

Penalty.	<i>one hundred dollars nor more than [one] five hundred dollars and costs of prosecution, and, in addition for the second offense within five years of the first offense, upon conviction thereof in a summary proceeding, his license shall be suspended for a period of not less than thirty days nor more than sixty days, and, in default of payment of such fine and costs, shall be sentenced to undergo imprisonment in the county jail for not more than thirty days, and, for a third or subsequent offense within five years of the last offense, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be sentenced to pay a fine of not less than [five hundred] one thousand dollars nor more than [one] two thousand dollars, or to undergo imprisonment not exceeding one year, or both, in the discretion of the court, and, in addition for a third or subsequent offense, upon conviction thereof, his license shall be suspended for a period of not less than thirty days nor more than ninety days.</i>
Suspension of license.	
Third or subsequent offense.	
Penalty.	
Suspension of license.	
Disposition of fines and penalties.	All fines and penalties imposed and recovered for the violation of any of the provisions of this act shall be paid into the State Treasury through the Department of Revenue, and credited to the General Fund.

APPROVED—The 9th day of May, A. D. 1961.

DAVID L. LAWRENCE

No. 97

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 condemnation of land for land fill purposes.

The Second Class Township Code.

Clause VIII., section 702, act of May 1, 1933, P. L. 103, reenacted and amended July 10, 1947, P. L. 1481, amended July 2, 1953, P. L. 354, and July 1, 1955, P. L. 249, further amended.

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

Section 1. Clause VIII. of section 702, act of May 1, 1933 (P. L. 103), known as "The Second Class Township Code," reenacted and amended July 10, 1947 (P. L. 1481), amended July 2, 1953 (P. L. 354) and July 1, 1955 (P. L. 249), is amended to read:

Section 702. Supervisors to Exercise Powers.—The corporate powers of townships of the second class shall be exercised by the township supervisors. Where no specific authority is given for the expenditures incident to the exercise of any power hereinafter conferred, or where no specific fund is designated from which such expenditures shall be made, appropriations for such expenditures shall be made only from the general town-

ship fund. In addition to the duties imposed upon them by section five hundred sixteen hereof, they shall have power—

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VIII. Ashes, Garbage, Rubbish and Other Refuse Materials.—To regulate or prohibit the dumping or otherwise depositing of ashes, garbage, rubbish and other refuse materials within the township. To prohibit accumulations of ashes, garbage, rubbish and other refuse materials upon private property, including the imposition and collection of reasonable fees and charges for the collection, removal and disposal thereof. They shall also have power to—

(1) Collect, remove and dispose of or to provide, by contract or otherwise, for the collection, removal and disposal, by incineration, land fill or other methods of ashes, garbage, rubbish and other refuse materials and to prescribe penalties for the enforcement thereof. Any such contract may be made for a period not exceeding three years. This limitation shall not apply to contracts entered into with any other political subdivision or with any municipality authority. To acquire any real property and to erect, maintain, improve, operate, and lease, either as lessor or lessee, facilities for incineration, land fill or other methods of disposal, either within or without the limits of the township, including equipment, either separately or jointly, with any other political subdivision or with any municipality authority in order to provide for the destruction, collection, removal and disposal of ashes, garbage, rubbish and other refuse materials and to provide for the payment of the cost and expense thereof, either in whole or part, out of the funds of the township and to acquire *land for land fill purposes, either amicably or by exercising the power of eminent domain*, and to maintain such lands and places for the dumping of ashes, garbage, rubbish and other refuse material to fix, alter, charge and collect rates, and other charges for the collection, removal and disposal of ashes, garbage, rubbish and other refuse materials and the cost of including the payment of any indebtedness incurred for the construction, purchase, improvement, repair, maintenance and operation of any facilities therefor, and the amount due under any contract with any other political subdivision or with any municipality authority furnishing any of such services or facilities. To incur indebtedness and issue bonds for the costs of the construction, purchase, improvement and repair of any facilities for the collection, removal and disposal of ashes, garbage, rubbish and other refuse materials, including equipment to be used in connection therewith. To make appropriations to any other political subdivision or any municipality authority out of its general funds

or out of any other available funds, including the proceeds of bonds of the township for the construction, purchase, improvement, repair, maintenance and operation of any facilities for the collection, removal and disposal of ashes, garbage, rubbish and other refuse materials. In the event that any such bonds were issued for such purposes, pursuant to a vote of the electors, any appropriation of such proceeds as above set forth shall not be deemed such a change of purpose from that for which such bonds were issued as shall require the question to be again submitted to a vote of the electors under any existing law. Any such funds appropriated as herein authorized, which represent the proceeds of any bonds heretofore or hereafter issued by the township for the above purposes, shall be used by such other political subdivision or municipality authority for or toward the purpose or purposes for which such bonds were issued. In the absence of such collection, removal and disposal plan for the entire township the supervisors shall—

(2) on petition of a majority of the adult taxable residents of any territory within the township, which has been definitely defined, set apart and limited by the township supervisors, with the approval of the township auditors, as a village, prior to the filing of any such petition, either with township employes and facilities, or with independent contractors, provide for the removal from the village of ashes or garbage or other refuse material, as the case may be, and for the disposal thereof. The supervisors shall levy a per capita assessment upon all adult residents of any such village, sufficient to defray the cost of such removal and disposal. Such assessment shall be collected in the same manner as per capita taxes, and the collector shall receive the same commission thereon. The treasurer of the board of supervisors shall receive all such assessments collected and keep the same in a separate account and pay the same out only upon orders signed by the chairman and attested by the secretary of the board of supervisors. The treasurer shall make an annual report of the account to the auditors of the township.

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Act effective
immediately.

Section 2. This act shall take effect immediately.

APPROVED—The 9th day of May, A. D. 1961.

DAVID L. LAWRENCE