

No. 83

AN ACT

To further amend the act, approved the first day of May, one thousand nine hundred thirty-three (Pamphlet Laws 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," by authorizing justices of the peace to hold other elective township offices, requiring supervisors to fix certain compensation of the township secretary, clarifying certain provisions relating to compensation of township auditors, authorizing certain training of policemen at township expense, increasing powers of supervisors to regulate garbage and rubbish, authorizing erection of parking meters and regulation of parking meter charges, providing for the construction of sidewalks and the assessment and collection of certain cost thereof, and for township acquisition and control of abandoned cemeteries, regulating the adoption of fire prevention codes, authorizing cooperation with other political subdivisions in promotion of health, authorizing control of disorderly practices, changing the provisions relating to filling of vacancies in office of supervisors, taxing powers of townships, the provisions of the act relating to public parks, recreation places and facilities and park and recreation boards, and certain provisions relating to zoning.

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

"The Second Class Township Code."

Section 402, act of May 1, 1933, P. L. 103, as reenacted and amended by act of July 10, 1947, P. L. 1481, further amended.

Section 1. Section 402 of the act, approved the first day of May, one thousand nine hundred thirty-three (Pamphlet Laws 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," as reenacted and amended by the act, approved the tenth day of July, one thousand nine hundred forty-seven (Pamphlet Laws 1481), is hereby further amended to read as follows:

Section 402. Officers to Be Elected.—The electors of each township shall elect (a) three supervisors, (b) one assessor, (c) three auditors, and (d) one tax collector. No person shall at the same time hold more than one elective township office: *Provided, That the office of justice of the peace shall not be considered an elective township office for the purposes of this section.*

Section 420, said act, as last amended by act of May 24, 1951, P. L. 370, further amended.

Section 2. Section 420 of said act, as last amended by the act, approved the twenty-fourth day of May, one thousand nine hundred fifty-one (Pamphlet Laws 370), is hereby further amended to read as follows:

Section 420. Supervisors.—If the electors of any township shall fail to choose a supervisor, or if any person elected to such office shall neglect or refuse to serve therein, or if a vacancy shall occur in the office by death, resignation, removal from the township, or otherwise,

the two remaining supervisors may appoint a successor and upon their failure to make such appointment within thirty days after the vacancy occurs, the court of quarter sessions shall appoint a successor, upon the presentation of a petition signed by a supervisor and not less than five registered electors. In either case, the successor so appointed shall hold the office [until the first Monday of January succeeding the first municipal election occurring at least sixty days after the office became vacant, at which election a supervisor shall be elected] for the unexpired term. When a vacancy is so filled by the two remaining supervisors they shall, within fifteen days thereafter, certify such appointment to the clerk of the court of quarter *sessions.

Section 3. Section 540 of the act, as reenacted and amended by the act, approved the tenth day of July, one thousand nine hundred forty-seven (Pamphlet Laws 1481), is hereby further amended to read as follows:

Section 540, said act, as reenacted and amended by act of July 10, 1947, P. L. 1481, further amended.

Section 540. Duties and Compensation.—The secretary in each township shall be clerk to the board of supervisors. He shall keep a record of the proceedings of said officers in a minute book in which he shall also record all court orders relative to the laying out, opening, and vacating of roads. The minute book, account book and other financial records shall be carefully preserved by the secretary and shall be turned over to his successor in office. Miscellaneous records and papers of the township other than the minute book and account book may be destroyed with the consent of the supervisors after the lapse of six years from the date of such records.

The secretary shall prepare and write the annual tax duplicate of the township, and shall receive such compensation therefor as shall be fixed by the township [auditors] *supervisors*. The combined amount paid to the secretary and treasurer for services, exclusive of the compensation for the preparation of the annual tax duplicate, shall not exceed three per centum of the money paid out by the treasurer, but it shall not be less than fifty dollars; and the calculation of such maximum compensation shall not include any percentage upon moneys paid out by the treasurer for the repayment of loans, notes, certificates, or other evidences of indebtedness, or other borrowed moneys.

Section 4. Section 545 of said act, as amended by the act, approved the twenty-first day of June, one thousand nine hundred forty-seven (Pamphlet Laws 805), and as reenacted and amended by the act, approved the tenth day of July, one thousand nine hundred forty-seven (Pamphlet Laws 1481), is hereby reenacted to read as follows:

Section 545, said act, as amended by act of June 21, 1947, P. L. 805, and as reenacted and amended by act of July 10, 1947, P. L. 1481, reenacted.

* "session" in original.

Section 545. Meetings; Duties; Quorum; Surcharges; Compensation.—The auditors of townships shall meet annually, at the place of meeting of the supervisors, on the day following the day which is fixed by this act for organization of the township supervisors; and shall organize by the election of a chairman and secretary, and shall audit, settle, and adjust the accounts of the supervisors, superintendents, roadmasters, treasurer, and tax collector of the township, and fix the compensations for the current year authorized in sections 515 and 540 hereof. Two auditors shall constitute a quorum. The auditors shall also make an audit of the dockets, transcripts, and other official records of the justices of the peace to determine the amounts of fines and costs paid over or due the township, and the dockets and records of the justices of the peace shall be open to inspection by the auditors for such purpose.

Any elected or appointed officer, whose act, error or omission has contributed to the financial loss of any township, shall be surcharged by the auditors with the amount of such loss, and the surcharge of any such officer shall take into consideration as its basis, the results of such act, error or omission and the results had the procedure been strictly according to law. The provisions hereof limiting the amount of any surcharge shall not apply to cases involving fraud or collusion on the part of such officers, nor to any penalty ensuing to the benefit of or payable to the Commonwealth.

Each auditor shall receive six dollars per diem for each day necessarily employed in the duties of his office, to be paid out of the funds of the township.

Subsection A of section 590, said act, as last amended by act of May 20, 1949, P. L. 1562, further amended.

Section 5. Subsection A of section 590 of said act, as last amended by the act, approved the twentieth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1562), is hereby further amended to read as follows:

Section 590. Petition for Appointment of Police; Contracts for Police Services.—A. Upon the petition of not less than twenty-five registered electors or taxpayers of any township, or of two or more adjacent townships, representing that the safety of the citizens and the security of property make it necessary for the appointment of one or more policemen, the supervisors of such township or townships shall consider said petition, and, if satisfied of the reasonableness and propriety of said application, shall appoint one or more registered electors, who shall be residents of the Commonwealth, to act as policemen, and to serve at the will of said supervisors.

The supervisors of such township or townships shall fix the number of policemen, the compensation of such policemen, and shall limit the term of service of said policemen as it may deem proper. Where such policemen

are appointed for two or more townships, the supervisors of such township shall fix the amount of compensation which shall be paid by each of such townships. Such compensation shall be paid from the general township fund. *The supervisors of the township or townships may assign any *policeman, with his consent, 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 or a part thereof while in attendance in such training school.*

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Section 6. Clause VIII of section 702 of said act, as last amended by the act, approved the twenty-fourth day of May, one thousand nine hundred fifty-one (Pamphlet Laws 370), is hereby further amended to read as follows:

Clause VIII of section 702, said act, as last amended by act of May 24, 1951, P. L. 370, further amended.

Section 702. Supervisors to Exercise Powers.—The corporate powers of townships of the second class shall be exercised by the township supervisors. Where no specific authority is given for the expenditures incident to the exercise of any power hereinafter conferred, or where no specific fund is designated from which such expenditures shall be made, appropriations for such expenditures shall be made only from the general township fund. In addition to the duties imposed upon them by section 516 hereof, they shall have power—

* * * * *

VIII. Garbage Regulations.—*To regulate or prohibit the dumping or otherwise depositing of garbage and rubbish within the township. To prohibit accumulations of garbage and rubbish upon private property, including the imposition and collection of reasonable fees and charges for the collection and removal thereof. They shall also have power to—*

(1) 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, or, in the absence of such collection, removal and disposal plan for the entire township, the supervisors shall—

* "policemen" in original.

** "costs" in original.

(2) on petition of a majority of the adult taxable residents of any territory within the township, which has been definitely defined, set apart and limited by the township supervisors, with the approval of the township auditors, as a village, prior to the filing of any such petition, either with township employes and facilities, or with independent contractors, provide for the removal from the village of ashes or garbage or other refuse material, as the case may be, and for the disposal thereof. The Supervisors shall levy a per capita assessment upon all adult residents of any such village, sufficient to defray the cost of such removal and disposal. Such assessment shall be collected in the same manner as per capita taxes, and the collector shall receive the same commission thereon. The treasurer of the board of supervisors shall receive all such assessments collected and keep the same in a separate account and pay the same out only upon orders signed by the chairman and attested by the secretary of the board of supervisors. The treasurer shall make an annual report of the account to the auditors of the township.

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Clause XXIV of section 702, said act, as reenacted and amended by act of July 10, 1947, P. L. 1481, further amended.

Section 7. Clause XXIV of section 702 of said act, as reenacted and amended by the act, approved the tenth day of July, one thousand nine hundred forty-seven (Pamphlet Laws 1481), is hereby further amended to read as follows:

Section 702. Supervisors to Exercise Powers.—The corporate powers of townships of the second class shall be exercised by the township supervisors. Where no specific authority is given for the expenditures incident to the exercise of any power hereinafter conferred, or where no specific fund is designated from which such expenditures shall be made, appropriations for such expenditures shall be made only from the general township fund. In addition to the duties imposed upon them by section 516 hereof, they shall have power—

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XXIV. Regulation of Parking.—To regulate parking and provide parking accommodations so as to promote the convenience and protection of the public. *The supervisors shall also have power to erect parking meters and to regulate parking meter charges.*

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Clause XXVIII of section 702, said act, as last amended by act of May 11, 1949, P. L. 1185, further amended.

Section 8. Clause XXVIII of section 702 of said act, as last amended by the act, approved the eleventh day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1185), is hereby further amended to read as follows:

Section 702. Supervisors to Exercise Powers.—The corporate powers of townships of the second class shall be exercised by the township supervisors. Where no specific authority is given for expenditures incident to the exercise of any power hereinafter conferred, or where no specific fund is designated from which such expenditures shall be made, appropriations for such expenditures shall be made only from the general township fund. In addition to the duties imposed upon them by section 516 hereof, they shall have power—

* * * * *

XXVIII. Abandoned [or Neglected] Cemeteries.—Whenever any cemetery or burial ground, incorporated or unincorporated, is [being neglected, although occasionally used for burial purposes,] *abandoned*, the court of quarter sessions of the county, upon petition of twenty-five residents of the township, wherein such cemetery is located, may direct *title thereof to be transferred to the township and* the supervisors to care for such cemetery at a cost of not more than [sixty] *one hundred* dollars in any one year. [, and the] *The* supervisors shall expend moneys from the general township fund for such purpose. Such cemetery shall remain open to the public [as may be directed by the court] *under the regulation and control of the supervisors.*

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Section 9. Clauses XXXII and XL of section 702 of said act, as added by the act, approved the tenth day of July, one thousand nine hundred forty-seven (Pamphlet Laws 1481), are hereby amended to read as follows:

Clauses XXXII and XL of section 702, said act, as added by act of July 10, 1947, P. L. 1481, amended.

Section 702. Supervisors to Exercise Powers.—The corporate powers of townships of the second class shall be exercised by the township supervisors. Where no specific authority is given for the expenditures incident to the exercise of any power hereinafter conferred, or where no specific fund is designated from which such expenditures shall be made, appropriations for such expenditures shall be made only from the general township fund. In addition to the duties imposed upon them by section 516 hereof, they shall have power—

* * * * *

XXXII. Fire Prevention.—To make regulations, by ordinance, relative to the cause and prevention of fires. *Such ordinances may adopt any standard fire prevention code published and printed in book form covering the above items without incorporating such code in the ordinance, or any township may exact such fire prevention code as its ordinance authorized under the provisions of this clause. In either event, such code shall not be published or advertised in full as provided by this section in the case of the adoption of ordinances. Notice*

of the adoption of such standard fire prevention code as the fire prevention 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 Pennsylvania State Police, and a reference to the place or places within the township where copies of the 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 fire prevention code.

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XL. 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 cooperating with other political subdivisions in promotion of the health of the citizens and residents of the township and other political subdivisions, and in performing governmental powers, duties and functions, and in carrying into effect provisions of law relating to said subjects, which are common to all such political subdivisions.

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Clause XLVII of section 702, said act, as added by act of May 24, 1951, P. L. 370, amended.

Section 10. Clause XLVII of section 702 of said act, as added by the act, approved the twenty-fourth day of May, one thousand nine hundred fifty-one (Pamphlet Laws 370), is hereby amended to read as follows:

Section 702. Supervisors to Exercise Powers.—The corporate powers of townships of the second class shall be exercised by the township supervisors. Where no specific authority is given for the expenditures incident to the exercise of any power hereinafter conferred, or where no specific fund is designated from which such expenditures shall be made, appropriations for such expenditures shall be made only from the general township fund. In addition to the duties imposed upon them by section 516 hereof, they shall have power—

* * * * *

Subsection A of section 905, said act, as reenacted and amended by act of July 10, 1947, P. L. 1481, and as last amended in part by acts of May 20, 1949, P. L. 1562 and May 24, 1951, P. L. 370, further amended.

XLVII. Public Safety.—To take all needful means for securing the safety of persons or property within the township, *including the control of disorderly practices.*

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Section 11. Subsection A of section 905 of said act, as reenacted and amended by the act, approved the tenth day of July, one thousand nine hundred forty-seven (Pamphlet Laws 1481), and as last amended in part by

the acts, approved the twentieth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1562), and the twenty-fourth day of May, one thousand nine hundred fifty-one (Pamphlet Laws 370), is hereby further amended to read as follows:

Section 905. Township and Special Tax Levies.—A. The board of township supervisors may, by resolution, levy taxes upon all real property and upon all occupations, or upon real property alone, within the township made taxable for township purposes, as ascertained by the last adjusted valuation for county purposes, for the purposes and at the rates hereinafter specified. All taxes shall be collected in cash.

1. An annual township tax, for road, bridge, and general township purposes, not later than the fourth Monday of March of each year, not exceeding nine mills [except where necessary to pay existing indebtedness and interest thereon, in which case not more than two additional mills may be levied]. Where the board of supervisors, by a majority action, shall, upon due cause shown, petition the court of quarter sessions for the right to levy additional millage, the court, after such public notice as it may direct and after hearing, may order a greater rate than [eleven] *nine* mills but not exceeding five additional mills, to be levied. Such annual township tax shall include all levies for road, bridge and general township purposes [and for the payment of bonds and certificates of indebtedness issued and all other debts incurred for such purposes. Not less than ten per centum of the annual township tax shall be set aside by the respective townships and used for the payment of existing indebtedness incurred for such purposes, for the payment of which indebtedness no provision has been made].

2. Upon receipt of a petition of a majority of the owners of real estate of the township requesting it, an annual tax, not exceeding five mills, for the purpose of lighting the highways, roads and other public places in the township, in the manner provided by the general powers of this act, and of defraying the cost, charges and expenses thereof. Nothing contained herein shall require a petition of owners of real estate in any township, which is now lighting its streets and imposing taxes under this subsection for such purposes.

3. An annual tax so long as necessary not exceeding fifty per centum of the rate of assessment for the township tax, for the purpose of procuring a lot and 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.

4. A tax, not exceeding two mills, and not exceeding the amounts hereinafter limited, for the purpose of purchasing and maintaining fire apparatus and to provide, with the assent of the electors of the township as hereinafter provided, a suitable place for the housing of the same, and to make appropriations to fire companies for the purchase and maintenance of fire apparatus; but no new fire apparatus shall be thereafter purchased by the township, or by any fire company from appropriations made by the township, without the consent of the electors as hereinafter provided.

5. A tax not exceeding two mills for the purpose of establishing and maintaining fire hydrants and fire hydrant water service, after obtaining the assent of two-thirds of the electors of the township voting thereon, in the manner provided in this act.

6. A tax, not exceeding two mills, for the purpose of maintaining and operating parks, playgrounds, playfields, gymnasiums, public baths, swimming pools and recreation centers as hereinafter provided.

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

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Section 1402, said act, as last amended by act of May 24, 1951, P. L. 370, further amended.

Section 12. Section 1402 of the act, as last amended by the act, approved the twenty-fourth day of May, one thousand nine hundred fifty-one (Pamphlet Laws 370), is hereby further amended to read as follows:

Section 1402. Construction of Sidewalks or Sidewalks and Curbs Upon Petition of Property Owners *or Pursuant to Ordinance*.—(a) The township supervisors may construct sidewalks or curbs, or sidewalks and curbs, of suitable material, along the roads or highways, in such townships, upon the petition of owners of property representing a majority in number of feet front of the properties abutting on the roads or highways where such sidewalks or sidewalks and curbs are to be constructed. Whenever any such petition is filed with the supervisors, the owner of the property shall be given notice by the supervisors to construct such sidewalk or sidewalk and curb; and in case of the failure of the owner to complete such sidewalk or sidewalk and curb within a period of sixty days after the receipt of such notice, the supervisors may construct such sidewalk or sidewalk and curb as herein provided. Whenever any sidewalks or sidewalks and curbs are constructed by the supervisors, the expense of the construction of such sidewalk or sidewalk and curb shall be paid by the abutting property owners in proportion to their frontage. If such owners fail to so pay the expenses of the construction of such sidewalk or sidewalk and curb, the township supervisors may

recover the amount by action of assumpsit, or may file municipal liens therefor against the abutting properties, in the manner provided by law for the filing and collection of municipal liens.

(b) *The township supervisors may also construct sidewalks of suitable material along the roads or highways in such townships pursuant to an ordinance authorizing such construction. Whenever any sidewalks are constructed by the supervisors pursuant to such ordinance, the expense of the construction of such sidewalks shall be paid by the abutting property owners in proportion to their frontage, but in no such instance shall any abutting property owner be liable for the construction of such sidewalks in an amount greater than ten percent of the assessed valuation of the abutting property owned by him. Any expense above such maximum liability of abutting property owners shall be paid by the townships. If abutting property owners fail to so pay the expenses of the construction of such sidewalks for which they are liable, the township supervisors may recover the amount by action of assumpsit or may file municipal liens therefor against the abutting properties in the manner provided by law for the filing and collection of municipal liens.*

Section 13. Section 1901 of the act, as last amended by the act, approved the twenty-fourth day of May, one thousand nine hundred fifty-one (Pamphlet Laws 370), is hereby further amended to read as follows:

Section 1901,
said act as last
amended by act
of May 24, 1951,
P. L. 370, fur-
ther amended.

Section 1901. [Designation and] Acquisition of Lands and Buildings.—The supervisors of any township may by ordinance *separately or jointly* designate and set apart for use as parks, playgrounds, playfields, gymnasiums, public baths, swimming pools, or indoor recreation centers, hereinafter called [recreation places] *public parks, recreation areas and facilities*, any lands or buildings, owned by such township, and not dedicated or devoted to other public use. Such township may, in such manner as may be authorized or provided by law for the acquisition of lands or buildings for public purposes in such township, acquire lands or buildings therein for any of such purposes or *construct and equip new facilities upon such lands or*, if there be no law authorizing such acquisition, the township supervisors may acquire lands or buildings for such purposes by gift or purchase, or may lease lands or buildings in such township for temporary use for such purposes. Whenever the supervisors designate or acquire any lands, with or without buildings, under the provisions of this section, except when the acquisition is under a lease for temporary use, they may construct buildings and facilities thereon for the purposes herein indicated.

Sections 1902, 1903, 1904, 1905, 1906 and 1907, said act, as reenacted and amended by act of July 10, 1947, P. L. 1481, further amended.

Section 14. Sections 1902, 1903, 1904, 1905, 1906 and 1907 of the act, as reenacted and amended by the act, approved the tenth day of July, one thousand nine hundred forty-seven (Pamphlet Laws 1481), are hereby further amended to read as follows:

Section 1902. *Creation of Park and Recreation Boards.*—The authority to *equip*, supervise and maintain [such recreation places] *parks, recreation areas and facilities and to conduct recreation programs* may be vested in any existing body or board or in a park board or recreation board as the township supervisors may determine. The supervisors may equip, operate and maintain such [recreation places] *parks, recreation areas and facilities* as authorized by this article. Such supervisors may, for the purpose of carrying out the provisions of this article, employ play leaders, recreation directors, supervisors, superintendents, or any other officers or employes as they deem proper. *If the supervisors 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 board of supervisors 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 supervisors, for all classifications **of recreation employes. Whenever boroughs, cities, counties, townships, school districts, or any of them, develop a cooperative plan of recreation service with a township, the township recreation board shall have the power to adjust its established personnel standards, qualifications and salary schedules, to be approved by the supervisors, to meet the terms of a joint operation agreed upon.*

Section 1903. [Appointment of Park and Recreation Boards] *Composition of Park or Recreation Boards.*—[If the township supervisors shall determine that the power to equip, operate, and maintain such recreation places shall be exercised by a park board or recreation board, they may establish, in said township, such park board or recreation board. Either of 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 supervisors, and shall serve for terms of five years or until their successors are appointed, except that the members of such board first appointed shall be appointed for such terms that the term of [one member] not more than two members shall expire annually thereafter. Members of*

* "of" in original.

** "or" in original.

such board shall serve without pay. [Women shall be eligible for appointment.] *All persons appointed shall serve their full terms unless voluntarily resigned or removed by the supervisors for dereliction or neglect of duty.* Vacancies in such board occurring otherwise than by expiration of term shall be for the unexpired term, and shall be filled in the same manner as original appointments.

Section 1904. [Officers of Board] *Organization of Park or Recreation Board; Powers and Duties Delegated to the Board by the Supervisors.*—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, with the prior approval of the supervisors, employ such persons as may be needed as authorized by this article]. Such boards shall have power to adopt rules and regulations for the conduct of all business within their jurisdiction. *Their 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 supervisors, 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 1905. [Joint Municipal Acquisitions] *Joint Ownership and Maintenance.*—Any township may, jointly with any one or more townships, boroughs and cities, acquire property for *and operate and maintain any [such recreation places] *parks and public recreation areas and facilities. Any school district may join with the township in equipping, operating and maintaining parks, public recreation areas and facilities, and may appropriate money therefor.*

Section 1906. Bond Issues.—The township supervisors may issue bonds for the **purpose of acquiring lands or buildings for [such recreation places] *parks, public recreation areas and facilities* and for the equipment thereof.

Section 1907. [Cost of] *Maintenance and Tax Levy* [Annual Tax Levies].—All expenses incurred in the operation of such [recreation places] *parks, recreation areas and facilities*, established as herein provided, shall be payable from the general township fund or from the treasury of such township, borough, city, county or school district, as may be provided for by the agreement of the corporate authorities. The supervisors may annually appropriate *an amount necessary for carrying*

* "anad" in original.

** "purposes" in original.

out the provisions of this act, and 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, equipping and operating [such recreation places] the parks, recreation areas and facilities and the programs thereon.

Article XIX, said act, as reenacted and amended by act of July 10, 1947, P. L. 1481, amended by adding thereto, immediately after section 1907, two new sections numbered 1907.1 and 1907.2.

Section 15. Article XIX of the act, as reenacted and amended by the act, approved the tenth day of July, one thousand nine hundred forty-seven (Pamphlet Laws 1481), is hereby amended by adding thereto, immediately after section 1907, two new sections to read as follows:

Section 1907.1. 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 supervisors shall not afterwards be altered without the consent of the supervisors, 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 supervisors.

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 supervisors.

Section 1907.2. 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 areas to public use is duly passed by the township supervisors or the land is acquired by the township supervisors within three years from the passage of the ordinance superimposing the plan upon the land, the ordinance superimposing the plans 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 said land without an accompanying ordinance condemning it to public use.

Sections 2007 and 2008, said act, as reenacted and amended by act of July 10, 1947, P. L. 1481, further amended.

Section 16. Sections 2007 and 2008 of the act, as reenacted and amended by the act, approved the tenth day of July, one thousand nine hundred forty-seven (Pamphlet Laws 1481), are hereby further amended to read as follows:

Section 2007. Board of Adjustment.—The supervisors 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 article. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman or in his absence the acting chairman may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent, or failing to vote, indicating such fact and shall keep records of its examinations, and other official actions all of which shall be immediately filed with the township secretary and shall be a public record.

Appeals to the board of adjustment may be taken by any person or township official aggrieved or affected by any provision of the zoning ordinance or by any decision of [the supervisors] *any administrative officer, hereinafter called the zoning officer, charged with enforcing the provisions of the zoning ordinance.* Such appeal shall be taken within a reasonable time as provided by the rules of the board by filing with the [township secretary] *zoning officer* and with the board of adjustment, a notice of appeal specifying the grounds thereof. The [secretary] *zoning officer* shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the [supervisors certify] *zoning officer certifies* to the board of adjustment, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay

would in their 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 on application, on notice to the [supervisors] *zoning officer* 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 the [supervisors] *zoning officer* in the enforcement of this 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 public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, 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. Notice of such decision shall forthwith be given to all parties in interest.

Any person aggrieved by any decision of the board of adjustment or any taxpayer or [any supervisor] *the board of supervisors* may, within thirty days after such decision of the board, appeal to the court of common pleas of the county, by petition duly verified, setting forth that such decision is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, and specifying the grounds upon which he relies. Upon presentation of the petition 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 an 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 thereof may prescribe.

If upon the 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 such evidence, as it may direct, and report the same to the court with his findings of fact and conclusions of law. The court may reverse or affirm, in whole, or in part, or may modify, the decision appealed as to it may appear just and proper.

Costs shall not be allowed against the board, unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

Section 2008. 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 supervisors *or, with the approval of the supervisors, the zoning officer or other proper official*, 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 17. The provisions of this act shall become effective immediately upon final enactment.

Act effective immediately.

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

JOHN S. FINE

No. 84

A SUPPLEMENT

To the act, approved the twenty-fifth day of June, one thousand nine hundred thirty-one (Pamphlet Laws 1352), entitled "An act providing for joint action by the Commonwealth of Pennsylvania and the State of New Jersey in the administration, operation, and maintenance of bridges over the Delaware River, and for the construction of additional bridge facilities across said river; authorizing the Governor, for these purposes, to enter into an agreement with the State of New Jersey; creating a Delaware River Joint Toll Bridge Commission and specify-