

forfeited by him restored. Such payments may be made either in a lump sum or by installments, but in no event shall the installments be less than sufficient to pay such amount by the time the member attains superannuation retirement age.

APPROVED—The 14th day of June, A. D. 1961.

DAVID L. LAWRENCE

No. 197

AN ACT

Amending the act of June 23, 1931 (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," fixing the number of affirmative votes required in seven and nine member councils under the mayor-council plan A of government to effect certain street improvements and to change zoning ordinances.

The Third Class
City Code.

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

Sections 2916
and 2935, act of
June 23, 1931,
P. L. 932, re-
enacted and
amended June
28, 1951, P. L.
662, further
amended.

Section 1. Sections 2916 and 2935, act of June 23, 1931 (P. L. 932), known as "The Third Class City Code," reenacted and amended June 28, 1951 (P. L. 662), are amended to read:

Section 2916. Ordinances when no Petition is Presented.—Any ordinance for the opening, widening, straightening, extending or vacating of any street, without petition of property owners, shall be adopted by the affirmative vote of at least four members of *any five member council, and under the mayor-council plan A of government adopted pursuant to the Optional Third Class City Charter Law, by the affirmative vote of at least five members of a seven member council and by the affirmative vote of at least seven members of a nine member council.* No such ordinance shall be finally adopted until the expiration of twenty-eight days from the date of its introduction and, in the meantime, copies thereof shall be published in one or more of the newspapers of the city, once a week for three consecutive weeks, immediately following the introduction thereof, and in case no newspaper is published in the city, then in the same manner in one newspaper published in the county.

Section 2935. Ordinance for Improvement at Expense of Property Owners without Petition.—Council may, by ordinance, provide for the paving, macadamizing, grading or other improvement of any street, or part thereof, at the cost and expense of the abutting property owners, in whole or in part, without petition therefor of abutting

property owners if the ordinance for such improvement has been passed by the affirmative vote of four members of *any five member council, and under the mayor-council plan A of government adopted pursuant to the Optional Third Class City Charter Law, by the affirmative vote of at least five members of a seven member council and by the affirmative vote of at least seven members of a nine member council.* Such ordinance shall not be passed in a less period than twenty-eight days from the date of its introduction; and, in the meantime, copies of such ordinance shall be published, in one or more newspapers, once a week for three weeks, in the manner required by section one hundred and nine of this act. The requirements for such publication shall not, however, preclude the amendment of any paving ordinance as to the kind of pavement with which any street, or part thereof, or sidewalk, is proposed to be paved.

Section 2. Section 4114 of the act, added August 19, 1953 (P. L. 1127), is amended to read:

Section 4114 of the act, added August 19, 1953, P. L. 1127, amended.

Section 4114. Amendments to Zoning Ordinances.—The regulations, restrictions, and the classifications of buildings, structures and land, and the manner of establishing the boundaries of zones, contained in the zoning ordinance, may, from time to time, and after public notice and hearing, be amended, supplemented or changed by city council.

After the introduction of any bill proposing amendment, supplement or change in the zoning ordinance, city council shall refer such bill to the City Planning Commission for review. A report on said review, together with any recommendations, shall be given to city council, in writing, within fifteen (15) days from the date of said referral. If the Planning Commission shall fail to file such a report, within the specified time and manner, it shall be conclusively presumed that the Planning Commission has approved the proposed amendment, supplement or change.

Thereupon, council shall fix a time for public hearing, and notice of such public hearing shall be published, in at least one newspaper of general circulation in the city, three (3) consecutive times, the first insertion to appear at least ten (10) days prior to the date fixed for said public hearing.

An affirmative vote of at least four (4) members of *any five member council* shall be required to pass the proposed amendment, supplement or change. *Under the mayor-council plan A of government adopted pursuant to the Optional Third Class City Charter Law, the affirmative vote of five members of a seven member council or*

the affirmative vote of seven members of a nine member council shall be required to pass the proposed amendment, supplement or change.

Upon final approval of the ordinance adopted in accordance with the above, said ordinance shall be forthwith published in accordance with the provisions of section 1014 of this act relating to publication of ordinances prescribing penalties.

Act effective immediately.

Section 3. This act shall take effect immediately.

APPROVED—The 14th day of June, A. D. 1961.

DAVID L. LAWRENCE

No. 198

AN ACT

Amending the act of June 23, 1931 (P. L. 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," prescribing membership of board of commissioners of the sinking fund commission in cities which have adopted the mayor-council plan A.

The Third Class City Code.

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

Section 2702, act of June 23, 1931, P. L. 932, reenacted and amended June 28, 1951, P. L. 662, further amended.

Section 1. Section 2702, act of June 23, 1931 (P. L. 932), known as "The Third Class City Code," reenacted and amended June 28, 1951 (P. L. 662), is amended to read:

Section 2702. Sinking Fund Commissioners; Duties.—[The] *Except as hereafter provided, the mayor, treasurer, and director of accounts and finance of each city shall constitute a board of commissioners of the sinking fund of the city. The mayor shall be chairman, and the director of accounts and finance secretary. In any city which adopts the mayor-council plan A pursuant to the Optional Third Class City Charter Law, the mayor, treasurer and the controller shall constitute a board of commissioners of the sinking fund of the city. The mayor shall be chairman and the controller shall be secretary.* The board shall keep the accounts of the sinking fund, see to their proper application, and superintend the investment of the same, in accordance with law and the directions of the city council. The council shall not direct the investment of any moneys to the credit of the sinking fund except in the loans of the city, the loans of the United States, or the loans of the Commonwealth of Pennsylvania. The income derived from any investments shall be credited and applied to the