

No. 231

AN ACT

Amending the act of May 16, 1923 (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, lien shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates, for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," providing that a lien for certain municipal claims in any city of the first class shall have the effect of a judgment.

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

Municipal liens.

Section 1. Section 3, act of May 16, 1923 (P. L. 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," is amended to read:

Section 3, act of
May 16, 1923,
P. L. 207,
amended.

Section 3. (a) All municipal claims which may hereafter be lawfully imposed or assessed on any property in this Commonwealth, and all such claims heretofore lawfully imposed or assessed within six months before the passage of this act and not yet liened, in the manner and to the extent hereinafter set forth, shall be and they are hereby declared to be a lien on said property, together with all charges, expenses, and fees added thereto for failure to pay promptly; and said liens shall have priority to and be fully paid and satisfied out of the proceeds of any judicial sale of said property, before any other obligation, judgment, claim, lien, or estate with which the said property may become charged, or for which it may become liable, save and except only the costs of the sale and of the writ upon which it is made, and the taxes imposed or assessed upon said property.

Municipal liens
a first claim.

Docketing of lien given effect of a judgment.

(b) *With the exception of those claims which have been assigned, any municipal claim, including interest, penalty and costs, imposed by a city of the first class, shall be a lien only against the said property after the lien has been docketed by the prothonotary. The docketing of the lien shall be given the effect of a judgment against the said property only with respect to which the claim is filed as a lien. The prothonotary shall enter the claim in the judgment index.*

Writ of execution to issue.

(c) *A writ of execution may issue directly without prosecution to judgment of a writ of scire facias. Any property sold in execution shall be sold in compliance with the provisions of section 31.2.*

Act effective immediately.

Section 2. This act shall take effect immediately.

APPROVED—The 1st day of August, A. D. 1963.

WILLIAM W. SCRANTON

No. 232

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," authorizing payments to widows or children of policemen retired on pension or who die while in the service.

The Third Class City Code.

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

Section 4301, act of June 23, 1931, P. L. 932, reenacted and amended June 28, 1951, P. L. 662, and amended July 27, 1959, P. L. 569, further amended.

Section 1. Section 4301, act of June 23, 1931 (P. L. 932), known as "The Third Class City Code," reenacted and amended June 28, 1951 (P. L. 662) and amended July 27, 1959 (P. L. 569), is amended to read:

Section 4301. Police Pension Fund; Direction of.—
 Cities shall establish, by ordinance, a police pension fund, to be maintained by an equal and proportionate monthly charge against each member of the police force, which shall not exceed annually three per centum of the pay of such member and if council elects, by ordinance, to make such payments, an additional amount not to exceed one per centum of the pay of such member to be paid by such member or the municipal corporation if deemed necessary by the council to provide sufficient funds for payments to widows, or if no widow survives or if she survives and subsequently dies or remarries, then to the child or children under the age of eighteen years, of