

AN ACT

To amend section two thousand four hundred forty of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, one thousand two hundred six), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," providing for and regulating joint sewer improvements.

Townships of the first class.

Section 2440, act of June 24, 1931 (P. L. 1206), amended.

Sewer construction.

Assessment of costs.

Appointment of a joint sewer board.

Terms of members.

Powers of the board.

Section 1. Be it enacted, &c., That section two thousand four hundred forty of the act, approved the twenty-fourth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, one thousand two hundred six), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," is hereby amended to read as follows:

Section 2440. [Agreements for] *Building Joint Sewers.*—(a) Townships may [enter into agreements] *jointly* with municipalities or other townships or *both* [for the purpose of building] *build and construct* sewers, including trunk-line sewers or drains and [sewage-disposal plants] *sewage treatment works*, [Such agreement shall provide for the joint maintenance of the same] *and may connect into such system existing sewers, and may assess their respective portions of the cost thereof, or so much thereof as may be legally assessable, upon property benefited by the improvement as is provided in the case of townships by sections two thousand four hundred eight, two thousand four hundred nine, and two thousand four hundred ten of this act. Any portion of the cost of such an improvement not assessed or not assessable shall be paid by the respective townships, cities, and boroughs joining as may be agreed upon.*

(b) *The townships, cities, and boroughs joining or contemplating joining in any such improvement, in order to facilitate the building of the same and securing preliminary surveys and estimates, may by resolution or ordinance provide for the appointment of a joint sewer board composed of one representative from each of the townships, cities, and boroughs joining which shall act generally as the advisory and administrative agency in the construction of such improvement, and its subsequent operation and maintenance. The members of such board shall serve for terms of six years each from the dates of their respective appointments, and until their successors are appointed. The joint sewer board shall organize by the election of a chairman, vice-chairman, secretary, and treasurer. The several townships, cities, and boroughs, may in the resolutions and ordinances creating the joint sewer board, authorize the board to appoint an engineer, a solicitor, and such other assist-*

ants as are deemed necessary; and agree to the share of the compensation of such persons each township, city, and borough is to pay. The members of the joint sewer board shall receive no compensation, but shall be entitled to actual expenses to be paid by the respective townships, cities, and boroughs which such members represent.

Compensation.

(c) The joint sewer board shall have power to adopt rules and regulations to govern its proceedings, and shall prepare and suggest any practical measures and plans by means of which the joint improvement may be carried to successful completion; and the future development of the system, so as to conform to a general plan, assured and safeguarded. It shall have power to prepare a joint agreement or agreements for submission to and adoption by the several townships, cities, and boroughs defining the advisory and administrative powers of the board; setting forth the consents of the several townships, cities, and boroughs to the proposed improvement; the manner in which preliminary and final plans, specifications, and estimates for the proposed improvement shall be prepared and adopted; how proposals for bids shall be advertised, and contracts let; the manner in which the costs of the improvement and other incidental and preliminary expenses in connection therewith, and the future cost of operation and maintenance shall be equitably shared, apportioned, and paid; and all such other matters including the preparation and submission of annual and other budgets, as may be deemed necessary or required by law, to carry the proposed improvement to completion and to assure future maintenance and operation thereof. But nothing herein contained shall authorize the board to make any improvement or expend any public moneys which has not first been authorized by all of the townships, cities, and boroughs proceeding with the improvement.

Additional powers of the board.

(d) In any case where it shall be necessary to acquire, appropriate, injure, or destroy private property (lands, property, or material) to build any such joint sewer improvement, and the same cannot be acquired by purchase or gift, the right of eminent domain shall vest in the township, city, or borough where such property is located. In any case where it shall be necessary to acquire, injure, or destroy property in any territory not within the limits of any of the townships, cities, or boroughs joining in the improvement; then the right of eminent domain shall be vested in any township, city, or borough adjacent to such territory where such property is located. Damages for any property taken, injured, or destroyed shall be assessed as provided by the general laws relating to the townships, cities, and boroughs exercising the right of eminent domain; and shall be paid by the several townships, cities, and boroughs

Eminent domain.

joining in the same proportion as other costs of the improvement.

May increase indebtedness.

(e) Each of the townships joining in any such improvement shall have power to incur or increase its indebtedness, not exceeding the constitutional limits, for the purpose of paying its share or portion of the cost of such improvement in the manner now provided by law for the incurring of indebtedness.

APPROVED—The 4th day of April, A. D. 1935.

GEORGE H. EARLE

No. 14

AN ACT

Validating amicable writs of scire facias to revive municipal claims entered by boroughs and townships of the first class where more than five years have elapsed since the original claims were filed, or a prior revival thereof made.

Revival of municipal claims by boroughs and first class townships.

Section 1. Be it enacted, &., That whenever any borough or township of the first class has heretofore filed in the office of the prothonotary of the proper county an amicable writ of scire facias to revive any municipal claim, and such writ of scire facias shall not have been filed within the period of five years from the time the original claim was filed, or within five years after any prior revival of such claim; then in any such case such action in filing such amicable writ of scire facias is hereby ratified, confirmed, and made valid notwithstanding that the same was not filed within the time required by law, and that the lien of such municipal claim was lost; and the lien of any such municipal claim shall be deemed revived from the date such amicable writ of scire facias was filed in the office of the prothonotary; and such lien may be proceeded upon, further revived, and collected as provided by law: Provided, however, That the lien of any such municipal claim shall not reattach against any real estate transferred to any purchaser during the time when the lien of the same was lost.

Proviso.

When effective.

Section 2. This act shall become effective immediately upon final enactment.

APPROVED—The 4th day of April, A. D. 1935.

GEORGE H. EARLE