

offered for recording, subsequent to the thirty-first day of May, one thousand nine hundred fifty-three, and shall not apply to any documents made, executed and delivered prior to the first day of February, one thousand nine hundred fifty-two.

APPROVED—The 1st day of June, A. D. 1955.

GEORGE M. LEADER

No. 39

AN ACT

Relating to public recreation in incorporated towns; providing for the acquisition, maintenance and operation of places of public recreation; providing for a referendum in certain cases; authorizing the levy of taxes for such purposes and validating past actions.

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

Incorporated towns authorized to provide recreation places.

Section 1. Incorporated towns may provide, improve, maintain and regulate public parks, parkways and playgrounds, playfields, swimming pools, public baths, bathing places, indoor recreation centers and gymnasiums, hereinafter called recreation places, within the town limits or in adjacent townships.

Authority to acquire private property to provide recreation places.

Section 2. Incorporated towns may enter upon, appropriate and acquire by gift, devise, purchase, lease, or otherwise, private property within the limits of the town, or in adjacent townships, or any incorporated town, may designate and set apart any lands or buildings, owned by the town and not dedicated, or devoted to other public uses for the purpose of making, enlarging and maintaining recreation places.

Limitation of obligation in exercise of authority.

Section 3. No appropriation, purchase or lease shall be made pursuant to the preceding sections whereby any incorporated town shall within any period of three years obligate itself to pay in the aggregate any sum exceeding one and one-half mills on the total of the assessed valuation of all property, offices, professions and persons in the town upon which town taxes are levied without consent of the majority of the electors as hereinafter provided. No such election shall be required in any case where the question of the increase of the indebtedness of the town for any of the foregoing purposes shall have been submitted to, and assented to, by a majority of the electors of the town voting on such question at an election held according to law.

Section 4. Whenever any town shall, by ordinance, provide for the appropriation, purchase or leasing of private property for the purposes aforesaid and the value of such property, or the rental thereof, shall alone, or when added to the amount of liability incurred for any of the purposes aforesaid, within the preceding three years exceed one and one-half mills on the dollar of valuation as provided in the preceding section and the question of the increase of indebtedness of the town for any of said purposes has not been submitted to, and assented to, by a majority of the electors voting on such question at an election held for the purpose of obtaining such assent according to law, the council shall cause the question of such appropriation, purchase or leasing to be submitted to the electors of the town at an election to be held at the places of holding elections in said town on a day to be fixed by council which shall be the day of a general, municipal or primary election.

Increase of obligation beyond limitation to be submitted to electorate.

Section 5. The council shall give notice of the proposed submission of such question by weekly advertisements in a newspaper of general circulation published in the town for a period of four weeks immediately preceding the day of election.

Notice to electorate by advertisement of proposed increase.

Section 6. For the purpose of having such question appear upon the ballot the council shall certify the question to the county board of elections at least twenty-one days before the day of election. The question may be stated substantially as follows:

Duty of council to certify question to county board of elections.

“Shall the town 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 and playgrounds and playfields, including swimming pools, bathing places, indoor recreation centers and gymnasiums within the locality bounded by _____.”

The council may at their discretion omit the designation of the locality.

Section 7. The result of the vote on such question shall be ascertained and certified in the manner provided by the election laws of this Commonwealth. No such question determined negatively by the voters shall be again submitted within fifty-one weeks.

Certification under election laws.

Section 8. The appropriation of private property for the purpose of making, enlarging and maintaining 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 town raised by taxation shall be pledged as security.

Taxes of town pledged as security for appropriation of private property.

Condemnation
proceedings
provision.

Section 9. The proceedings for the condemnation of land for the purposes herein set forth shall be as provided in the act of June 10, 1901 (P. L. 555).

Plan to be filed
and recorded.

Section 10. Every incorporated town shall have a general plan of its parks and playgrounds which plan shall be filed in the office of the engineer or other proper officer of the town. All subdivisions of property thereafter made shall conform thereto. The location of parks and playgrounds laid out and confirmed by the town council shall not afterwards be altered without the consent of the council and no map or plot of parks or playgrounds shall be entered or recorded in any public office of the county until approved by the town council.

No recovery of
damages
provision.

Section 11. No person shall recover any damages for the taking for public use of any buildings or improvements of any kind, placed or constructed upon, or within the lines of any located park or playground after the same has been located by the town council.

Supervision and
maintenance of
recreation places.

Section 12. The authority to supervise and maintain recreation places may be vested in any existing body or board or in a recreation board as the town council shall determine. The corporate authorities of any such town may equip, operate and maintain the recreation places as authorized by this act. Such authorities 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.

Creation of recre-
ation board,
membership,
eligibility and
term of office.

Section 13. If the town council shall determine that the power to equip, operate and maintain recreation places shall be exercised by a recreation board, they may establish in said town such recreation board which shall possess all the powers and be subject to all the responsibilities of the respective authorities under this act. Such board, when established, shall consist of five persons and when established in a town having a school board, two of the members may be members or appointees of the school board. The members of the board shall be appointed by the council of such town and shall serve for terms of five years, or until their successors are appointed, except that the members of such board first appointed shall be appointed for such terms that the term of one member shall expire annually thereafter. Members of such board shall serve without pay. Women shall be eligible for appointment. Vacancies in such board occurring otherwise than by expiration of term

shall be filled for the unexpired term in the same manner as original appointments.

Section 14. The members of a recreation board, established pursuant to this act, shall elect their own chairman and secretary and select all other necessary officers to serve for a period of one year and may employ such persons as may be needed as authorized by this act. Such board shall have power to adopt rules and regulations for the conduct of all business within its jurisdiction.

Organization of board, power to employ.

Section 15. Any two or more incorporated towns, or an incorporated town with a borough, city or township, or an incorporated town with a county, may jointly acquire property for and operate and maintain any recreation places.

Joint acquisition of property.

Section 16. All expenses incurred in the operation of such recreation places established as herein provided, shall be payable from the treasury of such town or boroughs, township, city, county or school district as may be provided for by agreement of the corporate authorities. The local authorities of such town having power to appropriate money therein may annually appropriate and cause to be raised by taxation an amount necessary for the purpose of maintaining and operating recreation places.

Payment of operation and maintenance expenses.

Section 17. Any town maintaining a park, or parks, may lease a part or all of any such park suitable for athletic sports and athletic games to any school board, or school athletic association organized by a school board and organized for the purpose of conducting amateur athletic sports and games among pupils of the public school, and may permit such school board, or school athletic association organized by a school board, to charge admission to such sports and games and to deny persons refusing to pay admission access to the grounds where such sports or games are being conducted if such sports and games are not conducted for individual profit.

Authority to lease recreation places with limitations.

Section 18. All purchases, contracts, expenditures and leases authorized by this act heretofore made by any town or park or recreation board acting for a town are hereby ratified, confirmed and made valid.

Ratification of expenditures.

Section 19. All acts and parts of acts are repealed in so far as they are inconsistent herewith.

Repeal of inconsistent acts.

Section 20. This act shall take effect immediately.

Effective immediately.

APPROVED—The 2nd day of June, A. D. 1955.

GEORGE M. LEADER