

and no costs, accruing or chargeable in any case after the limit of time herein fixed, shall be paid by the proper district, county, city, township, borough, ward, school district, or municipality, nor shall they be under any liability for the payment of the same.

Repeal.

Section 2. All acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Approved—The 28th day of April, A. D. 1899.

WILLIAM A. STONE.

No. 86.

AN ACT

To provide for the classification of the townships of the Commonwealth, with respect to their population, into two classes, and to prescribe the form of government for townships of each class.

Whereas, In those more populous townships of the Commonwealth, which are in large measure devoted to residential purposes, there is need of a form of municipal government having greater powers than are now possessed by the local governments of townships under existing laws:

Division of townships into two classes.

Section 1. Be it enacted, &c., That for the purpose of legislation regulating their municipal affairs, the exercise of certain corporate powers, and having respect to the number, character, powers and duties of certain officers thereof, the townships now in existence and those to be hereafter created in this Commonwealth shall be divided into two classes. Those townships having a population of at least three hundred to the square mile, as shown by the United States census, shall be townships of the first class. All other townships shall be townships of the second class.

First class.

Second class.

Duty of county commissioners.

Section 2. It shall be the duty of the County Commissioners in every county of the Commonwealth to ascertain whether any township in the county comes within the conditions hereinbefore set out as constituting a township of the first class, and by proclamation, to be issued prior to the first day of January, one thousand nine hundred, and thereafter on or before the first day of January following the ascertainment of population by the decennial census of the United States, to designate the townships of the first class, if any, within the county; and in all townships so designated, the officers provided for by this act shall be chosen at the municipal election then next ensuing, and the township government constituted by this act shall go into force on the first Monday of March then next ensuing. Said

By proclamation to designate townships of the first class.

Elections of municipal officers.

proclamation by the County Commissioners shall be advertised in two newspapers published in the county.

Proclamation to be published.

Section 3. Except so far as modified by the provisions of this act, all existing laws relating to townships shall continue in force until changed, modified or repealed, as to either class of townships, by legislation relating expressly thereto.

Existing laws relating to townships.

Section 4. In townships of the first class the following township officers shall be chosen by the qualified voters at the township election on the third Tuesday in February:

Officers to be chosen third Tuesday of February.

First. In the first year of its organization and in every second year thereafter, five township commissioners, and if the population of the township exceeds five thousand then an additional commissioner for each two thousand of population in excess of five thousand. The said commissioners shall hold office for the term of two years. No township commissioner shall receive any salary or shall be eligible to any other township office.

First and second years, township commissioners.

Term.

No salary.

Eligibility.

Second. In the first year of its organization and in every third year thereafter, a township treasurer, who shall hold office for the term of three years.

First and third years, Treasurer.

Third. In the year in which the term of office expires of the township assessor who may be in office at the time of its organization, and in every third year thereafter, a township assessor, who shall hold office for the term of three years, as provided by existing laws.

Assessor.

Fourth. Annually, a township auditor, who shall hold office for a term of three years, as provided by existing laws.

Auditor.

The official term of the above-named officers shall commence on the first Monday in March and continue until the election and qualification of their successors.

Official term.

Whenever the form of government provided for by this act for townships of the first class becomes operative in any township, the office of supervisor of highways shall cease to exist in such township.

When this act is operative office of supervisor of highways to cease.

Township Commissioners.

Section 5. On or before the first day of October, in the year of their election, the Board of Township Commissioners, chosen at the first election under the provisions of this act, shall by ordinance make an apportionment of the whole number of township commissioners among the election districts of the township, in proportion to the population as estimated by the vote cast in said districts respectively at the last township election, to the end that thereafter the township commissioners shall be chosen by election districts instead of by vote of the township at large. Any election district having too small a population to be entitled to choose one commissioner shall be combined with some

Board of township commissioners to make apportionment.

That thereafter the commissioners may be chosen by election districts.

Eligibility.	adjoining district. Residence in the district in which he is voted for shall not be a requisite of eligibility for a commissioner.
When new apportionment shall be made.	A new apportionment shall be made after each United States census, and whenever any change is made in the boundaries of the election districts of the township.
Time and place of meeting.	Section 6. The persons elected township commissioners shall meet on the first Monday in March succeeding their election, and until otherwise designated by ordinance the place of meeting shall be the oldest polling place in the township. Each member shall take and subscribe an oath or affirmation, to be administered by a justice of the peace or notary public, to support the Constitution of the United States and of this Commonwealth, and to perform the duties of his office with fidelity. Certificates of such oaths and affirmations shall be filed with the township auditor.
Oath or affirmation.	
Certificate of same to be filed.	
Power to adjourn.	If a majority of the commissioners shall not attend at the meeting on the first Monday in March those present shall have power to adjourn the meeting, from day to day, until a majority attend.
Organization of Board.	The Board shall organize by the election of one of their number as president. He shall preside at all the meetings of the board, and perform such other duties as are specified in this act, or which may be prescribed by ordinance.
President, duties of.	
Meetings of Board.	The Board shall meet at least once a month, at such time and place as may be designated by ordinance. A majority of the members of the board shall constitute a quorum.
Quorum.	
Powers, authority, etc.	Section 7. All the corporate power, authority and franchise of the township shall be vested in and exercised by the Board of Township Commissioners; and the said Board shall have particularly the following powers:
To grade, pave, light and repair highways, etc.	1st. To open, grade, construct and pave all public highways in the township which shall or may be at any time laid out by lawful authority, and to keep the same in good order and repair. To construct footways along said highways, and to establish lights thereon where it may be deemed expedient to do so. To accept the dedication of public highways and alleys.
To pave and curb sidewalks in villages.	2nd. On application of the owners of a majority of the lineal feet frontage along any highway, or portion thereof, in any village within said township, to cause the sidewalks along said highway to be paved and curbed at the expense of the abutting property.
To establish a system of sewers and drainage when necessary for the public health.	3rd. To establish a system of sewers and drainage, and to require connection to be made with such sewers when necessary for the public health, and to provide for the cost of the construction, maintenance and repair of such sewers, in whole or in part, by an equitable
To provide for cost and maintenance.	

assessment on the properties benefited thereby, in such manner as may be prescribed by ordinance, for which assessments municipal liens may be filed in the court of common pleas of the proper county, on which proceedings shall be had as provided by existing laws. And the board shall also have power to enter into contracts with any adjoining municipality, and also with any person or corporation, for the carrying off of the sewage from the limits of the township.

To contract for the carrying off of sewage.

4th. To make regulations respecting pig pens, slaughter houses, manure pits, drains, cesspools and manufactories that are offensive, to abate nuisances prejudicial to public health and public safety, and to collect the cost of such abatement from any person who may be responsible for having created the nuisance. Also to prohibit or regulate the running at large of animals.

To abate nuisances and regulate the running at large of animals.

5th. To establish and maintain a night watch and police force, and to define the duties of the same. To provide for the erection or purchase of a lockup or watchhouse, for the detention and confinement of vagrants and persons duly arrested, until they can be taken before a magistrate for hearing and committed to prison or discharged. To arrest and confine, or to set to work on the roads or elsewhere, all vagrants found in said township, and generally to take all needful means for securing the safety of persons and property within the township. To purchase and maintain engines for the extinguishment of fire, and to make rules and regulations for the management of the same. To regulate and prohibit shows, circuses and public entertainments of all sorts.

To establish a night-watch and police force.

To provide lockup.

To arrest and confine vagrants.

Fire engines.

Regulate circuses and public entertainments.

6th. To levy for township purposes an annual tax of not more than one per centum.

To levy tax.

7th. To borrow money and to issue evidences of indebtedness therefor: Provided, That the total amount of indebtedness so created shall not exceed two per centum of the county valuation of the property within the township without the assent of the electors of the township, and that the rate of interest shall not exceed five per centum. But no indebtedness shall be incurred or expenditure authorized, except in accordance with the ordinances of the Board, and to authorize the expenditure of more than one hundred dollars a special resolution of the Board shall be necessary.

To borrow money, etc.

Limit of indebtedness.

Interest, rate of.

No indebtedness shall be incurred except by ordinance.

8th. To adopt by-laws and ordinances prescribing the manner in which the above powers shall be carried out, and generally regulating the affairs of the township within the powers hereby conferred. All such ordinances shall be published at least twice in a newspaper published in the township, or, if there be no newspaper, advertised by publication in such other manner as may be designated by ordinance.

General authority.

Ordinances to be published.

Fines and penalties.

9th. To prescribe fines and penalties, not exceeding ten dollars in any instance, for the violation of township ordinances, which fines and penalties may be collected by suit, to be brought in the name of the township, before any justice of the peace or magistrate, in like manner as debts of like amount may be sued for by existing laws.

How to be collected.

Disbursements, how made.

Section 8. All disbursements in discharge of township indebtedness duly incurred, shall be made by the township treasurer, acting by virtue of warrants, or orders, drawn on him by the order of the Board of Township Commissioners, attested by the signature of the president, or vice president, and secretary of the Board. The Board shall prescribe, by ordinance, the manner in which bills for township indebtedness shall be approved for payment.

Approval of bills.

Highways.

Highways to be opened and kept clear.

Section 9. It shall be the duty of the Board of Township Commissioners to cause all public highways within the township, now or hereafter laid out by lawful authority, to be effectually opened and constantly kept in repair at all seasons, and clear of all impediments to easy and convenient passing and traveling.

The Board may appoint supervisors or engineers.

Section 10. The Board shall have power to appoint one or more supervisors or engineers of highways, and by ordinance to specify their duties and to fix their salaries. All such officers shall hold office at the pleasure of the Board. The Board shall cause to be employed a sufficient number of workmen, mechanics and laborers for the proper care of the public roads, and shall have power to purchase all necessary tools, implements, machinery and materials of all kinds which, in their judgment, shall be necessary for the making, paving and repairing of the public highways.

And workmen, mechanics, etc.

Tools and machinery.

Right of entry.

Section 11. The Board of Commissioners shall have power, by their officers and servants, to enter upon any lands or enclosures, to cut, open, maintain and repair all such ditches and drains through the same, as they shall judge necessary, to carry the water from the said roads.

Owners of property fronting highway may petition for construction of sidewalks.

Section 12. Whenever the owners of property fronting on either side of a public highway in any village in such township shall, by petition, request that a sidewalk, with or without curbing, be constructed along that side of said highway between certain points, at the expense of the property owners, and it shall appear that the said petitioners include the owners of a majority of the frontage in lineal feet on that side of the highway where the sidewalk is desired, it shall be lawful for the said Board of Township Commissioners, by ordinance duly adopted, to require the owners of prop-

Majority of owners of frontage.

erty abutting on that side of said highway where the sidewalk is desired between designated points, to grade and pave the sidewalk in front of their respective property in such manner as may in such ordinance prescribed, and also to curb the same if deemed necessary. And if said owners shall fail to cause such paving and curbing to be done, conformably to the requirements of such ordinance, within sixty days from notice thereof, it shall be lawful for the said Board of Township Commissioners to cause the same to be done, and to collect the cost thereof from the abutting property owners, respectively, in proportion to their frontage. And if the same shall not be paid, to file lien therefor, in the nature of municipal liens against the abutting properties, in the court of common pleas of the county, and to include therein a penalty of twenty per centum on the amount of the cost of the work.

To require owners to grade and pave.

And curb if necessary.

If owners neglect, the Board may pave and grade.

Penalty.

Township Treasurer.

Section 13. Each township treasurer shall give a bond, in the sum to be prescribed by ordinance, and at least equal to the probable amount of the annual township tax, with sureties to the satisfaction of the Board of Township Commissioners, which bond shall be conditioned for the faithful performance of the duties of his office, for a just account of all moneys belonging to the township funds that may come into his hands, for the delivery to his successor in office of all papers, books, documents and other things held in right of his office, and for the payment to such successor of any balance in money belonging to the township that may remain in his hands on the settlement of his accounts. All said bonds shall be filed with the township commissioners. It shall be the duty of every township treasurer to take charge of all township moneys, and to keep distinct accounts of all sums received from taxes and other sources, which accounts shall at all times be open to the inspection of the commissioners and township auditor, or any of them. He shall annually state his accounts and lay the same, together with the books and the vouchers, before the township auditors for settlement according to law.

Treasurer to give bond, with sureties.

Conditions of bond.

Bond to be filed.

Duty of treasurer.

Annual statement.

Section 14. Each township treasurer shall receive, as full compensation for his services, a sum equal to five per centum of all taxes received or collected by him, unless a different rate be fixed by ordinance of the township commissioners, passed thirty days prior to his election.

Compensation of treasurer.

Section 15. Whenever a tax is levied by a Board of Township Commissioners, it shall be the duty of the Board to forthwith deliver a duplicate of the assessment of such tax to the township treasurer, who shall thereby become authorized to receive and collect from

Duplicate of assessment to be delivered, to treasurer.

the taxpayers the amounts with which they stand charged, respectively, and to give receipts therefor. On receipt of any such duplicates it shall be the duty of the treasurer to give public notice, as soon thereafter as conveniently can be done, by at least ten written or printed notices to be posted in the most public places in the township, and by advertisement in a newspaper published in the township, if any such there be. A discount of five per centum shall be allowed to any taxpayer who shall make payment in sixty days from the time of such notice.

Public notice of duplicate to be given.

Discount to taxpayers.

Collection of taxes.

Collectors.
Powers of treasurer and deputies.

Written order, or warrant.

Eligibility of officers, etc.

Section 16. At the expiration of three months from the time of receiving the duplicate of any tax assessed, as aforesaid, the treasurer shall proceed to collect the same from the taxpayers, and to that end may appoint one or more deputy collectors. And said treasurer and his deputies shall have and exercise all powers conferred by existing laws on township tax collectors.

Section 17. No money shall be paid out by the township treasurer except on the written order, or warrant, issued by the Board of Township Commissioners and attested by the signatures of the president, or vice president, and the secretary of said board.

Section 18. The same person may hold the office of township treasurer and treasurer of the school board, but no member of the school board, no township commissioner, or township auditor, shall hold the office of township treasurer, and no township treasurer shall be eligible to succeed himself.

Town Clerk.

Town clerk, duties of.

Section 19. The board of commissioners shall elect a town clerk, who must be a qualified voter of the township, and not a member of the board. He shall perform all the duties of town clerk, as prescribed by existing laws; he shall also act as secretary of the board, shall be the official keeper of the minutes, and shall generally do and perform such duties as may be prescribed by ordinance of the board. His salary shall be fixed by ordinance.

Salary.

Assessor and Auditor.

Section 20. The assessor and auditor, elected as hereinbefore provided, shall perform, respectively, the duties of their office as prescribed by existing laws.

Townships of the Second Class.

Section 21. Townships of the second class shall continue to be governed as provided by the laws in force at the date of the passage of this act relating to townships, until the same be changed by legislative enactment.

Approved—The 28th day of April, A. D. 1899.

WILLIAM A. STONE.