

No. 84

## AN ACT

HB 758

Amending the act of May 4, 1927 (P. L. 519), entitled "An act concerning boroughs, and revising, amending and consolidating the law relating to boroughs," further regulating payments for improvements of streets by boroughs.

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

Section 1. Section 1712, act of May 4, 1927 (P. L. 519), known as "The Borough Code," reenacted and amended July 10, 1947 (P. L. 1621), and amended December 1, 1959 (P. L. 1623), is amended to read:

Section 1712. Proceedings With or Without Petition.—Boroughs, with petition or without petition, may grade, curb, gutter, pave, macadamize, or otherwise improve, streets or parts or a particular width or additional widths, thereof, with or without the assistance or contribution of the State, county, or a corporation occupying the thoroughfare, and, where the petition for the improvement is signed by petitioners representing a majority in the number of feet of assessable properties abutting on the proposed improvement, or by unanimous vote of council where a street or part thereof lacking such improvements connects streets or parts thereof which have such improvements, may assess and collect the whole cost thereof, or the whole cost not thus aided or contributed, or any part thereof, from the owners of real estate abutting on the improvement, by an equal assessment on the foot-front, including the expenses of the necessary drainage, but, in all other cases, not more than two-thirds of the whole cost thereof, or two-thirds of the whole cost not thus aided or contributed may be assessed and collected from the abutting owners on the foot-front rule, the remainder to be paid by the borough.

In any instance in which assistance is given in the form of State and county contribution of liquid fuels and fuel use tax funds, such funds

shall be considered to be part of the payment made by the borough. The

council may make equitable adjustments for corner lots, or lots of irregular shape, where an assessment for full frontage would be unjust. Property not otherwise assessable shall become assessable by the petition of the owner or the owner's representative. In all cases where the whole width of the highway is being paved, without State or county aid, and more than two-thirds of the total cost is proposed to be assessed on abutters, the borough shall, for this purpose, be considered as owner of non-assessable property, of street intersections, and of the deducted

frontage on equitable adjustments. On petition of owners representing two-thirds of the number of feet of assessable properties abutting on the proposed improvement, the total cost of the improvement, or a lesser amount if the borough desires, may be assessed on the assessable properties abutting, without any deduction for non-assessable property, or street and alley intersections, or for the equitable adjustments aforesaid, if the petition states that the total cost may be assessed on the abutters: Provided, however, That if in connection with such proceedings any street or sidewalk is so graded or changed in grade that private property is damaged thereby, and the damages have not been released or agreed upon, then the damages shall be awarded and benefits, costs and expenses in connection with the improvement shall be assessed as provided in article fourteen in the case of property taken, injured or destroyed.

APPROVED—The 8th day of June, A. D. 1965.

WILLIAM W. SCRANTON

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No. 85

AN ACT

HB 878

Amending the act of April 9, 1929 (P. L. 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards and commissions; and prescribing the manner in which the number and compensation of the deputies<sup>1</sup> and all other assistants and employes of certain departments, boards and commissions shall be determined," requiring Court-martial Board members to vote secretly, and give accused copy of testimony.

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

Section 1. Subsection (b) of section 711, act of April 9, 1929 (P. L. 177), known as "The Administrative Code of 1929," added July 25, 1963 (P. L. 275), is amended to read:

Section 711. Commissioner of Pennsylvania State Police.—\* \* \*

(b) (1) Before any enlisted member who has not reached mandatory retirement age is dismissed or refused reenlistment by the commissioner,

<sup>1</sup>"ad" in original.