

to the public works, and all other relevant records relating to titles to real estate now or heretofore owned or hereafter to be acquired by the Commonwealth.

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APPROVED—The 20th day of September, A. D. 1961.

DAVID L. LAWRENCE

No. 656

AN ACT

To protect the public safety by regulating the mining of anthracite coal; prescribing duties for certain municipal officers and imposing penalties.

Safety from subsidence in anthracite coal mining areas.

Preventative measures to protect public from dangers of coal mining operations.

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

Section 1. (a) In order to guard the safety of the public in areas above mined areas to prevent the excavation of coal so near the surface, or so deep, or in such other manner as to expose the public to danger, it shall be unlawful for any owner, operator, director or general manager, superintendent or other person in charge of or having supervision over any anthracite coal mine or mining operation so to mine anthracite coal or so to conduct the operation of mining anthracite coal as to cause the caving-in, collapse or subsidence of:

(1) Any public building or any structure customarily used by the public as a place of resort, assemblage or amusement, including but not being limited to churches, schools, hospitals, theatres, hotels and railroad stations.

(2) Any street, road, bridge or other public passageway dedicated to public use or habitually used by the public.

(3) Any track, roadbed, right of way pipe, conduit wire or other facility used in the service of the public by any municipal corporation or public service company as defined by the Public Utility Law.

(4) Any dwelling or other structure used as a human habitation or any factory, store or other industrial or mercantile establishment in which human labor is employed.

(5) Any cemetery or public burial ground.

Guides to mining operators.

(b) Criterion to guide operators in their mining activities shall include bearing strength of coal in the vein or seam, percentage of coal left in place, uniformity of distribution of said percentage, height of vein or seam, nature of immediate roof over seam, nature of floor of seam, pitch of seam, thickness of rock strata overlying

the seam, nature of rock strata thickness and nature of unconsolidated surface materials overlying rock strata, proximity of and conditions in overlying or underlying seams, underground water conditions in seam and underground water conditions in strata over the seam.

Section 2. Every owner, operator, lessor, lessee or general contractor engaged in the mining of anthracite coal within this Commonwealth, shall make or cause to be made a true and accurate map or plan of the workings or excavations of such coal mine or colliery which shall be drawn to a scale of such size as to show conveniently and legibly all markings and numbers required to be placed thereon by the terms of this act. Such maps or plans shall also show in detail, and in markings of a distinctive color, all contemplated workings which are intended to be undertaken or developed within the succeeding six months. Such maps or plans shall be deposited as often as once in six months with the mayor in cities where such coal mines or collieries are situated. In boroughs and townships of the first class, such maps or plans shall be filed with the county commissioners of the proper county. Such maps or plans shall be considered public records and shall be open to the inspection of the public and copies or tracings may be made therefrom. No mining shall be done which is not shown on the map or plan filed at least ten days previously.

Maps: markings and numbers, filing as public records, and as condition precedent to operation.

Section 3. Every owner, operator, lessor, lessee or general contractor engaged in the mining of anthracite coal or any president, director, general manager, superintendent or other person in charge of, or having supervision over, any anthracite coal mine or mining operation in this Commonwealth shall be and is hereby required (1) to designate within a period of six months from the passage of this act, and to keep designated by number, each and every pillar of anthracite coal beneath the surface still remaining in place at the time this act goes into effect, and all pillars thereafter created, the number of each pillar to be placed in a conspicuous position with white paint or some other equally durable and visible substance; and (2) to designate or cause to be designated by numerals of convenient and legible size, upon all maps or plans mentioned in section 2 of this act with the space on each map or plan designating any pillar of coal, the number of such pillar.

Requirement of designation and numbering each pillar.

Section 4. The mayor of cities, the burgess of boroughs, the boards of township commissioners of townships of the first class, and such engineers and other agents as they may employ, shall, at all reasonable times, be given access to any portion of any anthracite coal mines or mining operations which it may be necessary

Inspection authorized for compliance.

or proper to inspect for the purpose of determining whether the provisions of this act are being \*compiled with, and all reasonable facilities shall be extended by the owner or operator of such mine or mining operation for ingress, egress and inspection.

Power of authorities to effect compliance.

Section 5. The mayor of cities, the burgess of boroughs, the board of township commissioners in townships of the first class shall have the power to prevent the mining of anthracite coal beneath the surface in any mine or mining operation in which the pillars of coal shall not have been numbered, and the numbers thereof designated by maps or tracings as provided by this act, and where mining operations are being conducted in violation of this act, they shall have the power to prevent any miner or laborer, other than those necessary for the protection of life and property, from entering the mine or mining operation until such time as the provisions of this act have been complied with.

Nonapplicability.

Section 6. The provisions of this act shall not apply to any area wherein the surface overlying the mine or mining operation is wild or unsealed land, nor where such surface is owned by the owner or operator of the underlying coal and is distant more than one hundred and fifty feet from any improved property belonging to any other person.

Violation, penalty, and civil liability.

Section 7. Any owner, operator, lessor, lessee or general contractor engaged in the mining of anthracite coal or any president, director, general manager, superintendent or other person in charge of, or having supervision over, any anthracite coal mine or mining operation, who shall violate any provision of this act, shall be deemed guilty of a misdemeanor, and upon conviction, shall be sentenced to pay a fine of not less than one thousand dollars (\$1000) or more than five thousand dollars (\$5000) or undergo imprisonment for not more than one year, both or either, at the discretion of the court; and, in addition thereto, shall be liable for the payment of damages to the owner of the property so damaged in an amount as determined by law in a civil proceeding.

Injunction.

Section 8. The courts of common pleas shall have power to award injunction to restrain violations of this act.

Construction.

Section 9. This act is intended as remedial legislation designed to cure existing evils and abuses and each and every provision thereof is intended to receive a liberal construction such as will best effectuate that

\* "compiled" in original.

purpose, and no provision is intended to receive a strict or limited construction.

Section 10. It is hereby declared that the provisions of this act are severable one from another and if for any reason this act shall be judicially declared and determined to be unconstitutional so far as relate to one or more words, phrases, clauses, sentences, paragraphs or section thereof, such judicial determination shall not affect any other provision of this act. It is hereby declared that the remaining provisions would have been enacted notwithstanding such judicial determination of the validity in any respect of one or more of the provisions of this act. Severability.

Section 11. All acts and parts of acts are repealed in so far as they are inconsistent herewith. General repeal.

Section 12. This act shall take effect three calendar months after its final enactment. Effective date.

APPROVED—The 20th day of September, A. D. 1961.

DAVID L. LAWRENCE

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No. 657

### AN ACT

Providing for the issuing, administration, enforcement and termination of marketing orders on apples; imposing powers and duties on the Secretary of Agriculture; providing for the creation and operation of an advisory board; prescribing the contents of orders; and providing for the imposition and collection of fees.

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