

avermment of default; or, where any county, city, borough, incorporated town or township has heretofore filed a suggestion of nonpayment and an averment of default on a municipal claim when the law required that a writ of scire facias be sued out; then, in either case, such claim so revived shall be a valid claim and be a lien upon the real estate upon which it was a lien at the time the claim was filed: Provided, That the lien of any such claim shall not reattach against any real estate transferred to any purchaser during the time when the lien of any such municipal claim was lost; nor shall the lien of any such claim impair or affect the priority of the lien of any mortgage or other lien which gained priority because of the failure of the county, city, borough, incorporated town or township to sue out the writ of scire facias within the five (5) year period, or was entered of record during the time the lien of such municipal claim or judgment was lost; nor shall any such lien so revived impair or affect the priority of the lien of any mortgage or other lien which gained priority during the time such municipal claim was not revived or was not effective.

Proviso.

Section 3. The provisions of this act shall become effective immediately upon final enactment.

Act effective immediately.

APPROVED—The 10th day of May, A. D. 1951.

JOHN S. FINE

No. 57

AN ACT

To further amend the act, approved the fifth day of June, one thousand nine hundred forty-seven (Pamphlet Laws 458), entitled, as amended, "An act creating as bodies corporate and politic "Parking Authorities" in cities of the first, second, second A and third classes; prescribing the rights, powers and duties of such authorities; authorizing such authorities to acquire, construct, improve, maintain and operate parking projects; to conduct research of the parking problem, and to establish a permanent coordinated system of parking facilities, and to borrow money and issue bonds therefor; providing for the payment of such bonds and prescribing the rights of the holders thereof; conferring the right of eminent domain on such authorities; empowering such authorities to enter into contracts with, and to accept grants from, the Federal Government, State, political subdivisions of the State or any agency thereof; exempting the property and securities of such parking authorities from taxation and conferring exclusive jurisdiction on certain courts over rates," by extending the provisions of the act to boroughs and townships of the first class.

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

"Parking Authority Law."

Title, act of June 5, 1947, P. L. 458, as amended by act of May 9, 1949, P. L. 969, further amended.

Section 1. The title of the act, approved the fifth day of June, one thousand nine hundred forty-seven (Pamphlet Laws 458), entitled, as amended, "An act creating as bodies corporate and politic "Parking Authorities" in cities of the first, second, second A and third classes; prescribing the rights, powers and duties of such authorities; authorizing such authorities to acquire, construct, improve, maintain and operate parking projects; to conduct research of the parking problem, and to establish a permanent coordinated system of parking facilities, and to borrow money and issue bonds therefor; providing for the payment of such bonds and prescribing the rights of the holders thereof; conferring the right of eminent domain on such authorities; empowering such authorities to enter into contracts with, and to accept grants from, the Federal Government, State, political subdivisions of the State or any agency thereof; exempting the property and securities of such parking authorities from taxation and conferring exclusive jurisdiction on certain courts over rates," as amended by the act, approved the ninth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 969), is hereby further amended to read as follows:

Amended title.

AN ACT

Creating as bodies corporate and politic "Parking Authorities" in cities of the first, second, second A and third classes, *boroughs, and townships of the first class*; prescribing the rights, powers and duties of such authorities; authorizing such authorities to acquire, construct, improve, maintain and operate parking projects; to conduct research of the parking problem, and to establish a permanent coordinated system of parking facilities, and to borrow money and issue bonds therefor; providing for the payment of such bonds and prescribing the rights of the holders thereof; conferring the right of eminent domain on such authorities; empowering such authorities to enter into contracts with, and to accept grants from, the Federal Government, State, political subdivisions of the State or any agency thereof; exempting the property and securities of such parking authorities from taxation and conferring exclusive jurisdiction on certain courts over rates.

Section 2, and subsections (a) and (b) of section 4, said act, section 2 and subsection (a) of section 4 which were amended by act of May 9, 1949, P. L. 969, amended or further amended.

Section 2. Section two, and subsections (a) and (b) of section four of said act, section two and subsection (a) of section four which were amended by the act, approved the ninth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 969), are hereby amended or further amended to read as follows:

Section 2. Findings and Declaration of Policy.

It is hereby determined and declared as a matter of Legislative finding:

(a) That residential decentralization in cities of the first, second, second A and third classes, *boroughs, and townships of the first class* has been accompanied by an ever increasing trend in the number of persons entering the business sections by private automobile as compared with other modes of transportation;

(b) That the free circulation of traffic of all kinds through the streets of cities of the first, second, second A and third classes, *boroughs, and townships of the first class* is necessary to the health, safety and general welfare of the public whether residing in the city, *borough, or township of the first class*, or traveling to, through or from the city, *borough, or township of the first class* in the course of lawful pursuits;

(c) That the greatly increased use by the public of motor vehicles of all kinds has caused serious traffic congestion on the streets of cities of the first, second, second A and third classes, *boroughs, and townships of the first class*;

(d) That the parking of motor vehicles on the streets has contributed to this congestion to such an extent as to interfere seriously with the primary use of such streets for the movement of traffic;

(e) That such parking prevents the free circulation of traffic in, through, and from the city, *borough, or township of the first class*, impedes rapid and effective fighting of fires and the disposition of police forces in the district and endangers the health, safety and welfare of the general public;

(f) That such parking threatens irreparable loss in valuations of property in the city, *borough, or township of the first class* which can no longer be readily reached by vehicular traffic;

(g) That this parking crisis, which threatens the welfare of the community, can be reduced by providing sufficient off-street parking facilities properly located in the several residential, commercial and industrial areas of the city, *borough, or township of the first class*;

(h) That the establishment of a parking authority will promote the public safety, convenience and welfare;

(i) That it is intended that the authority cooperate with all existing parking facilities so that private enterprise and government may mutually provide adequate parking services for the convenience of the public;

Therefore it is hereby declared to be the policy of the Commonwealth of Pennsylvania to promote the safety and welfare of the inhabitants thereof by the creation in first, second, second A and third class cities, *boroughs, and townships of the first class* of bodies corpo-

rate and politic to be known as "Parking Authorities" which shall exist and operate for the purposes contained in this act. Such purposes are hereby declared to be public uses for which public money may be spent and private property may be acquired by the exercise of the power of eminent domain.

Section 4. Method of Incorporation.

(a) Whenever the [city] council of *any city or borough, or the board of commissioners of any first class township* shall desire to organize an Authority, under the provisions of this act, it shall adopt a resolution or ordinance signifying their intention to do so.

In the event that such resolution or ordinance sets forth the proposed articles of incorporation in full it shall not be required, any law to the contrary notwithstanding, in publishing such resolution or ordinance, under the provisions of existing law, to publish such proposed articles of incorporation in full, but it shall be sufficient compliance with such law in such publication to set forth briefly the substances of such proposed articles of incorporation and to refer to the provisions of this act. Thereafter the [city] council of *any city or borough, or the board of commissioners of any first class township* shall cause a notice of such resolution or ordinance to be published at least one time in the legal periodical of the county in which such Authority is to be organized, and at least one time in a newspaper published and of general circulation in such county. Said notice shall contain a brief statement of the substance of said resolution or ordinance, including the substance of such articles, making reference to this act, and shall state that on a day certain, not less than three days after publication of said notice, articles of incorporation of the proposed Authority will be filed with the Secretary of the Commonwealth of Pennsylvania;

(b) On or before the day specified in said notice the [city] council of *any city or borough, or the board of commissioners of any first class township* shall file with the Secretary of the Commonwealth articles of incorporation together with proof of publication of the notice as aforesaid. Said articles of incorporation shall set forth:

- (1) The name of the Authority;
- (2) A statement that such Authority is formed under the provisions of this act;
- (3) The name of the city, *borough, or township of the first class*, together with the names and addresses of its council or *board* members;
- (4) The names, addresses and term of office of the first members of the board of said Authority.

All of which matter shall be determined in accordance with the provisions of this act. Said articles of incorporation shall be executed by the incorporating city, *borough, or township of the first class* by its proper officer and under its municipal seal.

Section 3. Subsection (a) of section five and subsection (a) of section eight of said act are hereby amended to read as follows:

Subsection (a) of section 5, and subsection (a) of section 8, said act, amended.

Section 5. Purposes and Powers; General.

(a) The Authority, incorporated under this act, shall constitute a public body corporate and politic, exercising public powers of the Commonwealth as an agency thereof, and shall be known as the Parking Authority of the city, *borough, or township of the first class*, but shall in no way be deemed to be an instrumentality of the city, *borough, or township of the first class* or engaged in the performance of a municipal function. The Authority shall be for the purpose of conducting the necessary research activity, to maintain current data leading to efficient operation of off-street parking facilities, for the fulfillment of public needs in relation to parking, establishing a permanent coordinated system of parking facilities, planning, designing, locating, acquiring, holding, constructing, improving, maintaining and operating, owning, leasing, either in the capacity of lessor or lessee, land and facilities to be devoted to the parking of vehicles of any kind: Provided, however, That the Authority shall not have the power to engage in the sale of gasoline, the sale of automobile accessories, automobile repair and service, or any other garage service and shall not engage in the sale of any commodity of trade or commerce.

The Authority shall have power to lease portions of the first floor of the parking facilities for commercial use where, in the opinion of the Authority, such leasing is desirable and feasible in order to assist in defraying the expenses of the Authority. Such leases shall be granted on a fair competitive basis.

Section 8. Governing Body.

(a) The powers of each Authority shall be exercised by a board composed of five members, the majority of whom shall be residents of such city, *borough, or township of the first class* and all of whom shall be residents of the county wherein the city, *borough, or township of the first class* is located. The mayor of the city, *the president of the borough council, or president of the board of township commissioners* shall appoint the members of the board, one of whom shall serve for one year, one for two years, one for three years, one for four years, and one for five years from the first day of June, one thousand nine hundred forty-seven. Thereafter the said [mayor] *appointing officer* shall not sooner than

sixty days, nor later than thirty days prior to June first in each year in which a vacancy occurs, appoint a member of the board for a term of five years to succeed the member whose term expires on the first day of June next succeeding. Vacancies for unexpired terms that occur more than sixty days before the end of a term shall be promptly filled by appointment by the mayor. Members of the board may be removed at the will of the appointing power.

Section 9, said act, as amended by act of May 9, 1949, P. L. 969, further amended.

Section 4. Section nine of said act, as amended by the act, approved the ninth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 969), is hereby further amended to read as follows:

Section 9. Acquisition of Lands.

The Authority shall have the power to acquire by purchase or eminent domain proceedings either the fee or such rights, title, interest or easement in such lands, as the Authority may deem necessary for any of the purposes mentioned in this act: Provided, however, That no property devoted to a public use, nor any property of a public service company, property used for burial purposes, places of public worship, nor property which at the effective date of this act is used as a facility or facilities for the parking of motor vehicles, so long as said property is continuously so used, and so long as the operation of the said facility complies with parking and traffic ordinances of the city, *borough and township of the first class* shall be taken under the right of eminent domain. The right of eminent domain shall be exercised by the Authority in the manner provided by law for the exercise of such right by cities [of the class], *boroughs and townships of the first class* in which the Authority exists: Provided, That the viewers may take into consideration, and may assess damages for expenses incurred for the removal of fixtures, equipment and merchandise.

The right of eminent domain herein conferred by this section may be exercised only within the city, *borough and township of the first class*.

Court proceedings necessary to acquire property or property rights, for purposes of this act, shall take precedence over all causes not involving the public interest in all courts to the end that the provision of parking facilities be expedited.

Section 5. Sections ten and fourteen of said act are hereby amended to read as follows:

Section 10. Moneys of the Authority.

All moneys of any Authority, from whatever source derived, shall be paid to the treasurer of the Authority. Said moneys shall be deposited, in the first instance by the treasurer in one or more banks or *trust companies,

Sections 10 and 14, said act, amended.

* "trusts" in original.

in one or more special accounts, and each of such special accounts, to the extent the same is not insured, shall be continuously secured by a pledge of direct obligations of the United States of America, of the Commonwealth, or of the city, *borough, or township of the first class* creating the Authority having an aggregate market value, exclusive of accrued interest at all times, at least equal to the balance on deposit in such account. Such securities shall either be deposited with the treasurer or be held by a trustee or agent satisfactory to the Authority. All banks and trust companies are authorized to give such security for such deposits. The moneys in said accounts shall be paid out on the warrant or other order of the chairman of the Authority, or of such other person or persons as the Authority may authorize to execute such warrants or orders. Every Authority shall have at least an annual examination of its books, accounts and records by a certified public accountant. A copy of such audit shall be delivered to the city, *borough, or township of the first class* creating the Authority. A concise financial statement shall be published annually at least once in a newspaper of general circulation in the city, *borough, or township of the first class* where the principal office of the Authority is located. If such publication is not made by the Authority the city, *borough, or township of the first class* shall publish such statement at the expense of the Authority. If the Authority fails to make such an audit then the controller, auditors or accountant designated by the city, *borough, or township of the first class* are hereby authorized and empowered, from time to time, to examine at the expense of the Authority, the accounts and books of the Authority, including its receipts, disbursements, contracts, leases, sinking funds, investments and any other matters relating to its finances, operation and affairs.

The Attorney General of the Commonwealth of Pennsylvania shall have the right to examine the books, accounts and records of any Authority.

Section 14. Termination of Authority.

When any Authority shall have finally paid and discharged all bonds, which together with the interest due thereon shall have been secured by a pledge of any of the revenues or receipts of a project, it may, subject to any agreements concerning the operation or disposition of such projects, convey such project to the city, *borough, or township of the first class* creating the Authority. When any Authority shall have finally paid and discharged all bonds issued and outstanding and the interest due thereon, and settled all other claims which may be outstanding against it, it may convey all its property to the city, *borough, or township of the first class* and terminate its existence. A certificate request-

ing the termination of the existence of the Authority shall be filed in the office of the Secretary of the Commonwealth. If the certificate is approved by the city, *borough, or township of the first class* creating the Authority by its ordinance or ordinances, the said Secretary shall note the termination of existence on the record of incorporation and return the certificate with his approval shown thereon to the board, which shall cause the same to be recorded in the office of the recorder of deeds of the county. Thereupon the property of said Authority shall pass to the city, *borough, or township of the first class* and the Authority shall cease to exist.

Section 15, said act, as amended by act of May 9, 1949, P. L. 969, further amended.

Section 6. Section fifteen of said act, as amended by the act, approved the ninth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 969), is hereby further amended to read as follows:

Section 15. Exemption from Taxation, and Payments in Lieu of Taxes.

The effectuation of the authorized purposes of Authorities created under this act shall and will be in all respects for the benefit of the residents of cities of the first, second, second A and third classes, *boroughs, and townships of the first class* for the increase of their commerce and prosperity, and for the improvement of their health, safety and living conditions, and, since such Authorities will be performing essential governmental functions in effectuating such purposes, such Authorities shall not be required to pay any taxes or assessments upon any property acquired or used by them for such purposes: Provided, however, That in lieu of such taxes or special assessments an Authority may agree to make payments to the city or the county or any political subdivision. The bonds issued by any Authority, their transfer and the income therefrom, including any profits made on the sale thereof, shall at all times be free from taxation within the Commonwealth of Pennsylvania.

Act effective immediately.

Section 7. The provisions of this act shall become effective immediately upon final enactment.

APPROVED—The 10th day of May, A. D. 1951.

JOHN S. FINE

No. 58

AN ACT

To amend section 5 of the act, approved the eleventh day of June, one thousand nine hundred forty-seven (Pamphlet Laws 565) entitled "An act providing compensation to certain persons who served in the military or naval forces of the United States or of any of her allies during World War II; providing