

not more than fifty dollars (\$50), or to undergo imprisonment of not less than five (5) days and not more than ten (10) days, or both.

(b) Any person wilfully concealing unpurchased goods or merchandise of any store or other mercantile establishment, either on the premises or outside the premises of such store, shall be prima facie presumed to have so concealed such article with the intention of converting the same to his own use without paying the purchase price thereof within the meaning of subsection (a) of this section, and the finding of such unpurchased goods or merchandise concealed, upon the person or among the belongings of such person, shall be prima facie evidence of wilful concealment, and, if such person conceals, or causes to be concealed, such unpurchased goods or merchandise, upon the person or among the belongings of another, the finding of the same shall also be prima facie evidence of wilful concealment on the part of the person so concealing such goods. Persons so concealing such goods may be detained, in a reasonable manner and for a reasonable length of time, by a peace officer or a merchant or a merchant's employe in order that recovery of such goods may be effected. Such detention by a peace officer, merchant or a merchant's employe shall not render such peace officer, merchant or merchant's employe, criminally or civilly, liable for false arrest, false imprisonment or unlawful detention.

(c) The offenses for which penalties and the presumptions are herein provided shall not be exclusive, and shall be in addition to previously existing offenses, and such rights and presumptions as were heretofore provided by law.

Act effective
immediately.

Section 2. This act shall take effect immediately.

APPROVED—The 5th day of July, A. D. 1957.

GEORGE M. LEADER

No. 283

AN ACT

Amending the act of July 27, 1955 (P. L. 288), entitled "An act making it unlawful for owners of certain property in cities of the first class to sell or agree to sell such property without first delivering to the purchaser a use registration permit; and requiring such owners to insert in any agreement of sale of such property a statement concerning zoning classification and use of such property; and providing penalties for violations," extending the provisions thereof to additional property in cities of the first class, and providing for the delivery of certifications of district classification by sellers of such property.

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

Cities of the first class.

Section 1. The title and subsection (a) of section 1, subsection (b) of section 2, and section 3, act of July 27, 1955 (P. L. 288), entitled "An act making it unlawful for owners of certain property in cities of the first class to sell or agree to sell such property without first delivering to the purchaser a use registration permit; and requiring such owners to insert in any agreement of sale of such property a statement concerning zoning classification and use of such property; and providing penalties for violations," are amended to read:

Title and subsection (a), section 1, subsection (b), section 2, and section 3, act of July 27, 1955, P. L. 288, amended.

An Act

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

Title.

Section 1. Legislative Findings.—

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

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Section 2. Definitions.—

* * * * *

(b) "Property" means any building or structure situate in any city of the first class, [which is used, designed or intended to be used by three or more families, or any commercial establishment in which is situate one or more dwelling units] *except buildings or structures used, designed or intended to be used, exclusively, for single family or two-family occupancy, churches or other places of religious worship.*

* * * * *

Section 3. *Certificates of Zoning Classification.*—

[(a)] In any city of the first class it shall be unlawful for any owner to sell his property, or *any* interest

therein, unless the owner shall first deliver to the purchaser at or prior to the time for settlement a [use registration permit, or duly certified copy thereof,] *certification of the District classification*, issued by the appropriate city officer indicating the zoning classification and [legal] *the legality of the existing use* of the property to be sold.

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

Section 2. The act is amended by adding, after section 3, a new section to read:

Section 3.1. Agreements of Sale.—

(a) *Every owner shall insert in every agreement for the sale of property a provision showing the zoning classification of such property, and stating whether the present use of the property is in compliance with or in violation of zoning laws and ordinances.*

(b) *If any owner fails to include such a provision in an agreement for the sale of property, then in any action, at law or in equity, instituted by a purchaser against an owner, it shall be conclusively presumed that the owner, at the time of the signing of such agreement, represented and warranted to the purchaser that such property was being used in compliance with the then existing zoning laws and ordinances.*

Section 3. Sections 4 and 5 of the act are amended to read:

Section 4. Non-Conforming Uses.—

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

Section 5. Penalties.—

Any owner who violates the provisions of *section 3* of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not more than one thousand dollars, or undergo imprisonment for not more than one year, or both.

APPROVED—The 5th day of July, A. D. 1957.

GEORGE M. LEADER