

## No. 130

## AN ACT

Relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto.

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

## ARTICLE I

### PRELIMINARY PROVISIONS

Section 101. Short Title.—This act shall be known and may be cited as “The County Code.” The provisions of this act shall become effective January one, one thousand nine hundred fifty-six. <sup>1. “The County Code”.</sup>

Section 102. Applicability.—(a) Except incidentally, as in Sections 108, 201, 210 and 211, this act does not apply to counties of the first or second classes.

(b) Except where otherwise specifically limited, this act applies to all counties of the third, fourth, fifth, sixth, seventh and eighth classes.

Section 103. Excluded Provisions.—This act does not include any provisions of, and shall not be construed to repeal:

(1) The Municipal Borrowing Law, approved June twenty-five, one thousand nine hundred forty-one (Pamphlet Laws 159).

(2) The Pennsylvania Election Code, approved June three, one thousand nine hundred thirty-seven (Pamphlet Laws 1333).

(3) The County Institution District Law, approved June twenty-four, one thousand nine hundred thirty-seven (Pamphlet Laws 2017).

(4) The Local Health Administration Law, approved August twenty-four, one thousand nine hundred fifty-one (Pamphlet Laws 1304).

(5) The Municipal Unclaimed Moneys Act, approved May seventeen, one thousand nine hundred forty-nine (Pamphlet Laws 1403).

(6) Any law relating to the collection of municipal and tax claims.

(7) Any law relating to the assessment and valuation of property and persons for taxation.

(8) Any law relating to the giving of county consent to public utility corporations.

(9) Any law relating to State highways.

(10) Any law relating to the validation of elections, bonds, resolutions and accounts of corporate officers.

(11) Any law relating to collections by county officers of moneys for the Commonwealth, and the issuance of State licenses.

(12) Any law relating to the government and regulation of jails, prisons and other correctional institutions and the commitment thereto, and maintenance and care of prisoners or inmates therein.

(13) Any law relating to civil and criminal procedure, except special provisions concerning actions by or against counties or county officers.

(14) Any law relating to joint county and municipal buildings and works.

(15) Any law relating to county libraries, except law libraries.

(16) Any law relating to the recording of deeds, mortgages or other instruments in writing.

(17) Any law relating to the re-binding, re-indexing and transcribing of records in county offices.

(18) Any law relating to the fees of county officers, except as any such acts are repealed by section two thousand nine hundred one of this act.

(19) Any temporary law.

(20) Any amendment or supplement of any of the laws referred to in this section.

(21) The Public Utility Law, approved May twenty-eight, one thousand nine hundred thirty-seven (Pamphlet Laws 1053).

Section 104. Saving Clause.—(a) The provisions of this act, as far as they are the same as those of existing laws, shall be construed as a continuation of such laws, and not as new enactments. The repeal by this act of any provisions of law, shall not revive any law heretofore repealed or superseded, nor affect the existence or class of any county heretofore created. The provisions of this act shall not affect any act done, liability incurred, or right accrued or vested, nor affect any suit or prosecution, pending or to be instituted, to enforce any right or penalty, or punish any offense under the authority of such repealed laws.

(b) All resolutions, regulations and rules, made pursuant to any act of Assembly repealed by this act, shall continue with the same force and effect as if such act had not been repealed. All local acts of Assembly applying to particular counties, not specifically repealed, shall continue in force, and any provisions of this act inconsistent therewith shall not apply to the counties affected by such local laws, unless such application is clearly indicated.

(c) All acts and parts of acts of Assembly relating to counties, or to particular classes of counties, in force at the time of the adoption of this act, and not repealed hereby, shall remain in force in the same manner and with the same effect as prior to the adoption of this act.

Section 105. Holding of Office.—Any person holding elective office under any act of Assembly repealed by this act shall continue to hold such office until the expira-

tion of the term thereof, subject to the conditions and salary attached to such office prior to the passage of this act.

Section 106. Construction of References.—Whenever in this act reference is made to any act by title, or name, such reference shall also apply to and include any codifications wherein the provisions of the act referred to are substantially reenacted or to reenactments, revisions or amendments of the act.

Section 107. Constitutional Construction.—The provisions of this act shall be severable, and, if any of its provisions are held to be unconstitutional, the decision of the court shall not affect the validity of the remaining provisions of this act. It is hereby declared as a legislative intent that this act would have been adopted by the General Assembly had such unconstitutional provisions not been included therein.

Section 108. Legislation According to Class.—The affairs of counties are herein and shall hereafter be legislated for and regulated by general laws, applicable to all counties, or to particular classes, as herein fixed and appointed. All laws adopted by the General Assembly for one or more of the classes herein fixed and appointed shall be deemed to be general laws.

Section 109. Proceedings for Recovery of Penalties.—Unless herein otherwise specifically provided, in every case in which any pecuniary penalty or forfeiture is imposed by this act, the proceeding for the recovery of the same shall be by indictment in the court of quarter sessions, or by civil action as debts of equivalent amount are by law recoverable. Aldermen or justices of the peace shall not have jurisdiction of any suit or action for the recovery of any penalty imposed by this act for official misconduct. Such suit or action, when brought in the court of common pleas, shall have preference for trial over all other actions.

Section 110. Publication of Legal Notices.—Whenever, under the provisions of this act, advertisement, notice or publication is required to be published in one newspaper, such publication shall be made in a newspaper of general circulation as defined by the act, approved May sixteen, one thousand nine hundred twenty-nine (Pamphlet Laws 1784), known as the "Newspaper Advertising Act," printed in the county, unless the matter in connection with which the advertising is being done affects only a political subdivision, in which case such advertisement shall be published in a newspaper printed in such political subdivision, if there is such a newspaper and, if not, then in a newspaper circulating generally in such political subdivision. If such notice is

required to be published in more than one newspaper, it shall be published in at least one newspaper of general circulation, defined as aforesaid, printed, if there be such a newspaper, or circulating generally, as above provided in the county. When such notice relates to any proceeding or matter in any court, or the holding of an election for the increase of indebtedness, or the issue and sale of bonds to be paid by taxation, such notice shall also be published in the legal newspaper, if any, designated by the rules of court of the proper county for the publication of legal notices and advertisement, unless such publication be dispensed with by special order of court. All ordinances, auditors' reports, controllers' reports, or advertisements, inviting proposals for public contracts and for bids for materials and supplies, shall be published only in newspapers of general circulation, as hereinbefore defined.

## ARTICLE II

### NAMES AND CORPORATE POWERS CLASSIFICATION OF COUNTIES

#### (a) DIVISION OF THE STATE INTO COUNTIES; CORPORATE POWERS

Section 201. Enumeration of Counties.—The State shall be divided into the following sixty-seven named counties, as now established by law: Philadelphia, Bucks, Chester, Lancaster, York, Cumberland, Berks, Northampton, Bedford, Northumberland, Westmoreland, Washington, Fayette, Franklin, Montgomery, Dauphin, Luzerne, Huntingdon, Allegheny, Mifflin, Delaware, Lycoming, Somerset, Greene, Wayne, Adams, Centre, Beaver, Butler, Mercer, Crawford, Erie, Warren, Venango, Armstrong, Indiana, Jefferson, McKean, Clearfield, Potter, Tioga, Cambria, Bradford, Susquehanna, Schuylkill, Lehigh, Lebanon, Columbia, Union, Pike, Perry, Juniata, Monroe, Clarion, Clinton, Wyoming, Carbon, Elk, Blair, Sullivan, Forest, Lawrence, Fulton, Montour, Snyder, Cameron and Lackawanna.

Section 202. General Powers.—Each county shall have capacity as a body corporate to:

- (1) Have succession perpetually by its corporate name.
- (2) Sue and be sued and complain and defend in all proper courts by the name of the county of.....
- (3) Purchase, acquire by gift or otherwise, hold, lease, let and convey such real and personal property as shall be deemed to be for the best interests of the county.
- (4) Make contracts for carrying into execution the laws relating to counties and for all lawful purposes.

(5) Have and use a seal which shall be in the custody of the commissioners thereof. The official acts of the commissioners shall be authenticated therewith. There shall be engraved upon such seal the same device as is engraved upon the great seal of the State, together with the name of the county.

(6) To make appropriations for any purpose authorized by this or any other act of the General Assembly.

Section 203. Vesting of Corporate Power.—The corporate power of each county shall be vested in a board of county commissioners.

(b) CLASSIFICATION

Section 210. Counties Divided Into Eight Classes.—For the purposes of legislation and the regulation of their affairs, counties of this Commonwealth, now in existence and those hereafter created, shall be divided into eight classes as follows:

(1) First Class Counties, those having a population of 1,800,000 inhabitants and over.

(2) Second Class Counties, those having a population of 800,000 and more but less than 1,800,000 inhabitants.

(3) Third Class Counties, those having a population of 250,000 and more but less than 800,000 inhabitants.

(4) Fourth Class Counties, those having a population of 150,000 and more but less than 250,000 inhabitants.

(5) Fifth Class Counties, those having a population of 95,000 and more but less than 150,000 inhabitants.

(6) Sixth Class Counties, those having a population of 45,000 and more but less than 95,000 inhabitants.

(7) Seventh Class Counties, those having a population of 20,000 or more but less than 45,000 inhabitants.

(8) Eighth Class Counties, those having a population of less than 20,000 inhabitants.

Section 211. Ascertainment, Certification and Effect of Change of Class.—(a) The classification of counties shall be ascertained and fixed according to their population by reference from time to time to the last preceding decennial United States census, deducting therefrom the number of persons residing on any lands that have been ceded to the United States.

(b) Whenever it shall appear by any such census that any county has attained a population entitling it to an advance in classification, or that a county has heretofore or hereafter decreased in population so as to recede in classification, as herein prescribed, it shall be the duty of the Governor, under the great seal of this Commonwealth, to certify that fact accordingly, to the board of county commissioners on or before the first day of October of the year succeeding that in which the census was

taken or as soon thereafter as may be, which certificate shall be forwarded by the commissioners to the recorder of deeds and be recorded in his office.

(c) Changes of class ascertained and certified as aforesaid shall become effective on the first day of January next following the year in which the change was so certified by the Governor to the county commissioners but the salaries of county officers shall not thereby be increased or decreased during the term for which they shall have been elected. In the municipal election following such certification of change of class and preceding the effective date of such change, the proper number of persons shall be elected to fill any elective office which will exist in the county by the change of classification certified. No election shall be held for any office which will be abolished as a result of such change of classification.

### ARTICLE III

#### FIXING AND RELOCATING LINES AND BOUNDARIES

Section 301. Petition to Superior Court.—(a) The boundary line between any two or more adjoining counties may be determined, surveyed, relocated or marked in the manner provided by this article upon petition to the Superior Court.

(b) Such a proceeding shall be instituted on petition of any taxpayer, the county commissioners or the corporate authorities of any political subdivision of any of the counties involved.

Section 302. Superior Court to Designate Neutral Court; Appointment of Commission.—(a) The Superior Court, upon the filing of such petition, shall designate a court of quarter sessions of a county not affected by the question and not adjoining any of the counties involved to act in the proceeding. The court so designated shall sit in its home county.

(b) If it appears to the court so designated that the county line, or any part thereof, shall be surveyed or marked, it shall appoint a commission, composed of three surveyors or professional engineers in civil engineering, to act for the court as hereinafter provided.

Section 303. Compensation, Assistants and Expenses.—(a) The surveyors or professional engineers in civil engineering composing such commission shall each receive such compensation as the court shall fix for the time necessarily spent in the discharge of their duties and, in addition thereto, shall be reimbursed the necessary expenses incurred by them respectively while engaged upon the work of such commission.

(b) The commission may employ such assistants as the court shall allow, at a compensation to be fixed by the

court, and such assistants shall be reimbursed the actual necessary expenses incurred by them respectively while employed by such commission.

(c) All costs, including the necessary expenses of advertising the meeting of the commissioners as hereinafter provided, and in procuring and setting the monuments needful to mark in a permanent manner such county line, the expenses of the commission and its assistants and all other expenses necessarily incurred, shall be paid by the interested counties jointly, in equal parts, or by any party or parties to the proceeding as the court may direct, upon presentation of properly itemized bills, duly verified by affidavit of the person claiming payment or some one on his behalf.

Section 304. Oath; Organization and Duties.—(a) The members of the commission shall take and subscribe an oath to perform their duties impartially and with fidelity.

(b) The commission shall meet and organize within two weeks of its appointment. It shall select from its membership a chairman and also a secretary who shall keep a full record of the proceedings and work of the commission. Before entering upon its duties, it shall designate, by advertisement in not more than two newspapers published in each of the counties concerned, a time and place of meeting, when and where parties interested shall be heard. After such hearing, it shall, without unreasonable delay, ascertain the location, and survey and mark with suitable monuments of a permanent character the existing county line between such counties, if it shall consider such old county line a proper one.

Section 305. Authority to Fix New County Line.—(a) When the commission has ascertained, located and determined said line, if it appears to it that the existing county line, from any cause whatever, has become inconvenient for any purpose, or improper, difficult to ascertain, or not related to the natural or other land marks, the commission shall report these facts, or any of them, to the court of quarter sessions having appointed the commission, with a recommendation that a new county line be established in whole or in part.

(b) Thereupon, if said court shall be of opinion that it is to the interest and advantage of the respective counties that a new county line be established, they may direct said commission to fix and determine a new county line and to mark the same with suitable monuments of a permanent character.

(c) Notice shall be given to the counties interested, and to the owners of all lands which will be affected by the

proposed change, of the time when the recommendation of the commission for a new county line will be considered by the court.

Section 306. Report of Commission; Approval by Court; Certification of Line.—(a) The commission, or a majority thereof, shall make a report, in writing, and attach thereto a map or draft showing the courses and distances of the line ascertained and designated by them as the existing county line, or where they may have been directed to fix and determine a new county line, such map or draft, in lieu thereof, shall show the courses and distances of new county line. In either case, the map or draft shall also show the lands through which said line passes and the buildings in close proximity thereto, together with the roads and streams crossed by or near to such line.

(b) The report and map, signed by the members of the commission or a majority of them, shall be filed in the court of quarter sessions having been given jurisdiction, and if approved by such court, shall be ordered recorded in the records thereof. A copy of the report and approval shall be certified by the clerk of the court to the clerk of the court of quarter sessions of each county affected, where it shall be recorded in the records. The line so ascertained, surveyed and fixed and so marked shall thenceforth be the boundary line between the counties.

(c) The clerk of the court of quarter sessions, having determined the matter, shall certify the approval of the court on two copies of the report and map filed in this office and, within thirty days, transmit a copy by mail to the Secretary of Internal Affairs, to be by him deposited in his department, and another to the Department of Highways.

## ARTICLE IV

### COUNTY OFFICERS

#### (a) GENERAL PROVISIONS

Section 401. Enumeration of Elected Officers.—(a) In each county, there shall be the following officers elected by the qualified electors of the county:

- (1) Three county commissioners.
- (2) Three auditors or, in all counties where the office of auditor has heretofore been or shall hereafter be abolished, one controller.
- (3) One treasurer.
- (4) One county surveyor.
- (5) One coroner.
- (6) One recorder of deeds.
- (7) One prothonotary.



(8) One clerk of the court of quarter sessions and of the court of oyer and terminer.

(9) One clerk of the orphans' court.

(10) One register of wills.

(11) One sheriff

(12) One district attorney.

(13) Two jury commissioners.

(b) All such officers shall be elected at the municipal election next preceding the expiration of the terms of the officers now in office, and quadrennially thereafter, and shall hold their offices for a term of four years from the first Monday of January next after their election and until their successors shall be duly qualified, but in the event that any such officer so elected, excepting a county commissioner or auditor, shall fail to qualify, or if no successor shall be elected, then the officer then in office shall continue in office only until the first Monday of January following the next municipal election, at which time his successor shall be elected for a term of four years. In the case of a county commissioner or auditor, there shall be a vacancy which shall be filled as provided in this act.

(c) All the county officers enumerated in this section shall remain as now constituted. This section does not create any office in any county where such office does not now exist.

Section 402. Incompatible Offices.—(a) No elected county officer or county solicitor shall, at the same time, serve as a member of the legislative body of any city, borough, town or township of any class, nor as school director of any school district, nor as a member of any board of health.

(b) No member of Congress from this State, nor any person holding or exercising any office or appointment of trust or profit under the United States, shall, at the same time, hold or exercise any county office in this State to which a salary, fee or perquisites are attached. This section shall not apply to United States Reserve Officers or enlisted men not called into active duty.

Section 403. Oath of Office.—(a) In addition to any oath or affirmation required by any other act of Assembly, all county officers, their deputies, assistants and clerks, shall, before entering on the duties of their respective offices or employments, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States, and the Constitution of this Commonwealth; and that I will discharge the duties of my office (or employment) with fidelity; that

I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing to procure my nomination or election (or appointment), except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this Commonwealth, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office (or employment) other than the compensation allowed by law”.

(b) The foregoing oath shall be administered by some person authorized to administer oaths, and shall be filed in the office of the prothonotary of the county in which the same is taken. Any person refusing to take said oath or affirmation shall forfeit his office. Any person who shall be convicted of having sworn or affirmed falsely, or of having violated said oath or affirmation, shall be guilty of perjury, and shall be subject to such penalties as are provided therefor in the act, approved June twenty-four, one thousand nine hundred thirty-nine (Pamphlet Laws 872), known as The Penal Code, and be forever disqualified from holding any office of trust or profit within this Commonwealth.

Section 404. Officers to Have Commissions Recorded.—Every county officer receiving a commission from the Governor shall, immediately, deliver the same to the recorder of deeds for recordation at the expense of such officer. No such officer shall execute any of the duties of his office until he has so delivered the said commission.

Section 405. Offices, Records and Papers to be Kept at County Seat.—(a) The commissioners, auditors, controller, treasurer, sheriff, recorder of deeds, prothonotary, clerk of courts of quarter sessions and oyer and terminer, clerk of orphans’ court, register of wills, recorder of deeds and district attorney shall keep their respective offices, and all public records and papers belonging thereto, at the county seat, and in such buildings as may be erected or appropriated for such purpose.

(b) The county commissioners shall furnish each of such officers with an office in the county building, court house or other building at the county seat.

(c) Any person failing or refusing to maintain his office and to keep all public records and papers belonging thereto in the buildings appropriated for such purpose in accordance with the provisions of this section, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to undergo imprisonment until he complies with the provisions of this section, or until

sooner discharged by order of the court, and to pay a fine not exceeding five hundred dollars (\$500), to be paid to the use of the county.

Section 406. Records Open to Inspection.—(a) The minute book and other fiscal records and documents of every county may be open to the inspection of any taxpayer thereof, but the proper officers may make reasonable rules and regulations respecting the time of such inspection.

(b) In case any officer shall refuse to permit the inspection of any fiscal record or document the taxpayer may, by petition to the court of common pleas of the county, set forth his reasons for desiring to make such inspection, and, if the court deems such reasons proper, it shall order the officer to permit the inspection to be made.

Section 407. Officers to Secure Funds, Records, Books, Et Cetera, from Predecessors.—(a) Any person, elected or appointed, and duly commissioned to any county office, shall demand and receive all records, books, drafts, plans, papers, seals or other official things, including all public funds held in such office, and not otherwise provided for by the act, approved May seventeen, one thousand nine hundred forty-nine (Pamphlet Laws 1403), known as the Municipal Unclaimed Moneys Act, belonging to such office from the person or persons who held the office immediately before his election or appointment, or from any other person or persons holding or possessing them.

(b) Any person detaining from such a county office any records, books, drafts, plans, papers, seals or other official things, including public funds, as herein provided, belonging to such office after reasonable demand therefor, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to undergo imprisonment until the delivery of any such official things found to be in his possession or control to the proper officer, or until sooner discharged by order of the court, and to pay a fine not exceeding five hundred dollars (\$500), to be paid to the use of the county.

Section 408. Deputies to Act in Certain Cases.—(a) Whenever any county officer is authorized or required to appoint a deputy or deputies, such deputy or principal deputy, where there are more than one, shall, during the necessary or temporary absence of his principal, perform all duties of such principal, and also, in case of a vacancy, until a successor is qualified, except in the case of a vacancy in the office of sheriff, where the coroner shall act as hereinafter provided and, except also in the case of a vacancy in the office of coroner, where the sheriff shall act as hereinafter provided.

(b) No person temporarily succeeding to any county office by reason of the death, resignation or removal of the duly elected or appointed officer, shall execute any of the duties of such office until he has first taken oath and filed the bond required of the principal officer.

Section 409. Vacancies Not Otherwise Provided For.—In case of a vacancy, happening by death, resignation or otherwise, in any county office created by the Constitution or laws of this Commonwealth, and where no other provision is made by the Constitution, or by the provisions of this act, to fill the vacancy, it shall be the duty of the Governor to appoint a suitable person to fill such office, who shall continue therein and discharge the duties thereof for the balance of the unexpired term. Such appointee shall be confirmed by the Senate if in session.

Section 410. County Officials to Furnish Information to Heads of the Governmental Departments.—(a) It shall be the duty of all county officers to furnish, on application \*therefor, to the head of any department of the State government such information and copies of such records or documents contained in their respective offices, as in the opinion of such head of department may be necessary or pertinent to the work of his respective department. The county so furnishing information shall receive for copying and forwarding the same such reasonable compensation as the Auditor General may determine. Such compensation shall be paid to the county by the State Treasurer, out of moneys not otherwise appropriated, upon warrant from the Auditor General.

(b) All county officers shall also furnish to the Department of Internal Affairs such information as may be requested by it.

Section 411. Penalty for Neglect or Refusal to Perform Duties.—If any county officer neglects or refuses to perform any duty imposed on him by the provisions of this act, or by the provisions of any other act of Assembly, or by any rule of court, or other provision of law, he shall, for each such neglect or refusal, be guilty of a misdemeanor, and, on conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500).

Section 412. Absconding Officers.—The office of any county officer absconding from the county shall be vacant to all intents and purposes.

\* "thereof" in original.

## (b) OFFICIAL BONDS

Section 420. Official Bonds; Requirements.—Each of the following officers, before entering upon his official duties, whether he is elected, appointed or appointed to fill a vacancy, shall give and acknowledge a bond to the county:

- (1) Each county commissioner;
- (2) The chief clerk of the county commissioners;
- (3) The controller;
- (4) The county treasurer;
- (5) The prothonotary;
- (6) The sheriff;
- (7) The coroner;
- (8) The clerk of the court of quarter sessions and oyer and terminer;
- (9) The clerk of the orphans' court; and
- (10) The recorder of deeds.

Every such official bond shall be, joint and several, with one or more corporate sureties which shall be surety companies authorized to do business in this Commonwealth and duly licensed by the Insurance Commissioner of the Commonwealth.

Section 421. General Conditions; Commissioners; Treasurer.—(a) Each official bond shall be conditioned upon the faithful discharge by the county officer, his deputies, clerks, assistants and appointees of all trusts confided in him by virtue of his office, upon the faithful execution of all duties required of him by virtue of his office, upon the just and faithful accounting or payment over, according to law, of all moneys and all balances thereof paid to, received or held by him by virtue of his office and upon the delivery to his successor or successors in office of all books, papers, documents or other official things held in right of his office.

(b) The bonds of the county commissioners shall be further conditioned upon the faithful and legal appropriation of county and other moneys in the county treasury, upon checks and orders given by them or subject to their control.

(c) The bond of the county treasurer shall be further conditioned upon a just account of all moneys that may come into his hands on behalf of any political subdivision within the county or on behalf of any person, and for the payment to his successor of any balances of such moneys remaining in his hands.

Section 422. Obligees Suits on Bonds.—(a) Each official bond shall be taken in the name of the county, and shall be for the use of the county and the Commonwealth and for the use of such other person or persons for whom money shall be collected or received, or as

his or her interest shall otherwise appear, in case of a breach of any of the conditions thereof by the acts or neglect of the principal on the bond.

(b) The county, the Commonwealth or any other person may sue upon the said bond in its or his own name for its or his own use. Acts of Assembly pertaining to actions and limitations of actions upon official bonds given to the Commonwealth shall apply to the bonds provided for in this subdivision just as if they were given to the Commonwealth, except as otherwise specifically provided herein.

Section 423. Approval, Substitution or Addition of Surety.—(a) Each official bond shall contain the name or names of the surety company or companies bound thereon, and shall be subject to the approval of the court of common pleas which court may require such proofs as to it appear necessary or proper in connection with such bonds.

(b) The court may, at any time, upon cause shown and due notice to the county officer and his surety or sureties, require or allow the substitution or the addition of a surety company acceptable to the court for the purpose of making the bond sufficient in amount, as required by law, without releasing the surety or sureties first approved from any accrued liability or previous action on such bond.

Section 424. Single Bond for Combined Offices.—In counties wherein any of the aforementioned county offices are combined, a single bond covering all such offices shall suffice for the officer thereof, if the court of common pleas approves.

Section 425. Custodians of Official Bonds.—The county controller shall be custodian of all official bonds, except that of his own office which shall be held by the county commissioners. In counties not having a controller, the commissioners shall be custodian of all bonds, except their own and that of their chief clerk, which the prothonotary shall hold.

Section 426. Acknowledgment, Evidence.—Official bonds shall be acknowledged before the recorder of deeds, except that the latter officer shall acknowledge his bond before the prothonotary. A copy of any official bond, certified as true and correct by the proper officer custodian thereof, shall be competent evidence thereof in any judicial proceeding.

Section 427. Amounts of Official Bonds; Exclusive Provisions.—(a) Except as otherwise specifically provided by law, the amounts of official bonds shall be determined by the county commissioners.

(b) Except as otherwise specifically provided by law, this subdivision shall be deemed to contain the exclusive provisions for official bonds of county officers.

(c) The provisions of this subdivision shall not apply to bonds required to be given to the Commonwealth by county officers acting as agents of the Commonwealth.

Section 428. Premiums of Official Bonds.—The premiums of all official bonds, including the bond of the register of wills, shall be paid by the county out of the county treasury.

Section 429. Bonds of Deputies and Other Appointees of County Officers.—The deputies and other appointees in each county office, who are required to receive, account for, or hold any money by virtue of their office or employment, shall give and acknowledge a single bond covering all such deputies and appointees payable to the officer in whose office they are employed.

Every such bond shall be, joint and several, with one or more corporate sureties which shall be surety companies authorized to do business in this Commonwealth and duly licensed by the Insurance Commissioner of the Commonwealth.

Each such bond shall be conditioned for the faithful accounting and payment, according to law, of all money received by each deputy and appointee bonded, and shall be taken in the name of the county officer in whose office they are employed, and shall be for the use of that officer, the county and of the Commonwealth, and for the use of such other party or parties for whom he shall collect or receive money as the interest of each shall appear in case of a breach of the conditions thereof. Each such bond shall be placed in the custody of the controller, except those covering employes in the office of the controller, which shall be filed in the office of the county commissioners.

Section 430. Determination of Bonds of Deputies and Other Appointees.—Bonds required to be given by the deputies and other appointees of county officers shall be paid for by the county and the amounts thereof shall be designated by the salary board. The salary board shall determine each position for which the requirement of a bond may be justified as aforesaid, and shall designate the amount thereof. The salary board shall, in each case, be constituted the same as if it were fixing the salary of the deputy or appointee concerned.

Section 431. Insurance to Protect Against Robbery, Burglary and Larceny.—Each county officer or employe who as part of his official duties handles money or has money in his possession at any time shall, in addition to any bond required by law, be covered by or furnish

to the county adequate insurance indemnifying against the loss of such money through robbery, burglary and larceny. The cost of such insurance shall be paid by the county and the amount of the insurance shall be fixed by the commissioners.

Section 432. Bond of Register of Wills.—(a) The register of wills, before entering upon the duties of his office, shall, with one corporate surety or two individual sureties on a form prepared and supplied by the Secretary of the Commonwealth, give a joint and several bond to the Commonwealth of Pennsylvania in the sum set forth for the class of county for which he is an officer as follows:

Third class counties, .....	\$25,000.
Fourth class counties, .....	20,000.
Fifth class counties, .....	15,000.
Sixth class counties, .....	10,000.
Seventh class counties, .....	7,500.
Eighth class counties, .....	5,000.

(b) The condition of the bond shall be that the register of wills shall faithfully execute the duties of his office and well and truly account for and pay, according to law, all moneys received by him for the use of the Commonwealth, or for the use of others by virtue of his office, and to deliver up the books, seals, records, writings and other official things belonging to his office whole, safe and undefaced to his successor in office.

(c) Such bond shall be for the use of all persons concerned and for the relief of all who may be aggrieved by the acts or neglect of such register.

(d) Such bond shall be submitted to the Secretary of the Commonwealth for approval and, when he approves the same, he shall forward the bond, together with the commission of the register, to the recorder of deeds of the proper county, and so notify the register who shall cause the bond to be recorded in the office of the recorder of deeds. After recording the bond the recorder of deeds shall deliver to the register, his commission, and forward the bond to the Secretary of the Commonwealth for filing.

(e) The bond required by this section shall be the official bond of the register of wills in lieu of the official bonds required by this subdivision for other county officers.

Section 433. Form of Bond of Sheriff.—The form of the bond to be given by the sheriff and his sureties shall be as follows, to wit: “Know all men by these presents,



that we (A. B., C. D. and E. F.) are held firmly bound unto the County of .....in the sum of .....dollars to be paid to the said County, or to the Commonwealth, for the uses, intents and purposes declared and appointed by law, to which payment well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents, sealed with our seals, dated .....day of ..... Anno Domini ..... The conditions of the above obligation are such that, if the said (A. B.) shall and do, without delay, according to law, well and truly serve and execute all writs and process of the Commonwealth of Pennsylvania to him directed, and shall and do, from time to time, upon request to him for that purpose made, well and truly pay or cause to be paid to the several suitors and parties interested in the execution of such writs or process, their lawful attorney, factors, agents or assigns, all and every sum and sums of money to them respectively belonging, which shall come to his hands, and shall and do, from time to time and at all times during his continuance in the said office, well and faithfully execute and perform all and every of the trusts and duties to the said office appertaining, then this obligation to be void, or else to be and remain in full force and virtue”.

Section 434. Amount of Bond of Sheriff and of Coroner.—(a) The amount of the official bond of the sheriff shall be as follows:

Third class counties, .....	\$60,000.
Fourth class counties, .....	60,000.
Fifth class counties, .....	30,000.
Sixth class counties, .....	20,000.
Seventh class counties, .....	15,000.
Eighth class counties, .....	10,000.

(b) The amount of the official bond of the coroner, in each class of county, shall be one-fourth of the amount herein set out for the bond of the sheriff in such class of county.

Section 435. Amount of Bond of County Commissioner.—The amount of the official bond of each county commissioner shall be as follows:

Third class counties, .....	\$7,500.
Fourth class counties, .....	5,000.
Fifth class counties, .....	*4,000.
Sixth class counties, .....	2,500.
Seventh class counties, .....	2,000.
Eighth class counties, .....	2,000.

\* "\$" in original.

Section 436. Amount of Bond of Recorder of Deeds.—The amount of the official bond of the recorder of deeds shall be as follows:

Third class counties, .....	\$15,000.
Fourth class counties, .....	10,000.
Fifth class counties, .....	10,000.
Sixth class counties, .....	5,000.
Seventh class counties, .....	5,000.
Eighth class counties, .....	5,000.

Section 437. Amount of Bond of Controller.—The amount of the official bond of the county controller in all counties shall be twenty thousand dollars (\$20,000).

(c) STATE ASSOCIATIONS

Section 440. State Associations Authorized.—County officers of each county may organize for themselves a State association as follows:

(1) The county commissioners, together with the county solicitor and the chief clerk to the county commissioners.

(2) The county controllers.

(3) The sheriffs.

(4) The district attorneys.

(5) The probation officers.

(6) The registers of wills.

(7) The prothonotaries and clerks of courts of quarter sessions.

(8) The county treasurers.

(9) The recorders of deeds.

(10) The directors of veterans' affairs.

Section 441. Purpose; Annual Meetings.—(a) The purpose of the respective State associations shall be to discuss and resolve the various questions arising in the discharge of the duties and functions of the respective officers, and to provide uniform, efficient and economical methods of administering the affairs of the counties pertaining to their offices.

(b) In order to achieve such purposes by cooperation, coordination and full exchange of information, each State association is authorized to hold an annual meeting at such time and place within the Commonwealth as it may designate.

(c) Both the association of county controllers and the association of county treasurers, may meet in joint session with the association of county commissioners, solicitors and chief clerks, if such \*associations mutually so agree, but in any case each association shall have a separate session on at least two days of the annual meeting.

\* "association" in original.

Section 442. Deputies and Solicitors May Attend Annual Meetings.—The deputy controller, the deputy sheriff, the deputy register of wills, the deputy treasurer, the deputy prothonotary, the deputy clerk of the courts of quarter sessions, the first assistant district attorney and the deputy recorder of deeds, with the approval of his principal, and the solicitor for each officer, may attend the annual meetings of his respective associations either together with the controller, sheriff, register of wills, treasurer, prothonotary, clerk of the courts of quarter sessions, district attorney or recorder of deeds as the case may be or in his place.

Section 443. Expenses of Attending Members to be Paid by County; Time Limit on Meetings.—(a) The expenses of all authorized county officers attending the annual meetings of their associations shall be paid by the several counties out of general county funds. Each of these officers, except the county commissioners, shall be allowed for his expenses twenty dollars (\$20) per day for the number of days specified in subsection (b) of this section, together with eight cents per mile in going to and returning from such meeting.

(b) The annual meeting of the association of county commissioners, county solicitors and chief clerks shall not exceed four days, that of the district attorneys shall not exceed three days, and those of all other State associations shall not exceed three days in every case, exclusive of the time spent in traveling to and from the said meetings.

Section 444. Other Meeting Expenses Paid by Counties.—(a) In addition to the expenses hereinbefore authorized, the necessary expenses of the annual meetings of the associations hereinafter named, including annual association dues, printing, committee expenses and stenographical expense, shall be paid in equal parts by the several counties whose officers are members of the respective associations.

(b) In the case of county commissioners, county solicitor and county clerk, county controllers, sheriffs, registers of wills, county treasurers, recorders of deeds, prothonotaries, clerks of courts of quarter sessions and district attorneys, the portion of the annual expenses charged to each county shall not exceed seventy-five dollars (\$75), in the case of the directors of veterans' affairs the portion charged to each county shall not exceed fifty dollars (\$50), and in the case of the probation officers an annual membership subscription not exceeding six dollars (\$6) per member shall be paid by the county, and shall be in lieu of the expenses hereinbefore in this section provided for other county officers.

## LAWS OF PENNSYLVANIA,

Section 445. Annual Assessments for County Commissioners, Etc.—(a) In addition to the expenses herebefore authorized, the necessary expenses of the association of county commissioners, county solicitors and chief clerks shall be apportioned among the counties holding membership in the association in amounts provided for by the rules and regulations of the association but shall not total more than:

(1) Three hundred dollars (\$300) for any county of the third class;

(2) Two hundred fifty dollars (\$250) for any county of the fourth class;

(3) Two hundred dollars (\$200) for any county of the fifth class;

(4) One hundred fifty dollars (\$150) for any county of the sixth class;

(5) One hundred dollars (\$100) for any county of the seventh class; or

(6) Seventy-five dollars (\$75) for any county of the eighth class per annum.

(b) Such annual apportionments of expenses shall be as approved at each annual convention of the said association by a majority vote of the members present and, when so approved, shall be paid by the several counties from general county funds.

## (d) REMOVAL OF COUNTY OFFICERS

Section 450. Removal of County Officers and Appointees.—(a) The county commissioners, the sheriffs, coroners, prothonotaries, registers of wills, recorders of deeds, treasurers, surveyors, auditors or controllers, clerks of the courts, district attorneys and any other officers of the several counties, whether elected or duly appointed to fill a vacancy, shall be removable from office only by impeachment, or by the Governor for reasonable cause after due notice and full hearing on the advice of two-thirds of the Senate, or upon conviction of misbehavior in office, or of any infamous crime in accordance with the Constitution of this Commonwealth, but their title to office may be tried by proceedings of quo warranto as provided by law.

(b) Appointees to county offices or positions other than to elected offices shall be subject to removal at the pleasure of the appointing power, except as otherwise expressly provided by law, and they shall also be removed on conviction of misbehavior in office or of any infamous crime.

## (e) CONDUCT OF OFFICIAL BUSINESS

Section 460. Meetings Open to Public.—(a) All meetings, regular and special, of the board of county commissioners and of all boards, commissions and authorities, created by or operating as agencies of a county, are hereby declared to be public meetings open to the public at all times.

(b) Nothing contained in this section shall prevent the county commissioners or any such board, commission or authority from holding executive sessions from which the public is excluded, but no final official action shall be taken as to any proposed or existing resolution, ordinance, rule or regulation, or part thereof, at such an executive session.

## ARTICLE V

## COUNTY COMMISSIONERS AND CHIEF CLERKS

## (a) COMMISSIONERS

Section 501. Election; Vacancies.—(a) Three county commissioners shall be elected in each county in the year one thousand nine hundred and fifty-five, and every fourth year thereafter. In the election of commissioners, each qualified elector shall vote for no more than two persons. The three persons having the highest number of votes shall be elected.

(b) Any casual vacancy in the office of county commissioners shall be filled, for the balance of the unexpired term, by the court of common pleas of the county in which such vacancy shall occur by the appointment of a registered elector of the county who was a member of the same political party as the commissioner whose place is to be filled at the time the commissioner was elected.

Section 502. Organization.—The county commissioners shall meet on the first Monday of January, in the year one thousand nine hundred and fifty-six, and on the first Monday of January every fourth year thereafter, in the office provided for them at the county seat for the purpose of organization.

Section 503. Meetings, Regular and Special; Conduct of Meetings; Notices.—(a) The county commissioners shall adopt rules for the conduct and order of business, establishing also regular times and places of meeting. A copy of such rules shall be posted at all times in a conspicuous place in the county court house for the benefit of the public.

(b) Each commissioner shall have at least twenty hours notice of any special meeting and of the nature of business to be conducted thereat, unless such notice be waived by him in writing or by attendance at such special meeting.

Section 504. Quorum; Execution of Official Instruments.—(a) The commissioners shall constitute a board, two members of which shall be a quorum for the transaction of business, and, when convened in pursuance of notice or according to adjournment, shall be competent to perform all the duties appertaining to the office of county commissioners.

(b) Where any official document, instrument or official paper is to be executed by the county commissioners, it shall be done by at least two of the commissioners and attested by the chief clerk who shall affix the county seal thereto.

Section 505. Certified Copies of Proceedings to be Evidence.—Copies of the proceedings of the commissioners, and of all records in their possession, certified by their chief clerk under the county seal, shall be admitted in evidence in any of the courts of this Commonwealth.

Section 506. Power to Administer Oaths.—The commissioners shall respectively have power to administer oaths and affirmations in all cases arising in the performance of the duties of their office.

Section 507. Expenses.—The county commissioners shall be allowed their expenses, necessarily incurred and actually paid, in the discharge of their official duties, or in the performance of any service, office, or duty imposed upon county commissioners.

Section 508. Office Furniture, Stationery, Etc.—(a) The county commissioners, at the cost of the county, shall purchase and provide the office furniture, equipment and supplies, blank books, blanks, dockets, books for records, stationery, postage, fuel, light and janitor and telephone service, required for each of the county officers whose offices are located in the county buildings or at such other places at the county seat as may be designated by the commissioners, and all supplies used by the public in connection with such offices.

(b) The county commissioners, at the cost of the county, shall purchase and provide all of the same items as needed for each of the county officers whose offices are not required by law to be kept and maintained in county buildings or at the county seat.

(c) Before purchasing office furniture, equipment or supplies, blank books, blank dockets, books for records or stationery, the county officers who are to be furnished with any of such items shall have an opportunity to state in writing his preferences as to the type and make of such articles or any of them. The commissioners shall, when feasible, purchase and supply to each officer his preference in such articles when such preference has been given.

Section 509. Ordinances and Resolutions.—(a) The board of commissioners may adopt resolutions and ordinances prescribing the manner in which powers of the county shall be carried out and generally regulating the affairs of the county.

(b) All such ordinances, unless otherwise provided by law, shall be published at least once in one newspaper of general circulation in the county. Such ordinances shall not become effective until ten days after the publication aforesaid. In any case in which maps, plans or drawings of any kind are adopted as part of an ordinance, the commissioners may, instead of publishing the same as part of the ordinance, refer in publishing the ordinance to the place where such maps, plans or drawings are on file and may be examined.

(c) The board of county commissioners may also prescribe fines and penalties not exceeding three hundred dollars (\$300), in any instance, for the violation of county ordinances, which fines and penalties may be collected by suit, brought in the name of the county, in like manner as debts of like amount may be sued for.

Section 510. Take Money and Property by Gift, Etc.—The county commissioners may take by gift, grant, devise or bequest, any money or property, real, personal or mixed, for the benefit of the county.

#### (b) CHIEF CLERK OF COUNTY COMMISSIONERS

Section 520. Chief Clerk.—The county commissioners shall appoint a chief clerk.

Section 521. Duties and Powers of Chief Clerk.—(a) The chief clerk shall keep the books and accounts of the board of county commissioners, record and file their proceedings and papers, attest all orders and voucher checks issued by them and perform all other duties pertaining to his office as chief clerk.

(b) He shall have general power to administer oaths and affirmations, pertaining to the business of the office of the county commissioners.

### ARTICLE VI CONTROLLER

Section 601. Election and Term; Seal.—(a) At the municipal election immediately preceding the expiration of the term of the controller now in office, and quadrennially thereafter, the qualified electors of each county of the third, fourth and fifth classes, and of every other county where the office of controller has been or may hereafter be established, including counties in which the office was established by general law, or otherwise, while such counties were in a higher classi-

fication, shall elect one citizen of the county, who shall serve as controller for the term of four years from the first Monday of January following his election, or until his successor shall be qualified, if he so long shall behave himself well.

(b) Each county controller shall be provided with an official seal of his office by the county commissioners of the county, which shall be used for the attestation of all official papers.

Section 602. Eligibility.—(a) No person holding office under the United States shall be eligible to the office of county controller during his continuance in such office, nor until one year thereafter.

(b) The county commissioners, county treasurer, prothonotary, register of wills, clerk of the courts, recorder of deeds, sheriff and district attorney, and their chief clerks or deputies, shall be ineligible, during their continuance in such office and for two years thereafter, to the office of county controller.

(c) The controller shall always be eligible to re-election or appointment.

Section 603. Deputy Controller and Clerks.—The controller in counties of the third, fourth and fifth classes shall appoint a deputy controller and clerks, and in counties of the sixth, seventh and eighth classes may appoint a deputy controller and clerks, and each controller may authorize one or more of the clerks employed in his office to administer to all persons oaths and affirmations, pertaining to the business of the office, with the same force and effect as if administered by the controller or deputy controller.

Section 604. Solicitor to the Controller.—The county controller may designate and appoint one person, learned in the law, to act as his solicitor. Such solicitor shall advise upon all such legal matters as may be submitted to him, and shall conduct any litigation desired by the county controller. He shall hold office at the pleasure of the controller.

Section 605. Establishment of Office of Controller in Counties of the Sixth, Seventh and Eighth Classes.—

(a) The office of controller may be established in any county of the sixth, seventh or eighth class by the affirmative vote of a majority of the electors of the county voting on the question submitted, as herein provided, at any general, municipal or primary election.

(b) The question shall be submitted to the electors of the county upon petition, in writing, of one hundred qualified electors of the county. Such petition shall be filed with the county commissioners at least sixty days before the day of any general, municipal or primary



election at which the question is to be submitted. If the petition is sufficiently signed the county commissioners shall cause the question to be submitted in the manner provided by the Pennsylvania Election Code.

(c) If the majority of electors voting on the question shall vote in favor of establishing the office of county controller, such office shall thereby be established, and, at the next municipal election, and quadrennially thereafter, the electors of the county shall choose a citizen of the county for the office of controller in place of the county auditors.

Section 606. Appointment by Governor; Duties of Auditors; Abolition of Office of Auditor.—(a) Whenever the office of controller is established in any county, under the provisions of section 605 of this act, or by a change in class of such county not otherwise provided for by law, the Governor shall appoint a suitable person to act as controller of said county until his successor in office is duly elected and installed.

(b) Upon the appointment of a controller, as provided in this section, the county auditors then in office shall proceed to audit all accounts as required by law, and shall file a report of such audit with the controller so appointed, not later than three months after the controller assumes his office, whereupon the office of county auditor shall be abolished and cease to exist in said county.

Section 607. Expenses.—The county controller and his deputy, clerks, and auditors shall be allowed their expenses necessarily incurred and actually paid in the discharge of their official duties, or in the performance of any service or duty imposed upon them.

## ARTICLE VII AUDITORS

Section 701. Election and Vacancies.—(a) In each county where the office of controller has not been established, three county auditors shall be elected in the year one thousand nine hundred fifty-five, and every fourth year thereafter. In the election of auditors, each qualified elector shall vote for no more than two persons. The three persons having the highest number of votes shall be elected.

(b) Any casual vacancy in the office of county auditors shall be filled, for the balance of the unexpired term, by the court of common pleas of the county, by the appointment of an elector who voted for the auditor whose place is to be filled.

Section 702. Eligibility.—(a) No person shall be eligible to the office of county auditor who, within two years, shall have been treasurer of the county.

(b) No person holding the office of county auditor shall at the same time hold or be employed in any office of the county, the county institution district, any school district, any board of health or any municipality authority of which the county is a member.

Section 703. Meetings; Quorum.—The auditors shall assemble at the county seat on the first Monday of January in each year, and begin their audit of the fiscal affairs of the county for the fiscal year immediately preceding, and thereafter, at such times as they may find necessary for the completion of their audit before the first day of the following April. They may, upon petition to the court of common pleas, have such additional time for the completion of their report as the court shall allow. Any two auditors when duly convened shall be a quorum for the purpose of transacting any business.

Section 704. Counsel.—The auditors may employ a competent attorney-at-law to act as their counsel and attorney.

## ARTICLE VIII TREASURER

Section 801. County Treasurer; Eligibility.—No judge, clerk or prothonotary of any court, register of wills, recorder of deeds, county commissioner, or county controller shall be eligible to serve as county treasurer during their continuance in office. No county treasurer shall be eligible for the term next succeeding the one for which he may be elected.

Section 802. Bond in Favor of Commonwealth.—Each county treasurer shall, before entering upon the duties of his office, give bond with sufficient security, to be approved of by at least two of the judges, if there is more than one judge of the court of quarter sessions in the county, and in such penalty as the said judges shall deem sufficient, conditioned for the faithful discharge of all duties enjoined upon him by law in behalf of the Commonwealth, and for the payment according to law of all moneys received by him for the use of the Commonwealth, which bond shall be taken by and acknowledged before the recorder of deeds of the same county, and recorded in his office, and the original bond shall be forthwith transmitted to the Auditor General. The cost of the bond, its acknowledgment and recording, shall be borne by the Commonwealth.

Copies of the record of such bond, duly certified by the recorder of deeds for the time being, shall be good evidence in any action brought against such treasurer or his sureties on such bond, according to its form and effect, in the same manner as the original would be if produced and offered in evidence.

Section 803. Removal from Office for Failure to Transmit Bond to Auditor General.—If any county treasurer shall fail to transmit to the Auditor General, within one month after his election or appointment, the bond required by the preceding section, he shall be deemed to have forfeited his right to the office; if he has entered upon the duties thereof, he shall be ousted in an action of quo warranto in the name of the Commonwealth upon the relation of the Attorney General, or of the district attorney of the county if the latter is so directed by the county commissioners.

Section 804. When Auditor General to Deliver Up Bond of Treasurer.—The bond and obligation of the county treasurer shall be held by the Auditor General for one year after the settlement of his accounts with the Commonwealth and, thereafter, if the Auditor General and State Treasurer are fully satisfied that the county treasurer has settled his accounts and paid all sums due the Commonwealth, said bond and obligation shall upon request be delivered to any person entitled to the same.

Section 805. Misapplication of Funds Collected for Specific Purposes.—Whenever any moneys are collected by law in any county for any special purpose, and paid into the hands of the treasurer of such county, it shall be unlawful for such treasurer to apply such moneys, or any part thereof, to any other purpose than that for which such moneys were collected. Every such misapplication shall be a misdemeanor, upon conviction thereof such treasurer shall be punished by a fine of not less than the amount so misapplied, or by imprisonment for not less than three months nor more than one year, or both.

Section 806. Deputy Treasurer.—The county treasurer is hereby authorized to appoint a deputy county treasurer who shall perform such duties as shall be prescribed by the county treasurer.

Section 807. Solicitor to County Treasurer in Third, Fourth and Fifth Class Counties.—In counties of the third, fourth and fifth classes the county treasurer is authorized to appoint one person, learned in the law, as his solicitor. The solicitor shall advise upon all legal matters that may be submitted to him and shall conduct any litigation when requested so to do by the treasurer.

## ARTICLE IX

## COUNTY SOLICITOR

Section 901. Appointment; Qualifications. — The county commissioners shall appoint a county solicitor, who shall be an attorney-at-law admitted to practice in the courts of this Commonwealth. He shall, before entering upon the duties of his office, file with the county commissioners an agreement to pay all fees, attorney's fees, and commissions received from every source as county solicitor into the county treasury.

Section 902. Duties.—He shall commence and prosecute all suits brought, or to be brought, by the county, wherein or whereby any rights, privileges, properties, claims or demands of the county are involved, as well as defend all actions or suits brought against the county, and shall perform all duties now enjoined by law upon county solicitors, and shall do all and every professional act and render legal advice incident to the office which may be required of him by the commissioners. He shall, in addition, perform all similar duties for each elected officer who is not authorized to appoint a solicitor or who has not appointed a solicitor although authorized to do so. In case of any litigation, impending or in progress, between the commissioners and any other elected county officer, the proper court may authorize such county officer to retain special counsel for the said purpose, whose fee shall be fixed by the court and paid from the county treasury.

Section 903. Employes in Third Class Counties.—In counties of the third class, the county solicitor may, with the consent of the county commissioners, employ a stenographer as an assistant in his office.

Section 904. Assistant Solicitors in Third Class Counties.—In counties of the third class, the county commissioners may appoint an assistant county solicitor. Each assistant shall perform such duties in connection with the legal affairs of the county as may be assigned to him by the county commissioners or the county solicitor.

## ARTICLE X

## SURVEYOR AND ENGINEER

Section 1001. County Surveyor; Qualifications; Duties and Compensation; Vacancies.—The county surveyor to be elected in each county, as hereinbefore provided, shall be a practical surveyor, and shall perform all the duties assigned to him by the county commissioners or by law.

Any vacancy occasioned by death, resignation, removal or otherwise, shall be filled by the court of quarter sessions, by the appointment of a competent person, being a practical surveyor, to fill such vacancy during the balance of the unexpired term.

Section 1002. County Engineer; Appointment; Term.—The county commissioners of any county may appoint a professional engineer in civil engineering, who shall be styled the county engineer. Such engineer shall serve at the pleasure of the commissioners.

Section 1003. Duties.—The county engineer shall prepare plans, specifications, and estimates of all engineering work undertaken by the county, and, whenever required, shall furnish the commissioners with reports, information, or estimates on any such work and, in general, shall perform all such duties with reference to any county engineering work as the county commissioners may from time to time prescribe.

## ARTICLE XI

### BOARD OF VIEWERS

Section 1101. Number of Members; Qualifications.—There is hereby established in each county a board of viewers. The board of viewers shall consist of not less than three nor more than nine members, one-third of whom may be learned in the law and members of the bar of the county. The judges of the court of common pleas shall, in each case, determine, within the aforesaid limits, the total number of members of which the board shall be composed, fixing and determining such number as shall be deemed necessary for the proper performance of the duties imposed upon the board. The court may also, from time to time, change the total number of members within the above limits.

Section 1102. Qualifications.—Each member of the board of viewers must be a freeholder and a qualified elector of the county and not engaged in any public employment of profit. The office of any member of the board shall be vacant immediately upon his ceasing to be a resident of the county in which he was appointed, or upon his ceasing to possess any of the qualifications above required. The court of common pleas shall, from time to time, determine summarily any facts thus bringing about a vacancy in the office.

Section 1103. Appointment of Members; Vacancies; Rules and Regulations.—The members of the board of viewers shall be appointed by the judges of the court of common pleas. All vacancies happening from any cause shall be filled by appointment by the judges of

the court of common pleas. In counties having more than one court of common pleas, the judges of all courts of common pleas shall meet as a body and shall make such appointment. In judicial districts which comprise more than one county, such appointment for each county shall be made by the judge or judges of the judicial district in which said county is situate.

The courts of common pleas of the respective counties shall make such rules and regulations for the government of said boards and the proceedings thereof as they, respectively, shall deem proper; which rules and regulations said courts may, from time to time, alter, amend, modify or rescind, but no member of the board shall represent a client or testify as an expert witness before the board.

Section 1104. *Term of Office; Removal.*—Each of the members of the board of viewers shall be appointed for a term of three years from the date of his appointment, whether such appointment be to fill an original or partly expired term. Members may be reappointed from time to time when vacancies occur. All appointments shall be subject to the power of the court of common pleas, at its pleasure, to remove members of said board before the expiration of their respective term of office, and to appoint successors.

Section 1105. *Power to Administer Oaths.*—Any member of any board of viewers shall have general power to administer oaths and affirmations to other viewers of the same county, to witnesses before them, and to other persons, pertaining to the business and duties of the board of viewers.

Section 1106. *Clerks and Stenographers.*—The board of viewers may employ such stenographers and clerical assistants, as shall be authorized by the salary board.

## ARTICLE XII

### SHERIFF AND CORONER

#### (a) SHERIFF

Section 1201. *Unfinished Business of Outgoing Sheriff.*—(a) It shall be the duty of every outgoing sheriff, to deliver all unfinished and unexecuted writs and process whatsoever to his successor whose duty it shall be to receive and execute the same as if said writs and process had been originally issued and directed to him, and to carry out and complete all other official duties of his predecessor.

(b) Whenever any real estate shall be sold under any execution by a sheriff who shall, in any lawful manner, be succeeded in office before any deed shall be executed

and acknowledged by him in due form of law for such real estate, his successor in office shall have the same power and be under the same duty to execute and acknowledge a deed for such real estate to the purchaser thereof as the sheriff selling such real estate under execution if he were still in office, which deed so executed shall be as effectual in law as if the title had been completed by the former sheriff.

(e) No court order shall be necessary in any event to authorize an incoming sheriff to carry out his duties as prescribed by this act.

Section 1202. Sheriff May Act by Deputy.—Whenever the sheriff is or shall be required by law to act in person under or by virtue of any writ or process whatsoever issued by the courts of this Commonwealth, he may act either in person or by a regularly appointed deputy sheriff.

Section 1203. Chief Deputy; Compensation.—The sheriff of each county shall appoint, by commission duly recorded in the office for recording deeds, a chief deputy, whose appointment shall be revocable by the sheriff at pleasure on recording in said office a signed revocation thereof. The chief deputy, during his continuance in office, shall have full power and authority to perform any duty incumbent upon such sheriff, with like effect in law as if such official act had been done by the sheriff in person, regardless of the ability or temporary disability of such sheriff to act, while such sheriff continues in office. Nothing in this section shall operate to relieve such sheriff or his sureties from liability upon their official bond.

Section 1204. Real Estate Deputies in Counties of the Third and Fourth Classes.—In counties of the third and fourth classes, the sheriff may have a real estate deputy to take charge of all matters relating to sheriff's sales of real estate and distributions of the proceeds thereof, whose appointment shall be made and be revocable as hereinbefore provided for the chief deputy. Such deputy shall have full power to perform all duties incumbent upon the sheriff in like manner as his chief deputy with like effect in law as if such official acts had been done by the sheriff in person. Such duties shall include the execution and acknowledgment of sheriff's deeds for real estate upon receipt of the purchase price thereof. Nothing in this act shall operate to relieve the sheriff or his sureties from liability upon their official bonds but such liability shall continue as heretofore.

Section 1205. Deputies and Clerks.—The sheriff of each county may appoint such deputies and clerks as may be necessary to properly transact the business of

his office. He may revoke the appointment of deputies in the same manner as his chief deputy. The sheriff may also appoint necessary special deputies, when any emergency arises, to assist him in executing any civil or criminal process or court order or in preserving the peace, who shall serve only so long as they are absolutely needed.

Section 1206. Deputy Sheriff's Qualifications.—A sheriff shall not appoint any person a chief deputy or any other deputy sheriff unless the sheriff files with the prothonotary, prior to the appointment of such person, the name and photograph of such person, together with an affidavit of such person setting forth the following:

- (1) His full name, age, and residence address.
- (2) That he is a citizen of the United States, and twenty-one years of age or over.
- (3) That he has resided in the county for a period of at least two years immediately preceding the filing of such affidavit.

(4) That he has never been convicted of a crime involving moral turpitude under the laws of this Commonwealth, or of any other state, or of the United States.

(5) That he has not, for a period of two years immediately preceding the filing of such affidavit, acted either for himself or as the agent or employe of another, in any labor dispute, or hired himself out or performed any service as a private detective, private policeman or private guard in any labor dispute, or received any fee or compensation whatsoever for acting as a private detective, private policeman or private guard in any labor dispute, or conducted the business of a private detective agency, or of any agency supplying private detectives, private policemen or private guards, or advertised or solicited any such business in this Commonwealth in connection with any labor dispute.

Section 1207. False Statements in Deputy's Affidavit.—Any false statement contained in any such affidavit shall constitute perjury, and shall be punishable as such.

Section 1208. Filed Items, Public Records.—The name, photograph, and affidavit of any such person so filed with the prothonotary, shall constitute a public record.

Section 1209. Public List of Applicants for Deputy Sheriff.—The sheriff shall, from time to time, prepare a list of the names of all persons who have applied for appointment as deputy sheriff and who meet the qualifications hereinbefore prescribed. Such list shall be posted in a public place for a period of not less than ten days, and thereafter shall be filed in the office of the prothonotary. No deputies shall be appointed by the sheriff whose names do not appear on said list.



Section 1210. Private Services, Gifts and Payments, Contracts, Prohibited.—(a) No sheriff, deputy sheriff, detective or other county police officer whatsoever, shall perform, directly or indirectly, any official services or official duties for any person, association or corporation, or receive, directly or indirectly, any compensation, gifts or gratuities from any person, association or corporation during the period of his official services. Nothing herein contained shall prohibit such officers from serving writs and other legal process as authorized by law. Any compensation payable to any such officer for official duties and services shall be paid only out of the proper county, or other public funds, to the amount and in the manner prescribed by law. Gifts, donations, and gratuities of any nature whatsoever made by any person, association or corporation to the county or to any official or agent thereof, shall not constitute public funds within the meaning of this section.

(b) No county, or any official or agent thereof, shall accept as a gratuity, gift or donation any arms, ammunition, military supplies, tear gas or equipment, or supplies or articles of a similar character from, nor shall any such gratuity, gift or donation be made by any person, association or corporation.

(c) Any contract or agreement, whatsoever, made in violation of the provisions of this section, shall be utterly void and of no effect, in law or in equity, and is hereby declared to be contrary to public policy.

Section 1211. Penalties.—Any sheriff, deputy sheriff or any other county police officer, whatsoever, or any other official of the county or any person, association or corporation, violating any of the provisions of sections 1206, 1209 or 1210 of this act, shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or to undergo imprisonment for not less than ninety days nor more than two years, or both.

Section 1212. Construction.—Nothing contained in sections 1206 or 1210 of this act, shall be construed to prohibit the appointment, employment or compensation by any county in the manner expressly provided by law of—(1) night watchmen, (2) railroad police, (3) bank police, (4) payroll police, (5) special policemen to police and protect cemeteries and grounds and buildings open to the public, or to enforce laws for the prevention of cruelty to persons or animals, (6) fire police whose only duty shall be to direct traffic and maintain order to, at or from fires, (7) police or guards employed by non-profit corporations or organizations.

Section 1213. Solicitor in Third, Fourth, Fifth and Sixth Class Counties.—In all counties of the third, fourth, fifth and sixth classes, the sheriff may appoint one person, learned in the law, as his solicitor. Said solicitor shall advise the sheriff upon all legal matters that may be submitted to him, and shall conduct any litigation in connection with the sheriff's office when requested so to do by the sheriff.

Section 1214. Sheriff to Act as Coroner in Case of a Vacancy.—If any coroner shall be legally removed from his office or shall die before the expiration of the term for which he was commissioned, the sheriff of the county shall execute the office of coroner and perform all things thereunto appertaining and receive and retain for his own use the compensation provided by law for coroners until another coroner is commissioned and notice thereof is given to such sheriff.

Section 1215. Sheriff to Keep Docket.—Every sheriff and every coroner, acting as sheriff, shall provide and keep in his office a book or books in which he shall enter all writs that may come to him and the proceedings thereon, and, at the expiration of his term of office, such book or books shall be deposited in the office of the prothonotary for the inspection of all persons interested therein.

#### (b) CORONER

Section 1231. Deputies.—The coroner may appoint one or more deputies to act in his place and stead, as he may deem proper and necessary. Such deputy or deputies shall have the same powers as the coroner. In counties of the fifth, sixth, seventh, and eighth classes, such deputies shall receive the same fees as the coroner.

Section 1232. Duties with Respect to County Morgues.—The coroner of each county in which a county morgue is established, shall make general rules and regulations for its government and control, and shall appoint suitable persons for each morgue so established to have charge of the same, and who shall be removable at the pleasure of the coroner. The number of such persons and the salary of each shall be fixed by the salary board.

Section 1233. Removal of Bodies to Morgue.—Whenever the body of any deceased person who is unidentified or which body is unclaimed by proper persons has been found within the county, it shall be removed to the county morgue or to a private morgue serving in lieu thereof. The coroner shall, if he deems it necessary, cause any such body to be properly embalmed or prepared for preservation for such length of time as he

may think proper. Any such body shall be examined or inspected only by such persons as the coroner authorizes in writing, or who are admitted in his presence. No such body shall be removed from any such morgue except upon the certificate of the coroner.

Section 1234. Ambulance.—In each county having a county morgue, the county commissioners may furnish and maintain, from the general funds of the county, an ambulance for the removal of bodies of deceased persons to and from the morgue, and for the burial of unclaimed bodies. The coroner may provide rules and regulations for the use and maintenance of the ambulance.

Section 1235. Unclaimed Property of Deceased; Sales.—(a) The coroner shall safely keep in his charge all personal effects and property which appear to have been on or about the person at the time of his death, or being found on any decedent whose body is received at the county morgue or at any other morgue serving in lieu thereof, and all such effects and property which are delivered to him according to law. The coroner shall hold such property for one year, unless sooner claimed by legal representatives of the deceased, or otherwise duly and lawfully claimed or disposed of.

(b) After one year, the coroner shall cause such property remaining unclaimed, or so much thereof as remains undisposed of according to law, except moneys and such properties as securities which may not be subject to such a sale, which shall be turned over to the commissioners for proper disposition or use, to be sold at public sale.

(c) Notice of any such public sale shall be published in at least one newspaper of general circulation in the county once a week for three successive weeks. The proceeds of all such sales shall be paid immediately into the county treasury, and the coroner shall make a written report thereof to the county commissioners, under oath, at the same time. If the body has been buried at the expense of the institution district, the county shall pay the proceeds of sale, or such property as was not subject to sale, as hereinbefore provided, less costs, over to the institution district. The foregoing provisions shall be in lieu of escheat to the Commonwealth.

Section 1236. Private Morgue May be Used.—In any county where a county morgue is not maintained, the coroner may cause any body which he is authorized to admit to a county morgue to be removed to a private morgue within the county, and, for the use thereof, the owner shall be paid a sum to be established by the salary board, to be paid in the same manner as fees of coroner's jurors are paid.

Section 1237. Coroner's Investigations.—The coroner having a view of the body shall investigate the facts and circumstances concerning deaths which appear to have happened within the county, regardless where the cause thereof may have occurred, for the purpose of determining whether or not an inquest thereof should be had, in the following cases: (1) Any sudden, as hereafter defined, violent or suspicious death, (2) any death wherein no cause of death is properly certified by a person duly authorized \*therefor, (3) any death resulting from a mine accident, as directed by law, (4) deaths resulting from drownings, cave-ins and subsidences, (5) any stillbirth, or the death of any baby dying within twenty-four hours after its birth, and, in addition thereto, (6) the death of any prematurely born infant, wherein the cause of death is not properly certified by a person duly authorized therefor.

The purpose of the investigation shall be to determine whether or not there is any reason sufficient to the coroner to believe that any such death may have resulted from the criminal acts or criminal neglect of persons other than the deceased, rather than from natural causes or by suicide.

Section 1238. Inquest; Autopsy; Coroner's Duties; Records.—If, upon the investigation by the coroner, he shall not be satisfied thereby that the death resulted from natural causes, or by suicide, he shall proceed to conduct an inquest upon a view of the body as provided by law. In the conduct of the inquest, the coroner may require such an autopsy as may be necessary in accordance with law. At the inquest the coroner's duty shall be to ascertain the cause of death and whether any person other than the deceased was criminally responsible therefor by act or neglect, and, if so, the identity of the person and any further evidence and witnesses regarding the crime. The proceedings at the inquest shall be recorded, at the expense of the county, in a manner to be provided by the county commissioners, and any salary that may be required for this purpose shall be fixed by the salary board.

Section 1239. Sudden Deaths Defined.—The coroner shall regard any death as sudden if it occurs without prior medical attendance by a person who may lawfully execute a certificate of death in this Commonwealth, or if, within twenty-four hours of death, the decedent was discharged from such medical attendance or a change of such medical attendance had occurred, or if any such medical attendance began within twenty-four hours of

\* "thereof" in original.

death and the medical attendant refuses or is unable to certify the cause of death. Medical attendance includes hospitalization.

The provisions of this section shall not be construed to affect the coroner's discretion as to whether or not any death was suspicious, nor shall they be construed to authorize a coroner to investigate a sudden death any further than necessary to convince him that the death was from natural causes and not from any criminal act or neglect of another.

Section 1240. Bodies not to be Moved.—In all cases where the coroner has jurisdiction to investigate the facts and circumstances of death, the body and its surroundings shall be left untouched until the coroner has had a view thereof and until he shall otherwise direct or authorize, except as may be otherwise provided by law, or as circumstances may require. Bodies upon a public thoroughfare or in other places may be removed so much as is necessary for precaution against traffic accidents or other serious consequences which might reasonably be anticipated if they were left intact.

Section 1241. Release of Coroner's Jurisdiction.—Whenever the coroner assumes jurisdiction of a body pursuant to the provisions of this subdivision or of any other law, the body shall not be released or removed from his jurisdiction except upon his directions and consent, in accordance with law.

Section 1242. Cooperation with District Attorney.—In the exercise of his duties as contained in this subdivision, the coroner shall, so far as may be practicable, consult and advise with the district attorney. The district attorney shall act as counsel to the coroner in matters relating to inquests.

Section 1243. Justices of the Peace not Affected.—The provisions of this subdivision shall not be construed to affect any provisions of law requiring or authorizing justices of the peace in certain cases to act in place of the coroner.

Section 1244. Certificate of Cause of Death.—The coroner shall issue a certificate of cause of death in all cases referred to him by the local registrar of vital statistics, pursuant to the provisions of the act, approved May twenty-one, one thousand nine hundred forty-three (Pamphlet Laws 414), known as the Uniform Vital Statistics Act, and in all other cases of which he has jurisdiction, if no person duly authorized by the said act certifies the cause of death.

\* "attorney" in original.

Section 1245. Power of Subpoena and Attachment.—The coroner shall have power to issue subpoenas to obtain the attendance of any person whom it may be necessary to examine as a witness at any inquest, and to compel attendance by attachment in like manner and to the same extent as any court of oyer and terminer and general jail delivery of this Commonwealth may or can do in cases pending before them, and also to compel in like manner the production of all papers and other things relative to such inquest. Such subpoena and attachment shall be served and executed by the sheriff or by the coroner himself or his deputy, as the case may require.

Section 1246. Power to Administer Oaths.—The coroner shall have power to administer oaths and affirmations to all persons brought or appearing before him, and any person swearing or affirming falsely on such examination shall be guilty of perjury.

Section 1247. Commitment to County Prison.—If any person appearing before the coroner for examination shall refuse to take oath or affirmation, or after having been sworn or affirmed shall refuse to make answer to such questions as shall be put to him by the coroner touching the matters of the inquest, such persons so refusing may be committed by the coroner to the county jail by warrant, under his hand and seal, directed to the sheriff or any constable of the county, setting forth particularly the causes of such commitment, until he shall submit to be sworn or affirmed or to make answers to such questions or be otherwise legally discharged.

Section 1248. Inquests Not Public.—The coroner may, in his discretion, admit or exclude members of the public from any inquest or part thereof, and admit or exclude any person interested or suspected from such inquest or any part thereof, but this provision shall not apply to representatives of the press. No person excluded may appear by attorney, but any person required to attend may have benefit of counsel at such attendance.

Section 1249. Coroner to Act as Sheriff in Case of Vacancy.—If any sheriff shall be legally removed from his office or shall die or resign before expiration of the term for which he was commissioned, the coroner of the county shall execute the office of sheriff and perform all things thereunto appertaining, and receive and retain for his own use the compensation provided by law for sheriffs, until another sheriff is commissioned and notice thereof is given to such coroner.

Section 1250. Vacancies; No Fees upon Commissions.—If any person elected to the office of coroner shall neglect or refuse, for the space of two months next after such election, to assume the duties of said office and to comply with the requirements of the acts of Assembly in such cases, the office shall be vacant, and it shall be the duty of the Governor, upon the notification of the recorder of deeds, to appoint and commission some suitable person to fill such vacancy during the remainder of the term. No fees shall hereafter be charged on commissions issued to the coroner.

Section 1251. Official Records of Coroner.—Every coroner, within thirty (30) days after the end of each year, shall deposit all of his official records and papers for the preceding year in the office of the prothonotary for the inspection of all persons interested therein.

(c) PROVISIONS RELATING TO SHERIFFS AND CORONERS

Section 1260. Not to Exercise Office Until Commission Granted and Recorded; Penalty.—No person elected or appointed to the office of sheriff or coroner shall execute any of the duties of such office before a commission shall have been duly granted to him by the Governor and left for record, under a penalty of imprisonment for a term not exceeding six months, at the discretion of the court of quarter sessions. Such person shall nevertheless be liable to any person injured by any acts done by him under color of such office.

Section 1261. Recognizance of Sheriffs and Coroners.—(a) Every sheriff, whether elected, reelected or appointed to fill a vacancy, not including any coroner temporarily acting as sheriff, and every coroner, before he is commissioned or executes any duties of his respective office, shall execute and duly acknowledge before the recorder of deeds a proper recognizance, without any surety, to the Commonwealth of Pennsylvania for the faithful discharge of all of his official duties, in like manner as that of his official bond required by law and in a form containing like conditions as such bond. The recognizance shall be immediately recorded in said county, at the expense of said sheriff or coroner, and when so recorded shall be transmitted to the Secretary of the Commonwealth with said recorder's certificate endorsed thereon of its having been duly recorded and with a reference to the place of record thereof.

(b) Every such recognizance hereafter executed shall continue to be a lien on the real estate owned by the sheriff or coroner at the date of such acknowledgment for a period of six years from that date. Every recognizance heretofore executed by any sheriff or coroner shall continue to be a lien on the real estate owned by the

sheriff or coroner at the time the recognizance was dated for a period of six years after that date, but in every case where the period of six years has already expired, the lien of such recognizance shall continue for a period of two years after the effective date of this amendment, or to the end of the lien term fixed by law at the time the recognizance was executed, whichever date shall first occur.

(c) The Secretary of the Commonwealth shall have and keep the custody of every such recognizance, and any copy thereof and of said endorsements certified to by the Secretary of the Commonwealth shall be competent evidence of the execution, delivery and recording thereof in any judicial proceedings, and may be relied upon by any public officer to the same extent as the original recognizance.

(d) The recorder of deeds may also certify copies of such recognizance and the time and place of record thereof for like purposes, upon receipt of his fees therefor, according to existing laws.

(e) Such recognizance or any duly certified copy thereof may likewise be recorded and indexed like a judgment in any other county of this Commonwealth by any person or public officer, upon payment of the usual fees to the recorder of deeds and prothonotary of such county, respectively, for the purpose of creating a lien on any real estate of the sheriff or coroner obligated thereby lying in such other county.

(f) It shall be the duty of the recorder of deeds of the county for which a sheriff or coroner is elected or appointed, as soon as said sheriff or coroner is commissioned, to certify the date, amount and place of record of his recognizance, with the name and address of said sheriff or coroner, to the prothonotary of said county, who shall enter such information upon his dockets and index the lien of such recognizance like a judgment obtained in the court of common pleas of said county.

(g) Every sheriff's or coroner's recognizance hereafter given shall inure to the benefit of any surety on his official bond entitled to subrogation to the rights of any person or corporation, including any county intended to be benefited thereby, injured by any official misconduct or neglect of the sheriff or coroner who executed such recognizance, to the extent of any payments by such surety for any damages for which such sheriff or coroner may be held to be liable in any suit or proceedings against such sheriff or coroner on his official bond or recognizance. A similar right of subrogation may be enforced with respect to any such recognizance heretofore given, to the extent permitted by law or equity.



Section 1262. Sale of Real Estate Bound by Lien.—  
 (a) If the sheriff or coroner shall sell any real estate bound by the lien of any recognizance, such sheriff or coroner may present a petition to the court of common pleas of the county wherein the land so bound is situate, accompanied by notice to his sureties on his official bond and to his board of county commissioners, setting forth the fact of such sale, and praying for a release of the lien of such recognizance upon the real estate described in the petition.

(b) The court, being satisfied of the sufficiency of the sureties upon his official bond and that no action has been commenced by any person or corporation on said recognizance, or that all suits thereon have been ended by payment of any judgments obtained therein or otherwise, may release the lien upon such land.

(c) The court of common pleas of such officer's county may, before the release of the lien upon any such real estate, approve additional sureties to be added or substituted upon his official bond, as the court shall deem necessary.

Section 1263. Limitation of Action; Satisfaction of Recognizance.—No action or scire facias shall be brought upon the recognizance of the sheriff or of the coroner after six years from the date of such recognizance. The court of common pleas may, after such time, upon application of the sheriff or coroner as the case may be, order and direct that the recognizance be marked satisfied on the record and upon the dockets of the prothonotary, and the lands involved shall thereupon be discharged from the liens thereof.

### ARTICLE XIII

#### PROTHONOTARY, CLERKS OF COURTS, CLERK OF ORPHANS' COURT, REGISTER OF WILLS, RECORDER OF DEEDS

Section 1301. Election of Prothonotaries, Clerks of \*Courts, Clerks of Orphans' Court, Register of Wills, Recorder of Deeds.—At the municipal election preceding the expiration of the term of office of any prothonotary, clerk of the court of quarter sessions, clerk of the court of oyer and terminer, register of wills, clerk of the orphans' court or recorder of deeds of any county and quadrennially thereafter, the electors of such county shall elect a person to fill such office from the first Monday of January next succeeding such election, for a term of four years and until his successor is elected and qualified. Where, under the provisions of this act

\* "Court" in original.

or other law, it is provided that two or more of said offices shall be held by the same person, only one person shall be elected to hold such office.

Section 1302. How Offices to Be Held.—(a) In counties of the third and fourth classes, one person shall hold the office of prothonotary, one person the office of clerk of the court of oyer and terminer and quarter sessions, one person the offices of register of wills and clerk of the orphans' court, and one person the office of recorder of deeds.

(b) In counties of the fifth class, one person shall hold the offices of prothonotary and clerk of the court of oyer and terminer and quarter sessions, one person the offices of register of wills and clerk of the orphans' court, and one person the office of recorder of deeds, unless local law applying to such counties shall otherwise provide.

(c) In counties of the sixth and seventh classes, one person shall hold the offices of prothonotary and clerk of the court of oyer and terminer and quarter sessions, and one person the offices of register of wills, recorder of deeds and clerk of the orphans' court, unless local laws applying to such counties shall otherwise provide.

(d) In counties of the eighth class, one person shall hold the offices of prothonotary, clerk of the court of oyer and terminer and general quarter sessions, clerk of the orphans' court, register of wills and recorder of deeds, unless local laws applying to such counties shall otherwise provide.

(e) This section does not repeal any of the provisions of section one of the act, approved July two, one thousand eight hundred thirty-nine (Pamphlet Laws 559), entitled "An act to provide for the election of prothonotaries, clerks, recorders and registers," nor any of the provisions of any other local law.

(f) Any county in which the offices provided for herein are not now held as hereinbefore provided, and which desires to provide for the holding of two or more of said county offices by the same person, may, at any time hereafter, accept the provisions of this section in whole or in part, and provide for the holding of its county offices, or any of them, in the manner provided in this section for the class of counties to which it belongs.

(g) The proceedings to accept the provisions of this section and to join its offices or any of them, as herein provided, shall be in all respects as provided in section one thousand three hundred three of this act for the acceptance of the provisions of that section. Upon the expiration of the term of any county officer affected by

such proceeding, his office shall be joined to the other whose term still continues, and no successor shall be elected, or, if the terms of all officers affected expire at the same time, then upon such expiration such offices shall be joined and occupied by one person elected at the preceding municipal election for such purpose.

Section 1303. Counties of Forty Thousand Inhabitants Created Separate Judicial Districts.—(a) In each county containing forty thousand inhabitants, which has been created as a separate and independent judicial district as provided by the Constitution, upon acceptance of the provisions of this section, there shall be elected one person to fill the office of prothonotary, one person to fill the office of the clerk of the courts of quarter sessions and oyer and terminer, one person to fill the office of register of wills and clerk of the orphans' court, and one person to fill the office of recorder of deeds, at the expiration of the terms of the persons then filling and exercising such offices in such counties.

(b) In any such county in which the offices provided for in this section are now held as above provided, such offices shall continue to be so held, and persons shall continue to be elected to fill the same without any actual acceptance of this section.

(c) The acceptance of the provisions of this section shall be exercised by a decree of the court of common pleas of the county accepting the provisions thereof, upon petition of the county commissioners of such county. The petition and decree shall be recorded in the office of the recorder of deeds of the county, and in the office of the Secretary of the Commonwealth.

Section 1304. Incompatible Offices.—No person shall hold, at the same time, the office of justice of the peace and that of prothonotary or clerk of any court. Nor shall any prothonotary or clerk of any court practice as attorney or counsellor in the court of which he is prothonotary or clerk. Nor shall the register of wills of any county practice as aforesaid in the orphans' court of the same county.

Section 1305. Appointment of First Deputies.—The prothonotary, clerk of the courts of quarter sessions and oyer and terminer, and clerk of the orphans' court and recorder of deeds shall appoint one first deputy to act in the case of the death or resignation of his principal, or when the office shall become vacant from other causes. The register of wills shall appoint a deputy or deputies as provided by law.

Section 1306. Power of Prothonotaries, Clerks, Deputies and Assistants to Administer Oaths and Affirmations.—The prothonotaries, clerks of the courts

of quarter sessions and oyer and terminer and clerks of the orphans' courts and the deputies of such officers shall have a general power to administer oaths and affirmations. No prothonotary or clerk shall be compelled to administer the same in any matter not pertaining to the proper business of his office. Any clerk in the office of the prothonotary, designated by the prothonotary, shall have the power of deputy prothonotary, so far as relates to the administration of oaths and affirmations in the performance of the work of the office.

Section 1307. Second Deputy Prothonotary.—The prothonotary may appoint a second deputy prothonotary, who shall possess and discharge all the rights, powers and duties of the principal deputy prothonotary during his necessary or temporary absence.

Section 1308. Solicitor to Prothonotary in Third, Fourth and Fifth Class Counties.—In counties of the third, fourth and fifth classes, the prothonotary is authorized to appoint one person, learned in the law, as his solicitor. The solicitor shall advise upon all legal matters that may be submitted to him, and shall conduct any litigation when required so to do by the prothonotary.

Section 1309. Prothonotary to File and Keep Advance Copies of Law.—The prothonotary shall file and keep in his office advance copies of the laws enacted at each session of the General Assembly, as they are furnished to him by the Secretary of the Commonwealth, for a period of one year from the date of reception of the first of said laws enacted at each session of the General Assembly, in such manner that they shall be accessible to the public during the office hours of the prothonotary.

Section 1310. Assistant Clerks of Orphans' Court in Counties Having a Separate Orphans' Court.—The clerk of the orphans' court of each county in which a separate orphans' court is now or hereafter shall be established may appoint an assistant clerk or clerks, but only with the consent and approval of said court.

The salaries of the assistant clerks shall be paid out of the fees of said office, paid into the treasury of the county, upon bills attested by said register, and countersigned by a judge of said courts. In the event that the fees received in said office of register of wills be not sufficient to fully pay the register and his assistants, then payment shall be made in full to the said register of wills, but to his assistants in manner as follows, namely; where there is more than one assistant, then the balance of fees remaining to the credit of said office

of register of wills shall be divided among each of said assistants in proportion as his salary shall stand to the whole.

**Section 1311. Solicitor to Register in Counties of the Third, Fourth and Fifth Classes.**—In all counties of the third, fourth and fifth classes, the register of wills is authorized to appoint one person, learned in the law, as his solicitor. Said solicitor shall advise upon all legal matters that may be submitted to him, and shall conduct any litigation when requested so to do by the register of wills.

**Section 1312. Second Deputy Recorder.**—The recorder of deeds may appoint a second deputy recorder of deeds, who shall possess and discharge all the rights, powers and duties of the principal deputy recorder of deeds during his necessary or temporary absence.

**Section 1313. Clerks of Recorder to Administer Oaths.**—The recorder of deeds may appoint one or more clerks employed in his office to administer oaths and affirmations to all persons, pertaining to the business of the recorder's office, with the same force and effect as if administered by the recorder or deputy recorder.

**Section 1314. Solicitor to Recorder of Deeds in Counties of the Third, Fourth and Fifth Classes.**—In all counties of the third, fourth and fifth classes, the recorder of deeds may appoint one person as his solicitor. Said solicitor shall advise the recorder of deeds upon all legal matters that may be submitted to him, and conduct all litigation connected with the recorder of deeds' office when requested so to do by the recorder of deeds.

#### ARTICLE XIV

#### DISTRICT ATTORNEY, ASSISTANTS AND DETECTIVES

##### (a) DISTRICT ATTORNEY

**Section 1401. District Attorney; Qualifications; Eligibility.**—(a) The district attorney shall be a resident of the county, learned in the law, and shall have resided in the county for which he is elected or appointed for two years next preceding his election or appointment.

(b) In counties of the seventh and eighth classes, the district attorney shall have resided in the county for which he is elected or appointed for one year next preceding his election or appointment, and be a resident of such county.

(c) In counties of the third, fourth, fifth and sixth classes, the district attorney shall have been admitted

to practice as an attorney before the Supreme or Superior Courts of this Commonwealth for at least two years prior to the time for taking the oath of office, or shall have been admitted to practice before the Supreme or Superior Courts of this Commonwealth for at least six months prior to the time for taking the oath of office, and have been practicing law before a court of record of this Commonwealth for at least five years.

(d) In counties of the seventh class, the district attorney shall have been admitted to practice as an attorney before the Supreme or Superior Courts of this Commonwealth for at least six months prior to the time for taking the oath of office, and shall have practiced before a court of record of this Commonwealth for at least two years.

(e) In counties of the eighth class, the district attorney shall have been admitted to practice as an attorney in the Supreme or Superior Court of this Commonwealth prior to the time for taking the oath of office, and shall have practiced law before a court of record of this Commonwealth for eighteen months prior to the time for taking the oath of office.

(f) No district attorney shall be eligible to a seat in the Legislature or to any other office under the laws and Constitution of the Commonwealth, excepting an office or commission in the militia of the Commonwealth, during his continuance in office.

Section 1402. Duties of District Attorney; Entry of Nolle Prosequi.—(a) The district attorney shall sign all bills of indictment and conduct in court all criminal and other prosecutions, in the name of the Commonwealth, or, when the Commonwealth is a party, which arise in the county for which he is elected, and perform all the duties which now by law are to be performed by deputy attorneys general, and receive the same fees or emoluments of office.

(b) The district attorney shall not enter a nolle prosequi in any criminal case, either before or after bill found, or discharge a prisoner from custody, without first having obtained the approval of the court in writing.

Section 1403. Expenses Incurred by District Attorney.—All necessary expenses incurred by the district attorney or his assistants or any officer directed by him in the investigation of crime and the apprehension and prosecution of persons charged with or suspected of the commission of crime, upon approval thereof by the district attorney and the court, shall be paid by the county from the general funds of the county. In any case where a defendant is convicted and sentenced to pay

the costs of prosecution and trial, the expenses of the district attorney in connection with such prosecution shall be considered a part of the costs of the case and be paid by the defendant.

Section 1404. Filling of Vacancies.—If any vacancy shall occur in the office of district attorney, either by death, resignation, removal from office or from the county, or otherwise, the judges of the court of common pleas shall supply such vacancy by the appointment of a competent person to fill the office during the balance of the unexpired term.

Section 1405. Misconduct of District Attorney.—(a) If any district attorney shall wilfully and corruptly demand, take or receive any other fee or reward than such as is prescribed by law for any official duties required by law to be executed by him in any criminal proceeding, or if such district attorney shall be guilty of wilful and gross negligence in the execution of the duties of his office, he shall be guilty of a misdemeanor in office, and, on conviction thereof, be sentenced to pay a fine not exceeding one thousand dollars and to undergo imprisonment not exceeding one year, and his office shall be declared vacant.

(b) Upon complaint in writing, verified by oath or affirmation of the party aggrieved, made to the court in which any district attorney shall prosecute the pleas of the Commonwealth, charging such district attorney with wilful and gross negligence in the execution of the duties of his office, the court shall cause notice of such complaint to be given to the district attorney and of the time fixed by the court for the hearing of the same. If upon such hearing the court shall be of opinion that there is probable cause for the complaint, they shall hand over or commit the district attorney to answer the same in due course of law. If the court shall be of opinion that there is no probable cause for such complaint, they shall dismiss the same, with reasonable costs to be assessed by the court.

Section 1406. District Attorney Charged with Crime.—If any district attorney is charged, according to law, with any crime or misdemeanor, before or bound over or committed by any court to answer for wilful and gross negligence in the execution of the duties of his office, it shall be the duty of the court to appoint some competent attorney thereof to prepare an indictment against such district attorney and to prosecute the same on behalf of the Commonwealth until final judgment. Such attorney shall be paid by the county for his services a reasonable compensation to be fixed by the court. If such district attorney shall be convicted of

any crime for which he may be sentenced to imprisonment by separate or solitary confinement at labor, his office shall be declared vacant by the court.

Section 1407. Law Books for District Attorney.—The county commissioners may purchase, for the use of the office of the district attorney, out of the funds of the county, such law books as may be selected by the district attorney, and approved by the president judge of the court.

Section 1408. Police Radio in Third Class Counties.—The district attorney of any county of the third class may, with the consent and approval of the county commissioners, at the expense of the county, purchase and maintain a short wave police radio receiving and transmitting set and the necessary equipment therefor, to be installed and used in the office provided for the district attorney.

Section 1409. When Private Counsel May Prosecute.—If any district attorney shall neglect or refuse to prosecute in due form of law any criminal charge regularly returned to him or to the court of the proper county, or if at any stage of the proceedings the district attorney of the proper county and the private counsel employed by the prosecutor shall differ as to the manner of conducting the trial, the prosecutor may present his petition to the court of the proper county, setting forth the character of the complaint, and verify the same by affidavit. If the court shall be of the opinion that it is a proper case for a criminal proceeding or prosecution, it may direct any private counsel employed by such prosecutor to conduct the entire proceeding, and where an indictment is necessary, to verify the same by his own signature, as fully as the same could be done by the district attorney.

(b) ASSISTANT, SPECIAL, DEPUTY AND ACTING DISTRICT ATTORNEYS, STENOGRAPHERS AND CLERKS

Section 1420. Assistant District Attorneys; Number; Compensation.—In counties of the third, fourth, fifth and sixth classes the district attorney may appoint such number of assistants, learned in the law, to assist him in the discharge of his duties, as is fixed by the salary board of the county. The salary board shall fix the salary of each such assistant.

Section 1421. Designation of First Assistant; Powers and Duties.—In all cases where more than one assistant district attorney is appointed, the district attorney shall designate one of such assistants as his first assistant. Such first assistant or the assistant \*district

\* "district," in original.



attorney where only one is appointed shall, in the absence of the district attorney from the jurisdiction or during his disability to perform the duties of his office through sickness or other cause, be vested with all the duties, powers and privileges given by law to the district attorney, and generally, at such time, be empowered to do and perform all things in connection with his office which the district attorney may by law be entitled to do or perform. In case of any such incapacity of the district attorney or his first assistant, or both, any or all of such duties, powers and privileges may be done by such other assistant district attorneys, if any, as may be designated by the district attorney.

Section 1422. Special Assistants.—The district attorney of any county of the seventh and eighth classes and the district attorney of any county of the sixth class, wherever no regular assistant district attorney has been appointed under section one thousand four hundred twenty of this act, may, with the approval of the salary board, appoint an assistant attorney, learned in the law, to aid in the preparation and trial of any indictment for homicide or murder on behalf of the Commonwealth.

Section 1423. Appointment of a Deputy for One Term of Court.—In any case where there is no regularly appointed assistant district attorney, if in case of sickness or from any other cause, the district attorney shall be unable to attend to the duties and business of the term of a court, he may appoint some competent attorney of the county, with the approval of the court, to act as his deputy for one term but for no longer period. The salary of such deputy shall be fixed by the salary board.

Section 1424. Court May Appoint a District Attorney for the Time Being.—It shall be the duty of the court of quarter sessions of any county to appoint a district attorney for the time being, in all cases where the district attorney and his assistants shall be absent from the court. Such person so appointed shall perform all the duties of the office until the regular district attorney or one of his assistants shall appear in person to perform the same, and shall be paid such compensation by the county as may be fixed by the court.

Section 1425. Indictment and Cost Clerk in Counties of the Fourth Class.—The district attorney of any county of the fourth class, in addition to other assistants authorized in this subdivision, may appoint an assistant, learned in the law, who shall be designated as indictment and cost clerk, to assist the district attorney in the discharge of his duties.

Section 1426. Stenographers and Clerks.—The salary board in any county may provide for the appointment by the district attorney of such clerks and stenographers in his office as may be deemed necessary for the proper dispatch of business.

(c) COUNTY DETECTIVES

Section 1440. Appointment; Duties and Compensation of County Detectives.—(a) In counties of the third and fourth classes, the district attorney may appoint one chief county detective, one assistant county detective and such other county detectives as the salary board may authorize.

(b) In counties of the fifth, sixth, seventh and eighth classes, the district attorney may appoint one chief county detective and such other county detectives as the salary board may authorize.

(c) County detectives shall, at all times, be subject to the orders of the district attorney, and shall investigate and make reports to him as to the conduct in office of magistrates, constables, deputy constables and other officers connected with the administration of criminal law, shall make investigations and endeavor to obtain evidence required by the district attorney in criminal cases, and shall perform such other duties as the district attorney may direct.

(d) County detectives shall be general police officers and shall have the powers conferred on constables by the laws of this Commonwealth, so far as they relate to criminal law and procedure.

(e) County detectives of every grade and rank, in addition to their annual salary, shall be allowed their expenses actually and necessarily incurred in the performance of their duties. Such salaries and expenses shall be paid by the county as provided by law. No county detective shall be entitled to any fee whatsoever.

Section 1441. Appointment of Special Detective with Approval of Court.—The district attorney of any county may, with the approval of the salary board, whenever the court of quarter sessions and district attorney may deem it necessary for a particular and temporary assignment, appoint a special detective, whose duty it shall be to assist in obtaining such evidence as shall be directed by the district attorney for the Commonwealth, and perform such other duties as the court may direct. He shall be allowed expenses necessarily and actually incurred in the performance of his duties.

Such special detective officer shall be a general police officer and shall have all the powers that are conferred on constables by the existing laws of this Commonwealth, so far as they relate to crimes or criminal procedure.

## ARTICLE XV

## JURY COMMISSIONERS

Section 1501. Jury Commissioners Eligible for Re-election.—Two jury commissioners shall be elected in each county as hereinbefore provided. Any jury commissioner shall be eligible for re-election for any number of terms.

Section 1502. Bipartisan Jury Commission Required.—The two citizens, elected as jury commissioners, shall not be of the same political party. The candidate for the office who receives the highest number of votes shall be one of the jury commissioners, and the other shall be that candidate not being of the same political party as the first who receives the next highest number of votes.

Section 1503. Oath of Elected Jury Commissioners.—Each elected jury commissioner, or any person appointed to fill a vacancy in the office of elected jury commissioner, before entering upon the duties of his office, shall take the following oath or affirmation:

“You and each of you do swear (or affirm) that you will use your utmost endeavors and diligence in making an impartial selection of competent persons for jurors during the ensuing year and that you will not suffer partiality, favor, affection, hatred, malice or ill will in any case or respect, whatever, to influence you in the selecting, drawing or returning of jurors but that you will in all respects honestly conform to the true intent and meaning of the acts of assembly in such case made and provided”.

Section 1504. Filling of Vacancy.—In case of the inability of either or both of the jury commissioners, by sickness, death, or other unavoidable cause, to discharge the duties of said office, or in case of neglect or refusal to serve thereon, it shall be the duty of the president judge to appoint a suitable person or persons, as the case may be, to perform the duties of said office during the remainder of the term so vacated.

Section 1505. Clerk; Office Facilities; Expenses.—The jury commissioners may appoint a clerk. If the jury commissioners shall fail to appoint a clerk within thirty days after they qualify for office, or shall thereafter for a period of thirty days fail to fill any vacancy in said position, the county commissioners shall appoint a clerk for them. The clerk to the jury commissioners shall assist them in the preparation and filling of the jury wheel in drawing jurors and such other clerical matters as may be assigned him.

The county commissioners shall provide suitable office quarters and facilities for the jury commissioners. The necessary expenses, as determined by the county commissioners, of the jury commissioners in the performance of their duties shall be paid by the county.

## ARTICLE XVI

### FEES OF SALARIED COUNTY OFFICERS; SALARY BOARDS

#### (a) FEES OF SALARIED COUNTY OFFICERS

Section 1601. Fees of Salaried County Officers to Belong to County.—All fees limited and appointed by law to be received by any county officer, either elected or appointed, or which they shall legally be authorized, required or entitled to charge or receive, shall belong to the county in the following circumstances: (1) fees of every such officer in counties containing over one hundred and fifty thousand inhabitants and, (2) in counties containing one hundred and fifty thousand or less inhabitants, fees of every officer for whom a salary is fixed by law. The provisions of this subdivision shall apply to all fees belonging to the county and to all officers hereinbefore designated. Each of the said officers shall exact, collect and receive all such fees to and for the use of his respective county, except such taxes and fees as are levied by the Commonwealth, which shall be to and for the use of the Commonwealth. None of said officers shall receive for his own use or for any use or purpose whatever, except for the use of the proper county or for the Commonwealth, as the case may be, any fees for any official services whatsoever, except where the statute expressly designates the officer as agent of the Commonwealth and authorizes him to retain a part of such moneys for his own use.

Section 1602. Books of Account to be Kept; Fees to be Paid to County Treasurer Monthly.—(a) Each of said officers shall keep a special account book, the form of which shall be prescribed by the controller, or where such officer does not exist then by the county auditors, in which entry shall be made of all the moneys received for fees and of all moneys earned and chargeable upon the county, specifying the day and date, the title of the case, if any, for what service, and from whom received.

(b) On the first Monday of each month, each of said officers shall pay to treasurer of the proper county all fees so received during the preceding month. Duplicate receipts therefor shall be taken, one of which he shall deposit with the county controller, or the county audi-

tors where the office of controller does not exist, together with a transcript, in detail, of his fee account book or books for the preceding month. He shall make oath or affirmation before the county controller or the county auditors where the office of controller does not exist that the transcript contains a true and correct list of all the fees received, earned or chargeable upon the county for services rendered in his office, either by himself, deputies or clerks, during the preceding month that said fees were severally charged and collected at regular rates, and that he has not received and is not to receive from any person or persons whatsoever, for any official services or duty, any other fees than those so entered on said transcript.

(c) It shall be the duty of the county controller, or the county auditors where the office of county controller does not exist, on the first Monday of each month, to receive such returns, to audit and verify the same, and to do such other matters and things as may be required in the premises, to file said receipt and transcript in the office, and to charge the county treasurer with the money for fees so paid in.

(d) Where fees are paid to one office which are for services rendered or to be rendered by another, the officer receiving the same shall specify the same on his account book and on his transcript as of the office to which they properly belong.

Section 1603. Penalty for Receiving Gratuities or Percentages.—If any of the officers included in this subdivision shall receive or stipulate to receive from any deputy or clerk or from any person or persons awarded any contract for advertising or any other contract any sum or sums of money as percentage on the salaries of said deputy or clerk or on the amounts or profits of said contract, or any sum or sums of money whatsoever as compensation for making any of the said appointments or contracts, or shall neglect to render the accounts or to pay over the money received for fees as required by this subdivision, or shall wilfully neglect to make any proper entry in the book or books required to be kept, or shall wilfully neglect to charge for any official services the fees allowed by law, or shall take to his own use any such fees, or fail to comply with any of the provisions of this subdivision, or neglect to discharge any of the duties herein imposed, the same shall be deemed a misdemeanor in office, and, in addition to the other penalties for such offenses, he shall, upon conviction thereof, refund the said sum or sums of money thus unlawfully received, and shall be deemed incapable of holding the said office.

Section 1604. False Swearing to County Accounts, Bills or Transcripts.—Any officer included in this subdivision or any other person who shall wilfully swear or affirm falsely as to the accuracy of any account, transcript or bill required in this subdivision, or in making any affidavit in reference thereto, shall be deemed guilty of perjury, and, upon conviction thereof, shall be liable to the punishment prescribed by law for perjury; and any person who shall procure any other person to swear or affirm falsely in verifying any such account, transcript or bill, or in making any affidavit in reference thereto, shall be deemed guilty of subornation of perjury, and, upon conviction thereof, shall be liable to the punishment prescribed by law for that offense.

Section 1605. Officers Subject to This Subdivision to be Paid Salaries.—All county officers to which this subdivision applies, whether elected by the people or appointed according to law, and their several deputies and clerks, shall be paid for their services by fixed and specific salaries, which shall be a charge upon the treasury of the county to which each shall respectively belong, to the extent, except as hereinafter provided, of the fees collected and paid in by each officer respectively, or earned, where fees are chargeable upon the county treasury, and said salaries shall be paid semi-monthly or bi-weekly during the month in which the services were rendered, at the discretion of the county commissioners of the county. No voucher check shall be drawn for the payment of any said officer, his deputies or clerks who shall not have filed the receipt and transcript for that month provided for in this subdivision.

Section 1606. Salaries Payable from Fees.—All salaries fixed by law, except as may be otherwise provided for herein, shall be paid from the amounts paid into the county treasury from the respective offices, after ascertaining and deducting the amount due the deputies and clerks in each office. If there has not been a sum sufficient, from fees received and paid in or earned and due by the county for services rendered, to pay the full amount of the salary of any officer holding any of said offices, after deducting the amount due the deputies and clerks, such officer shall receive only such proportion of his salary as shall be equal to the aggregate of the net fees received and earned by him, as aforesaid, during his term of office during such month. If the fees in any subsequent month or months shall exceed the amount of the expense and salary aforesaid for such month, the deficit of such salary for such preceding month shall be made up from such excess.

Section 1607. Monthly Returns to be Made of Taxes and Fees Due the Commonwealth.—(a) At the same time that monthly returns are made, as required by section one thousand six hundred two of this act, of the fees received by said officers to and for the use of their respective counties for the preceding month, each of said officers shall make a separate return, to the Department of Revenue, of all taxes or fees collected or earned for the Commonwealth by him, if any. The amounts so returned by any of said officers, as received by him for the Commonwealth, shall be separately paid by him into the State Treasury through the Department of Revenue, quarterly, on the first Mondays of April, July, October and January, for which he shall take duplicate receipts.

(b) All commissions on the collection of any such taxes and fees for the Commonwealth shall be deemed and taken as part of the regular fees of the officer collecting the same and shall be accounted for accordingly.

(c) The provisions of this section shall apply only to the reporting and payment over of any such taxes or fees and to the treatment of commissions thereon as are not otherwise provided for by law.

Section 1608. Payment of Certain Officers.—The county solicitor, county jailer, county commissioners, county controller, county surveyor or engineer, county detectives, county treasurer, interpreter of courts, district attorney and his assistants shall severally be paid bi-weekly, semi-monthly, or monthly, at the discretion of the county commissioners of the county. They shall be paid the full amount allowed them by law, but all fees and emoluments whatsoever that may accrue to any of them by virtue of his office shall be paid by him to the county treasurer as directed by law, and all other officers shall be paid the amounts assigned them by law in accordance with the provisions of this subdivision.

Section 1609. Salaries in Lieu of Fees.—Except to the extent this section may be inconsistent with the provisions of any other express provision of this act, the salaries fixed and provided by law for county officers shall be in lieu of all or any moneys, fees, perquisites, or mileage expenses, and other allowances received or allowed to any such officer, and all such moneys, fees, perquisites, or mileage expenses, and other allowances, not governed by the aforesaid exceptions, shall belong to the county and shall be paid into the county treasury, except where required to be paid to the Commonwealth in the manner provided by this subdivision for fees.

Section 1610. Rights of Action and Remedies for Collection of Fees Extended to Counties.—All rights of action and all other remedies heretofore granted or

extended to county officers to whom this subdivision applies for the collection of their respective fees are hereby extended, and shall inure to the benefit of the several counties affected by this subdivision for the collection of all fees and costs that may accrue to said counties under the provisions of this subdivision.

(b) SALARY BOARDS

Section 1620. Salaries and Compensation.—The salaries and compensation of county officers shall be as now or hereafter fixed by law. The salaries and compensation of all appointed officers and employes who are paid from the county treasury shall be fixed by the salary board created by this act for such purposes.

Section 1621. Fees.—All county officers shall continue to charge and collect the fees, mileage and emoluments of office for their own use or for the use of the county, as provided by law, and where required by law, such fees, mileage and emoluments shall be paid to the county treasurer as and when required, and if no time of so paying be fixed as to any such fees, mileage or emoluments, then on or before the tenth day of each month.

Section 1622. Salary Boards Created.—There is hereby created in each county a salary board, which shall consist of the three individual members of the board of county commissioners and the county controller in counties where there is a controller, or the county treasurer in counties where there is no controller. The chairman of the board of county commissioners shall be chairman of the salary board. The board shall meet and organize on the first Monday of January of each year.

Section 1623. Number and Compensation of Officers, Deputies, Assistants, Clerks and Employes.—The board, subject to limitations imposed by law, shall fix the compensation of all appointed county officers, and the number and compensation of all deputies, assistants, clerks and other persons whose compensation is paid out of the county treasury (except employes of county officers who are paid by fees and not by salary), and of all court criers, tipstaves and other court employes, and of all officers, clerks, stenographers and employes appointed by the judges of any court and who are paid from the county treasury. Thereupon the number and compensation of all such officers, deputies, assistants, clerks and persons, whether fixed by statute or by any other method, are hereby repealed. In the event that any salary board shall fail to fix the number or compensation of any such officers, deputies, assistants, clerks or other employes as



required by this section, the number and compensation shall continue, as fixed by or pursuant to law, on the effective date of this act, with like effect as though the same had been so fixed by the board, but the salary board shall have power to fix any such number or compensation at a later time and with like effect.

**Section 1624. Revisions of Salary Schedules.**—At each annual meeting, the board shall revise the salary schedule so far as it shall deem such action necessary. From time to time between annual meetings, whenever required by any judge, county officer or executive head of any separate board, commission or division, the number or compensation of whose deputies, assistants, clerks and employes is sought to be fixed, the board shall meet and consider and shall fix and determine the same. All salaries fixed under the provisions of this act shall be paid out of the county treasury in the manner provided by law.

**Section 1625. Procedure and Action of Board.**—(a) Except as herein otherwise provided, whenever the board shall consider the number or salaries of the deputies or other employes of any county officer or agency, such officer or the executive head of such agency shall sit as a member of the board, as long as any matter affecting his office or agency is under consideration and no longer.

(b) Whenever the board shall consider the number or salaries of the court criers or tipstaves or other court employes, the president judge of the court shall sit as a member of the board, as long as any matter affecting the court criers, tipstaves or employes of his court is under consideration and no longer.

(c) Whenever the board shall consider the number or salaries of the officers or employes appointed by any judge of any court, such judge shall sit as a member of the board, as long as any matter affecting any of his appointees is under consideration and no longer.

(d) The decision of a majority shall govern. Each board shall keep a correct minute book of its proceedings in all cases heard and determined by it. Such minute book shall be a public record.

## ARTICLE XVII

### FISCAL AFFAIRS

#### (a) FISCAL POLICY AND SYSTEMS

**Section 1701. Functions of County Commissioners.**—The county commissioners shall be the responsible managers and administrators of the fiscal affairs of their respective counties in accordance with the provisions of this act and other applicable law.

Section 1702. Functions of the Controller.—Subject to the power and duty of the county commissioners to manage and administer the fiscal affairs of the county, the controller shall supervise the fiscal affairs of the county including the accounts and official acts relating thereto of all officers or other persons who shall collect, receive, hold or disburse the public moneys of the county. The discretionary powers of the controller shall not be applicable to the management of the fiscal policies of the county commissioners, or to matters not involving the accounts and transactions of officers or other persons of the county, but the controller shall refuse to authorize any fiscal transaction which is, by law, subject to his supervision or control where it appears that such transaction is not authorized by law, or has not been undertaken according to law, or has not received approval according to law, or as to which he desires upon reasonable grounds to investigate for or has already discovered any fraud, flagrant abuse of public office or any criminal act or neglect of any officer or other person of the county relating to their public accounts and transactions. He may at any time require from any such officers or other persons, in writing, an account of all moneys or property which may have come into their control. Immediately, on the discovery of any default or delinquency, he shall report the same to the commissioners who shall immediately take action to recover the money and to the district attorney of the county for such prosecution as may be warranted, and shall take immediate measures to secure the public moneys or property.

Section 1703. Accounts of Officers.—The controller shall furnish the commissioners of the county, whenever required by them, a detailed account of any officer or other person having in his possession or under his control funds belonging to the county, and shall, during regular office hours, give information respecting any of said accounts to any taxpayer of the county demanding the same.

He shall have power and authority to require each and every county officer to make a quarterly statement with respect to moneys in his possession or control as a county officer, showing the amount of cash on hand and the amount deposited in banks, banking institutions and trust companies, together with the names of such institutions. He shall have power to examine every such account of a county officer in any bank, banking institution or trust company, to verify the accuracy of the statement of such county officer. It shall be the duty of every such bank, banking institution or trust company, its officers and agents, to furnish full information to the controller

in relation to the account of such county officer. No bank, banking institution or trust company, its officers or agents, shall be subject to prosecution under other laws of this Commonwealth for disclosing any such information with respect to any account of a county officer.

Section 1704. Custody of Valuable Documents.—The controller shall have the custody of all title deeds to real estate owned by the county, and of all contracts entered into by or on behalf of the county, and of all books, documents and papers relating to its financial affairs, and of all bonds and other obligations issued by said county, when paid. Such bonds and other obligations, when so paid, shall be distinctly cancelled by the controller and carefully and regularly filed, a register of which cancellation shall be kept by him in a book to be provided for that purpose.

Section 1705. Books of Fiscal Affairs.—The controller shall keep a full and regular set of books in detail, by double entry, of all the fiscal operations of the county, embracing as many accounts, under appropriate titles, as may be necessary to show distinctly and separately all the property of the county, its receipts and expenditures, and all debts and accounts due by the county officers or others, and the amount raised from each source of revenue, and the expenditures in detail, and classified by reference to the objects thereof. He shall prescribe the form and manner of keeping the books and papers used by each of the officers of said county in connection with the fiscal affairs of the county. Where the controller prescribes a new system of accounting as to the fiscal affairs of the county offices, it shall be subject to the approval of the county commissioners.

(b) ACCOUNTS, AUDITS AND REPORTS BY CONTROLLER OF  
AUDITORS

Section 1720. Controller's Settlement of Accounts; Report to Common Pleas; Publications; Financial Report to Department of Internal Affairs.—The controller shall, at the end of each fiscal year, complete the audit, settlement and adjustment of the accounts of all county officers. He shall, in the month of January in every year, make a report, verified by oath or affirmation, to the Court of Common Pleas of said county, of all receipts and expenditures of the county for the preceding year, in detail, and classified by reference to the object thereof, together with a full statement of the financial conditions of the county. Such report shall thereupon be published one time in such newspapers published in said county

as the controller may direct, but the aggregate cost thereof shall not exceed fifteen hundred dollars (\$1500) in any one year in any county, to be paid for out of the county treasury. Such report may also be published in printed pamphlets at the cost of the county, the number and cost of such pamphlets to be determined by the controller and the county commissioners. The controller shall also, within sixty days after the close of the fiscal year, make an annual report to the Department of Internal Affairs of the financial condition of the county, on forms furnished by the Secretary of Internal Affairs, and subject to the penalties provided in section one thousand seven hundred twenty-one of this act for auditors refusing or neglecting to make similar reports.

Section 1721. Audit of Accounts by Auditors; Report to Common Pleas; Publications; Financial Report to Department of Internal Affairs.—(a) The auditors shall audit, settle and adjust the accounts of all county officers of the county, and make an annual report thereof, on or before the first Monday of March, to the court of common pleas, unless upon due cause shown the court shall grant an extension of time therefor. Said report shall be in detail, showing distinctly and separately all receipts and expenditures of the several offices, and all debts and accounts due, and the amount raised from each source of revenue, and the expenditures in detail and classified by reference to the object thereof, together with a full statement of the financial condition of the county, and a statement of the balance due from or to such county officers.

(b) The auditor's report shall be prepared and placed in the printer's hands for publication within ten days after being filed in the court of common pleas, and shall be published once in such newspapers published in said county as the commissioners direct. The expense of the publication of said report shall be paid by the county.

(c) The county auditors shall also make an annual report of the financial condition of the county to the Department of Internal Affairs, which report shall be signed by a majority of the auditors, and duly verified by the oath or affirmation of one of the auditors. The report shall be presented on a form furnished by the Secretary of Internal Affairs, and shall be filed within sixty days after the close of the fiscal year.

(d) Any auditors refusing or wilfully neglecting to file the report required by this section shall, upon conviction thereof, in a summary proceeding brought at the instance of the Department of Internal Affairs, be sen-

tenced to pay a fine of five dollars (\$5) for each day's delay beyond said sixty days, and costs. All fines recovered shall be for the use of the Commonwealth.

Section 1722. Audit of the Accounts of Parole and Probation Officers and of Appropriations to National Guard Units.—It shall be the duty of the controller or county auditors to audit, settle and adjust the accounts of every parole and probation officer, appointed by the court pursuant to law, who shall receive from any person or persons moneys paid under any order, sentence or judgment of any court, and to report the results of such audits to the court which shall have appointed such officer. The controller or county auditors shall likewise audit, settle and adjust the accounts of any moneys appropriated by the county to units of the National Guard.

Section 1723. Accounts and Audits of Moneys Collected for Taxing Units Within the County; Payments.—All taxes, penalties, fines and costs collected by the county treasurer and belonging to any city, borough, township, incorporated town, school district or institution district shall be entered and carried in the books of the county in the same manner as county moneys, shall be audited in like manner, and when paid to the taxing district entitled thereto, as provided by law, such payments shall be made on voucher checks in the same manner as payments are made of county moneys.

Section 1724. Audit of Accounts of Commonwealth Moneys.—It shall also be the duty of the controller or auditors to audit, settle and adjust the accounts of the treasurer of the county with the State Treasury, and of each of such other officers in the county receiving money for the use of the Commonwealth, as may be referred to them by the Auditor General or the Department of Revenue, and to make a separate report thereof to the court of common pleas, together with a statement of the balances due from or to such treasurer or other officer. A certified copy of such report shall be transmitted to the Auditor General or Department of Revenue, as the case may be, within ten days after the same is prepared.

Section 1725. Power of Subpoena and Attachment.—The controller or auditors shall have power to issue subpoenas to obtain the attendance of the officers whose accounts they are required to adjust, their executors and administrators, and of any person whom it may be necessary to examine as witnesses, and to compel their attendance by attachment, in like manner and to the same extent as any court of common pleas of this State may or can do in cases pending before them, and also to compel in like manner the production of all books,

vouchers and papers relative to such accounts. Such subpoena and attachment shall be served and executed by the sheriff or coroner of the county, as the case may require.

Section 1726. Power to Administer Oaths.—The controller or auditors shall have power to administer oaths and affirmations to all persons brought or appearing before them, whether accountants, witnesses or otherwise, and all persons swearing or affirming falsely on such examination shall be guilty of perjury.

Section 1727. Commitment to County Jail.—If any person appearing before the controller or auditors for examination shall refuse to take oath or affirmation, or after having been sworn or affirmed shall refuse to make answer to such questions as shall be put to him by the controller or auditors touching the public accounts or the official conduct of any public officers, he shall be guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine of not more than two hundred dollars (\$200), or to undergo imprisonment for not more than sixty days.

Section 1728. Witness Fees.—Witnesses attending before the controller or auditors shall receive the same allowance as is received by witnesses attending before the courts of this Commonwealth. Such allowance shall be paid out of the county treasury, and where final judgment is given against any officer whose accounts are settled by the controller or auditor, shall be included in the costs assessed against such officer.

Section 1729. Settlement of Accounts on Extraneous Proof.—If any person in possession of books, vouchers or papers relative to public accounts before the controller or auditors shall refuse to produce the same, or if any officer whose accounts are to be settled and adjusted by the controller or auditors shall refuse to attend or submit to examination, the auditors or controller shall proceed, by the examination of witnesses and other evidence, to ascertain and settle, as near as may be, the amount of public money received by such officer and its application to public purposes or otherwise.

Section 1730. Filing Reports.—The reports of the controller or auditors shall be filed among the records of the court of common pleas of the county, and from the time of such filing shall have the effect of a judgment against the real estate of the officer who shall thereby appear to be indebted either to the Commonwealth or to the county.

Section 1731. Appeals from Reports.—An appeal may be taken from such reports to the court of common pleas, either by the Commonwealth, the county or the officer. Such appeal may also be taken by ten or more taxpayers in behalf of the county, in the manner and subject to the restrictions provided by article twenty-eight of this act.

Such appeal shall be entered by the Commonwealth within four months, and by the county and the officer within sixty days after the filing of the report. If the officer is the appellant, he shall enter into a recognizance with two sufficient sureties in double the sum found due by such report, with condition to prosecute the appeal with effect and to pay the costs and such sum of money as shall appear on the final determination of the appeal to be due from him.

Section 1732. Form of Issue on Appeals.—The courts of common pleas shall direct the form in which the issues shall be entered in all appeals from the reports of the county controller or auditors. Such issues shall be tried by a jury, or may be submitted to reference and arbitration in the manner and subject to the proceedings provided by law.

Section 1733. Allowance of Counsel Fees.—When an appeal is taken from the county auditors' reports or the controller's reports and such appeal results favorably to the appellants in such a manner that money is recovered for any county, the court hearing such appeal shall make an order to pay a counsel fee which it deems just and reasonable to the counsel representing such appeal out of the funds so recovered.

Section 1734. Payment of Costs on Appeal.—In case the appellant or appellants do not recover final judgment in court more favorable to him or them than the report of the auditors or controller, he or they shall pay all costs that may accrue on his or their appeal, but if he or they should recover in court a final judgment more favorable than the report of the auditors or controller, then the appellee or appellees shall pay the costs that may accrue on such appeal.

Section 1735. Appeals to the Superior or Supreme Court.—In all appeals from settlements or reports made by the county controller, or auditors it shall be lawful for any party to except to any ruling or decision of the court upon any question or point of law that may arise, and an appeal may be taken therefrom to the Superior or Supreme Court as in other cases.

In no case shall the controller or auditors or any of them be personally liable for the costs of any such appeal. If the final decision of the Superior or Supreme

Court is adverse to the surcharged officer or officers, he or they shall each be individually liable for all the costs of such appeal. If such final decision shall be in favor of such surcharged officer or officers, the county shall pay the costs of such appeal.

Section 1736. Execution.—If no appeal is entered, or if an appeal is entered and no security given as herein required, or if upon such appeal judgment is given in favor of the Commonwealth or the county, execution shall issue against the property or person of the defaulting officer in like manner as upon judgment recovered in the usual course of law.

Section 1737. Fines and Forfeited Recognizances.—All fines forfeited, recognizances and other forfeitures imposed, lost or forfeited in any court, except such as are directed to be paid into the State Treasury under the provisions of law or such as are collected for the violation of any ordinance, shall, by the clerk of such court, be certified and estreated into the office of the commissioners of the county, within ten days after the expiration of the term at which such fines and forfeitures were imposed, together with the judgments and orders of the court on all forfeited recognizances sued upon in such court. Such estreats or returns of fines and forfeitures shall be under oath or affirmation of the clerk. All sums of money collected in pursuance thereof shall be paid to the county treasurer for the use of the county. It shall be the duty of the commissioners to superintend the collections of said sums of money. The accounts thereof shall be annually settled by the county controller or county auditors. Nothing herein contained shall impair the right of the respective courts to moderate or remit forfeited recognizances as heretofore.

Section 1738. Repayment of Money Collected on Forfeited Recognizances.—In all cases where the county commissioners have collected any money upon any forfeited recognizance duly estreated to the county commissioners, and where the defendant in such case subsequently surrenders himself or herself to the jurisdiction of the court, the county commissioners may, with the consent of the district attorney, repay to the party from whom such money was collected the amount so collected on such forfeited recognizance, exclusive of all costs paid or incurred by the county in such proceeding.

#### (c) DISBURSALS OF COUNTY MONEYS

Section 1750. Claims Against County.—The controller or the county commissioners in counties having no controller shall scrutinize, audit and decide on all bills, claims and demands whatsoever against the county,



except such as are otherwise provided for in this subdivision. All persons having such claims shall first present the same to the controller or to the county commissioners as the case may be and, if required, make oath or affirmation before him or them to the correctness thereof. The controller or the commissioners, as the case may be, may, if he or they deem it necessary, require evidence, by oath or affirmation, of the claimant and otherwise that the claim is legally due and that the supplies or services for which payment is claimed have been furnished or performed under legal authority. He or they may inquire or ascertain whether any officer or agent of the county is interested in the contract under which any claim may arise, or has received or is to receive any commission, consideration or gratuity relating thereto, or whether there has been any evasion of the provisions of this act by making two or more contracts for small amounts which should have been in one. If he or they shall find that there has been any evasion, or that any such officer or agent is so interested, he or they shall refuse to approve the claim.

Section 1751. Voucher Check System.—The controller shall draw and certify vouchers for all bills, claims and demands presented to him, which he approves and only for such as he approves, and shall forward the vouchers together with checks therefor with the bills, claims or demands to the county commissioners for their approval. If the county commissioners approve a voucher, at least two commissioners shall sign the check as properly drawn upon the county treasury. In such cases facsimiles of their signatures may be used. The bill, claim or demand, and the voucher therefor, shall be returned to the controller for filing in his office and the check shall be forwarded to the county treasurer. The county treasurer shall sign the check as his draft upon the county treasury, but he shall not sign any check not already signed, as herein provided, by the commissioners and the controller. Vouchers shall be numbered serially before the controller forwards them to the county commissioners and every check incident thereto shall bear the same serial number as the voucher as well as the number or numbers which may be put upon it by the county treasurer. If the county commissioners refuse to approve any bill, claim or demand, they shall return the same together with the voucher and check involved to the controller for filing in his office. In counties not having a controller, the county commissioners shall approve each transaction and the voucher and check shall be drawn by their chief clerk who shall keep files of the bills, claims or demands involved and of the vouchers. At least two commissioners shall sign

the checks either personally or by facsimile, and they shall be forwarded, as hereinbefore provided, to the county treasurer for his signature. In all cases the cancelled checks shall be filed in the office of the county treasurer, but he shall transmit, at such times as the controller shall establish, a list of all checks paid from the county treasury and not previously transmitted, giving their voucher serial numbers.

Section 1752. Claims Not Approved by Controller.—If the controller does not approve a claim, bill or demand presented to him, he shall within thirty days forward it to the county commissioners together with his notice that he has refused to approve the same and his reasons therefor. The county commissioners shall consider the claim, bill or demand and, if they consider that it should be paid by the county, they shall so notify the controller. If the controller thereafter continues to refuse his approval no payment shall be made thereon by the county except pursuant to an order of court upon a proper issue thereto directing the controller to approve payment.

Section 1753. Controller's Register of Vouchers; Reports to Commissioners.—The controller shall keep a register of all vouchers drawn and a copy of each voucher. When the check or checks drawn upon each voucher has been paid by the treasury the controller shall cancel the voucher or otherwise indicate the payment. The controller shall report to the commissioners monthly or oftener, if required by them, the amount of outstanding checks registered and the amount of money in the treasury or the amount of any particular unencumbered appropriation items involved.

Section 1754. Fees of Witnesses and Jurors.—Fees of jurors and witnesses shall be ascertained by the courts of the county entered upon the records thereof and duly certified by their respective clerks to the commissioners being first sworn to or affirmed before the controller or the chief clerk of the commissioners as the case may be. The commissioners, then, may draw voucher checks therefor without approval of the controller. The certificates shall be filed with the controller or the commissioners where there is no controller after the voucher checks are issued.

(d) COUNTY TREASURY AND COUNTY DEPOSITORIES

Section 1760. Receipts and Accounts of Money Due County.—The county treasurer shall receive and receipt for all moneys due or accruing to the county. He shall keep proper accounts of all moneys received and dis-

bursed. His books shall be, at all times during office hours, open to the inspection of the controller, or the commissioners, or any of them in counties having no controller. He shall issue receipts, at least in triplicate, for all moneys received for the county, and shall transmit the duplicate or triplicate thereof daily to the controller, or to the county commissioners in counties having no controller. Said receipts shall be serially numbered, shall indicate the amount of money received, from whom, on what account and the date. He shall likewise keep daily records of all disbursements from the county treasury, and shall forward daily records thereof to the controller, or the commissioners as the case may be. The controller, or the chief clerk of the commissioners where there is no controller, shall have the right to a certified daily or monthly deposit slip from the county depository or depositories, without prejudice to the said depositories, of all moneys deposited in the name of the county by the treasurer. In counties having no controller, the treasurer shall render, at least quarterly and oftener, if required, a statement of all moneys received and disbursed since his last statement, showing the balance remaining in his accounts and the names of the collectors having arrearages in taxes with the amounts thereof. He shall state his accounts at the end of each fiscal year, producing his vouchers, which statement and vouchers shall be examined by the commissioners and delivered by them to the auditors for settlement.

Section 1761. Moneys Paid for the Redemption of Unseated Land Sold for Taxes.—The treasurer shall pay over to his successor in office all moneys paid to him for the redemption of unseated land sold for taxes, which have not been called for by the purchasers at treasurer's sale or their legal representatives during the continuance in office of such treasurer. The county controller or auditor shall charge the moneys so received to said treasurer, in the same manner that other money received by him is charged, and the same shall be paid to said purchasers, or their legal representatives when called for, by orders drawn by the commissioners of the county upon the treasurer as in other cases.

Section 1762. Depositories.—(a) The county commissioners together with the county treasurer shall, from time to time, designate, by resolution, a depository or depositories for all county funds. Such depository or depositories shall be banks, banking institutions or trust companies, located in the Commonwealth.

(b) Depositories so designated shall, upon receipt of notice of their selection as a depository of county funds,

furnish a bond to secure payment of deposits and any interest to the county, secured by a surety company, or by the depositing in escrow of securities to be approved by the county commissioners. The parties may, by agreement, provide for substitution of securities so held in escrow, the securities in every case to be approved by the commissioners. Such bonds shall be in a sum to be fixed by resolution of the county commissioners.

(c) The county treasurer shall, upon the designation of such depository or depositories, immediately, transfer thereto all county funds, and shall, thereafter, keep such deposits solely in such depository or depositories in the name of the county. Withdrawals from such depository shall be only, upon properly authorized checks, drawn by the county treasurer.

(d) Neither county commissioners nor treasurer complying with the provisions of this section, nor their surety or sureties, shall be chargeable with losses of county funds caused by the failure or negligence of such depository or depositories.

Section 1763. Meeting; Number of Depositories.—The board shall meet at the office of the county controller, not later than noon of the third Wednesday after the first Monday of January following the election of the county treasurer, and thereafter as may be necessary, and shall there decide upon the number of banks and banking institutions, not less than three in number, as depositories of county funds for such period of time as the board may determine, but not to exceed the term for which the treasurer is elected.

Section 1764. Designation and Qualification of Depositories.—At said meeting, or at any subsequent meeting agreed upon, said board shall designate the depositories and the rate of interest to be paid by them to the county.

Depositories so designated shall, upon receipt of notice of their selection as a depository of county funds, furnish collateral to secure payment of deposits and interest to the county by depositing in escrow securities to be approved by the board. Such securities shall be of the kind and in the amount to be fixed by the board. Substitution of such securities may be made with the approval of the board in each case.

The county treasurer, upon the designation of such depository or depositories, shall immediately transfer thereto all county funds, and shall thereafter keep such deposits solely in such depository or depositories in the name of the county, and withdrawals shall be only upon properly authorized checks drawn by the county treasurer.

(e) COUNTY TAXATION, BORROWING AND TRANSFER  
OF FUNDS

Section 1770. Tax Levies.—No tax shall be levied on personal property taxable for county purposes where the rate of taxation thereon is fixed by law other than at the rate so fixed. The county commissioners shall fix, by resolution, the rate of taxation for each year. No tax for general county purposes, exclusive of the requirements for the payment of the interest and principal of the funded debt of any county, shall in any one year exceed the rate of ten mills on every dollar of the adjusted valuation. In fixing the rate of taxation, the county commissioners, if the rate is fixed in mills, shall also include in the resolution a statement expressing the rate of taxation in dollars and cents on each one hundred dollars of assessed valuation of taxable property.

The rate of taxation fixed for any occupation tax levied by a county shall not exceed the rate of taxation fixed by the commissioners for real estate taxation for the year.

Section 1771. Temporary Loans.—Whenever the funds of a county have been exhausted, the county commissioners may borrow, on the credit of the county, money in anticipation of taxes to be collected for the current fiscal year, and issue a certificate of indebtedness payable on a certain date, not exceeding one year from the date of issue.

Section 1772. Transfer of Certain Moneys into General Fund of County.—The commissioners may transfer and cover into the general fund of the county any money placed to the credit of any city, borough or township, where the same has been paid into the county treasury upon any duplicate for taxes and has remained during a period of ten years uncalled for by the authorities of the city, borough or township to whose credit it may have been placed, and the right to said money is not at the time of such transfer a matter of litigation or dispute.

(f) BUDGETS

Section 1780. Fiscal Year and Passage of Budgets.—The fiscal year of each county shall begin on the first day of January.

Section 1781. Preparation of Proposed Annual Budget.—(a) The commissioners, at their first meeting after the November election in each year, shall begin the preparation of the proposed budget for the succeeding fiscal year.

(b) The controller shall transmit to the commissioners a comparative statement of revenues for the current and

the immediately preceding fiscal year, and a comparative statement of expenditures, including interest due and to fall due on all lawful interest bearing debts of the county for the same years.

(c) The controller's statement shall also indicate the amounts of all appropriation requests, submitted to the controller or to the commissioners and supplied by them to the controller, from the several county offices and agencies, including estimates of expenditures contemplated by the commissioners as forwarded by them to the controller.

(d) Said statements, in such form and detail as the commissioners direct, shall be prepared upon a form or forms furnished, as provided in this subdivision, by the Department of Internal Affairs of the Commonwealth. With this information as a guide, the commissioners shall, within a reasonable time, begin the preparation of a proposed budget for the succeeding fiscal year.

(e) In counties not having a controller, the commissioners shall prepare the statements hereinbefore required.

Section 1782. Adoption of Budget; Publication of Proposed Budget and Notice of Final Action Date.—(a) The proposed budget shall be prepared and adopted not later than March thirty-first, and notice thereof shall be published, and the proposed budget shall be made available for public inspection for at least twenty days prior to the date set for adopting the budget. The date set for final action on the budget shall likewise be made a matter of public notice for at least ten days prior thereto.

(b) Should it appear upon any revision of the proposed budget, after it has been published, that the estimated expenditures in the adopted budget would be increased more than ten per centum in the aggregate or more than twenty-five per centum in any function over the proposed budget as made available for public inspection, such revised budget shall not be adopted with any such increases therein, unless it be again made available for public inspection, and for protest of such increases, for a period of at least ten days after notice to that effect is published as hereinbefore provided.

Section 1783. Annual Budget Appropriations and Tax Rate; Filing Budget.—The budget shall reflect as nearly as possible the estimated revenues and expenditures for the year for which it is prepared. It shall be prepared on forms provided in accordance with this subdivision by the Department of Internal Affairs. The commissioners shall, upon adopting the budget, adopt the appropriation measures required to put it into effect, and shall fix such rate of taxation upon the valuation

of the property taxable for county purposes as will, together with all other estimated revenues of the county, raise a sufficient sum to meet the said expenditures. Within fifteen days after the adoption of the budget, the commissioners shall file a copy thereof in the office of the Department of Internal Affairs.

Section 1784. Supplemental Appropriations; Transfers of Funds; Appropriation Limits.—The commissioners may at any time, by resolution, make supplemental appropriations for any lawful purpose from any funds on hand or estimated to be received within the fiscal year and not otherwise appropriated, including the proceeds of any borrowing now or hereafter authorized by law. The commissioners may authorize the transfer of any unencumbered balance of any appropriation item or any portion thereof. During the last fifteen days of any fiscal year, they may authorize the transfer of any unencumbered balance, or any portion thereof, from any county fund to any fund of the institution district, and to reappropriate such moneys to the institution district. No work shall be hired to be done, no materials purchased, no contracts made, and no order issued for the payment of any moneys by the county commissioners, which will cause the sums appropriated to be exceeded.

Section 1785. Committee to Prepare Uniform Forms.—(a) The budget and report forms specified in the foregoing sections of this article shall be prepared by a committee consisting of three representatives from the Pennsylvania State Association of County Commissioners, three representatives from the Pennsylvania State Association of County Controllers, one member of the Senate and one member of the House of Representatives of the General Assembly, who shall be members of the Local Government Commission, designated by the chairman of said commission, and the Secretary of Internal Affairs or his agent who shall be a person trained in the field of municipal finance.

(b) Such representatives shall be appointed by the president of each said organization. In the case of representatives of the county commissioners, one shall be appointed from a county of either the third or fourth class, one from a county of either the fifth or sixth class, and one from a county of either the seventh or eighth class. The president of each said organization shall supply to the Department of Internal Affairs the names and addresses of such representatives immediately upon their appointment. Said representatives shall serve without compensation, but they shall be reimbursed by the Commonwealth for all necessary expenses incurred in attending meetings of the committee.

(c) The committee shall meet at the call of the Secretary of Internal Affairs or his agent, who shall serve as chairman of the committee. The Secretary of Internal Affairs may call meetings of the committee, and shall do so at the request of the secretary of either of said associations, but in every case there shall be at least two weeks' notice to each member of the committee of any such meeting.

(d) In preparing the uniform forms for both budgets and annual reports, the committee shall give careful consideration to the differing legal requirements and needs of the counties of the several classes, producing, if necessary, separate forms for certain classes of counties or groups of classes.

(e) It shall be the duty of the Secretary of Internal Affairs or his agent to see to it that the forms required by this section are prepared in cooperation with said committee. Should said committee for any reason fail to furnish such cooperation, the Secretary of Internal Affairs or his agent shall complete the preparation of the forms. After their preparation, he shall issue said forms and distribute them annually, as needed, to the commissioners, controller or auditors of each county.

(g) SINKING FUND COMMISSION

Section 1790. Membership.—In each county there shall be a sinking fund commission, composed of the commissioners, the controller, or auditors in counties not having a controller, and treasurer.

Section 1791. Management of Sinking Funds.—The sinking fund commission shall annually apply all interest received on sinking fund deposits, and all interest received on bonds held in the sinking fund, and all other income, if any, from the sinking fund, for the purpose of reducing the amount of money required to be paid by the county for sinking fund purposes for the ensuing year, unless such income is necessary for the purpose of having adequate funds on hand to pay the bonds of such county as they mature and become payable. The income so applied, and the amount required to be paid by the county for sinking fund purposes, shall annually equal the full amount required to be paid for sinking fund purposes to the several sinking funds.

The commission shall have the power, whenever it deems it necessary and for the best interest of the several sinking funds, to sell any bonds held by it other than those of the county itself.

Section 1792. Bonds of County Held by Commission.—All bonds of the county held by the sinking fund commission shall be stamped in a conspicuous manner to



show that they have been purchased for this purpose. They shall never be reissued or sold. The sinking fund commission shall not require the county to pay interest on any of its bonds held by the commission, unless the commission deems the payment thereof necessary for the purpose of having adequate funds on hand to pay the bonds of said county as they mature and become payable. All bonds of the county held by the commission shall be cancelled immediately upon their maturity.

Section 1793. Paying Off and Cancelling of County Bonds; Priority; Sale of County Bonds in Certain Cases.—In order to facilitate the extinguishment of the county debt, the county bonds purchased by the commission from time to time shall be paid off and cancelled according to the priority of their maturity. The commission may, at its discretion, withhold the purchase of such maturing county bonds, until after those purchased from a later issue of county bonds shall be paid off and cancelled. In such an event, if it appears that there will not be sufficient funds in the hands of the commission to meet the payment of such earlier maturing bonds, the same shall then be sold by said commission at not less than par.

Section 1794. Investment in New County Bonds.—Whenever any new bonds shall be issued by the county, the commission may invest the uninvested balances in its sinking fund, except so much as may be required for the payment of any bonds that may mature during the fiscal year in which such new bonds are issued.

Section 1795. Deposits of Money Received; Interest.—All moneys received by the commission at any time shall immediately be deposited in one or more banks or banking institutions which are now or hereafter shall be designated as county depositories, and the provisions of this article regarding county depositories shall apply with regard to the deposits of the commission in said county depositories. The rate of interest to be paid by depositories to the commission shall be the highest rate obtainable, calculated on daily balances. The commission may reinvest said interest with the other income from the bonds in their possession.

## ARTICLE XVIII

### CONTRACTS

Section 1801. Commissioners Sole Contractors for County.—The county commissioners shall contract for and purchase all services referred to in section five hundred eight and personal property for county officers and agencies. All contracts and purchases not in excess of seven hundred fifty dollars (\$750) shall be by note

or memorandum, in writing, signed by the county commissioners, or their agent. A copy of all such notes and memorandums and all written contracts shall be filed in the office of the controller, if any, and, if not, then with the chief clerk of the commissioners. The commissioners shall, where possible, anticipate the needs of the various officers and agencies of the county and endeavor to purchase in wholesale quantities, where practicable and where savings could be achieved thereby. The commissioners may make contracts and purchases for all purposes expressly or impliedly authorized by law.

Section 1802. Contract Procedures; Terms and Bonds; Advertising for Bids.—(a) All contracts for services and personal property where the amount thereof exceeds the sum of seven hundred fifty dollars (\$750), shall be written and shall, except as otherwise hereinafter specified, be made by advertising for bids.

(b) Contracts or purchases in excess of seven hundred fifty dollars (\$750), except those hereinafter mentioned, shall not be made except with and from the lowest responsible bidder, after due notice in one newspaper of general circulation, published or circulating in the county, at least three times at intervals of not less than three days where daily newspapers of general circulation are employed for such publication, or in case weekly newspapers are employed then the notice shall be published once a week for two successive weeks. The first advertisement shall be published not less than ten days prior to the date fixed for the opening of bids. The requirements of this subsection need not be followed in cases of emergency, but in such cases the actual emergency shall be declared and stated by resolution of the commissioners.

(c) All bids shall be received by the controller, or if there be no controller, then by the chief clerk of the county commissioners, in sealed envelopes, and shall be opened in the presence of the controller, or chief clerk as the case may be, by the commissioners and the contract awarded thereon. The controller, or the chief clerk as the case may be, shall keep a record of all such bids and awards, and the controller shall certify no voucher checks for contracts not made agreeably thereto.

(d) The amount or price of the contract shall, in all cases whether of straight sale price, conditional sale, bailment lease or otherwise, be the entire amount which the county pays to the successful bidder, or his assigns, in order to obtain the services or property, or both, and shall not be construed to mean only the amount which is paid to acquire title, or to receive any other particular benefit or benefits of the whole bargain.

(e) The acceptance of bids by advertising required herein shall only be made by public announcement at the meeting at which bids are opened, or at a subsequent meeting, the time and place of which shall be publicly announced when bids are so opened. If for any reason the award is not made at either of the above meetings, the same business may be transacted at any subsequent meeting, the time and place of which shall have been announced at the previous meeting held for such award. At such third meeting, the commissioners shall either award the contract or shall reject all bids. All contracts shall be filed with the controller, or with the chief clerk as the case may be, immediately after their execution.

(f) All bids advertised for shall be accompanied by cash, or by a certified good faith check drawn upon a bank authorized to do business in this Commonwealth, in an amount required by the commissioners but not less than ten per centum of the bid, or by a bond with corporate surety in such amount as the commissioners shall determine, but not less than ten per centum of the amount bid. In the event any bidder shall, upon award of the contract to him, fail to comply with the requirements hereinafter stated as to a bond guaranteeing the performance of the contract, the good faith deposit by cash, certified check or bond shall be forfeited to the county as liquidated damages.

(g) The successful bidder, when advertising is required herein, shall be required to furnish a bond guaranteeing performance of the contract, with sufficient surety in the amount of fifty per centum of the amount of the contract within thirty days after the contract has been awarded, unless the commissioners shall prescribe a shorter period. Upon failure to furnish such bond within the time fixed, the previous awards shall be void. Deliveries, performances and guarantees may be required in all cases of expenditures, including the exceptions herein.

(h) The contracts or purchases made by the commissioners involving an expenditure of over seven hundred fifty dollars (\$750) which shall not require advertising or bidding, as hereinbefore provided, are as follows:

(1) Those for maintenance, repairs or replacements for water, electric light, or other public works of the county where they do not constitute new additions, extensions or enlargements of existing facilities and equipment. A bond may be required by the commissioners as in other cases for work done.

(2) Those made for improvements, repairs and maintenance of any kind, made or provided by the county through its own employes. This shall not apply to construction materials used in a street improvement.

(3) Those where particular types, models or pieces of new equipment, articles, apparatus, appliances, vehicles or parts thereof, are desired by the commissioners, which are patented and manufactured or copyrighted products.

(4) Those involving any policies of insurance or surety company bonds, those made for public utility service under tariffs on file with the Pennsylvania Public Utility Commission, those made with another political subdivision, the Commonwealth of Pennsylvania, the Federal Government, any agency of the Commonwealth or the Federal Government or any municipal authority, including the sale, leasing or loan of any supplies or materials by the Commonwealth or the Federal Government or their agencies, but the price thereof shall not be in excess of that fixed by the Commonwealth, or the Federal Government, or their respective agencies.

(5) Those involving personal or professional services.

Section 1803. Evasion of Advertising Requirements.—No commissioner or commissioners shall evade the provisions of section one thousand eight hundred two of this act, as to advertising for bids by purchasing or contracting for services and personal properties piecemeal, for the purpose of obtaining prices under seven hundred fifty dollars (\$750) upon transactions which should in the exercise of reasonable discretion and prudence be conducted as one transaction amounting to more than seven hundred fifty dollars (\$750). This provision is intended to make unlawful the practice of evading advertising requirements by making a series of purchases or contracts each for less than the advertising requirement price, or by making several simultaneous purchases or contracts each below said price, when in either case the transactions involved should have been made as one transaction for one price. Any county commissioners who so vote in violation of this provision and who know that the transaction upon which they so vote is or ought to be a part of a larger transaction and that it is being divided in order to evade the requirements as to advertising for bids shall be, jointly and severally, subject to surcharge for any loss sustained. Wherever it shall appear that a commissioner may have voted in violation of this section, but the purchase or contract on which he so voted was not approved by the board of county commissioners, this section shall be inapplicable.

Section 1804. Contracts for One Hundred Dollars (\$100) to Seven Hundred Fifty Dollars (\$750); Written Bids; Destruction of Files.—(a) In all cases of contracts and purchases, other than the kinds mentioned in subsection (h) of section one thousand eight hundred

two of this act, from one hundred dollars (\$100) to seven hundred fifty dollars (\$750) inclusive at least two written bids shall be solicited therefor. The specifications upon which such bids are solicited shall be uniform insofar as possible to afford equal opportunity for bidding. Catalogues and circulars of firm prices shall be acceptable as bids upon the contracts or purchases herein regulated. All such bids shall be filed with the controller or the chief clerk where there is no controller.

(b) The controller shall refuse to approve vouchers for claims made upon transactions entered into in violation of this section, unless it shall be manifest to him that such bids could not in the circumstances be obtained or that no lower price would have been obtained by compliance with this section.

(c) The file copies of notes and memorandums in writing concerning contracts or purchases not over seven hundred fifty dollars (\$750), including the bids thereon, may be destroyed by the controller, or the chief clerk as the case may be, with the approval of the commissioners by resolution, after the said notes and memorandums are six years old and the contracts have been fully performed.

Section 1805. Sales of Personal Property.—(a) No personal property of the county shall be disposed of by sale or otherwise, except upon resolution of the commissioners. When the commissioners approve a sale of such property, they shall estimate the sale value of the entire lot to be disposed of, and, if the estimate be less than two hundred dollars (\$200), they shall require notice of the proposed sale to be posted, for at least ten days, in a prominent place in the court house, describing and itemizing the property to be sold, and directing that bids may be made thereon at the office of the chief clerk of the commissioners. Thereafter, the commissioners may sell such property in whole or in part for the best price or prices obtainable.

(b) If the commissioners estimate the sale value of the property to be sold at two hundred dollars (\$200) or more, the entire lot shall be advertised for sale, once, in at least one newspaper of general circulation in the county, and sale of the property so advertised shall be made to the highest and best bidder. The bids shall not be opened until at least ten days after the said advertisement. The commissioners may sell any such property at auction but the provisions as to notice contained in this section shall be likewise observed as to the holding of auction sales. The provisions of this section shall not be mandatory where county property is to be traded-in or exchanged for new personal property.

Section 1806. County Officers Not to Be Interested in Contracts.—No elected or appointed county officer shall be in any wise, either directly or indirectly, personally interested in any contract to which the county is a party, or in the construction of any public work or improvement made or undertaken under the authority of the county commissioners, or receive any reward or gratuity from any person so interested. No such officer shall purchase directly or indirectly any property sold at a tax or municipal claim sale.

Any person violating the provisions of this section shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500) and may, by decree of the court, be removed from office.

Section 1807. Application of Contract Provisions.—The provisions of this article shall apply to all the contractual powers of the county commissioners contained in this act, or other laws insofar as they are not inconsistent therewith, and the mention of powers of contract outside this article shall not be construed as being in disregard of the applicable provisions of this article in relation thereto.

## ARTICLE XIX

### SPECIAL POWERS AND DUTIES OF COUNTIES

#### (a) APPROPRIATIONS FOR MILITARY PURPOSES

Section 1901. Appropriation of Money or Land for National Guard Armories.—(a) The board of commissioners may, either independently or in connection with any other county, or with any city, town, borough, or township, provide and appropriate moneys, or convey land to the Commonwealth of Pennsylvania, to assist the Armory Board of the State of Pennsylvania in the erection, wherever deemed most advantageous by the Armory Board, of armories for the use of the National Guard of Pennsylvania. The board of commissioners may acquire land for such purpose, either by purchase, at tax sale, by gift, by the right of eminent domain, or otherwise.

(b) The board of commissioners may also furnish water, light, or fuel, either or all free of cost to the Commonwealth of Pennsylvania, for use in any armory of the National Guard and may do all things necessary to accomplish such purpose.

Section 1902. Appropriation for Maintenance of National Guard.—(a) The board of commissioners may appropriate, annually, from any moneys in the county treasury, not otherwise appropriated, a sum not exceeding seven hundred and fifty dollars (\$750) for the

support and maintenance, discipline and training, of any dismounted company or similar unit of the National Guard, and a sum not to exceed fifteen hundred dollars (\$1500) for the support and maintenance, discipline and training, of any mounted or motorized troop or similar unit of the National Guard. Where such units are organized as a battalion, regiment or similar organization, the total amount due may be paid to the commanding officer of the battalion, regiment or similar organization.

(b) Any moneys so appropriated shall be paid by voucher check of the commissioners, drawn to the order of the commanding officer of such company, battalion, regiment or similar organization, only when it shall be certified to the commissioners by the Adjutant General of the State that such unit or units have satisfactorily passed the annual inspection provided by law. The moneys so appropriated shall be used and expended solely and exclusively for the support and maintenance, discipline and training, of the said company, battalion, regiment or similar organization, and the commanding officer shall account, by proper vouchers to the said county each year, for the expenditure of the money so appropriated, and no appropriation shall be made for any subsequent year, until the expenditure of the previous year is duly and satisfactorily accounted for.

(c) The accounts of such expenditures shall be subject to the inspection of the Department of Military Affairs, and shall be audited by the auditors, or the controller as the case may be, in the manner provided by law for the audit of accounts of county moneys.

Section 1903. Appropriation to Rifle-Clubs in Time of War.—(a) At any time a state of war exists, the board of commissioners may appropriate money to civilian rifle clubs, duly chartered by the National Rifle Association of the United States of America, for the maintenance and rental of rifle-ranges, the employment of competent instructors and necessary employes, and for the equipment and uniforms for the members of such clubs, who volunteer for special military duty in their respective counties, or answer any call of the Governor of the Commonwealth.

(b) No moneys shall be appropriated to any such club, unless practice on such rifle-range by the members of the club shall be with the United States Military rifle or arms approved by the State Adjutant General.

(b) BURIAL OF DECEASED SERVICE PERSONS AND WIDOWS

Section 1908. Definitions.—(a) The term deceased service person, as used in this subdivision, shall mean and include:

(1) Any deceased person who, at the time of his or her death, was serving (whether or not in a combat

zone) in the Army, Navy, Air Force, Marine Corps, Coast Guard, or any women's organization officially connected therewith, during any war in which the United States has been, is now or shall hereafter be engaged, or who, at the time of his or her death, was serving in a zone where a campaign or state or condition of war then existed, in which the United States was, is or shall be a participant. The existence of a campaign or state or condition of war, and the participation of the United States therein, as well as the fact that the deceased person served in a zone where such campaign or state or condition of war existed, shall, in each case, be established by the records of the Department of Defense of the Federal Government; or

(2) Any deceased person, who had so served at any time during his or her life, and whose separation from such service was honorable, whether by discharge or otherwise; or who at the time of his or her death was continuing in such service after the cessation of the war, campaign or state or condition of war during or in which he or she served; or

(3) Any deceased person who was in active service in the militia of the State of Pennsylvania under and in pursuance of any proclamation issued by the Governor during the Civil War, who was not duly mustered into the service of the United States, but was honorably discharged or relieved from such service.

(b) The term "legal residents" as used in this subdivision, shall be construed as synonymous with "domicile" and is hereby defined as actual residence, coupled with intention that it shall be permanent, or a residence presently fixed with no definite intention of changing it, or of returning to a former residence at some future period. Legal residence is to be determined by abode of person and his or her intention to abandon his or her former domicile and establish a new one. The legal residence of a deceased service person shall be prima facie in the county where he or she made his or her abode at the time of his or her death.

Section 1909. Funeral Expenses of Deceased Service Persons.—(a) The county commissioners of each county are hereby authorized and directed to contribute the sum of seventy-five dollars (\$75) towards the funeral expenses of each deceased service person in the cases enumerated below, where in each case application therefor is made within one year after the date of his or her death, and where the total expenses of the funeral does not exceed six hundred dollars (\$600). In the case of any deceased service person who died while in the



service, application need not be made within one year after the date of his or her death, but may be made at any time thereafter.

(b) Payments shall be made under the following circumstances:

(1) Where the deceased service person at the time of his or her death had his or her legal residence in the county, whether or not he or she died in the county, and whether or not he or she was buried in the county. It is hereby declared to be the intent of the General Assembly that every deceased service person having a legal residence in this Commonwealth at the time of his or her death shall be entitled to the benefits of this section, regardless of where he or she may have died or where he or she may be buried, and that the liability therefor shall be on the county, where the deceased service person shall have had his or her legal residence at the time of his or her death.

(2) Where the deceased service person died and was buried in the county, but at the time of his or her death did not have legal residence within this Commonwealth, if the county commissioners of the county where he or she died are notified in writing by any organization of veterans that the body is unclaimed by relatives or friends, and upon investigation shall find such condition to exist.

(3) Where a deceased service person has died while a member of the Pennsylvania Soldiers' and Sailors' Home at Erie, Pennsylvania, and such home incurs all funeral expenses and buries the soldier in a cemetery in the City of Erie, Pennsylvania, or the home furnishes clothing, casket and shipping case, and ships the body to the county from which he was admitted to the home, the county from which he was admitted shall reimburse and pay to the Pennsylvania Soldiers' and Sailors' Home the amount of seventy-five dollars (\$75) or so much thereof as was actually expended by the home.

Section 1910. Burial of Widows of Deceased Service Persons.—Upon due application and proof, the county commissioners of each county are hereby authorized and directed to contribute the sum of seventy-five dollars (\$75) from the county funds towards the funeral expenses of any widow of any male deceased service person, who at the time of her death had a legal residence in the county, whether or not she died in the county and whether or not she was buried in the county. The county commissioners shall not contribute any moneys toward the funeral expenses of any widow of a deceased service person who had remarried after the death of such deceased service person, nor where the total expense of any such funeral shall exceed six hundred dollars

(\$600), nor unless application for the payment of such moneys shall be made within one year after the date of the death of such widow.

Section 1911. Payment.—(a) It shall be the duty of the county commissioners of each county to cause a voucher check to be drawn upon the treasury of their county in the sum of seventy-five dollars (\$75) for each body buried in accordance with the provisions of this subdivision, to be paid out of the funds of the county, and such checks shall be made payable to the applicant or applicants if the application shows that the funeral expenses have been paid, otherwise to the undertaker performing the services with notice to the applicant.

(b) Application for such contribution shall be made by the personal representative of such deceased service man or deceased service man's widow, if there be such personal representative, and if no such personal representative has qualified then by any next of kin, individual, or veterans' organization, who or which assumes responsibility for the cost of burial of the body. The application shall be sustained by affidavit as to the facts.

(c) The application shall be on forms prescribed by the Department of Military Affairs and shall set forth whether or not the funeral expenses have been paid. The application shall have attached thereto a certified copy of the death certificate and an affidavit by the undertaker, who had charge of the burial of the body, to the effect that the undertaker did render such service and that the cost of burial did not exceed the sum of six hundred dollars (\$600).

Section 1912. Notification to County Commissioners.—The coroners and all other public officers, agents and servants and all officers, agents and servants of any county, city, township, borough, district or other municipality, or of any prison, morgue, hospital, home or other public institution, having the control or custody of the body of the deceased service person whose body is entitled to be buried under the provisions of this subdivision, shall, immediately upon the death or arrival of the body of such deceased service person, notify the county commissioners of the county wherein such death occurred, or wherein such deceased service person shall have had his legal residence.

Section 1913. Markers for Graves; Headstones.—(a) The county commissioners of each county shall, from time to time as they consider expedient, procure appropriate markers for the graves of deceased service persons. Such markers shall be of cast bronze but no board of commissioners shall be required to discard any markers of other materials already purchased, whether

or not already installed. No new markers shall, in the future, be purchased of metal other than cast bronze. Suitable nonmetal substitutes may be used during periods of national emergency, so proclaimed by the President of the United States, when all available metals are required for war materials.

(b) The county commissioners shall procure bronze markers from some manufacturer or manufacturers, engaged in the manufacturing of the same, and in the contract for the furnishing thereof, the manufacturer furnishing the bronze markers shall warrant that the same are made of the following metals, and in the following proportions: copper, eighty-five per centum; tin, five per centum; zinc, five per centum; and lead, five per centum.

(c) The manufacturer shall be liable to the county to an amount equal to the sum paid to him by the county for the markers, if the above proportions of metals are not contained in the markers.

(d) Nothing, except actual fraud on the part of the county commissioners, shall render them liable for any amount if it is established that the markers are not composed of the metals in the proportions above recited.

(e) No officer, trustee, association, corporation or person in control of any cemetery, or a public burying ground, shall have the right to question the composition of such bronze markers, or to require that any of them be chemically analyzed before being placed in the cemetery, or under any circumstances to refuse to permit the erection thereof in the cemetery, or public burying ground, or to charge for making the foundations for the same more than is charged for making similar foundations of the same proportion. Any person who violates any of the provisions of this subsection shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not less than ten dollars (\$10) nor more than one hundred dollars (\$100) for each offense.

(f) The county commissioners of each county are hereby authorized and directed to place a marker upon the grave of each deceased service person, who at the time of his or her death had his or her legal residence in the county, whether or not he or she died in the county, and whether or not he or she was buried in the county, and upon the grave of each deceased service person buried in the county, who at the time of his or her death did not have a legal residence within this Commonwealth. When such deceased service person shall have been a veteran of any war or campaign for

which the Government of the United States issued discharge buttons, the markers designated for their graves shall include a facsimile of said discharge button.

(g) It shall be the duty of the county commissioners of each county, upon or at any time subsequent to the death of any deceased service person, who at the time of his or her death had his or her legal residence in the county, on application as hereinafter provided, to cause a headstone or bronze memorial tablet to be placed at the head of or on the grave of each such deceased service person.

(h) Each headstone shall contain his or her name and the rank and organization to which he or she belonged or in which he or she served, in letters raised or cut in at least three-sixteenth of an inch deep. The headstone shall be of either marble or granite, and shall be placed or set in a concrete base at least three feet deep, or if a headstone has been provided for such grave by the United States Government, the county commissioners shall provide the concrete base therefor, or if lettering only on an existing memorial is desired by the family, the county commissioners shall provide such lettering.

(i) In the event the body of any deceased service person either cannot or will not be returned to the United States of America, it shall be the duty of the county commissioners to cause a headstone to be placed in the family plot of such deceased service person. Said headstone shall have inscribed thereon, (1) the name, rank and organization of such deceased service person, (2) the name of the country, location or manner in which such person lost his or her life, and (3) the cemetery or location in which the body, if buried, was finally laid to rest. Application therefor shall in each case be made on forms prescribed by the Department of Military Affairs and may be made by any relative of the deceased service person, or by a friend if there is no objection by the nearest relative. Each application must be approved by an organization of veterans of any war in which the United States has been, is now or shall hereafter be engaged.

(j) The expense in each case shall be borne by the county in which the deceased service person had his or her legal residence at the time of his or her death, whether or not he or she died in the county, and whether or not he or she was buried in the county. The expense shall not exceed the sum of seventy-five dollars (\$75) for each headstone or concrete base or lettering or bronze memorial tablet and the county commissioners of each county, acting under this section, shall cause to be drawn a voucher check on the treasury of the county for the

payment of said expense in favor of the party or parties furnishing such headstone or concrete base or lettering or bronze memorial tablet.

(k) In cases of dispute concerning the legal residence of a deceased service person, the county in which a deceased service person is buried shall perform the duties hereinbefore set forth. No such payment or payments shall be made, unless the application therefor shall be approved before the commencement of the project by the county commissioners.

(l) Any person who shall wilfully, maliciously, or carelessly destroy, mutilate, remove or deface any grave marker or headstone, placed or erected under the provisions of this section, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not to exceed five hundred dollars (\$500), or suffer imprisonment not to exceed two years, or both.

Section 1914. Burial Plots.—The county commissioners of the several counties are hereby authorized to purchase plots of ground, in any cemetery or burial ground in their respective counties, for the interment of deceased service persons whose bodies are entitled to be buried under the provisions of this subdivision, and to cause to be drawn a voucher check upon their county treasury for the payment of the same. The purchase price of said plots of ground shall not be charged against or allotted as part of the cost of burial of such deceased service persons who may be buried in any of said plots under the provisions of this subdivision.

Section 1915. Care of Graves and Markers.—The county commissioners of each county shall, at all times, see that the graves and tombstones of all deceased service persons who are buried in such county, receive proper and fitting care, and may employ all necessary assistants to carry out the provisions of this section. The expense of the care of such graves and tombstones shall be borne by the county where said graves are located, except where suitable care is otherwise provided. Money so appropriated may be expended directly by the county commissioners, or paid over to the person, firm, association or corporation owning or controlling any cemetery or burial place in the county where any such grave is situated. The sum so paid over in any year shall not exceed for each grave the charge for the annual care and maintenance of like graves in the same cemetery, or, if no such fixed charge is established in that cemetery, it shall not exceed the sum charged in other cemeteries in the same county for like service.

Section 1916. Proof of Service, Et Cetera.—(a) In each case, where application is made for a contribution

toward the funeral expenses of a deceased service person, or the widow of a deceased service person, or for a headstone or concrete base or lettering or bronze memorial tablet, the county commissioners shall, before expending any money therefor, require proof of the following facts:

(1) The service of the deceased service person which entitles him or his widow to the benefits of this subdivision. Such proof shall be by the production of an honorable discharge or other official record showing service during any war in which the United States is or was engaged, or by the records of the Department of Defense of the Federal Government, or by copies thereof filed in the Department of Military Affairs showing the existence of a campaign or state or condition of war, the participation of the United States therein, and the service of the deceased service person in a zone where such campaign or state or condition of war existed.

(2) The death of the deceased service person.

(3) In the case of the burial of the widow of a deceased service person, the death of such widow, and the fact that she was married to the deceased service person at the time of his death, and that she has not since remarried. The proof required by clauses one and two of this subsection shall also be required in such cases.

(4) Except in cases where persons not having a legal residence within this Commonwealth are entitled to any of the benefits of this subdivision, the legal residence within the county of the deceased service person, or of the widow of a deceased service person, as the case may be.

(b) Death shall in all cases be proved by death certificate where the same is procurable, otherwise by affidavit of one or more persons personally acquainted with the deceased, and the fact of his or her death, or by proof of the record of death kept by the attending physician, or by proof of the record of burial kept by the undertaker by whom he or she was buried, or by the church burial association or cemetery company maintaining the graveyard, burial ground or cemetery in which he or she was buried.

(c) Where any proof required by this subdivision has been furnished to the county commissioners, no further proof of the same facts shall be required in order to obtain any other benefit under the provisions of this subdivision.

## (c) MEMORIAL OBSERVANCES

Section 1921. Appropriations to Veterans' Organizations for Expenses of Memorial Day.—(a) The board of commissioners may appropriate, annually, to each camp of the United Spanish War Veterans, and to each post of the American Legion, and to each post of the Veterans of Foreign Wars, and to each post of the American War Veterans of World War II (AMVETS), and to each detachment of the Marine Corps League, and to each Naval Association, and to each post of the Grand Army of the Republic, and to each post of the Disabled American Veterans of the World War, and to each organization of exservice men incorporated under the act of April twenty-nine, one thousand eight hundred seventy-four (Pamphlet Laws 73), and the supplements thereto, in the county, a sum not to exceed three hundred dollars (\$300), to aid in defraying the expenses of Memorial Day and Armistice Day.

(b) Where the Grand Army of the Republic has ceased to exist or to function, such appropriation may be made to the Sons of Union Veterans of the Civil War or, in the absence of such order, to a duly constituted organization which conducts the decorating of graves of Union Veterans of the Civil War.

(c) Such payments shall be made to defray actual expenses only. Before any payment is made, the organization receiving the same shall submit verified accounts of their expenditures.

Section 1922. Flags to Decorate Graves.—(a) It shall be the duty of the county commissioners to provide flags on each Memorial Day with which to decorate the graves of all deceased service persons buried within the county. The flags to be used for such purposes shall be of one standard size, and shall be purchased at the expense of the county from moneys in the county treasury.

(b) Such flags shall be furnished to the various veterans' organizations in such numbers as they shall require for their respective communities.

(c) The moneys expended by any county under the provisions of this section shall be in addition to moneys appropriated by counties for Memorial Day purposes.

(d) The authorities in charge of any cemetery are authorized to remove such flags when the same become unsightly or weatherworn at any time not less than ninety days after the flags have been placed on graves.

Section 1923. Compilation of War Records; Director of Veterans' Affairs.—(a) The county commissioners of each county are hereby authorized and directed, at the expense of the county, to compile a record of the burial places within such county of deceased service \*persons.

\* "person," in original.

Such record, so far as practicable, shall indicate the name of each such person, the service in which he or she was engaged, the number of the regiment or company or command, the rank and period of service, the name and location of the cemetery or other place in which his or her body is interred, the location of the grave in such cemetery or other place, and the character of headstone or other marker, if any, at such grave. Such record shall be known as the Veterans' Grave Registration Record of ..... County, and shall be a public record, open to inspection during business hours.

(b) The county commissioners of each county shall cause record blanks to be prepared, according to forms prescribed by the Department of Military Affairs, whereby the information required for such record may be transmitted to them.

(c) Every person, firm, association, or corporation, including a municipal corporation, owning or controlling any cemetery or burial place within the Commonwealth, in which are interred the bodies of deceased service persons, shall file with the county commissioners of the county in which such cemetery is located a certificate, on the record blanks provided by said county commissioners, of the facts required for such record, as far as the same are within the knowledge of such person, firm, association, corporation, or the agents thereof.

(d) The county commissioners shall cause record blanks to be distributed to such persons, firms, associations, and corporations as they deem advisable, with the request that such information be transmitted to them. Any such person, firm, association or corporation, except municipal corporations, upon receipt of such blanks or forms, who shall refuse or neglect to fill out and transmit to the county commissioners such blanks or forms within six months after receipt of same, upon conviction thereof in a summary proceeding, shall be sentenced to pay a fine of one hundred dollars (\$100).

(e) For the purpose of locating the burial places of persons who have served in the military or naval service or other branches of the combative forces of the United States during any war in which the United States was engaged, the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars of the United States, the American Legion, the Disabled American Veterans, the American Veterans of World War II (AMVETS), and the Marine Corps League, through their local camps, posts and branches in this Commonwealth, are authorized, without expense to the



county, to collect the required data and prepare and file with the county commissioners certificates embodying the information provided for in this section.

(f) For the purpose of carrying into effect the provisions of this section, the county commissioners shall appoint a director of veterans affairs, who shall receive such compensation as the salary board may fix.

(g) It shall also be the duty of the director of veterans affairs to:

(1) Assist the county commissioners in administering the provisions of this subdivision which relate to the burial of deceased service persons and their widows and to furnishing markers and placing headstones on their graves.

(2) Assist war veterans and their families in securing their rights as such in matters relating to their person, property and care of family, under any of the laws of this Commonwealth and of the United States, and for such services the director of veterans affairs shall be entitled to his expenses incurred therein and additional compensation. Both expenses and compensation shall be subject to the approval of the salary board.

(3) Assist the county commissioners in transmitting records of burial places of deceased service persons to the Department of Military Affairs of the Commonwealth, for the use of the Deputy Adjutant General in charge of Veteran Affairs, and otherwise assist the commissioners in cooperating with the said Deputy.

#### (d) COUNTY HISTORIES

Section 1928. County History.—The county commissioners of any county, either independently or in connection with any other municipality or municipalities within their county or any society or organization, may appropriate money for the compilation of a county war history or any general history or historical account related to the history records and government of the county, and for the publication and distribution of the same.

Section 1929. Payment to Historical Societies.—The board of commissioners may pay, out of the county funds not otherwise appropriated, a sum of money not exceeding two thousand dollars (\$2000) annually to the county historical society, to assist in paying the running expenses thereof. If there is more than one such society in the county, such payment may be made only to the oldest society. Where any such society is comprised of residents of more than one county, the commissioners of said respective counties may jointly pay said sum in such proportion as they shall agree.

No such appropriation shall be renewed until vouchers have been filed with the commissioners showing that the appropriation for any prior year has been expended for the purpose herein designated.

Section 1930. Qualification of Society.—In order to entitle any historical society to the said appropriation, the following conditions shall have been first complied with. It shall have been organized at least two years, incorporated by the proper authority, and have an active membership of one hundred or more persons, each of whom shall have paid into the treasury of said society a membership fee of at least two dollars (\$2) for the support of the same. It shall hold at least two public meetings yearly, whereat papers shall be read or discussions held on historic subjects. It shall have established a museum wherein shall be deposited curios and other objects of interest, and books, documents and papers relating to the history of the county or Commonwealth. It shall have adopted a constitution and code of by-laws and elected proper officers to conduct its business.

(e) ANIMAL AND PLANT HUSBANDRY

Section 1935. Appropriations to Societies for Prevention of Cruelty to Animals.—The board of commissioners may appropriate moneys toward the maintenance of any organization or society, incorporated under the laws of this Commonwealth, for the prevention of cruelty to animals and which, for a period of at least two years prior to the making of such appropriation, shall have been engaged in carrying out the purposes of its incorporation, in whole or in part, within said county.

Section 1936. Agricultural Extension Work.—The board of commissioners may appropriate a sum not to exceed twelve thousand dollars (\$12,000) annually for agricultural extension work, in cooperation with the Pennsylvania State University, in encouraging improved methods of farm management and home economics and giving practical instruction and demonstrations in agriculture, for the purpose of improving and developing the agricultural resources of the county. The money so appropriated shall be expended according to rules and regulations prescribed or approved by the board of commissioners. The board of commissioners may also, where practicable and desirable, provide offices in the county court house for headquarters for such cooperative work.

Section 1937. Agricultural or Horticultural Societies.—The county commissioners are hereby authorized to make appropriations annually out of the current revenues of the county to any incorporated agricultural

or horticultural society or association located within the county. The total amount of any such appropriation in any one county shall not exceed fifteen hundred dollars (\$1500) in any one year. Where more than one such society or association is located in the county, the amount appropriated may be distributed and divided among said societies and associations in such proportions and such amount as the board of commissioners, in its discretion, may determine.

Section 1938. Suppression of Animal and Plant Disease.—The board of commissioners is hereby authorized to make appropriations from county funds for the purpose of controlling and suppressing dangerous infectious disease of livestock and poultry and dangerous plant diseases and insect pests and diseases to honeybees, in cooperation with the Department of Agriculture of Pennsylvania.

For the purpose of carrying out the provisions of this section, the board of county commissioners may enter into agreements with the Pennsylvania Department of Agriculture concerning terms, rules, regulations and practices for conducting the work.

#### (f) COMMUNICATIONS

Section 1943. Appropriations for Radio Broadcasting Station.—The board of commissioners of any county may appropriate annually a sum not in excess of five hundred dollars (\$500) for the purpose of assisting any naval reserve unit or amateur radio league in maintaining, equipping and operating a short wave radio broadcasting station, which shall be available at all times for public use in the event of emergency or disaster.

#### (g) PREVENTION AND CONTROL OF FLOODS

Section 1947. Prevention and Control of Floods.—  
 (a) The board of commissioners may borrow, appropriate and expend money for the purpose of cleansing, regulating, improving and controlling rivers, streams and other bodies of water lying within the boundaries of the county, either in whole or in part, for the prevention and control of floods. They may make contracts and expenditures for the cleansing, regulation, improvement and control of such waters, and for the prevention and control of floods by storage or retaining reservoirs, or otherwise, in parts of such waters beyond the limits of the county or of the Commonwealth, when, in their judgment, such expenditures may be necessary and for the benefit of the county.

(b) The commissioners may also make appropriations and expenditures for the purpose of investigating and examining or for assisting in the investigation and ex-

amination of the condition of such waters, within or without the bounds of the county or of the Commonwealth, for the purpose of facilitating the ends aforesaid.

(c) The commissioners may enter into such arrangements and agreements with the Secretary of Defense or other public authorities empowered to act in the premises under any law of the United States or of this or any other State, as may be necessary and proper for such purposes, with a view to harmonious and efficient action and proportionate contribution as nearly as may be arrived at or be practicable.

(d) In exercising the powers herein conferred, the county commissioners may, in their discretion, subject to the limitation of the Constitution, issue interest bearing bonds of the county in accordance with the provisions of the Municipal Borrowing Law.

(h) AID TO FIRE FIGHTING DEPARTMENTS AND COMPANIES

Section 1951. Counties of Seventh and Eighth Classes; Appropriations to Borough Fire Departments and Volunteer Fire Companies.—The board of county commissioners of any county of the seventh or eighth class may appropriate annually, except as hereinafter provided, a sum not in excess of six hundred dollars (\$600), to the fire department of any borough in the county or to any volunteer fire company located within a borough in said county which actually gives fire protection to approximately all parts of the county, or may appropriate up to one-half of such amount to each of two such departments or two such companies or one such department and one such company when each gives fire protection to approximately one-half of the entire county. All moneys appropriated to any such fire department or fire company shall be used for the purchase, maintenance and repair of fire fighting equipment. This section shall not authorize the appropriation of any money to any fire department or fire company which receives contributions or appropriations from any township in the county.

Section 1952. Counties of the Fourth Class; Establishment of Fire Training Schools.—The county commissioners of any county of the fourth class may establish, equip and maintain fire training schools or centers for the purpose of giving instruction and practical training in the prevention, control and fighting of fire to the members of paid fire departments and volunteer fire companies in any city, borough, town or township within such county.

## (i) UTILITIES

Section 1955. Drilling Gas Wells and Laying Gas Lines.—(a) The board of commissioners of counties, situated in regions wherein natural gas is known to be obtainable, may contract for the drilling of gas wells upon any lands owned by the county for the purpose of furnishing gas for light and fuel to the county buildings and for other purposes. For that purpose, they may also contract for the laying of gas lines equipped with such modern appliances and machinery as may be necessary.

(b) All such contracts, including contracts for the building of rigs or derricks and the purchase of machinery, shall be made by the county commissioners in the manner provided for in Article XX of this act.

Section 1956. Contracts for Relocation, Change or Elevation of Railroads.—Subject to the provisions of the Public Utility Law, the board of commissioners may enter into contracts with any railroad companies whereby the said railroad companies may relocate, change or elevate their railroads within the county in such manner as, in the judgment of the board, may be best adapted to secure the safety of lives and property and promote the interest of the county. For such purpose, the board shall have power to do all acts that may be necessary and proper to effectually carry out such contracts.

## (j) LAW LIBRARIES

Section 1962. Law Library Committee.—(a) In each county where a law library shall have been established for the use of the court, county officials and members of the bar of said county, and is supported and maintained at least in part by public funds, the bar association of the county or, if there is no bar association, then the president judge of the court of common pleas shall annually appoint a law library committee to consist of not more than ten members of the bar of the county. The committee shall have the management of the law library, and the moneys to be used for law library purposes shall be appropriated or paid to said committee, and expended for the support and maintenance of the library under the direction of said committee. The president of the bar association or, where there is no bar association then, the president judge of the court of common pleas shall have power to fill any vacancies that may occur in the committee.

(b) The law library committee shall have power to adopt such rules and regulations for the management of said library, as may be expedient and necessary for the proper care and preservation of the same, and shall,

at the end of every year, report to the president judge of the court of common pleas the condition of said library, and account for all expenditures of money made by them in relation thereto, which if approved shall be filed of record in the office of the prothonotary of the county.

(c) The treasurer of the law library committee shall furnish bond in a proper amount and with proper security, to be fixed by the president judge. The cost of the bond shall be paid out of the funds of the committee.

(d) For the purpose of this subdivision (j), any law library which is furnished a room or rooms, light, heat and other services by the county but does not accept any money appropriations from the county, shall not be considered as being maintained or supported in part by public or county funds, and such library may continue to be operated and the library committee and librarian appointed as heretofore.

Section 1963. Appropriations.—The board of commissioners shall, annually, appropriate to the law library committee such sum or sums, as may be directed by the president judge of the court of common pleas of the county, for the purchase, support and maintenance of a law library to be kept in or near the court house of the county for the use of the court, county officials and members of the bar of said county.

Section 1964. Fines and Forfeitures Applied to Law Libraries.—(a) All of the fines and forfeitures to which counties of the third and fourth classes are by existing or future laws entitled are hereby directed to be paid, at the discretion of the court imposing such fines and forfeitures, in such proportion as said court may direct, to the library committee for the support and maintenance of the law library.

The moneys to be used for law library purposes shall be expended for the support and maintenance of a law library, under the direction of the committee.

(b) If in any county of the fifth, sixth, seventh and eighth class of this Commonwealth, where by law fines, penalties, and moneys collected from forfeited recognizances are directed to be paid for the use of a law library, the said fines, penalties and moneys collected from forfeited recognizances are, in the opinion of the court of common pleas, in excess of the amount required by the said committee for law library purposes, the court may, by its order, direct all or any portion of such fines, penalties or money from forfeited recognizances to be paid into the county treasury for the use of the county.

Section 1965. President Judge May Appoint Librarian.—The president judge of the court of common

pleas of any county in which there is a law library, supported in whole or in part by public funds, may, if he deems it necessary, appoint a librarian. The librarian shall be paid such compensation as the president judge shall allow out of the funds of the library committee.

(k) REWARDS AND BOUNTIES

Section 1971. Rewards for Detection or Apprehension of Criminals.—The board of commissioners, when they deem the same expedient, may offer such reward, in addition to that authorized by law, as in their judgment the nature of the case requires, for the detection or apprehension of any person charged with or perpetrating any felony or misdemeanor, or aiding or abetting the same. Upon the conviction of such person, the county commissioners may pay such reward out of the county treasury, but in no case shall the owner of any stolen property be entitled to any of the reward for the detection or apprehension of the person guilty of the larceny. In cases of misdemeanor, the county commissioners must have the approval of the president judge of the court of common pleas of the county before offering or paying such reward.

Section 1972. Bounties for Destruction of Rattlesnakes, Copperhead Snakes and Porcupines.—The board of commissioners of any county of the sixth, seventh or eighth class may provide for the payment of rewards or bounties for the killing within the county of rattlesnakes and copperhead snakes, not more than one dollar (\$1) for each, and for the killing of porcupines, not more than fifty cents (50c) each. They may make appropriations for such purposes.

(l) GARBAGE AND REFUSE DISPOSAL

Section 1975. Garbage and Refuse Disposal in County Plants.—The county commissioners of any county shall have the power to operate garbage and refuse disposal plants or facilities, and incinerating furnaces, and to enter into agreements or contracts with any person, corporation or political subdivision for the disposal of garbage and refuse in such facilities, erected and maintained by the county, as provided in Article XXIII of this act, and to charge and receive fees for such service.

(m) COUNTY OR COUNTY AIDED INSTITUTIONS

Section 1980. Board of Visitors for Charitable Reform and Penal Institutions.—(a) The court of common pleas in each county shall, annually, appoint three reputable citizens of the county, on or before the first

Tuesday of January, to serve as a board of visitors for that year. Two of the members of said board shall be of the majority party in the county and one shall be of the minority party, all of which shall be determined from the registration lists of the county. Vacancies upon the board shall be filled by the said court in like manner. The members of the board shall serve without compensation, but shall be paid such sum or sums for actual and necessary expenses as may be approved by the board of commissioners of the county.

(b) The board of visitors of each county shall visit at least three times a year all county hospitals, detention homes, children's homes, jails and like institutions of the county, or any agency of the county, or of the institution district of the county, and all similar institutions and other charitable institutions to which the county appropriates money. Such visits shall be unannounced, and shall be made either by all of the members of the board or by a lesser number acting for the board. The board shall inspect the premises involved, and shall be entitled to full access thereto and to interview any of the inmates thereof, and shall inspect and ascertain all matters pertaining to the welfare and proper conduct of such institutions and, particularly, the treatment received by the inmates. The board shall make an annual report to the court of common pleas, upon a date fixed by the court, regarding all such things and such other matters as may be referred to them by the court regarding such institutions, and the board may also report to the said court, from time to time, as the board shall see fit. A copy of such reports shall be submitted by the board to the proper authorities for such institutions.

## ARTICLE XX

### PLANNING, ZONING AND TRAFFIC

#### (a) COUNTY AND REGIONAL PLANNING COMMISSIONS

Section 2001. Creation and Powers of County Planning Commissions.—(a) In each county the county commissioners may create a county planning commission.

(b) The county planning commission, in every county in which a planning commission is created, shall consist of nine members to be appointed by the county commissioners.

(c) All appointees shall be residents of the county, and shall be appointed with due consideration to geographical and population factors. All appointees shall have knowledge and experience in respect to one or more of the following subjects: finance, commerce, industry, agriculture, transportation, architecture, real estate,



building, engineering, social welfare, health, civic administration and law. At least seven of such appointees on each commission shall not be paid county employes.

(d) Three members of a commission shall be designated to serve until the first day of January of the second year following the year in which the commission is first created, three of them until the first day of January of the fourth year following the year in which the commission is first created, and three of them until the first day of January of the sixth year following the year in which the commission is first created. The successors to all members of commissions holding office at the time this act becomes effective and to all members hereafter holding such office shall be appointed at the expiration of their respective terms to serve six years. An appointment to fill a casual vacancy shall be only for the unexpired portion of the term.

(e) Three members shall constitute a quorum. They shall make and alter rules and regulations for their own organization and procedure consistent with the resolutions of the county commissioners and the law of the Commonwealth.

(f) All members shall serve without compensation, and shall make an annual report, to the county commissioners, showing their transactions and recommendations. They may employ engineers and other persons whose salaries and wages together with other necessary expenses of the commission shall be provided for, in the discretion of the county commissioners, by proper appropriations and resolutions.

(g) The county planning commission may also receive and expend for the purposes of its planning work, including planning work in or for cities, boroughs, townships and towns within the county, any gifts, grants and appropriations of money from any other source, including Commonwealth, Federal or local funds, and may contract with governmental or private agencies or individuals with respect thereto.

(h) The county planning commission may be given the additional power and duty of serving as the county zoning commission, with all the powers and duties that have been or may be conferred upon such county zoning commission by law.

**Section 2002. Submission of Resolutions for Certain Improvements; Reports.**—All resolutions of the county commissioners relating to the location of any public buildings in the county and to the location, extension, widening, enlargement, ornamentation or paving of any street, boulevard, parkway, bridge, tunnel, subway or underground road, park, playground or other public grounds, to the vacation of any highway or portion

thereof, or to the making or alteration of the county plan of highways, or to any surface, underground or elevated railway, shall be furnished to the County Planning Commission, if one has been created, twenty days before their passage and adoption by the county commissioners.

The planning commission may make a report, or suggestion in relation thereto, if it deems the report necessary or advisable for the consideration of the said commissioners. If the report is made by the commission prior to the expiration of the said twenty days, the county commissioners may immediately proceed with the adoption of the said resolution. All reports when delivered to the said commissioners shall be for the information of the public as well as for the commissioners, and the commissioners shall furnish to any newspaper of the county on request, for publication, a copy of any such report.

Section 2003. Appearance in Proceedings.—The County Planning Commission may appear in any proceeding with reference to the opening or vacation of any public road or highway, bridge, tunnel, subway or underground road as to which the commission has an interest under the provisions of this article, and file a report stating its view with reference thereto, and may produce testimony in connection therewith.

Section 2004. Plans of Subdivisions; Jurisdiction; Scope of Subdivisions; Regulations; Procedure; Penalties.—(a) The County Planning Commission shall have jurisdiction and control of the subdivision of land located within the county limits. For the purpose of this section, a subdivision shall be construed to be: A division of any part, parcel or area of land by the owner or agent, either by lots or by metes and bounds, into lots or parcels, three or more in number, for the purpose of conveyance, transfer, improvement or sale, with appurtenant roads, streets, lanes, alleys and ways, dedicated or intended to be dedicated to public use, or the use of purchasers or owners of lots fronting thereon. All plans, plots, and replots of land laid out in building lots, and the streets, highways, alleys or other portions of the same intended to be dedicated to public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto, located within the county limits, except those located within a city, borough or township having in existence a zoning or real estate development control ordinance within the said county, shall be submitted to the County Planning Commission, if one has been created, and approved by it before they shall be recorded.

(b) It shall not be lawful to receive or record any such plan in any public office, unless the same shall bear

thereon by endorsement or otherwise the approval of the County Planning Commission, if one has been created. The disapproval of any such plan by the County Planning Commission shall be deemed a refusal of the proposed dedication shown thereon. The approval of the commission shall be deemed an acceptance of the proposed dedication, but shall not impose any duty upon the county concerning maintenance or improvement of any such dedicated streets, highways, alleys or other portions of the same, until the proper authorities of the county shall have made actual appropriation of the same by entry, use or improvement.

(c) Immediately upon the approval of all such plans, plots and replots, the person submitting them shall present the same, certified by the County Planning Commission as approved by it, to the recorder of deeds of the county, and the recorder of deeds shall file the original thereof so certified in the office for the recording of deeds in a book provided by the county commissioners for that purpose, and shall keep the same accessible to the public.

(d) The recorder of deeds shall index the said book of plans, as nearly as possible, in the same manner as he indexes instruments pertaining to the title of land. For such services he shall collect from the person so presenting the said plans, plots or replots the sum of five dollars (\$5) for the first page, and two and one-half dollars (\$2.50) for each additional page of any subdivision. The County Planning Commission shall establish and require a uniform size of such plans, plots or replots for filing, and shall also establish and require the scale of such plans, plots or replots.

(e) The owners and purchasers of land or lots affected by such plans, plots and replots shall be conclusively presumed to have notice of such plans, plots and replots thereof or affecting them from the time of their filing in the office of the recorder of deeds. Purchasers of land or lots affected by such plans, plots or replots shall also be conclusively presumed to have notice of all prior reports of the County Planning Commission affecting such plans, plots or replots and the land or lots involved or affected thereby, from the time said plans, plots or replots are filed as herein required, if the County Planning Commission shall have clearly and plainly indicated on the plan, plot or replot certified as approved by it for filing in the office of the recorder of deeds each of the said reports, the date of it and where said reports might be examined.

(f) Any owner, or agent of the owner, of any land located within a subdivision, who sells, transfers or agrees to sell, any land by reference to, or exhibition of,

or by other use of a plan of a subdivision, before the same has been approved by the County Planning Commission shall, upon summary conviction thereof, be sentenced to pay a fine of not less than fifty dollars (\$50), or more than one hundred dollars (\$100), and the cost of prosecution, or undergo an imprisonment for a term of not more than thirty days for each lot or parcel transferred or sold or agreed to be sold. The description of such lot or parcel by metes and bounds in the instrument of transfer, or other document used in the process of selling or transferring, shall not exempt the transaction from such penalties, or from the remedies herein provided. Counties may also enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction, in addition to the penalty herein provided.

Section 2005. Maps of County.—The County Planning Commission may make or cause to be made and laid before the said county commissioners and, in its discretion, cause to be published, a map or maps of the county and any portion or portions thereof, including the territory extending three miles beyond the county limits, showing the highways and other public improvements hereinbefore specified and other natural or artificial features, and also locations proposed by it for any new highways or other of such improvements, or any widening, extension or relocation of the same, or any change in the county plan by it deemed advisable.

Section 2006. Recommendations to County Commissioners and Others.—It may make recommendations to the county commissioners, from time to time, concerning any such matters and things aforesaid, and in so doing have regard for present conditions and future needs and growth of the county, and the distribution and relative location of all the principal streets and railways, waterways and all other means of public travel and business communication, as well as the distribution and relative location of public buildings, public grounds and open spaces devoted to public use, and the planning and laying out for dwelling and business purposes of private grounds brought into the market from time to time.

The County Planning Commission may make recommendations to any public authorities or any corporations or individuals in such counties with reference to the location of any buildings, structures or works to be erected or constructed by them.

Section 2007. Cooperation Between Commission and Political Subdivisions.—The County Planning Commission shall encourage the cooperation of the political sub-

divisions within the county in any matters whatsoever which may concern the integrity of the county plan or maps prepared by the commission as an aid toward coordination of municipal plans with the county plans, and it shall be the duty of every city, borough, town and township within a county having a County Planning Commission, having prepared any maps or plans by a duly authorized planning commission, to file a copy thereof and any subsequent amendments thereto with the County Planning Commission within thirty days from the completion of such plan or map.

Section 2008. Local Authorities to Submit Plans to County Planning Commission.—Before the approval of a plat by any city, borough, town or township authority having the power of approval of plats, such authority shall transmit a copy of the proposed plat to the County Planning Commission, if one has been created, and the commission shall make a report thereon to such local authority. Pending the receipt and consideration of such report, such local authority shall defer action thereon, but if such report is not received by the local authority within twenty days from the submission of the plat to the County Planning Commission, or within such further time as may be agreed upon by the local authorities, such local authority may proceed to final action thereon.

Section 2009. Creation of Regional Planning Commission.—(a) The councils or corresponding legislative bodies of any group of political subdivisions, independently or together with the county commissioners of any county or counties in which such group of political subdivisions is located or of any adjoining county or counties, or the council or corresponding legislative body of any political subdivision together with the county commissioners in which such political subdivision is located, or the county commissioners of any two or more adjoining counties, may cooperate in the creation of a regional planning commission for any region defined, as may be agreed upon by said cooperating councils, authorities and county commissioners, or by said cooperating county commissioners.

(b) The number and qualifications of the members of any such regional planning commission and their terms and method of appointment or removal shall be such as may be determined and agreed upon by said cooperating authorities and county commissioners. A majority of the members of the regional planning commission shall hold no other public office or position, excepting appointive membership on a municipal or other

planning commission. Members of the regional planning commission shall serve without salary, but may be paid expenses incurred in the performance of duties.

(c) The proportion of the expenses of the regional planning commission to be borne respectively by the political subdivisions and counties or by the counties cooperating in the establishment and maintenance of the commission shall be such as may be determined and agreed upon by the cooperating authorities and county commissioners, and said authorities and county commissioners are hereby authorized to appropriate their respective shares of such expenses. Within the amounts thus agreed upon and duly appropriated, any such regional planning commission shall have the power to appoint such employes and staff as it may deem necessary for its work, and contract with planners and other consultants for such services as it may require.

(d) The regional planning commission may also receive and expend for the purposes of its planning work, including planning work in or for counties, cities, boroughs, townships and towns within the region, any gifts, grants and appropriations of money from any other source, including Commonwealth, Federal, county or local funds, and may contract with governmental or private agencies or individuals with respect thereto.

(e) The regional planning commission shall elect its chairman, who shall hold no other public office or position except that he may be a member of a municipal or other planning commission. The term of the chairman shall be one year, with eligibility for reelection. The commission may create and fill such other offices as it may determine. It shall adopt rules for the transaction of business, and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

(f) The county commissioners or other county officials, or the chief executive officer or body of any political subdivision, may, from time to time, upon the request of the commission, and for the purpose of special surveys, assign or detail to the commission any officers or employes of the county or political subdivision to make for the commission special surveys or studies requested by the commission.

Section 2010. Regional Planning Commission to Make Master Plan.—It shall be the function and duty of the regional planning commission to make a master plan and such surveys and studies as may be essential thereto for the physical development of the region as created in accordance with the provisions of the preced-

ing section. Such master plan shall include all the elements of physical development that may be locally important and desirable.

Section 2011. Delegated Powers of Regional Planning Commission.—The council or corresponding legislative bodies of any political subdivision and the county commissioners of any county so cooperating may delegate to the regional planning commission, by ordinance or resolution, any or all of the powers and duties of the planning commission of such political subdivision with respect to the territory of the political subdivision so enacting or resolving, and in case of a county any and all of the powers and duties of a county planning commission for the territory of the county so resolving.

#### (b) COUNTY ZONING

Section 2020. Grant of Power.—The board of county commissioners of any county is hereby empowered, in accordance with the conditions and procedure specified in the subsequent sections of this subdivision, by ordinance, to regulate in any portion of such county which does not lie within a city, borough or township having a zoning ordinance in effect, the location, height, bulk and size of buildings and other structures, the percentage of lot which may be occupied, the size of yards, courts and other open spaces, the density and distribution of population, the uses of buildings and structures for trade, industry, residence, recreation, public activities or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, water supply, conservation, soil conservation, forestry, or other purposes.

Section 2021. Zoning Commission.—(a) In order to avail itself of the powers conferred by this subdivision, the board of county commissioners shall appoint a permanent commission of three, five or seven members, which shall be known as the county zoning commission.

Any individual, whether in private or ex-officio capacity, may be appointed to serve on such commission, and the majority of the members thereof shall be individuals who do not hold elective public office. The boards of county commissioners of two or more counties may arrange or provide for a joint or common commission, and for the purposes of this subdivision any such joint or common zoning commission shall be deemed the zoning commission of each of such counties. The board of county commissioners shall provide for reimbursement of the members of the zoning commission for actual expenses incurred, and shall provide for the filling of

vacancies in the membership of such commission, and for the removal of a member for non-performance of duty or misconduct.

(b) In any county where a county planning commission has been or shall be established, the board of county commissioners may, in lieu of establishing a zoning commission as provided in this section, confer and impose on such planning commission the additional power and duty of serving as the county zoning commission, with all the powers and duties conferred by this subdivision upon the county zoning commission.

Section 2022. Assistance from State Agencies; Personnel.—The zoning commission is directed to make use of the expert advice and information which may be furnished by appropriate State and Federal officials, departments and agencies, particularly the Pennsylvania State Planning Board. All State officials, departments and agencies having information, maps and data pertinent to county zoning are hereby authorized and directed to make the same available for the use of the county zoning commission, as well as to furnish such other technical assistance and advice as they may have available for such purpose. The zoning commission may employ such trained personnel as the funds provided therefor may permit.

Section 2023. Preparation of Zoning Plan.—(a) It shall be the duty of the zoning commission of any county to make for certification to the board of county commissioners of the county a zoning plan or plans, including both the full text of the zoning ordinance or ordinances and the maps, and presenting the recommendations of the commission for the regulation by districts or zones of the location, height, bulk and size of buildings and other structures, percentage of lot which may be occupied, the size of lots, courts and other open spaces, the density and distribution of population, the location and use of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, and the use of land for trade, industry, recreation, agriculture, forestry, soil conservation, water supply, conservation, or other purposes.

(b) When the efforts of such commission shall have reached the stage of a tentative plan, the commission shall hold at least one public hearing on each tentative plan, to be separately submitted, notice of which hearings shall be published at least fifteen days before the date of the hearing in a newspaper of general circulation in the county. The notice shall contain the time and place of hearing, and shall specify the place and times at which the tentative text and maps of the zoning ordinance may be examined. For the purpose of its



public hearing or hearings, the commission shall have power to summon witnesses, administer oaths and compel the giving of testimony.

(c) Before finally adopting and certifying any zoning plan, the zoning commission shall submit its tentative plan to the State Planning Board for advice and recommendations. The approval of the State Planning Board shall be presumed unless the State Planning Board shall, within forty-five days after such submission, present its advices and criticisms in respect to such zoning plan.

(d) In the event that after such public hearing or hearings and after such submission to the State Planning Board the zoning commission, in the light of the developments at such hearing or hearings or the advices and recommendations of the State Planning Board, makes changes in its said tentative plan, there shall be no requirement of any hearing upon such changes or any submission of such changes to the State Planning Board.

Section 2024. Zoning Ordinance.—From and after the time when a zoning commission of any county, in accordance with the procedure herein specified, makes, adopts and certifies to the board of county commissioners of its county each zoning plan, including both the full text of a zoning ordinance and the maps, then the board of county commissioners may, by ordinance, exercise the powers hereinbefore granted to it in this subdivision, and for the purpose of such exercise, the board of county commissioners may divide the territory of the county which lies outside of municipalities which now have and enforce zoning ordinances into districts or zones of such number, shape or area as it may determine. Within such districts or any of them, they may regulate the erection, construction, reconstruction, alteration and uses of buildings and structures and the uses of land, and may require and provide for the issuance of building permits as a condition precedent to the right to erect, construct, reconstruct or alter any building or structure within any district covered by such zoning ordinance. All such regulations shall be uniform for each class or kind of buildings throughout any district, but the regulations in one district may differ from those in other districts.

Section 2025. Method of Procedure.—After receiving the certification of a zone plan from the zoning commission and before the enactment of any zoning ordinance, the board of county commissioners shall hold a public hearing thereon, of the time and place of which at least thirty days' notice shall be given by one publication in a newspaper of general circulation in the

county. Such notice shall state the place at which the text and maps as certified by the zoning commission may be examined. The board may conduct consultative hearings or referenda to aid in determining the desirability of contemplated or recommended regulations. No change in or departure from the text or maps as certified by the zoning commission shall be made unless such change or departure shall first be submitted to the zoning commission for its approval or disapproval or suggestions. The zoning commission shall have thirty days from and after such submission within which to send its report to the board of county commissioners. No approval, disapproval or suggestions of the zoning commission shall have more than advisory effect, or shall in anywise bind the board of county commissioners.

Section 2026. Purposes of Zoning Regulations.—Such regulations shall be designated and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity or welfare of the present and future inhabitants of the Commonwealth of Pennsylvania, including amongst other things, the lessening of congestion in the streets or roads, or reducing the waste of excessive amounts of roads, securing safety from fire and other dangers, providing adequate light and air, preventing on the one hand excessive concentration of population and on the other hand excessive and wasteful scattering of population or settlement, promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and conserve adequate provisions for transportation, water flowage, water supply, drainage, sanitation, educational opportunities, recreation, soil fertility, food supply, protection of the tax base, securing economy in governmental expenditures, fostering the Commonwealth's agricultural and other industries, and the protection of both urban and nonurban development.

Section 2027. Amendments.—(a) The board of county commissioners may, from time to time, amend the number, shape, boundary or area of any district or districts, or any regulation of or within such district or districts, or any other provision of any zoning ordinance, but no such amendment shall be made or become effective until the same shall have been proposed by or be first submitted for approval, disapproval or suggestions to the zoning commission and the Pennsylvania State Planning Board.

(b) Any proposal, approval, disapproval or suggestions of the zoning commission or the State Planning Board, shall have advisory effect only and not be binding

upon the board of county commissioners, and unless such zoning commission or State Planning Board shall have transmitted its report upon the proposed amendment within thirty days after the submission thereof to it, the board of county commissioners shall be free to proceed to the adoption of the amendment without further awaiting the receipt of the report of the zoning commission or State Planning Board. Before finally adopting any such amendment, the board of county commissioners shall hold a public hearing thereon, at least thirty days' notice of the time and place of which shall be given by at least one publication in a newspaper of general circulation in the county.

Section 2028. Cooperation Between Counties.—The zoning commission of any county may cooperate with the zoning commissions of other counties and with the planning, zoning, legislative and administrative authorities of cities, boroughs, towns or townships, either within or without such county, with a view to coordinating and integrating the zoning of the county with the planning and zoning of other counties or of municipalities. The zoning commission shall also have power to appoint such committee or \*committees and adopt such rules for the conduct of its business as it may deem proper to effect such cooperation or to more expeditiously and effectively perform its functions.

Section 2029. The Board of Adjustment.—(a) The board of county commissioners of any county which enacts zoning regulations under the authority of this subdivision shall provide for a board of adjustment of three to five members and for the manner of the appointment of such members. Not more than half of the members of such board may at any time be members of the zoning commission. The board of county commissioners shall fix per diem compensation and terms for the members of such board of adjustment, which terms shall be of such length and so arranged that the term of at least one member will expire each year. Any member of the board of adjustment may be removed for cause by the board of county commissioners upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term in the same manner as in the case of original appointments.

(b) The board of county commissioners may appoint associate members of such board, and in the event that any regular member be temporarily unable to act owing to absence from the county, illness, interest in a case before the board, or any other cause, his place may be taken during such temporary disability by an associate member designated for the purpose. The

\* "committies," in original.

boards of county commissioners of two or more counties may arrange and provide for a joint or common board of adjustment of four or five members, which joint or common board of adjustment shall be deemed the board of adjustment of each of such counties.

(c) The board of county commissioners shall provide and specify in its zoning or other ordinances general rules to govern the organization, procedure and jurisdiction of said board of adjustment, which rules shall not be inconsistent with the provisions of this subdivision, and the board of adjustment may adopt supplemental rules of procedure not inconsistent with this subdivision or such general rules.

(d) Any zoning ordinance of the board of county commissioners may provide that the board of adjustment may, in appropriate cases and subject to appropriate principles, standards, rules, conditions and safeguards set forth in the zoning ordinance, make special exceptions to the terms of the zoning regulations in harmony with their general purpose and intent. The commissioners may also authorize the board of adjustment to interpret the zoning maps and pass upon disputed questions of lot lines or similar questions as they may arise in the administration of the zoning regulations.

(e) Meetings of the board of adjustment shall be held at the call of the chairman and at such other times as the board in its rules of procedure may specify. The chairman or in his absence the acting chairman may administer oaths and compel the attendance of witnesses. All meetings of the board of adjustment 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 in the office of the board and shall be a public record.

Section 2030. Appeals to the Board of Adjustment.  
—(a) Appeals to the board of adjustment may be taken by any person aggrieved by his inability to obtain a building permit or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of the zoning ordinance. Appeals to the board of adjustment may be taken by any officer, department, board or bureau of the county affected by the grant or refusal of a building permit or by other decision of an administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of the zoning ordinance. The time within which such

appeal must be made and the form or other procedure relating thereto shall be as specified in the general rules provided by the board of county commissioners to govern the procedure of such board of adjustment or in the supplemental rules of procedure adopted by such board.

(b) Upon appeals, the board of adjustment shall have the following powers:

(1) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative official or agency, based on or made in the enforcement of the zoning ordinance.

(2) To hear and decide, in accordance with the provisions of any such ordinance, requests for special exceptions or for interpretation of the map or for decisions upon other special questions upon which such board is authorized by any such ordinance to pass.

(3) Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under this subdivision would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, to authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardships, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance.

(c) The concurring vote of four members of the board in the case of a five-member board and of two members in the case of a three-member board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or agency or to decide in favor of the appellant.

Section 2031. Court Review.—(a) Any persons, jointly or severally aggrieved by any decision of the board of adjustment or any taxpayer or any officer, department, board or bureau of the county may present to the court of common pleas of the county in which the property concerning which such decision was made is located a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such a petition shall be presented to the court within thirty days after the filing of the decision in the office of the board. Upon the presentation of such petition, the court may allow a

writ of certiorari directed to the board of adjustment to review such decision of the board of adjustment, and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may on application, on notice to the board and on due cause shown, grant a restraining order.

(b) The board of adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(c) If upon the hearing it shall appear to the court that testimony is necessary for the proper disposition of the matter, 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, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for \*review.

(d) 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.

(e) All issues in any proceeding under this section shall have preference over all other civil actions and proceedings.

Section 2032. Violations; Enforcement and Remedies.—(a) It shall be unlawful to erect, construct, reconstruct, alter, maintain or use any building or structure, or to use any land, in violation of any regulation in or of any provision of any zoning ordinance or any amendment thereof enacted or adopted by any board of county commissioners under the authority of this subdivision. Any person violating any such regulation provision, or amendment of any provision of this subdivision, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than one hundred dollars (\$100) or imprisoned not more \*\*than ten days, or both. Each and every day during which such illegal erection, construction, reconstruction, alteration, maintenance or use continues shall be deemed a separate offense.

\* "view" in original.

\*\* "then" in original.

(b) In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained or used, or any land is or is proposed to be used, in violation of this subdivision or of any regulation or provision of any ordinance or amendment thereof enacted or adopted by any board of county commissioners under the authority granted by this subdivision such board, the district attorney of the county or any owner of real estate within the district in which such building structure or land is situated may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

Section 2033. Nonconforming Uses.—(a) The lawful use of a building or structure or the lawful use of any land as existing and lawful at the time of the enactment of a zoning ordinance, or in the case of an amendment of an ordinance, then at the time of such amendment, may, except as hereinafter provided, be continued, although such use does not conform with the provisions of such ordinance or amendment. Such use may be extended throughout the same building, provided no structural alteration of such building is proposed or made for the purpose of such extension. The board of county commissioners may provide in any zoning ordinance for the restoration, reconstruction, extension or substitution of nonconforming uses upon such terms and conditions as may be set forth in the zoning ordinance. The board of county commissioners may, in any zoning ordinance, provide for the termination of nonconforming uses, either by specifying the period or periods in which nonconforming uses shall be required to cease, or by providing a formula or formulae whereby the compulsory termination of a nonconforming use may be so fixed as to allow for the recovery or amortization of the investment in the nonconformance.

(b) If any county acquires title to any property by reason of tax delinquency and such property is not redeemed or sold as provided by law, the future use of such property shall be in conformity with the then provisions of the zoning ordinance of the county or with any amendment of such ordinance equally applicable to other like properties within the district in which the property acquired by the county is located.

Section 2034. List of Nonconforming Uses.—Immediately after the adoption of any zoning ordinance or amendment by the board of county commissioners, the county zoning commission shall prepare and publish a

complete list of all nonconforming uses and occupations existing at the time of the adoption of such ordinance or amendment. Such list shall contain the names and addresses of the owner or owners of such nonconforming use and of any occupant other than the owner, the legal description or descriptions of the land, and the nature and extent of land use.

After any necessary corrections have been made under a procedure prescribed by the board of county commissioners, copies of such list shall, when approved by such body, be filed for record in the offices of the recorder of deeds and of the chief clerk in the county in which the lands are situated, and shall be corrected yearly as the board of county commissioners may prescribe.

Section 2035. Filing.—Upon the adoption of any zoning ordinance or regulation, map or maps, the board of county commissioners shall file the originals with the chief clerk and a certified copy of each in the office of the county recorder of deeds, which copies shall be accessible to the public. The recorder of deeds shall file such ordinances and regulations in the same manner and in accordance with the provisions relating to filing of plans, plots and replots of subdivisions of land herebefore contained in this subdivision, and shall be entitled to credit with the county for the pages thereof upon the same rates as therein provided. The county commissioners shall furnish the recorder books for the said filing in like manner.

Section 2036. Finances.—The board of county commissioners is empowered to appropriate out of the general county fund such moneys otherwise unappropriated, as it may deem fit, to finance the work of the county zoning commission and of the board of adjustment and to enforce the zoning regulations and restrictions which are adopted, and to accept grants of money and service for these purposes and other purposes in accordance with this subdivision from either private or public sources, State or Federal.

Section 2037. Conflict With Other Laws.—Whenever any regulations made under authority of this subdivision require a greater width or size of yards, courts or other open spaces, or require a lower height of buildings, or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in or under any other statute, the provisions of the regulations made under authority of this subdivision shall govern. Whenever the provisions of any other statute require a greater width or size of yards, courts or other open



spaces, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by and regulations made under authority of this subdivision, the provisions of such statute shall govern. Any county may, but need not, apply its zoning ordinance to any or all cities or boroughs not having and enforcing their own zoning ordinances. Failure to include any or every such city or borough within its zoning ordinance shall not affect the validity thereof. The county zoning ordinance shall be of no effect in any city, borough or township which has or adopts and continues to enforce a zoning ordinance of its own. No county zoning ordinance adopted, under the provisions of this subdivision, shall prevail over any lawful airport zoning regulations in any manner inconsistent with the Airport Zoning Act.

Section 2038. Subdivision Not to Apply to Certain Buildings of Public Utility Corporations.—This subdivision shall not apply to any existing or proposed building, structure, or extension thereof, used or to be used by public utility corporations, if upon petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building or structure in question is reasonably necessary for the convenience or welfare of the public.

Section 2039. Definitions.—The words “amend,” “amendment,” “amendments” or “amended” in this subdivision, shall be deemed to include any modification of the text or phraseology of any provision of any zoning ordinance or amendment thereof, or any repeal or elimination of any such provision or part thereof, or any addition to the ordinance or to an amendment thereof, and shall also be deemed to include any change in the number, shape, boundary or area of any district or districts, any repeal or abolition of any map forming part of or referred to in any zoning ordinance or any part of such map, and, in addition to such map, any new map or maps or any other change in the maps or any map.

## ARTICLE XXI PUBLIC HEALTH

### (a) GENERAL PROVISIONS

Section 2101. Health Work.—The board of county commissioners may provide and annually appropriate from any moneys in the county treasury not otherwise appropriated such sum or sums as they deem necessary for the protection of the health, cleanliness, convenience, comfort and safety of the people of the county.

## (b) COUNTY AND JOINT COUNTY HOSPITALS

Section 2110. Expenses of Maintenance, Care and Treatment.—All expenses incident to the maintenance and operation of any county or joint county contagious disease hospitals, and of buildings, wings and units at general hospitals, erected and equipped for such diseases, under the provisions of this act, shall be paid by the county, or by the counties so joining, out of county funds in accordance with the agreement made between or among the participating counties, or between or among the county and any municipalities within the county, in the case of joint county hospitals, or of buildings, wings and units at general hospitals jointly agreed upon by counties under the provisions of this act. The county, or each county in the case of joint arrangements, shall separately be liable to pay the cost of the care and treatment of its indigent patients and those unable to pay the entire cost of care and treatment in such contagious disease hospitals, and in buildings, wings and units at general hospitals, and for such purposes any county, or the counties so joining, shall have power to appropriate county funds.

Section 2111. Administration of County and Joint County Hospitals.—After any county hospital for contagious diseases is erected and equipped and ready for occupancy, it shall be operated by and under the authority of the county commissioners of the county in the same manner that other county buildings and institutions are operated, and in the case of joint county hospitals, the operation shall be in the manner provided in the agreement between the counties. All county or joint county contagious disease hospitals heretofore erected and constructed shall hereafter be maintained and operated in the manner provided by this subdivision.

Section 2112. Removal of Contagious Cases to Hospital.—In any county having a hospital for the care and treatment of contagious diseases, any lawfully authorized health authorities of or within the county may remove cases of contagious disease to such hospital for treatment and isolation, whenever proper quarantine measures cannot otherwise be enforced.

Section 2113. Advisory Board for County Hospital for Tuberculosis.—(a) If a majority of the electors voting upon the question submitted to them, pursuant to the provisions of this act, at an election, shall be in favor of the establishment of a hospital by the county for treatment of persons afflicted with tuberculosis, the court of common pleas of the county shall immediately appoint an advisory board of five members, all of whom shall be electors of the county and one of whom shall

be a licensed physician. The members of said board shall be appointed, one for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years and one for a term of one year or until their successors are appointed and have qualified. All appointments at the expiration of any term shall be for a term of five years.

(b) The board shall meet monthly and at such other times as it may be deemed necessary. The board shall visit and inspect and keep in close touch with the management and operation of said hospital, and shall, from time to time, make such recommendations and suggestions to the county commissioners for changes or improvements in said management and operation as may be deemed advisable. It shall also make an annual report to the county commissioners concerning the management and operation of said hospital.

(c) The county commissioners shall, at the expense of the county, provide a meeting place for said board, and furnish all supplies and materials necessary to carry on its work.

(d) The members of the board shall not receive any compensation for their services, but shall be allowed all actual and necessary expenses, incurred in the discharge of their duties, which shall be paid by the county.

Section 2114. *Employes' Salaries in County Hospital for Tuberculosis.*—The county commissioners may, after consultation with the advisory board, employ a superintendent and such physicians, nurses and other employes as may be necessary to properly conduct and manage such hospital and the salary board shall fix their compensation. All such salaries shall be paid by the county treasurer in the usual manner.

Section 2115. *Management.*—The county commissioners shall have power, after consulting with the advisory board, to make general rules and regulations for the management of the county hospital for tuberculosis, and shall have power to do all acts deemed necessary to promote the usefulness of the hospital in the prevention of tuberculosis.

Section 2116. *Use of Hospital.*—Every hospital established under the provisions of this act for the treatment of tuberculosis shall be used for the benefit of all inhabitants afflicted with tuberculosis resident within the county in which the hospital is located, and all such persons shall be entitled to occupancy, nursing, care, treatment and maintenance according to the rules and regulations prescribed by the county commissioners. The county commissioners may exclude from the use of the hospital any person who wilfully violates any rule

or regulation adopted for the hospital by said county commissioners. The county commissioners may charge and collect, from persons admitted to the hospital or persons legally responsible for their maintenance, reasonable compensation for the care, treatment and maintenance of such persons, but free treatment shall be given to all such persons who are, after reasonable investigation, found to be unable to pay.

Section 2117. Patients from Other Counties; Donations.—(a) The county commissioners may admit patients to the county hospital for tuberculosis who are resident within any other county of the Commonwealth, provided such other county agrees to reimburse the county in which the hospital is located for all charges in connection with the admission, maintenance, care and treatment of such patients, and not paid by the patients themselves. Authority is hereby conferred upon all counties in the Commonwealth to pay to any other county in which such hospital is located reasonable charges for patients cared for by said hospital resident in the county paying such charges.

(b) All money received from the care and maintenance of patients or from gifts or donations shall be paid into the county treasury and shall be used only for the maintenance of such hospitals. County commissioners are authorized and empowered to receive contributions, donations, property and trust funds for the erection and maintenance of such hospitals as provided in this act.

Section 2118. Appropriations; Tax Levy.—The advisory board for county hospitals for tuberculosis herein provided for shall, by September thirtieth of each year, furnish to the county commissioners and the county controller, if any, a schedule of expenses deemed necessary for the maintenance and operation of the hospital for the ensuing year. The county commissioners shall, after considering the schedule submitted by the advisory board, annually make appropriations deemed by them sufficient to properly manage and operate said hospital. The county commissioners shall levy a special tax sufficient to produce the moneys appropriated to said hospital, which tax shall be collected in the same manner as other county taxes and shall be paid into the county treasury. All payments from the county treasury shall be made by voucher checks in the usual manner.

Section 2119. Hospitals for Tuberculosis Established Under Other Laws.—In any county where any hospital for tuberculosis has been begun or erected under the provisions of any act of Assembly heretofore repealed, such proceedings and hospital may be completed and the said hospital may thereafter be managed and operated in accordance with the provisions of this act.

(c) COUNTY HEALTH AID TO INSTITUTIONS AND  
POLITICAL SUBDIVISIONS

Section 2130. Appropriations to Hospitals, Tuberculosis Sanitaria and Homes.—The board of commissioners may appropriate moneys for the support of any hospital located within or without the limits of such county which is engaged in charitable work and extends treatment and medical attention to residents of such county, and may also appropriate moneys for the support of any home or place of detention of dependent, delinquent and neglected children located within the county, and may also appropriate moneys for the support of any sanitarium for the treatment of persons afflicted with tuberculosis located within the Commonwealth of Pennsylvania, which sanitarium is engaged in charitable work and extends treatment and medical attention to residents of such county.

Section 2131. Appropriation to Society Maintaining Tuberculosis Sanitarium for Indigent.—The board of commissioners may appropriate to any duly incorporated society, chartered to maintain a sanitarium for the treatment therein of persons suffering from tuberculosis, so much money as may be necessary for the maintenance of indigent persons, residents of the county, who may be inmates of such sanitarium and under treatment for tuberculosis. Said appropriation shall not exceed for each indigent inmate the sum of ten dollars (\$10) per week, payable every three months at the end of the period. The board of commissioners shall at all times have free access to such sanitarium for inspection of its management and for the ascertainment of the number of indigent persons receiving treatment therein.

Section 2132. Aid to Boroughs and Townships for Sewage Purposes.—The board of county commissioners may appropriate moneys from the county treasury to aid cities of the third class, boroughs, incorporated towns or townships in the construction or maintenance of sewers or sewage treatment works, where such sewers and treatment works have been first approved by the Sanitary Water Board of the State Department of Health in the manner provided by law.

(d) INSECT CONTROL

Section 2150. Secretary of Agriculture to Cooperate; Elimination and Abatement of Larvae Breeding Places; Liens.—(a) The Secretary of Agriculture of the Commonwealth is hereby authorized and empowered to cooperate with and assist the county commissioners of any county in the effective carrying out the provisions of this subdivision. He may authorize a deputy to meet

with the commissioners as his representative. The necessary expenses actually incurred by the secretary and his deputy, in compliance with this section, shall be allowed and paid by the Commonwealth as a part of the expenses of the Department of Agriculture. He shall furnish the said commissioners with such surveys, maps, information and advice as they may require for the prosecution of their work or as in his opinion will be of advantage in connection therewith.

(b) The county commissioners shall have power to eliminate all breeding places of mosquitoes, on private or public property, within the county and to do and perform all acts, including entry upon private or public property, and to carry out all plans which, in their opinion and judgment, may be necessary or proper for the elimination of breeding places of mosquitoes, or which will tend to exterminate mosquitoes within said county.

(c) Any water, in which mosquito larvae breed, is hereby declared a public nuisance and subject to abatement as such. Whenever any such breeding place exists on any lands in the county, other than meadow or marsh lands subject to the ebb and flow of the tide, which breeding place should, in the opinion of the commissioners, be abated they shall, in writing, order the owner or owners of such lands to abate the same within a reasonable period, and in a manner, to be specified in such order. If, at the expiration of such period, such order has not been complied with, or if the owner or owners of such lands cannot be ascertained or found, the commissioners shall, at once, abate said nuisance and may assess all or part of the cost of such abatement against the lands on which such breeding place exists. They may file municipal liens for said assessments within the time and in the manner provided by law, the same to be subject in all respects to the general law providing for the filing and recovery of municipal liens.

Section 2151. Not to Affect Public Water Supply.—No order of abatement shall authorize, nor shall the county commissioners employ, any method of extermination which shall in anywise affect waters used and useful in the supply of water to the public, whether by a municipality or a water supply company.

Section 2152. Appropriations; Report to Secretary of Agriculture.—(a) The county commissioners may appropriate the amount of money necessary for the purpose of carrying out the provisions of this subdivision. In no year shall the amount, so appropriated, exceed one-fourth of one mill on each dollar of the assessed value of taxable real estate in the county. The sums, so appropriated, or so much thereof as may be

required, shall be paid out, from time to time, by the county treasurer on the orders of the county commissioners.

(b) It shall be the duty of the county commissioners annually, on or before the first day of February of each year, to submit to the Secretary of Agriculture a report setting forth the amount of moneys expended during the previous year, if any, the methods employed, the work accomplished and any other information which in its judgment may be pertinent.

## ARTICLE XXII

### AERONAUTICS

Section 2201. Authority to Establish Airports.—Subject to the provisions of The Aeronautical Code, any county shall have the right and authority to establish, construct and provide for air navigation facilities in accordance with the provisions of this article.

Section 2202. Counties May Hold or Acquire Lands for Aeronautical Purposes.—(a) Any county may use for the purpose of any air navigation facilities any land within the county and owned by the county when the county commissioners determine such land necessary for such purposes.

(b) Any county may appropriate for the purposes of any air navigation facilities, any lands purchased by it at any tax sale and not redeemed within the period of redemption, if any, provided by law.

(c) Any county may acquire by gift, lease, purchase or condemnation proceedings, any land lying within its territorial limits or the territorial limits of any adjoining county which, in the judgment of the county commissioners, may be necessary and desirable for the purpose of establishing and maintaining air navigation facilities or of enlarging them, but no such land shall be so acquired in any adjoining county without the assent of the county commissioners thereof.

Section 2203. Condemnation Proceedings; Title.—The proceedings for the condemnation of lands under the provisions of this article and for the assessment of damages for property taken, injured or destroyed shall be conducted in the same manner as now provided by law for the condemnation of land or buildings for county purposes in the county in which the land is situated.

The title acquired by virtue of any such condemnation shall be a title in fee simple.

Section 2204. Leases for Aeronautical Purposes.—Any county acquiring land for any aeronautical purposes may lease the same or part thereof for an adequate consideration, after due public notice to any indi-

vidual or corporation desiring to use the same for the purposes of taking off or landing an airplane, or for other aeronautical purposes, on such terms and subject to such conditions and regulations as may be provided. Any such county may enter into a contract in the form of a lease providing for the use of said land or any part thereof by the Government of the United States for air mail delivery or other aeronautical purposes upon nominal rental or without consideration.

Section 2205. Joint Operation; Leasing. — Any county acquiring land for any aviation purpose may operate and maintain such air navigation facilities jointly with any city, county, borough, town or township or other political subdivision, upon such terms and conditions as may be agreed upon between the authorities thereof and the county commissioners of the county, and such joint facilities may be leased, as hereinbefore provided, upon the joint action of the authorities involved and the county commissioners.

Section 2206. Engineering and Construction; Appropriations.—Any county acquiring any land for any aeronautical purposes may, by resolution of the board of commissioners, appropriate such funds as are necessary for the engineering design, surveys and construction of such facilities, either wholly by themselves or in cooperation with State, Federal or other public agencies supplying a portion of the necessary funds for said work.

Section 2207. Contracts for Construction and Repairs.—In establishing, maintaining and operating air navigation facilities where construction and repair of roadways, runways, buildings and facilities, or the purchase thereof, are deemed necessary within or for use within the limits of land acquired for such purpose, there shall be no necessity for submission thereof to the court of quarter sessions or grand jury of any county, but contracts therefor shall be entered into as provided for the general business of the county, and in the case of joint establishment, operation and maintenance with any other political subdivision, contracts relating thereto shall be entered into as provided for the general business of any of such participating political subdivisions.

Section 2208. Validation of Contracts.—Any contracts heretofore entered into for construction and repair of roadways, runways, buildings and facilities or the purchase thereof within or for use within the limits of land acquired for the establishment and operation of airdromes or landing fields, without first having obtained the approval of the court of quarter sessions or grand jury of any county and entered into as provided



for the general business of the county or other political subdivisions jointly interested, are hereby ratified, confirmed, approved and declared lawful contracts.

Section 2209. Appropriating Money to Assist Political Subdivisions for Airports.—The county commissioners of any county may appropriate moneys to assist any city, borough, town, township or other political subdivision, within such county or within any adjacent county to acquire, establish, operate and maintain any and all air navigation facilities.

## ARTICLE XXIII GROUNDS AND BUILDINGS

### (a) GENERAL PROVISIONS

Section 2301. Title to Real Estate Vested in County.—The title to all court houses, jails, prisons and workhouses, together with the lots of land thereunto belonging or appertaining, and all other real property acquired or that may hereafter be acquired by or for the use of the county, shall be vested in the county for the use of the people thereof and for no other use, except as hereinafter provided.

Section 2302. Exemption from Taxation and Attachment.—All property of the county, real or personal, shall be exempt from taxation and from levy and sale by virtue of execution or of any other process.

Section 2303. Insuring Buildings and Contents.—The county commissioners may provide insurance against fire and extended coverage, against public liability and such other forms of insurance, including insurance against burglary, as shall seem proper to them for county buildings and the contents, real and personal, thereof. The cost of such insurance shall be paid from the general funds of the county.

Section 2304. Credit of County Available for Grounds and Buildings.—In the acquisition, construction or alteration, as the case may be, of land and buildings for county purposes, the commissioners may issue bonds of the county, in accordance with the Municipal Borrowing Law, to meet the costs thereof, except as any other system of financing shall be expressly provided by law for any particular county buildings.

### (b) ACQUISITION, USE, LEASING AND DISPOSING OF REAL PROPERTY FOR COUNTY

Section 2305. Acquiring and Using Real Property; Court Approval; Exceptions.—(a) The county commissioners may purchase, take by gift, devise or by the power of eminent domain, in accordance with the pro-

visions of this act, such real property at the county seat or in such other places, as may be authorized by law, as they deem necessary for the purposes of a county courthouse, county jail, prison, workhouse, detention house or other county building, either in acquisition of a building suitable for such purposes, or in the construction of a new building, or in the alteration, including enlargement, of an existing county building. Any purchase herein authorized shall be subject to the approval of the court of common pleas of the county as to purchase price, and no such contract shall bind the county, nor shall any conveyance be valid until the court has so approved the purchase price.

(b) The county commissioners may also use any real property at the county seat or elsewhere, as authorized by law, owned by the county, and deemed suitable by them for the purposes aforesaid, except such property as is bound by contract to another public use.

(c) The county commissioners may provide for the grading, filling, draining, gardening and otherwise improving and maintaining of all lands for county buildings, either by contract or by county employes, as they deem proper.

(d) To the extent that any of the matters provided for herein are otherwise specifically provided for by law, with regard to any particular acquisitions of real property by counties, either by tax sales or by other purchases, this section shall not apply to such matters.

Section 2306. Authority to Sell or Lease Real Property.—The board of commissioners may sell or lease, either as lessor or lessee, any real property belonging to the county or to others where the county is lessee. In the event of such sale, or of a lease as lessor under which the lessee acquires on a royalty basis or otherwise the right to drill for oil or gas or to mine or remove coal, stone or other mineral products or to cut and remove trees, stumps, wood or other forest products, the commissioners shall petition the court of common pleas, setting forth a description of the property to be sold or leased and the reason therefor. If the commissioners know or have reason to believe that the property to be sold contains oil, gas, coal, stone, timber or other mineral or forest products of commercial value, such knowledge or belief shall be stated together with the description. The court shall thereupon fix a day for hearing, notice of which shall be given in at least two newspapers, in said county, of general circulation, once a week for three consecutive weeks. After hearing, the court shall make such order and decree as shall seem right and proper. In the case of any lease of county property hereunder, such property, with any and all improvements or addi-

tions thereon or thereto, shall, in the hands of the lessee, be subject to taxation by such county and any other political subdivision therein, in the same manner as other real estate located in the county. Such taxes shall be levied and assessed against and paid by the lessee. This section shall not apply to leases or sales of county property or other property which are otherwise specifically provided for by law.

Section 2307. Conveyance and Lease of Real Estate.—The board of commissioners shall make and acknowledge a deed or lease of any real estate belonging to the county, which they are authorized to sell or lease, under their hands and seals as commissioners with the seal of the county attached and the same shall be a good and lawful conveyance in fee simple or lease.

Section 2308. Conveyances to General State Authority.—Any county may grant, assign and convey to the General State Authority, with or without consideration, any lands, easements or rights in lands, together with any improvements, buildings or structures therein or thereon, now owned by such county or hereafter acquired by it, needed or convenient as a site for a county court house, or may lease to the Authority for a term, not exceeding ninety-nine years, at a nominal or such other rental as may be determined, any or all such lands, easements or rights in lands, together with any improvements, structures or buildings therein or thereon.

Section 2309. Leasing from General State Authority.—Any county may enter into contracts with the General State Authority to lease as lessee from the Authority, any county court house or any improvement thereto and the furnishings and equipment thereof constructed by the Authority, for a term not exceeding thirty years, at such rental or rentals as may be determined by the Authority. Upon the completion of such county court house or improvements and the furnishings and equipment thereof, the county may lease the same as lessee from the Authority for a term not exceeding thirty years, at such rental or rentals as may be determined by the Authority.

Section 2310. Acquisition of Lands for Conveyance to General State Authority.—Any county may acquire lands or interests in lands by purchase, gift or condemnation which may be required to carry out the purposes of the two sections immediately preceding.

Section 2311. Disposing of County Property for Other Uses; Demolition; Court Approvals.—Whenever any new county building is constructed to replace a county building no longer suitable for the purposes of its use, or whenever the county has or acquires, incident

to purchase at tax sale or to any other acquisition of land authorized by law, any building, title and interest to which is in the county, and any such replaced or acquired building is deemed no longer suitable or not suitable for use as a county building or for use as an auxiliary to any county building, the county commissioners may, with the approval of the court of common pleas, devote said replaced or acquired building to such other public use or purpose as shall be found suitable and proper, including a war memorial. They may, with the approval of said court, convey all or a part of the title and interest of the county in such building, with or without the land or a part of the land upon which it is situate, either by sale or by gift, to any public or charitable institutions or to any political subdivisions singly, in common, or jointly, within the county.

The county commissioners may remove any such building from one location to another within the county, with the approval of the court of common pleas, for the purpose of enabling its use as a county building by virtue of its relocation. The commissioners may cause any such building to be demolished and removed from land of the county, if of no use to the county, upon the approval of the court of common pleas, upon due cause shown.

(c) ACQUISITION, CONSTRUCTION OR ALTERATION  
OF COUNTY BUILDINGS

Section 2315. Authority and Procedure for Acquiring, Constructing or Altering County Buildings; Exceptions.—(a) The county commissioners may purchase or take by gift any building at the county seat or elsewhere as authorized by law deemed suitable and proper by them for use as a county building. No purchase thereof shall be made unless approved by the court of common pleas of the county as to suitability and as to all terms of the contract, including the purchase price.

(b) The county commissioners may provide, in accordance with this section, for the construction or alteration, including enlargement of a county court house, county jail, prison, workhouse, detention house and such other county buildings, as may be required or authorized by law. Such construction or alteration shall be done at the county seat or elsewhere as authorized by law. Whenever the county commissioners undertake any such construction or alteration, they shall cause to be prepared plans and specifications therefor, and shall submit such plans and specifications as are approved by them to the judges of the court of common pleas for approval. If the said court, upon due consideration and such hearings and other measures as it may desire,

approve the said plans and specifications as submitted or as modified, the county commissioners may secure bids for the contract or contracts involved in the construction or alteration in accordance with this act. Any such contract or contracts shall be made as provided by this act, but shall, in addition, be subject to the approval of the court of common pleas as being in accordance with the plans and specifications approved by it, and otherwise proper and authorized by law. The said court may, in each case, follow such procedures, hear such witnesses, or call for such evidence, as shall inform its judgements regarding such approvals.

(c) Except where another procedure is provided by law with regard to such construction or alteration of any particular county building, the provisions of this section shall be followed for all such purposes.

Section 2316. Right to Build on Public Squares.—Whenever the court house, jail or other building of the county is located upon a public square or common in the city, borough or town then being the county seat, and a new building is authorized and required to be erected, in place of such court house, jail or other building, the board of county commissioners may erect such new building upon any other of the public squares or commons of said city, borough or town, or upon any part thereof, if the council of the city, borough or town shall have first consented to such new location for said building.

Section 2317. Separate Bids for Plumbing, Heating, Ventilating, Electrical Work, Elevators and Moving Stairs.—In the preparation of specifications for the erection, construction and alteration of any public building, when the entire cost of such work shall exceed one thousand dollars (\$1000), the architect, engineer or other person preparing such specifications shall prepare only the following separate specifications: (1) plumbing, (2) heating, (3) ventilating, (4) electrical work, (5) elevators and moving stairs, and (6) one complete set of specifications for all the other work to be done in such erection, construction and alteration. The board of commissioners shall receive separate bids upon each of the said branches of work and award the contract for the same to the lowest responsible bidder for each of said branches, including the balance of the work in addition to the plumbing, heating, ventilating and electrical work, and elevators and moving stairs. Where it is desired to install an air conditioning unit, the heating and ventilating so involved may be regarded as one branch of work having only one set of specifications, and bids may be received and a contract awarded thereon, as herein before provided.

Section 2318. Additional Bond to Protect Labor and Materialmen on Contracts.—(a) It shall be the duty of every county to require any person, copartnership, association or corporation entering into contract with such county for the construction, erection, installation, completion, alteration, repair of or addition to any public work or improvement of any kind, whatsoever, where the amount of such contract is in excess of five hundred dollars (\$500), before commencing work under such contract, to execute and deliver to such county, in addition to any other bond which may, now or hereafter, be required by law to be given in connection with such contract, an additional bond for the use of any and every person, copartnership, association or corporation interested, in a sum not less than fifty per centum and not more than one hundred per centum of the contract price, as such county may prescribe. Such bond shall have as surety thereon one or more surety companies legally authorized to do business in this Commonwealth, and shall be conditioned for the prompt payment for all material furnished and labor supplied or performed in the prosecution of the work, whether or not the said material or labor enter into and become component parts of the work or improvement contemplated.

(b) Such additional bond shall be deposited with and held by the county for the use of any party interested therein.

(c) Every such additional bond shall provide that every person, copartnership, association or corporation who, whether as subcontractor or otherwise, has furnished material or supplied or performed labor in the prosecution of the work, as above provided, and who has not been paid therefor, may sue in assumpsit on said additional bond, in the name of the county, for his, their or its use, and prosecute the same to final judgment for such sum or sums as may be justly due him, them or it, and have execution thereon, but the county shall not be liable for the payment of any costs or expense of any suit.

(d) Any contract executed in violation of the provisions of this section shall be null and void.

Section 2319. Compliance with Workmen's Compensation Law.—(a) All contracts executed by the board of commissioners, which shall involve the construction or doing of any work involving the employment of labor, shall contain a provision that the contractor shall accept, in so far as the work covered by any such contract is concerned, the provisions of the Workmen's Compensation Act and any reenactments, supplements or amendments thereto, and that the said contractor will insure his liability thereunder or file

with the board of commissioners a certificate of exemption from insurance from the Department of Labor and Industry of the Commonwealth.

(b) The board of commissioners, before signing on behalf of the county any contract requiring in its performance the employment of labor, shall require proof that the said contractor with whom the contract is made shall have accepted the Workmen's Compensation Act and any reenactments, supplements or amendments thereto, and proof that the said contractor has insured his liability thereunder in accordance with the terms of said act or that the contractor has had issued to him a certificate of exemption from insurance from the Department of Labor and Industry.

(c) Any contract executed in violation of the provisions of this section shall be null and void.

Section 2320. Restrictions on Letting Contracts to Architects and Engineers.—It shall be unlawful for any architect or engineer in the employ of any county to bid on any public work of such county.

It shall also be unlawful for the officers of any county charged with the duty of letting any public work to award a contract to any such architect or engineer in the employ of the county.

Any person or persons violating these provisions, or any of them, shall be guilty of a misdemeanor, and, on conviction thereof, shall forfeit his office, and be sentenced to pay a fine not exceeding five hundred dollars (\$500) or to undergo imprisonment of not less than six months, or both. Any contract made in violation of this section shall be null and void.

(d) POLICING, ADMINISTRATION AND PUBLIC ORDER  
OF GROUNDS AND BUILDINGS

Section 2325. Buildings and Grounds to be Kept in Order and Repair.—The board of commissioners shall keep and maintain the public buildings of the county in suitable and convenient order and repair and shall keep the grounds about county buildings in proper condition and appearance. The provisions of this subdivision shall not apply to particular county buildings which are otherwise expressly provided for by law.

Section 2326. Watchman and Employes.—The board of commissioners may appoint one or more officers or watchmen to guard and protect the county buildings and to enforce the provisions of this act and other laws relating thereto. Such officers or watchmen shall have power to arrest on view any person violating the same.

The board of commissioners shall employ all janitors, firemen, engineers, mechanics, laborers and caretakers of all county buildings and grounds.

Section 2327. Display of Municipal Flags on County Buildings Authorized.—It shall be lawful to display the flag of any county, city, borough or other municipality in the Commonwealth on the public buildings of any county.

Section 2328. Special Provisions Relating to County Jails, Prisons, Workhouses and Detention Houses.—Except as may be otherwise provided by law for each county jail, prison, workhouse or detention house, the county commissioners shall appoint a superintendent and a matron and such other officers, as they may deem necessary, whose duties shall be prescribed by the regulations for such institutions and whose salaries shall be fixed by the salary board.

Every such institution shall hereafter be so constructed that every person committed thereto, whether upon conviction or otherwise, may be confined separate and apart from every other person committed thereto, due regard being had in the plan of construction to the health of the persons to be so confined.

Commitments to every such institution shall be made as provided by law.

Section 2329. Disorderly Conduct in and About Court Houses and Jails Prohibited.—It is unlawful for any person to cause any outcry or disorder, or be guilty of any indecent or unbecoming conduct tending to disturb the peace and good order in the county court house, jail, or other county buildings, or to wilfully or carelessly defile, deface or injure the floors, walls or any other portion of said buildings, or fences, or railings surrounding the same, or the carpets, furniture, or other articles or things used in or about said buildings, belonging to the county. Any person violating any of the provisions of this section shall make restitution for damages arising therefrom, and shall, upon summary conviction thereof, be sentenced to pay a fine not exceeding fifty dollars (\$50). In case such person shall neglect or refuse to pay the same, he or she shall suffer an imprisonment not exceeding thirty days.

(e) SPECIAL PROVISIONS FOR TEMPORARY COUNTY BUILDINGS AND FOR ROOMS IN COUNTY BUILDINGS

Section 2335. Temporary Court House.—Whenever the court house or place appointed by law for holding any of the courts shall be unsafe, shall have been destroyed, or is under repairs, the board of commissioners shall procure some other convenient place at the county seat, to be approved by the court, for temporary use for holding and administering such courts.



Section 2336. Separate Rooms for Women Jurors.—The board of commissioners shall provide and maintain a separate room or rooms, at or adjoining the court house, upon order of the court, for the comfort, accommodation and convenience of women jurors, and such rooms shall be provided with suitable furniture for the use of women jurors who may be serving upon juries unable to bring in verdicts upon the day in which the case was placed in their hands. These rooms shall also be equipped with mirrors, toilets, beds, and other conveniences necessary to provide for the safety, comfort and convenience of the occupants thereof.

Section 2337. Room or Building for Juvenile Offenders Waiting Trial.—The board of commissioners shall provide, furnish and heat, within the county, a separate room or rooms, or a suitable building, to be used exclusively for the confinement of any and all children under the age of sixteen years, who may be in custody awaiting trial or hearing in the courts of the county, and provide for the maintenance and care of such children while in custody.

Section 2338. Rooms for Justices and Judges.—The county commissioners of the several counties of this Commonwealth shall furnish an office for each of the judges of the Supreme Court, the judges of the Superior Court, of the court of common pleas and orphans' courts, in the court house at the county seat of the county in which such justices or judges respectively may be resident, and wherein the business of the courts may be largely transacted. In case no such office is available in the court house, they shall, at the proper cost of the respective counties, furnish an office in such building as may be selected by the respective justices or judges and county commissioners.

Said counties shall likewise furnish and pay for such janitor service, stationery, telephone, telegraph, clerical and other services, as shall be deemed necessary by such public officers for the discharge of the duties of their offices. The compensation for any clerical services shall not exceed that ordinarily paid to an official court stenographer of a county as shall be determined by the salary board.

Section 2339. Furnishing Rooms for Meetings of Certain Veterans and of Sons of Veterans.—The board of commissioners may, in their discretion, upon application therefor, furnish to each organization composed of veterans of the Spanish-American War, veterans of World War I and of World War II, or of any other war in which the United States engaged, and Sons of Union Veterans, a room or rooms in any public building of such county, sufficient for the meeting of each of such organizations at least once each month.

(f) IMPROVEMENT OF STREETS ALONG COUNTY BUILDINGS  
STREET LIGHTING

Section 2345. Joining with City in Improving Certain Streets and Highways.—(a) The board of commissioners of counties now erecting or which may hereafter erect public buildings in any city may, with the approval of the court or courts of common pleas if there is more than one, join with the proper authorities of such city in the grading, regrading, paving, repaving and improvement of so much of the streets and highways as are in, upon or alongside of the grounds upon which said public buildings stand.

(b) The commissioners may enter into contract with any such city authorities for the payment of a just proportion of the expense of said grading, regrading, paving, repaving and improvement of said streets and highways, and may appropriate from the county treasury sufficient funds for this purpose. They may act with any committee or committees which may be appointed by such city authorities to establish grades, determine the kind and quality of paving materials to be used, and ratify the contracts entered into by said city authorities in the course of said improvements.

(c) No obligation shall rest upon the county for any proportion of the expenses of such improvements until the selection of grades and paving materials and the acceptance of bids by said city authorities shall have been ratified by the board of commissioners and approved by the court or courts of common pleas.

Section 2346. Ornamental Illumination.—(a) Whenever the court house, jail, workhouse or other public building of a county abuts upon the street of a city or borough which is the county seat and which shall provide for the ornamental illumination of that section of the street whereon the county building abuts, the county commissioners of such county may appropriate moneys from the county funds towards the installation of such ornamental illumination.

(b) The appropriation by the county commissioners of a county for such purpose shall not exceed the amount that shall be assessed for such ornamental illumination upon owners of an equivalent frontage of property abutting upon said street, measured by the foot front rule.

## (g) COMFORT STATIONS

Section 2350. Appropriations for Comfort Stations.—(a) The board of county commissioners may appropriate moneys to assist any city or borough, being the county seat, or any city or borough therein having a

population of ten thousand or more inhabitants, to construct and maintain comfort stations within the boundaries of the county.

(b) The county commissioners, in cooperation with the municipal authorities of the municipality wherein the court house lies, may provide, and equip and maintain in the court house rest or waiting rooms for the public, and provide attendants therefor. The cost of providing such rooms and of maintaining the same, including salaries, and all incidental expenses, shall be paid by the county and by the municipality, as they shall agree, for all which purposes the county commissioners and said authorities may, respectively, appropriate moneys.

(c) Any part of any ground acquired by any county for the purposes of a court house, jail or workhouse may be leased by such county to any municipality being the county seat of such county, for the purpose of the construction thereon of a public comfort station by such municipality.

#### (h) MONUMENTS AND MEMORIALS

Section 2355. Monuments and Memorials to War Veterans.—The board of commissioners may appropriate money for, and provide for, the erection of monuments or memorials, commemorating the services of any person who has served in the armed forces of the United States or in any women's organization officially connected therewith during any part of any war in which the United States has been or may hereafter be engaged. The style and character of such monuments or memorials shall be approved by the State Art Commission.

Section 2356. Assistance to Private or Municipal Agencies.—The board of commissioners may, in order to prevent duplication, appropriate money to assist any individual, private corporation, city, borough, town or township, in the erection of any monument or memorial for said soldiers, sailors and marines. Before any such appropriation is made, the style and character of such monument or memorial shall be approved by the State Art Commission.

Section 2357. Erection or Completion of Monuments and Memorials on Petition to Court.—Upon the petition of at least fifty citizens of the county, to the court of quarter sessions, for the erection or completion and maintenance at the county seat of a memorial, monument, or memorial hall in honor of the soldiers, sailors or marines of such county who served in any war in which the United States has been or may hereafter be engaged, the court may lay the same before the grand

jury. If approved by two successive grand juries and the court, and, in the case of a memorial hall by the electors of the county, the board of commissioners may erect such memorial, monument, or memorial hall, or complete any of them partly erected but not completed, and maintain at the county seat a suitable monument or memorial in honor of said soldiers, sailors and marines.

Section 2358. Election on Memorial Hall Purchase or Condemnation of Site.—(a) When the petition provided for in the preceding section has been approved by two successive grand juries and the court of quarter sessions, the board of commissioners shall submit the question of the erection of a memorial hall to the electors of the county, at the next election, and, if a majority of the votes cast on the question of the erection of a memorial hall shall be in favor of the same, the board of commissioners shall erect, at the county seat, a memorial hall and, acquire, by purchase, donation, or by condemnation, under the right of eminent domain the necessary site and erect and maintain thereon a suitable and proper memorial hall or building, in memory of the soldiers, sailors and marines of any such wars.

(b) In case said election shall result adversely, and a second petition shall be presented, the same shall be laid before two successive grand juries, and, if approved, then, it shall be the duty of the county commissioners to again in like manner submit the question to vote, at the next general or municipal election, and, if the result shall be favorable, then it shall be the duty of the county commissioners to erect such hall, at such place in the county as shall have been designated upon the ballot or ballot label in the question submitted to the electors.

(c) All proceedings for the condemnation of any property under the provisions of this section shall be in the manner and subject to the restrictions and procedure provided in this act.

Section 2359. Existing Building May Be Used.—If any such site has a hall or building already erected thereon, which can be altered and improved so as to be made suitable for such memorial hall, the board of commissioners may acquire such site, in the manner aforesaid, for the purpose of a memorial hall.

Section 2360. Donations.—For the purpose of aiding in paying the purchase money and price for the site, and erection and construction of such memorial hall, voluntary donations and contributions may be accepted by the board of commissioners from individuals, associations and organizations.

Section 2361. Maintenance of Hall.—Such memorial hall shall be and remain the property of and shall be maintained at the expense of the county.

Section 2362. Plan of Hall; Special Rooms to be Provided.—(a) Such memorial hall shall be in honor of the soldiers, sailors and marines from said county, who served in the Army and Navy of the United States in any war in which the United States has been or may hereafter be engaged. Such memorial halls shall each contain one large assembly room, or auditorium for public meetings of the soldiers, sailors and marines of the county, which may be used also for other public meetings, patriotic gatherings and civic purposes, by the consent of the board of control herein provided for.

(b) Such memorial hall shall also contain rooms for meeting of camps of the Sons of Union Veterans, Women's Relief Corps, Ladies of the Grand Army of the Republic, chapters of the Daughters of the Revolution, organizations of the Spanish-American War and Philippine Insurrection, the American Legion, Veterans of Foreign Wars, and organizations of veterans of all other wars in which the United States has or may be engaged, and also rooms for such committees of public defense and welfare as may be created by the Commonwealth, or as may be approved by the board of control hereinafter provided for.

(c) Such memorial halls shall also provide room for the display and preservation of relics and trophies of all wars in which the United States has been or may be engaged, photographs, paintings and portraits, busts and statues of the soldiers, sailors and marines of the county, and mural tablets upon which shall be inscribed the names of such soldiers, sailors and marines. Such memorial halls shall also contain waiting and rest rooms with lavatories attached.

Section 2363. Board of Control.—(a) A board of control is hereby created, which shall have charge of all matters relating to such memorial hall and shall have the care thereof. The board shall be composed of one member chosen by members of camps of Spanish-American War Veterans, one member chosen by members of the Veterans of Foreign Wars, one member chosen by members of the American Legion, and one member chosen by the American War Veterans of World War II (AM-VETS). The judges of the court of common pleas and the board of commissioners shall be ex-officio members of the board of control. The selected members of the board shall serve one year, when their successors shall be selected. Vacancies occurring shall be filled by the board for the unexpired term of the member whose death, resignation or removal caused the vacancy.

(b) This section shall not apply to any county in which there has been created by existing law a similar board of control, and any references to the board of control in this subdivision shall be inapplicable in so far as they are inconsistent with the provisions of such law.

Section 2364. Flagstaff to be Erected; Display of Flag.—A suitable flagstaff shall be erected upon said memorial hall, from which shall be displayed the flag of the United States from sunrise to sunset on each and every day of the year.

Section 2365. Acquisition of Additional Land; Equipment, Furnishings, Etc.—In any county in which there has been or may hereafter be erected a memorial hall in honor of the soldiers, sailors or marines from such county, who served in any war in which the United States has been or may be hereafter engaged, upon petition of at least fifty citizens to the court of quarter sessions, setting forth that it is necessary or desirable to acquire additional land adjoining that upon which said memorial hall is erected, to enhance and preserve the beauty and character of said memorial hall, and the object had in its erection, or that it is necessary or desirable to equip, furnish, decorate and make additions to said memorial hall, or both, the court shall lay said petition before the grand jury then or next sitting for their approval. If said petition shall be approved by said grand jury, it shall be certified back to the court. If no exceptions thereto are filed within ten days from the date upon which said petition was certified back to the court, or if exceptions are filed and are dismissed, the court shall confirm said petition absolutely, and thereupon the court may make an order authorizing the board of commissioners to acquire, by purchase, gift or condemnation, such additional land, or to equip, furnish, decorate and make additions to said memorial hall, or both.

Section 2366. Tax Levy; Increase or Indebtedness.—The board of commissioners may provide the funds with which to pay for the ground purchased or condemned, and the erection thereon of a memorial hall, or the acquiring of additional land, or for the enlarging, equipping, furnishing and decorating of said memorial hall, by the levying and collecting of a tax upon the taxable persons and property within said county, and by increasing the indebtedness of said county according to law and by issuing and selling bonds. Such bonds shall be issued in accordance with the provisions of the Municipal Borrowing Law.

Section 2367. Preservation, Maintenance, Repair and Completion of Public Monuments.—The board of com-

missioners may preserve, maintain and repair any public monument in the county, other than in cemeteries, including the enclosed public ground surrounding the monument, and appropriate moneys for such purposes. In any case where any public monument referred to in this section has been partially completed, either in construction or payment, the board of commissioners may appropriate money for the purpose of such completion.

(i) PUBLIC AUDITORIUMS, PUBLIC LIBRARIES, PUBLIC MEMORIAL BUILDINGS AND MONUMENTS

Section 2368. Acquiring of Property.—(a) Counties shall have power to take, by gift, purchase, by the issuance of bonds or otherwise, or acquire through condemnation proceedings, property for the purpose of erecting thereon public auditoriums, public libraries, public memorial buildings and monuments.

All proceedings for the condemnation of any property, under the provisions of this section, shall be in the manner and subject to the restrictions and procedure provided by law.

(b) Counties may appropriate money from the public funds or by issuance of bonds, in accordance with the Municipal Borrowing Law, for the erection on said property taken, purchased or acquired through condemnation proceedings, public auditoriums, public libraries, public memorial buildings and monuments. They may appropriate moneys for the operation and maintenance of such public auditoriums, public libraries, \*memorial buildings and monuments.

Section 2369. Rental of Auditoriums.—Counties, in case of public auditoriums, may charge a rental for the use of said auditoriums. All moneys derived from rental of said auditorium shall first be devoted to the maintenance of said auditorium, and any annual balance accruing therefrom shall be turned over to the county funds for the general uses and purposes of said county.

Section 2370. Consent of City or Borough.—No county shall acquire any property for, or erect any such public auditorium, library, memorial building or monument within the limits of any city or borough, except the county seat, without the consent of the corporate authorities of such city or borough.

(j) HOMES AND HOSPITALS

Section 2374. Donations to Orphans' or Childrens' Homes.—The board of commissioners may receive, from time to time, donations, gifts, legacies, endowments, devises, and conveyance or conveyances of property, real or personal, that may be given or granted for the

\* "memorials" in original.

use and purpose of providing a home within the county for the keeping and care of indigent orphans and children dependent upon the public of such county for support.

Section 2375. Management and Control of Orphans' Home.—Any such orphans' home shall be under the management and control of the board of commissioners of the county, and they are hereby authorized to appoint a superintendent, and such \*assistants as may be necessary, to properly conduct the affairs of such home.

Section 2376. Admission to Home.—Indigent orphans and children shall be admitted to any such home on order of the board of commissioners.

Section 2377. Maintenance of Childrens' Homes.—When any property has been given or granted to any such county for a childrens' home and a home is duly established, the county may thereafter appropriate from the county funds moneys for the support and maintenance of such orphans and children, and for the payment of the salary of the superintendent and his assistants.

Section 2378. Contagious Disease Hospitals or Units.—(a) Whenever in the opinion of the board of commissioners of any county or the boards of commissioners of two or more counties, a hospital for the care and treatment of contagious diseases appears to be necessary or advisable, the board of commissioners of the county or the boards of commissioners of two or more counties jointly may, either erect, construct, equip and maintain such a hospital on the grounds of the county institution district of any of the counties adjoining, or may purchase a suitable site for such purpose in some other locality.

(b) In lieu of erecting and constructing a separate contagious disease hospital, the board of commissioners of a county or the boards of commissioners of two or more counties jointly may enter into an agreement with a general non-sectarian nonprofit hospital or hospitals within the county or within any of such counties or any adjoining county, and may appropriate county moneys to such hospital or hospitals for the erection, construction and equipment of a building or wing or unit for the care, isolation and treatment of contagious disease cases. In any such contagious disease hospital, or building, wing or unit, provision shall be made for the care and treatment of indigent persons and of persons who are able to pay for their care and treatment in whole or in part.

\* "assistance," in original.



(c) The county commissioners may in like manner join in establishing, maintaining, equipping and operating a contagious disease hospital with any municipality within the county.

Section 2379. Plans and Specifications; Approval; Construction.—Plans and specifications for any county or joint county hospital, or building, wing or unit at a general hospital, shall be prepared by the board or boards of commissioners or at their instance, or by the general hospital with which an agreement has been made, as the case may be, which plans and specifications must be submitted to the Secretary of Health of the Commonwealth. The cost of the preparation of such plans shall be paid by the county or counties so joining. Upon the approval of said plans and specifications by the Secretary of Health of the Commonwealth, any county or joint county contagious disease hospital may be constructed and equipped in the same manner that any other county buildings are constructed and equipped, and in the case of a building, wing or unit at a general hospital, the same shall be constructed and equipped by the authorities in charge of the general hospital as may be provided in the agreement with the county or counties joining. In either event, the expense and cost of such erection, construction and equipment, and the cost of the site, if any, shall be paid by the board or boards of commissioners out of county funds.

Section 2380. County Agreements for Joint Contagious Disease Hospitals, Buildings, Wings and Units.—Whenever the county commissioners of two or more counties or the county commissioners and the corporate authorities of any municipalities within the county decide that a hospital or a building, wing or unit at a general hospital for the care and treatment of contagious diseases is necessary, they shall enter into an agreement for such purposes and therein provide how and in what proportions each county shall bear the expenses incident to the construction, operation and maintenance of the joint hospital, building, wing or unit for contagious diseases.

Section 2381. County Hospital for Tuberculosis.—Whenever a number of citizens residents of a county, equal to the number of votes cast at the last municipal election, shall petition the county commissioners for the establishment of a county hospital for the treatment of persons afflicted with tuberculosis, the county commissioners shall, at the next municipal election, submit to the voters of the county the question whether or not the county shall establish such a hospital. Such question shall be submitted, and the vote on such question shall be counted, returned and computed in the manner prescribed by the Pennsylvania Election Code.

Section 2382. Power to Acquire Site.—If a majority of the electors voting upon such question at such election shall vote in favor of the establishment of such a hospital, the county commissioners shall acquire a site for such hospital, either by purchase, gift or condemnation. In case such site shall be acquired by condemnation, the procedure for the assessment of damages for the property taken shall be as prescribed by law.

Section 2383. Site and Plans Approval.—If a majority of the electors voting upon such question at such election shall be in favor of the establishment of the hospital, the county commissioners shall, after consultation with the advisory board created by the provisions of this act, select a site for such hospital and shall have plans and specifications prepared for such hospital, but no such hospital shall be erected until such plans and specifications, and the site therefor, have been first approved by the Secretary of Health.

Section 2384. Construction and Equipment.—Any such hospital shall be constructed by contract or contracts let by the county commissioners to the lowest responsible and best bidder, in accordance with the provisions of this act, and when so constructed, the hospital shall be equipped by the county commissioners at the cost of the county in the same manner as other county buildings are equipped.

Section 2385. Increase of Indebtedness.—The county commissioners of every county establishing a hospital for tuberculosis, as provided for in this act, may incur or increase the indebtedness of the county, in accordance with the Municipal Borrowing Law, to an amount sufficient to pay the cost of acquiring a site and of erecting, constructing and equipping the said hospital. The county commissioners shall levy an annual tax in an amount necessary to pay interest and sinking fund charges upon such bonds.

(k) MORGUES

Section 2390. Authority to Provide; Approval.—The county commissioners of each county may, upon presentment of two successive grand juries of the county, buy or lease land and construct and maintain thereon, at the expense of the county, a morgue for the reception and care of the bodies of all unclaimed deceased persons upon whom it may be necessary to hold a coroner's inquest and such other bodies as the coroner of the county may, by written order, direct to be received therein. The location of such morgue shall be determined by the county commissioners, subject to the approval of a judge of the court of common pleas and the coroner of the county.

Section 2391. Rules and Regulations; Employees.—The coroner of each county having a morgue shall make general rules and regulations for its government and control, and shall appoint suitable persons not exceeding three in number to have charge of the same. The number and salary of such employes shall be fixed by the salary board.

Section 2392. Ambulance.—The county commissioners may purchase and maintain an ambulance or other proper vehicle for the removal of bodies to and from said morgue, and for the burial of unknown, unclaimed bodies, and the costs thereof shall be paid from the funds of the county.

Section 2393. Private Morgues.—Where no county morgue is maintained, the coroner may remove bodies coming within his jurisdiction to a private morgue within the county, the cost thereof to be paid from the funds of the county according to rates established by the salary board thereof.

(1) GARBAGE AND REFUSE DISPOSAL  
PLANTS AND INCINERATORS

Section 2396. Land and Buildings for Garbage and Refuse Disposal.—Any county may acquire by gift, lease, purchase by current revenues, borrowing or incurring indebtedness, or eminent domain, real property within said county for the purpose of erecting thereon garbage and refuse disposal facilities, and shall have power to erect and maintain suitable buildings for such facilities and for incinerating furnaces to be operated by the county, as provided in Article XIX of this act. In every case of taking private property by eminent domain, the county shall acquire the entire title, either in fee or otherwise, held by the owner or owners of the property or of any interest therein.

ARTICLE XXIV

EMINENT DOMAIN AND INJURY TO PROPERTY

Section 2401. Eminent Domain; County May Enter Upon Land; Etc.—In all cases where the power of eminent domain is conferred upon the county by law, the county may enter upon, appropriate, take, injure or destroy private lands, property or material.

Section 2402. Certain Property Not to be Taken by Eminent Domain.—The power conferred by this article shall not be exercised to enter upon, appropriate, take, injure or destroy any church property, graveyard or cemetery, and the right-of-way of a railroad company

shall not be acquired or occupied without the consent of the company owning or operating or in possession of said railroad.

Section 2403. Right to Entry to Make Preliminary Surveys.—For the purpose of making all necessary preliminary surveys in order to prepare plans and estimates, the board of commissioners and the persons by them employed for such purposes may enter upon private or public property and designate, by proper marks upon the ground, the line of any improvement proposed to be made and constructed under and for the purposes herein authorized.

Section 2404. Right of Damages.—The right to damages against counties is hereby given to all owners or tenants of lands, property or material appropriated, injured or destroyed by the county in cases where the right of eminent domain has been exercised, and to all owners or tenants of lands, property or material abutting on or through which pass roads or highways injured by the laying out, opening, widening, vacating, extending or grading of such roads or highways or the changing of the grades or lines thereof, the construction and the vacation of bridges, piers and abutments and approaches therefor, and the construction of sewers over, upon or through such lands or property.

Section 2405. Agreement of Damages.—The county commissioners may agree with the owner as to the amount of damages occasioned to any person for property taken, injured or destroyed. Such damages shall be payable by the county out of the general county fund or other funds provided for that purpose.

Section 2406. County to Furnish Bond When Immediate Possession Is Desired; Notice.—(a) Whenever the board of commissioners or the board of commissioners in conjunction and acting with the corporate authorities of any city, borough, town or township have selected any land, property or material to be appropriated, injured or destroyed by the right of eminent domain and desire immediate possession thereof, and are unable to agree with the owner or owners upon the amount of damages due them for such appropriation, injury or destruction, or by reason of the absence or legal incapacity of such owner or owners no such agreement can be made, they shall tender a bond to the said owner or owners, or to the attorney or agent of any absent owner, or to the guardian or committee of any one under legal incapacity, in sufficient sum to secure him or them for damages. Upon acceptance of said bond by the owner or owners of said land, property or material, the county shall have the right to immediate possession thereof.

(b) In case there is no acceptance of said bond by the owner or owners, the board of commissioners, after written notice thereof has first been given to said owner or owners, his or their agent, attorney, guardian or committee, shall file the same in the court of common pleas or with any judge thereof, and upon approval thereof by said court or judge, the county shall have the right to immediate possession of said land, property and material.

Section 2407. Writ of Habere Facias Possessionem to Issue.—If the owner, lessee or occupier shall refuse to remove his personal property therefrom or give up possession thereof, the petitioner in the proceedings may serve written notice upon such owner, lessee or his agent or the occupier to remove his personal property therefrom and give up possession of said lands, property or materials within thirty days from the date of the service of said notice.

If the owner, lessee or occupier of said lands, property or material shall refuse or neglect to remove his personal property therefrom and give possession thereof, upon proof of the service of such notice being filed in the office of the prothonotary for the county in which said lands, buildings or other property is located, a writ of habere facias possessionem shall forthwith issue, directing the sheriff to give to the party entitled thereto possession, as is provided by existing laws.

Section 2408. Appointment of Viewers.—(a) In case the board of commissioners or a majority of them and the parties interested in the land, property or material appropriated, injured or destroyed by the county fail to agree upon the compensation to be made for the land, property or material so taken, injured or destroyed, upon petition of such commissioners or a majority of them or any person or parties interested and whose land, property or material is affected thereby to the court of common pleas of said county, the said court shall appoint three viewers from the county board of viewers, and appoint a time, not less than twenty nor more than thirty days thereafter, when said viewers shall meet and view the land, property or material to be so appropriated, injured or destroyed.

(b) The said viewers shall give at least ten days' notice, by publication in one newspaper of general circulation in the county once and in accord with the provisions of section one hundred ten of this act, of the time and place of their first meeting, and shall also give notice thereof by handbills posted in conspicuous places in the vicinity of the said proposed public improvement.

(c) All the viewers shall act unless prevented by sickness or other unavoidable cause, but a majority of

the viewers may hear, determine, pass upon and report all matters relating to the view for which they were appointed.

Section 2409. Time of Appointment of Viewers; Cost.—(a) The viewers provided for in the preceding section may be appointed either before or at any time within six years after the entry upon, taking, appropriating or injuring of said land, property or material.

(b) The cost of said viewers and all court costs incurred, including all advertising and notices in connection therewith, shall be paid by the county, except that when the right of eminent domain has been exercised by the county acting with the corporate authorities of any city, borough, town or township, then all costs shall be borne equally by the county and city, borough, town or township.

Section 2410. Petition for Appointment of Viewers to Specify Liens on Property.—In all proceedings hereafter instituted for the condemnation and appropriation of land and property by eminent domain, the petition for the appointment of viewers shall contain allegations specifying any judgments, mortgages or other claims (hereinafter designated “liens”) which are liens upon the land and property sought to be appropriated or condemned as aforesaid.

Section 2411. Testimony and Evidence Concerning Liens.—Testimony shall be taken in said proceedings to ascertain the amounts of said liens and the dates of the entry of the same, and the amounts of said liens and the dates of entry thereof shall be found as facts by the viewers in said proceedings. Certified lists of liens from the courts of the Commonwealth and the United States shall be prima facie evidence of the existence, dates, amounts, dates of entry and places of record of said liens, and unless modified or overcome by oral or documentary evidence, shall be conclusive upon the parties thereto.

Section 2412. Procedure; Rights and Liabilities Where Liens Exist.—When it appears that liens exist which are liens upon property sought to be condemned and appropriated, a report of the facts found shall be made to the court. Such report shall be subject to exceptions in manner to be regulated by the Supreme Court by general rule. When the court has finally determined the findings in relation to the liens, the court shall make an order directing the payment and distribution of the amount found to be payable as compensation to the parties entitled thereto, first to the owners of said liens, then to the owners of the property appropriated as aforesaid. The parties interested shall have

the right of appeal from said order of distribution to the Superior and Supreme Courts. Payment in accordance with the order of distribution, evidenced by a receipt of record in the proceedings, shall absolutely discharge the party making the payment from all liens by any person, copartnership, association or corporation as against said property. In such receipt and on the record thereof, any claimant may reserve the right to proceed against any other property or assets of the owner of the property condemned for any balance due upon his lien.

Section 2413. Proceedings by and Before Viewers.—The said viewers, having been duly sworn or affirmed faithfully, justly and impartially to decide and true report to make concerning all matters and things to be submitted to them and in relation to which they are authorized to inquire and having viewed the premises and examined the land, property or material to be appropriated, injured or destroyed, shall hear all parties interested and their witnesses, and, having a due regard to and making just allowance for the advantages which may have resulted or which may seem likely to result to the owner or owners of said lands or materials in consequence of the proposed improvement, shall estimate, determine and assess the damages for the land, property or material taken, injured or destroyed, and to whom the same is payable, and the benefits, if any, in connection therewith. Having so estimated, determined and assessed the damages and benefits, they shall prepare a schedule thereof, and give notice to all parties to whom damages are allowed or against whom benefits are assessed of a time, not less than ten days thereafter, and of a place, where said viewers shall meet and exhibit said schedule and hear all exceptions thereto and evidence.

Section 2414. Notice of Meeting.—Notice of the time and place of said meeting shall be given in the manner provided by law for the service of summons in a personal action upon all parties allowed damages and against whom benefits have been assessed, as shown by said schedule, if the said parties can be found in the county, or upon an adult person, if any, residing upon the property affected in case the owner or reputed owner cannot be found, and to all others by publication in the newspaper or newspapers in which the first notices of said view were published. When no service is made upon the owner, reputed owner or upon an adult person residing upon the property affected, said notice, where publication thereof has also been made, shall be deemed to have been properly served if tacked or conspicuously posted on the premises. The court may provide by

whom the notice provided by this act shall be posted, given and served, and fix the compensation for said service.

Section 2415. Plans of Properties Condemned to be Furnished to Viewers.—In all proceedings to assess damages for the taking, injury or destruction of private property for public use, the county taking, injuring or destroying property for said purpose shall furnish the board of viewers with a correct plan of all properties affected, showing all buildings or other structures thereon, their width, length, elevation and cubical contents, names of all owners, tenants or occupiers thereof, the topography of the land and the grades and widths of all highways running through or abutting on said properties, and all other data necessary for a proper determination of the amount of damages caused by the taking, injury or destruction of said private property.

Said plans shall be prepared and ready for the use of the viewers at their first meeting, and copies thereof shall be furnished to all owners, tenants and occupiers of the property and all other parties affected thereby without charge.

Section 2416. Report to Court.—After making whatever changes are deemed necessary, the said viewers shall make report to the court showing all the damages allowed and benefits assessed in each case, and file therewith a plan showing the improvement and the land, properties and materials taken, injured or destroyed. When said report is filed, notice thereof shall be given by publication once in the newspaper or newspapers in which first notices of said view were published. Said notice shall state the date of filing of the report and shall contain a schedule of the damages and benefits shown therein, and shall further state that, unless exceptions thereto are filed within thirty days from the date of filing, the said report will be confirmed absolutely.

Section 2417. Certain Testimony Authorized.—In all proceedings arising from the exercise of the right of eminent domain, it shall be competent for all witnesses called, when duly qualified.

(1) To state in detail and costs all the elements of the property before the exercise of the right of eminent domain and as unaffected by it and its market value immediately after the exercise of the right of eminent domain and as affected thereby.

(2) To state in detail and costs all the elements of benefit or damage which they have taken into consideration in arriving at their opinion.

(3) In arriving at their opinion as to the market value immediately after the exercise of the right of eminent domain, to add to their opinion of the market value



before such exercise the cost or value of all the elements of benefit or advantage and to deduct therefrom all disadvantages or damage in order to arrive at the market value after such exercise of the right of eminent domain and as affected thereby.

(4) In all proceedings to assess damages or benefits for the opening of any road or highway, to take into consideration as one of the elements of advantage or disadvantage the cost of highway improvements.

Section 2418. Value of Property.—In all claims for damages against a county arising from the exercise of the right of eminent domain, it shall be competent for the party or parties claiming damages to offer in evidence the value of the property affected as assessed for the purpose of taxation.

Section 2419. Unlawful Assessments.—In all cases of appropriation of land for public use, other than for roads or highways, it shall be unlawful to assess any portion of the damage done to or value of the land so appropriated against the other property adjoining or in the vicinity of the land so appropriated.

Section 2420. Vacation of Road When No Property is Taken.—Whenever viewers are appointed to vacate any road or highway and the vacation of the same takes no land from the owner abutting thereon, if, in the opinion of the viewers, such vacation damages the property of the abutting owner, they may award damages to such owner as though land has been actually taken.

Section 2421. Procedure When Building is on Line of Proposed Road.—Whenever in locating, relocating, opening, widening, straightening or extending any road or highway or parts thereof the same shall be found to pass through, take or injure buildings, barns or other valuable improvements thereon, the said viewers or a majority of them shall have the right to recommend that such buildings and improvements, situate in part or in whole on the road or highway so to be improved, opened, widened, straightened or extended, shall be permitted to remain thereon for such time as shall be deemed wise and proper, and if the court shall approve the finding and report of said viewers or a majority of them, the owner or owners of such buildings or improvements may continue to use and enjoy the same during the time so fixed and determined. In case of the destruction, vacation or abandonment of any such building within the time they are so authorized to remain, such owners or owner shall not have the right to re-erect and reconstruct or retake such buildings or improvements within the line of such road or highway.

Section 2422. Time Limit for Report of Viewers.—Viewers appointed to assess the damages and benefits due to the appropriation, injury or destruction of land, property and materials shall make their reports within a time which the court shall fix when so appointing them. If the viewers so appointed shall, for any reason appearing sufficient to the court, be unable to file their report within the period so fixed, the court may, either before or after the expiration of the time fixed, extend the time for the filing of such report.

Section 2423. Exceptions to Report.—Upon the report of said viewers or any two of them being filed in said court, any party interested may, within thirty days thereafter, file exceptions to the same, and the court shall have power to confirm said report, or to modify, change or otherwise correct the same, or refer the same back to the same or new viewers with like power as to their report. When said report is first filed in court, the prothonotary thereof shall mark the same “confirmed nisi”, and in case no exceptions are filed thereto within said thirty days, he shall enter a decree (as of course) that said report is confirmed absolutely. Within thirty days after the confirmation, modification, changing or correcting of said report, any interested party may appeal from said decree to the Superior Court, or to the Supreme Court, as the case may be.

Section 2424. Demand for Jury Trial.—Within thirty days after said report is filed in court as aforesaid, such county and any party whose property is taken, injured or destroyed may appeal to the court of common pleas and demand a trial by jury according to the course of the common law. The court of common pleas shall, within thirty days, order what notices shall be given in connection with any part of said proceedings and make all such orders as it may deem requisite, and may, by rule or otherwise, prescribe the form of the pleadings. After verdict and final judgment, either party may have an appeal to the Superior Court or Supreme Court as in other cases.

Section 2425. Payment of Damages and Costs; Interest on Awards.—All damages agreed upon or awarded and all costs and expenses incurred shall be paid by the county, except in cases where an appeal is taken by any party in interest from the award of the viewers and the appellant does not recover any greater amount than the viewers award, in which case the appellant shall pay all costs of such appeal.

The amount of damages allowed in a report of viewers for the taking, injury or destruction of property by

the exercise of the right of eminent domain shall, as finally confirmed, bear interest at the rate of six per cent per annum from the date of the final decree.

Section 2426. Collection of Awards.—Upon the final confirmation of the report of the viewers, the party or parties to whom an award has been made shall have the right to take such further appropriate legal proceedings as may be necessary and proper to enforce payment of said confirmed award, either in nature of a writ of mandamus, execution or otherwise.

Section 2427. Title to Vest upon Payment of Award.—Upon payment of the compensation for land or property in accordance with the order of distribution, title to such land or property shall vest in the county in accordance with provisions of the law under which the appropriation is made, and all claims for compensation shall be deemed paid and satisfied.

Section 2428. Money to be Paid Into Court in Case of Adverse Claims.—(a) If any person or persons shall claim adversely to each other any estate or interest in the land, property or materials selected by the board of commissioners to be appropriated, injured or destroyed for the purposes mentioned in this act, and the viewers shall not be able to determine who are the owner or owners of said land, property or materials, or the value of their estates and interests therein, they shall so report, valuing the land, property or materials as a whole, and upon the confirmation by the court of the report of said viewers, if no appeal shall be taken therefrom, the commissioners of the county shall pay into the court the whole of the said valuation money; thereupon, the title of the land, property or material and the estates and interests of all the owners thereof shall become vested in fee in the county acquiring and taking said land, property or materials.

(b) The court of common pleas shall, by rule, process or motion, require all said claimants to appear therein and may, by an issue framed between them to be tried by a jury or by a reference to a master or by such orders and decisions as shall appear to be just under all the circumstances of the case, determine the estates and interest of said claimants in said valuation money. Upon the final determination of such proceeding, the court shall direct said valuation money to be paid to the person or persons ascertained to be entitled thereto.

Section 2429. Appeals by Adverse Claimants.—(a) In case any of said claimants shall appeal from the award of said viewers, the county commissioners, upon filing in the court and having approved thereby a bond in double amount of said award to the said owners and

claimants for the benefit of the persons owning said land, property or materials, with at least two sufficient sureties conditioned for the payment by the county of such an amount as the owner or owners shall be entitled to receive for said ground when the same shall have been finally ascertained by due course of law, may lawfully enter upon and take possession of said land, property or materials.

(b) The said court shall thereupon proceed to determine the estates and interest of said claimants in said land, property or material, as is hereinbefore provided when the valuation money is paid into court. Said proceeding shall be finally determined before the issue framed upon the said appeal shall be tried, and if it be determined that the party appellant has no estate or interest in said land, property or materials, his appeal shall be disallowed.

Section 2430. Payment into Court When Award is Refused or When Parties Cannot be Found.—Any amount of money awarded, as herein provided, if refused by the person or persons entitled thereto, or if the person or persons entitled thereto cannot be found, shall be paid into court, and thereafter all such persons shall look to said fund for all damages accruing by reason of the appropriation, injury or destruction of such land, property or material.

Section 2431. Notice to Vacate; Ejectment.—In case any land or property selected by the board of commissioners or by the board of commissioners in conjunction and acting with the corporate authorities of any city, borough, town or township to be appropriated, injured or destroyed, and said land or property has improvements thereon in the actual occupancy of any person or persons, and such person has had his, her or their damages assessed and paid, thirty days' notice to vacate the same shall be given to the party or parties so in actual possession. In case of refusal or neglect on the part of any one to obey said notice, the board of commissioners may, at the expiration of said thirty days, be entitled to a writ of habere facias possessionem or may enter upon and eject or cause to be ejected any of the parties so refusing or neglecting to vacate, and use force enough by themselves, agents or employes to accomplish the same.

Section 2432. Appropriations of Right of Way or Easement.—In any action brought to ascertain or recover damages caused to any owner of lands by reason of the appropriation of a right of way or easement in such lands by any county, where such owner of lands

and such county cannot agree upon the amount of damages payable to such owner, the parties may by agreement waive the right to have such damages assessed by viewers. Such owner may thereupon file his statement and claim in the court of common pleas and rule the defendant to plead thereto within twenty days from notice of such rule duly served upon said county, and the said suit shall be proceeded with the same as if an award of viewers had been filed and an appeal had been taken therefrom.

Either party to such action shall have the right during the trial to demand and have the jury which may be selected to try said cause visit and view the premises over or through which the right of way or easement extends before rendering a verdict in such case.

Section 2433. Discontinuance of Proceedings by County.—In case the county shall discontinue any proceedings taken providing for the appropriation, injury or destruction of any land, property or materials prior to the entry upon, taking or appropriation thereof and before judgment therein, the said county shall not thereafter be liable to pay any damages which have been or might have been allowed, but all costs upon any such proceedings had thereon shall be paid by the county, together with any actual damages, loss or injury sustained by reason of such proceeding, and the amount of the same may be determined and fixed by the court in which such proceeding was pending.

## ARTICLE XXV

### RECREATION PLACES

Section 2501. Acquisition of Land and Buildings for Recreation Places.—(a) The county commissioners may in any county designate and set apart for use as public parks, parkways, bridle paths, foot paths, playgrounds, playfields, gymnasiums, public baths, swimming pools, agricultural fairgrounds, or other indoor or outdoor recreation centers, all of which shall hereinafter be referred to as recreation places, any lands or buildings owned by such county and not dedicated or devoted to other public use. They may also designate and set apart any such land or buildings for the enlarging or extending of any such recreation places.

(b) The county commissioners may also acquire for use as any such recreation place, or the extension or enlargement thereof, lands or buildings, by gift, purchase or the power of eminent domain. They may also lease lands or buildings within the county for temporary use for any such purpose.

(c) The exercise of the power of eminent domain shall be in accordance with the provisions of this act. The power to acquire lands or buildings, by gift or purchase, shall not extend beyond the limits of the particular county, except upon the consent of the adjoining county and municipality or township which would be affected thereby.

Section 2502. Construction, Equipment and Maintenance; General Powers.—The county commissioners of any county may build, alter, extend, enlarge, manage, supervise, equip, ornament, operate and maintain recreation places, and may vest their authority to do so in any existing body or board, or in a park board, recreation board or fair board, any of which may be established by the county commissioners of any county, except a county of the second class, for any or all of the aforesaid purposes, functions and places as the county commissioners may determine. For the purpose of carrying out the provisions of this article, the county commissioners, or any body or board vested with their authority, may employ play leaders, recreation directors, supervisors, superintendents or any other officers or employes, as they deem proper. The number and salary thereof to the extent that such salary is paid from the funds of the county shall be determined by the salary board. All such recreation places shall be kept in good order and repair.

Section 2503. Fair, Park and Recreation Boards.—If the county commissioners of any county shall determine that the power to supervise any or all recreation places shall be exercised by a park board or recreation board or fair board, they may establish in said county such fair board, park board or recreation board, which shall possess all the powers and be subject to all the responsibilities of the respective county commissioners in the management, supervision, operation and maintenance of such recreation places. Any such boards, when established, shall consist of not less than five persons. The members of such boards shall be appointed by the commissioners of the county 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 terms of all the members shall not expire in the same year. Members of such board shall serve without pay. 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 2504. Officers of Board.—The members of a fair board, park board or recreation board, estab-

lished 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 consent and approval of the county commissioners, employ such persons as may be needed, as provided by this article. Such boards shall have power to adopt rules and regulations for the conduct of all business within their jurisdiction.

Section 2505. Joint Action.—Any county authorized by this article to acquire property for and operate and maintain any recreation places may acquire property in the manner provided in this article for such purposes, and operate and maintain the same jointly with any other county or any city, borough, township or school district.

Section 2506. Indebtedness.—The county commissioners may issue bonds, in accordance with the Municipal Borrowing Law, for the purpose of acquiring lands or buildings for recreation places and for the construction, extension, enlargement, alteration or equipment thereof.

Section 2507. Payment of Expenses; Taxation; Annual Fairs; State Contributions.—(a) All expenses incurred in the operation of such recreation places, established as herein provided, shall be payable from the treasury of such county. The county commissioners may annually appropriate and cause to be raised by taxation such tax, not to exceed two mills on the dollar of the assessed valuation of taxable property in the county, for any or all of the purposes authorized in this article, including debt service upon bond issues authorized herein.

The county commissioners or the fair board, if there be one, may provide for and hold an annual fair or agricultural exhibition on the fairgrounds acquired or maintained as aforesaid, and may accept aid or contributions from the Commonwealth under any act of Assembly for the payment of premiums at any such fair or exhibition.

Section 2508. Park Buildings.—The commissioners of any county shall have exclusive power to lease all houses, cottages and buildings within the park limits which may be let without prejudice to the interest and purposes of the park, and to collect the rents and other considerations, including license fees provided therefor.

Section 2509. Use of Receipts.—All rents, license charges and fees, all fines, proceeds of sales, and profits of whatsoever kind, to be collected, received, or realized from said recreation places and buildings in any county, shall be paid into the county treasury. Moneys or

property given or bequeathed to the county commissioners upon specified trusts shall be received and receipted for by the county treasurer and held and applied according to the trusts specified.

Section 2510. Damages; Forfeiture of Leases.—Any person violating any rules and regulations adopted for such recreation places shall be further liable to the full extent of any damage by him or her committed, in trespass or other action, and any tenant or licensed party who shall violate any rules and regulations or any of them, or consent to or permit the same to be violated on his or her or their premises, shall forfeit his or her or their lease or license and shall be liable to be forthwith removed by a vote of the county commissioners. Every lease and license shall contain a clause making it cause of forfeiture for the lessee or party licensed to violate or permit or suffer any violation of any such rules and regulations.

Section 2511. Employes; Police.—For the purpose of performing all necessary duties relating to the establishing, making, enlarging, extending and maintaining public parks and for enforcing the rules and regulations ordained or resolved by the county commissioners or by any body or board of control where no penalty or fine is involved, the county commissioners of the county are hereby authorized to employ or appoint and equip proper persons to do all necessary and proper work connected therewith, including police or guard duty.

Section 2512. Duty of Police.—It shall be the duty of the police or guards appointed to duty in any recreation places, without warrant, forthwith to arrest any offender against the rules and regulations, ordained or resolved by the county commissioners, that they may detect in the commission of such offense, and to take the person so arrested forthwith before a magistrate, alderman or justice of the peace having competent jurisdiction.

Section 2513. Commissioners May Hold Property in Trust.—Where the owner or owners of any real property, with or without improvements thereon, adapted to the use or purpose of public agriculture fairs or exhibits are willing to convey or devise said real property to the county wherein located, to be held in trust for the citizens and inhabitants of the county, the county commissioners may take title thereto and hold such real property in trust for the benefit of the citizens and inhabitants of the county.

Section 2514. Contributions for Additional Improvements.—The county commissioners of any county may



receive and accept contributions in buildings or materials for additional improvements on the real property conveyed or devised and held in trust as hereinbefore provided.

Section 2515. Leases for Agricultural Fairs.—The county commissioners may lease real property so conveyed or devised to any incorporated agriculture association willing and financially able to manage said premises, on condition that said premises will be used annually for agriculture fairs and exhibitions without any liability on the part of the county and with no expense to the county. Upon failure of any lessee to comply with terms of any lease, the county shall retake possession of the leased property.

Section 2516. Power of Sale.—If for a period of five years no public use of said real property as contemplated by the grant or gift to the county is made, the county commissioners may sell real estate on petition to the court of common pleas as provided by this act for the sale of county real property.

## ARTICLE XXVI

### BRIDGES, VIADUCTS AND CULVERTS

#### (a) GENERAL AUTHORITY AND PROCEDURES FOR PROVIDING BRIDGES

Section 2601. Authority to Provide Bridges, Viaducts and Culverts; Definitions; Application of Article.—(a) The county commissioners of any county may locate, lay out, open, construct, reconstruct, widen, straighten, extend, otherwise alter, replace, remove and in all other respects provide for bridges and viaducts over streams and other topographical impediments to public traffic, as parts or adjuncts of the roads within the county for vehicles and pedestrians or for pedestrians only, and culverts within the county or partly within and partly without the county, in accordance with the procedures and requirements established by the provisions of this article. The provisions of this section and of this article shall apply equally to all necessary approaches, abutments, slopes, walls, embankments, fills, piers and other things pertaining to bridges, viaducts and culverts as to the bridges, viaducts and culverts themselves.

(b) As used in this article "streams" include streams, rivers, creeks, ponds, lakes and all other such natural waters; "road" includes roads, streets, highways, lanes, alleys and all other such public thoroughfares; and "bridge" shall for the purpose of convenience include the bridges, provided for in this article, and also the

viaducts and culverts and all things pertaining to such bridges, viaducts and culverts wherever such meanings may reasonably be intended.

(c) The provisions of this article shall not apply to any matters relating to such county bridges, viaducts or culverts as are covered and to the extent they are covered by the provisions of the State Highway Law, or of any other law vesting in the Secretary or Department of Highways and the various counties of the Commonwealth, rights, powers and duties. The terms of the foregoing limitation shall apply as well in the case of the Public Utility Law and the Public Utility Commission.

(d) No county shall, in the exercise of any authority or duty conferred in this article, enter upon any road or property of any city or borough of, or adjacent to the county, or act in derogation of the lawful authority of any such political subdivision, except with the proper consent of such political subdivision.

(e) No bridge provided for by this article shall obstruct any canal or railroad, and nothing in this article shall be deemed to release any railroad or other public utility from the requirements of existing law.

Section 2602. Maintenance and Repairs.—Every county bridge provided for by this article shall be maintained and kept in repair by the county or counties involved, except as may be otherwise provided by agreements between or among such county or counties and other political subdivisions or other persons as to the costs of such maintenance and repairs.

Section 2603. Acquisition of Real Property.—In the exercise of the authority hereinbefore granted by this article, the county commissioners may purchase in accordance with the provisions of this act, take by gift, or acquire by the power of eminent domain, real property of all kinds whether devoted to a private or a public use in the manner provided by law.

Section 2604. Plans and Surveys for Bridges and Viaducts; Petition to Quarter Sessions.—Whenever the commissioners of any county resolve to provide a bridge or viaduct, pursuant to this article, they shall cause to be prepared plans and surveys showing the location of the proposed structure, its approaches and the property or rights of property affected thereby, together with any roads in any city, borough, incorporated town or township proposed to be used in connection therewith. They shall present the same, together with their petition, to the court of quarter sessions, praying for an order approving their exercise of the said authority to

locate, lay out, open and construet such a bridge. Such petition shall briefly set forth the location and the estimated cost of such bridge, or, if the method of construction has not been fully determined, the estimated cost thereof for each alternative method of construction proposed.

Section 2605. Hearing and Decree.—(a) Upon the filing of any such petition, the court shall fix a time for the hearing of the same. Notice of the time, place and purpose of said hearing shall be given by an advertisement published once a week for three successive weeks in at least one newspaper of general circulation in the county and by at least five handbills posted in convenient places along or in the neighborhood of the proposed bridge and its approaches, or otherwise as the court shall direct.

(b) Upon the hearing thereof, the court may, for proper cause shown, disapprove said petition as submitted, or approve or disapprove it as modified, in such respects as shall not appear to the court to require further advertising; otherwise, it shall make an order approving the location and the plans and surveys for such bridge and authorizing the county to construct such bridge and to let the necessary contracts therefor under specifications to be prepared by the county engineer or other proper county authority. Thereupon, the said bridge and its approaches shall be deemed to be laid out and opened in accordance with the surveys and plans accompanying said petition.

Section 2606. Designs and Specifications; Approval.—The designs and specifications for every such bridge contract shall be subject to the approval of the court of quarter sessions. The court shall have the right to call upon the State Department of Highways, or to avail itself of such other qualified experts, at the expense of the county, as it may desire, in order to determine whether the design and specifications as prepared are sufficient and proper for the construction of a bridge that, if kept in good repair, will safely carry the maximum load and sustain the predictable stresses during its anticipated life that such bridge is designed to carry.

Section 2607. Approval of State or Federal Agencies; Change in Location.—(a) Where a proposed bridge crosses any navigable stream or other public water or the property or right of way of any railroad or other public utility, and by reason thereof the approval of any State or Federal officer, board or body is required as to the location and construction of such bridge or its approaches, the county shall have authority

to construct the bridge in the other location and in such other manner as may be necessary to comply with the conditions prescribed by the officer, board or body in granting such approval, if the county commissioners are of the opinion, and so decide, that the bridge as thus changed is necessary for the convenience of the traveling public and will accommodate substantially the same traveling public as the bridge would have done if it had been constructed at the location and in the manner originally provided.

(b) Upon the adoption of a resolution therefor and prior to the construction of such bridge and the entry upon and taking of property for that purpose, the county commissioners shall present a petition to the court of quarter sessions, briefly setting forth the facts as to the obtaining of such approval, the change made in consequence thereof and the adoption of such resolution, together with plans and surveys showing the new location and the manner of construction, if changed, and estimate showing the cost of the construction of such bridge as thus changed and, if the proceeding shall appear to be regular, the court shall make an order fixing a time, not less than twenty days thereafter, for the filing of exceptions thereto.

(c) Notice of the time and place of hearing on said exceptions shall be given as provided in section two thousand six hundred five of this act or otherwise as the court shall direct having regard to the circumstances of the case. Upon the hearing thereof, the court may for proper cause shown disapprove of said petition. Otherwise, it shall make a decree authorizing and empowering said county to construct such bridge in accordance with the new plans and surveys. Such bridge shall thereupon be deemed to have been laid out and opened in accordance with such plans and surveys. The designs and specifications shall be subject to approval as hereinbefore provided.

Section 2608. Materials Taken From Adjoining Lands.—The contractor or the county commissioners in building any bridge may enter upon lands and enclosures near the place where such bridge is to be built for the purpose of searching for and procuring the materials necessary for the construction of the bridge, when the materials cannot conveniently be obtained by contract at reasonable prices. In exercising such right, the contractor or county shall do no unnecessary damage to the land, and shall repair any breaches of fences which it shall make. If the contractors or the county commissioners and the owner of such materials cannot agree upon the sum to be paid for the damages which

may be done by the taking of such materials, such damages shall be ascertained and awarded as in the case of eminent domain proceedings.

Section 2609. Inspection and Approval.—Every bridge provided by any county, by contract or otherwise, shall, upon completion, be subject to approval by the court of quarter sessions of the county. Such approval shall not be given until the court is satisfied that the bridge was constructed in conformity with the designs and specifications therefor. The court may determine the means by which it satisfies itself as to the conformity of the bridge with the approved designs and specifications. Such means may include any or all of the following, and any other suitable means that may be determined by the court: a requirement that an affidavit be filed with the court by all contractors engaged in such bridge construction that all work has been done in conformity with specifications, in cases where the bridge is small and the cost low and the court is satisfied as to the reliability of such contractors; a requirement that a county inspector certify to the construction of such bridge according to design and specifications; a requirement that specified tests be made, at the expense of the county, by qualified experts appointed by the court, to ascertain whether such bridge has been constructed in conformity with designs and specifications and such other suitable means as may be determined by the court.

Section 2610. Payment Upon Approval; Disapprovals.—If the court finds such bridge to have been constructed in conformity with the designs and specifications therefor, the court shall approve the bridge and the commissioners shall thereupon complete any payments remaining due on such contract according to its terms. If the court finds that such bridge does not conform to the designs and specifications therefor, the points of variance from such designs and specifications shall be corrected by the contractor, and the moneys remaining unpaid by the county on such contract shall be withheld until the court is satisfied that the bridge has been constructed in conformity with such designs and specifications and approves thereof, or until judgment is entered regarding the same by a proper court as a result of actions on the contract or on bonds given thereon as a consequence of such nonconformity. When the bridge has been built by county employes and the court finds it is not in conformity with designs and specifications the nonconformities shall be corrected if the court deems it necessary.

Section 2611. Authorization to Contract with City or Borough for Sharing of Certain Costs.—When any bridge is proposed to be located in any city or borough,

the county may enter into an agreement with such city or borough providing that the city or borough shall bear a portion of the cost of the location, laying out, opening, construction and maintenance of such bridge or that the city or borough shall provide or maintain the approach thereto within the city or borough or bear the costs of property damages of said approach. Every such agreement shall be entered into in writing and at least one executed copy thereof shall be furnished to each party thereto. Every such bridge shall be a county bridge and the duty of maintaining the same, except as otherwise herein provided, shall devolve upon the county. The expense thereof shall be provided out of any county funds authorized for use in the maintenance of county bridges.

Section 2612. Bridges on Boundary Between Two Counties.—(a) Whenever any bridge provided for by this article is on the boundary line between two counties or within one-fourth of a mile therefrom and necessary for the accommodation of the inhabitants of both counties, the commissioners of such counties shall act jointly in the exercise of all powers conferred upon them and in the performance of all duties imposed upon them. Whenever a petition of residents or taxpayers is required, such petition shall be made by the required number of petitioners in each county to the court of quarter sessions or the court of common pleas, as the case may be, of their county. Whenever any other petitions are required, such petitions shall be made to the proper court or to the county commissioners, as the case may be, in each of such counties. Each of the courts and each of the boards of county commissioners, as the case may be, shall act on such petitions and shall communicate its approval or disapproval to the other court or board.

(b) Whenever the appointment of viewers or inspectors is required, the court of each county shall appoint a full number of such viewers or inspectors and order a view in like manner and with like powers, duties and procedure provided for in the case of public roads. The total number thereof shall act together in the view or inspection and shall make their joint report and recommendations to each court. Exceptions to the report of viewers may be filed in and appeals therefrom made to the court of either county, in which case the courts of the two counties sitting together shall hear and determine the same.

(c) Whenever publication of notice is required, such publication shall be made in each county. The approval

of both boards of commissioners and of both courts shall be necessary in order to authorize any action requiring such approval.

(d) Whenever the procedure provided in Article XXIV of this act is to be followed, such procedure shall be carried out only in and by the county in which the lands, other property or materials entered upon, taken or damaged are located and the damages shall be paid by such county only.

(e) Any such bridge shall be a joint county bridge. All costs and expenses pertaining to such bridge and the maintenance thereof shall be borne by the two counties, jointly, in such proportions as shall be agreed upon, from time to time, by the commissioners thereof.

Section 2613. Joint County Bridges on Line of Highway.—(a) Whenever roads are laid out, altered or vacated, which form or are intended to form a continuous highway from one county to another and which cross a stream, and in such laying out, altering or vacating, it becomes necessary to vacate an existing bridge and construct a joint county bridge on a different site, the same viewers who view the laying out, altering or vacating of the road shall, at the same time, have the authority to locate a new joint county bridge on the route of the road as laid out, altered or vacated, and the report on the road and the joint county bridge shall be made in the same report, and shall be returned to each of the courts as soon as said report is completed, if in the petition for the view of the road there is contained a request for relocation of said joint county bridge.

(b) Before any such road and joint county bridge shall be finally confirmed by the court, the report shall be confirmed nisi by the courts of each county, and shall become absolute in thirty days, unless exceptions thereto are filed in the manner provided by law. If exceptions are filed, the courts shall hear said exceptions and make a final decree, either confirming said report or setting it aside, as provided by law in similar cases.

(c) Any such bridge when authorized shall be erected, constructed, maintained and kept in repair in the manner hereinbefore provided for bridges erected on the line of adjoining counties.

Section 2614. County Commissioners May Purchase Bridges Already Erected.—Whenever, in accordance with the provisions of this article, a county is authorized to erect a bridge and instead of building a new bridge the county commissioners can purchase any bridge already erected at a reasonable cost, they may, with the approval of the court of quarter sessions, make such

purchase upon the recommendation of viewers. Such viewers shall, in their report, file an estimate of the actual value of such existing bridge, or the cost at which said bridge could be built. The amount expended by the county commissioners for such purchase shall not exceed the estimate filed by the viewers.

Section 2615. Rebuilding Privately Owned Bridge.—The commissioners of any county may take charge of or rebuild any bridge suitable for public traffic within the county and abandoned by the owners thereof. If the commissioners of the county shall neglect or refuse to act, as herein provided, then, upon petition to the proper court of common pleas of fifty property owners, being taxpayers, residing in the city, borough or township in which such bridge was or is located, said court may issue a writ of mandamus to said commissioners to proceed in the acquisition and rebuilding of such bridge if the same appears necessary to public traffic within the county. Such petition shall set forth fully all the pertinent facts and shall be supported by the affidavit of five of said petitioners.

Section 2616. Acceptance of Bridge Donated to County.—(a) The commissioners of any county may accept, take charge of and enter upon the records as a county bridge, any bridge within the county which has been built at the expense of private persons or by public subscriptions, and has been opened to free public travel, used by the public and become necessary and convenient for the use of the public, upon notice in writing of the persons who built it or of the subscribers to the original subscription \*on which the money was raised to build the same, or the heirs or assigns of such persons or subscribers, or of a duly authorized board of trustees representing such persons or subscribers, that they desire to give the bridge to the county in which it is located.

(b) Before said bridge is accepted by the county commissioners, the question of its necessity shall be determined in the following manner. The county commissioners shall, at the next term of the court of quarter sessions after receiving said notice, present the question to said court and petition for the appointment of three viewers, in like manner and with like power, duties and procedures provided for in the case of public roads. If the report of said viewers shall state the necessity of such bridge, the court shall, upon approval thereof, direct that the commissioners enter the bridge upon the records as a county bridge.

(c) All costs shall be paid out of the treasury of the county. The owner of said bridge shall pay into the

\* "one," in original.



county treasury such costs as the court by order may direct, and the county commissioners may require the owner of said bridge to file, together with their notice, a bond sufficient to secure payment of the costs.

(b) SPECIAL AUTHORITIES AND PROCEDURES

Section 2630. Widening, Straightening, Altering or Changing Course of Unnavigable Streams for Protection of County Bridges and Highways.—Whenever in the construction, repair or maintenance of any county bridge or highway, it becomes necessary for the safety of said bridge or highway or economically advisable to widen, straighten, alter, protect or change the course of any unnavigable stream, it shall be lawful for the county to enter upon abutting or adjacent land, and to widen, straighten, alter, protect or change the course of such stream for such purposes, and, in connection with such entry, to take, injure and destroy any necessary land or property in the manner and subject to the restrictions and procedure provided by law.

Section 2631. Providing and Maintaining Dykes, Banks, Causeways and Sluiceways for Protection of Bridges and Highways.—Any county, for the purpose of protecting any county bridge, the abutments thereof and approaches thereto, and any public highway adjacent to the same from the incursions of the tide floods or waters of any stream, and to prolong the life of any structure, may provide and maintain dykes, banks, causeways and sluiceways over or across any unnavigable stream, and may secure a right of way for the proper ingress thereto and egress therefrom. In connection with the exercise of such authority, the county may take, injure and destroy any necessary land or property in the manner and subject to the restrictions and procedure provided by law. No change in an existing stream channel under the provisions of this subdivision shall be undertaken until it has been approved by the Department of Forests and Waters.

Section 2632. Lighting of County Bridges.—Whenever considered necessary for the safety and convenience of the traveling public, the county commissioners may provide any county bridge with lights of any kind and character that they shall deem suitable, and may contract with any individual or with any municipal or private corporation for the purpose of supplying the necessary light.

Section 2633. Temporary Substitutes for Bridges.—When any county bridge is destroyed or rendered impassable, the county commissioners may provide at the

expense of the county, ferries or other temporary ways as a substitute for such destroyed or impassable bridge, until such bridge has been rebuilt or rendered fit for public travel. Where such bridge shall have been maintained at the joint expense of two adjoining counties, the establishment and maintenance of such ferry or temporary way shall be by joint discretionary action of the boards of commissioners of both counties, and the expense thereof shall be borne by said counties in the same proportions as the maintenance of such bridge was borne before it was destroyed or rendered impassable.

Section 2634. Closing, Vacating, Abandoning and Removing County Bridges.—Whenever it appears to the county commissioners that any county bridge including but not limiting to any destroyed or partially destroyed bridge has, from any cause, become burdensome and is no longer necessary for the accommodation of public travel, they may upon approval of the court of quarter sessions close, vacate, abandon and remove such bridge.

Section 2635. Contracts for Special Use of Bridge.—The commissioners of any county may enter into a contract or lease with any street railway, telegraph or telephone company or other public utility, their successors or assigns, desiring to use a county bridge and its approaches for other than ordinary public foot or vehicular traffic for the concurrent use of such portion of said public bridge and approaches as will not substantially impair or restrict the public use and enjoyment thereof, upon such terms and conditions as shall be agreed upon, and may charge tolls or rentals for such special use. No such contract or lease shall be entered into for a longer period than twenty years nor shall any such contract or lease be entered into unless approved by the Public Utility Commission or become effective except in accordance with the provisions of the Public Utility Law.

Section 2636. Contracts with Railroad Companies for Use, Purchase, Removal, Replacing or Exchange of County Bridge.—Any railroad company whose tracks or other facilities are located upon any county bridge may contract and agree with the commissioners of the county for the use, purchase, removal, replacing or exchange of such bridge, or for the compensation to be paid to the county by said company for the use and occupancy of the bridge or such parts thereof as may be used and occupied by said company. For such purpose the commissioners may contract with said company, and may do all acts necessary and proper to carry out such contract effectually.

All moneys due and all obligations incurred by said companies under any such contract may be collected

and enforced in the same manner as debts of like amount are recovered and similar obligations enforced in the Commonwealth.

Section 2637. Repair of Bridges, Viaducts and Subways When Liability for Such Repairs is in Doubt.—Whenever any bridge, viaduct or subway carrying a public highway over or under a railroad, street railway or other highway in any county is out of repair, and an application has been made to the Public Utility Commission to compel the repair thereof from which proceedings it appears that there is a contest between or among political subdivisions or between or among political subdivisions and public utilities as to the liability for such repair, and that the cost thereof is not in dispute, the petitioner or petitioners or any other person or corporation interested may forthwith apply to the commissioners of the county for the prompt repair thereof.

Such application shall be made by serving, upon the county commissioners, a certified copy of the petition and each of the answers on file before the Public Utility Commission. After such service, the county commissioners may take such steps as may be necessary to repair the bridge, viaduct or subway and make it safe for public travel.

Section 2638. Contributions Towards Work.—Should the county commissioners find it impracticable to make any or all such repairs with county funds, they shall so notify the complainant in the proceedings instituted before the Public Utility Commission. Thereupon, any persons, including the county interested in having such repairs made, may contribute to a fund to be deposited with the county treasurer for the purpose of making said repairs. When the fund becomes sufficient for said purpose, the commissioners shall take the necessary steps to place said bridge, viaduct or subway in repair and safe for public travel. The repairs may be made partly from such contributions and partly from public funds, if the commissioners find it expedient so to do.

Section 2639. Collection of Costs of Repairs; Return of Contributions.—The cost of such repairs shall be kept by the commissioners in an open account until there has been a final adjudication of the proceedings before the Public Utility Commission, whereupon the amount so expended, together with ten per centum of said amount to cover the cost of supervision of the work, shall be collected as awards of the Public Utility Commission are collected, and shall be paid into the county treasury. Thereupon, any contributions which may have been made under the provisions of the section immediately preceding shall be returned to the respective contributors.

(c) TAKING OVER OR ASSISTING WITH TOWNSHIP  
OR MUNICIPAL BRIDGES

Section 2650. Procedure for Taking Over Bridge by County; Aid to Political Subdivisions in Construction and Maintenance of Bridge.—(a) Whenever the construction of any new bridge, or of any bridge to replace any existing bridge, over a stream, or over or under a railroad, and forming part of any road in any city, borough, town or township, or between any two or more such political subdivisions is necessary, and requires more expense than it is reasonable that such political subdivision, or any two of them jointly, should bear, the court of quarter sessions shall, upon representation of the proper authorities of any such political subdivision, or on petition of any of the inhabitants thereof, order a view in like manner and with like powers, duties and procedure as provided for in the case of public roads. If on the report of the viewers it shall appear to the court and to the commissioners of the county that such bridge is necessary, and would be too expensive for such political subdivision or adjoining political subdivisions to bear, it may, at the discretion of the county commissioners, be entered on record as a county bridge. Such bridge shall thereupon be erected, maintained and kept in repair in the same manner as other county bridges constructed under the provisions of subdivision (a) of this article.

(b) If the county commissioners refuse to have such bridge entered on record as a county bridge, the county may pay the entire cost or any part of the cost of constructing such bridge including damages. Such bridge shall thereupon be a municipal or township bridge to be maintained and kept in repair by such political subdivision. The county commissioners may, at their discretion, furnish such political subdivision the whole or any part of the money necessary to maintain such municipal or township bridge.

(c) Where the cost to the county will not exceed one thousand five hundred dollars (\$1500), the county commissioners may furnish such aid in the construction of such bridge without following the procedure herein stipulated.

Section 2651. Change in Location of Bridge and Roads.—When such bridge is to take the place of an existing bridge, the viewers may change the location thereof so that it may be located and built in the most suitable place, or at the least expense, or in the best manner, and, in the case of the change of location of such bridge, they shall also report what change in the course or bed of the road to be connected therewith will

be necessary, and shall also report the vacation of the old or existing bridge, and the vacation of such portion of the road connecting therewith as they may deem proper. The viewers shall cause every such variation to be accurately surveyed, and a plot thereof to be made and returned with the report. Upon the approval of their report, such roads shall be altered accordingly.

Section 2652. Construction of Embankments and Causeways as County Improvements.—(a) Where a stream over which it may be necessary to build a bridge crosses a public road, and the building of such bridge requires the construction of an embankment or causeway leading to either end of such bridge, the erection of which embankment or causeway requires more expense than it is reasonable that one or more adjoining townships should bear, the court having jurisdiction, upon the representation of the township commissioners or supervisors or on petition of any of the inhabitants of such township or townships, may order a view.

(b) If, on the report of the viewers, it shall appear to the court that for the use and enjoyment of said bridge by the public it is necessary to construct an embankment or causeway the construction of which would be too expensive for such township or townships to bear, it may, in the discretion of the county commissioners, be entered on record as a county improvement and constructed as county bridges are constructed.

Section 2653. Contract for Parts of Municipal Bridges Where County Might Have Built Bridge.—(a) Where a city of the third class, a borough or a township of the first class is authorized to construct a bridge or viaduct over a stream or other place over which the county is authorized to build bridges and such political subdivision is authorized to contract with the county and with railroads, \*street railways and other companies or parties interested for the building and maintenance of such bridge or viaduct and for the payment of any damages caused by the location or building thereof, the county commissioners may, with the approval of the court of quarter sessions, contract with such city, borough or township for that part or portion of the bridge which crosses any of the places hereinbefore mentioned, including the abutments and piers thereof. Such part shall thereafter be maintained as a county bridge.

(b) In lieu of the contract above provided for, the county commissioners may, with the approval of said court, contract for any part or portion of the whole structure equal to or greater than the part or portion which the county might have built.

\* "streets," in original.

(c) The contracts provided for in this section may stipulate that the county shall pay a certain portion of the whole contract price or cost of the work, including damages, or may stipulate that the county shall construct or pay for the construction of a certain part of the work, and may otherwise provide for the payment of the damages. The amount to be paid by the county shall be paid directly to the contractor as may be provided by the contract.

Section 2654. *Joining With City in Another County in Building or Rebuilding Bridge.*—When any bridge or proposed bridge is on the dividing line between two counties which is also the dividing line between one county and a city in the other county and such city has authority to build or rebuild such bridge or to join with any county therein, said county may join with said city in the other county in building or rebuilding such bridge. In such case the approval of the court of quarter sessions of the county so joining with a city only shall be required. The cost of such bridge shall be paid in such proportions as shall be agreed upon by the county and city so joining.

Section 2655. *Aiding City in Constructing Bridge Over Ravine or Valley.*—Whenever different parts of any city or any part of such city and any township bordering thereon are separated by an intervening valley or ravine, and the commissioners of the county in which such city is located shall decide it necessary that a public bridge, to connect the territories thus separated, be constructed and that such bridge will be of substantial advantage and benefit to the people of the township bordering thereon or townships adjacent thereto, such county may contract with such city for the laying out and construction of such bridge by such city, and may pay to the city such portion of the cost thereof as the county commissioners shall deem reasonable.

Section 2656. *Entry of Borough or Township Bridge on Record as County Bridge.*—Whenever a public bridge has been built or maintained by any borough or township, or both, or by any two boroughs or two townships, or any of them, and it shall afterwards appear to the commissioners and to the court of quarter sessions that the care, maintenance and responsibility of said bridge is greater than it is reasonable that the said political subdivisions should bear, the commissioners, with the approval of the court, may enter such bridge upon record as a county bridge, and it shall thereafter be a county bridge in the same manner as if it had originally been so entered on record, if the proper local authorities

having the maintenance, supervision and control of such bridge shall tender the same to the said county commissioners free and without charge.

Section 2657. Acquisition of Toll Bridges by Purchase or Condemnation.—(a) Upon the approval of the court of quarter sessions, the county may purchase or acquire any toll bridge situated within the county which is necessary for the accommodation of public travel and on which the payment of tolls is burdensome to the traveling public, together with the approaches and appurtenances thereto as herein provided.

(b) The proceedings shall be commenced by petition to said court by at least twenty-five resident taxpayers of the county alleging the facts and praying that the bridge be taken over as a public bridge.

(c) Upon approval of the petition by the court, the commissioners of the county may purchase the bridge with the approaches and appurtenances thereto, at a price to be agreed upon by the commissioners and the owner of the bridge, or, upon failure to agree upon a purchase price, the county commissioners may take the bridge under eminent domain or condemnation proceedings as provided by law. Thereafter, the bridge shall be entered on record as a county bridge, and shall be controlled, maintained and used as a public bridge.

(d) Such bridge may be freed from tolls at any time thereafter, but in no event later than the time when all debt incurred as a result of the acquisition thereof is extinguished. The county shall at all times have authority to charge tolls or rentals for the use thereof from railway, telephone and telegraph companies and other persons or companies using such bridge for other than ordinary public foot and vehicular travel. Where contracts exist between such persons or companies and the owners of such bridge, such contract shall be preserved for the benefit of the county and shall be assigned thereto.

Section 2658. Contracts with Municipalities for Purchase or Condemnation of Toll Bridges.—Where a political subdivision may purchase, condemn and maintain any toll bridge crossing any stream within its limits and may enter into contracts with the county commissioners whereby the county shall pay a portion of the costs thereof, the county commissioners may, upon petition of at least twenty taxpayers of the county to the court of quarter sessions and the approval thereof by the court, enter into such contract upon such terms and conditions as may be agreed upon for the purchase, appropriation or condemnation of such bridge. The contract may stipulate that the political subdivision and

the county shall each pay a certain portion of the purchase price and of the damages allowed by any condemnation proceedings, and may also provide for the maintenance and repair of such bridge. The amount to be paid by the county shall be paid into the treasury of such subdivision, and shall be applied solely to the payment for such bridge.

Section 2659. Leasing of Toll Bridges or of Right to Use Same.—(a) Whenever a toll bridge owned or maintained by a bridge company organized and existing under the laws of this Commonwealth shall span a stream in this Commonwealth, and such bridge or any portion thereof is used solely by the public for general highway purposes, or by the public for such purposes concurrently with the use of the same by any railroad company or street railway company engaged as a common carrier, and the commissioners of the county in which such bridge is located shall by resolution declare such bridge or any portion thereof necessary for the accommodation of the public for general highway purposes, and that the payment of tolls on such bridge is burdensome to the public using the same for such purposes, then the county shall have the power to enter into a contract with the bridge company whereby the company may lease to the county such bridge, or such portion thereof as may be used by the public for general highway purposes for the use of the same by the public for said purposes, free from the payment of tolls. Such contract may provide for the payment by the county of such rental for such definite term of years not to exceed twenty and for such other terms and conditions as may be agreed upon and as the commissioners shall deem reasonable and proper.

(b) As an alternative, the county may enter into lease with such bridge company or corporation providing for the use, during a definite period, not exceeding twenty years, of such bridge or any portion thereof by the public for general highway purposes, free from the payment of tolls during the term of such contract, subject to the concurrent use of such bridge, or any portion thereof, by any railroad company or street railway company engaged as a common carrier and making use of such bridge, or any portion thereof. Such lease shall contain such terms of payment for such use by the public of the bridge or any portion thereof, and such other terms, provisions and conditions as may be agreed upon, and as the county commissioners shall deem reasonable and proper. No tolls shall be charged the public for the use of said bridge or any portion thereof for general highway purposes during the term of any such lease or any such contract. Any such contract or lease shall be subject to the approval of the Public Utility Commission in the manner prescribed by law.



Section 2660. Operation of Joint County Toll Bridges by Counties.—Whenever it is necessary for any counties, in the construction of any joint county bridge, or in the joint acquisition of any toll bridge, to issue bonds in payment of such construction or acquisition, including the approaches thereto, of the damages sustained by owners of lands taken in the construction or acquisition thereof, and including reasonable fees for necessary legal services required in such construction or acquisition, the county commissioners of said county or counties may, with the consent of the State Department of Highways if the cost of such bridge was in excess of four hundred thousand dollars (\$400,000), assess, supervise and collect such tolls for the use of said bridge for all traffic as may be necessary to pay the interest on said bonds, and to create a sinking fund for the payment and redemption of the same within thirty years from the date of the issue thereof, and to pay also the costs and expenses of operating and maintaining such bridge between the time of construction thereof and the date of the redemption of the last of said bonds to be redeemed by such tolls. The tolls so collected shall be distributed, between such counties, in proportion to the amount paid in by each county in the original construction or acquisition, and all moneys received from rentals for special use shall be divided between them in the same proportion. In no case shall any tolls be collected after the redemption of the original bonds issued. Such bridge, whether constructed or jointly acquired, shall be a joint county bridge.

Section 2661. Management, Maintenance and Policing of Joint County Toll Bridges; Turning Over to Department of Highways.—(a) Such joint county bridge shall be managed, controlled, maintained, repaired, operated and lighted by the commissioners of the said counties, acting as a joint county bridge commission, who are hereby authorized to act jointly in the employment of such workmen, collectors of tolls, and other employes, to fix their wages, salaries and compensation, and to incur such other expenses in the construction and operation of such bridge, including the compensation of such attorneys as in their judgment shall be requisite and necessary. All decisions of such commission shall require a majority vote of all the members thereof.

(b) The commissioners of said counties acting jointly may adopt such rules and regulations as they deem expedient for the proper government and management of said bridge, and for the preservation of good order, safe traffic and proper conduct thereon. They may also require arrests to be made for evasion, or attempts to evade, in violation of their rules or regulations, the

payment of tolls fixed for passage over said bridge. For any violations thereof, the offender shall be subject to a fine of not less than ten dollars (\$10), or more than twenty-five dollars (\$25), together with costs, upon summary conviction before a justice of the peace, magistrate or alderman of either of said counties, and, on default of payment of such fine, then to imprisonment of not less than ten days, or more than thirty days, in the county prison of either of said counties.

(c) Such powers and duties of said commissioners acting as a joint commission shall continue until the redemption of the last of said bonds to be redeemed by such tolls, whereupon said bridge shall be turned over as a free bridge to the Commonwealth, if such bridge crosses a river and is located on a State highway route, or connects two State highway routes. Thereafter, such bridge shall be maintained by the Highway Department at the expense of the Commonwealth. Otherwise, such bridge shall be maintained as other joint county bridges.

(d) PROVISIONS RELATING TO CONTRACTS

Section 2670. Building or Repair of Bridges.—In addition to the provisions of Articles XVIII and XXIII of this act relating to contracting for services and personal property, whenever the county commissioners propose to build or repair a bridge at a cost in excess of seven hundred fifty dollars (\$750), their advertisements for bids shall contain the description of the repairs, or designs of the kind of bridge, required. When the contract is for the building of a bridge, the designs and specifications therefor, or a copy thereof, shall be kept in the office of the county commissioners, open to the inspection of all intending bidders during such advertising and the time specified therein for the reception of bids. In the case of a bridge to be erected over a stream upon the line between two adjoining counties, the advertising shall be done in each of said counties, and a copy of the plans and specifications shall be kept in the commissioners' office of each county. The time of filing bids and the person's name with whom filed must be marked on the outside of said bids.

(e) TAXATION AND BORROWING

Section 2675. Appropriations and Tax Levy.—Any county in the exercise of any of the powers, authorities and duties, provided in this article, may appropriate and pay out of the general county funds all moneys necessary for said purposes, and may levy, assess and collect taxes for the purposes aforesaid on all real and personal property within the county, and taxable for county purposes, in addition to all other taxes.

Section 2676. Incurring of Indebtedness; Taxation for Debt Service.—Any county constructing a bridge or making any other capital improvement or major repairs, in relation to the matters provided for in this article, may, pursuant to a resolution adopted for that purpose by the county commissioners of such county, incur indebtedness and borrow money therefor in accordance with the provisions of the Municipal Borrowing Law. Any such county may levy and collect on all taxable property in such county, in addition to all other taxes, for the purposes of servicing such indebtedness.

## ARTICLE XXVII

### ROADS

#### (a) AUTHORIZATION, CONSTRUCTION AND MAINTENANCE

##### 1. County Roads, Establishment and Maintenance.

Section 2701. Definitions.—The words defined in section two thousand six hundred one of this act shall be construed to have like meanings when used in this article.

Section 2702. Establishing County Roads.—For the purpose of providing public roads, specially constructed, improved and maintained, the county commissioners may, upon approval by the court of quarter sessions, originally lay out and open any road, and take possession of and exercise control over any existing township road or part thereof, and build and maintain roads as county roads within their respective limits. They may, at any time, straighten, widen, extend and alter any such road or part thereof, and vacate so much thereof as may become unnecessary and useless. Any road so taken over or improved shall thereupon become a county road and be subject to the control and supervision of the county commissioners. It shall be the duty of the county to keep and maintain county roads established under this act and all other county roads in repair, the expense thereof to be paid by the county in the manner hereinafter provided.

Section 2703. Acquisition of Rights of Way of Abandoned Railroads.—The commissioners of any county may take over any abandoned rights of way or bridge of a railroad company or any part thereof for the purpose of relocating any existing or locating a new county road, and they may purchase such abandoned right of way or bridge or such part thereof, as may be necessary for the relocating or locating of said county road, from the owner thereof, at a fair price, to be approved by the court of quarter sessions of the county.

Whenever any such abandoned right of way or bridge of a railroad company or any part thereof is purchased under the provisions of this section, a county road shall be laid out and located thereon and shall thereafter be constructed, improved and maintained in accordance with law. Any such bridge so taken over shall become a county bridge and shall be maintained, rebuilt and repaired accordingly.

Section 2704. Joint Action by Counties.—The provisions of this article may also be exercised jointly by adjoining counties as to roads extending along and adjacent to county lines and from one adjoining county into another.

The procedure and jurisdiction in each county in such cases shall be the same as to any portion of such road lying within its limits, except that the petition, plans and surveys of such road shall describe and exhibit every portion of such road within the limits of such county and every portion thereof extending along the line of or into an adjoining county. The several portions thereof lying within limits of each county shall be treated in all proceedings as one continuous road.

Section 2705. To Be County Road as Soon as so Decreed.—All roads and parts thereof heretofore and hereafter decreed by the court, under this or any former acts of Assembly, to be a county road shall be subject to the control and supervision of the county commissioners. Upon the decree or order making an existing township road or part thereof a county road, the same shall immediately be kept in repair, made, constructed and maintained by the county and the township relieved of any duty thereto as a township road.

Section 2706. Maintenance and Repair of County Roads.—The commissioners shall have prepared plans and estimates, as often as required, for the repair and maintenance of all roads which the county is required by law to maintain and repair. They may invite proposals for maintaining and repairing such roads or parts thereof in accordance with such plans and estimates and award the contract therefor in like manner as contracts for new improvements, or they may make the necessary repairs themselves. For the purpose of making such repairs, the commissioners may employ or appoint the proper persons and buy the necessary materials and buy or rent the necessary machinery. Any county may also lease any of its machinery to any political subdivision within the county, upon such terms and conditions as may be agreed upon.

Section 2707. Annual Tax.—The commissioners may levy, assess and collect an annual tax, of not more than

two mills upon the dollar, upon all real and personal property within said county taxable for county purposes for the purpose of acquiring and securing a fund from which to pay all costs, damages and expenses required in the locating, opening, building, improving, widening, straightening, extending, maintaining, repairing or vacating of roads or parts thereof covered by the provisions of subdivision (a) 1 of this article, and for the taking and use of such land as may be necessary in constructing and maintaining proper slopes, embankments, fills and culverts. The moneys so raised shall not be expended for any other purposes than those named in this section, except for the maintenance, repair, construction and reconstruction of any county bridge or bridges whether or not located on a county road or roads. All checks for the payment of any portion of the money raised for the purposes aforesaid shall be issued, in the manner provided by this act, upon estimates which shall be made from time to time by the persons charged with such duty. The amount and time within which the same shall be paid shall be fixed and determined in the contract made for the public work.

Section 2708. Borrowing Money; Bond Issue and Tax Levy.—The county commissioners may borrow money and secure any indebtedness created by them for the purposes authorized under subdivision (a) 1 of this article, by issuing bonds in accordance with the provisions of the Municipal Borrowing Law.

Section 2709. Changing Part of Road Without View.—Whenever the board of commissioners deem it advisable to construct or alter any part of any road under their supervision and can agree with the property owners affected by such change as to damages, they may, upon payment of the damages agreed upon, construct or alter such part of such public road as contemplated in such agreement without the formality of a view. This authority shall not extend to any construction or alteration, the cost and expenses of which to such county, including damages, shall exceed one thousand dollars (\$1000). A petition setting forth the facts, accompanied by a map or draft of such proposed change, shall be presented to the court of quarter sessions for approval before such actual change is made, whereupon the new location, thus approved by the court, shall be the public road to all intents and purposes and the old location shall be vacated.

Section 2710. Assessment of Benefits.—Whenever, in any county, any road or highway shall be originally located, laid out or constructed or relocated, opened, straightened, widened, extended or altered, or any part

thereof vacated, the viewers appointed to assess damages for taking, injuring or destroying property, after having determined the amount of damages sustained, shall assess the whole or such part of such damages as may be represented by benefits upon the properties abutting on and benefited by such improvements. The remaining part of such damages, if any, not so assessed against the abutting properties, shall be paid by the county. The total assessments for benefits shall in no case exceed the total damages awarded and agreed upon.

The viewers shall in such cases file their report showing the balance struck between the damages awarded and the benefits assessed.

Section 2711. Interest on Benefits Assessed.—All assessments for benefits shall bear interest at the expiration of thirty days after they have been finally determined and fixed and shall be payable to the treasurer of the county.

Section 2712. Liens for Benefits Assessed.—All liens for the assessment of benefits pursuant to the provisions of the two preceding sections shall be filed, revived and collected in accordance with law.

No appeal taken shall prevent the filing of liens by any county for any assessment made by virtue of the viewers' report, but upon the final determination of the issue the court may make such order as to any lien filed that shall appear right and proper.

Section 2713. Sidewalks Along County Roads.—Whenever considered necessary for the safety and accommodation of the public, the county commissioners may locate, construct and maintain sidewalks along county roads. The cost of the construction and maintenance of said sidewalks shall be paid by the county.

Section 2714. Lights Along County Roads.—Whenever considered necessary for the safety and convenience of the traveling public, the county commissioners may supply and equip any county road or parts thereof with lights of such kind as they shall deem necessary. The commissioners may for this purpose contract with any individual or with any municipal or private corporation. The cost of the construction may and the cost of maintenance of the said lights shall be paid by the county.

## 2. System of Main Thoroughfares Adopted, Laid Out and Constructed by County and Becoming Borough and Township Roads.

Section 2720. Adoption of System of Main Thoroughfares.—The county commissioners may, in the manner provided by this subdivision (a) 2, cause to be laid out, surveyed and adopted a system of main

thoroughfares which said board shall adjudge the proper roads to be established and specially constructed and improved. In adopting such system, the commissioners shall consider the population and needs of all parts of the county and make an equitable distribution of the roads to be specially constructed, located and improved by the said county. They shall cause a plan or plans to be made showing the system of proposed roads, the relation of the proposed roads to existing public roads which connect therewith or are to be supplied thereby, the names of abutting property owners, and also roads which already have been improved by the county. Upon approval of the plan or plans by the commissioners, they shall cause the approval to be engrossed upon the plans and certified by at least two commissioners. The plans shall be filed for public inspection in the office of the commissioners and recorded in the office of the recorder of deeds in a book to be provided for the purpose.

No part of the proposed roads of said system shall be an easement upon private property or in any manner interfere with the use thereof until established as a public road by the action of the court of quarter sessions.

Section 2721. Improvement of Borough and Township Roads.—Whenever such system of main thoroughfares has been adopted or when the adoption thereof is contemplated within two years after the commencement of such improvement, the commissioners may, upon approval by the court of quarter sessions as hereinafter provided, take exclusive control of and improve any road or section thereof located either wholly or in part, in any borough or township, whether existing by their authority or laid out in whole or in part by virtue of this act or otherwise. For that purpose, they may originally locate, lay out, establish in whole or in part relocate, straighten, widen, extend, alter and open roads, and construct and improve the same, and vacate so much of any roads as may be thereby rendered unnecessary and useless. Any road as established or altered, constructed and improved, under the provisions of this section, shall, by ordinance enacted by each borough or by resolution adopted by the commissioners or supervisors of each township through which such road shall pass, become borough or township roads, and the duty of maintaining and keeping the same in repair shall devolve upon each respective township or borough through or into which the same extends.

Section 2722. Plan of System to Be Followed; Variations.—After such plans have been adopted and recorded pursuant to law, all applications under the

preceding section to the court of quarter sessions shall be restricted and shall relate only to the establishing, opening, construction and improvement of the proposed roads of said system or parts thereof and the vacation of roads supplied by the portion opened and improved. The commissioners, upon approval by the court of quarter sessions as hereinafter provided, may relocate, straighten, widen, extend, alter and open, construct and improve, the proposed roads as laid out, surveyed, marked and shown upon the plans of said system, or to originally locate, lay out and establish, construct and improve roads which substantially supply said system or parts thereof which, although not parts of said system, are deemed by the court to be main thoroughfares of sufficient importance to be improved by the county and to be added to said plan, and in such case to vacate so much of the roads of the system and of roads already established as may be rendered unnecessary by the changes or by an entirely new location.

Section 2723. Improvement of Roads Not Part of System on Contribution From Parties Interested.—The commissioners may also originally locate, lay out and establish in whole or in part, relocate, straighten, widen, extend, alter and open, construct and improve roads not parts of said system nor deemed main thoroughfares, upon parties interested therein paying or securing to be paid, in a manner to be approved by the court of quarter sessions, such proportion of the cost of the original construction and improvement as the commissioners may deem just, which shall not be less than one-fourth of the cost in any case.

Section 2724. Annual Tax.—The commissioners may levy, assess and collect an annual tax, of not more than two mills upon the dollar, upon all real and personal property within the county taxable for county purposes, for the purpose of acquiring and securing a fund from which to pay all costs, damages and expenses required in locating, opening, widening, straightening, extending, building, improving, maintaining, repairing or vacating of the roads or parts thereof improved under the provisions of subdivision (a) 2 of this article, and for the taking and using of such land as may be made necessary in constructing and maintaining proper slopes, embankments, fills and culverts. The moneys so raised shall not be expended for any other purposes than those named in this section. All checks for the payment of any portion of the money raised for the purposes aforesaid shall be issued, in the manner provided by this act, upon estimates which shall be made from time to time by the person charged with such duty, and the amount



and time within which the same shall be paid shall be fixed and determined in the contract made for the public work herein authorized.

Section 2725. Borrowing Money and Bond Issue.—Any county may borrow money and secure such indebtedness by issuing bonds in accordance with the provisions of the Municipal Borrowing Law for the purpose of building and improving the roads or any part thereof constructed under the provisions of subdivision (a) 2 of this article.

### 3. Roads, Tunnels, Subways and Underground Roads.

Section 2730. Purchase, Location, Construction, Operation and Maintenance Authorized.—Whenever the county commissioners shall deem it expedient so to do and upon the approval thereof by the court of quarter sessions as hereinafter provided, they may cause to be purchased, located, constructed, operated and maintained roads, tunnels, subways or underground roads anywhere within the county, either wholly or partly within the boundaries of any city, borough, town or township. Any road, tunnel, subway or underground road, purchased or constructed under the provisions of subdivision (a) 3 of this article, shall forever thereafter be a county road, tunnel, subway or underground road, and the duty of maintaining and keeping the same in repair shall devolve upon the county. The expense thereof shall be paid by the county as hereinafter provided.

Section 2731. Contracts or Lease for Special Use of Improvements.—The commissioners, subject to the approval of the court of quarter sessions, may make a contract or lease with any street railway or transportation company, its successors and assigns, for the concurrent use of such a portion of said road, tunnel or subway or underground road, as shall not substantially impair or restrict the public use and enjoyment thereof, upon such terms and conditions as shall be agreed upon. No such contract or lease for the concurrent use of a portion of such improvement shall be for a longer term or period than twenty years. Any such contract or lease shall be made in accordance with applicable provisions of the Public Utility Law.

Section 2732. Taking Street or Other Property of City or Borough.—Should the commissioners of any county deem it necessary or advisable to enter upon or appropriate any road or property of any city or borough in the county, or take any other action affecting the property rights or authority of such city or borough, for the purpose of constructing or maintaining

a road, tunnel, subway or underground road, or in connection with the improvement of any of them, which has been or is about to be purchased by the county or otherwise, the consent thereto of such city or borough by ordinance shall be obtained before the actual entering in or upon or the appropriation of such road or property. After such entry and appropriation, the county shall be liable and charged with the supervision, control and maintenance of said roads and properties, or so much thereof as is taken and used for the purpose of constructing and maintaining such road, tunnel, subway or underground road, or in connection with the improvement of any of them, purchased or to be purchased as aforesaid.

Section 2733. Annual Tax Levy.—The commissioners may levy, assess and collect an annual tax, of not more than two mills on the dollar, on all real and personal property within the county taxable for county purposes for the purpose of acquiring and securing a fund from which to pay all costs, damages and expenses required in the purchasing, improving, locating, opening, constructing, maintaining and repairing roads, tunnels, subways and underground roads, purchased or constructed under the provisions of subdivision (a) 3 of this article, and the taking and using of such land as may be made necessary in constructing the same and in maintaining proper slopes, embankments, approaches and termini for said roads, tunnels, subways and underground roads. The money so raised shall not be used or expended for any other purposes than those herein named. All checks for the payment of any portion of the money raised for the purposes aforesaid shall be issued, in the manner provided by this act, upon estimates which shall be made from time to time by the person charged with such duty. The amount and time within which the same shall be paid shall be fixed and determined in the contract made for the public work herein authorized.

Section 2734. Borrowing Money and Bond Issue.—Any county may borrow money and incur indebtedness in accordance with the provisions of the Municipal Borrowing Law, to an amount not exceeding the constitutional limitations, for the purchase and improvement or construction of such roads, tunnels, subways and underground roads.

#### 4. General Provisions.

Section 2740. Procedure to Obtain Approval of Quarter Sessions.—(a) When the county commissioners resolve to exercise any of the powers conferred in subdivision (a) of this article, they shall cause to be pre-

pared surveys and plans of such road or tunnel, subway or underground road showing the improvement proposed to be made, together with any proposed changes in existing roads, and they shall present such surveys and plans, together with their petition, on behalf of such county, to the court of quarter sessions, praying for approval of such proposed exercise of powers. Such petition shall briefly describe the proposed improvement and the estimated cost thereof and, if the method of construction has not been fully determined, the estimated cost thereof according to each of the several methods in which the improvement may practically be made.

(b) On the filing of such petition, the court shall fix a time for a hearing thereon. Notice of said hearing shall be given, by an advertisement published at least ten days prior to the hearing in two newspapers of general circulation in the county, which notice shall briefly describe the location of the improvement proposed to be made and the time, place and purpose of said hearing. Upon the hearing thereof, the court may, for proper cause shown, disapprove the petition; otherwise, it shall approve the same and order that the improvement be made and constructed in accordance with the plans and surveys accompanying the petition. Thereupon, any original location, relocation, opening, widening, straightening, extension, alteration or vacation of any road as set forth in the proceedings and the right to proceed with such improvement shall become absolute.

(c) The words "improved" or "improvement" as herein used mean each and every power conferred upon counties under the terms of any of the preceding sections of this article.

Section 2741. Right of Eminent Domain.—For the purposes described in subdivision (a) of this article, the county commissioners may enter upon private or public property and may take, injure and destroy the same in the manner and subject to the restrictions and procedure prescribed by Article XXIV of this act.

Section 2742. Contracts for Improvements.—After said surveys and plans and the petition to the court of quarter sessions have been approved by the court, and the road, tunnel, subway or underground road, ordered to be made and constructed in accordance therewith, the commissioners shall invite proposals and let contracts for the making and constructing of the same or such parts of the same as the commissioners shall deem proper, in accordance with the provisions of Article XVIII of this act and of sections two thousand three hundred eighteen and two thousand three hundred nineteen and such provisions of Article XXVI of this act

as establish additional requirements for advertising for bids, for inspection of plans and specifications by bidders, and for the dating and marking of bids filed.

**Section 2743. Procedure Where Property is Left Without Outlet by Reason of Vacating of Part of Old Road.**—Whenever, by reason of the relocating, opening, widening, straightening or extending of any road or any part thereof, any part of the road involved becomes useless and is vacated, and the property of one owner shall intervene between the new road and the lands of another owner, having no outlet by reason of said relocation, opening, extending, straightening and widening, it shall be the duty of the said county commissioners to obtain from the owner of said intervening property and the owner of the formerly contiguous or adjoining land an agreement satisfactory to such parties for providing an outlet for the said land. If the parties shall not agree to the transfer of the properties so intervening upon the new road, and any such lot or piece of land, in the opinion of the said county commissioners, be insufficient for building purposes, it shall be taken and used as part of said road or highway.

**Section 2744. Parties Making Application for New Road to Notify Local Road Authorities.**—In all cases wherein any proceedings are about to be had before the county commissioners or court for the laying out, opening and construction of new roads for public use, it shall be the duty of the parties making application to the commissioners or to the court for the appointment of viewers, reviewers or re-reviewers to lay out, open or construct such road, to give written notice of such application to the supervisors or commissioners of the territory through which the proposed road is designated to be laid out and constructed, of the time and place of such application, and the time and place of the meeting of viewers, reviewers and re-reviewers. A copy of said written notice, properly attested, shall be filed among the records of the court having cognizance of the matter. Failure to comply with the provisions of this section as to such notice shall be sufficient grounds for an application to set aside whatever proceedings may have been taken of which said supervisors or commissioners had no written notice.

**Section 2745. Unlawful to Raise Road Above Ordinary Grade Over Drain or Culvert.**—In the construction or repair of any road, it shall be unlawful for

the person or persons in charge of such construction or repair to raise such road or permit the same to be raised or elevated above the ordinary grade thereof, when a drain or culvert shall be constructed under such road or when such road shall be constructed or repaired over such drain or culvert.

(b) VACATION AS COUNTY ROADS

Section 2750. Vacation as County Roads.—Upon petition of the county commissioners, the court of quarter sessions may vacate as a county road any portions of any abandoned or condemned turnpike road, or any portions of any turnpike road purchased by the county, or of any road, the permanent location or improvement whereof has been ordered or made under this or former acts relating to county roads. All portions of such roads so vacated shall become and be township roads. Written notice of the contents of said petition and the time when the same will be presented to the court shall be given by the county commissioners to the supervisors or commissioners of the township or townships through which said road passes, at least ten days before the date of presenting the same. At the time said petition is presented, the court may fix a time for hearing in open court, or may refer the matter to an examiner to take testimony and report his findings to the court at such time as the court shall direct. At any hearing in open court or before an examiner appointed by the court, all parties in interest may appear and be heard. After such hearing, the court, if it shall find that the conditions prescribed by this act have been complied with, may grant the prayer of the petitioners and make a decree accordingly or make such order in the premises as it deems right and just. No order of vacation shall be made until the township affected shall have consented thereto by an ordinance or resolution certified to the court.

(c) CONTINUOUS HIGHWAYS FROM ONE COUNTY TO ANOTHER

Section 2753. Laying Out; Altering; Vacating.—Roads forming or intended to form a continuous highway from one county to another, which cross a river, creek or rivulet forming a boundary line between said counties, may be laid out or altered or vacated in the manner provided in the case of other roads, except that the court of quarter sessions of each county shall appoint three viewers and that a report as aforesaid shall be made to each court respectively, and that each court shall otherwise have and exercise concurrent jurisdiction therein.

## (d) COUNTY AID TO MUNICIPALITIES AND TOWNSHIPS

Section 2756. Municipal Streets Connecting Two Ends of County Road.—When a city or borough intervenes between two ends of a county road, and the municipality has failed to properly improve the municipal streets constituting the shortest and most reasonable route through said municipality which will connect the two ends of such county road, the board of commissioners may contract with the corporate authorities of the municipality that the shortest and most reasonable route through said municipality connecting the two ends of such highway be improved.

Section 2757. Municipal Streets as Terminus of County Road.—When a county road terminates at the corporate limits of a city or borough in the same or in another county and connects with a municipal street which the municipality has failed to properly improve, and the commissioners of the county in which the municipality is located deem the improvement of such municipal street necessary in order to make such county road easily accessible to the residents of the municipality or to the traveling public, the county commissioners may contract with the corporate officials of the municipality that such municipal street or any part thereof be improved, and also that there be improved, when necessary, any parts of the streets connected therewith which connect said county road with the business districts of said municipality or with a system of improved streets therein or which connect the said road with another county road terminating at the limits of said municipality. If several municipalities are contiguous to each other and at the corporate limits of any one of them a county road terminates and one or more of such municipalities have failed to properly improve any municipal street therein, and the county commissioners deem the improvement of such street necessary in order to make such county road easily accessible to the residents of the municipality or to the traveling public, the board of commissioners may enter into a similar contract with the corporate authorities of such municipality or municipalities.

Section 2758. Improvements.—The board of commissioners may widen, repave or otherwise improve said municipal streets whenever the same is necessary to accomplish any of the purposes of sections two thousand seven hundred fifty-six and two thousand seven hundred fifty-seven of this act. Whenever such improvement is made to a municipal street, the county may pay the total cost of such improvement, or the cost may be divided between or among the municipality or municipali-

ties and the county. The contract for any such improvement may be taken by the county upon the stipulation by any municipality to pay its proportionate share of the cost, if any, upon the completion of the work, or it may be taken by any municipality upon a like stipulation of the county, or the improvement may be made by joint contract.

Section 2759. Maintenance.—Before any municipal street is so improved, the board of commissioners and the council of such municipality shall agree upon the maintenance of such street. Such agreement may provide that such street shall be kept and maintained in good repair by the municipality, in which case, upon the completion of said improvement, all further liability and responsibility of the county shall cease and determine, or it may provide that it shall be kept and maintained in good repair by the county and the share of the municipality shall be paid annually to the county.

Section 2760. Contracts With Borough, Township or Incorporated Town.—The board of commissioners may contract with the authorities of any borough or township or any incorporated town, separately or jointly, providing that the commissioners shall construct an improved road in a similar manner as a county road. The expense or cost of said construction shall be borne jointly by the borough, township or incorporated town and the county in such ratio or proportions as may be agreed on in said contract or contracts, irrespective of whether the municipality intervenes between two ends of the county road or not, or whether or not the municipality is the terminus of a county road, State highway or township road.

Section 2761. Payment.—Payment for the construction of said road or roads shall be made by the county, which shall be reimbursed by the borough, township or incorporated town in such sums as agreed upon in said contract or contracts, upon presentation to them, from time to time, of estimates and bills for work already performed and paid for.

Section 2762. Repair and Maintenance.—Any such road, constructed jointly, shall be repaired and maintained at the expense of the county, but nothing shall prevent the authorities of a borough, township or incorporated town from entering into a contract or contracts with the county for the maintenance of said improved road under such terms and conditions as may be mutually satisfactory.

Section 2763. Where Center Line of Highway is Boundary Between City or Borough and Township.—Whenever the center line of any road constitutes the

dividing line between any city or borough and a township located in the same county, the board of county commissioners and the commissioners or supervisors of such township may enter into a contract with the city or borough providing for the grading, curbing and macadamizing or paving of the roadway of said road. The cost thereof shall be borne one-half by the city or borough and one-half by the county and township, in equal portions.

Section 2764. Alteration or Improvement.—The said alteration or improvement shall be constructed and subsequent repairs shall be made under the supervision of the proper authorities of the city or borough, in compliance with laws governing the construction of such alterations or improvements in said city or borough, and in further compliance with plans and specifications to be agreed upon in writing between the said city or borough and the board of commissioners of the county and commissioners or supervisors of the township. The cost of repairs shall be borne one-half by the city or borough and one-half by the township, or by the county and township in equal portions or such other proportion as may be agreed upon by the county and township.

Section 2765. Where Center Line of Road is Boundary Between City or Borough and Township in Adjoining County.—Whenever the center line of any road constitutes a dividing line between a township and a city or borough located in an adjacent county, the board of commissioners of the county and the commissioners or supervisors of such township may enter into a contract with the city or borough providing for the grading, curbing, macadamizing or paving of the roadway of said road. The cost thereof shall be borne one-half by the city or borough and one-half by the township and the county in which such township shall be situated, in equal portions.

Section 2766. Alteration, Improvement and Repairs.—Said alteration or improvement shall be constructed and subsequent repairs shall be made under the supervision of the authorities of the city or borough, in compliance with laws governing such construction or improvement by such city or borough, and in further compliance with plans and specifications to be agreed upon in writing between such municipality and board of commissioners of the county and the commissioners or supervisors of the township. The cost of repairs shall be borne one-half by the municipality and one-half by the township, or by the county and township in equal portions or such other proportion as may be agreed upon by the county and township.



Section 2767. Improvement on Order of Common Pleas.—(a) In all cases in which it shall be found impossible to enter into such contracts or agreements, or where either the city or borough and the township or the county in which such township is situated shall refuse to enter into such contract or agreement, either the municipality or the county or township may present its petition to the court of common pleas of either county setting forth the facts and circumstances, including the condition of the road from which the necessity and desirability for the grading, curbing, macadamizing or paving of the roadway appears, and the estimated cost thereof, and that the terms of such contract cannot be agreed upon by the municipality and county or township, or either or any of them, or that either such municipality or the county or township or any of them refuses to enter into such contract.

(b) The petition may pray that the court, after hearing all the parties concerned, make its order or decree defining the nature and character of the improvement reasonably necessary or desirable to be made to the roadway, and requiring the parties hereinabove specified to enter into a contract or contracts for the making and constructing of the same as herein provided for. A copy of said petition, duly certified, shall be served upon the municipality or county and township concerned, other than the petitioner, with notice of the day fixed by the court for the hearing. Thereupon, any of the parties served with such notice shall be entitled, on or before such date, to file in the court its answer to said petition setting forth its version of the facts or such other matters in relation thereto as may be deemed necessary or proper by it.

(c) The court, upon the date fixed or at such other time as it may appoint, shall hear the evidence of the parties, or it may refer the matter to a master who shall hear the testimony of the parties and report his findings, in the same manner and under the same procedure as provided by the rules in equity in similar cases, to the court, which may reject, confirm or modify the same, and may make its decree or order directing the making of such alterations or improvements to the roadway as may be deemed reasonably necessary or desirable, and providing for the sharing of the cost of such improvements, one-half by the municipality and one-half by the county and township, in equal portions.

(d) Said order or decree may further provide that the repairs to such alterations and improvements subsequently required shall be \*borne one-half by the municipality, whether borough or city, and one-half by

\* "born" in original.

the county or township in equal portions, or such other proportions, as between the county and the township, as such court may find to be legal and proper. Thereupon, the grading, curbing, macadamizing or paving of the roadway of such road shall proceed in accordance with the decree or order of the said court in the same manner as if the contract or agreement had been entered into and duly executed.

Section 2768. Guards or Barriers Along Township Roads.—When a township road runs along the edge of a precipice along which it may be necessary to erect guards or barriers for the proper protection of the traveling public, and the erecting of such guards or barriers requires more expense than it is reasonable the township should bear, the court of quarter sessions having jurisdiction shall, on the representation of the supervisors or on the petition of any of the inhabitants of such township, order a view. If, on the report of the viewers, it shall appear to the court and to the commissioners of the county that such guards and barriers are necessary and would be too expensive for such township, the same shall be erected and maintained by the county as county improvements. The county and the township may contract to share the cost thereof jointly. The provisions of this section shall apply to roads already opened as well as those hereafter opened.

Section 2769. Improvements of Roads Connecting With State Highway.—The county may, singly, or jointly with any city or borough, appropriate and expend moneys for the improvement of any road, not more than one mile in length in distance, outside of the limits of such city or borough, for the purpose of connecting improved streets in such cities or boroughs with a State highway.

Section 2770. Purchase of Road Machinery; Renting of Road Machinery to Townships.—The county commissioners of any county may purchase such machinery for the preparation of road material and the construction and maintenance of roads as they deem necessary and pay for the same out of the general funds of the county. Such machinery may be rented by the county commissioners to any of the townships within such county applying for same, under such regulations and at such rentals as the county commissioners shall prescribe and fix. All machinery, purchased under the provisions of this section, shall be operated only by persons employed for that purpose by and under the direct supervision of the county commissioners.

## (e) DETOURS

Section 2775. Laying Out Detours When County Road is Closed.—(a) Except in the case of emergency wherein the safety of the public would be endangered, no county road shall be closed to vehicular traffic except upon order of the county commissioners, nor for a longer period than is necessary for the purpose for which such order is issued. Except for temporary emergency police measures wherein the safety of the public would be endangered if it were not temporarily closed, no county road shall be closed to vehicular traffic when the same has been designated as a detour by the Department of Highways of the Commonwealth unless the written consent of the Department of Highways has first been obtained, or unless the county commissioners having jurisdiction over said road shall, by resolution, declare such closing necessary for the protection of the public safety.

(b) Whenever any county road shall be closed to vehicular travel, the board of commissioners shall immediately designate or lay out a detour, on which they shall cause to be erected and maintained, while such detour is in use, legible signs at each public road intersection throughout its entire length indicating the direction to the main highway. During the period when such detour is in use, the county commissioners shall maintain such detour in safe and passable condition. They shall also immediately remove all detour signs when the highway originally closed is again opened for traffic.

(c) The county commissioners shall, as soon as possible, repair the road designated as a detour and place it in a condition at least equal to its condition when designated as a detour.

(d) "Highways" as used in this act includes all public thoroughfares and ways equally with the word "road", for convenience of expression.

Section 2776. Detour Over Private Lands.—Whenever necessary in the creation of a detour as aforesaid, the county commissioners responsible for laying out the detour may enter into an agreement with the owners of private lands covering the acquisition of right of way privileges over private property for the period when the main highway shall be closed to traffic. In the exercise of the rights conferred by this section, the county commissioners responsible are hereby empowered to pay for the necessary maintenance, subsequent repair and land rental out of such funds as are available for the construction and maintenance of the roads in their charge.

Section 2777. Fines and Damages.—(a) Any person who shall wilfully remove, deface, destroy or disregard any barricade, light, danger sign, detour sign or warning of any character whatsoever, erected or placed under authority of section two thousand seven hundred seventy-five of this act, or who shall drive on, over or across any road which has been closed by proper authority, shall, upon conviction thereof in a summary proceeding before a magistrate, alderman or justice of the peace, be sentenced to pay a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100), and the cost of prosecution, and in default of the payment thereof, shall be imprisoned one day for each dollar of fine and costs unpaid: Provided, however, That persons who have no outlet due to the closing of a road may drive on, over or across such road, with the consent in writing of and subject to such conditions as may be prescribed by the county commissioners responsible for the closing, or their agents or contractors, without being subject to the fines imposed by this section.

(b) In addition to the fines herein provided, the county commissioners responsible for the maintenance of a road which has been closed to vehicular traffic, or their agents or contractors, may, in an action at law, recover damages from any person or persons who have damaged a road when it is closed to vehicular traffic.

(c) All fines collected under the provision of this section shall be paid by the officer receiving the same to the treasurer of the boroughs, towns or townships in which the offenses shall have been committed.

#### (f) PROTECTION OF ROADS

Section 2781. County Road Caretakers.—The persons appointed by the board of commissioners to inspect and repair roads improved and maintained as county roads shall be designated county road caretakers. The caretakers shall have all the power and authority now vested by law in the constables of the several cities, boroughs and townships of this Commonwealth to keep the peace in and along the county roads of such county, and to enforce all laws regulating the speed of automobiles and other vehicles thereon, and to enforce all rules or regulations governing the use of such roads, and to make arrests therefor.

Section 2782. Caretakers Not Entitled to Fines or Penalties.—No such caretaker shall be entitled to any portion of any fine or penalty imposed upon any person or persons for any violation of any act of Assembly or rule relating thereto, but all such fines and penalties,

when the proceeding is initiated by such caretaker, shall belong to and be paid into the county treasury for the benefit of the county.

Section 2783. Badge of Caretaker.—The board of commissioners shall furnish each of said caretakers, as an evidence of his authority, a badge having impressed thereon the words "Police..... County Road Caretaker".

Section 2784. Rules for Protection of Road; Penalty for Violation.—(a) For the purpose of preventing unreasonable wear and destruction of public roads improved and \*maintained by the county, the board of commissioners may adopt and prescribe reasonable rules, regulating and restricting the use of said roads within the county by any means of locomotion and prescribe pecuniary penalties for the enforcement thereof. All such rules adopted by the board of commissioners shall, before becoming operative, be published once a week for three weeks in two newspapers of general circulation in the county to which the rules apply, and be recorded in the office of the recorder of deeds of said county.

(b) Any resident of the county within which the violation of any rule so adopted shall occur may institute and prosecute to judgment and execution an action of assumpsit, in any court having jurisdiction of such actions and the amounts involved, for the recovery of any penalty for the violation of any rule prescribed by the board of commissioners, of which penalty the plaintiff shall be entitled to one-half and the county shall be entitled to the other half, payable to the county treasurer, who shall add the same to the fund for the improvement of said county roads.

(c) Any person violating any rule so adopted shall, upon summary conviction, be sentenced to pay a fine of not less than five dollars (\$5) or more than one hundred dollars (\$100), payable to the county treasurer, who shall add the same to the fund for the improvement of said county roads. From any judgment obtained for said penalty and from said summary conviction an appeal shall lie as provided by law.

Section 2785. Penalty for Destroying, Et Cetera, Index Boards.—(a) It shall be unlawful for any person to wilfully destroy, remove, injure or deface any sign or index board erected upon or near any public street, road or bridge by the authorities of any county, or erected, with the consent of such authorities, by any club, association or other organized body, for the direction, guidance or safety of travelers. Any and all such

\* "maintain," in original.

signs of wood, metal or other substance, affixed to trees or posts in or upon any roads, properly erected in such manner that they do not interfere with travel, or upon fences, telegraph, telephone, trolley or other poles, with the permission of the owners thereof, or upon private grounds, where consent has been obtained from the owners and tenants thereof, and which are close to roads, shall be within the provisions of this section.

(b) Any person violating the provisions of this section shall, upon summary conviction, be sentenced to pay a fine of not less than ten dollars (\$10) nor more than twenty-five dollars (\$25) with all costs of prosecution, together with the value of such sign so destroyed, removed or defaced. In default of payment of said fine, costs and expenses, such person shall undergo an imprisonment for a period of not less than five nor more than sixty days.

Section 2786. Snow Fences.—(a) Any county which is responsible for the maintenance of any road may enter upon private property adjacent to such road and place thereon snow fences, at any point as may be deemed necessary to within a limit of one hundred feet from the right-of-way line of such road, in order to eliminate snow drifting on the traveled portion thereof.

(b) No snow fence, authorized under this section, shall be placed prior to November first nor shall the same remain in place after April first of the succeeding year, unless the written consent of the owner of the adjacent property is obtained, agreeing to an extension of time for the removal of said snow fence.

(c) If the county responsible for the maintenance of the road shall not be able to enter into an agreement with the owner of adjacent property occupied by such snow fence as to the amount of damages sustained as a result of said fence being placed and removed, the owner may petition the court of the proper county for the appointment of viewers to ascertain the amount of damages incurred in such case. The appointment of viewers and the procedure thereafter shall be governed and be in accordance with this act, as provided for eminent domain proceedings. Such damages, if any, when ascertained, shall be paid by the county responsible for the maintenance of the road, and any funds available to the county for the construction and maintenance of roads under their supervision shall be available for the payment of such damages.

Section 2787. Elimination of Dangerous Curves and Widening of Narrow Roads.—Any county may acquire, by purchase or by the right of eminent domain, such property and lands situate along or adjacent to any

county road as, in the opinion of the commissioners of such county, may be necessary to eliminate dangerous curves and widen narrow roads, for the better protection and safety to the traveling public.

Upon any such purchase or condemnation, the county commissioners having had such property and lands condemned may, from time to time, cause to be abated or removed any such dangerous curve or curves or widen such narrow road to the extent of the property and land so acquired.

Proceedings for the condemnation of such property and lands shall be as provided in Article XXIV of this act.

## ARTICLE XXVIII

### ACTIONS BY AND AGAINST COUNTIES

Section 2801. Commissioners to Bring and Defend Suits.—All suits by a county shall be brought and conducted by the board of commissioners. In all suits against a county, process shall be served upon and defense made by the board of commissioners. Service shall be made upon any county in the manner prescribed by the Pennsylvania Rules of Civil Procedure for so long as the pertinent provisions of this section remain suspended by said Rules.

Section 2802. Form of Action to Recover Claims; Jurisdiction of Justices of the Peace.—Counties may proceed for the recovery of municipal claims by lien or by action of assumpsit. Jurisdiction is conferred upon justices of the peace to entertain such actions of assumpsit to the amount of three hundred dollars (\$300).

Section 2803. Competency of Witnesses and Jurors.—No person shall be excluded from being a witness or juror in any suit, prosecution or proceeding in which the county is a party or is interested by reason of such person being or having been an officer, rated citizen or inhabitant in such county, or owning assessed or taxable property, or being liable to the assessment or payment of any tax therein.

Section 2804. Execution Against County.—(a) If judgment shall be obtained against a county in any action or proceeding, the party entitled to the benefit of such judgment may have execution thereof as follows and not otherwise. The court of common pleas of the county against which judgment shall be obtained or the court to which a judgment may have been removed by transcript from a justice of the peace or alderman, on application of the party entitled to the benefit of such judgment, may direct the issue of a writ thereon,

commanding the commissioners of the county to cause the amount of the judgment, with the interest and costs, to be paid to the party entitled, out of any moneys of the said county which are not appropriated or pledged for any specific purpose and which are not required to meet the current operating expenses of the county during the then fiscal year. If there be no such moneys, then out of the first moneys coming into the hands of its treasurer which have not been appropriated or pledged to any specific purpose and are not required to meet the current operating expenses of the county during the fiscal year in which such writ issued. If such judgment shall have been recovered on an obligation secured by a sinking fund, payment thereof may be directed out of any moneys in the sinking fund.

(b) If such judgment is not paid by the commissioners as directed by such writ, they shall, within twenty days after service thereof, make answer showing the reasons for not having made payment as commanded.

(c) If it appears from said answer that the county does not have moneys not appropriated or pledged for specific purposes and not required for current operating expenses with which to pay said judgment and that it will not, during the then fiscal year, have sufficient funds not appropriated or pledged for specific purposes and not required to meet current operating expenses to enable the payment of such judgment or judgments, the court, after hearing, shall direct the levy of a tax, to be levied and collected during the succeeding fiscal year or years, sufficient to pay such judgment or judgments.

(d) In directing the levy of such tax, the court shall take into consideration the number of judgments against the county and the writs issued, and shall have power to decide during how many years the tax shall be levied, but it shall not direct the levy of a tax for any one year in excess of one-half of one per centum of the assessed valuation of the taxable property of the county.

(e) The taxes thus directed to be levied shall be levied by the commissioners at the same time the next levy for general county purposes is made, and shall be levied and collected as other taxes are by law levied and collected, but shall be listed in the duplicates as a separate tax and shall be kept distinct from all other of the county's funds, and applied in payment of the judgment or judgments for which collection is directed, as from time to time received, but one levy may be



made for the satisfaction of more than one judgment and the fund shall be applied to the satisfaction of the judgments in the order in which the writs were issued.

(f) The court shall have power to enforce, by attachment or otherwise, all orders and decrees entered in pursuance of the powers hereby granted.

(g) All judgments and unpaid parts thereof shall bear interest at the rate of six per centum per annum, but not compounded.

Section 2805. Appeals in Behalf of County by Taxpayers.—Subject to the proviso hereinafter made, any ten or more taxpayers of the county may, in behalf of such county, appeal from the report of its county auditors or controller to the court of common pleas, or prosecute any suit or action in behalf of said county, or defend such county in any suit, process or action that may be brought against such county, by appeals from county auditors' or controller's report or otherwise. If no appeal is entered by county officials, the appeal by such taxpayers shall be entered within ninety days after the filing of such report in the court of common pleas. All of the appellants shall enter into recognizance with two sufficient sureties, conditioned that the appellants shall prosecute said appeal with effect and pay all costs that may accrue thereon in case they fail to obtain a final decision more favorable to the county than the report from which such appeal is taken. In all such appeals, the courts of common pleas may direct an issue to be tried by a jury, upon whose verdict final judgment shall be entered, reserving the right of all parties to appeal to the Supreme Court or Superior Court, as provided in other appeals. Before said taxpayers shall be permitted to come into court and prosecute any suit or action or defend the county in any suit, process or action, they shall present to the court a petition signed by them, accompanied by an affidavit of one of their number, that they believe injustice will be done the county unless they are so permitted. Said taxpayers shall, whenever the court shall deem it necessary, file in said court of common pleas a bond, with one or more sufficient sureties to be approved by said court, to indemnify and save harmless said county from all costs that may occur in the suit, process or action subsequent to filing the petition.

Intervention by taxpayers to prosecute any action or suit on behalf of a county, including an appeal already filed from an auditors' or controller's report, or to defend the county, shall be governed by the Pennsylvania Rules of Civil Procedure for so long as the pertinent provisions of this section remain suspended by said Rules.

Section 2806. Certain Procedure in Equity Not to Apply When County is Libellant, Et Cetera.—The first section of the act of May six, one thousand eight hundred forty-four (Pamphlet Laws 564), entitled “An act further to regulate proceedings in courts of justice, and for other purposes”, shall not apply to any bill or proceeding in equity wherein any county is libellant, plaintiff or complainant, nor shall any county be required to give security on appeal to the Supreme Court or Superior Court in any proceeding in equity. In all such cases, it shall be the duty of the court in which the same may be \*pending, as far as practicable, to expedite the hearing and final determination thereof by such rules, order or orders, not inconsistent with the laws of this Commonwealth, as justice and equity may require.

Section 2807. Submission of Disputes to Arbitration.—It shall be lawful to include in any contract executed by or on behalf of any county a provision that any matter in dispute arising under the said contract shall be submitted to arbitration in accordance with the arbitration act of June sixteen, one thousand eight hundred thirty-six \*\*or such sections thereof as may be set forth in such contract.

Any county having charge of the execution of any contract shall have the right with the consent of the county solicitor to agree to submit to arbitration any matter in dispute under any contract to which the said county shall be a party, in accordance with the act of one thousand eight hundred thirty-six, or any section thereof, as may be agreed upon, whether or not the contract shall contain a provision providing for such reference.

## ARTICLE XXIX

### ACTS OF ASSEMBLY REPEALED

Section 2901. The following acts and parts of acts and all amendments thereof are hereby repealed to the extent hereinafter specified.

Section seventy-eight of the act, approved April fifteen, one thousand eight hundred thirty-four (Pamphlet Laws 537), entitled “An act relating to counties and townships and county and township officers”, as to counties of the third to the eighth class.

The act, approved April one, one thousand eight hundred thirty-five (Pamphlet Laws 101), entitled “An act relative to the bonds of County Treasurers in the Auditor General’s office”, as to counties of the third to the eighth class.

\* “ending,” in original.

\*\* “of,” in original.

Sections three and ten of the act, approved May twenty-seven, one thousand eight hundred forty-one (Pamphlet Laws 400), entitled "An act relating to the Election of County Treasurers and for other purposes", as to counties of the third to the eighth class.

Sections one, three and seven of the act, approved May three, one thousand eight hundred fifty (Pamphlet Laws 654), entitled "An act providing for the election of district attorneys", as to counties of the third to the eighth class.

Sections seventeen and eighteen of the act, approved March thirty-one, one thousand eight hundred sixty (Pamphlet Laws 382), entitled "An act to Consolidate, Revise and Amend the Penal Laws of this Commonwealth", as to counties of the third to the eighth class.

The act, approved March twelve, one thousand eight hundred sixty-six (Pamphlet Laws 85), entitled "A further supplement to an act, entitled 'An Act to consolidate, revise and amend the penal laws of this Commonwealth', so far as relates to the duties of district attorneys", as to counties of the third to the eighth class.

The act, approved April seventeen, one thousand eight hundred sixty-nine (Pamphlet Laws 66), entitled "An act relating to the payment of county auditors", as to counties of the third to the eighth class.

Sections one, two, three, four, five, six, seven, eight, nine, ten, fifteen and sixteen of the act, approved March thirty-one, one thousand eight hundred seventy-six (Pamphlet Laws 13), entitled "An act to carry into effect section five, of article fourteen, of the constitution, relative to the salaries of county officers and the payment of fees received by them into the state or county treasury, in counties containing over one hundred and fifty thousand inhabitants", as to counties of the third and fourth class.

The act, approved April twenty-two, one thousand eight hundred seventy-nine (Pamphlet Laws 30), entitled "An act extending the powers and authority of county auditors, authorizing them to settle, audit and adjust the accounts of the directors of the poor of the several counties of the commonwealth", as to counties of the third to the eighth class.

The act, approved June eight, one thousand eight hundred eighty-one (Pamphlet Laws 81), entitled "An act to authorize the courts of common pleas of this commonwealth, on sale of real estate by surety for the sheriff or coroner, on application by petition, to release the lien of recognizance on said real estate", as to counties of the third to the eighth class.

The act, approved June twenty-seven, one thousand eight hundred eighty-three (Pamphlet Laws 163), entitled "An act providing for the satisfaction and discharge of sheriff's recognizance", as to counties of the third to the eighth class.

The act, approved April nineteen, one thousand eight hundred eighty nine (Pamphlet Laws 38), entitled "An act providing for the appointment of librarians for law libraries connected with the courts of this Commonwealth", as to counties of the third to the eighth class.

The act, approved May thirteen, one thousand eight hundred eighty-nine (Pamphlet Laws 200), entitled "An act regulating the payment of traveling expenses of directors of the poor and county commissioners within this Commonwealth", as to counties of the third to the eighth class.

The act, approved June twelve, one thousand eight hundred ninety-three (Pamphlet Laws 457), entitled "An act to provide for the erection, maintenance and regulation of public morgues in the several counties of this Commonwealth, for the care and disposal of bodies removed thereto, and providing for the payment of certain expenses of the same by the proper county or district or by the estate of the deceased person, and providing for the disposal of the personal effects of unclaimed dead", as to counties of the third to the eighth class.

The act, approved June eighteen, one thousand eight hundred ninety-five (Pamphlet Laws 209), entitled "An act regulating the printing and publication of notices and advertisements authorized by the county commissioners of the counties of this Commonwealth containing a population of five hundred thousand and not exceeding one million, as shown by the last United States census, providing how newspapers shall be designated in which such publications shall be made, and repealing an act, entitled 'An act authorizing the county commissioners of Allegheny county to select four morning newspapers for official county advertising', approved the second day of April, Anno Domini one thousand eight hundred and seventy-three, and also repealing the tenth section of an act, entitled 'A supplement to an act approved the first day of May, Anno Domini one thousand eight hundred and sixty-one, entitled 'An act relating to Allegheny county', approved the eighth day of April, Anno Domini one thousand eight hundred and sixty-two", as to counties of the third class.

The act, approved April fourteen, one thousand eight hundred ninety-seven (Pamphlet Laws 22), entitled "An act making it the duty of the various county

officials to furnish, on demand therefor, information from their respective offices to the head of any department of the State government, and providing a compensation therefor", as to counties of the third to the eighth class.

The act, approved July fifteen, one thousand eight hundred ninety-seven (Pamphlet Laws 285), entitled "An act authorizing the commissioners of the counties of the Commonwealth to transfer and cover into the general fund of the several counties, any money now placed to the credit of any city, borough or township, upon any duplicate for taxes where the same has remained uncalled for during a period of ten years: Provided, The right to the same is not in litigation or a matter of dispute", as to counties of the third to the eighth class.

The act, approved April eighteen, one thousand eight hundred ninety-nine (Pamphlet Laws 56), entitled "An act authorizing the county commissioners of the several counties in this Commonwealth to appoint a clerk, fix his compensation, and prescribe the term and duties of the clerk, except in counties where the clerk to the county commissioners is elected by the people", as to counties of the third to the eighth class.

The act, approved May eleven, one thousand nine hundred one (Pamphlet Laws 165), entitled "An act relative to the purchase of a law library in counties of this Commonwealth having a population of less than one hundred and fifty thousand inhabitants, and authorizing one-half of the fines and forfeitures, to which said counties would under existing laws be entitled, to be expended for the purchase and support of said library", as to counties of the third to the eighth class.

The act, approved May twenty-one, one thousand nine hundred one (Pamphlet Laws 271), entitled "An act to provide for the election of recorders of deeds and registers of wills in counties having a population of over one hundred and fifty thousand", as to counties of the third and the fourth class.

The act, approved April eleven, one thousand nine hundred three (Pamphlet Laws 164), entitled "An act to provide for the construction of bridges over or under existing railroads, at the expense of the county, where a public highway or a road, about to be opened, intersects or will intersect an existing railroad or railroads, and the township within which the bridges may be necessary is reasonably unable to bear the expense of the same", as to counties of the third to the eighth class.

The act, approved February fourteen, one thousand nine hundred seven (Pamphlet Laws 3), entitled

“An act enlarging the powers of county commissioners to erect county bridges; empowering them to erect and construct new bridges whenever the existing bridge or bridges are not sufficient, for any cause, to accommodate the public travel”, absolutely.

Section one of the act, approved April sixteen, one thousand nine hundred seven (Pamphlet Laws 92), entitled as amended “An act defining the duty of coroners, where death is sudden or violent, or is of a suspicious nature and character, and of police, and health authorities in this Commonwealth, in reference to the disposition of bodies of persons whose cause of death may be the subject of inquiry by the coroner, but where it appears the cause of death is not surrounded by suspicious circumstances”, as reenacted and amended by the act, approved July twelve, one thousand nine hundred thirty-five (Pamphlet Laws 710), insofar as it is inconsistent with the provisions of this act, in counties of the third to the eighth class.

The act, approved April twenty-two, one thousand nine hundred nine (Pamphlet Laws 104), entitled “An act providing for the support and maintenance of law libraries in the counties of this Commonwealth”, as to counties of the third to the eighth class.

The act, approved April twenty-seven, one thousand nine hundred nine (Pamphlet Laws 242), entitled “An act providing for the payment to the treasurer of any County Soldiers’ Memorial Association, within the commonwealth of Pennsylvania, incorporated under the laws of the said Commonwealth, of any moneys unexpended, which were appropriated by the county commissioners of any county in the Commonwealth, under the act of April third, one thousand nine hundred and three, to be used solely and exclusively for the erection or completion of any monument or memorial to the memory of the soldiers and sailors of American wars”, as to counties of the third to the eighth class.

The act, approved June eight, one thousand nine hundred eleven (Pamphlet Laws 717), entitled “An act relating to coroners and the holding of post-mortems in the several counties of the Commonwealth”, as to counties of the third to the eighth class.

The act, approved March twenty-seven, one thousand nine hundred thirteen (Pamphlet Laws 11), entitled “An act fixing the salary of controllers, in counties having over one hundred thousand inhabitants, where no provision for such salary has heretofore been made”, as to counties of the third to the fifth class.

The act, approved May fourteen, one thousand nine hundred thirteen (Pamphlet Laws 204), entitled "An act authorizing the board of county commissioners of the several counties of the State to appropriate money for cooperative agricultural extension work, for the purpose of improving and developing the agricultural resources of the proper counties", as to counties of the third to the eighth class.

The act, approved June twenty-five, one thousand nine hundred thirteen (Pamphlet Laws 559), entitled "An act providing for and regulating appeals, when county auditors have surcharged a county officer, and such surcharge has not been allowed by the court", absolutely.

The act, approved May seventeen, one thousand nine hundred seventeen (Pamphlet Laws 237), entitled "An act regulating the practice and procedure of the sheriff or deputy sheriff, under writs of inquisition, condemnation, inquiry of damages, lunacy or habitual drunkard proceedings, partition proceedings, or by virtue of any other writ or process, issued by the courts of this Commonwealth, wherein the existing laws require the sheriff to be present in person", as to counties of the third to the eighth class.

The act, approved May twenty-four, one thousand nine hundred seventeen (Pamphlet Laws 297), entitled "An act authorizing the establishment of contagious disease hospitals in the several counties of the Commonwealth, to be constructed and maintained out of county funds", as to counties of the third to the eighth class.

The act, approved July eighteen, one thousand nine hundred seventeen (Pamphlet Laws 1042), entitled "An act authorizing county controllers, in counties having a population of more than one hundred thousand and less than one hundred and fifty thousand inhabitants, to appoint a solicitor; prescribing the duties of said solicitor, and fixing his salary", absolutely.

The act, approved May eight, one thousand nine hundred nineteen (Pamphlet Laws 163), entitled "An act authorizing county commissioners to appoint county engineers, and to fix their compensation, and prescribing the duties of such engineers", as to counties of the third to the eighth class.

The act, approved April thirteen, one thousand nine hundred twenty-one (Pamphlet Laws 132), entitled "An act authorizing county commissioners to appropriate moneys for the maintenance of duly incorporated organizations for the prevention of cruelty to animals", as to counties of the third to the eighth class.

The act, approved May twenty, one thousand nine hundred twenty-one (Pamphlet Laws 1006), entitled "An act relating to certain county officers in counties of the fifth class; providing for their salaries, and the compensation of deputies and clerks in the respective county offices; establishing a salary board, and defining its powers and duties; placing certain duties on the county commissioners, county controllers, and county auditors; requiring the payment into the respective county treasury of the fees of such county officers; and providing penalties for violation of this act", absolutely.

The act, approved April twelve, one thousand nine hundred twenty-three (Pamphlet Laws 62), entitled "An act relating to treasurers in counties of the fifth class; providing for their salaries, bonds, offices and supplies, and the compensation of deputies and clerks", absolutely.

The act, approved April twenty-seven, one thousand nine hundred twenty-three (Pamphlet Laws 112), entitled "An act fixing the compensation of jury commissioners in counties of the seventh class", absolutely.

The act, approved May nineteen, one thousand nine hundred twenty-three (Pamphlet Laws 275), entitled "An act fixing the salary of sheriffs in counties of the eighth class; providing for the payment for the care and maintenance of prisoners, where the sheriff is the keeper or warden of the jail; requiring all fees and mileage earned by sheriffs in such counties to be paid into the county treasury for the use of the county; and prescribing penalties", absolutely.

The act, approved May nineteen, one thousand nine hundred twenty-three (Pamphlet Laws 283), entitled "An act providing a means whereby the individual justice of the peace may better inform himself as to the law, changes in the law, and decisions of the courts on the law, of this Commonwealth", as to counties of the third to the eighth class.

The act, approved June twenty-eight, one thousand nine hundred twenty-three (Pamphlet Laws 875), entitled "An act relating to county bridges, authorizing counties to issue and sell bonds for the erection thereof, and for the acquisition of toll bridges, and providing for the division of the cost of construction and erection or acquisition of joint county bridges or toll bridges and the collection of tolls thereon", as to counties of the third to the eighth class.

The act, approved June twenty-nine, one thousand nine hundred twenty-three (Pamphlet Laws 944),



entitled "An act relating to salaries, compensation, bonds, offices, and supplies of certain county officers, their deputies and clerks, in counties of the sixth class", absolutely.

The act, approved June twenty-nine, one thousand nine hundred twenty-three (Pamphlet Laws 973), entitled "An act providing for the payment by counties of expenses incurred by the district attorney, and making such expenses a part of the costs of the case where the defendant is convicted", as to counties of the third to the eighth class.

The act, approved July eleven, one thousand nine hundred twenty-three (Pamphlet Laws 1054), entitled "An act relating to certain county officers in counties of the fifth class; providing for their salaries, and the compensation of deputies and clerks in the respective county offices; establishing a salary board, and defining its powers and duties; placing certain duties on the county commissioners, county controllers, and county auditors; requiring the payment into the respective county treasury of the fees of such county officers; and providing penalties for violation of this act", absolutely.

The act, approved April nine, one thousand nine hundred twenty-five (Pamphlet Laws 222), entitled "An act providing for the payment by counties and poor districts of the salaries of officers where pending the settlement of a dispute the salary paid to such officer was less than the amount to which he was legally entitled", absolutely.

The act, approved May eleven, one thousand nine hundred twenty-five (Pamphlet Laws 559), entitled "An act fixing the salary of sheriffs in counties of the sixth class; providing for the payment for the care and maintenance of prisoners where the sheriff is the keeper or warden of the jail; requiring all fees and mileage earned by sheriffs in such counties to be paid into the county treasury for the use of the county; providing for the appointment and compensation of deputies and clerks; and prescribing penalties", absolutely.

The act, approved May twelve, one thousand nine hundred twenty-five (Pamphlet Laws 596), entitled "An act providing for the alteration of the boundaries of counties in certain cases for the adjustment of the indebtedness thereof; providing the effect thereof", as to counties of the third to the eighth class.

The act, approved May thirteen, one thousand nine hundred twenty-five (Pamphlet Laws 676), entitled, as amended, "An act providing for the burial of certain

persons who are, have been, or shall be soldiers, sailors, marines or members of the enlisted nurse corps designated as 'deceased service men' defining the term 'deceased service men' authorizing county commissioners to provide markers and burial plots for such deceased service men at the expense of such county in which they shall die or have a legal residence at the time of their death and providing for the burial of widows of soldiers, sailors or marines", as to counties of the third to the eighth class.

The act, approved May thirteen, one thousand nine hundred twenty-seven (Pamphlet Laws 1020), entitled "An act authorizing and empowering the cities of the third class to acquire by lease, purchase or condemnation proceedings any land within or without the limits of said cities, but within the limits of the counties in which such cities are located, for the purpose of establishing and maintaining municipal airdromes or aviation landing fields; providing for the procedure in cases of condemnation and the extent of title acquired; authorizing the lease by the cities of portions thereof to individuals or corporations upon such terms as may be fixed, and the lease thereof to the Government of the United States upon nominal rental; and empowering said cities to operate and maintain said fields jointly with any county within said city is situate where the county is empowered to operate and maintain an airdrome or aviation landing field", as to counties of the third to eighth class.

The act, approved March twenty-one, one thousand nine hundred twenty-nine (Pamphlet Laws 38), entitled "An act authorizing and regulating the establishment and operation, by counties, of hospitals for the treatment of women afflicted with nervous diseases; providing for the acquisition of property for such hospitals by the power of eminent domain, the incurring of indebtedness, and the levying of taxes", authorizing counties to pay for patients cared for in hospitals of other counties; and authorizing counties to receive gifts or trust funds for the erection and maintenance of such hospitals", as to counties of the third to the eighth class.

The act, approved May two, one thousand nine hundred twenty-nine (Pamphlet Laws 1278), entitled "An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto", as to counties of the third to the eighth class.

The act, approved May fifteen, one thousand nine hundred twenty-nine (Pamphlet Laws 1767), entitled "An act validating the action of the salary board of

any county of this Commonwealth in providing additional assistants to the district attorneys in the respective counties, when such appointments became necessary, or on account of sickness of assistant district attorneys, or on account of increased business or unusual conditions or circumstances, provided the salary for such appointees did not exceed the minimum salary provided for assistant district attorneys in the respective counties", as to counties of the third to the eighth class.

The act, approved May sixteen, one thousand nine hundred twenty-nine (Pamphlet Laws 1794), entitled "An act permitting the district attorney or any assistant district attorney to be present during the presentation of all matters to the grand juries in their sessions in the several third class counties of this Commonwealth, lay before them matters upon which they are to pass, and to aid them in their examination of witnesses", absolutely.

The act, approved June twenty-three, one thousand nine hundred thirty-one (Pamphlet Laws 929), entitled "An act fixing the qualifications of deputy sheriffs in this Commonwealth", as to counties of the third to the eighth class.

The act, approved March seventeen, one thousand nine hundred thirty-three (Pamphlet Laws 14), entitled "An act fixing the salary of sheriffs in counties of the seventh class; providing for the payment for the care and maintenance of prisoners where the sheriff is the keeper or warden of the jail; providing for deputies and their compensation; requiring all fees and mileage earned by sheriffs in such counties to be paid into the county treasury for the use of the county; and prescribing penalties", absolutely.

Section two of the act, approved May twenty-three, one thousand nine hundred thirty-three (Pamphlet Laws 948), entitled "An act to amend section one hundred thirty-six of the act, approved the second day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand two hundred seventy-eight), entitled 'An act relating to counties of the second, third, fourth, fifth, sixth, seventh and eighth classes; and revising, amending and consolidating the laws relating thereto', changing the procedure to create the office of county controller, including procedures where decrees have heretofore been entered", as to counties of the third to the eighth class.

The act, approved July ten, one thousand nine hundred thirty-five (Pamphlet Laws 641), entitled "An act providing for the eradication of mosquitoes; author-

izing the establishment of county mosquito extermination commission, after popular referendum, and the appointment of their members by the county commissioners; prescribing the powers and duties of such commissions", as to counties of the third to the eighth class.

The act, approved June four, one thousand nine hundred thirty-seven (Pamphlet Laws 1595), entitled "An act relating to peace officers; providing for the qualifications and appointments of deputy sheriffs; regulating the manner of their selection and compensation; regulating the source of compensation for other peace officers; declaring void certain contracts inconsistent with the provisions hereof; providing penalties; and repealing inconsistent acts", as to counties of the third to the eighth class.

The act, approved July one, one thousand nine hundred thirty-seven (Pamphlet Laws 2612), entitled "An act authorizing county commissioners of any county to hold in trust for the inhabitants and citizens of the county, any real estate and property appropriate for agriculture fairs or exhibits; and to lease the same, without expense or liability to the county, to any incorporated agriculture association to operate and conduct an annual fair within the county", as to counties of the third to the eighth class.

The act, approved June fifteen, one thousand nine hundred thirty-nine (Pamphlet Laws 359), entitled "An act relating to recognizances and official bonds of present and future sheriffs and coroners and to their sureties thereon; imposing the expense of corporate suretyships on such obligations upon the several counties and various duties upon the courts of common pleas and county officers thereof; authorizing the substitution of approved surety companies for individual or corporate sureties upon such obligations and the release of any surety upon any such recognizance by such court upon certain conditions; dispensing with sureties on such recognizances but providing for the acknowledgment, recording and indexing of same as liens on certain real estate; regulating such liens and releases therefrom; providing for refunds to sheriffs and coroners of certain premiums paid to sureties on their official bonds and recognizances; and repealing inconsistent laws, except as to existing claims or pending suits thereunder, subject to certain limitations", as to counties of the third to the eighth class.

The act, approved June twenty-one, one thousand nine hundred thirty-nine (Pamphlet Laws 649), entitled "An act authorizing counties to convey or lease property, needed or convenient as a site for a county

courthouse, to the General State Authority; to acquire additional property for such purposes; and to contract with and lease property from said Authority", as to counties of the third to the eighth class.

The act, approved May sixteen, one thousand nine hundred fifty-one (Pamphlet Laws 300), entitled "An act authorizing counties of the second and fourth classes to establish fire training schools for the paid and volunteer firemen of municipalities within the county", as to counties of the fourth class.

Section 2902. General Repeal.—All other acts and parts of acts general, local and special are repealed in so far as they are inconsistent herewith.

APPROVED—The 9th day of August, A. D. 1955.

GEORGE M. LEADER

No. 131

### AN ACT

Permitting and regulating wrestling and boxing contests and exhibitions; requiring licenses and permits; conferring powers and imposing duties upon the State Athletic Commission; providing for the granting, suspension, and revocation of licenses and permits issued by the Commission; preserving the rights of existing licensees and permittees; prescribing penalties, fines, forfeitures and misdemeanors; requiring bonds and insurance; creating a Medical Advisory Board; providing for rules and regulations; and making appropriations.

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

## ARTICLE I

### PRELIMINARY PROVISIONS

Section 101. Short Title.—This act shall be known and may be cited as the "Pennsylvania Athletic Code."

Short Title:  
"Pennsylvania  
Athletic Code".

Section 102. Definitions; Construction.—The following terms shall be construed when used in this act to have the following meanings, except in those instances where the context clearly indicates otherwise:

Definitions.

"Amateur" shall mean a person who has never received any purse or other article of value either for the expenses of training therefor or for participating in any boxing or wrestling contest or exhibition other than a prize which does not exceed fifty dollars (\$50.00) in value.

"Commission" shall mean the State Athletic Commission.