

requisition upon the Game Fund, for the amount involved. Upon receipt of such requisition and an extract of the minutes of the commission, the Auditor General shall draw his warrant upon the State Treasurer in favor of the person from whom such fee, fine, or other money was, erroneously *or unjustly*, collected.

The twelve month limitation period hereinbefore prescribed, shall not apply to moneys erroneously *or unjustly* paid into the State Treasury for hunting license fees by former county treasurers, subsequent to the thirty-first day of December, one thousand nine hundred thirty-four, if the return of such fees was requested of the Commonwealth within six months after their payment into the State Treasury.

Act effective immediately.

Section 2. The provisions of this act shall become effective immediately upon final enactment.

APPROVED—The 27th day of July, A. D. 1955.

GEORGE M. LEADER

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No. 104

AN ACT

Making it unlawful for owners of certain property in cities of the first class to sell or agree to sell such property without first delivering to the purchaser a use registration permit; and requiring such owners to insert in any agreement of sale of such property a statement concerning zoning classification and use of such property; and providing penalties for violations.

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

Legislative findings in Cities of First Class.

Section 1. Legislative Findings.—

(a) The General Assembly finds that in cities of the first class many owners of properties, used as multiple dwellings and commercial properties in which are situate dwelling units, are using such properties in violation of the zoning ordinances and regulations of such cities, and are offering such properties for sale without revealing such illegal use. Many innocent purchasers of such properties are not aware of the illegal use until after they have entered into agreements of sale or have consummated the purchase.

(b) In order to prevent undue hardships and losses imposed on such innocent purchasers by owners who have failed to reveal the illegal use of the property being conveyed or who have made misrepresentations in that regard, the General Assembly finds and declares that in cities of the first class all sellers of property shall be required to advise the purchaser of the legal use of such

property, and to deliver to the purchaser not later than at the settlement held for such property a use registration permit showing the legal use and zoning classification for such property.

Section 2. Definitions.—

Definitions.

(a) "Owner" means any person, co-partnership, association, corporation or fiduciary having legal, or equitable title, or any interest in any real property. Whenever used in any clause, prescribing or imposing a penalty, the term owner, as applied to co-partnerships and associations, shall mean the partners, or members thereof, and as applied to corporations, the officers thereof.

(b) "Property" means any building or structure situate in any city of the first class which is used, designed or intended to be used by three or more families, or any commercial establishment in which is situate one or more dwelling units.

(c) "Agreement of sale" means any agreement, or written instrument, which provides that title to any property shall thereafter be transferred from one owner to another owner, and shall include inter alia written leases which contain options to purchase the leased property, and leases which provide that the lessee of the property shall acquire title thereto after the payment of a stipulated number of regular rent payments or after a stipulated period of time.

Section 3.

(a) In any city of the first class it shall be unlawful for any owner to sell his property, or interest therein, unless the owner shall first deliver to the purchaser at or prior to the time for settlement a use registration permit, or duly certified copy thereof, issued by the appropriate city officer indicating the zoning classification and legal use of the property to be sold.

Unlawful to sell real estate without a use registration permit.

(b) Every agreement of sale shall contain a statement as to the zoning classification and legal use of the property to be conveyed and whether the present use of the property is in compliance with or in violation of zoning laws and ordinances.

Section 4. A certificate from the appropriate city officer certifying that the property has been approved or designated as a non-conforming use shall be deemed compliance with this act.

Certificate deemed compliance with act.

Section 5. Any owner who violates the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not more than one thousand dollars, or undergo imprisonment for not more than one year, or both.

Penalty.

APPROVED—The 27th day of July, A. D. 1955.

GEORGE M. LEADER