confirmed, bear interest at the rate of six per centum per annum from the date of the [confirmation nisi] *filing* of the report.

Section 43. Article XX and sections 2001, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014 and 2015 are hereby reenacted, revised and amended to read as follows:

ARTICLE XX

[ROADS] STREETS [AND HIGHWAYS]

(a) Plans of Streets

Section 2001. Every township shall have a general plan of its streets [and alleys], including those which have been or may be laid out but not opened. Such plan shall be filed in the office of the engineer or other proper officer of the township, and all subdivisions of property thereafter made shall conform thereto. No streets [or alleys], or parts thereof, laid out or accepted and confirmed on such plan, shall afterwards be altered without the consent of the commissioners of the township. *No plan or plot of streets shall be entered in any public office of the county until approved by the board of township commissioners.* No person shall be entitled to recover any damages for any improvements placed or con-

structed within the lines of any street [or alley] after the same has been located or ordained on the plan provided for by this section.

(b) Laying Out, Opening, Widening, Straightening,
Vacating and Relaying [Roads] *Streets*,
Et Cetera; Repairs and Detours

Section 2005. Power to Lay Out, Open, Widen, Vacate, Et Cetera.—The board of township commissioners may enact, ordain, survey, lay out, open, widen, straighten, vacate, and relay all [roads,] streets, [lanes and alleys,] and parts thereof, which are wholly within the township, upon the petition of a majority in interest of the owners of property or properties through whose land such [road,] street [, lane or alley] passes, or upon whose land it abuts, or without petition of the owners of abutting property if, in the judgment of the board of commissioners, it is necessary for the public convenience. Such power shall include authority to vacate in whole or in part [roads,] streets [, lanes and alleys] laid out by the Commonwealth where the same have remained unopened for a period of thirty years; and also the authority to lay out and open a [public road] *street* which will be a continuation or extension of a street already opened by an adjacent city [or], borough, *or township*.

Section 2006. Burial Grounds, Et Cetera, Saved.—No [such road,] street [, lane or alley] shall be laid out and opened through any burial ground or cemetery, nor through any grounds occupied by a building used as a place for public worship, or as a public or parochial school or educational or charitable institution or seminary, unless the consent of the owner or corporation or person controlling the premises is first secured.

Section 2007. Notice of Hearing.—The board of commissioners shall give ten days' notice to the property owners affected thereby of the time and place when and where all parties interested may meet and be heard. Witnesses may be summoned and examined by the board *of commissioners* and by the parties interested at such meeting or any adjournment thereof.

Section 2008. Draft; Report.—After such hearing and a consideration of the matter, should the board of commissioners, or a majority thereof, decide in favor of exercising the power so conferred, they shall make written report, together with a draft or survey of the [road,] street [, lane or alley], fixing the width thereof and noting the improvements along the line thereof, and the names of the owners of property through which the same shall pass or whereon it shall abut. Such

report and draft shall be filed in the office of the clerk of the court of quarter sessions.

Section 2009. Exceptions to Report.—Any citizen or freeholder of the township may, within thirty days after the filing of the report of the board of commissioners, upon entering in the court sufficient surety to indemnify the board for all costs incurred in the proceedings, file exceptions to the report, together with a petition for a review.

Section 2010. Appointment of Viewers.—Upon favorable action on such matter by the board of commissioners, and after the expiration of the term allowed for filing exceptions, or upon the order of the court upon the disposition of any exceptions, if in either case the compensation for the damages or benefits accruing therefrom have not been agreed upon, the court of common pleas, or any law judge thereof in vacation, on application by petition by the board of commissioners or any person interested, shall appoint three viewers, from the county board of viewers, to assess the damages and benefits occasioned by the proceeding in the manner provided by this act for such proceedings.

Section 2011. Notices to Be Posted Along Improvement.—After the passage or approval of any ordinance by the board of commissioners, for the opening, widening, straightening, extending, or vacating any [road,] street [, or alley], notice shall, within ten days thereafter, be given by handbills posted in conspicuous places along the line of the proposed improvement. Such notice shall state the fact of the passage or approval of the ordinance, and the date of the passage or approval.

Section 2012. Width of Public Roads.—The width of a [public road] *street* in townships [of the first class] shall not be less than thirty-three feet or more than one hundred and twenty feet, unless, in any particular case, the township commissioners shall determine that a [road] *street* of lesser width will be sufficient for public use and travel; but in no case shall any public [road] *street* be less than twenty-four feet in width: Provided, That the limits of width shall not be construed to include the width required for necessary slopes in cuts or fills, when the limits of the [road] *street* and the extra width required for such slopes exceed the limits of width herein specified.

Section 2013. Opening and Repairing Roads.—[Public roads or highways] *Streets* laid out by lawful authority in townships shall, as soon as may be practicable, be effectually opened and constantly kept in repair. All [public roads or highways] *streets* shall, at all seasons, be kept reasonably clear of all impediments to easy and convenient traveling, at the expense of the township.

Whenever proceedings have been heretofore or may hereafter be begun for the opening and laying out of any [public road] *street* in any township, such [public road] *street* shall be physically opened upon the ground for use by the public within the period of five years next after the completion of such proceedings, and if not so opened, then such proceedings shall be deemed to be void and of no effect, and the land proposed to be taken shall revert to the owners of the land, as in the case of the vacation of a [public road] *street*, free of any easement or right of the public to use the same.

Section 2014. Detours.—Except in the case of emergencies wherein the safety of the public would be endangered, no [public road or highway] *street* in any township shall be closed to vehicular traffic, except upon order of the [authorities having charge of the maintenance of such highways,] *township commissioners*, nor for a longer period than is necessary for the purpose for which such order is issued: Provided, however, That no [public road or highway] *street* 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 the [authorities having jurisdiction over said road or highway] *township commissioners* shall, by resolution duly recorded on their minutes, declare such closing necessary for the protection of the public safety.

When any [public road or highway] *street* shall be closed, as hereinbefore provided, it shall be the duty of the [authorities] *township commissioners* 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 *direction* signs at each public road 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] *township commissioners* to maintain such detour in safe and passable condition, *except in the case of State or county highways*. 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] *street* originally closed is opened for traffic. [Said authorities] *Except in the case of State or county highways, the commissioners* shall, as soon as possible, repair the [road] *street* 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] *township commissioners* 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] *street* shall be closed to traffic. In the exercise of the rights conferred by this section, the [authorities] *township commissioners* 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* in their charge.

Any person who shall wilfully remove, deface, destroy, or disregard any barricade, light, danger sign, detour sign, or warning of any other character whatsoever, erected or placed under authority of this section, or who shall drive on, over or across any [highway] *street* which has been *properly* 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] *street* may drive on, over or across such [highway] *street*, with the consent in writing of, and subject to such conditions as may be prescribed by, the [authorities] *township commissioners* 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] *township commissioners* responsible for the maintenance of a [highway] *street* 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] *street* by driving on, over or across *the* same when it is closed to vehicular traffic in accordance with the provisions of this act.

All fines and moneys collected under the provisions of this section shall be paid by the officer receiving the same to the treasurer of the township in which the offense was committed.

The commissioners of any township may temporarily close any [township road] *street* when, in their opinion, excessive or unusual conditions have rendered such [road] *street* unfit or unsafe for travel, and [immediately] *immediate* repair, because of the time of * year or other conditions, is impracticable. The [road] *street* or portion [of road] *thereof* so closed shall be properly marked at its extremities, and a means of passage for the

* "the" in original.

customary users of such road shall, whenever possible, be provided.

Anyone using such [road] *street* or portion thereof after the same has been properly closed and marked, without a permit from the commissioners, shall be subject to a penalty of not more than one hundred dollars, to be recovered in a summary proceeding. The penalties so recovered shall be payable to the treasurer of the township wherein the offense was committed.

Section 2015. Laying out Roads under the General Road Law.—All roads partly within townships of the first class, where one of the termini of such roads is without the township, shall be laid out, widened, changed, or vacated only by the courts of quarter sessions, as heretofore, in the manner provided by the general road law and the amendments, additions, and supplements thereto. But no such road shall be opened, changed, widened, altered, or vacated unless and until the board of commissioners of the township shall have passed a resolution consenting and approving thereto, and shall have filed, with the clerk of said court, a copy of such resolution, duly certified by the township secretary. All damages and benefits occasioned by such laying out and the subsequent opening thereof, or by any such widening, changing, or vacation, shall be assessed, collected, and paid in the manner provided by the general road law and the amendments, additions, and supplements thereto: Provided, That all damages occasioned by such laying out, and the opening thereof, or by the widening, changing, or vacating of all roads within townships of the first class shall be assessed, collected, and paid by such townships of the first class.

Section 44. Article XX, subdivision (c) of said act is hereby amended by adding thereto section 2019 as follows:

(c) Dedicated [Roads,] Streets [, Lanes, Alleys] and
Drainage Facilities

Section 2019. Scope of Subdivision.—The provisions of this subdivision (c) of this article shall only apply in case a township shall fail to adopt and enforce land subdivision regulations as provided in Article XXX-A of this act and to situations not covered by such regulations.

Section 45. Sections 2020, 2021, 2022, 2023, 2024, 2025, 2030, 2031, 2032, 2033, 2035, 2040, 2045, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2060, 2061, 2062, 2063, 2065, 2066, 2067, 2070, 2078, 2080, 2081, 2083, 2084, 2086, 2088, 2090, 2091, 2092, 2093, 2094, 2095 and 2096 are hereby reenacted, revised and amended to read as follows:

Section 2020. Plans of Dedicated [Roads and] Streets.—No person shall construct, open, or dedicate any [road,] street [, lane or alley], or any drainage facilities in connection therewith, for public use or travel in any township, without first submitting plans thereof to the township commissioners for their approval. Such plans shall be prepared in duplicate in accordance with such rules and regulations as may be prescribed by the commissioners, and shall show the profiles of such [roads,] streets [, lanes or alleys], the course, structure, and capacity of any drainage facilities, and the method of drainage of the adjacent or contiguous territory, and also any other or further details that may be required under the rules and regulations adopted by the township commissioners. Before acting upon any such plans, the commissioners may, in their discretion, arrange for a public hearing, after giving such notice as they may deem desirable in each case. The township commissioners are authorized to alter such plans, or order the same to be altered, and to specify any changes or modifications of any kind which they, in their discretion, may deem necessary with respect thereto, and may make their approval of such plans subject to any such alterations, changes or modifications, but no plans shall be approved until there is a solicitor's report as to municipal liens. Any plans when so approved shall be signed, in duplicate, on behalf of the township by such officer as the commissioners may designate, and an approved duplicate copy shall be filed in the township engineer's office or other proper office, where the same shall be available to public inspection. No [road,] street [, lane or alley], or any drainage facilities in connection therewith, shall be opened, constructed, or dedicated for public use or travel, except in strict accordance with plans so approved by the commissioners, or with further plans subsequently approved by them in the same manner, nor until such plan, and the approval thereof, has been recorded as hereinafter provided.

Section 2021. Appeals where Commissioners Refuse Approval.—In any case where the township commissioners shall refuse to approve any plans submitted to them in accordance with this act, any person aggrieved by the action of the commissioners may, within thirty days after such action, appeal therefrom by petition to the court of quarter sessions of the county, which court shall hear the matter de novo, and, after hearing, may enter a decree affirming, reversing, or modifying the action of the commissioners as may appear just in the premises. The court shall designate the manner in which notices of the hearing of any such appeal shall

be given to all parties interested. The decision of the court shall be final.

The action of the township commissioners, or of the court on appeal, in approving any such plans, and an approved duplicate copy of such plans, shall be recorded by the person applying for such approval in the office of the recorder of deeds of the county.

Section 2022. No Responsibility on Township where Plans not Approved.—If any [road,] street [, lane or alley], or any drainage facilities in connection therewith, shall be opened, constructed, or dedicated for public use or travel, except in strict accordance with plans approved, as provided in this subdivision, neither the township commissioners nor any public authorities shall place, construct, or operate any sewer, drain, water pipe, or other facilities, or do any work of any kind, in or upon such [road,] street [, lane or alley]; and neither the township commissioners, nor any other public authorities, shall have any responsibility of any kind with * respect to any such [road,] street [, lane, alley], or drainage facilities, notwithstanding any use of the same by the public, unless such [road,] street [, lane, alley], or drainage facilities, [are] is accepted by ordinance: Provided, however, That nothing herein contained shall prevent the laying of trunk sewers, drains, water or gas mains, if required by engineering necessity for the accommodation of other territory. If any person shall open any [road,] street [, lane or alley], or any drainage facility, in connection therewith, without submitting and obtaining approval of plans, as provided in section two thousand twenty of this act, and if the township commissioners shall have no information that such [road,] street [, lane or alley], or drainage facility, in connection therewith, shall be intended for public use, or travel, the township commissioners may, in their discretion, file with the recorder of deeds of the county, a certificate containing a description of the land served by such [road,] street [, lane or alley], or drainage facility, in connection therewith and a statement that, as the township commissioners have not approved such plans, neither the township commissioners nor any other public authority shall have any responsibility to furnish any facilities, or services, with respect to such land; or any responsibility of any kind with respect to such [road,] street [, lane or alley], or drainage facility, in connection therewith. The owner of such land shall be designated and indexed as grantor in the records of the office of the recorder of deeds, and the township shall be designated and indexed as grantee therein. It shall not be necessary for such certificate to be executed by

* "the" deleted in original.

any other party than the township commissioners filing the same. Nothing herein contained shall be deemed to prevent the township commissioners from enforcing the provisions of this act in any case in which any such [road,] street [, lane or alley], or any drainage facility, in connection therewith, is intended for public use, or travel.

Section 2023. Entry of Lands.—The township commissioners and their representatives and workmen may enter upon any land and property, and maintain marks and monuments, so far as the commissioners deem necessary in carrying out their powers and duties of this subdivision.

Section 2024. Penalty.—Any person, copartnership, or corporation who or which shall construct, open, or dedicate any [road,] street [, lane or alley], or any drainage facilities in connection therewith, for public use or travel in any township, without having first complied with the provisions of this subdivision, and of any ordinances or resolutions of the township [authorities] *commissioners* adopted pursuant hereto, shall be guilty of a misdemeanor, and, upon conviction thereof, such person or the members of such copartnership or the officers of such corporation responsible for such violation shall be sentenced to suffer imprisonment not exceeding two years, or pay a fine not exceeding one thousand dollars, or both, in the discretion of the court.

Section 2025. Powers of State and Counties Preserved.—Nothing contained in this subdivision shall be held to restrict or limit the State Department of Highways or any county in the exercise of any of its duties, powers, and functions under the provisions of any act of Assembly now in force or hereafter to be enacted.

(d) Relocation, Alteration, and Vacation of [Roads]
Streets in or near State Parks

Section 2030. Agreements to Relocate, Alter, and Vacate [Roads] *Streets in or near State Parks*.—Whenever a public road or highway within a park or public ground, title to which park or public grounds is vested in the State of Pennsylvania, is laid out, located, relocated, altered, or vacated in such manner that a [public road or highway,] *street*, approaching, leading into, or *contiguous to such park or public grounds, shall become either useless, inconvenient or burdensome, such [public road or highway,] *street*, approaching, leading into, or contiguous to such park or public grounds, may be altered, relocated, or vacated, by the township commissioners charged with the duty of maintaining such

* "contiguous" in original.

[roads or highways,] *streets*, in whole or in part for the purpose of making it convenient and suitable as an approach to the roads and highways within said park or public grounds, upon the consent and agreement of: (a) The commissioners or officials charged with the care and management of said park or public grounds; (b) the township commissioners charged with the duty of maintaining said [roads or highways,] *street*, approaching, leading into, or contiguous to said park or public grounds; and (c) the property owners owning the majority of the frontage of land abutting upon the relocated portion of the [roads or highway] *street* approaching, leading into, or contiguous to said park or public grounds.

Section 2031. Agreement to Be Filed in Court; Effect of Filing.—The filing of the consent and agreement of commissioners or officials charged with the care and management of such park or public grounds, the township commissioners charged with the maintenance of said [roads and highways,] *streets*, and of the property owners, provided for in the preceding section, in the court of quarter sessions of the county or counties in which the altered, relocated, or vacated [road or highway] *street* is situate, shall have the same force and effect as the filing and the approval and absolute confirmation by the court of quarter sessions of a report of viewers appointed in accordance with the general road law, and shall have the same force and effect as though said viewers had laid out, located, relocated, altered, or vacated such [road or highway] *street* in accordance with the agreement filed as aforesaid, and the report of said viewers had been filed, approved, and absolutely confirmed by the court.

The filing of said agreement in the court of quarter sessions shall be conclusive as to the question of the necessity for the laying out, location, relocation, alteration, or vacation of said [roads or highways,] *streets*, as contained in the said agreement, and that the portion or portions of said [road or highway] *street* abandoned or vacated [were] *was* useless, inconvenient, and burdensome.

Section 2032. Altered and Relocated [Roads] *Streets* Declared Township [Roads] *Streets*.—Such [road or highway,] *street*, when altered or relocated, shall be maintained and repaired in the same manner as other township [roads] *streets* are maintained and repaired.

Section 2033. Assessment of Damages.—The owner of any land through which any [public road or highway] *street* may be so relocated may apply, by petition, to the court of quarter sessions of the proper county, setting forth the injury which [he or she may have]

has been sustained by reason of the relocation of the said [public road or highway,] *street*, and the proceedings relative to the assessment and payment of damages of said land owner shall be in accordance with the provisions of this act for proceedings for the assessment of damages and benefits.

(e) Elimination of Curves

Section 2035. Any township may acquire, by purchase or by the right of eminent domain, such property and lands situate along or adjacent to any township [highway] *street* as, in the opinion of the commissioners of such township, may be necessary to eliminate dangerous curves *and widen narrow streets for the better protection and safety to the traveling public.*

Upon any such purchase or condemnation, the township commissioners may, from time to time, abate or remove, or cause to be abated or removed, any such dangerous curve or curves, *or widen such narrow street*, to the extent of the property and land so acquired.

The proceedings for the condemnation of such property and lands under the provisions of this section, and for the assessment of damages for property *or land* taken, injured or destroyed, shall be taken in the same *manner as is provided by this act for the condemnation of lands by townships.

(f) Acquisition of Unobstructed Views at Curves and Intersections

Section 2040. Any township may acquire, by purchase or by the right of eminent domain, a free and unobstructed view down and across such lands located at or near the intersection of any two [highways,] *streets*, or a [highway] *street* and a railroad or railway, or at any curve in any [highway,] *street*, 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] *street*.

Upon any such condemnation, the township commissioners, having had such view condemned, 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 [under the provisions of this act,] and for the assessment of damages for property taken, injured or destroyed, shall be taken in the

* "maner" in original.

same manner as is provided in this act for the condemnation of land by townships.

Upon the condemnation of a view [over and across any such lands], 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, and, 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.

(g) Changing or Altering [Roads] *Streets* by Agreement with Property Owners

Section 2045. *Improving or Vacating Streets by Agreement.*—Whenever the commissioners of any township deem it advisable to construct, change, *widen*, *relocate* or alter any part of any [public road] *street* under their supervision, and can agree with the property owners affected by such change as to damages, they may, upon payment of damages agreed upon, change, *widen*, *relocate* or alter such part of such [public road] *street* as contemplated in such agreement without the formality of a view.

No such [change or alteration] *improvement* of any part of any [public road] *street* shall be made, the costs and expenses of which to such township, including damages, shall exceed [three hundred] *one thousand* dollars. A petition setting forth the facts, accompanied by a map or draft of such proposed [change] *improvement*, shall be presented to the court of quarter sessions for approval before such actual [change] *improvement* is made; whereupon the new location, approved by the court, shall be taken to be the [public road] *street* and the old location shall be vacated.

Nothing contained in this section shall be construed to prohibit a township from paying for curbs, gutters, sidewalks, [and] retaining walls and *incidental work* necessitated by such construction, change, alteration or widening in cases where the land necessary therefor is dedicated to the township for public use.

(h) Grading, Draining, Curbing, Paving, Macadamizing [Roads or] *Streets* on Petition, and Assessment of Benefits by Viewers.

Section 2050. *Proceedings on Petition.—Upon the petition of a majority of property owners in interest or number, abutting on the line of any proposed im-

* "Proceeding" in original.

provement, to be verified by the affidavit of at least one of the petitioners, a majority in interest of owners of undivided interests in any piece of property to be treated as one person, a township may grade, curb, pave, or macadamize, or otherwise improve, any [road] * street [, or alley], or part thereof, or which may be, in whole or in part, boundaries thereof, and provide for the necessary drainage thereof; and may also provide for the improvement of any street [, road, lane or alley], and 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,] street, 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. The majority in interest or number required for such petitions shall be fixed as of the date of such petition.

Section 2051. Grading Restrictions.—In grading a [road,] street [lane or alley], it shall be unlawful to raise the [highway] street above the ordinary grade when a drain or culvert is constructed under such [highway], street, or where a [highway] street is constructed over such drain or culvert.

Section 2052. Notice.—After the passage of any ordinance for the grading, curbing, paving, or macadamizing, or otherwise improving any street [or alley], notice shall be given, within ten days thereafter, by handbills posted in conspicuous places along the line of the proposed improvement.

Section 2053. Contents of Notice.—The notice shall state the fact and the date of the passage of such ordinance, that the petition for the improvement was signed by a majority in interest and number of owners of property abutting on the line of the proposed improvement, and that any person interested, denying the fact that said petition was so signed, may appeal to the court of common pleas of the county within thirty days from the passage of the ordinance.

Section 2054. Appeals from Ordinance.—Any person interested may, within thirty days from the passage of such ordinance, present a petition to the court of common pleas of the county, setting forth the facts; whereupon the court shall determine whether such improvement was petitioned for by the requisite majority. If the court shall find that it was not so petitioned for, it shall quash the ordinance, but if it shall find that it was so petitioned for, it shall approve the same. If no ap-

* "street or part thereof or which may be in whole or in part boundaries" deleted from original.

peal shall be taken, or if the court, on appeal, shall approve the ordinance, the township may proceed with the improvement, and thereafter all parties shall be estopped from denying the fact that such petition was properly signed.

Section 2055. Assessment of Damages and Benefits by Viewers.—On petition, viewers shall be appointed, as provided in this act, who shall assess the damages, costs, and expenses of such grading, curbing, paving, or macadamizing, or parking, shade tree planting, or changing or altering, renewing, replanting, pruning, or improving, including the expenses for necessary drainage, upon the property benefited, according to benefits, if sufficient can be found, but if not, the deficiency, when ascertained, shall be paid by the township. The proceedings of the viewers and the proceedings on their report shall be as provided in this act for such proceedings.

Section 2056. Assessments to Bear Interest; Collection.—All such assessments for benefits if not paid within thirty days shall bear interest as provided by this act in such cases, and, if any such assessment remains unpaid, it shall be the duty of the township solicitor to collect the same with interest, by action of assumpsit, or by a lien to be filed and collected in the manner provided by law for the filing and collection of municipal claims. When an owner has two or more lots against which there is an assessment for the same improvement, all of such lots may be embraced in one claim.

(i) Grading, Draining, Curbing, Paving or Macadamizing Streets, and Collection of Cost by
Foot Front Rule

Section 2060. Proceedings With or Without Petition.—Townships, with petition or without petition, may grade, curb, gutter, pave, macadamize, or otherwise improve, [roads,] streets [, lanes and alleys], or parts thereof, or a particular width or additional widths thereof, with or without the assistance or contribution of the State, county, or a corporation occupying the thoroughfare, and may assess and collect the whole cost thereof, or the whole cost not thus aided or contributed, or any part thereof, from the owners *of real estate abutting on the improvement, by an equal assessment on the foot front, including the expense of the necessary drainage. [Such power may be exercised as to any township road, street, lane or alley, or any State or State-aid highway or county road or highway.] The

* "or" in original.

board of commissioners may make equitable adjustments for corner lots, or lots of irregular shape, where an assessment for full frontage would be unjust. Property not otherwise assessable shall become assessable by the petition of the owner or the owner's representative. In all cases where the whole width of the [highway] *street* is being paved without State or county aid, and more than two-thirds of the total cost is proposed to be assessed on abutters, the township shall, for this purpose, be considered as owner of non-assessable property, of street [and alley intersections] *intersection*, and of the deducted frontage on equitable adjustments. On petition of owners representing two-thirds of the number of feet of assessable properties abutting on the proposed improvement, the total cost of the improvement, or *a lesser amount if the township desires, may be assessed on the assessable properties abutting, without any deduction for non-assessable property, or street [and alley intersections] *intersection*, or for the equitable adjustments aforesaid: Provided, That the petition states that the total cost may be assessed on the abutters.

Section 2061. Grading Restrictions.—In grading a [road,] street [, lane or alley], it shall be unlawful to raise the [highway] *street* above the ordinary grade when a drain or culvert is constructed under such [highway,] *street*, or where a [highway] *street* is constructed over such drain or culvert.

Section 2062. Notice of Assessments.—The secretary of the township shall cause thirty days' notice of the assessment to be given to each party assessed, either by service on the owner or his agent, or left on the assessed premises.

Section 2063. Collection of Assessments.—If any assessment shall remain unpaid at the expiration of the notice, it shall be the duty of the township solicitor to collect the same, with interest from [the time of] *thirty days after the* completion of the improvement, by action of assumpsit, or by a lien to be filed and collected in the same manner as municipal claims. When an owner has two or more lots against which there is an assessment of the same improvement, all of such lots may be embraced in one claim.

(j) Road Material, Ditches, Drains and Watercourses

Section 2065. Power to Enter Lands.—When [road] material cannot be conveniently obtained by contract at reasonable prices, the commissioners of townships may enter upon any land or enclosure within their township, lying near the [road] *street*, and dig, gather, and carry

* "a" omitted in original.

upon the [road] *street* any stones, sand, or gravel which they think necessary to make, maintain, or repair the [road] *street*. In exercising such right they shall do no unnecessary damage to the owners of the land, and shall repair any breaches of fences which they make.

Section 2066. Viewers to Fix Damages.—Whenever the commissioners and the owners of any such materials cannot agree upon the price to be paid therefor, the value of such materials shall be assessed by viewers to be appointed and to make report as provided in this act in the case of eminent domain proceedings.

Section 2067. Ditches, Drains, and Watercourses; Approval of Plans.—No person shall stop, fill up, confine, pave or otherwise interfere with any drain, ditch, watercourse, or drainage facilities, in a township, without first submitting suitable plans thereof to the township commissioners for their approval. Such plans shall be prepared in accordance with such rules and regulations as may be prescribed by the commissioners, and shall show the exact nature of the work to be performed. Before acting upon any such plan, the commissioners may, in their discretion, arrange for a public hearing, after giving such notice as they may deem desirable in each case. The commissioners are authorized to alter such plans, and to specify any changes or modifications of any kind which they, in their discretion, may deem necessary with respect thereto, and may make their approval of such plans subject to any alterations, changes or modifications. Any plans, when so approved, shall be signed on behalf of the township by such officer as the commissioners may designate, and shall be filed in the township offices where the same shall be available for public inspection. No drain, ditch, watercourse, or drainage facilities, shall be constructed, altered, stopped, filled up, confined, paved, or otherwise interfered with, except in strict accordance with plans so approved by the commissioners, or with further plans subsequently approved by them in the same manner. No township shall have any responsibility with respect to conditions arising as a result of the failure on the part of any person to comply with the requirements of this act.

The township commissioners may enter upon any lands or enclosures and cut, open, maintain, and repair such drains or ditches through the same as, in their judgment, are necessary to carry the water from the [roads] streets [lanes or alleys].

[If any person] *Any person who* shall stop, fill up, or confine, pave, or otherwise interfere with any such drain or ditch, watercourse, or drainage facilities, or shall divert or change the course thereof, without the approval of the commissioners as herein provided, [such

person] shall [be guilty of a misdemeanor, and,] upon conviction thereof, *in a summary proceeding*, [shall] be sentenced to pay a fine not exceeding [one thousand dollars, or suffer imprisonment not exceeding two years, or both, in the discretion of the court.] *twenty-five dollars for each offense. and in default of the payment of such fine and costs shall be sentenced to imprisonment of not more than ten days.*

Nothing contained in this section shall be held to restrict or limit the State Department of Highways or any county in the exercise of any of its powers and duties under the provisions of any law of this Commonwealth, nor to obviate the necessity of securing the consent of the Water and Power Resources Board where required by existing law.

(k) Trees, Shrubbery, and Obstructions within
Limits of [Highways] *Streets*

Section 2070. In order to provide for easy and convenient traveling upon the public [highways] *streets*, the township commissioners may cut, alter or remove any trees, shrubbery, underbrush, refuse or obstructions within the legal width of any public [road,] street [, lane or alley], or any part thereof. All logs, cordwood, or other forms of wood, derived from the destruction or removal of any trees growing along such [highways] *streets*, shall become the property of the abutting owners, provided that such abutting owners shall, within ten days after notice from the township, remove such logs, cordwood, or other forms of wood from the legal width of the [highway] *street*. In the event of their failure to do so, they shall forfeit all interest therein, and the same may be disposed of as the township commissioners deem proper.

(l) Protection of [Highways] *Streets* from
Snowdrifts

Section 2078. Whenever any [roads,] streets [or highways], in townships, are so located as to render them liable, on account of high wind during the winter season, to be so filled with snow as to make them impassable, and, in the judgment of the commissioners, such drifts of snow can be avoided by the removal of any fence erected along either side of such [road,] street [or highway] and replacing the same by a fence constructed of posts, wire, and boards or rail combined, such commissioners may agree with the owners of such fences upon a plan for the erection of a fence constructed of posts, wire, and board or rail combined. The township may pay the owners of such fences a sum not to exceed

the first cost of the wire used in the construction of such fences. The wire used in the construction of such fences shall be without barbs. This section shall not apply to any stone wall, hedge, or ornamental fence.

Any township which is responsible for the maintenance of any [public road or highway] *street* shall have authority to enter upon private property adjacent to such [public road or highway] *street* and place thereon a snow fence, at any point as may be deemed necessary to within a limit of one hundred (100) feet from the right of way line of such [public road or highway] *street*, in order to eliminate snow drifting on the traveled portion of the [public road or highway] *street*.

No such snow fence authorized shall be placed prior to November first, nor shall the same remain in place after April first of the succeeding year, unless the written consent of the owner of the adjacent property is obtained agreeing to an extension of time for the removal of said snow fence.

If the township shall not be able to enter into an agreement with the owner of the adjacent property occupied by such snow fence as to the amount of damages sustained as a result of said fence being placed and removed, the owner may petition the court of common pleas of the county for the appointment of viewers to ascertain the amount of damage incurred in such case, in the manner provided in this act for eminent domain proceedings. Such damages, if any, when ascertained, shall be paid by the township. Any funds available for the construction and maintenance of [public roads or highways] *streets* shall be available for the payment of such damages.

(m) Guideposts and Index Boards

Section 2080. Duty to Erect.—The commissioners of [townships] *the township* shall erect posts at the intersection of all [public roads,] *streets*, and at one of the angles where any [public road] *street* crosses another [public road,] *street or highway*, and shall firmly fix thereon boards or metal signs with index hands pointing to the direction of such [roads, providing that] *street*, but if a tree, trolley pole, telephone pole, telegraph pole or building is so erected that it can be used in place of a post, and permission has been secured from the owner thereof, such tree, pole, or building may be used in place of a post. On such boards and signs shall be inscribed, in large and legible characters, the name of the town, village, or place to which such [roads] *streets* lead, and the distance thereto computed in miles [: Provided, That where]. *Where* any [public highway] *street* intersects or crosses a State highway, application

for a permit shall be made by the commissioners to the State Department of Highways for the erecting of such signs.

Section 2081. Penalty for Destroying.—It shall be unlawful for any person to wilfully destroy, remove, injure, or deface any guidepost or sign or index board erected upon or near any [public] street [, road,] or bridge by the authorities of any township, or erected with the consent of the authorities having jurisdiction over such street [, road,] or bridge, by any club, association, or other organized body, for the direction, guidance or safety of travelers. Any person violating any of the provisions of this section shall, upon conviction in a summary proceeding, be sentenced to pay a fine of not less than than ten dollars and not more than twenty-five dollars, with all costs of prosecution, together with the value of such sign so destroyed, removed, or defaced, *and in default of such payment shall be sentenced to imprisonment of not more than ten days.* Fines and moneys so collected shall be paid to the township treasurer. [In default of payment of said fine, costs, and expenses, he shall undergo an imprisonment in the county jail for not less than five nor more than sixty days.]

(n) [Highways] *Streets* Crossing Railroad; Special Uses of [Highways] *Streets*

Section 2083. Railroad Crossings.—Every township constructing a [highway] *street* across a railroad shall construct the same above or below the grade thereof, unless permitted by the Public [Service] *Utility* Commission to construct the same at grade.

Any such crossing of a railroad by a [highway,] *street*, or any vacation of any [highway] *street* crossing a railroad, shall be constructed only in the manner prescribed by and under the jurisdiction of the Public [Service] *Utility* Commission. [The] *In such cases* 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] *Utility* Law.

Section 2084. [Highway] *Street* Permits.—No railroad or street railway shall hereafter be constructed upon any township [highway,] *street*, nor shall any railroad or street railway crossings, nor any gas pipe, water pipe, electric conduits, or other piping be laid upon or in, nor shall any telephone, telegraph or electric light or power poles, or any coal tipplers or any other obstructions be erected upon or in, any portion of a township [highway,] *street*, except under such conditions, restrictions and regulations, and subject to the payment of

such fees for permits as may be prescribed and required by the board of township commissioners, not exceeding the reasonable cost of issuing the permit and expense of inspecting the work authorized by such permit upon completion thereof. All fees so collected for permits shall be paid into the township treasury.

(o) County-aid in the Improvement of Township
[Roads] *Streets*.

Section 2086. Whenever the owners of the majority of the assessed valuation of real property within any township desire any principal [road or highway] *street* within the township to be improved and maintained at the joint expense of the county and township, they may petition the commissioners of the township for said improvement and require them to make application to the county commissioners for such improvement and maintenance in accordance with the provisions of existing law.

In all cases where the township commissioners refuse to act upon, or unduly delay action on, any petition for the improvement and maintenance of any [road or highway,] *street*, any citizen taxpayer of the township or county may, by petition, present the facts of the matter to the court of quarter sessions, requesting the court to order such action thereon as the case may require. If after due hearing had before said court it shall appear that the truth of the matters alleged in the petition are sustained, the court shall make an order directing the township commissioners to forthwith act upon said application or applications, and that the said application or petition for the improvement be forthwith forwarded to the county commissioners.

(p) Penal Provisions

Section 2088. If any person working upon any [road or highway] *street* in any township, or if any one in company with such person, shall ask money or reward, or by any means whatever shall extort or endeavor to extort any money, intoxicating drink, or other thing, from any person traveling upon or near such [road or highway,] *street*, the person so offending shall for every such offense forfeit and pay a sum not exceeding five dollars.

If any township commissioner shall connive with any person so asking, demanding, or contriving to extort money, intoxicating drink, or any other thing from any person traveling as aforesaid, such commissioner shall, for every such offense, forfeit and pay a sum not exceeding ten dollars.

If any person shall stop or obstruct any [public road or highway] *street* in any township, or shall commit any nuisance thereon by felling trees, making fences, turning the road, or in any other way, and shall not, on notice given by the township commissioners, forthwith remove the obstruction or nuisance and repair the damages done to such [road,] *street*, such person shall, for every such offense, forfeit and pay a sum not more than twenty-five dollars. Nothing in this section shall debar an indictment for any such nuisance, as in case of misdemeanor at common law.

All penalties provided for in this section shall be recovered by summary *proceeding for the use of the township.

(q) Opening, Making, Amending, and Repairing
[Highways] *Streets* and Bridges by Contracts
with Taxpayers

Section 2090. Taxpayers' Rights.—Any [one or more taxpayers] *taxpayers* of any township may acquire the right to furnish all the materials and labor necessary for opening, making [, amending], and repairing the [public highways] *streets* and bridges of such township, in the manner and under the conditions set forth in this subdivision of this act.

Section 2091. Petition to Court.—To acquire such right, [such taxpayers] *any such taxpayer* shall, before the beginning of the township fiscal year, present to the court of quarter sessions a petition setting forth that he [, she, it, or they are] *is the* **[owners] *owner* of property assessed and taxed [for road purposes] in such township, the approximate number of miles of [public road] *streets* in such township, and the ability of the petitioner [or petitioners] to lay out, open, make [, amend], and repair the [public highways] *streets* and bridges of such township wholly at his [, her, its, ***or their] own expense, for the ensuing township fiscal year or fiscal period, and to pay the other expenses of such township as hereinafter provided, without any right against or claim upon such township for or by reason of the materials, labor, or money so furnished.

Section 2092. Bond of [Petitioners] *Petitioner*.—The [petitioners] *petitioner* shall, with the petition, present a bond to the township, *in the sum of ten thousand dollars or in a sum equal to five hundred dollars for each mile of public [road] street in the township, whichever shall be greater*, with one or more sufficient sureties, to be approved by the court, conditioned for the faithful performance by said petitioner [or petition-

* "proceedings" in original.

** "[owners]" omitted in original.

*** "of" in original.

ers] of his [, her, its, or their] duty, and to save the township harmless from any loss or claim by reason of failure so to perform said duty.

Section 2093. Notice to Commissioners and Auditors.—Notice of the intention of presenting the petition and bond, and of the time when said petition and bond will be presented to the court, shall be given to the commissioners and auditor or controller of the township at least ten days before the same are presented.

Section 2094. Contracts; Stipulations.—When the petition, bond, and proof of the notice required in the preceding section are presented to the court, the same shall be ordered filed; and the court being satisfied of the good faith of the [petitioners,] *petitioner*, and the sufficiency of the petition, bond, and notice, shall order and direct the commissioners, on behalf of the township, to enter into a contract with the petitioner [or petitioners]. In such contract, the petitioner [or petitioners] shall bind [him, her, or itself or themselves] *himself*:

First. To open, make [, amend], and repair the [public highways] *streets* and bridges of the township for the ensuing fiscal year or *fiscal period* in a lawful and workmanlike manner, wholly at the expense of the petitioner [or petitioners], and without creating thereby any claim upon or right against the township for or by reason of the materials, labor, or money for persons employed.

Second. To indemnify and save harmless the township from all claim, damage, cost, or expense of whatever kind, for or by reason of any act or omission of said petitioner [or petitioners] whereby any claim, suit, or other demand may be set up or recovered against the township.

Third. To pay, within sixty days from the beginning of the fiscal year to the following officers of such township, the following sums, to be received by said officers in full for all demands against such township for their respective services as such officers of the township for the fiscal years for which the said contract is made, which shall be in lieu of the compensation otherwise in this act provided for such officers, namely: To each township secretary, the sum of fifty dollars; to the auditor or controller of such township, the sum of twenty-five dollars; to an attorney, to be elected by such commissioners as counsel for the township, the sum of fifty dollars; to each commissioner, the sum of one hundred dollars.

Section 2095. No [Road] *Street Tax* to be Levied.—In consideration of the obligations set out in the preceding section to be assumed and performed by the petitioner [or petitioners], the commissioners, on behalf

of such township, shall stipulate that the township will not assess, levy, or collect any tax for [road] *street* purposes during the fiscal year for which such contract is made.

Section 2096. Inspection.—The commissioners shall view and inspect the making and repairing of the [roads] *streets* in such *townships, at least once during every month, and satisfy themselves that the [petitioners have] *petitioner has* fully complied with [their] *his* contract, before final settlement and expiration of contract. If, at any time, the commissioners shall see that any portion of the [roads] *streets* need repair, they shall notify the [petitioners] *petitioner* to repair the same. In case said [petitioners fail] *petitioner fails* to repair said [road] *street* within five days after notice, the commissioners are empowered to purchase such materials and employ such men as may be necessary to repair such [road] *street*, and charge the same to the [petitioners] *petitioner*.

Section 46. Article XXI and sections 2101, 2105, 2110, 2115, 2120, 2125 and 2130 are hereby reenacted, revised and amended to read as follows:

ARTICLE XXI

BOUNDARY ROADS AND [HIGHWAYS] *STREETS*

(a) Opening, Repairing and Improving *Streets* on Division Line of Townships

Section 2101. Roads or [highways] *streets* laid out on a line which divides [two townships] *a township of the first class and another township* shall be opened, made, kept clear and in repair at the joint and equal charge of such townships. Any township necessarily incurring more than its due proportion of such charge may recover the excess so incurred from the other township.

When any public road *or street* is laid out on the line of two townships, if the commissioners or supervisors of either township neglect or refuse to join with the commissioners or supervisors of the other township in opening or repairing such road *or street*, the commissioners or supervisors of the other township shall open [, amend], and repair the road *or street*, and are authorized to collect a just portion of the cost of the opening and repairing of such road *or street* from the township so neglecting or refusing to join such opening or repairing. The commissioners or supervisors so neglecting or refusing shall be liable to a penalty of [not less than four dollars and] not exceeding fifty *dollars*, to be re-

* "township" in original.

covered in a summary proceeding. All such penalties when recovered shall be paid into the township road fund.

(b) Maintenance of [Roads] *Streets* between Township and Cities or Boroughs

Section 2105. Whenever any [road or] street is on the boundary line between any township and any city or borough, such [road or] street shall be maintained jointly by the city or borough and the township. For the purpose of maintaining any such [road or] street, the authorities of any such township are hereby directed to enter into agreements, with such city or borough, providing the manner in which the same shall be maintained, and providing for the division of the cost of maintenance between the city or borough and township. If any such city or borough and township shall fail or refuse to enter into any such contract, or if the city or borough and township cannot agree, any taxpayer or the [corporate authorities] *township commissioners* of the township may present a petition to the court of quarter sessions of the county, setting forth the facts, and 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 or borough and the township. The action of the court shall be final.

(c) [Highway] *Street*, the Centre Line of which is the Dividing Line between Townships and Boroughs or Cities in the Same County

Section 2110. Whenever the centre line of any [highway] *street* constitutes the dividing line between a township and any city or borough located in the same county, the commissioners of the township may, jointly with the county, enter into a contract with the city or borough providing for the grading, curbing, and macadamizing or paving of such [highway] *street*.

Such alteration or improvement shall be constructed, and subsequent repairs shall be made, under the supervision of the proper authorities of the city or borough, in compliance with the laws governing the construction of such alterations or improvements in such city or borough, and with plans and specifications to be agreed upon in writing between the commissioners of the township and the city or borough and the commissioners of the county.

The cost of any alteration or *improvement shall be borne one-half by the city or borough and one-half by the county and township in equal portions.

* "Improvements" in original.

The cost of repairs shall be borne one-half by the city or borough and one-half by the township, or by the county and township in equal portions, or such other proportions as are agreed upon in the joint contract of the township with the county.

(d) [Highway] *Street*, the Centre Line of which is the
Dividing Line between Townships and
Cities in an Adjacent County

Section 2115. Whenever the centre line of any [highway] *street* constitutes a dividing line between a township and a city located in an adjacent county, it shall be lawful for the township commissioners to enter into a contract, with the county in which it is located and with the city, providing for the grading, curbing, macadamizing, or paving of the roadway of said [highway] *street*, 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.

The said alteration or improvement shall be constructed, and subsequent repairs shall be made, under the supervision of the proper authorities of the said city, in compliance with existing laws governing such construction or improvement of such 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 township commissioners 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.

In all cases in which it shall be found impossible to enter into such contract or agreement as is provided for in this section, 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, it shall be lawful for the township to present its petition to the court of common pleas of either county, setting forth the facts and circumstances, including the condition of the [highway] *street* 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 as provided for in this section 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

* "or that either such city or the county or township, or any or either of them," omitted from original.

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 answer to the said petition, setting forth its version of the facts or such other matters in relation thereto as may be deemed necessary or proper by it. The said 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, to the said court, which may reject, confirm, or modify the same, 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; and thereupon the said grading, curbing, macadamizing, or paving of the roadway of such [highway] *street* 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.

(e) Improvement of Street where more than One-Half
of Width is in Township; Assessment of
Property outside Limits

Section 2120. Whenever any street [, alley, or highway] *or road*, more than one-half the width of which is within the limits of any township, shall divide the said township from any other municipality or township

* "reasonable" in original.

located within the same county, such street [, alley, or highway] *or road* may be improved by the township within which the greater width is located in the same manner as if the said street [, alley, or highway] *or road* were entirely located within the limits of said township.

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

(f) Assessment of Property outside Limits of Township
for Street Improvements

Section 2125. Whenever any street [or alley, entirely within the limits of any township,] shall divide such township from any other municipality or township located in the same county, the property on the side of the street [or alley opposite] *outside* the line of such township shall, for a depth of one hundred and fifty feet, be assessed for municipal improvements on such [streets or alleys] *street* on which property shall abut. Such assessment shall be made in the same manner and in the same proceeding as is used for the assessment of property within such township for such improvement.

(g) Grading, Curbing, Paving, Macadamizing
Boundary *Street, Et Cetera

Section 2130. Townships may enter into agreements with adjoining boroughs for the grading, paving and curbing, or macadamizing of streets [and alleys] which may be boundaries between such townships and boroughs; and may provide in such contract that the damages, costs, and expenses of such improvement shall be divided between such townships and boroughs in proportions agreed upon.

In grading, paving and curbing, or macadamizing any such [streets or alleys] *street*, townships shall exercise such power only upon petition of a majority of the property owners in interest and number abutting the line of the proposed improvement within the township limits, to be verified by the affidavit of one of the petitioners; a majority in interest of owners of undivided interest in any piece of property to be treated as one person asking that such improvement be made.

* "streets" in original.

The portion of the damages, costs, and expenses agreed to be paid by any township shall be ascertained, and the benefits incident thereto shall be assessed and collected, in the manner provided in this act for the assessment of damages and benefits by viewers.

Section 47. Article XXII and sections 2201, 2205, 2206, 2210, 2211, 2220, 2221, 2222 and 2225 of said act are hereby reenacted, revised and amended to read as follows:

ARTICLE XXII

BRIDGES AND VIADUCTS

(a) As Part of [Road,] Street [, Highway, Lane or Alley]

Section 2201. Whenever, in the opening, grading, or improving of any [road,] street [, highway, lane or alley] in any township, it is necessary to erect or construct any bridge and the piers, abutments and approaches therefor, the same may be erected and constructed by the township as part of such [road,] street [, highway, lane or alley]. In any such erection or construction, the township may take, use, and occupy private property. All damages shall be awarded and benefits assessed as part of the proceeding to open, grade, or improve the [road,] street [, highway, lane or alley] of which the bridge is a part.

(b) Over Railroads

Section 2205. Power to Construct.—Townships may build or purchase existing bridges or viaducts over railroads, rivers, creeks, streams and private property, or over railroads and any of them, or over railroads only, whether the bridges or viaducts are wholly or partly within the township limits, for the purpose of uniting two or more streets [or highways] *or a street and a road or a highway* or separate portions of the same street [or highway]. Such bridges and viaducts must in all cases cross railroads. Such bridges and viaducts and the approaches thereto shall be constructed, and the damages in connection therewith paid, as provided by the *Pennsylvania Public [Service Company] Utility Law*.

Section 2206. Maintenance.—Such viaduct or bridge shall be maintained as a township structure, and the township is authorized to contract with any party interested, except the county, for the maintenance of the same.

(c) Over Marshy or Swampy Grounds, Creeks,
Rivulets, Gullies, Canals and Railroads

Section 2210. Power to Make and Maintain.—The commissioners of townships, in making and repairing the [roads] *streets*, shall make and maintain within their township sufficient bridges over all small creeks, rivulets, deep gullies, canals, and railroads, where the same is necessary for the ease and safety of travelers.

Such bridges over canals or railroads shall not obstruct the railroad or canal over which it is built. Nothing in this section shall release railroad or other companies or the Commonwealth from the requirements of existing laws.

Section 2211. Damages.—In the *construction and maintenance of such bridges, all damages shall be awarded and benefits assessed as part of the proceeding to lay out, open, make, or repair the road of which the bridge is a part.

(d) Over Streams, Railroads, and Canals on
Township Boundaries

Section 2220. Bridges on Division Line of Townships.—Where a small creek or a railroad or canal, over which a bridge is necessary, is on the boundary line of two townships, the bridge shall be built and maintained at the joint and equal expense of the townships, by their respective commissioners or supervisors, in the manner directed by this act in the case of [public] *streets or roads* which may be the division line of townships.

Section 2221. Bridges between Townships and Municipalities.—Whenever a creek, railroad, or canal, over which a bridge is necessary, is on the division line of a township and a municipality, the township shall unite with such municipality in the construction and maintenance of such bridge and pay an equal share of the expenses incident thereto.

Section 2222. Bridges over Railroad or Canal.—If a bridge is built over such boundary railroad or canal by virtue of the provisions of the preceding section of this act, such bridge shall not obstruct the railroad or canal over which it is built. Nothing in said section shall release railroad or other companies or the Commonwealth from the requirements of existing laws.

(e) Maintenance, Repair, and Rebuilding of Bridges
Built by County

Section 2225. Whenever a bridge, or part thereof, has been built by the county, or the whole or part of the money necessary to build it has been furnished by

* "constructions" in original.

the county, and the bridge has not been entered on record as a county bridge, such bridge shall be maintained, kept in repair, and rebuilt, when necessary, by the township or townships in which, or on the boundary line of which, it is located, without rendering the county liable for the same.

Section 48. Article XXIII and sections 2301, 2302, 2303 and 2304 are hereby reenacted, revised and amended to read as follows:

ARTICLE XXIII

SIDEWALKS

Section 2301. Power to Lay Out, Ordain and Establish Grades.—Townships may lay out, ordain and establish sidewalks along any [public road,] street, [lane or alley,] including State [and State-aid] highways and county roads, and may establish grades for such sidewalks, which grades may be separate and apart from the grade established for the *street or highway*, and, for this purpose, any township may acquire land by purchase, gift, or by the right of eminent domain.

Section 2302. Width.—The width of any sidewalk shall be fixed by the township commissioners either by ordinance or resolution.

Section 2303. Paving and Curbing Sidewalks.—Townships may, upon such notice as may be provided by ordinance, require owners of property abutting on any [public road,] street, [lane or alley] including State [and State-aid] highways and county roads, to construct, pave, curb, repave, and recurb the sidewalks along such property with such materials, at such grades and under such regulations as may be prescribed by ordinance, and upon failure of such owners to comply with such notice, or without notice to the property owners as above provided, the townships shall in either case have power to cause the same to be done by the township, and to levy and collect the cost thereof from such owners of property abutting such sidewalk.

The cost of any such grading, paving, curbing, repaving and recurring shall be a lien upon the premises from the time of the commencement of the work, which date shall be fixed by the township engineer and shall be filed with the township secretary. Any such lien may be collected by action in assumpsit or by lien filed in the manner provided by law for the filing and collection of municipal claims.

The cost of any such paving, curbing, repaving and recurring may, in any case, be borne in whole or in part by the township.

No sidewalks shall be established and constructed upon any State highway without the consent of the State Department of Highways, or upon any county road without the consent of the county commissioners.

Section 2304. Repair of Sidewalks.—The owner of the abutting property shall keep the sidewalk, together with any portion of his property paved and used as a sidewalk or public walk, immediately in front of his property, in good order and repair, and, at all times, free and clear of all obstruction to safe and convenient passage, and free of any merchandise placed there for display, if the removal thereof is ordered by the township commissioners. If the owner of any property neglects to perform the duty so required of him, the township commissioners may serve written notice upon him requiring him to do what is necessary. If such property owner fails to comply with the requirements of such notice within thirty days from the date of its service, the township commissioners may make the necessary repairs or remove any obstruction. The cost of the same, together with a penalty of ten per centum, shall be paid by the delinquent property owner, and may be collected by action of assumpsit, or the township commissioners may file a municipal lien against the property. The notice provided for in this section may be served on the property owner by leaving the same at his place of residence, or if he has no residence in the township, then by posting the same on the premises and mailing a copy thereof to the owner at his last known address.

Section 49. Article XXIV and sections 2401, 2401.1, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2415, 2420, 2425, 2430, 2431, 2435, 2436, 2440, 2441 and 2445 of said act are hereby reenacted, revised and amended to read as follows:

ARTICLE XXIV

SEWERS AND DRAINS

- (a) Establishing and Constructing Sewer and Drainage Systems; Sewer Connections and Rates; Disposal of Sewage; Assessment of Cost of Construction

Section 2401. Power to Establish and Construct Sewers and Drains; Require Connections; Sewer Rentals.—Townships may establish and construct a system of sewers and drainage, locating the same, as far as practicable, along and within the lines of the public [roads] *streets and highways* of the township, as seem advisable to the commissioners. The township commissioners may permit, and, where necessary for the

public health by ordinance, require any owner of property abutting on or adjoining any street [or alley] or *highway*, in which is a sewer, to make connections with such sewer or *drainage* in such manner as the commissioners may order for the purpose of discharge of such drainage or waste matter as the commissioners may specify. The township commissioners may by penalties enforce any regulation they may ordain with reference to any sewer or *drainage* connections. All connections required shall be uniform. All persons so connecting may be required to pay, in addition to the cost of making such connections, a monthly or annual rate prescribed by ordinance. Such monthly or annual rate shall constitute a lien, until paid, against the property so connecting with such system, and the amount thereof may be recovered by due process of law.

Nothing in this section shall be construed to repeal or modify any of the provisions of the Public [Service Company] *Utility Law*.

Section 2401.1. Sewer and Drainage Systems; Constructed by any Municipality Authority; Connection by Owners; Enforcement.—Whenever a sewer or drainage system is established or constructed by any municipality authority within a township [of the first class], the township commissioners shall be empowered by ordinance to compel all owners of property abutting on, or adjoining any street or [alley] *highway*, in which such sewer or drainage system is located, to make connection with such sewer or drainage system in such manner as they may order for the purpose of discharge of such drainage or waste as they may specify. The township commissioners may by ordinance impose penalties to enforce any regulation or order they may ordain with reference to any sewer or *drainage* connections.

Section 2402. Location of Sewers on Private Property.—Where it is reasonably impracticable, in the judgment of the commissioners, in any part of such system, to carry such sewers or drains along the lines of public [roads] *streets or highways*, the commissioners may locate and construct so much of the same as is necessary through private lands *and may acquire the necessary land or right of way for such purpose by gift, purchase, or by the exercise of the right of eminent domain*.

Section 2403. Treatment Works and Facilities Therefor.—The commissioners shall make the necessary provisions for the disposition of the sewage and drainage within, or for carrying the same beyond, the limits of the township; and, to this end, they are hereby authorized to enter into contracts with other municipalities, and other corporations or persons, to purchase, acquire, enter upon, take, appropriate, occupy, and use such

lands, rights, and interests therein, within the corporate limits of other townships or boroughs, as shall be necessary for the proper location, construction, maintenance, use and operation of sewer mains, drains, or [disposal plants] *treatment works*, including such lands, rights, and interests therein as shall be necessary for future additions to and enlargements of such sewage or *drainage* facilities, and as may be necessary to carry out the plans and specifications upon which a permit has been issued by the Secretary of Health, in accordance with [the provisions of the act of April twenty-second, one thousand nine hundred and five, entitled "An act to preserve the purity of the waters of the State for the protection of the public health," and of "The *Administrative Code."}] *law*.

Section 2404. Entry on Lands to Mark Sewer Routes; Damages.—In the event of inability to agree with the owners, either for the land necessary for so much of the line of sewers and drains as are not located upon public roads, *streets or highways*, or for so much land as is required for the disposition of the sewage or *drainage*, the commissioners may enter upon said land and mark thereon the route and width necessary for the construction of the line of sewers or drains, or the boundaries of so much land as is necessary for the disposition of such sewage or *drainage*, and occupy the said land for such purposes. For all damage done or suffered, or which accrues to the owner or owners of such land, by reason of the taking of the same, the funds of the township raised by taxation shall be pledged and deemed as security. Such damages shall be determined by viewers in the manner provided in this act for eminent domain proceedings.

Section 2405. Enforcement of Judgment for Damages.—The damages as awarded when the report of viewers is finally confirmed shall be entered as a judgment, and, if the same is not paid within thirty days after the entry thereof, execution to enforce the collection thereof may be issued, as in other cases of judgment against townships.

Section 2406. Cost of Construction; How Paid.—The cost of construction of any system of sewers or drains, constructed by the authority of this subdivision of this act, may be charged upon the properties accommodated or benefited thereby to the extent of such benefits, or may be paid for wholly or partially by general taxation. Any amount not legally chargeable upon properties benefited shall be paid out of the general township fund.

* "Administration" in original.

Section 2407. Sewer Districts.—Whenever a sewer system is constructed by a township for the accommodation of a certain portion only of the township, the commissioners of such township may constitute the territory accommodated into a sewer district or divide it into several sewer districts. In every such case of division into several districts, the commissioners shall make an estimate of the proportion of the cost of the sewer system which should equitably be charged on each of said districts, and declare and establish such apportionment by ordinance. No district shall be charged with more than its due proportion of the cost of the main sewers, pumping stations, *treatment works*, et cetera, used jointly by more than one district. The aggregate amount charged on property in any such district shall not exceed the amount of such estimate. Where the whole of the township is accommodated by the system, it may also be treated as a single district or divided into districts, and be subject to the foregoing provisions.

Section 2408. Manner of Assessment.—The charge for any such sewer *system* construction in any township shall be assessed upon the properties accommodated or benefited in either of the following methods:

(a) By an assessment, pursuant to township ordinance, of each lot or piece of land in proportion to its frontage abutting on the sewer, allowing such reduction in the case of properties abutting on more than one sewer as the ordinance may specify. No assessment by frontage shall be made on properties of such a character as not to be lawfully subject to such manner of assessment, and each abutting property shall be assessed with not less than the whole amount of the benefit accruing to it and legally assessable.

(b) By an assessment upon the several properties abutting on the sewer in proportion to benefits. The amount of the charge on each property shall be ascertained as provided in this act for the assessment of benefits.

When a township is divided into sewer districts, the assessment in each district may be by different methods.

Section 2409. Procedure for Assessment of Benefits.—In all cases where the township commissioners shall select *the method provided by subdivision (b) of the foregoing section, they shall petition the court of common pleas for appointment of viewers to assess benefits. In all cases where they shall neglect for a period of three months after the completion of the sewer system to either ordain assessments by frontage or present a petition for appointment of viewers, taxpayers of the township, whose property valuation as assessed for tax-

* "the" omitted in original.

able purposes within the township shall amount to fifty per centum of the total property valuation as assessed for taxable purposes within the township, may present a petition to the court of common pleas of the proper county for the appointment of viewers to assess benefits; and in all cases where such taxpayers shall, within three months of the adoption of any ordinance levying an assessment under the method provided by subsection (a) of said section, by petition state to said court that such assessment insufficiently represents the benefits accruing to abutting properties, they may include in such petition a prayer for the appointment of viewers to assess benefits. In either case the said court shall thereupon appoint three disinterested persons from the *county* board of [county] viewers, neither of whom shall be a resident of that portion of the township which is accommodated by the sewer in question, and the viewers so appointed shall proceed as provided in this act for proceedings for the assessment of damages and benefits by viewers. The aggregate of the assessments in any sewer district shall not exceed the amount charged in such district for its share of the cost of the sewer *system* construction, unless the same shall, by petition of taxpayers, whose property valuation as aforesaid shall amount to fifty per centum of the total property valuation as assessed for taxable purposes within the township, presented within three months after the adoption of an ordinance providing for an assessment by frontage, be stated to insufficiently represent the amount of benefits to such properties, in which case the proceedings by taxpayers authorized above shall be applicable. Upon the filing of such a petition, by taxpayers as aforesaid, for appointment of viewers, any assessment made by the commissioners and any proceedings thereunder shall be null and void.

Section 2410. Lien for Assessments; Costs of Proceedings.—After the amount of the assessment charged upon the several properties has been established, either by ordinance making assessments according to frontage or by confirmation of any report of viewers in whole or in part, it shall be the duty of the township commissioners to file municipal liens for the assessments covered by such ordinance or confirmation within the time and in the manner provided by law; the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens. The amounts of all assessments shall be payable to the township treasurer for the use of the township. The commissioners shall also make out bills for the amounts charged against each property, which shall be forthwith sent to all property owners residing in the township, and mailed

to all such owners residing elsewhere whose address is known. The costs of publication of notices in proceedings before viewers shall be paid by the township, upon presentation of bills approved by the court.

Section 2411. Assessment of Property Outside Limits of Townships for Sewers.—Whenever any sewer is located in any street dividing such township from any other municipality or township located in the same county, the property on the side of the street outside the line of such township, for a depth of one hundred fifty feet, shall be assessed for sewers on such street on which property shall abut. Such assessment shall be made in the same manner and in the same proceeding as is used for the assessment of property within the township for such sewers.

(b) Acquisition of Sewer System from Private Interests; Distribution of Costs

Section 2415. Any township in which any person, firm, or corporation, or other township or municipal corporation, is maintaining sewers and culverts with the necessary inlet and appliances for surface and under surface and sewage drainage, may become the owner of such sewers, culverts, inlet, and appliances, by paying therefor the actual value of the same at the time of the taking by the township.

In case the commissioners of the township cannot agree with the owners of such sewers as to the price to be paid therefor, the commissioners may enter upon and take possession of such sewers, culverts, inlets and appliances. For all damage done or suffered, or which accrues to the owner or owners of such sewer by reason of the taking of the same, the funds of the township, raised by taxation, shall be pledged and deemed as security, such damages to be determined by viewers in the manner provided by this act for eminent domain proceedings. If any sewer or sewer system is acquired by purchase under the provisions of this section, the cost of such acquisition may be distributed or assessed in the same manner as if such sewer or sewer system had been constructed by such township under the provisions of this act.

(c) Contracts with Individuals or Corporations for Construction and Maintenance of Sewer and Drainage Systems

Section 2420. In any case where, under the authority of section two thousand four hundred and one of this act, a system of sewage and drainage covering any town-

ship in whole or in part shall have been approved and authorized by ordinance, the commissioners may enter into a contract with any responsible individual or individuals or corporation for the construction of such system of sewage or drainage at the expense of such individual or individuals or corporation. He, they, or it shall be entitled, under such contract, to exercise all the powers of the township in the construction, maintenance, and operation of such system of sewage or drainage, with the right to collect such charges in connection therewith as the commissioners prescribe, in as full manner as the same might have been collected by the township or the commissioners. In such contract the commissioners shall reserve to the township the right at any time, after a prescribed time, to itself take possession of such system of sewage and drainage, and its appurtenances, at a price and upon terms to be fixed in the contract.

Nothing in this section shall be construed to repeal or modify any of the provisions of the *Pennsylvania Public [Service Company] Utility Law*.

(d) Sewers and Drains in Streets [or Alleys], or over Private Property; Assessment of Cost of Construction According to Benefits

Section 2425. Townships may construct sewers and drains in any street or [alley] *highway*, or through or on or over private property. The costs, damages, and expenses of the construction of any such sewers or drains may be paid for wholly or partially by general taxation, or may be assessed upon the properties accommodated or benefited in either of the following methods:

(a) By an assessment, pursuant to township ordinance, of each lot or piece of land in proportion to its frontage abutting on the sewer, allowing such reduction in the case of properties abutting on more than one sewer as the ordinance may specify. No assessment by frontage shall be made on properties of such *a character as not to be lawfully subject to such manner of assessment, and each abutting property shall be assessed with not less than its proportion, aforesaid, of the entire cost and expense of such construction.

(b) By an assessment upon the several properties abutting on the sewer in proportion to benefits. The amount of the charge on which property shall be ascertained and the rights of taxpayers conferred in connection therewith as provided in this act for the assessment of damages and benefits by viewers.

* "a" omitted in original.

(e) Sewers under State and County Highways

Section 2430. Consent Necessary.—Townships may construct sewers and drains in and under any county or State highway within the township boundaries. In case of the construction of sewers upon county highways, the consent of the county commissioners of the county shall first be obtained; and in case of the construction of sewers upon any State highway, the consent of the State Department of Highways shall first be obtained.

Section 2431. Assessment of Cost.—Whenever sewers have been or shall be laid or constructed by any township in and under such highways, such township may ascertain, levy, and collect the costs and expenses of the construction thereof from the abutting property holders by viewers, in accordance with provisions of this act relating to the assessment of damages and benefits by viewers.

(f) Connecting with Sewer of Adjoining Municipality

Section 2435. Connection by Agreement or Petition; Appointment of Viewers.—Whenever any township shall desire to connect with the existing sewer of any adjacent municipality, the two municipalities so joining may enter into an agreement for such purposes, or if no agreement has been reached between such township and the adjacent municipality, then such township shall proceed in the following manner:

An application shall be made by the board of commissioners to the court of quarter sessions, setting forth the desire of the township to connect with the sewer of the municipality. 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, in the manner provided by this act for such proceedings, assess the proportionate part of the expense of building the original sewer upon the petitioning township, and shall fix the proportion of the expense for repairs which the municipality and such township shall thereafter bear and determine all other questions which are likely to arise in connection therewith.

Section 2436. Notice of Contemplated Construction; Protests by Property Owners.—No sewer, system of sewers, or drains shall be constructed under the provisions of this subdivision, unless a resolution of the board of commissioners authorizing the same shall be published in a newspaper of general circulation published in the county in which the township is situated ***once a week** for three successive weeks. If within

* "one" in original.

twenty days after the last publication, or at any time during the period of publication, taxpayers of the township, whose property valuation within the township shall amount to fifty per centum of the total property valuation as assessed for taxable purposes within the township, shall sign, and file in the office of the prothonotary of the court of common pleas of the county in which the township is located, a written protest against the construction of such sewer, sewer system, or drain, then the construction authorized by such resolution shall not be undertaken or proceeded with.

(g) Joint Sewers and Drains

Section 2440. Building Joint Sewers.—(a) Townships may jointly with [municipalities] *cities, boroughs* or other townships [or both] build and construct sewers, including trunk-line sewers or drains and sewage treatment works, and may connect into such system existing sewers, and may assess their respective portions of the cost thereof, or so much thereof as may be legally assessable, upon property benefited by the improvement as is provided in the case of townships by sections two thousand four hundred eight, two thousand four hundred nine, and two thousand four hundred ten of this act. Any portion of the cost of such an improvement not assessed or not assessable shall be paid by the respective townships, cities, and boroughs joining as may be agreed upon.

(b) The townships, cities, and boroughs joining or contemplating joining in any such improvement, in order to facilitate the building of the same and securing preliminary surveys and estimates, may by [resolution or] ordinance provide for the appointment of a joint sewer board composed of one representative from each of the townships, cities, and boroughs joining which shall act generally as the advisory and administrative agency in the construction of such improvement, and its subsequent operation and maintenance. The members of such board shall serve for terms of six years each from the dates of their respective appointments, and until their successors are appointed. The [joint sewer] board shall organize by the election of a chairman [, vice-chairman], secretary, and treasurer. The several townships, cities, and boroughs, may in the [resolutions and] ordinances creating the [joint sewer] board, authorize the board to appoint an engineer, a solicitor, and such other assistants as are deemed necessary; and agree to the share of the compensation of such persons each township, city, and borough is to pay. The members of the [joint sewer] board shall receive such compensation for attending meetings of the board

as shall be fixed in the budget, prepared by the board for submission to, and adoption by, the several townships, cities, and boroughs, as hereinafter provided, and the budget item providing for the compensation to members for attending meetings shall not exceed a total of two hundred and fifty dollars (\$250) per year, and no member shall be paid unless he actually attends, and the fee for each such attendance shall be stipulated, and the members, in addition thereto, shall be entitled to actual expenses to be paid by the respective townships, cities, and boroughs which such members represent.

(c) The [joint sewer] board shall have power to adopt rules and regulations to govern its proceedings, and shall prepare and suggest any practical measures and plans by means of which the joint improvement may be carried to successful completion; and *plan* the future development of the system, so as to conform to a general plan [assured and safeguarded]. It shall have power to prepare a joint agreement or agreements for submission to and adoption by the several townships, cities, and boroughs defining the advisory and administrative powers of the board; setting forth the consents of the several townships, cities, and boroughs to the proposed improvement; the manner in which preliminary and final plans, specifications, and estimates for the proposed improvement shall be prepared and adopted; how proposals for bids shall be advertised, and contracts let; the manner in which the costs of the improvement and other incidental and preliminary expenses in connection therewith, and the future cost of operation and maintenance shall be equitably shared, apportioned, and paid; and all such other matters including the preparation and submission of annual and other budgets, as may be deemed necessary or required by law, to carry the proposed improvement to completion and to assure future maintenance and operation thereof. But nothing herein contained shall authorize the board to make any improvement or expend any public moneys which has not first been authorized by all of the townships, cities, and boroughs proceeding with the improvement.

(d) In any case where it shall be necessary to acquire, appropriate, injure, or destroy private property, [() lands, property, or material ()] to build any such joint sewer improvement, and the same cannot be acquired by purchase or gift, the right of eminent domain shall vest in the township, city, or borough where such property is located. In any case where it shall be necessary to acquire, injure, or destroy property in any territory not within the limits of any of the townships, cities, or boroughs joining in the improvement; then the right

of eminent domain shall be vested in any township, city, or borough adjacent to such territory where such property is located. Damages for any property taken, injured, or destroyed shall be assessed as provided by the general laws relating to the townships, cities, and boroughs exercising the right of eminent domain; and shall be paid by the several townships, cities, and boroughs joining in the same proportion as other costs of the improvement.

(e) Each of the townships joining in any such improvement shall have power to incur or increase its indebtedness, not exceeding the constitutional limits, for the purpose of paying its share or portion of the cost of such improvement in the manner now provided by law for the *incurring of indebtedness.

Section 2441. State Permit.—No such sewer or *sewage treatment* plant shall be constructed until plans and specifications have been submitted to the [State Department of Health and approved in accordance with provisions of the act of April twenty-second, one thousand nine hundred and five (page, two hundred and sixty), entitled “An act to preserve the purity of the waters of the State for the protection of the Public Health.”] *Sanitary Water Board and approved in accordance with existing laws.*

(h) Non-debt Revenue Sewer Bonds

Section 2445. Sewer Bonds.—For the purpose of financing the cost or expense, or its share of the cost or expense, of constructing or acquiring a sewer, sewer system or sewage treatment works, either singly or jointly with other municipalities or townships, or both, any township may issue non-debt revenue bonds secured solely by a pledge, in whole or in part, of the annual rentals or charges for the use of such sewer, sewer system or sewage treatment works. Said bonds shall not pledge the credit, nor create any debt, nor be a charge against the general revenues, nor be a lien against any property of the township, but shall be a lien upon and payable solely from the annual rentals or charges for the use of said sewer, sewer system or sewage treatment works.

Whenever any township has enacted an ordinance or resolution imposing a sewer rental or charge upon properties to be served by such sewer system or sewage treatment works when the same is completed, and has pledged sufficient of the revenues to be derived therefrom for the payment of the interest and sinking fund charges on such non-debt revenue bonds, it shall have power to

* “Incurring” omitted in original.

authorize the issue and sale of such non-debt revenue bonds, from time to time, as the work of construction proceeds, and sufficient additional non-debt revenue bonds, as may be necessary, may be issued and sold to provide for the interest and sinking fund charges accruing thereon, until said sewer system or sewage treatment works has been completed and has been in operation for not exceeding one year, in order to provide sufficient revenues until such time as sewer rentals or charges may be collected from the owners of properties being served.

Nothing in this section shall be construed to abridge or restrict, or in any way impair, the right of any township to create indebtedness in accordance with existing laws.

Section 50. Article XXV and sections 2501 to 2507 inclusive of said act are hereby reenacted, revised and amended to read as follows:

ARTICLE XXV

COLLECTION BY INSTALMENT OF THE COST OF STREET, CURB, SIDEWALK AND SEWER IMPROVEMENTS

Section 2501. Ordinances for Instalment Payments.—When any township shall authorize the grading, sub-grading, or the permanent paving and improvement of any streets [or alleys], or parts thereof, or the construction of curbs, sidewalks, or sewers, and the entire cost, or any part thereof, shall be assessed against the properties abutting on such improvement, whether by the foot front rule or according to benefits, the board of commissioners may provide in the ordinance that the assessment or any of them may be paid in semiannual or annual instalments, and it may also provide that sewer assessments may be paid in twelve monthly or in quarterly instalments. Such instalments shall bear interests, at a rate not exceeding six per centum, to be fixed by the board of commissioners in the ordinance, [from the date of the commencement of the work or the construction of such improvement] *commencing at such time as may be fixed by ordinance.*

Section 2502. Issue of Bonds.—In order to provide for the payment of the cost and expenses of such improvement, the board of commissioners may, from time to time, issue bonds, in sums equal to the amount of assessments. The bonds shall bear the name of the street [or alley] to be improved, or the curbs, sidewalks, or sewer to be constructed [; and shall be payable at periods not exceeding ten years from the date of their issue, to be provided in the ordinance directing the improvement].

Section 2503. Sale of Bonds; Interest.—The bonds shall bear interest at a rate not exceeding six per centum per annum, payable semiannually or annually, as the ordinance shall direct; and shall be negotiated at not less than par, and the proceeds thereof applied solely to the payment of such improvement.

Section 2504. Entry of Liens.—Liens to secure the assessments, or any part thereof, remaining due shall be entered in the prothonotary's office of the county, in the same form and collected in the same manner as municipal claims are filed and collected: Provided, however, That when any person has accepted the monthly or quarterly payment plan for any sewer assessment, as herein provided, no lien shall be filed for such assessment, except upon a default in payment, as provided in section two thousand five hundred six, as herein amended.

Section 2505. Assessments, Where Payable.—Such assessments shall be payable at the office of the township treasurer, or such other place as the ordinance shall provide, in semiannual or annual instalments, and in the case of sewer assessments in monthly or quarterly instalments, with interest at the rate provided from the date from which interest is computed on the amount of the assessments. The moneys so received by the township shall be applied to the payment of such bonds *and interest thereon* exclusively.

Section 2506. Default in Payment of Instalment.—In case of default in the payment of any semiannual or annual instalment and interest for a period of sixty days after the same shall become due, the entire assessment and accrued interest shall become due, and the township solicitor shall proceed to collect the same under the general laws relating to the collection of municipal claims.

In case of default in the payment of any monthly or quarterly instalment, and interest of a sewer assessment for a period of thirty days after the same shall become due, a lien shall be filed for the balance due on such assessment and interest accrued thereon. In no case shall a township lose its right to file a lien for any sewer assessment by reason of its failure to file the same within the time fixed by general law relating to the filing of municipal liens for any sewer assessment which is being paid under the instalment plan herein provided, and if any lien is filed after the time fixed by said general law for the filing thereof because of default in the payment of any instalment, such delayed filing is hereby validated, and the lien of such assessment claim so filed shall be in full force and effect from the time of such filing.

Section 2507. Payments in Full; Subdivisions of Property.—Any owner of property against whom any

such assessment has been made may pay the same in full, at any time, with interest thereon to the next semi-annual or annual payment, and such payment shall discharge the lien. If any owner shall subdivide any property after the lien attaches, he may, in like manner, discharge the same upon any subdivided portion thereof by paying the amount for which such part would be liable.

Section 51. Article XXVI and sections 2601 and 2602 of said act are hereby reenacted, revised and amended to read as follows:

ARTICLE XXVI

REVOLVING FUND FOR STREET AND SEWER IMPROVEMENTS

Section 2601. Special Tax; Bond Issue.—The several townships are hereby empowered to levy and collect annually a tax upon all property, taxable for township purposes, not to exceed five mills on the dollar in any one year, for the purpose of creating and maintaining a revolving fund, to be used by such township in making permanent street, sidewalk, or sewer improvements, and to pay contract prices for permanent street, sidewalk, or sewer improvements, prior to the collection of the cost and expense, or any part thereof, from the property owners adjoining or abutting thereon by such townships under existing laws. Any such revolving fund may also be begun by funds raised by the issuance of bonds of the township, in the manner provided by law, for the making of permanent street, sidewalk, and sewer improvements.

Section 2602. Repayments into Revolving Fund.—When the cost and expense, or any part thereof, of the construction of any permanent street, sidewalk, or sewer improvement, which has been made under existing laws, and which has been aided in its construction from the said revolving fund hereby provided for, shall have been assessed and collected from the owners of the property adjoining or abutting upon such improvement, it shall be applied to the credit of the said revolving fund, to the extent of the withdrawal therefrom for such purpose.

Section 52. Article XXVII and sections 2701 to 2705 inclusive and sections 2710, 2711 and 2712 of said act are hereby reenacted, revised and amended to read as follows:

ARTICLE XXVII

WATER SUPPLY AND WATERWORKS

(a) Acquisition, Construction and Maintenance

Section 2701. Contract with Water Companies and Municipality; Development of Own Water Supply.—Townships may contract with any adjoining municipi-

pality, owning a waterworks system, or with a private company, for a supply of water for public and private uses to be delivered into the lines of the township at or near or within the boundaries thereof.

This section does not prohibit a contract between a township and a municipality, or a private company, for the supply of water in territory being supplied by any other private company. A township shall have full power by contract to develop an independent supply of water at any time, and it is not required to purchase such water supply as the township shall need from either an adjoining municipality or private company.

Section 2702. State Permit.—A township making such contract may, by ordinance, provide and regulate and protect a system of distribution of the water, after a certified copy of the plans and surveys for such system, with a description of the sources from which it is proposed to derive the supply, are filed [in] *with the Department of Health and Water Power Resources Board*, and [a] written [permit] *permits* for the construction of such system obtained [from the Secretary of Health] in accordance with existing law.

Section 2703. Occupation of Highways.—In providing for, regulating, and protecting and extending its system of distribution of water, the township may occupy [public] *streets, roads or highways*, and may take, injure or destroy private property. No highway under the jurisdiction of the State Department of Highways shall be occupied until a permit therefor has been obtained from the State Department of Highways. Property belonging to or used as a cemetery or a place of public worship, or any public or parochial school, or other educational or charitable institution or seminary, shall not be taken, injured or destroyed by virtue of this [act] *section*.

Section 2704. Property Damages; Bond by Township.—If the compensation and damages arising from such taking, injury or destruction of private property cannot be agreed upon, the township may tender its bond as security to the party claiming or entitled to any damages, or to the attorney or agent of any absent person, or to the agent or other officer of a corporation, or to the guardian or committee of any person under legal incapacity. The condition of the bond shall be that the township 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 or assessed in the manner provided in the following sections of this article.

In case the party or parties claiming damages refuse or do not accept the security so tendered, the township

shall give the party, his or their agent, attorney, guardian, or committee, at least ten days' written notice of the time when the same will be presented to the court of common pleas for approval.

Thereafter the township may present its bond to the court, and when approved, the bond shall be filed in court for the benefit of those interested. Recovery may be had thereon for the amount of damages finally determined, if the same is not paid or cannot be collected by execution on the judgment in the issue formed to try the question. Upon the approval of such security, the township may enter into possession.

Section 2705. Appointment of Viewers.—In case the compensation for damages accruing from such taking, injury or destruction has not been agreed upon by parties in interest, the court of common pleas, or any law judge thereof in vacation, on application thereto by the township or any person interested in the property, shall appoint three members of the board of viewers of the county who shall assess the damages, as provided in this act for eminent domain proceedings.

(b) Construction, Acquisition and Maintenance of
Waterworks in Connection with [Boroughs]

Municipalities

Section 2710. Joint Maintenance of Works with [a Borough] *Municipality*.—Any township may unite with a *city, borough or township* in the construction or acquisition and maintenance of works for the supply of water.

Section 2711. State Permits.—The construction of *such* waterworks [, as provided for in the preceding section, shall be after plans for such waterworks have been filed with the Secretary of Health and a permit issued, and after a permit has been issued by the Water and Power Resources Board for the construction of any dam, in accordance with existing law.] *shall be commenced only after plans for such waterworks have been filed with Department of Health and Water and Power Resources Board and permits issued in accordance with law.*

Section 2712. Commission of Waterworks.—Whenever any township unites with a [borough] *municipality* in the construction or acquisition and maintenance of waterworks, the commissioners of such township, after the passage of an ordinance or resolution to that effect, may join with the councils of such [boroughs, now authorized by section two thousand four hundred and sixty-two of the General Borough Act, approved the fourth day of May, one thousand nine hundred and

twenty-seven, (Pamphlet Laws, five hundred nineteen), so to join] *other municipality* and apply to the court of common pleas for the appointment of a commission of waterworks. Such commission shall be composed of citizens of each of the [boroughs] *municipalities* and townships so uniting.

Section 53. Article XXVIII and sections 2801 to 2806 inclusive of said act are hereby reenacted, revised and amended to read as follows:

ARTICLE XXVIII

PUBLIC BUILDINGS

Section 2801. Town Hall.—The commissioners of townships may procure a suitable lot of ground, and [/or] erect a suitable building thereon for a townhouse in which to hold elections, store road machinery, hold meetings of township officers, and for other township uses. For the purpose of procuring a lot of ground and erecting a town hall, the commissioners may borrow money at a rate of interest not exceeding six per centum and issue bonds therefor.

Section 2802. Unloading and Warehouses.—The commissioners may purchase or lease land adjacent to the tracks or right of way of any railroad or street railway, within or without the limits of such township, and erect thereon suitable unloaders, warehouses, or other buildings as may be necessary for unloading, handling, and storing road materials and supplies.

Section 2803. Appropriation of Property.—Townships may enter upon and appropriate private property and also land heretofore granted or dedicated to public or other use within the limits of such township, and which is no longer used for the purpose for which the same was granted or dedicated, for the erection thereon of a town hall, fire house, lockup, and such other public buildings as are necessary for public purposes.

No land or property used for any cemetery, burying ground, public or parochial school, educational or charitable institution, seminary, or place of public worship shall be taken or appropriated by virtue of any power contained in the preceding [section] *paragraph*.

Section 2804. Ordinance of Commissioners.—Whenever the commissioners desire to acquire, enter upon, take, use, and appropriate private property or lands for public buildings, they shall declare such intention by an ordinance duly enacted.

Section 2805. Assessment of Damages.—The compensation and damages arising from such taking, using, and appropriating of private property for such purposes shall be considered, ascertained, determined, awarded,

and paid in the manner provided in this act for eminent domain proceedings.

Section 2806. Use of Public Lands Acquired for other Purposes.—Whenever the commissioners desire to take any lands heretofore granted or dedicated to a use or purpose for which they are no longer used, they shall pass an ordinance declaring such intention, and shall thereupon petition the court of common pleas for leave to file the bond of such township for the purpose of securing any person or persons who may be injured by the taking of such lands. The court shall thereupon direct notice to be given by publication in at least two newspapers of the county. If no exceptions are filed to the bond on or before the day fixed in the notice, the court shall approve the same. The court may increase the amount of the bond, and hear and determine all exceptions that are filed against the approval thereof. Upon the approval of such bond, the commissioners may enter upon and take such lands for the purposes of erecting public buildings. The bond, which shall be in the name of the Commonwealth, for the use of any person or persons who are entitled to damages by reason of the taking of the lands, shall remain on file for their use and benefit. In case the compensation for damages accruing from any such appropriation has not been agreed upon by the parties in interest, the same may be assessed by viewers in accordance with the provisions of this act for the assessment of damages in eminent domain proceedings.

Section 54. Article XXIX and sections 2901, 2910, 2911 and 2912 of said act are hereby reenacted, revised and amended to read as follows:

ARTICLE XXIX

LICENSES AND LICENSE FEES

(a) Transient Retail Merchants

Section 2901. Every township shall have power, by ordinance, to regulate and license each and every transient retail business, within such township, for the sale of goods, wares [and/] or merchandise, and to prohibit the commencement or doing of any such business until or unless the license required by such ordinance has been procured from the proper authorities by the person, firm, or corporation desiring to commence such transient retail business; and to enforce such ordinances by penalties, not exceeding three hundred dollars [, and/] or by other appropriate means. The amount of any such license shall not exceed two hundred dollars for each month, or fractional part thereof, during which any such sale is continued.

Nothing contained in this section shall be construed to apply to (1) farmers selling their own produce, or (2) to the sale of goods, wares, and merchandise, donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose, or (3) to any manufacturer or producer in the sale of bread and bakery products, meat and meat products, or milk and milk products.

(b) Restrictions

Section 2910. Agents for Licensed Dealers not to be Licensed.—It shall be unlawful for any township to levy any license fee or mercantile tax upon any 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 other than dealers or merchants.

Section 2911. Insurance Agents and Brokers not to be Licensed.—It shall be unlawful for any township to impose or collect any license fee upon insurance companies, or their agents, or insurance brokers, authorized to transact business under the Insurance Laws of this Commonwealth.

Section 2912. License Fees on Residents not to Exceed those on Nonresidents.—It shall be unlawful for any township to impose by ordinance, or exact 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 55. Article XXX and sections 3001 and 3013 inclusive of said act are hereby reenacted, revised and amended to read as follows:

ARTICLE XXX

PARKS, RECREATION CENTERS, SHADE TREES AND FORESTS

(a) Public Parks, Playgrounds, and Recreation Centers

Section 3001. Right of Acquisition.—Townships may *by ordinance* dedicate and set apart lands not dedicated to other public uses or purposes, and may enter upon,

* "for" omitted in original.

appropriate, and acquire, by gift, devise, purchase, lease, or otherwise, private property, for the purpose of making, enlarging, and maintaining public parks, parkways, playgrounds, playfields, gymnasiums, public baths, swimming pools, or indoor recreation centers, *hereinafter called recreation places*, and may borrow money and issue bonds for such purpose. The provisions of this section shall not authorize the appropriation of private property outside the township limits, nor the appropriation of any property belonging to or used as a cemetery or place of public worship, or any public or parochial school, or other educational or charitable institution or seminary.

Section 3002. Limitation of Expenditures.—No appropriation, purchase, or lease shall be made, pursuant to the preceding section of this article, whereby any township shall obligate itself to raise, by taxation in the aggregate, any sum exceeding one-half mill annually on the dollar on the assessed valuation of all property, offices, professions, and persons in the township, without the consent of a majority of the electors obtained as hereinafter provided. Such limitation of obligation shall only apply to funds which it is necessary to raise by taxation, and not to funds unappropriated which may, at the time of the lease or purchase, be in the township treasury, either derived from taxes in previous years, or from gifts or donations.

Section 3003. Submission of Question to Voters.—Whenever any township shall, by ordinance, provide for the appropriation, purchase, or leasing of private property, for the purposes aforesaid, and the amount required by taxation in any year shall exceed one-half mill on the dollar of valuation, as provided in the preceding section, the township commissioners shall cause the question of such appropriation, purchase, or leasing to be submitted to the electors of the township at the municipal or general election next occurring after the expiration of ninety days from the date of such ordinance.

Section 3004. Notice of Election.—The township commissioners shall give notice of the proposed submission of such question by weekly advertisements, in not more than three newspapers of general circulation in the township, for a period of three weeks immediately preceding the day of election.

Section 3005. Form of Ballot.—For the purpose of having such question appear upon the ballot, the township commissioners shall certify the question to the county [commissioners] *board of elections* at least [twenty-one] *sixty* days before the day of the election. The question may be stated substantially as follows:

Shall the township of acquire by purchase or condemnation, or both, at a price not exceeding dollars (or by lease for not more than years, at an annual rental of not more than dollars) property, for the purpose of making (or of enlarging) public parks, parkways, playgrounds, playfields, gymnasiums, public baths, swimming pools, or indoor recreation centers, within the locality bounded by

The board of commissioners may, at their discretion, omit the designation of the locality.

Section 3006. Result of Election; Resubmission of Question Limited.—The result of the vote on such question shall be ascertained and certified in the same manner as the vote on the election of officers of the township. No such question, determined negatively by the voters, shall be again submitted until one municipal or general election shall intervene.

Section 3007. Liability of Township for Property Taken.—The appropriation of private property for the purpose of making, enlarging, and maintaining [public parks, parkways, and playgrounds] *recreation places* is declared to be the taking of private property for public use, and for all damage suffered by the owners of any property so taken the funds of the township raised by taxation shall be pledged as security.

Section 3008. Appointment of Viewers.—Whenever any township appropriates private property under the provisions of this article, and is unable to agree with the owners or lessees for the amount of compensation, or whenever, by reason of the absence or legal incapacity of any owner or lessee, no such compensation can be agreed upon, the courts of common pleas, or any law judge thereof in vacation, on application thereto by the township or any person interested, shall appoint three viewers from the county board of viewers, who shall proceed to assess the damages as provided in this act for eminent domain proceedings.

Section 3009. Power to Maintain Park and Recreation Boards.—Townships may improve, maintain, and regulate [public parks, parkways, playgrounds, playfields, gymnasiums, public baths, swimming pools, and indoor recreation centers] *recreation places*.

The authority to supervise, [and] maintain [parks, playgrounds, playfields, gymnasiums, public baths, swimming pools, or indoor recreation centers] *and regulate recreation places* may be vested in any existing body or board or in a park board or recreation board, as the township commissioners may determine. The [local authorities of any such township] *township commission-*

ers may equip, operate and maintain the [parks, playgrounds, playfields, gymnasiums, swimming pools, public baths or indoor recreation centers] *recreation places* as authorized by this act [. Such local authorities] *and* may for the purpose of carrying out the provisions of this act, employ play leaders, recreation directors, supervisors, superintendents, or any other officers or employes as they deem proper.

Section 3010. Park or Recreation Boards; Appointment and Personnel Of.—If the township commissioners shall determine that the power to equip, operate, [and] maintain [parks, playgrounds, playfields, gymnasiums, public baths, swimming pools, or recreation centers] *and regulate recreation places* shall be exercised by a park board or recreation board, they may establish, in said township, such park board, or recreation board, which shall possess all the powers, and be subject to all the responsibilities of the [respective local authorities] *township commissioners* under this act. Such boards, when established, shall consist of five persons. The members of such boards shall be appointed by the commissioners of such township, [and] *except that provision may be made that two of the members of the board may be appointed by the board of school directors of the township.* The members of the board 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 *filled* for the unexpired term, [and shall be filled] in the same manner as original appointments.

Section 3011. Organization of Boards.—The members of a park board or recreation board, established pursuant to this [act] *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] *article*. Such boards shall have power to adopt rules and regulations for the conduct of all business within their jurisdiction.

Section 3012. Expenses of Operation and Maintenance.—All expenses incurred in the operation of such [parks, playgrounds, playfields, gymnasiums, swimming pools, public baths, and indoor recreation centers] *recreation places*, established as herein provided, shall be payable from the treasury of such township. The township commissioners may cause to be raised by special taxation such tax, not to exceed two mills on the dollar

of the assessed valuation of taxable property in such township, for the purpose of maintaining and operating [parks, playgrounds, playfields, gymnasiums, public baths, swimming pools, and recreation centers] *recreation places*.

Section 3013. Joint Acquisition and Maintenance of Public Parks, Playgrounds, Recreation Centers, Et Cetera.—Townships may, jointly with cities, counties, boroughs, other townships of either class, or any combination or number of such units, acquire property for, operate and maintain, any [parks, playgrounds, playfields, gymnasiums, public baths, swimming pools, or indoor recreation centers] *recreation places*. *Any school district may join with the township in equipping, operating and maintaining recreation places and may appropriate money therefor.*

Section 56. Said act is hereby amended by adding to article XXX, section 3014 to read as follows:

Section 3014. Issue of Bonds.—The township may incur indebtedness and may issue general obligation bonds for the purpose of acquiring lands or buildings for recreation places and the equipment thereof.

Section 57. Article XXX and section 3020, sections 3021 to 3031 inclusive and sections 3040 to 3048 inclusive of said act are hereby reenacted, revised and amended to read as follows:

(b) Shade Tree Commission

Section 3020. Right of Establishment.—Townships may *by ordinance* establish a commission to be known as the Shade Tree Commission [of such township].

Section 3021. Personnel of Commission; Appointment; Terms; Vacancies.—The commission shall be composed of [three freeholders] *residents* of the township, who shall be appointed by the township commissioners and shall serve without compensation.

Whenever a shade tree commission is established by any township, the township commissioners shall appoint [three freeholders]—one *member* 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 shade tree commissioner, a successor shall be appointed by the township commissioners, to serve for a term of five years.

Vacancies in the office of shade tree commissioner shall be filled by the township commissioners for the unexpired term.

Section 3022. [Acceptance of Provisions of Act] *Powers may be Vested in Park Commission.*—Whenever, in any township, there exists a commission for the care of public parks, the township commissioners may, by

[a majority vote, accept the provisions of this act so far as they relate to the subject of the shade tree commission, and thereafter] * *ordinance, confer on 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 3023. General Powers of Commission.—The commission shall have exclusive custody and control of the shade trees in the township, and is authorized to plant, remove, maintain, and protect shade trees on the public highways in the township.

Section 3024. Hiring of Employes; Legislative Power of Commission.—The commission may, with the approval of the township commissioners, 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 township. No such regulation shall be in force until it has been approved by the township commissioners, and until it has been published at least twice in [one or] *not more than two newspapers of general circulation in the township, and if no newspapers are published in the township, then in such newspapers circulating in the township.*

Section 3025. Report of Commission.—The shade tree commission shall annually report in full, to the township commissioners, its transactions and expenses for the last fiscal year of the township. The park commission [, in townships accepting this article,] may incorporate such transactions and expenses in its regular report to the township commissioners.

Section 3026. Notice of Commission's Activities; Planting or Removal of Shade Trees.—Whenever any shade tree commission or park commission [, in townships accepting these provisions,] proposes to plant, transplant, or remove shade trees on any *street or highway*, notice of the time and place of meeting, at which such work is to be considered, shall be given in [one or more] *not more than two newspapers of general circulation in the township, and if no newspapers are published in the township, then in such newspapers circulating in the township*, once a week for two weeks, immediately preceding the time of the meeting. The notice shall specify in detail the *streets or highways*, or portions thereof, upon which trees are proposed to be so planted, replanted, or removed.

Section 3027. Landholders Liability for Costs.—The cost of planting, transplanting, or removing any shade trees in the *streets or highways* of the township, of the

* "by" deleted from original.

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] *owner* is to pay shall be ascertained and certified by the commission to the township commissioners and to the township treasurer.

Section 3028. [Notice to and Collection of Costs from Property Holders] *Assessments Liens*.—Upon the filing of the certificate with the township commissioners, the township secretary shall cause thirty days' written notice to be given to the persons against whose property as assessment has been made. The notice shall state the amount of the assessment and the time and place of payment, and shall be accompanied by 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 township commissioners, and, if not paid within the time designated in the notice, a claim may be filed and collected by the township in the same manner as municipal claims are filed and collected.

Section 3029. [Procedure Costs Paid] *Maintenance by Township; Funds For*.—The cost and expenses of caring for such trees after having been planted, and the expense of publishing the notice [provided in the preceding section] *hereuntofore provided*, shall be paid by the township.

The needed amount shall each year be certified by the shade tree commissioners to the township commissioners, and shall be drawn against as required by the commission, in the same manner as money appropriated for township purposes.

The township commissioners, instead of levying the tax authorized under the general tax levying powers of this act, may provide for the expense of caring for trees already planted and of publishing the notice [required by the preceding section], by appropriations equal to the amount certified to be required by the shade tree commission.

Section 3030. *Penalties*.—The commission, *to the extent as may be provided by ordinance of the township*, 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.

Section 3031. *Disposition of Penalties*.—All penalties or assessments imposed under this article shall be paid to the township treasurer, to be placed to the credit of

the shade tree commission, subject to be drawn upon by the commission for the purposes of the preceding sections.

(c) Forests

Section 3040. Right of Acquisition of Forest Lands.—Townships 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 [Secretary] *Department of Forests and Waters*, in accordance with the practices and principles of scientific forestry, for the benefit of the township. Such tracts may be of any size suitable for the purpose, and may be located within or without the township limits.

Section 3041. Approval of [Secretary] *Department of Forests and Waters*.—Before the passage of any ordinance for the acquisition of land to be used as township forests, the township commissioners shall submit to the [Secretary] *Department of Forests and Waters*, and secure [his] *its* approval of, the area and location of such land.

Section 3042. Ordinance and Notice.—Whenever the township commissioners deem it expedient to acquire any lands for forests, they shall so declare in an ordinance, wherein shall be set forth all facts and conditions relating to the proposed action [, which proposed ordinance shall be advertised once a week for three weeks prior to its passage].

Section 3043. Appropriation for Acquisition.—All money necessary for the purchase of such tracts shall be appropriated in the same manner as appropriations for township purposes, and such funds may be provided from the current revenue or by the proceeds of a sale of *general obligation* bonds in accordance with existing law.

Section 3044. [Control of Forests by Secretary of Forests and Waters] *Rules and Regulations*.—Upon the acquisition of any forests or lands suitable for forests, the township commissioners *shall notify the [Secretary] *Department of Forests and Waters*, [who] *which* shall make such rules for the government and proper administration of the same as may be *deemed* necessary; and [the secretary] *the commissioners* shall publish such rules, declare the uses of the forest in accordance with the intent of this [article] *subdivision*, and make such provision for its administration, maintenance, protection, and development as shall be necessary or expedient. The rules governing the administration of such forests shall have for their main purpose the producing of a

* "sall" in original.

continuing township revenue by the sale of forest products.

Section 3045. Appropriation for Maintenance.—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 township purposes. All revenue and emoluments arising from such forests shall be paid into the township treasury, to be used for general township purposes.

Section 3046. Use of Township Forests [as Outing Grounds].—Township forests may be used by the public as general outing or recreation grounds, subject to the rules of the *Department of Forests and Waters* governing their administration as *municipal forests*, and rules adopted by the township commissioners not inconsistent with law or the regulations of the department.

Section 3047. [Disposition of Township Forests; Procedure; Ordinance; Submission of Question] *Ordinance of Sale*.—Whenever the township commissioners deem it expedient to [alienate] *sell or lease* any forest, or part thereof, *or products therefrom*, they 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 for *the sale or lease of a municipal forest, or part thereof*, shall be effective in legalizing such [alienation] *sale or lease* until it has been approved by a majority vote of the people at the next ensuing *general, municipal or primary* election.

Section 3048. Appropriation of Moneys to Forestry Organizations.—The commissioners of any township may appropriate moneys from their respective treasuries 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 of Forests and Waters in forest work.

Section 58. Article XXX-A and sections 3061 to 3068 inclusive of said act are hereby reenacted, revised and amended to read as follows:

ARTICLE XXX-A

LAND SUBDIVISION

Section 3061. Grant of Power.—For the purpose of assuring sites suitable for building purposes and human habitation and to provide for the harmonious development of townships; for the coordination of existing streets with proposed streets, parks or other features of the township's official plan of streets [and alleys]; for adequate open spaces for traffic, recreation, light and

air and for proper distribution of population, thereby creating conditions favorable to the health, safety, morals and general welfare of the citizens, the boards of township commissioners are hereby empowered to adopt by ordinance [or resolution], land subdivision regulations. Such regulations may include definitions, design, standards, plan requirements, plan processing, procedures, improvement, construction, requirements and conditions of acceptance of public improvements by the township.

Section 3062. Public Hearing.—No such regulations shall first be adopted until after a public hearing in relation thereto at which parties in interest and citizens shall have an opportunity to be heard. [At least fifteen days' notice] *Notice* of the time and place of such hearing shall be published in an official paper, if one has been designated by the Board of Township Commissioners, or if none has been so designated, then in a paper of general circulation in the township *once a week for two successive weeks*.

Section 3063. Subdivision Control.—Where subdivision regulations have been adopted under the authority of this article no subdivision of any lot, tract or parcel of land shall be [effected] *affected*; no street [, alley], sanitary sewer, storm sewer, water main or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel; or for the common use of occupants of buildings abutting thereon, except in strict accordance with the provisions of such regulations.

Section 3064. Definition of Subdivision.—Subdivision may be defined as the division of a single lot, tract or parcel of land, *or a part thereof*, into two or more lots, tracts or parcels of land, including changes in street lines or lot lines for the purpose, whether immediate or future, of transfer of ownership or of building development: Provided, however, That divisions of land for agricultural purposes in parcels of more than ten acres, not involving any new street or easement of access, shall be exempted.

Section 3065. Subdivisions Wherein Lots Abut Existing Improved Streets of Sufficient Width.—Such regulations may provide that plans of subdivisions, wherein lots abut existing improved streets of sufficient width, shall be subject to approval or rejection by the township engineer or a committee appointed by the board of township commissioners as specified in the ordinance or resolution establishing the regulations. In the event such a plan is disapproved the reasons therefor shall be set forth in writing and given to the applicant. Any person aggrieved by the decision of the township en-

gineer or the committee may appeal to the board of township commissioners and such appeal shall be considered by the board at its next regular meeting. The decision of the board shall be final.

Section 3066. Subdivisions Wherein Lots Abut Existing Streets of Insufficient Width or Proposed Streets.—

(a) Plans may be Referred to Planning Commission for Recommendations. Such regulations may provide that plans of subdivisions, wherein lots abut existing streets of insufficient width or streets proposed to be laid out through unimproved land, may if the board of township commissioners deems it advisable, be referred to the planning commission of the township, if any, for its recommendations as to location and width of streets and similar features. Such plans shall be subject to approval or rejection by the board of township commissioners. In the event such a plan is disapproved the reasons therefor shall be set forth in writing and given to the applicant. Any party aggrieved by the decision of the board of township commissioners may appeal to the court of quarter sessions of the county as hereinafter provided.

(b) General Requirements; Prerequisite to Approval of Plan. The board of township commissioners shall not approve any subdivision plan unless all streets shown thereon shall be of sufficient width and proper grade, and shall be so located as to accommodate the probable volume of traffic thereon, afford adequate light and air, facilitate fire protection, provide access of fire fighting equipment to buildings, and provide a coordinated system of streets conforming to the township's official plan of streets [and alleys], and unless the land whereon buildings are to be constructed shall be of such character that it can be used for building purposes without danger to health or peril from fire, flood or other hazard.

(c) Improvements or Guarantee Thereof Prerequisite to Approval of Plan. Before approving any subdivision plan for recording, the board of township commissioners shall either require that the necessary grading, paving and other street improvements, including where specified by the board, curbs, sidewalks, street lights, fire hydrants, water mains, sanitary sewers and storm sewers, shall have been installed in strict accordance with the standards and specifications of the township, or that the township be assured by means of a proper completion guarantee in the form of a bond or the deposit of funds or securities in escrow sufficient to cover the cost of the required improvements, as estimated by the township engineer, that the said improvements will subsequently be installed by the owner.

(d) Public Hearing. Before acting on any subdivision plan the board of township commissioners may arrange for a public hearing thereon after giving such notice as the board may deem desirable in each case.

(e) Modifications. The board of township commissioners may alter any subdivision plan and specify changes or modifications therein, which it deems necessary, and may make its approval subject to such alterations, changes or modifications.

(f) Appeals Where Commissioners Refuse Approval. In any case where the board of township commissioners disapproves a subdivision plan, any person aggrieved thereby may, within thirty days thereafter, appeal therefrom by petition to the court of quarter sessions of the county, which court shall hear the matter *de novo*, and after hearing enter a decree affirming, reversing or modifying the action of the board as may appear just in the premises. The court shall designate the [matter] *manner* in which notices of the hearing of any such appeal shall be given to all parties interested. The decision of the court shall be final.

(g) Recording. The action of the board of township commissioners or of the court on appeal in approving any subdivision plan and an approved duplicate copy of such plan, shall within thirty days of the date of approval be recorded by the owner in the office of the recorder of deeds of the county.

(h) Recorded [Streets] *Plan* Become Part of Official Plan. After a subdivision plan has been duly recorded the streets, parks and other public improvements shown thereon shall be considered to be a part of the official plan of the township.

(i) Offer of Dedication May Be Noted on Record Plan. Streets, parks and other public improvements shown on a subdivision plan to be recorded may be offered for dedication to the township by formal notation thereof on the plan or the owner may note on the plan that such improvements have not been offered for dedication to the township.

(j) Streets, Parks and Other Improvements Private Until Dedicated or Condemned. Every street, park or other improvement shown on a subdivision plan, that is recorded as provided herein, shall be deemed to be a private street, park or improvement until such time as the same has been offered for dedication to the township and accepted by ordinance or resolution, or until it has been condemned for use as a public street, park or other improvement.

Section 3067. Sale of Lots; Issuance of Building Permit or Erection of Building.—Where subdivision regulations have been adopted under the authority of this

article no lot in a subdivision may be sold; no permit to erect, alter or repair any building upon land in a subdivision may be issued; and no building may be erected in a subdivision, unless and until a subdivision plan has been approved, and where required, recorded; and until the improvements required by the board of township commissioners in connection therewith have either been constructed or guaranteed as hereinabove provided. Where, owing to special conditions, a literal enforcement of this provision would result in unnecessary hardship, the board of township commissioners may make such reasonable exception thereto as will not be contrary to the public interest and may permit the sale of a lot, issuance of a permit, or erection of a building, subject to conditions necessary to assure adequate streets and other public improvements.

Section 3068. Penalty.—Any person, copartnership or corporation, who or which, shall subdivide any lot, tract or parcel of land, lay out, construct, open or dedicate any street [or alley], sanitary sewer, storm sewer or water main for public use or travel, or for the common use of occupants of buildings abutting thereon, sell any lot or erect any building in a subdivision without having first complied with the provisions hereof, and the subdivision regulations adopted hereunder, shall be guilty of a misdemeanor and upon conviction thereof such person or the members of such copartnership or the officers of such corporation responsible for such violation shall be sentenced to suffer imprisonment not exceeding two years or pay a fine not exceeding one thousand dollars, or both, in the discretion of the court.

Section 59. Article XXXI and sections 3101 to 3110 inclusive of said act are hereby reenacted, revised and amended to read as follows:

ARTICLE XXXI

ZONING

Section 3101. Grant of Power.—For the purpose of promoting health, safety, morals, or the general welfare of townships, the boards of township commissioners are hereby empowered to regulate and restrict the height, number of stories, and size of buildings and other structures, *their construction, alteration, extension, repair, maintenance, and all facilities and services in or about such buildings and structures*, and percentage of lot that may be occupied, the size 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 purpose; and may also establish and maintain building lines and set back build-

ing lines upon any or all public streets [, roads] *and* highways [, lanes and alleys].

Section 3102. Districts.—(a) For any or all said purposes, the board of township commissioners may divide the township into districts of such number, shape, and area as may be deemed best suited to carry out the purpose of this [act; and, within] *article*. *Within* such districts, it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in another district.

Section 3103. Purpose in View.—Such regulations shall be made in accordance with a comprehensive plan, and designed to lessen congestion in the streets, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air and to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such township.

Section 3104. Methods of Procedure.—The board of township commissioners of such township shall provide, by ordinance, the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established, and enforced, and, from time to time, amended, supplemented, or changed. However, no such regulation, restriction, or boundary shall become effective until after a public hearing, in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. [At least fifteen days' notice] *Notice* of the time and place of such hearing shall be published in an official paper or a paper of general circulation in such township [of the first class] *once a week for two weeks*.

Section 3105. Changes.—Such regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed. In case, however, of a protest against such change, signed by the owners of twenty per centum or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear *or in the front or to either side* thereof extending one hundred feet therefrom [, or of those directly opposite thereto

extending one hundred feet from the street frontage of such opposite lots, such]. *Such* *amendment shall not become effective except by the favorable vote of three-fourths of all the members of the board of township commissioners [of such township]. The provisions of the previous section relative to public hearings and official notice shall apply equally to all changes or amendments.

Section 3106. Zoning Commission.—In order to avail itself of the powers conferred by this article, the board of township commissioners shall appoint a commission of five citizens, to be known as the Zoning Commission, to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. Such commission shall make a preliminary report and hold public hearings thereon before submitting its final report; and such board of township commissioners shall not hold its public hearings or take action until it has received the final report of such commission. *Where a township planning commission exists, it may be appointed as the Zoning Commission.*

Section 3107. Board of Adjustment.—Such board of township commissioners may appoint a board of adjustment, and, in the regulations and restrictions adopted pursuant to the authority of this article, may provide that said board of adjustment may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained.

The board of adjustment shall consist of three members, one of whom shall be designated to serve until the first day of January following the adoption of the zoning ordinance, one until the first day of the second January thereafter, and one until the first day of the third January thereafter. Their successors shall be appointed on the expiration of their respective terms, to serve three years. The members of the board shall be removable for cause, by the appointing authority, upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

The board of *adjustment* shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this [act] *article*. 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.

* "amendments" in original.

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, all of which shall be immediately filed in the office of the board and shall be a public record.

Appeals to the board of adjustment may be taken by any person aggrieved, or by any officer [, department, board, or bureau] of the township affected by any 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 adjustment, 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 proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment, 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 and property. In such case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board of adjustment, or by a court of [record] *common pleas of the county* on application, on notice to the officer from whom the appeal is taken, and due cause shown.

The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person, or by agent or by attorney.

The board of adjustment 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 this [act] *article* 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 hard-

ship, and 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 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. *Notice of such decision shall forthwith be given to all parties in interest.*

Any person [or persons, jointly or severally,] aggrieved by any decision of the board of adjustment, or any taxpayer, or any officer [, department, board, or bureau] of the township, may, [present] *within thirty days after such decision of the board, appeal* to the court of common pleas of the county [a] *by* petition, duly verified, setting forth that such decision is [illegal in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the board.] *arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, specifying the grounds upon which he relies.*

Upon the presentation of such petition, [the court may allow an appeal, directed to the board of adjustment, to review such decisions of the board of adjustment, 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 adjustment 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.] *in proper form, the court shall forthwith issue a writ of certiorari directed to the board of adjustment commanding it, within twenty days after the service thereof, to certify to the court under the certificate of its chairman its entire record in the matter in which the appeal has been taken. The prothonotary shall serve the board of adjustment, by registered mail, with a copy of the writ and a copy of the appeal petition. On or before the return day of the writ the board *of adjustment shall file the entire record with the writ in the office of the prothonotary.*

Any time during the pendency of the appeal, upon application of the appellant and upon due notice to the board of adjustment, the court or a judge thereof may, after hearing, grant an order of supersedeas upon such terms and conditions, including the filing of security, as the court or the judge may prescribe.

If, upon hearing of the appeal, it shall appear to the court that testimony is necessary for the proper disposition of the appeal, it may take evidence or appoint a referee to take evidence as it may direct and report the same to the court with his findings of facts and conclusions of law. The court may reverse or affirm, in whole or in part, the decision appealed from as to it may appear just and proper.

Section 3108. Remedies.—In case any building, or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this article or of any ordinance or other regulation made under authority conferred hereby, the proper [local authorities] *officer* of the township, in addition to other remedies, may institute *in the name of the township* any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

Section 3109. Conflict with Other Laws.—Whenever the regulations made under authority of this [act] *article* require a greater width or size of yards, courts, or other open spaces, or require a lower height of buildings or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this article shall

* "or" in original.

govern. Whenever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, courts, or other open spaces, or require a lower height of building or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this article, the provisions of such statute or local ordinance or regulation shall govern.

Section 3110. Act not to Apply to Certain Buildings of Public Service Corporations.—This article shall not apply to any existing or proposed building, or extension thereof, used or to be used by public service corporations, if, upon petition of the corporation, the Public [Service] *Utility* 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 60. Said act is hereby amended by adding to article XXXI, section 3111 to read as follows:

Section 3111. Finances.—The township commissioners are empowered to appropriate such moneys as they may deem necessary to finance the work of the Zoning Commission and the board of adjustment and to enforce the zoning regulations and restrictions which are adopted, and to accept grants of money and service for these purposes from either private or public sources, State or Federal.

Section 61. Article XXXII and sections 3201, 3202 and 3203 of said act are hereby reenacted, revised and amended to read as follows:

ARTICLE XXXII

TOWNSHIP PLANNING COMMISSION

Section 3201. Power to Create Planning Commission; Residence of Commissioners; Employes; Rules and Regulations.—The township commissioners may create by ordinance and appoint a planning commission, consisting of five persons. 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, and annually thereafter a member of said commission shall be appointed for a term of five years. An appointment to fill a vacancy shall be for the unexpired portion of the term. All members of the commission shall reside within the township. They shall serve without compensation, and make annually to the township commissioners a report of their transactions. The planning commission may, with the consent of the township

commissioners, retain the services of an engineer or engineers, as well as other necessary employes, *and may contract for professional planning services, the costs and expenses of which, when approved by the township commissioners, shall be provided for through proper appropriations.* The township commissioners shall appropriate such sum as they deem necessary for defraying the expenses of the planning commission, and, in no event, shall the expenses of the planning commission, including the salaries of the engineer or other employes, exceed the amount of the appropriation.

Section 3202. Maps and Plans; Recommendations of Planning Commission.—In addition to filing an annual report, it shall be the duty of the planning commission to make, or cause to be made, and to lay before the township commissioners maps and plans of the township, or any portion thereof, showing the streets [, highways] and other natural and artificial features, and also any locations recommended by it for any new public buildings, civic schemes, parkways, *parks, playgrounds, or any other public grounds or public improvements, and any widening, extension, or relocation of the same, and thereafter, from time to time, the planning commission may **lay before the township commissioners any modification, change, or supplement to any prior plan or plans. The planning commission may also, from time to time, make recommendations to the township commissioners with respect to any and all matters and things referred to in this section, and, in so doing, shall have regard for the present conditions and future needs and growth of the township.

Any maps or plans so submitted shall not be effective unless regularly approved and adopted by ordinance or resolution of the township commissioners, and after such approval and adoption shall be subject to revision and change from time to time as the township commissioners may deem expedient.

Section 3203. Reference of Proposals to Planning Commission.—The township commissioners may, at their discretion, from time to time, submit to the planning commission any question or proposal relating to any of the matters or things referred to in the preceding section [hereof], or any other matter or thing relating to the growth or development of the township, including any plans for the development of any particular sections of the township, and it shall be the duty of the planning commission, in due course, to make a report with respect to any such question or proposal, with its recommendation thereon.

* "parks" omitted in original.

** "lay" omitted in original.

Section 62. Article XXXIII and sections 3301 to 3305 inclusive of said act are hereby reenacted, revised and amended to read as follows:

ARTICLE XXXIII

ENFORCEMENT OF ORDINANCES

Section 3301. Proceedings for Violation of Township Ordinances.—All proceedings for the violation of township ordinances, and for the collection of fines and penalties imposed thereby, may be commenced by warrant or by summons, at the discretion of the justice of the peace before whom the proceeding is begun. No warrant shall be issued except upon complaint, on oath or affirmation, specifying the ordinance for the violation of which the same is issued. All proceedings shall be directed to and be served by any policeman or constable of the township, who shall execute the same anywhere within the State as may be provided by law. *Persons arrested for violation of a township ordinance shall be entitled to give bail for their appearance according to the practice in cases of summary proceedings.* Warrants shall be returnable forthwith, and, upon such return, like proceedings shall be had in all cases as in summary convictions, with the same right of appeal from any final judgment entered therein, except where otherwise provided by existing laws.

Section 3302. Arrests on View; Complaints.—When any person is arrested on view, a complaint on oath or affirmation, shall be immediately made, whereupon the like proceedings shall be had as upon a warrant issued.

Section 3303. Disposition of Fines and Penalties.—All fines or penalties collected for the violation of township ordinances shall be paid over to the township treasurer.

Section 3304. Incarceration of Violators of Township Ordinances; Collection of Fines and Penalties.—Any person arrested for the violation of a township ordinance may be committed to the township lockup pending a hearing or trial. In case there is no suitable lockup or place in which to detain prisoners, the person arrested may be committed to the county jail *or workhouse*. No person shall be committed, pending a hearing, for a longer period than twenty-four hours except where Sunday intervenes. Upon judgment against any person by summary conviction or by proceedings by summons, on default of the payment of the fine or penalty imposed by said judgment and the costs, the defendant may be sentenced and committed to the township lockup for a period not exceeding five days, or to the county jail *or workhouse* for a period not exceeding

thirty days. No fine or penalty shall exceed three hundred dollars for any single violation of any ordinance. In case the defendant has goods or property of any kind whatsoever, out of which said judgment and costs can be collected by execution, *capias*, or other process, the plaintiff in the action may elect to proceed to collect the said judgment by such proceedings.

Section 3305. Township's Liability for Costs of Prisoners to County.—When a prisoner is committed to any county jail [or prison] *or workhouse*, either for the nonpayment of a fine or penalty imposed for the violation of any ordinance of a township, or while awaiting a hearing upon any charge for the violation of any ordinance of a township, 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 township whose ordinances were alleged to have been violated or to which any such fines or penalties are payable. The county shall not be liable [to the sheriff] for any maintenance or to any officer or persons for any costs.

Section 63. Article XXXIV and sections 3401 to 3406 inclusive of said act are hereby reenacted, revised and amended to read as follows:

ARTICLE XXXIV

ACTIONS BY AND AGAINST TOWNSHIPS

Section 3401. Commissioners to Bring and Defend Suits.—All suits by a township shall be brought and conducted by the township commissioners. In all suits against a township, process shall be served [upon and defense] *as provided by the Rules of Civil Procedure promulgated by the Supreme Court. Defense shall be made by the township commissioners.*

Section 3402. Rights of Taxpayers to Inquire into Judgments.—Any taxpayer of any township may inquire into the validity of any judgment, or defend the township in any suit or judgment, upon filing a petition with the court of common pleas of the county in which such suit is pending or judgment exists, accompanied by an affidavit that the taxpayer believes that injustice will be done to the township in such suit or judgment. Whenever it is deemed necessary, the court may order such taxpayer to file a bond, with one or more sureties, to be approved by court, to save harmless the township from all costs that may accrue in such proceeding subsequent to the filing of such petition. *Whenever such intervention shall have taken place, such taxpayer shall be deemed a party to the record and no settlement of any suit or judgment wherein such intervention shall*

have taken place shall be made without notice to such intervening taxpayer and an opportunity for him to be heard.

Section 3403. Appeals by Taxpayers.—Whenever a judgment is rendered by any justice of the peace or alderman against any township, and the right of appeal is given to such township, and for ten days immediately after the rendition of such judgment the township officials neglect to perfect an appeal, any taxpayer *of such township may take an appeal, in behalf of the township, from such judgment to the court of common pleas of the county, within the time prescribed for the taking of such appeal.

Section 3404. Affidavit and Bail by Taxpayers.—In taking the appeal, the taxpayer shall make an affidavit that the same is not taken for the purpose of delay, but because he verily believes that injustice has been done. The taxpayer shall pay the costs of the appeal, and enter sufficient bail for the payment of all costs before the justice of the peace or alderman and all costs in the court of common pleas.

Section 3405. Taxpayers Parties to Suits.—Upon the filing of such appeal in the court of common pleas of the county, the taxpayer shall be made a party to the suit and shall have the right to defend such township therein.

Section 3406. Recovery of Municipal Claims by Suit.—In addition to the remedies provided by law for the filing of liens for the collection of municipal claims, townships 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 township, 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 is not barred by the statute of limitations affecting actions of debt or assumpsit.]

Section 64. Article XXXV of said act is hereby reenacted in part and revised and amended to read as follows:

* "or" in original.

ARTICLE XXXV

REPEALS

Section 3501. *Nothing contained in this amendment, revision and reenactment shall be construed to revive any act or part of an act heretofore repealed.* The following *additional* acts and parts of acts are hereby repealed as respectively indicated:

The act, approved the twenty-second day of June, one thousand nine hundred thirty-one (Pamphlet Laws 844), entitled, as amended "An act authorizing the Commonwealth of Pennsylvania, or any department or division thereof, and counties, cities, boroughs, incorporated towns, townships, school districts, vocational school districts, and institution districts to make contracts of life, health, hospitalization, medical services, and accident policies for the benefit of employes thereof, and contracts for pensions for such employes; and providing for the payment of the cost thereof," so far as it relates to townships of the first class.

The act, approved the twenty-second day of June, one thousand nine hundred thirty-one (Pamphlet Laws 845), entitled "An act authorizing the publication of advertisements for bids for public works, supplies or equipment in certain publications and journals devoted to information about construction work," so far as it relates to townships of the first class.

The act, approved the first day of May, one thousand nine hundred thirty-five (Pamphlet Laws 124), entitled "An act authorizing the insurance of deposits of funds, of this Commonwealth and of the political subdivisions thereof, with the Federal Deposit Insurance Corporation or other similar agency; and prohibiting requiring further security for amounts so insured," so far as it relates to townships of the first class.

The act, approved the eighteenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws 1173), entitled "An act to prohibit discrimination on account of race, creed or color in employment under contracts for public buildings or public works," so far as it relates to townships of the first class.

The act, approved the sixteenth day of March, one thousand nine hundred thirty-seven (Pamphlet Laws 98), entitled "An act authorizing political subdivisions to stipulate in specifications, upon which contracts for the construction, alteration or repairs of any public work or improvement are entered into, the minimum wages to be paid to laborers and mechanics, and providing for the stipulation of penalties in such contracts where such minimum wage stipulations are violated, and for the recovery of such penalties, and their return

in certain cases," so far as it relates to townships of the first class.

The act, approved the fifth day of June, one thousand nine hundred forty-one (Pamphlet Laws 84), entitled "An act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid members of the police force in boroughs, incorporated towns and townships of the first class maintaining a police force of not less than three members; creating a civil service commission in each borough, incorporated town and township of the first class; defining the duties of such civil service commission; imposing certain duties and expense on boroughs, incorporated towns and townships of the first class; imposing penalties, and repealing inconsistent laws," so far as it relates to townships of the first class.

The act, approved the first day of June, one thousand nine hundred forty-five (Pamphlet Laws 1232), entitled "An act providing for and regulating the appointment, promotion and reduction in rank, suspension and removal of paid operators of fire apparatus in boroughs, incorporated towns and townships of the first class; creating a civil service commission in each borough, incorporated town and township of the first class; defining the duties of such civil service commission; imposing certain duties and expenses on boroughs, incorporated towns and townships of the first class; imposing penalties; and repealing inconsistent laws," so far as it relates to townships of the first class.

Section 3502. All other acts and parts of acts inconsistent with, *supplied by, or appertaining to the subject matter covered by this act* are repealed. *It is the intention that this act shall furnish a complete and exclusive system for the government and regulation of townships of the first class, except as to the several matters enumerated in section 103 of this act.* This act shall not repeal or modify any of the provisions of the Public [Service Company] *Utility Law*, nor [the act, entitled "An act to preserve the purity of the waters of the State for the protection of the public health," approved the twenty-second day of April, one thousand nine hundred and five, nor the act, approved the twenty-fifth day of June, one thousand nine hundred and thirteen (Pamphlet Laws, five hundred fifty-five), entitled "An act providing for the regulation of dams, or other structures or obstructions, as defined herein, in, along, across, or projecting into all streams and bodies of water wholly or partly within, or forming part of the boundary of, this Commonwealth; vesting certain powers and duties in the Water Supply Commission of Pennsylvania, for this purpose and providing

penalties for the violation of the provisions hereof," nor shall this act repeal or modify any of the provisions of any act of Assembly amendatory of law in force at the time of the passage of this act, or otherwise adopted at the Session of the General Assembly of one thousand nine hundred and thirty-one, whether such acts were adopted prior to the passage of this act, or shall be adopted prior to the passage of this act, or shall be adopted subsequent to the passage of this act; nor shall this act repeal any such *act, or part thereof, in force at the time of the passage of this act, which is amended by any act of Assembly adopted at the Session of the General Assembly of one thousand nine hundred and thirty-one.] *any law, enforcement of which is vested in the Department of Health or the Sanitary Water Board, or the provisions of any law, the enforcement of which is vested in the Department of Forests and Waters or the Water and Power Resources Board.*

* "act" omitted in original.

APPROVED—The 27th day of May, A. D. 1949.

JAMES H. DUFF