

AN ACT

To validate certain proceedings for municipal improvements, municipal assessments, municipal claims, and municipal liens in the several cities of the third class, boroughs, and townships of the first class of this Commonwealth; and validating such improvements, assessments, claims, and liens; providing for the filing of claims and liens therefor, and the proceedings for the collection of such assessments, claims, and liens.

Cities of the third class, boroughs, and townships of the first class.

Section 1. Be it enacted, &c., That whenever, heretofore, the council of any city of the third class or of any borough, or the board of commissioners of any township of the first class of this Commonwealth has authorized by ordinance the grading, curbing, guttering, paving, or macadamizing with concrete, brick, stone, or other suitable material of any public street or thoroughfare or portion thereof, either cartway, footwalk, or gutter; and has caused such improvement to be made; and in such ordinance has authorized the advertising for bids therefor; and the assessment of benefits upon the property benefited thereby; and subsequent thereto pursuant to an ordinance passed, after the passage and approval of the original ordinance providing for the improvement, has authorized the entering into a contract for the said improvement with the Secretary of Highways of the Commonwealth of Pennsylvania and with the general contractor, who was the successful bidder with the Commonwealth for the construction of any portion of such streets or highways, without any advertising for bids on the part of the city, borough, or township as provided for in the original ordinance authorizing such improvement; and has subsequent thereto brought proceedings for the appointment of viewers to assess benefits for the said improvement against the property abutting along the line of improvement in accordance with the provisions of the original ordinance authorizing the said improvement; or has by ordinance provided for the assessment against abutting property owners of benefits for such improvement; or whenever, heretofore, the council of any city of the third class or of any borough, or the board of commissioners of any township of the first class of this Commonwealth has required by ordinance and caused to be made, graded, paved, curbed, or macadamized with brick, stone, or other suitable material, or otherwise improved any property or public street or thoroughfare or part thereof, either cartway, footwalk, or gutter; or has covered or enclosed any watercourse or waterway in any street or thoroughfare so as to improve or extend and increase the driveway in any street or thoroughfare; or has vacated, confined, paved, or altered the channel of any watercourse or waterway; or has caused any sewers whatsoever to be constructed within or without any such city, borough

or township; or has caused ornamental lights to be erected pursuant to any ordinance; or has heretofore in accordance with existing law assessed a portion of the cost of such sewer as a sewage tax against property abutting along the line of said improvement on the side of said street, alley, or highway which is located outside the limits of the said city, borough, or township, the owners of such property being given permission by the said city, borough, or township to use such sewer, and such property not being then provided with sewer facilities; and has by ordinance provided for the assessment against abutting property owners of benefits for such improvement, but owing to some defect in the petition, action of council, or of the board of commissioners, notice of publication, failure to make said improvement in accordance with the strict terms of any ordinance, or any other proceeding or action necessary under existing laws and ordinances to give jurisdiction to such council or board of commissioners; or because of noncompliance with existing laws as to publication of copies of ordinance and posting of handbills prior to or after the final passage of such ordinance; or because of noncompliance with existing laws as to the purchasing of materials and supplies; or the awarding of contracts without advertising; or because the ordinance itself or the official record book containing the same has been lost, mislaid, or destroyed; or such ordinance has not been transcribed in the official record book; or because of irregularity or error in the appointment of viewers to assess benefits against property abutting along the line of improvement; or because of the neglect of viewers, appointed to assess damages and benefits caused or accruing as a result thereof, to file their report within the time required by law for the filing thereof; or because of irregularity or error in the method or procedure taken for the ascertainment of the amount of benefits to such property; or because of any irregularity or error in the ordinances or passage or approval thereof authorizing the execution of the work, the contracting therefor, and the assessing of benefits therefor; or where the right of the board of viewers to assume jurisdiction and to act in assessing the properties benefited thereby is questioned; or because of any irregularity or error in the failure to bring the proceedings for the assessment of benefits for such improvement before the board of viewers within the time provided by law; or the failure to assess the benefits therefor in the manner now provided by law; or because of any irregularity or error in arriving at or determining the benefits assessed against any such property; or because of the failure to give notice as required by law or ordinance; or the time for filing a lien or making claim for such improvement has expired; or the claim has not been

filed after notice to do so; or for any other reason the costs of such improvement or portion thereof were not or cannot be legally assessed upon the property bounding or abutting on the line of the improvement or on the street or part thereof improved; or owing to some defect in the statement of claim filed to secure the lien, or the failure of the city, borough, or township solicitor to file the lien in the court of common pleas, or to sign the name, or to have stamped thereon a facsimile signature of the said solicitor or chief executive of the claimant for the costs of such improvement, or any error made in the name of the owner or owners of the abutting property along the line of the improvement payment thereof cannot be enforced; or if the ordinance of the city, borough, or township, authorizing the construction of any improvement, was in fact adopted before such city, borough, or township was legally empowered to make such assessments on property within or outside the limits of such city, borough, or township, if such improvement was actually constructed, and such assessments against property within or without the limits of such city, borough, or township made subsequent to the time when such city, borough, or township was legally empowered to levy such assessments as was contemplated by the act or acts of General Assembly under which the improvement was attempted to be made, and statement of claim filed, now by this act such improvement is made valid and binding, and also any statement of claim, heretofore filed, if any, to secure the liens therefor is also made valid and binding, and the jurisdiction of any board of viewers hereinbefore mentioned to entertain such proceedings and the assessments made pursuant to such proceedings against property within or without the limits of any such city, borough, or township shall be valid and binding, and the council of such city or borough and the commissioners of such township may cause the property, bounding or abutting along the line of the improvement or on the street or part thereof upon which the improvement has been made or is now being made, to be assessed in the manner now provided by law or by the board of viewers' proceedings in the manner and at the rates now provided by law with such a portion of the costs of such improvement as is contemplated by the law under which the improvement was made, or attempted to be made, or is now being made; and all such benefits and all assessments heretofore made or determined are hereby ratified, confirmed, and validated; and any statement of claims heretofore filed, if any, to secure the liens therefor are also hereby ratified, confirmed, and validated. Such assessment or other assessment heretofore made or hereafter made in proceedings now pending within the time limitations specified in this act shall be a lien upon the property

assessed, and any lien heretofore filed for benefits assessed or for the cost of such improvement or any part thereof, although the report of the viewers assessing the same was not filed within the time required by law for the filing thereof, is hereby made valid and binding with the same force and effect as though such report was filed within the time required by law for filing the same. The lien shall date from the completion of the improvement for which the assessment is made whether the work was completed through one or several operations or contracts, or from the date of filing the same, and shall remain a lien until fully paid and satisfied: Provided, That a writ of scire facias is issued to revive the same during every period of five (5) years after the lien is filed as hereinafter provided: And provided further, That this act shall not validate any lien against any property which has been conveyed to a bona fide purchaser thereof subsequent to the expiration of the period prescribed by law for the filing of such liens and prior to the date of the filing thereof, or give the lien thus filed priority over any bona fide lien or liens filed, entered or recorded, or which shall have otherwise attached subsequently to the time prescribed by law for the filing of such municipal lien and prior to the time of the filing thereof.

Section 2. The council of any city of the third class, or of any borough, or the board of commissioners of any township of the first class of this Commonwealth, entitled to a lien under this act, shall file a lien therefor, if not heretofore filed, in the office of the prothonotary of the county within which the property lies within six (6) months after the completion of the work where the improvement is now in progress, or within twelve (12) months after the confirmation absolute of the report of the viewers assessing the benefits for such improvement whether now or hereafter pending, or within twelve (12) months after the approval of this act where the improvement is now completed if no lien has been heretofore filed for the same, or within twelve (12) months after the passage of any councilmanic ordinance assessing benefits under the provisions of this act where the improvement is already completed, and the same shall be entered upon record as other municipal claims. Such liens shall state the name of the party claimant, which shall be the corporate name of the city, borough, or township making the improvement; name of the owner or reputed owner of the property assessed; a reasonable description of the property assessed; the amount or sum claimed to be due which shall include interest on the assessment from the completion of the improvement; for what improvement the claim is made; the date of its completion; the date of the assessment for which the lien is filed. Such lien, when so filed, shall be

Filing of liens
for such im-
provement.

prima facie evidence of all matters therein set forth and of the right of the city, borough, or township to recover the amount therein claimed to be due, together with interest from the date of the lien or completion of the improvement, costs, and an attorney's commission of five per centum for collecting.

Collection of claims.

Proviso.

Section 3. The claim, when so filed, shall be proceeded upon for collection by writ of scire facias: Provided, That this act shall not apply to any proceeding, suit, or lien wherein a final order or judgment of any court of record has already been made or entered.

When effective.

Section 4. This act shall become effective immediately upon final enactment.

APPROVED—The 18th day of April, A. D. 1935.

GEORGE H. EARLE

No. 19

AN ACT

To amend section forty-two of and to add section thirty-five A to the act, approved the eighteenth day of January, one thousand nine hundred and thirty-four (Pamphlet Laws, two hundred fifty, one thousand nine hundred thirty-three and one thousand nine hundred thirty-four), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of citizens, parties, bodies of electors, registration commissions, commissioners, registrars, inspectors of registration, and other appointees of registration commissions, election officers, municipal officers, departments and bureaus, police officers, courts, judges, prothonotaries, sheriffs, county commissioners, peace officers, county treasurers, county controllers, registrars of vital statistics, and boards of school directors; and imposing penalties," adding certain provisions relating to the conduct of elections and primaries; and the challenge and proof of qualifications of electors; and changing certain penalties.

Cities of the second class.

Section 42, act of January 18, 1934 (P. L. 250, 1933-1934), amended.

Section 35A added to act of January 18, 1934 (P. L. 250, 1933-1934).

Section 1. Be it enacted, &c., That the act, approved the eighteenth day of January, one thousand nine hundred and thirty-four (Pamphlet Laws, two hundred fifty, one thousand nine hundred thirty-three and one thousand nine hundred thirty-four), entitled "An act to provide for the permanent personal registration of electors in cities of the second class as a condition of their right to vote at elections and primaries, and their enrollment as members of political parties as a further condition of their right to vote at primaries; prescribing certain procedure for the conduct of elections and primaries and the challenge and proof of qualifications of electors; and prescribing the powers and duties of