

of the provisions of the provision of* the act, approved the twenty-second day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, eight hundred fifty-three), entitled "An act relating to taxation; designating the subjects, property and persons subjected to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," or its amendments.

Section 12. All acts and parts of acts, general, local and special, inconsistent herewith are hereby repealed.

Inconsistent
acts repealed.

Section 13. This act shall become effective on the first day of May, one thousand nine hundred and thirty-seven.

When effective.

* "the provision of" relates to the act of June 17, 1913, but during the process of amending the act of June 17, 1913, was misplaced.

APPROVED—The 28th day of April, A. D. 1937.

GEORGE H. EARLE

No. 113

AN ACT

To amend sections two and three, paragraph (c) of section seven, and section eight of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, one thousand forty-one), entitled "An act to safeguard human health and life in counties of the second class by providing for the licensing and regulation of persons, municipalities, and entities engaged in the transportation of garbage, and in the disposal of garbage through the construction, keeping, maintenance or conduct of garbage disposal plants; conferring powers and imposing duties on the county commissioners of such counties, and otherwise providing for the administration of the act; and imposing penalties," by excepting from its provisions in certain cases the need for securing a license.

Section 1. Be it enacted, &c., That sections two and three, paragraph (c) of section seven, and section eight of the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, one thousand forty-one), entitled "An act to safeguard human health and life in counties of the second class by providing for the licensing and regulation of persons, municipalities, and entities engaged in the transportation of garbage, and in the disposal of garbage through the construction, keeping, maintenance or conduct of garbage disposal plants; conferring powers and imposing duties on the county commissioners of such counties, and otherwise providing for the administra-

Counties of
second class.
Sections 2, 3,
paragraph (c) of
section 7 and
section 8, act of
May 25, 1933
(P. L. 1041),
amended.

tion of the act; and imposing penalties," are hereby amended to read as follows:

License for
garbage disposal
plant required.

Section 2. It shall be unlawful for any municipality or person to keep, maintain or conduct a garbage disposal plant in counties of the second class within this Commonwealth without a plant license from the county commissioners, as in this act provided. It shall also be unlawful for any municipality or person to construct a garbage disposal plant within such counties until the plans and specifications therefor have been submitted to and approved by the county commissioners, and a plant license has been issued by the county commissioners authorizing such municipality or persons to keep, maintain or conduct such garbage disposal plant upon its construction: *Provided, however, That the provisions of this section shall not apply to a garbage disposal plant constructed by or for the use of a municipality within its boundaries.*

Proviso.

Application for
plant license.

Section 3. Every municipality or person desiring to construct, keep, maintain or conduct a garbage disposal plant within such counties shall file an application for such plant license with the county commissioners: *Provided, however, That none of the provisions of this section shall apply to a garbage disposal plant now or hereafter constructed by or for the use of a municipality within its boundaries.* The application shall be on a form prescribed, prepared and furnished by the county commissioners, and, together with such other information as the county commissioners shall require, shall state:

Proviso.

- (a) The name and address of the applicant.
- (b) The name and address of the owner or owners of the property upon which applicant desires to construct, keep, maintain or conduct such garbage disposal plant.
- (c) The location and locality of the property.
- (d) The method to be employed in disposing of garbage.
- (e) The approximate amount of garbage to be disposed of daily.
- (f) The municipalities with whom the applicant has a contract for the disposal of garbage and the duration thereof.

If the application is for the construction of a garbage disposal plant, the applicant shall submit with such application the plans and specifications pertaining to such construction.

Section 7.

Municipalities.

(c) If the applicant for a transportation license is a municipality, the transportation license shall be issued without the payment of a fee. *No license, however, shall*

be required for a municipality to transport garbage solely within its own boundaries.

Section 8. No municipality in such counties shall enter into a contract for the collection, transportation or disposal of its garbage with any person or municipality who or which has not secured proper licenses from the county commissioners under the provisions of this act. *The provisions of this section shall not apply where the collection, transportation or disposal of garbage is carried on wholly within the boundaries of a municipality so contracting.*

Municipalities not to enter into contracts with those unlicensed.

Exception.

When effective.

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

APPROVED—The 29th day of April, A. D. 1937.

GEORGE H. EARLE

No. 114

AN ACT

To amend section eight of the act, approved the sixteenth day of May, one thousand eight hundred and ninety-one (Pamphlet Laws, seventy-five), entitled "An act in relation to the laying out, opening, widening, straightening, extending, or vacating streets and alleys, and the construction of bridges, in the several municipalities of this Commonwealth; the grading, paving, macadamizing, or otherwise improving, streets and alleys; providing for ascertaining the damages to private property resulting therefrom; the assessment of the damages, costs, and expenses thereof upon the property benefited; and the construction of sewers, and payment of the damages, costs, and expenses thereof, including damages to private property resulting therefrom," as amended, by providing for a temporary improvement or paving; the assessment of costs and expenses upon property benefited thereby; and assessment of costs and expenses upon property benefited by a subsequent permanent improvement upon credit being given for the prior assessment.

Section 1. Be it enacted, &c., That section eight of the act, approved the sixteenth day of May, one thousand eight hundred and ninety-one (Pamphlet Laws, seventy-five), entitled "An act in relation to the laying out, opening, widening, straightening, extending, or vacating streets and alleys, and the construction of bridges, in the several municipalities of this Commonwealth; the grading, paving, macadamizing, or otherwise improving, streets and alleys; providing for ascertaining the damages to private property resulting therefrom; the assessment of the damages, costs, and expenses thereof upon the property benefited; and the construction of sewers, and payment of the damages, costs, and expenses thereof, including damages to private property resulting therefrom," as amended by the act, approved the twenty-eighth day of May, one thousand nine hundred and

Municipalities.

Section 8, act of May 16, 1891 (P. L. 75), as amended by act of May 28, 1915 (P. L. 573), further amended.

Powers of municipal corporation.