

## No. 69

## AN ACT

To further amend 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," by changing the provisions thereof relating to public parks, playgrounds and other recreation places and facilities and park and recreation boards.

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

"The First Class Township Code."

Section 1. Section 3001 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," as reenacted and amended by the act, approved the twenty-seventh day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1955), is hereby further amended to read as follows:

Section 3001, act of June 24, 1931, P. L. 1206, as reenacted and amended by act of May 27, 1949, P. L. 1955, further amended.

Section 3001. [Right of] *Acquisition of Lands and Buildings.*—Townships may, *separately or jointly*, by ordinance dedicate and set apart lands not dedicated to other public uses or purposes, and may enter upon, 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] *recreation areas and facilities.*

*Townships may construct and equip new facilities upon such lands and may levy and collect such taxes or special taxes as may be necessary to pay for the same and make appropriations for the construction, improvement, maintenance, care, regulation and government of the same. All the costs and expenses relative to any such property acquired by two or more townships jointly shall be paid by the respective townships in such proportions as may be agreed upon by the commissioners thereof.*

*Townships may likewise acquire private property within the limits of another township, borough or city for the purpose designated in this section, if the other*

\* "playfield" in original.

*township, borough or city shall by ordinance signify its consent thereto.*

Sections 3002, 3003, 3004, 3005, 3006, 3007 and 3008, said act, as reenacted and amended by act of May 27, 1949, P. L. 1955, repealed.

Sections 3009, 3010, 3011, 3012, 3013 and 3014, said act, as reenacted and amended or added by act of May 27, 1949, P. L. 1955, further amended.

Section 2. Sections 3002, 3003, 3004, 3005, 3006, 3007 and 3008 of the act, as reenacted and amended by the act, approved the twenty-seventh day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1955), are hereby repealed.

Section 3. Sections 3009, 3010, 3011, 3012, 3013 and 3014 of the act, as reenacted and amended or added by the act, approved the twenty-seventh day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1955), are hereby further amended to read as follows:

Section 3009. [Power to Maintain Park and Recreation Boards] *Creation of Recreation Board.*—Townships may improve, maintain, and regulate [recreation places] *public parks, recreation areas and facilities and conduct recreation programs.*

The authority to supervise, maintain and regulate [recreation places] *parks, recreation areas and facilities* may be vested in any existing body or board or in a park board or recreation board, as the township commissioners may determine. The township commissioners may equip, operate and maintain the [recreation places] *parks, recreation areas and facilities* as authorized by this act and [may] *shall* 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.

*If the township commissioners shall determine that the power to equip, operate and maintain parks, recreation areas and facilities shall be placed in a recreation board, such board shall possess all the powers and be subject to all the responsibilities of the commissioners under this article. In such case, the recreation board shall exercise its powers and duties in establishing standards, qualifications and salary schedules, to be approved by the commissioners, for all classifications of recreation employes. Whenever boroughs, cities, counties, townships, school districts, or any of them, wish to develop a cooperative plan of recreation service with a township, the recreation board shall have the power to adjust the personnel, standards, qualifications and salary schedules as established, to be approved by the commissioners, to meet the terms of a joint operation agreed upon.*

Section 3010. *Composition of Park or Recreation Boards.*—[Appointment and Personnel Of.—If the township commissioners shall determine that the power to equip, operate, maintain 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 township commissioners under this act. Such *Park or recreation* boards, when established, shall consist of five or seven persons, and when established in a township having a school board, two of the members shall be members or appointees of the school board. The other members of such boards shall be appointed by the commissioners of such township [, 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] *terms of not more than two members* shall expire annually thereafter. Members of such board shall serve without pay. [Women shall be eligible for appointment.] *All persons so appointed shall serve their full terms unless they shall voluntarily resign or be removed by the township commissioners for malfeasance or non-feasance of duty.* Vacancies in such board, occurring otherwise than by expiration of term, shall be filled for the unexpired term, in the same manner as original appointments.

Section 3011. *Organization of Park or Recreation Boards; Powers and Duties Delegated to the Board by the Commissioners.*—The members of a park board or recreation board, established pursuant to this article, shall elect their own chairman and secretary and select all other necessary officers, to serve for a period of one year, and may employ such persons as may be needed as authorized by this article. Such [boards] *board* shall have power to adopt rules and regulations for the conduct of all business within their jurisdiction. *Its jurisdiction shall include the right to select, employ and discharge all recreation personnel used to carry out the provisions of this article. It shall be the duty of the recreation board and its executive to submit an annual report to the township commissioners, including an analysis of the community recreation areas, facilities and leadership, with particular reference to the extent and adequacy of the program and its effectiveness in view of the public expenditure involved and the public needs to be met.*

Section 3012. [Expenses of Operation and] *Maintenance and Tax Levy.*—All expenses incurred in the maintenance and operation of such [recreation places] *parks, recreation areas and facilities*, established as herein provided, shall be payable from the treasury of such township or borough, city, county or school district, as may be provided for by the agreement of the corporate authorities. *The township commissioners of such*

*township may annually appropriate and cause to be raised by taxation an amount necessary for the purpose of maintaining and operating the parks, recreation areas and facilities and programs. 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 [recreation places] the parks, recreation areas and facilities and the programs thereon.*

Section 3013. [Joint Acquisition and Maintenance of Public Parks, Playgrounds, Recreation Centers, Et Cetera] *Joint Ownership and Maintenance.*—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 [recreation places] *parks, public recreation areas and facilities.* Any school district may join with the township in equipping, operating and maintaining [recreation places] *parks, public recreation areas and facilities* and may appropriate money therefor.

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] *parks and recreation areas* and the equipment thereof.

Article XXX, said act, as reenacted and amended by act of May 27, 1949, P. L. 1955, amended by adding, after section 3014, two new sections 3015 and 3016.

Section 4. Article XXX of the act, as reenacted and amended by the act, approved the twenty-seventh day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1955), is hereby amended by adding, after section 3014, two new sections to read as follows:

*Section 3015. Plan of Parks, Recreation Areas and Facilities.*—Every township shall have a general plan of its parks, recreation areas and facilities, including those which may 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. All subdivisions of property thereafter made shall conform thereto. The location of parks, recreation areas and facilities laid out and confirmed by the township commissioners shall not afterwards be altered without the consent of the commissioners, and no map or plot of parks or playgrounds shall be entered or recorded in any public office of the township until approved by the township commissioners.

No person shall hereafter be entitled to recover any damages for the taking for public use of any buildings or improvements of any kind which may be placed or constructed upon or within the lines of any located park or recreation area after the same shall have been located or ordained by the township commissioners.

*Section 3016. Lands for Planned Parks and Recreation Areas to be Appropriated Within Three Years.*—

*Whenever any park, parkway or recreation area may hereafter be superimposed upon the confirmed plan of the streets, parks and recreation areas of any township in the sections not entirely built up by ordinance of the township, unless an ordinance actually appropriating the land within the lines of said park, parkway or recreation area to public use is duly passed by the township commissioners thereof or the land is acquired by the township commissioners within three years from the passage of the ordinance superimposing the plan upon said land, said ordinance superimposing the plan upon the land shall be void and of no effect and the plan shall be automatically removed from the land as if it had never been placed thereon; nor shall any plan again be superimposed on the land without an accompanying ordinance condemning it to public use.*

APPROVED—The 2nd day of July, A. D. 1953.

JOHN S. FINE

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No. 70

AN ACT

To amend section 2 of the act, approved the nineteenth day of May, one thousand eight hundred eighty-seven (Pamphlet Laws 138), entitled "An act providing for payment of costs in criminal cases by the proper county," by allowing the district attorneys of the several counties necessary expenses in cases appealed to any appellate court of this Commonwealth or to any court of the United States and eliminating ineffective provisions.

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

Section 1. Section 2 of the act, approved the nineteenth day of May, one thousand eight hundred eighty-seven (Pamphlet Laws 138), entitled "An act providing for payment of costs in criminal cases by the proper county," is hereby amended to read as follows:

Section 2. That, when the record in any criminal case shall have been removed by writ of certiorari or otherwise to [the Supreme Court] any appellate court of this Commonwealth or to any court of the United States for review and shall have been therein disposed of, the necessary expenses of the district attorney in connection therewith [, including a reasonable compensation for his services to be fixed by the court in addition to the regular fee now allowed him by law for trying the case in the lower court,] shall be paid by the proper county; and the costs of the officers, including the costs of the justice of the peace and constable, and all cases of wife desertion and surety of the peace, shall be chargeable to and paid by the proper county as soon as the

Criminal procedure.

Section 2, act of May 19, 1887, P. L. 138, amended.

Proper county to pay expenses of district attorney in connection with criminal cases removed to certain courts

Proper county to pay costs in cases of desertion and surety of the peace.