

and the Department of Highways; and making an appropriation out of the Motor License Fund; and repealing existing legislation," is amended to read:

Payment to municipalities by formula.

Section 4. The money hereby appropriated to municipalities shall be paid to the municipalities in accordance with the following formula and subject to the provisions of this act:

* * * * *

Use of allocated funds.

(2) Twenty-five per centum of all money allocated to each municipality shall be used for construction, reconstruction or widening of roads and streets, bridges and drainage structures. [When] *Except as provided herein, when all roads and streets of a municipality are classified as improved according to the standards of the department, the twenty-five per centum required to be used for road and street improvement may be used for maintenance and repair of roads and streets. When all roads and streets of any importance as determined by the township supervisors and the department are classified as improved in any township of the second class, the twenty-five per centum may be used for maintenance of roads and bridges in the township.*

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APPROVED—The 11th day of August, A. D. 1959.

DAVID L. LAWRENCE

No. 216

AN ACT

Amending the act of May 1, 1933 (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," authorizing the establishment of a Shade Tree Commission, and providing for its personnel, powers and duties.

The Second Class Township Code.

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

Act of May 1, 1933, P. L. 103, reenacted and amended July 10, 1947, P. L. 1481, amended by adding a new article XIX-B.

Section 1. The act of May 1, 1933 (P. L. 103), known as "The Second Class Township Code," reenacted and amended July 10, 1947 (P. L. 1481), is amended by adding, after Article XIX-A, a new article to read:

ARTICLE XIX-B

Shade Tree Commission

Section 1901-B. Right of Establishment.—Townships may, by ordinance, establish a commission to be known as the Shade Tree Commission, but in townships where

the township supervisors shall not elect to create by ordinance a Shade Tree Commission, the township supervisors may exercise all the rights and perform the duties and obligations imposed by this article upon the Shade Tree Commission.

Section 1902-B. Personnel of Commission; Appointment; Terms; Vacancies.—The commission shall be composed of residents of the township, who shall be appointed by the township supervisors, and shall serve without compensation.

Whenever a Shade Tree Commission is established by any township, the township supervisors shall appoint one member for a term of three years, one for a term of four years and one for a term of five years.

On the expiration of the term of any shade tree commissioner, a successor shall be appointed by the township supervisors to serve for a term of five years.

Vacancies in the office of shade tree commissioner shall be filled by the township supervisors for the unexpired term.

Section 1903-B. Powers May be Vested in Park Board.—Whenever in any township there exists a board for the care of public parks, the township supervisors may, by ordinance, confer on the park board all the powers and all the duties prescribed by this article for the Shade Tree Commission.

Section 1904-B. General Powers of Commission.—The commission shall have exclusive custody and control of the shade trees in the township and is authorized to plant, remove, maintain and protect shade trees on the public streets and highways in the township.

*Section 1905-B. Hiring of Employees; Legislative Power of Commission.—The commission may, with the approval of the township supervisors, employ and pay such superintendents, engineers, foresters, tree wardens or other assistants as the *proper performance of the duties devolving upon it shall require, and may make, publish and enforce regulations for the care and protection of the shade trees of the township. No such regulation shall be in force until it has been approved by the township supervisors and until it has been published at least twice in not more than two newspapers of general circulation in the township, and, if no newspapers are published in the township, then in such newspapers circulating in the township.*

Section 1906-B. Report of Commission.—The Shade Tree Commission shall, annually, report in full to the

* "power" in original.

township supervisors its transactions and expenses for the last fiscal year of the township. The park board may incorporate such transactions and expenses in its regular report to the township supervisors.

Section 1907-B. Removal of Diseased Trees.—The commission may, upon such notice as may be provided by ordinance, require owners of property to cut and remove trees afflicted with the Dutch elm or other disease which threatens to injure or destroy shade trees in the township, under regulations prescribed by ordinance. Upon failure of any such owner to comply with such notice, the township may cause the work to be done by the township, and levy and collect the costs thereof from the owner of the property. The cost of such work shall be a lien upon the premises from the time of the commencement of the work, which date shall be fixed by the township engineer and shall be filed with the township secretary. Any such lien may be collected by action in assumpsit, or by lien filed in the manner provided by law for the filing and collection of municipal claims.

Section 1908-B. Assessments; Liens.—Upon the filing of the certificate with the township supervisors, the township secretary shall cause thirty days' written notice to be given to the persons against whose property an assessment has been made. The notice shall state the amount of the assessment and the time and place of payment and shall be accompanied by a copy of the certificate.

The amount assessed against the real estate shall be a lien from the time of the filing of the certificate with the township supervisors, and if not paid within the time designated in the notice, a claim may be filed and collected by the township in the same manner as municipal claims are filed and collected.

*Section 1909-B. Maintenance by Township Funds.—For the cost and expenses of caring for such trees after having been planted and the expense of publishing the notice *hereinbefore provided shall be paid by the township.*

The needed amount shall each year be certified by the shade tree commissioners to the township supervisors, and shall be drawn against, as required by the commission, in the same manner as money appropriated for township purposes.

The township supervisors, instead of levying the tax authorized under the general tax levying powers of this act, may provide, for the expense of caring for trees

* "hereuntofore" in original.

already planted and of publishing the notice, by appropriations equal to the amount certified to be required by the Shade Tree Commission.

Section 1910-B. Penalties.—The commission to the extent as may be provided by ordinance of the township may assess penalties for the violation of its regulations and of this article so far as it relates to shade trees. Any penalty so assessed shall be a lien upon the real estate of the offender and may be collected as municipal claims are collected.

Section 1911-B. Disposition of Penalties.—All penalties or assessments imposed under this article shall be paid to the township treasurer to be placed to the credit of the Shade Tree Commission subject to be drawn upon by the commission for the purposes of the preceding sections.

APPROVED—The 11th day of August, A. D. 1959.

DAVID L. LAWRENCE

No. 217

AN ACT

Amending the act of March 10, 1949 (P. L. 30), entitled "An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto," providing the procedure for a change of classification.

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

Section 1. Clause (2) of section 204, act of March 10, 1949 (P. L. 30), known as the "Public School Code of 1949," amended July 3, 1957 (P. L. 455), is amended to read:

Section 204. Basis for and Change of Classification.—Except as provided in clause (2) of this section, the last United States census as set forth in the official report thereof shall be the basis on which the population of the several school districts shall be computed. A change from one class of school district to another shall be made in the following cases, and in no other:—

* * * * *

(2) When a district, which at a decennial census, had sufficient population to entitle it to an advance to another class of district, has since suffered a large decrease in population, or which at a decennial census did not have

Public School
Code of 1949.

Clause (2), section 204, act of March 10, 1949, P. L. 30, amended July 3, 1957, P. L. 455, further amended.