

shall not apply to any cases heretofore judicially adjudicated.

APPROVED—The 3d day of May, A. D. 1927.

JOHN S. FISHER

No. 336

AN ACT

Concerning boroughs, and revising, amending, and consolidating the law relating to boroughs.

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Section 1. Be it enacted, &c., That the law for the government and regulation of boroughs is hereby revised, amended, and consolidated as follows:

## ARTICLE I

### PRELIMINARY PROVISIONS

#### SHORT TITLE

Section 101. That this act shall be known and may be cited as "The General Borough Act."

Section 102. *Excluded Provisions.*—This act does not include any provisions, and shall not be construed to repeal any acts, relating to:

- (a) The assessment of taxes.
- (b) The procedure for the collection of municipal claims by liens.
- (c) The amount and method of incurring or increasing indebtedness.
- (d) Election officers and conduct of elections.
- (e) Poor districts.
- (f) Boards of health.
- (g) Common schools.
- (h) Borough and ward constables.
- (i) Justices of the peace.
- (j) The giving of municipal consent to public service corporations.
- (k) State roads, State-aid roads, and private roads.

(l) Validations of elections, bonds, ordinances, and acts of corporate officers.

(m) Crimes and offenses by borough officers.

Section 103. *Construction of Act Generally.*—The provisions of this act, so far as they are the same as those of existing laws, are intended as a continuation of such laws and not as new enactments. The repeal by this act of any act of Assembly, or part thereof, shall not revive any act or part thereof heretofore repealed or superseded, nor affect the corporate existence of any borough heretofore incorporated. The provisions of this act shall not affect any act done, liability incurred, or right accrued or vested, or affect any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of such repealed laws. All ordinances, regulations, and rules made pursuant to any act of Assembly repealed by this act, shall continue with the same force and effect as if such act had not been repealed. Any person holding office under any act of Assembly repealed by this act shall continue to hold such office until the expiration of the term thereof, subject to the conditions attached to such office prior to the passage of this act.

Section 104. *Constitutional Construction.*—The provisions of this act shall be severable and, if any of the provisions shall be held to be unconstitutional, such decision shall not affect the validity of any of the remaining provisions of this act. It is hereby declared as a legislative intent that this act would have been adopted had such unconstitutional provision not been included therein.

Section 105. *Construction of References.*—Whenever in this act reference is made to any act by title, such reference shall also apply to and include any codification wherein the provisions of the act referred to are substantially re-enacted.

Section 106. *Boroughs to which Act Applies.*—This act shall apply to all boroughs incorporated under general law, and to all boroughs incorporated under special law which have accepted the provisions of the act of April third, one thousand eight hundred and fifty-one, entitled "An act regulating boroughs," and also to all boroughs incorporated since April third, one thousand eight hundred and fifty-one, by special act of Assembly which by the act of incorporation have been given the general powers of boroughs incorporated under the general law, and also to all boroughs incorporated under or which have accepted the provisions of, the act approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred and twelve), entitled "An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs." This act shall not annul or repeal any local or special act in force at the date of the passage of this act, or any provision thereof, nor shall this act repeal any act

so far as any such act applies to, or may have heretofore applied to, any boroughs incorporated under special acts of Assembly and to which boroughs, as limited by the provisions of this section, this act does not apply.

The provisions of this act, in so far as similar provisions of the said act approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred and twelve), were extended to boroughs acting under local laws, shall apply to such boroughs incorporated under local laws.

Section 107. *Acceptance of Act by Boroughs and Towns.*—Any borough or incorporated town, incorporated or acting under any local or special act of Assembly, may surrender the provisions of its special acts in their entirety, or so far as they are inconsistent with this act, and be governed by the provisions of this act, by presenting a petition to the court of quarter sessions of the proper county setting forth the desire of such borough or incorporated town to accept the provisions of this act. The petition shall also set forth whether it is the desire of the petitioners to surrender all of the provisions of its special acts or to retain such provisions of its special acts as are not inconsistent with this act. Such petition shall be made by the burgess and council or by twenty-five qualified electors of the borough or incorporated town.

Upon the presentation of the petition, the court shall fix a day for hearing, of which such notice shall be given as may be directed by the court. At such hearing any inhabitant of the borough or incorporated town may remonstrate against the granting of the petition, and the court may grant or refuse the petition.

If the court grant the petition, the decree shall be recorded in the office for the recording of deeds, and thereafter the borough or incorporated town shall be subject to all the provisions of this act, and any such incorporated town shall become a borough and the local and special acts of Assembly in force in any such borough or incorporated town shall be annulled in their entirety, or so far as they are inconsistent with the provisions of this act, as may be set forth in the petition in the particular case. When any incorporated town accepts the provisions of this act, the decree of the court permitting such acceptance shall set forth the title of the new borough.

When any borough or incorporated town shall accept the provisions of this act, as provided by this section, all liabilities incurred, rights accrued or vested, obligations issued or contracted, and all suits and prosecutions pending or to be instituted to enforce any right or penalty accrued or punish any offense committed prior to such acceptance, and all ordinances shall continue with the same force and effect as if no such acceptance had been made.

Section 108. *When Act Goes Into Effect.*—This act shall

go into effect on the first day of July, one thousand nine hundred and twenty-seven.

Section 109. Wherever, in any of the provisions of this act, notice is required to be given in one newspaper in the county, such notice shall be published in a general newspaper published within the limits of the borough or district affected, or in a general newspaper of the county or adjacent county circulating in such borough or district, and, when so required by rules of court of such county, also in the legal newspaper, if any, designated by the rules of court of such county for the publication of legal notices and advertisements: Provided, That borough ordinances shall be published only in general newspapers.

## ARTICLE II

### CREATION OF BOROUGHS


#### (a) INCORPORATION OF BOROUGHS

Section 201. *Towns and Villages May be Incorporated.*—The courts of quarter sessions may incorporate any town or village within their jurisdiction into a borough. Every town or village so incorporated shall be a body corporate and politic by the name which shall be given by the court.

Section 202. *Applications for Incorporation.*—The application for incorporation shall be in writing and shall be signed within three months immediately preceding its presentation to the court by a majority of the freeholders residing within the limits of the proposed borough.

Section 203. *Contents of Application.*—The application shall set forth the title of the proposed borough, with a particular description of the boundaries thereof, exhibiting the courses and distances in words at length, and be accompanied with a plot of the same.

Section 204. *Filing of Application; Notice; Decree.*—Upon presentation to the court, the application shall be filed with the clerk, and notice thereof shall be given in one newspaper in the county for a period of not less than thirty days immediately before the next regular term following the filing thereof, during which time exceptions may be filed to the application by any person interested. The court, at said term, if it shall find that the conditions prescribed by this article have been complied with, may grant the prayer of the petitioners and make a decree accordingly, but, if the court shall deem further investigation necessary, it may make such order thereon as to right and justice shall appertain. The application and decree shall be recorded in the recorder's office of the county, at the expense of the applicants, who shall also pay all other expenses and costs in connection therewith.

Section 205. *When Borough Government Becomes Effective.*—When the application and decree have been recorded, such part of a township or townships shall become an incorporated borough, and shall be entitled to the several rights, privileges, and immunities conferred by this act. 

Section 206. *Exclusion of Farm Lands.*—When, in any application, the boundaries fixed by the petitioners shall embrace lands exclusively used for the purposes of farming, the court may, if it deem such land does not properly belong to the proposed borough, at the request of the party aggrieved, change the boundaries so as to exclude therefrom the land used for farming purposes.

Section 207. *Corporate Name.*—The corporate name of boroughs incorporated under this act shall be “The borough of.....”

Section 208. *Requisites of Charter.*—All charters granted under this act shall set forth:

First. The corporate name of the borough.

Second. The boundaries thereof.

Section 209. *Appeals to Superior Court.*—An appeal to the Superior Court may be had from any decree incorporating a borough, within three months from the date of such decree, by not less than three persons aggrieved thereby.

Section 210. *Certificates of Clerk of Court; Fees; Penalty.*—The clerk of the court of quarter sessions in each county shall certify to the Department of Highways the establishment of all new boroughs within said county, certification to be made within thirty days after the establishment of such borough.

For each certification, furnished under the preceding provisions of this section, the clerk of the court of quarter sessions shall receive the sum of three dollars and fifty cents (\$3.50), to be paid by the State Treasurer upon warrant from the Auditor General out of moneys not otherwise appropriated.

The failure or neglect of any clerk of the court to furnish such certification to the Department of Highways shall be deemed a misdemeanor and, upon conviction, any such clerk shall be punished by fine of not more than fifty dollars (\$50.00).

The clerk of the court shall also furnish a certified copy of the final decree to the Secretary of Internal Affairs of the Commonwealth, for which service he shall receive a fee of one dollar (\$1.00) to be paid as part of the costs of the proceeding.

Section 211. *First Election of Officers.*—The courts of quarter sessions shall fix the time and place of holding the first election in the borough, designate a person to give notice of the election and the manner thereof, and appoint from among the electors of the borough a judge and inspectors to hold the first election. The officers elected at such special election shall hold their office and their successors shall be elected and qualify as provided for in article eight of this act.

Section 212. *Marking Borough Boundaries.*—The boundaries of the borough shall, as soon as practicable after its incorporation, be marked, due notice being first given to the commissioners and supervisors of adjoining



townships and to the corporate authorities of adjoining municipalities.

(b) CONSOLIDATION OF BOROUGHS

Section 215. *Adjacent Boroughs May Be Consolidated.*—Whenever two or more boroughs, situate in the same county or in different counties, shall be adjacent and of compact territory they may be consolidated into one borough.

Section 216. *Joint Agreements for Consolidation.*—Such consolidation shall be made under the following conditions:

The councils of the boroughs may of their own initiative, or shall within sixty days after each is requested in writing by at least one hundred qualified electors of the respective borough, enter into a joint agreement, under the corporate seal of each borough, for the consolidation thereof into one borough. The joint agreement shall set forth the name of the new borough, the number of wards, if any, into which the borough is to be divided, the territorial boundaries thereof. It may also set forth such terms as have been agreed upon for the disposition of the assets of each of the boroughs, and for the liquidation of the indebtedness of each of the boroughs, either jointly, separately, or in certain defined proportions, and the adjusting and paying of the same by separate rates of taxation on all property subject to taxation within the boundaries of such boroughs respectively.

Section 217. *Elections On Question of Consolidation.*—The question of the consolidation of such boroughs shall be submitted to the vote of the qualified electors of each of the boroughs at a special election to be held on the day to be designated in the joint agreement. The election shall be held by the regular election officers and in accordance with the provisions of the laws regulating general elections. If such special election shall be ordered within ninety days of any general or municipal election, the election shall be held on the day fixed for the holding of such election. Notice of such election shall be given by proclamation by the high constables of the respective boroughs in the manner prescribed for proclamations for elections for municipal officers.

The election shall be by ballot, which shall be marked "Proposed consolidation," and below shall be printed the words, "For consolidation" and "Against consolidation," and the elector shall designate with an "X" his desire to vote for or against such consolidation.

If the majority of the votes cast for and against the proposed consolidation at such election, in each of the boroughs, is in favor of the ratification of the agreement, that fact shall be certified to the council of each of the boroughs by the respective election boards or return judges, and the burgess and secretary of the respective borough shall cause a certification of the result to be indorsed upon the joint agreement.

Section 218. *Agreement to Be Filed With Secretary of Commonwealth; Letters Patent.*—The agreement, or a certified copy thereof, with all its endorsements, shall be filed in the office of the Secretary of the Commonwealth. Upon the filing thereof, the Governor shall cause letters patent to be issued, under the great seal of the Commonwealth, consolidating the boroughs into one corporation by the name set forth in the joint agreement. A copy of such agreement, duly certified by the Secretary of the Commonwealth under the seal of his office, shall be evidence of the existence of the new borough.

Section 219. *Payment of Costs and Expenses.*—All costs and expenses incurred in such consolidation or proposed consolidation, except those incurred in any general or municipal election at which the question of consolidation is submitted, shall be paid by the consolidated borough, if such consolidation takes place, and, if not, such costs and expenses shall be paid in equal shares by each of the boroughs proposing to consolidate.

Section 220. *Effect of Consolidation.*—Upon the issuance of letters patent, the several boroughs shall be a borough under the name provided in the agreement. The ordinances in force in each of such boroughs, at the time of such consolidation, shall continue in force throughout the territory for which they were originally enacted, until altered or repealed by the council of the consolidated borough. All rights, privileges, and franchises, of each of the boroughs, and all the property, real, personal, and mixed, and all debts due on whatever account, and other things in action, belonging to each of such boroughs, shall be vested in the new borough. The title to real estate vested in either of such boroughs shall not revert, or be in any way impaired, by reason of such consolidation. All rights of creditors and liens shall be preserved, and all debts, liabilities, and duties, of either of such boroughs, shall attach to such new borough and be enforced against it.

Section 221. *Jurisdiction Over Consolidated Boroughs.*—Any borough, formed by the consolidation of boroughs situate in different counties, shall be governed, for borough and school purposes, as one borough and, for county and poor purposes, as a part of the county and poor district in which the territory is actually situated, in accordance with the act, approved the twenty-eighth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, nine hundred and three), entitled "A supplement to an act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred and twelve), entitled 'An act providing a system for government of boroughs, and revising, amending, and consolidating the law relating to boroughs,' so as to provide a system of government where a borough now has annexed, or hereafter shall annex, land in an adjoining county, including assessment of property, levying and collection of taxes, making municipal improvements, and

filing and collecting of liens for the same; the jurisdiction of courts for the enforcement of borough ordinances and State laws; and primary, general, municipal, and special elections; and repealing inconsistent laws," providing for the government of boroughs where land lying in one county is annexed to a borough situate in another county.

(c) RE-ESTABLISHMENT OF BOROUGHS

Section 225. *Petitions to Re-establish Boroughs Forming Part of Third Class Cities.*—Where cities of the third class have been formed by joining together two or more boroughs, the court of common pleas, upon the petition of not less than one-third of the registered electors of the territory formerly comprised within the limits of either of such boroughs, setting forth that the inhabitants of such territory wish to separate from the city and establish a borough organization, may appoint three commissioners, who shall investigate the facts set forth in such petition, and report to the court as to the expediency of granting the prayer of the petitioners.

Section 226. *Report of Commissioners.*—If the commissioners report in favor of setting off the territory from the city, they shall accompany their report with a plot of such territory, formerly comprising said borough, or any such part thereof as may be described in the petition.

Section 227. *Vote on Separation.*—The court shall thereupon order an election, to be held on the next appointed day for the holding of a general or municipal election, at which time the qualified electors within such territory shall vote for or against such separation.

Section 228. *Decree of Court; Appointment of Borough Officers.*—If a majority of votes cast for and against such separation at such election shall be in favor of such separation, the court shall make a decree declaring such territory a borough, and appoint one person qualified to serve as a member of the Senate of this Commonwealth to be the burgess of such borough, and seven persons qualified to serve as Members of the House of Representatives of this Commonwealth to constitute the council thereof. Such officers shall hold their respective offices until the first Monday of January next succeeding the municipal election, at which a burgess and council are to be elected, as provided in article eight of this act.

Section 229. *When Borough Government Takes Effect.*—From the date of such decree, the territory so erected into a borough shall be separate from such city and shall be subject to the provisions of this act. The prothonotary shall furnish a certified copy of the decree to the Secretary of Internal Affairs of the Commonwealth, for which service he shall receive a fee of one dollar, to be paid as part of the costs of the proceeding.

Section 230. *Payment of Costs and Expenses.*—All costs and expenses incurred in any such proceedings to re-establish a borough, except the costs and expenses of the

election, shall be paid by the re-established borough, if such re-establishment is made, and, if not, then such costs and expenses shall be paid by the petitioners.

(d) DIVISION OF BOROUGHS

Section 235. *Applications for Division of Borough.*—When a borough has been erected from two or more villages, or from two or more boroughs, the majority of the freeholders residing within the boundary limits of any one of the original villages, or within the limits of any one of the boroughs, heretofore consolidated, may make application, by a petition in writing, to the court of quarter sessions, praying that such part or parts may be set off from the borough and erected into a new borough.

Section 236. *Filing Petition; Notice; Decree; Costs.*—The petition shall be signed by the petitioners within three months immediately preceding its presentation to the court. Upon such presentation, it shall be filed with the clerk. Notice thereof shall be given in one newspaper of the county, for a period of not less than thirty days immediately before the next regular term following the filing thereof, during which time exceptions may be filed by any person interested. If the court at said term shall find that the conditions prescribed by the preceding sections have been complied with, it may grant the prayer of the petitioners and make a decree accordingly. The petition and decree shall be recorded in the recorder's office of the county. The costs and expenses of the proceedings for the division of a borough shall be paid by the new borough, if there be one, and, if not, then by the petitioners. The clerk of the courts shall furnish a certified copy of the decree to the Secretary of Internal Affairs of the Commonwealth, for which service he shall receive a fee of one dollar to be paid as part of the costs of the proceedings.

Section 237. *Parts Set Off to Be Borough.*—The part or parts of the borough so set off shall thereupon be a borough, under a name given by the court, and shall be subject to the provisions of this act.

Section 238. *First Election of Officers.*—The court shall fix the time and place for holding the first election in the borough, designate a person to give notice of such election, and appoint from among the electors of the borough a judge and inspectors to hold the first election. The officers elected at such election shall hold their offices, and their successors shall be elected and qualified, as provided in article eight of this act.

Section 239. *Appeals to Superior Court.*—An appeal to the Superior Court may be had from any decree incorporating such part or parts of the borough into a borough, within three months after the date of the decree, by not less than three persons aggrieved thereby.

Section 240. *Establishment of Boroughs from Detached Territory.*—Whenever any territory shall be detached from a borough, under the procedure set forth in article

four of this act, the court of quarter sessions may decree that the portions so detached shall constitute a new borough, if the same shall be to the best interests of the several boroughs, townships, and school districts affected thereby, and the residents of the territory so detached, and shall order and direct a special election to be held for the election of officers for such borough. The officers elected at such special election shall hold their respective offices, and their successors shall be elected and qualify, as provided in article eight of this act. No such borough shall be created, unless the intention to do so has been set forth in the original petition filed, or after thirty days' notice in such manner as the court may direct.

### ARTICLE III

#### ANNULMENT OF BOROUGH CHARTERS

Section 301. *Petitions for Annulment of Charters.*—The several courts of quarter sessions within this Commonwealth shall have power, upon petition of two-thirds of the taxable inhabitants of any borough heretofore incorporated, to decree the annulment of the charter of such borough. The petition for the annulment shall set forth that the petitioners desire that the territory embraced within such borough shall revert to and become a part of the township from which it was taken.

Section 302. *Filing Petition; Notice; Exceptions; Decree.*—Upon presentation of such petition for annulment as aforesaid to the court, it shall be filed with the clerk, and notice thereof shall be given in at least one newspaper of the proper county for a period of not less than thirty (30) days immediately preceding the date of such hearing, and during which time exceptions may be filed to such application by any person interested; and at such hearing the court shall make a full investigation of the case and, if it shall find that the conditions prescribed by law have been complied with and shall believe that it is expedient to grant the prayer of the applicants, shall grant the same and make a decree accordingly; and said application and decree shall be recorded in the recorder's office of the proper county.

Section 303. *Territory to Revert to Township; Indebtedness.*—Upon the entry and recording of such decree, the lands embraced within the limits of such borough, whose charter is annulled, shall thereupon revert to and become a part of the township from which it was taken, and be under and subject to its government and control: Provided, however, That any indebtedness of such borough shall be paid from the taxes assessed and collected from that portion of said township formerly included within the limits of such borough.

All costs and expenses incident to the proceedings for the annulment of the charter as aforesaid shall be paid by the petitioners.

## ARTICLE IV

## CHANGE OF BOROUGH LIMITS

## (a) ON PETITION OF FREEHOLDERS

Section 401. *Power to Change Borough Limits.*—The court of quarter sessions, with the concurrence of the grand jury, may, upon petition, change the limits of any borough heretofore incorporated by the court of quarter sessions from a town or village or incorporated under the provisions of this act.

Section 402. *Limitation on Power.*—The provisions of the preceding section do not authorize a change of borough limits by the detachment of territory and its annexation to a contiguous township.

Section 403. *Notice of Application.*—Notice of the intended application shall be given in at least one newspaper of the county for a period of not less than thirty days immediately before the presentation of the petition.

Section 404. *Signing Petition; Contents.*—The petition shall be signed by a majority of the freeholders residing in the borough within three months immediately preceding its presentation to the court. It shall set forth a description and be accompanied with a plot showing the courses and distances of the boundaries of the borough before and after the proposed change of limits.

Section 405. *Petition to Be Laid Before Grand Jury.*—The petition, except as provided in section four hundred and two of this article, shall be laid before the grand jury of the same term of court when presented, whenever the same can be conveniently done, and in no case later than the next subsequent term of court.

Section 406. *Action of Grand Jury; Decree of Court.*—If the grand jury shall believe it expedient to grant the prayer of the petitioners, they shall certify the same to the court. The certifications shall be entered of record and no further proceedings had until the succeeding term of court, at which term the judgment of the grand jury may be confirmed. If the court shall deem further investigation necessary, it may make such order as to right and justice shall appertain. If the court shall grant the prayer of the petitioners, the petition and decree shall be recorded in the recorder's office at the expense of the petitioners, who shall pay all other expenses and costs in connection with said petition and decree.

Section 407. *Special Decrees Where Territory Detached.*—Whenever the court shall make a decree changing the limits of any borough, as provided by the foregoing sections of this article, by detaching therefrom any portion of the territory included therein, the court shall make a further decree directing that the portion so detached shall constitute a new borough, a new township, or become part of an adjacent borough, as to the court may seem best. The section does not authorize the creation of a new borough unless the intention to do so has been set forth

in the petition, or until after thirty days' notice in such manner as the court may direct. In the case of the erection of a new borough, the court shall order a special election as provided in section two hundred and forty of this act.

Section 408. *Borough Officers Residing in Detached Territory.*—In case any officer of the borough, from which any territory is detached, resides in the portion so detached, he shall, from the time of the decree, cease to exercise the function of said office, and the office shall be vacant, and shall be filled by the court of quarter sessions from the electors of the borough, who shall hold office for the unexpired term and until their successors qualify. The remaining members of council shall constitute the council for the transaction of all business until the vacancies shall have been filled.

(b) BY ANNEXATION ON PETITION OF FREEHOLDERS  
OUTSIDE THE BOROUGH

(1) Where Territory Is in One County:

Section 410. *Annexation by Court With Concurrence of Grand Jury.*—The court of quarter sessions, with the concurrence of the grand jury, may, upon petition, change the limits of any borough by the annexation of adjacent territory.

Section 411. *Notice of Application.*—Personal notice of the intended application shall be given to the burgess and council of the borough, and to the commissioners or supervisors of the township in which the petitioners reside. Notice of such application shall also be given in one newspaper of the county, for a period of thirty days immediately before the presentation of the petition.

Section 412. *Signing and Contents of Petition.*—The petition shall be signed by a majority of the freeholders residing within the territory to be annexed. It shall set forth a description, and be accompanied with a plot, showing the courses and distances of the boundaries of the borough before and after the proposed annexation.

Section 413. *Certificate of Grand Jury; Decree of Court; Costs.*—The court shall cause the petition to be laid before the grand jury and, if the grand jury shall believe it expedient to grant the prayer of the petitioners, they shall certify the same to the court, which certificate shall be entered of record for confirmation by the court. The court may make such order thereon as to right and justice shall appertain. If the court shall confirm the petition, the said petition and decree shall be recorded in the recorder's office of the county, at the expense of the petitioners, who shall pay all other expense and costs in connection with said petition and decree. Thenceforth the territory so annexed shall be a part of the borough.

(2) Where Territory Is in Two or More Counties:

Section 415. *Petition for Annexation.*—The court of

quarter sessions may, upon petition, annex to any adjacent borough, territory situated in two or more counties.

The petition shall be signed by a majority of the taxable inhabitants of such territory, and shall be presented to the courts of quarter sessions of all the counties in which the territory and the borough are situated.

Section 416. *Notice of Application.*—Notice of the intended application shall be given in one newspaper of general circulation in the territory and in the borough, for a period of thirty days, immediately before the presentation of the petition to any of the courts.

Section 417. *Appointment of Commissioners; View; Report.*—Upon presentation of the petition, the several courts shall each appoint one person as commissioner, and the commissioners so chosen shall select an additional one who shall be a surveyor.

The commissioners shall be severally sworn or affirmed, within sixty days from their appointment and selection, and shall view the territory sought to be annexed. They shall report to the several courts, at the respective terms next following such appointment, or as soon thereafter as possible. The report shall state that the commissioners were sworn or affirmed, and that they were all present at the view. If the commissioners favor the proposed annexation, they shall accompany their reports with a plot, showing the courses and distances of the boundaries of the territory proposed to be annexed and the quantity of land therein contained.

Section 418. *Rules On Petitioners.*—Any person interested may petition any of the courts, at the term to which the respective report is made, for a rule on any two or more persons signing the original petition, to show cause why the report should not be approved. The rule shall be returnable not later than the succeeding term. If the rule is confirmed, the persons signing the original petition shall pay the costs of the entire proceedings; if such rule is discharged, the costs shall be paid by those petitioning for its issue.

Section 419. *Approval By Court; Compensation of Commissioners.*—If each of the courts shall approve the report of the commissioners, the whole proceeding shall be entered on the record of each court, and the territory annexed shall be a part of the borough. Each commissioner shall receive five dollars per day for each day necessarily employed in the discharge of his duties, to be paid, if such territory is annexed, by the borough.

Section 420. *Government of Territory.*—Where lands are so annexed to a borough of an adjoining county, such lands, which are so annexed, shall be governed, for borough and school purposes, as a part of the borough to which they are annexed, and for county and poor purposes, as a part of the county and poor district in which actually situated, in the manner provided by the act, approved the twenty-eighth day of June, one thousand nine hundred



and twenty-three (Pamphlet Laws, nine hundred and three), entitled "A supplement to an act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred and twelve), entitled 'An act providing a system for government of boroughs, and revising, amending, and consolidating the law relating to boroughs,' so as to provide a system of government where a borough now has annexed or hereafter shall annex land in an adjoining county; including assessment of property, levying and collection of taxes, making municipal improvements, and filing and collecting of liens for the same; the jurisdiction of courts for the enforcement of borough ordinances and State laws; and primary, general, municipal, and special elections; and repealing inconsistent laws."

(c) BY ANNEXATION ON PETITION TO COUNCIL

Section 425. *Annexation; Ordinance.*—Any borough may, by ordinance, annex adjacent land situate in the same or any adjoining county, upon petition of a majority of the freeholders of the territory proposed to be annexed.

Section 426. *Procedure.*—A certified copy of the ordinance, together with a description, and a plot showing the courses and distances of the boundaries of the borough before and after such proposed annexation, shall be filed in the court of quarter sessions of the county, or, in case the land proposed to be annexed is situate in adjacent county, then in the courts of both counties. A notice of such filing shall also be filed in the office of the county commissioners of the proper county. Thereupon the territory proposed to be annexed shall be a part of the borough; except when any ordinance and plot are filed in the office of the clerk of the court of quarter sessions within two months of any general, municipal, or primary election, in which case the property proposed to be annexed shall not become a part of the borough until the day succeeding such election.

Section 427. *Government of Territory.*—Where lands are annexed to a borough of an adjoining county, such lands, which are so annexed, shall be governed, for borough and school purposes, as a part of the borough to which they are annexed, and, for county and poor purposes, as part of the county or poor district in which actually situated, in the manner provided by the act, approved the twenty-eighth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, nine hundred and three), entitled "A supplement to an act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred and twelve), entitled 'An act providing a system for government of boroughs, and revising, amending, and consolidating the law relating to boroughs,' so as to provide a system of government where a borough now has annexed, or hereafter shall annex, land in an adjoining county; including assessment of property,

levying and collection of taxes, making municipal improvements and filing and collecting of liens for the same; the jurisdiction of courts for the enforcement of borough ordinances and State laws; and primary, general, municipal, and special elections; and repealing inconsistent laws.”

(d) BY DETACHMENT OF TERRITORY

(1) Where It Is Annexed to a Contiguous Township:

Section 430. *Petitions to Detach Territory.*—The court of quarter sessions, upon petition, may change the limits of any borough by detaching territory therefrom and annexing the same to a contiguous township or townships.

Section 431. *Signing and Contents of Petition.*—The petition shall be signed by a majority of the freehold residents of the borough, except where the dividing line between a borough and a township shall separate the lands of any person, in which case the petition may be made by any freeholder whose lands are so divided. The petition shall contain the names of the contiguous township or townships to which the territory is proposed to be annexed, and shall set forth a description, and be accompanied with a plot showing the courses and distances of the boundaries of such township or townships before and after the proposed change of limits.

Section 432. *Filing Petition; Notice; Decree.*—Upon its presentation, the court shall order the petition filed and shall fix a time for hearing. Notice of the filing of the petition shall be given to the supervisors of the townships, and to the secretary of the borough and president of council, at least twenty days prior to the date of hearing. If the court shall determine in favor of the proposed detachment of territory, it shall state in its decree to what adjacent township or townships the territory so detached shall be annexed. The petition and decree shall be recorded in the office for the recording of deeds of the county, at the expense of the petitioners, and thenceforth the boundaries of the borough and of the adjacent township or townships shall be as decreed by the court.

(2) By Reason of Natural or Artificial Causes:

Section 435. *Petitions to Detach Territory.*—Whenever the territory of any borough is divided by reason of natural or artificial causes, or whenever any part of a borough is so located that access to the remaining portion can be had only by passing through some other township or borough, the court of quarter sessions, on petition signed by persons representing at least two-thirds of the value of the real property and two-thirds of the inhabitants of the borough, may detach therefrom the part so divided or located and annex it to an adjacent borough or township.

Section 436. *Filing Petition; Notice.*—Upon its presentation, the court shall order the petition filed, and shall direct that notice thereof be given to the borough, or to

the township whose boundaries may be affected, and shall also fix a time for hearing.

Section 437. *Decree of Court.* If the decree of the court shall be in conformity with the prayer of the petitioners, the boundaries of the borough from which the territory is detached and of the borough or township to which such detached portion is annexed shall be as decreed by the court.

Section 438. *Payment of Cost.*—All costs and expenses in proceedings for the annexation of territory on petition to council, or in proceedings for the change of borough limits by the detachment of territory, shall be paid by the petitioners for such annexation or detachment.

#### ARTICLE V

#### BOROUGH BOUNDARIES

Section 501. *Stream Boundaries.*—Whenever any borough is bounded by the nearest margin of a navigable stream, and an opposite township, borough, or city is also bounded by the nearest margin of the same stream, the boundaries of such borough shall extend to the center line of the stream.

Section 502. *Court to Establish Disputed Boundaries.*—The court of quarter sessions, upon petition, may ascertain and establish disputed boundaries between two or more boroughs, between boroughs and cities, or between boroughs and townships.

Section 503. *Petition to Court; Commissioners; Report.*—Upon such petition, the court shall appoint as commissioners three impartial men, one of whom shall be a surveyor. After giving notice to parties interested, as directed by the court, they shall view the disputed boundaries. The commissioners, or any two of them, shall report to the next succeeding term of court, which report shall contain their recommendations and be accompanied with a plot of the proposed boundary, if the same cannot be fully described by natural lines.

Section 504. *Reviews; Exceptions and Issues.*—Any person interested may petition the court for a review, or may except to the report of the commissioners. When matters of fact are in dispute, the court may frame an issue and certify the same for trial to the court of common pleas.

Section 505. *Pay and Expenses of Commissioners.*—The commissioners shall each receive three dollars per day, except the surveyor who shall receive five dollars per day, for each day necessarily employed in the performance of their duties, and mileage at the rate of ten cents per mile for each mile necessarily traveled.

Section 506. *Boundary Monuments.*—Whenever a boundary is established pursuant to the preceding sections of this article, the court shall cause the same to be marked with stone monuments, placed at intervals not exceeding

fifteen hundred feet, and the expense of establishing said boundary and the placing of said monuments, when approved by the court, shall be borne equally by the municipalities or townships interested.

Section 507. *Boundary Lines Between Boroughs.*—Whenever the dividing line between two adjoining boroughs is uncertain, or whenever adjoining boroughs desire that the dividing line should be changed, the borough councils may declare and fix such boundary line, or may change the same in the manner hereinafter set forth.

Section 508. *Ordinances Fixing Lines Between Boroughs; Plots to Be Filed.*—Such dividing line shall be determined and fixed or changed, by ordinance passed by the councils of each borough, by the affirmative votes of not less than two-thirds of all the members elected to each of the councils, and approved by the respective burgesses. A plot showing such dividing line and the changes in the same, together with certified copies of the ordinances authorizing the action taken, shall be filed in the office of the clerk of the court of quarter sessions, within thirty days after the approval of the last ordinance relating to the matter.

Section 509. *Appeals from Ordinances.*—Any citizen of either borough may appeal from the ordinances, within thirty days of the filing of such plan, and the court shall make such decree thereon as to right and justice shall appertain.

Section 510. *Where Boundary Line Divides Property.*—Whenever the dividing line between adjoining boroughs situate in the same county, separates the property of the same owner into two or more parts, the court of quarter sessions, on the petition of the council of either borough, or upon the petition of the property owner, may change the dividing line so that the whole of the property shall be thereafter located in one of the boroughs. No such change shall be made, until the written consent of the borough councils, and of the party whose land is affected, where they do not appear as petitioners, is obtained and filed of record. Any costs and expenses incurred under the provisions of this section shall be paid by the petitioners.

## ARTICLE VI

### BOROUGH WARDS

Section 601. *Power of Court to Erect and Change Wards and to Alter and Establish Lines.*—The court of quarter sessions, upon petition, may divide boroughs into wards, erect new wards, consolidate two or more wards into one ward out of two or more adjoining wards or parts thereof, attach land annexed to a borough to an adjacent ward or wards, divide any ward already erected into two or more wards, or alter the lines of any two or more adjoining wards, and may cause the lines or boundaries of wards to be ascertained and established.

Section 602. *Signing Petition; Appointment of Commissioners; Report.*—The petition shall be signed by twenty freehold residents of the borough, or of the ward, whose limits it is proposed to change. Upon its presentation, the court shall appoint three impartial men as commissioners, to inquire into the propriety of granting its prayers. The commissioners, or any two of them, shall make a report to the next term of the court, and shall accompany it with a plot, showing the boundary of the borough and wards before and after the proposed change, whenever the same cannot be fully designated by natural lines.

Section 603. *Confirmation of Report; Review.*—The court shall confirm the report nisi, which confirmation shall become absolute unless exceptions are filed before the third day of the term next succeeding. The court may grant a review, if a better adjudication may thereby be secured, upon a petition presented before the third day of such succeeding term.

Section 604. *Compensation of Commissioners.*—The commissioners shall each receive three dollars per day, except a surveyor who shall receive five dollars per day, for each day necessarily employed in the discharge of their duties, and mileage at the rate of five cents per mile for every mile necessarily traveled.

Section 605. *Payment of Costs; Bond.*—Such compensation shall be paid by the county, during the term of court to which the report is made, to be reimbursed by the petitioners, as directed by the court. To secure such reimbursement, the court may require the petitioners to file a bond with their petition. All other costs and expenses, incurred in the erection, division, or alteration of wards, shall be paid by the petitioners, without liability upon the county.

Section 606. *Terms of Officers.*—Officers in office at the time of any changes made pursuant to the preceding sections of this article, shall remain in office until the expiration of the terms for which they have been elected. In case any vacancy shall occur, the same shall be filled by the council, until the first Monday of January next succeeding the election at which such officers are to be elected, as provided in article eight of this act.

Section 607. *Change of Names and Numbers.*—Boroughs may, by ordinance, change the name of any ward to a number, or change the number of any ward to name. No such ordinance shall go into force until a certified copy thereof is filed with the clerk of the court of quarter sessions.

## ARTICLE VII

### ADJUSTMENT OF INDEBTEDNESS

#### (a) WHEN BOROUGH INCORPORATED FROM A TOWNSHIP

Section 701. *Boroughs to Share in Indebtedness When Incorporated.*—Whenever a township is merged into one or more boroughs, or whenever a borough is erected out of

a township, or parts of adjoining townships, every such borough shall share, in just proportion, in the rights and liabilities of such townships existing at the time of its incorporation. In all pending actions, and actions thereafter brought, by or against such townships, the borough liable or entitled shall, by order of court, be made party plaintiff or defendant as the case may be.

Section 702. *Court to Adjust Indebtedness in Bill in Equity.*—Whenever any borough has been erected out of a township, or whenever any township has been merged into more than one borough, the court of common pleas, upon application, by a bill in equity, of any creditor of such townships, or of the authorities of any such township or borough, may ascertain the indebtedness of such townships, including judgments against the same at the time of the incorporation of such boroughs respectively, and may equitably adjust such indebtedness between such townships and boroughs, and between the several boroughs into which any township shall have been merged, and shall decree the proportion of such indebtedness which each township and borough shall pay. In making such adjustment the township taxes then unexpended shall be taken into account.

Section 703. *Assessments to Furnish Basis of Adjustment.*—The adjustment shall be based upon the assessments of the townships for the year in which such boroughs were incorporated. In ascertaining the indebtedness, neither pending actions, nor claims against such townships founded on tort, shall be included, unless the same shall, in the meantime, have been prosecuted to final judgment.

Section 704. *Notice; Claims Barred.*—Three months' notice shall be given, by order of court, to all persons having claims against any of such townships, to present the same on or before the day therein named. All persons failing to present their claims, shall be forever debarred from enforcing collection of the same. The notice shall be published in not less than two newspapers of the county.

Section 705. *Court Orders; Taxation.*—The court may make all needful orders for the collection and payment, by the township or borough, of the share of the indebtedness apportioned to it, and may order the officers of the township or borough to collect, by special taxation, an amount sufficient to pay the share either in one year or by annual instalments.

Section 706. *Appointment of Receiver.*—The court may appoint a receiver to whom the money due from each township and borough shall be paid. The receiver shall pay over the amount so received to creditors of the township, in such order or in such proportions as the court shall direct. In case of any special taxation in any township or borough, the collector of the special tax shall pay the same to the receiver.

§ Section 707. *Credit for Unappropriated Balances.*—Each borough, in any of the cases aforesaid, shall be

credited with its proper share of any unappropriated balance in the treasury of such townships at the end of the current year during which such borough shall have been incorporated, and the court may equitably apportion the same.

Section 708. *Payment of Costs.*—The cost of the proceedings shall be paid by the several townships and borough in such proportions as the court shall direct.

(b) WHEN BOROUGHS RE-ESTABLISHED

Section 710. *Appointment of Auditor.*—Whenever any borough shall be erected from a city of the third class, formed by joining together two or more boroughs, as provided in this act, the court of common pleas shall immediately appoint an auditor.

Section 711. *Duties of Auditor.*—The auditor shall ascertain the indebtedness of such city. He shall likewise take into account, and include in his report, the cost of all the property owned by such city and purchased at the general expense of the same. He shall show in his report how much of such indebtedness would be the proportionate share chargeable to the territory so set off from such city, after allowance for a proportionate credit for the value of the property owned by the city prior to the establishment of the borough.

Section 712. *Issue of Borough Bonds to Liquidate Indebtedness; Costs.*—If there is any indebtedness remaining, which would be chargeable to the borough, then the authorities of such borough shall issue and deliver, to the authorities of the city, interest-bearing bonds in liquidation of the indebtedness ascertained to be the proportionate share payable by such borough. The costs of the proceedings shall be paid by the borough re-established.

(c) WHEN LIMITS ARE CHANGED OR BOROUGHS DIVIDED

Section 715. *Appointment of Auditor.*—Whenever proceedings shall be commenced for the purpose of changing the limits of any borough, as provided in article four, sections four hundred one to four hundred twenty-seven inclusive, or in the case of the division of boroughs, as provided in article two (d) of this act, and the same shall have been approved by the grand jury to which the application shall have been submitted, in all cases where such approval is required, the court, before entering a decree confirming the same, shall appoint an auditor.

Section 716. *Notice.*—The court shall, at the time of making the appointment, direct notice to be given to all parties interested. Such notice shall state the time and place of the meeting of the auditor, and the time of making his report, and of the hearing thereon.

Section 717. *Duties of Auditor.*—The auditor shall ascertain the liabilities of the several boroughs and townships affected, the amount and value of the property owned by each, the amount and value of the property

passing to and from each borough and township, and the assessed valuation of all property liable to taxation for borough or township purposes, as shown by the last assessment, and within the limits of the part annexed to or detached from such borough. He shall report the same to the court, with the form of a decree adjusting the liabilities equitably between such boroughs and townships respectively.

Section 718. *Court Orders; Taxation.*—The court shall direct the amounts that shall be paid by such boroughs and townships, and the time and mode of payment, and, if necessary, may order a special tax to be levied upon the property so annexed to or detached from said borough for the payment of the indebtedness awarded against it, and shall direct how the same shall be assessed and collected. The costs and expenses of the proceedings shall be paid as the court shall direct.

(d) WHEN TERRITORY IS DETACHED

Section 720. *Appointment of Auditor.*—Whenever, under the provisions of sections four hundred and thirty to four hundred and thirty-two inclusive of this act, the court shall decree the detachment of territory from a borough, the court shall appoint an auditor, who shall give such notice as the court shall direct to all parties in interest.

Section 721. *Duties of Auditor.*—The auditor shall hear all parties in interest, make necessary investigation, and report to the court the total valuation for taxation purposes of the borough and townships affected, the assessed valuation of the portion detached, the amount of indebtedness of the several boroughs and townships, and the value of all property transferred from the borough to a township or borough. The auditor shall also report a form of decree, making such adjustment of the indebtedness of the boroughs and townships affected as he shall deem equitable.

Section 722. *Confirmation of Report; Costs.*—The report and decree shall be confirmed nisi by the court, and shall become absolute in ten days, unless exceptions be filed thereto, or an appeal be taken by parties in interest. The costs and expenses of the proceedings shall be paid as the court shall direct.

ARTICLE VIII

ELECTION OF OFFICERS

(a) GENERAL PROVISIONS RELATING TO ELECTED OFFICERS

Section 801. *Electors Only to be Eligible.*—Electors of the borough only shall be eligible to elective borough offices.

Section 802. *Time and Place of Elections.*—Elections for borough officers shall be at the time and place designated by law for the holding of municipal elections.

Section 803. *Certificates of Election.*—Certificates of



election of all borough officers shall be filed among the records of the borough.

Section 804. *Term.*—Persons elected to borough offices shall serve until their successors are elected and qualified.

Section 805. *Elections Where Boroughs Created.*—Whenever, in boroughs hereafter incorporated from a township, or in boroughs hereafter formed by the division of a borough, or in boroughs hereafter created by the detachment of territory, a special election is ordered by the court for the election of borough officers, the officers so elected shall hold their office until the first Monday of January next succeeding the municipal election, at which such officers are elected as provided in sections eight hundred and ten to eight hundred and fifty inclusive of this article, and thereafter such officers shall be so elected that the time of their election and, in the case of councilmen and auditors, the number to be elected at any municipal election, shall coincide with the time and number elected at such municipal elections by boroughs incorporated prior to the passage of this act.

Section 806. *Penalty for Failure to Qualify.*—Any person receiving notice of his election as burgess, high constable, or a member of council, refusing or neglecting to take upon himself the execution of such office, or any person, having taken upon himself such duties, neglecting to discharge the same according to law, shall forfeit and pay the sum of twenty dollars, to be recovered before any justice of the peace in the same manner as debts are recoverable. Any penalty so recovered shall be forthwith paid to the treasurer of the borough.

Section 807. *Officers to Be Elected.*—It shall be lawful for the electors of the borough to elect:

(a) In boroughs not divided into wards, seven councilmen, a burgess, a high constable, an assessor, a tax collector, and three auditors, or a controller, except in those boroughs where the assessment of property for county purposes, under existing laws, is made by a county board of assessors, or by appointed assessors.

(b) In boroughs divided into wards, at least one, and not more than three councilmen in each ward, to be residents of the ward from which they are elected, and chosen by the electors of the ward; an assessor in each ward, except in those boroughs where the assessment of property for county purposes, under existing laws, is made by a county board of assessors, or by appointed assessors, to be chosen by the electors of the ward; also a burgess, a high constable, a tax collector, and three auditors; or a controller, who shall be chosen by the electors of the boroughs at large.

(b) COUNCILMEN

Section 810. *Election of Councilmen.*—At the municipal election to be held in the year one thousand nine hundred and twenty-seven, there shall be elected in each borough a sufficient number of councilmen to equal one-half of the

entire number of which such council is legally composed, to serve for a term of four years from the first Monday of January next succeeding, and, where such entire number is seven, nine, or eleven, then sufficient to constitute three, four, or five, as the case may be; the aforesaid councilmen, to be elected in the year one thousand nine hundred and twenty-seven, being successors to those elected in the year one thousand nine hundred and twenty-three, whose terms, as heretofore provided by law, expire on the first Monday of January, one thousand nine hundred and twenty-eight. All councilmen whose terms expire on the first Monday of January, one thousand nine hundred and thirty, shall continue to hold their office until the first Monday of January, one thousand nine hundred and thirty, as now provided, and their successors shall be elected at the municipal election in the year one thousand nine hundred and twenty-nine, to serve for a term of four years, from the first Monday of January next succeeding. Biennially thereafter, at the municipal election, a sufficient number of councilmen shall be elected, for a term of four years from the first Monday of January next succeeding, to fill the places of those whose terms, under the provisions of this act, shall expire on the first Monday of January next following such election.

Section 811. *Election of Councilmen Where New Wards Created.*—Whenever the court of quarter sessions shall divide any borough into wards, erect two or more wards or parts of two or more wards into one ward, or divide a ward already erected into two or more wards, and when the report, in such case, is confirmed by the court, it shall, at the same time, decree the election of an equal number of councilmen, in each of the wards, in such manner as not to interfere with the terms of those theretofore elected. In decreeing such election, when the entire number of council shall be composed of an even number, the decree shall be so made that one-half of the entire number shall thereafter be elected at each municipal election. When the entire number of council shall be an odd number, the court shall divide such council into two classes, and shall make its decrees so that one-half of the entire number of councilmen, less one, shall, as soon as possible, take their office in a year divisible by four, and the remaining number of councilmen shall take their office in an even-numbered year not divisible by four. The apportionment shall be so made by the court that there shall be equal, or as nearly equal as possible, representation by wards in each class. Biennially thereafter, at each municipal election, a sufficient number of councilmen shall be elected, for the term of four years from the first Monday of January next succeeding, to fill the places of those whose terms shall expire on the first Monday of January next following such election.

Section 812. *Election of Councilmen Where Boroughs Consolidated.*—Whenever two or more boroughs are con-

solidated, the members of the council of each of such boroughs shall be members of the council of the new borough, from the wards in which they respectively reside, and shall hold their office until the expiration of their terms.

In consolidated boroughs divided into wards, the number of councilmen in each ward shall be three.

At the first municipal election next succeeding consolidation, the qualified electors of such borough shall elect a sufficient number of councilmen to equal one-half of the entire number of which such council is legally composed, to serve for a term of four years from the first Monday of January next succeeding their election, and, where such entire number is seven, nine, or eleven, and where the year in which such officers shall take office is divisible by four, then sufficient to constitute three, four, or five, as the case may be, and, where such year is an even-numbered year not divisible by four, then sufficient to constitute four, five, or six. At the second municipal election succeeding such consolidation, the remaining number of councilmen, to which such consolidated borough is entitled, shall be elected to serve for a term of four years from the first Monday of January next succeeding. In consolidated boroughs divided into wards, the council shall, by lot, prior to the first municipal election succeeding such consolidation, apportion the councilmen to be elected as above provided, so that there shall be equal, or as nearly equal as possible, representation by wards. Biennially thereafter, at each municipal election, a sufficient number of councilmen shall be elected to serve for a term of four years, from the first Monday of January next succeeding, to fill the places of those whose term shall expire on the first Monday of January next following such election.

Section 813. *Construction of Certain Sections.*—The purpose of the three sections immediately preceding is that, as nearly as possible, one-half of the councilmen of every borough shall be elected at each municipal election, to serve for a term of four years from the first Monday of January next succeeding.

Section 814. *Fixing Number of Councilmen When Wards Created.*—Whenever upon the division of any borough into wards, or the creation of a new ward or wards, the number of councilmen cannot be equally divided among the wards of the boroughs, it shall be lawful for the court, in decreeing such division or creation, to increase the number of council to, and not exceeding, such number as will enable the court to make an equal apportionment of the same among the several wards of such borough.

Section 815. *Increase in Number of Councilmen.*—The court of quarter sessions, having fixed the number of councilmen, as provided in section eight hundred eleven of this article, may, upon petition of citizens of the borough,

increase the same to any number not exceeding three for each ward.

Section 816. *Decrease of Number of Ward Councilmen.*—Whenever the electors of any borough divided into wards are authorized, by this act, or by a decree of court, to elect two or three members of council from each ward, the court of quarter sessions may, upon the petition of twenty citizens of such borough, and after notice to the council, decrease the number of members of the council to be elected in each of such wards, from two to one, or from three to one or two.

At each municipal election thereafter in such borough, where there are two members from each ward, the electors of each ward shall elect one councilman, to hold office for a term of four years from the first Monday of January next succeeding his election.

At each municipal election thereafter in such boroughs, where there is one member from each ward, the electors from each of the odd-numbered wards shall, at the first municipal election thereafter, elect one councilman for a term of four years, and the electors from each of the even-numbered wards shall elect one councilman for a term of two years. At each municipal election thereafter, the electors of the even-numbered wards, or odd-numbered wards as the case may be, shall each elect one councilman for a term of four years, to take the place of those whose terms are about to expire. All such councilmen shall take office on the first Monday of January following their election.

In any borough where, under the provisions of this section, the number of councilmen shall be reduced, the councilmen then in office shall remain in office until the end of their respective terms.

Section 817. *Appointment of Election Officers Where New Wards Created.*—Whenever the court of quarter sessions shall divide any borough into wards, it shall appoint, for each ward, such judges and inspectors of election to hold the first election after such division as are by law required.

(c) BURGESS

Section 820. *Election of Burgess.*—Electors of every borough shall, at the municipal election in the year one thousand nine hundred and twenty-nine, and every four years thereafter, elect one person as burgess, who shall hold office for a term of four years from the first Monday of January next succeeding his election.

Section 821. *Election of Burgess When Boroughs Consolidated.*—Whenever two or more boroughs are consolidated, the burgess of the borough which shall have been first incorporated shall be the burgess of the consolidated borough, to serve until the expiration of his term. The burgess of the other borough shall become a member of the council of such consolidated borough, from the ward in

which he resides, and shall continue a member thereof until the expiration of his term. At the first municipal election for the election of burgess in borough, and quadriennially thereafter, a burgess shall be elected in such consolidated borough for a term of four years from the first Monday of January next succeeding such election.

(d) HIGH CONSTABLE

Section 825. *Election of High Constable.*—The electors of every borough shall, at the municipal election in the year one thousand nine hundred and twenty-seven, and every fourth year thereafter, elect one person as high constable, to serve for a term of four years from the first Monday of January next following.

(e) AUDITORS

Section 830. *Election of Auditors.*—The qualified electors in boroughs electing auditors, and not accepting the provisions of this act providing for the office of controller, shall elect, at each municipal election, one auditor for a term of six years, to hold office from the first Monday of January next succeeding his election.

(f) BOROUGH TREASURERS AND STREET COMMISSIONERS  
IN CERTAIN BOROUGHES

Section 835. *Terms Fixed.*—The terms of office of all borough treasurers and street commissioners, elected by the voters at large of any borough, is fixed at four years from the first Monday of January next succeeding their election.

(g) CONTROLLER

Section 840. *Election of Controller.*—The qualified electors in every borough having a controller, and in every borough accepting the provisions of this act relating to the controller, shall, at the municipal election in the year one thousand nine hundred and twenty-nine, and every four years thereafter, elect as borough controller one person who shall be a competent accountant and an elector of the borough for at least four years prior to his election. The person so chosen shall serve for a term of four years from the first Monday of January next succeeding his election.

(h) ASSESSORS

Section 845. *Election of Assessors.*—At the municipal election in the year one thousand nine hundred and twenty-seven, and at the municipal election every four years thereafter, the qualified voters of every borough, not divided into wards, shall vote for and elect a properly qualified person for assessor in such borough. Where a borough has been or shall hereafter be divided into wards, the qualified voters of each of such wards shall, at the time aforesaid, elect a properly qualified person as assessor for said ward. The provisions of this section shall not repeal

nor affect the provisions of any statute providing for the election of assistant assessors for the performance of duties relating to elections, nor does this section apply to those boroughs where the assessment of property for county purposes under existing laws is made by a county board of assessors or by appointed assessors.

(i) TAX COLLECTOR

Section 850. *Election of Tax Collector.*—The qualified voters of every borough shall, at the municipal election in the year one thousand nine hundred and twenty-nine, and every four years thereafter, vote for and elect one properly qualified person as tax collector of the borough.

ARTICLE IX

VACANCIES IN OFFICE

Section 901. *Filling Vacancies in Elective Borough Offices.*—If any vacancy shall occur in the office of burgess, member of council, auditor, controller, high constable, or tax collector, by death, resignation, removal from the borough, or from a ward in the case of a ward office, or by failure or neglect to give bond as provided by law, or in any other manner whatsoever, the borough council shall fill such vacancy by appointing, by resolution, a qualified resident of the borough to such office for the unexpired term of the office.

X ( Section 902. *When Court to Fill Vacancies.*—If the council of any borough shall refuse, fail, or neglect, or be unable for any reason whatsoever, to fill any vacancy, within thirty days after the vacancy happens, as provided by the preceding section, then the court of quarter sessions shall, upon petition of the burgess or council or five citizens, fill the vacancy in such office by the appointment of a qualified resident of the borough for the unexpired term of the office.

Section 903. *Assessor.*—Vacancies in the office of assessor shall be filled as now provided by law.

ARTICLE X

POWERS AND DUTIES OF ELECTED BOROUGH OFFICERS

(a) COUNCIL

Section 1001. *Organization of Council; No Compensation; Eligibility.*—The borough council shall organize at eight o'clock post meridian on the first Monday after the first day of January of each even-numbered year, by electing a president, treasurer, and secretary, which shall constitute the organization of council. The council may at the organization meeting elect such other officers as may be provided for by law or ordinance. The president shall preside over the meetings of council and, when absent, his place shall be filled by a president pro tempore. The councilmen shall not receive any compensation for their

services as councilmen. A school director shall not be eligible to the office of member of council.

Section 1002. *Oath of Councilmen.*—Before entering upon the duties of their office, the councilmen shall take and subscribe an oath or affirmation to support the Constitution of the United States and of the Commonwealth of Pennsylvania and to perform the duties of their office with fidelity. The oath or affirmation may be taken before any judge or justice of the peace of the county, or before the burgess of the borough when he has qualified, and shall be entered upon or filed among the records of the borough.

Section 1003. *When the Burgess May Preside Over Council and Vote.*—The burgess shall preside over the organization of the council, until it is organized as provided in section one thousand one, but he shall not vote thereat unless his vote shall, for any reason whatsoever, be required to effect the organization of council, or to elect any officer elected at the organization meeting. In case of the unavoidable absence of the burgess at the organization meeting, one of the members of council, chosen by the members present at the meeting, shall preside.

In all cases where, by reason of a tie vote, the council of any borough shall be unable to enact or pass any ordinance, or fill a vacancy in its membership, or in any other borough office, and such disagreement shall continue until the next regular meeting of council, it shall be the duty of the burgess of such borough to attend said meeting and cast the deciding vote.

Section 1004. *Failure of Council to Organize.*—If the council of any borough shall fail to organize within ten days from the time prescribed in this article, the court of quarter sessions, upon the petition of ten taxable inhabitants, verified by the affidavit of five of the petitioners, shall issue a rule upon the delinquent to show cause why their seats should not be declared vacant. The rule shall be returnable not less than five days from the time of its issue and, after hearing, the court may declare the seats of such delinquent councilmen vacant, and appoint others in their stead, who shall hold their office for the unexpired term.

Section 1005. *Selection of High Constable Where Boroughs Consolidated.*—Whenever two or more boroughs are consolidated under the provisions of this act, the council of the new borough, at the first meeting after such consolidation, shall designate, by ballot, which of the high constables and auditors shall perform the duties of those offices in the new borough, and the person so chosen shall hold their office until the first Monday of January next succeeding the municipal election at which such officers are regularly elected as provided in this act. The council shall also designate, by ballot, which of the treasurers shall perform the duties of that office in the new borough, and shall select some person as secretary of the council.

Section 1006. *Duties of Council.*—It shall be the duty of the council, a majority of whom shall be a quorum:

I. To meet stately at least once a month.

II. To make and preserve full records of their proceedings.

III. To enact, revise, repeal, and amend, such laws, rules, regulations, and ordinances, not inconsistent with the laws of the Commonwealth, as it shall deem beneficial to the borough and to provide for the enforcement of the same.

IV. Except where otherwise in this act provided, to publish once in one newspaper printed in the county, [and by twelve advertisements posted in public places in the borough] every enactment, regulation, ordinance, or other general law, at least ten days before the same shall take effect.

V. To provide by ordinance for the manner in which all notices shall be served, and to give personal notice of all orders and regulations affecting particular individuals.

VI. To cause to be made a plan of the roads, streets, lanes, alleys, and courts, opened or laid out, together with such explanation as shall be necessary to a full understanding of the same. The plan shall be kept by the secretary ~~and shall be open to public inspection.~~

VII. To appoint and remove a treasurer and secretary. Council in its discretion may appoint a solicitor, a street commissioner, and such other officers as it shall deem necessary. The treasurer and secretary shall not be members of council.

VIII. To fix the compensation of the treasurer, secretary, street commissioner, high constable, and such other officers and employes as they may appoint, to be paid from the borough treasury by orders drawn thereon.

IX. To fix the amount of security to be given by the treasurer, the high constable, and of such other officers and employes as it may designate.

X. To direct annually the publication of the accounts of the treasurer.

XI. To mitigate or remit fines and forfeitures in reasonable cases.

XII. Whenever the borough funds have been exhausted, the borough may, by resolution, make temporary loans on the credit of the borough, in anticipation of taxes to be collected, and to issue a certificate of indebtedness therefor. All such loans shall be repaid from the first moneys available from taxes in anticipation of which the same were made.

Section 1007. *Passage, Approval, and Veto of Ordinances.*—Every ordinance and resolution, except as herein otherwise provided, passed by the council, shall be presented to the burgess for his approval. If the burgess approve, he shall sign it; but, if he shall not so approve, he shall return it with his objections to the council at its next regular meeting, when the objections shall be entered upon

Ordinance  
advertisement  
see sec 1008

Amended  
in 1929



the minutes and the council shall proceed to a reconsideration thereof. If, after such reconsideration, two-thirds of all the members elected to said council, or a majority of council plus one, when the number composing such council is less than nine, shall vote to pass such ordinance or resolution, it shall become of as full force and effect as if it had received the approval of the burgess; but in such case the vote shall be determined by yeas and nays, and the names and votes of the members shall be entered on the minutes. If any such ordinance or resolution shall not be returned by the burgess at the regular meeting of the council next succeeding its presentation to him, it shall likewise have as full force as if it had been approved.

Section 1008. *Recording and Advertising Ordinances.*—No ordinance or resolution shall be considered in force until the same is recorded in the ordinance book of the borough and is advertised as provided in this article.

Section 1009. *Typewritten Records Valid.*—All borough records, required to be recorded or transcribed, shall be deemed valid if typewritten, and all records heretofore recorded or transcribed by typewriter are validated.

Section 1010. *Appeals from Ordinances.*—Complaint may be made to the court of quarter sessions, upon entering into recognizance with sufficient security to prosecute the same with effect and for the payment of costs, by any person aggrieved, within thirty days after any ordinance or resolution takes effect, and the determination and order of the court thereon shall be conclusive.

Section 1011. *Lost Ordinance Books to Be Replaced; Transcribing Ordinances.*—Whenever any ordinance book is lost, destroyed, or becomes unserviceable, the borough council may provide by ordinance for a new ordinance book, into which shall be transcribed by the secretary all of the then valid ordinances. The secretary, in transcribing such ordinances, shall make complete copies thereof, including the date of enactment and approval and the names of the officers who signed the same and, after notice given and corrections made, shall certify each ordinance as a correct copy of the original.

Section 1012. *Ordinance Providing for Transcribing; Notice.*—The ordinance providing for the transcribing of such ordinances shall be recorded in such book, immediately following the ordinances so transcribed, and it shall provide that the secretary of the borough, upon the completion of such transcribing, shall publish once a week for four weeks, in one newspaper published in the borough, and, if there be no such publication, then in a newspaper published in the county, a notice stating that all of the then valid ordinances of the borough have been transcribed into a new ordinance book, and that the old books and records of borough ordinances and the new ordinance book are open to public inspection for the purpose of

Effective date of  
Ordinances

See Sec 1006 IV

verification and correction during the thirty days from the date of the notice.

Section 1013. *Certificate of Secretary.*—The secretary of the borough, at the expiration of such notice, shall make all corrections, and shall then certify that all of the ordinances have been compared with the originals and that they are correct copies thereof. After the ordinances are transcribed, notice thereof given, and the certificate of correction made, as provided in the preceding sections of this article, the ordinances so transcribed shall take the place of the original record and shall be the valid and legal ordinances of the borough.

Section 1014. *Hearings Before Council; Witnesses.*—Borough councils may compel the attendance of witnesses and the production of books, papers, or other evidence, at any meeting of the council, or any committee thereof, and, for that purpose may issue subpoenas, signed by the president of council or the chairman of the committee, and cause the same to be served in any part of this Commonwealth. If any witness shall refuse to testify to any fact within his knowledge, or to produce any books or papers in his possession or control, required to be used as evidence in any such case, the secretary of the council shall report the facts relating to such refusal to the court of common pleas. If the court determines the evidence required of such witness to be legal and competent, it shall order such witness to testify or produce the evidence required.

Section 1015. *Witness Fees and Mileage.*—No person residing without the borough, and subpoenaed as aforesaid, shall be required to respond to the same until mileage to and from the borough, at the rate of ten cents a mile, and a per diem allowance of two dollars for the time their presence is desired, has been furnished.

Section 1016. *Examination of Witnesses; Penalty.*—Any person called as a witness, as provided in this article, may be examined under oath, and, for the giving of false testimony, shall be liable to indictment and punishment for perjury.

Section 1017. *State Association of Boroughs.*—The boroughs of the Commonwealth are authorized to organize a State association of boroughs. Any borough desiring representation in said association shall, upon resolution of council, designate the delegates to attend the annual meeting of said association, which delegation may consist of two councilmen, the burgess, manager, engineer, secretary, or clerk, and the borough solicitor, or any one or more of them.

The association shall hold annual meetings, at such time and place within the Commonwealth as they may designate, for the purpose of advancing the various interests of said boroughs, promoting remedial legislation, and discussing any and all topics relating to the welfare and conduct of the same, and for the purpose of providing

for a uniform and economical method of administering the affairs of the respective boroughs.

The actual expenses of such delegates, attending such meeting of said association, including traveling expenses and hotel bills actually paid by them, expenses of committees, together with the necessary expenses of the convention, including printing and employment of stenographers, shall be paid by the various boroughs, by order drawn on the borough treasury. The time spent in attending said meeting shall not be more than three days, exclusive of the time employed in traveling thereto and therefrom. The annual membership dues of each borough becoming a member of the said association shall not exceed the sum of fifteen dollars.

(b) BURGESS

Section 1020. *Eligibility of Burgess.*—No burgess shall hold any other borough office or appointment during the term for which he is elected, but he shall be eligible to succeed himself. He shall not be a member of, nor preside at the meetings of, the council, except as provided in section ten hundred and three of this act.

Section 1021. *Incompatible Offices; Penalty.*—No member of Congress, or any person holding any office or appointment of profit or trust under the Government of the United States, shall be capable of holding the office of burgess.

Any person violating the provisions of this section shall be liable to a penalty of not less than fifty dollars nor more than one hundred dollars, and the office of burgess shall be considered vacant.

Any penalty imposed under this section shall be paid, one-half to the overseers, guardians, or directors of the poor of the borough or county where such offense is committed, to be applied for the support of the poor, and one-half to the prosecutor.

Section 1022. *Oath of Burgess.*—The burgess, before exercising the duties of his office, shall take and subscribe an oath or affirmation, and the same shall be filed as provided in section one thousand and two of this act.

Section 1023. *Salary of Burgess; Fixed by Ordinance.*—The salary of the burgess may be fixed by ordinance, to be paid from the borough treasury in monthly instalments on warrants authorized by the council. When so fixed, such salary shall not be changed during the term of the incumbent.

Section 1024. *Salary of Burgess Limited.*—The salary of the burgess shall not exceed, per annum, one hundred dollars per thousand for the first five thousand population or fraction thereof; and fifty dollars per annum for each additional one thousand of population or fractional majority thereof: the population to be determined by the last United States decennial census, or by five times the number of electors in the borough, as shown by the last

registration thereof: Provided, however, That, in any borough whose population, calculated as aforesaid shall exceed ten thousand, the borough council may, by ordinance, fix the salary of the burgess at any sum not exceeding two thousand dollars.

Section 1025. *Salaried Burgess Not to Receive Fees.*—Any salary paid pursuant to an ordinance shall be in lieu of all costs and fees allowed a burgess, whether acting as burgess or justice of the peace, and in such case, the costs and fees shall be taxed and collected by the burgess and turned monthly into the borough treasury, together with a sworn statement of the same.

Section 1026. *Burgess to Collect Costs and Fees.*—In all cases where the burgess is given the jurisdiction of a justice of the peace, he shall collect the same costs and fees as is charged by justices of the peace for like services.

Section 1027. *General Powers of Burgess.*—The burgess shall have power:

I. To administer oaths and affirmations in matters pertaining to borough affairs.

II. To exercise jurisdiction in all disputes, between the borough and individuals, arising under the ordinances, rules and regulations of the borough.

III. To exercise the powers and jurisdiction of justices of the peace in the enforcement of all ordinances of the borough, and the collection of fines and penalties imposed thereunder; and to sentence any person violating any such ordinance to detention in the lockup, county jail, or workhouse, as hereinafter provided.

IV. To exercise the powers and jurisdiction of justices of the peace within the borough for the suppression of riots, tumults, and disorderly meetings; and in all criminal cases for the punishment of vagrants and disorderly persons.

Section 1028. *Duties of Burgess.*—It shall be the duty of the burgess:

I. To preserve order in the borough; to enforce the ordinances and regulations; to hear complaints; to remove nuisances; and to exact a faithful performance of the duties of the officers appointed.

II. To demand and receive sufficient security, in the amount fixed by the borough, from the treasurer and high constable.

III. To sign the by-laws, rules, regulations, and ordinances, after they shall have been correctly transcribed by the secretary.

IV. To keep correct accounts of all fees, fines, and costs, received by him; to render to the councils, at each regular meeting, an itemized statement of all such moneys so received since the last regular meeting of the council, with the dates at which, and the names of the persons from whom, the same was received, and to pay all such moneys into the borough treasury prior to such regular meeting.

V. To cause to be opened all public roads, streets, lanes, or alleys, lying partly within the borough.

Section 1029. *Penalty for Failure to Open Streets.*—Any burgess neglecting or refusing to open a road, street, lane, or alley, as provided in the preceding section, shall be liable to a fine of not less than four dollars, nor more than fifty dollars, to be recovered in a summary proceeding before any justice of the peace of the county.

Section 1030. *When President of Council to Act as Burgess.*—Whenever the burgess is absent or incapacitated, the duties of his office shall be discharged by the president of council.

(c) HIGH CONSTABLE

Section 1031. *Oath of High Constable.*—The high constable, before entering on the duties of his office, shall take and subscribe an oath or affirmation, and the same shall be filed as provided in section one thousand and two of this act. The high constable shall give such bond, with surety, as is required by the borough.

Section 1032. *Powers of High Constable.*—The high constable shall have the power and authority of constables of the several townships in the county.

Section 1033. *Election Notices.*—The high constable shall give ten days' notice of the biennial elections of the borough, by posting six advertisements in the most public places within the same.

Section 1034. *High Constable Acting As Police Officer.*—It shall be unlawful for any high constable, who is at the same time employed as a policeman in the borough or any other part of the Commonwealth, to charge or accept any compensation, in addition to the salary paid him as policeman, for any service rendered, either as policeman or as high constable, except public rewards and the legal mileage allowed to constables for traveling expenses.

Any person violating the provisions of this section, shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine not exceeding fifty dollars and costs, or to undergo imprisonment in the jail of the county not exceeding thirty days, or both.

(d) AUDITORS

Section 1035. *Auditors to Meet Yearly, and Prepare a Financial Statement.*—The auditors of the borough shall meet on the third Tuesday of January of each year, and shall audit, adjust, and settle the accounts of the tax collectors and all officers of the borough; and shall prepare a statement thereof, which shall contain an audit of the accounts of the last fiscal year, and shall also show a complete statement of the financial condition of the borough, giving in detail the actual indebtedness, the amount of the funded debt, the amount of the floating debt thereof, the valuation of taxable property therein, the assets of the borough with the character and value thereof, and the date of maturity of the respective forms of funded debt thereof. Such statement shall be published in the manner required by law for auditors' statements and

audits, and shall be in lieu of all other statements relating to indebtedness required to be published by existing law. The amount of any balance or shortage, or of any expenditure of a kind, or made in a manner, prohibited or not authorized by statute, or which causes a financial loss to the borough, shall be a surcharge against any officer against whom such balance or shortage shall appear, or who, by vote, act, or neglect, has permitted or approved such expenditure.

Section 1036. *Orders and Vouchers to Be Marked "Audited."*—All orders and vouchers, which have been paid, shall, on their presentation to the auditors, be cancelled by writing the word "audited" on the face thereof.

Section 1037. *Auditors to Post and File Statement in Court.*—The auditors shall complete such audit, adjustment, and settlement, as soon as possible, and shall, within ten days thereafter, publish, by posting printed or type-written handbills in five public places in the borough, an itemized statement of the receipts and expenditures of the several officers for the preceding year. They shall also, within such period of ten days, file a copy of the statement with the secretary of the borough, and also with the clerk of court of quarter sessions of the county, which shall be at all times subject to public inspection. A copy of such statement shall also be filed with the Secretary of Internal Affairs. Whenever two or more borough offices shall be exercised by the same person, only one statement shall be required.

Section 1038. *Appeals from Audit.*—It shall be lawful for the borough, or any taxpayer thereof, on its behalf, or any officer whose account is settled or audited, to appeal from the settlement or audit to the court of common pleas of the county, within thirty days after the statement has been filed in the court of quarter sessions.

Section 1039. *Taxpayers Appealing to Enter Bond.*—No appeal by a taxpayer or officer shall be allowed, unless the appellant shall enter into bond in the sum of five hundred dollars, with sufficient surety, to prosecute the same with effect and to pay all costs accruing thereon, in case, if the appellant be a taxpayer, he shall fail to obtain a final decision more favorable to the borough than that awarded by the auditors, or, in case the appellant be an accounting officer, he shall fail to obtain a final decision more favorable to the officer than that awarded by the auditors.

Section 1040. *Taxpayers May Intervene in Appeals.*—Whenever an appeal has been taken from the report of the auditors by the borough, or by any person charged in such report with any sum of money, any taxpayer of the borough may intervene in such appeal, and either prosecute the same on its behalf, or defend it against the appeal of the person so charged. No taxpayer shall intervene, unless he shall file in the court of common pleas a bond,

with one or more sufficient sureties, conditioned to indemnify the borough against all costs accruing by reason of such intervention.

Section 1041. *Procedure on Appeals.*—Any person interested may order the appeal upon the argument list, and evidence may be taken before any person authorized to administer oaths, upon rule for that purpose served upon the opposite party. In any proceeding upon an appeal from a report of auditors of any borough, the accounts of the officer or officers in question may be investigated de novo, and the burden shall be upon each officer, whose accounts are involved in the appeal, of establishing, by evidence from original sources, his right to credits claimed by him, but the opposing party in such appeal may use any facts, figures, or findings of the report of audit as prima facie evidence against any officer.

When more than one appeal from a report of such auditors shall have been taken, whether by the borough or an officer or officers thereof, or by a taxpayer, or any or all of them, the court shall, upon petition of any party interested, direct the several appeals to be disposed of in a single proceeding.

Section 1042. *Framed Issues.*—Whenever any matter of fact is in dispute, the court of common pleas is authorized to frame an issue for the trial thereof.

Section 1043. *Findings of Fact and Law; Judgment.*—After hearing, the court shall file its findings of fact and law and enter judgment in accordance therewith, and the judgment so entered may be enforced, by any appropriate proceedings, by the party prevailing.

Section 1044. *Exceptions and Appeals.*—Any person interested may except to the ruling of the court, and may appeal therefrom to the Superior or Supreme Court as in other cases.

Section 1045. *Balances Due to be Entered as Judgments.*—Any balance, in any report of the auditors, against any officer of the borough, shall constitute a surcharge against such officer, as fully as if expressly stated in said report to be a surcharge, and the amount of any balance, and of any express surcharge, shall be entered by the prothonotary as a judgment, against such officer and in favor of the borough. The clerk of the court of quarter sessions shall certify the amount of every balance or surcharge, contained in any such report, to the court of common pleas, for entry thereof by the prothonotary as a judgment. Any taxpayer of the borough may enforce the collection thereof, for the benefit of the borough, by action or execution, upon filing in the court of common pleas a bond, with one or more sureties, conditioned to indemnify the borough from all costs which may accrue in the proceedings undertaken by such taxpayer, subject, however, to all rights of appeal from the report of auditors granted by this act.

Section 1046. *Attorney to Auditors.*—The borough au-

ditors may employ an attorney in case any disagreement with an official or board of officials whose accounts they are required to audit. Such attorney shall not be employed until reasonable effort has been made to reach an agreement, and only after notice of such contemplated employment has been given to such official or board.

The compensation of such attorney shall be fixed by the auditors, and shall not exceed the sum of ten dollars per day nor thirty dollars in any case in dispute, except whenever an appeal is taken as provided in the preceding sections of this article, in which case the court shall fix an additional compensation.

The compensation of such attorney shall be paid out of the fund whose settlement is in dispute, by warrant drawn by the auditors upon the treasurer of such fund, immediately upon the final settlement of the account.

Section 1047. *Compensation of Auditors.*—Each auditor shall receive not less than two nor more than five dollars per day of eight hours for each such day necessarily employed in the discharge of his duties, to be paid by the borough, the compensation to be fixed by the council.

Section 1048. *Penalty for Failure to Comply with Law.*—In case of any neglect or refusal to comply with the provisions of the preceding sections of this article, the auditors so neglecting or refusing shall pay a penalty of one hundred dollars, to be recovered in the same manner as debts of like amount are recoverable, by suit instituted in the name of the borough upon the complaint of any taxpayer thereof. When so recovered the amount of the penalty shall be paid into the treasury of the borough.

Section 1049. *Auditors May Compel Attendance of Witnesses.*—The auditors of each borough, or a majority of them, shall have power to issue subpoenas to obtain the attendance of the officers whose accounts they are required to adjust, their executors, and administrators, and of any persons whom it may be necessary to examine as witnesses, and to compel their attendance by attachment, in like manner and to the same extent as any court of common pleas of this State may or can do in cases depending before them; and also to compel in like manner the production of all books, vouchers, and papers, relative to such accounts. Such subpoena may be served by any person, and such attachment shall be served and executed by the sheriff or coroner of the respective county or any constable of such county.

Section 1050. *Auditors May Administer Oaths; Penalty.*—The auditors of each borough, or a majority of them, shall have power to administer oaths and affirmations to all persons brought or appearing before them, whether accountants, witnesses, or otherwise; and all persons guilty of swearing or affirming falsely on such examination shall be liable to the pains and penalties of perjury.

Section 1051. *Persons Refusing to Testify to Be Committed.*—If any person, appearing before such auditors for



examination, shall refuse to take such oath or affirmation, or, after having been sworn or affirmed, shall refuse to make answer to such questions as shall be put to him by the auditors touching the accounts or the official conduct of such public officers or any of them, such person so refusing may be committed, by a majority of the auditors, to the county jail, by warrant under their hands and seals directed to the sheriff or any constable of the county, setting forth particularly the cause of such commitment, until he shall submit to be sworn or affirmed or to make answers to such questions or be otherwise legally discharged.

Section 1052. *Pay of Witnesses.*—Witnesses, other than officers of the borough, attending before the auditors, and persons or officers serving subpoenas, attachments, or warrants, shall be paid, out of the borough treasury upon orders signed by a majority of the auditors and drawn on the borough treasury, the same fees as are payable for rendering similar services in civil proceedings before a justice of the peace, and the amount thereof shall be made a part of the charge against any officer who shall be charged by the auditors with any balance: Provided, That any such costs shall have been incurred in establishing said balance, and, upon collection thereof from any officer, shall be repaid into the borough treasury.

Section 1053. *Auditors to Settle Accounts Where Witnesses Do Not Appear.*—If any person in possession of books, vouchers, or papers, relative to public accounts before auditors, shall refuse to produce the same, or, if any officer whose accounts are to be settled and adjusted by such auditors shall refuse to attend or submit to examination as is hereinbefore directed, the auditors or a majority of them shall proceed, by the examination of witnesses and other evidence, to ascertain and settle as near as may be, the amount of public money received by such officer and its application to public purposes or otherwise.

(e) CONTROLLER

Section 1055. *Oath and Bond of Controller.*—The borough controller shall, before entering upon the duties of his office, take and subscribe the oath prescribed by section one, article seven, of the Constitution of this Commonwealth, and shall give bond to the borough, with two or more sureties or with a surety company to be approved by the council, in such sum as they may by ordinance direct, conditioned for the faithful discharge of his duties. The amount of said bond shall be sufficient to adequately protect the borough from any illegal or unfaithful action by the controller. The cost of such bond shall be paid by the borough.

The borough controller may, at the instance of a taxpayer and by rule upon him for that purpose, be compelled to justify his bond, as to the amount thereof and the responsibility of the sureties, before the court of common pleas.

Section 1056. *Salary of Controller.*—In boroughs having a population of twenty thousand inhabitants or more, the salary of the controller shall be one thousand five hundred dollars. In boroughs having a population of fifteen thousand or more, but less than twenty thousand inhabitants, the salary of the controller shall be twelve hundred dollars. In boroughs having a population of ten thousand or more, but less than fifteen thousand inhabitants, the salary of the controller shall be one thousand dollars. In boroughs having a population of less than ten thousand, and not less than five thousand, the salary of the controller shall not exceed seven hundred and fifty dollars. In boroughs having a population of less than five thousand, and not less than two thousand five hundred, the salary of the controller shall not exceed five hundred dollars. In boroughs having a population of less than two thousand five hundred, the salary of the controller shall not exceed three hundred dollars.

Section 1057. *General Powers and Duties of Controller.*—The borough controller shall superintend the fiscal concerns of the borough. He shall examine, audit, and settle all accounts whatsoever in which the borough is concerned either as debtor or creditor, where provisions for the settlement thereof is made by law; and, where no such provisions or an insufficient provision has been made, he shall examine such accounts and report to the borough council the facts relating thereto with his opinion thereon.

The controller, in addition to the above audits, shall annually audit, settle, and adjust the accounts, for the immediately preceding fiscal year, in which the borough is concerned, and for any preceding fiscal year of any officer which have not previously been audited, settled, and adjusted. He shall finish said audit, settlement, and adjustment and file, in the office of the prothonotary of the county in which such borough may be situated, a report thereof, within sixty days after the beginning of the current fiscal year, setting forth an itemized statement of the charges against and credits of said officers and any balance or surcharge against them. The amount of any balance or shortage, or of any expenditure of a kind, or made in a manner, prohibited or not authorized by statute, or which causes a financial loss to the borough, shall be a surcharge against any officer against whom such balance or shortage shall appear, or who by vote, act, or neglect, has made, approved, or permitted such expenditure. Any balance or surcharge against any such officer shall be entered by the prothonotary as a judgment against him, unless he shall appeal from such report as hereinafter provided.

The borough comptroller shall have supervision and control of the accounts of all departments, bureaus, and officers of the borough, authorized to collect, receive, or disburse the public moneys, or who are charged with the management or custody thereof. He shall audit their

respective accounts, and may at any time require from any of them a statement in writing of any moneys or property of the borough in their hands, or under their control; and he shall, immediately upon the discovery of any default, irregularity, or delinquency, report the same to the borough council. He shall also audit and report upon the account of any such officer upon the death, resignation, removal, or expiration of the term, of the said officer.

Section 1058. *Controller May Require Attendance of Witnesses; Penalty.*—In the making of any audit or settlement, and in the authentication of any account or claim or demand against the borough, the controller of any borough shall have the same power and authority to obtain the attendance before him of parties and witnesses, and the production of books and papers, and to administer oaths and affirmations, as are given by law to county and township auditors. All persons guilty of swearing or affirming falsely before him, shall be liable to the penalty for perjury.

Section 1059. *Controller to Countersign Warrants.*—The borough controller shall countersign all warrants upon the borough treasurer, the form thereof to be prescribed by council, but no warrant shall be countersigned unless there is money in the treasury to pay the same. Whenever a warrant on the treasurer shall be presented to the controller to be countersigned, the person presenting the same shall, if the controller require, produce evidence:

1. That the amount expressed in the warrant is due to the person in whose favor it is drawn.

2. That the supplies or service, for payment of which the warrant is drawn, have been furnished or performed according to law and the terms of the contract.

Section 1060. *Controller to Prevent Appropriation Over Drafts.*—The borough controller shall not permit any appropriation made by the council to be overdrawn. Whenever an appropriation is exhausted, the object of which is not complete, he shall immediately report the fact to the council, and accompany such report with a statement of the moneys which have been drawn on such appropriation and the particular purpose for which they are drawn.

Section 1061. *Amount of Contracts to be Charged Against Appropriations.*—Every contract involving appropriation of money shall designate the item of appropriation on which it is founded, and the estimated amount of the expenditure thereunder shall be charged against such item, and so certified by the borough controller on the contract, before it shall take effect as a contract, and the payment required by such contract shall be made from the fund appropriated therefor. If the controller shall certify any contract in excess of the appropriation made therefor, the borough shall not be liable for such excess, but the controller and his sureties shall be liable for the same, which may be recovered in an action at law by the con-

tracting party aggrieved. It shall be the duty of the controller to certify contracts for the payment of which sufficient appropriations have been made.

Section 1062. *Controller's Reports.*—The borough controller shall, as often as he may deem expedient or the council shall direct, suggest plans to the council for the management and improvement of the borough finances; and he shall make a report, verified by oath or affirmation, to the council at the first stated meeting in January in each year, of the public accounts of the borough and of the trusts in its care, exhibiting all the expenditures thereof, respectively, the sources from which the revenue and funds are derived and the manner in which the same have been disbursed. Each account shall be accompanied by a detailed statement of the several appropriations made by councils, the amount drawn on each appropriation, and the balance standing to the debit or credit of such appropriation. The report shall be published, at the expense of the borough, once a week for two weeks in a newspaper circulating generally in the borough.

Section 1063. *Books to Be Kept by Controller.*—The borough controller shall keep a regular set of books, in which shall be opened and kept as many accounts, under appropriate titles, as may be necessary to show separately and distinctly all the estates and property, whatsoever, real and personal, vested in the borough, all trusts in the care of the same, all debts due and owing the borough, all receipts and expenditures of the various departments of the borough government, and all appropriations made by council and the sums under the same, respectively.

Section 1064. *Appeals from Controller's Report; Bond.*—It shall be lawful for the borough, or any taxpayer thereof on its behalf, or any officer against whom any sum shall be charged in the report of audit as filed in the office of the prothonotary, to appeal therefrom to the court of common pleas, within thirty days after the same shall be filed in the prothonotary's office. The appeal shall be filed to the same number and term in which the report has been filed. If the appellant is a taxpayer, or any officer charged as aforesaid, he shall file a bond, with one or more sufficient sureties, conditioned to pay all costs thereafter accruing in case a decision more favorable to the party on whose behalf the appeal shall be taken than that contained in the report of audit shall not be obtained.

Section 1065. *Procedure on Appeal.*—In case any appeal shall be taken as aforesaid, the same may be placed upon the argument list of said court by either party. Testimony and evidence as to the accounts of any such officer may be taken before said court, or by depositions, as the court may direct, in the course of which the said accounts may be investigated de novo, and the burden shall be upon each officer, whose accounts are involved in the appeal, of establishing, by evidence from original sources, his right to credits claimed by him; but the opposing party in such

appeal may use any facts, figures, or findings of the report of audit as prima facie evidence against any officer.

Section 1066. *Court to File Conclusions of Fact and Law; Judgment; Appeals.*—After argument of said appeal, the court shall file its conclusions of fact and law, and answers to any requests, and enter judgment in accordance therewith in favor of and against the proper parties. After argument, the court may direct an issue to be tried by a jury as to any specific, disputed questions of fact. Appeals may be taken by any person interested to the Superior or Supreme Court from any such judgment of the court of common pleas, in the same way that appeals are now authorized by law to be taken.

Section 1067. *Intervention by Taxpayers.*—When any appeal to the court of common pleas shall be taken, as aforesaid, by the borough or any officers charged in said report with any sum of money, any taxpayer may come into court and intervene in said appeal, and, on behalf of the borough, may cause the same to be prosecuted to final judgment, in the same manner and with the same effect as the borough authorities could do. Such taxpayer shall, at the time of intervening, file in said court a bond, with one or more sufficient sureties, conditioned to indemnify the borough from all costs that may accrue by reason of such intervention subsequently thereto.

Collection of any judgment against any borough officer, entered by virtue of a controller's report of audit, or in the course of an appeal therefrom, may be enforced against such officer and his sureties by the borough, or any taxpayer thereof on its behalf, by any appropriate proceeding executionary or otherwise.

Section 1068. *Consolidation of Appeals.*—When more than one appeal from a controller's report of audit shall have been taken, whether by the borough, a borough officer or officers, or a taxpayer, or any or all of them, the court of common pleas shall, upon petition of any party interested, direct the several appeals to be disposed of in a single proceeding.

Section 1069. *Controller to Retain Books, Documents, Et Cetera, Pending Appeals.*—Every borough controller shall retain in his possession, during the thirty days' period elapsing between the date of filing his report and the expiration of the time for filing the appeal therefrom, all books, documents, vouchers, checks, and other paper, which have been procured before him in the course of his audit of the accounts of borough officers, and, if any appeal shall be taken, shall continue to hold the same for production in the proceeding to determine the appeal.

Section 1070. *Acceptance of Article by Ordinance.*—The foregoing provisions of subdivision (e) of this article shall not become operative or effective in any borough not having a controller, until the council shall, by ordinance, accept the provisions of subdivision (e) of this article. When any borough accepts the provisions of subdivision

(e) of this article, the court of quarter sessions, upon petition of council, shall appoint a controller to hold office until the first Monday of January, next succeeding the next municipal election at which a controller may be elected under the provisions of this act.

In all boroughs accepting the provisions of subdivision (e) of this article, the borough auditors then in office shall continue to hold their office until the first day of January succeeding the election of a borough controller, after which date the office of borough auditor is abolished.

(f) ASSESSORS

Section 1075. *Powers of Assessors.*—The assessors shall have all the powers, perform all the duties, be subject to all the obligations, and receive the same compensation as is now provided by law relative to the assessment of property and persons for county, borough, school, and poor purposes.

(g) TAX COLLECTOR

Section 1080. *Powers and Duties of Tax Collector.*—The tax collector shall be the collector of all State, county, borough, school, poor, and other taxes, levied within the borough by the authorities empowered to levy taxes. He shall, in addition to the powers, authority, duties, and responsibilities provided for by this act, have all the powers, perform all the duties, and be subject to all the obligations and responsibilities, for the collection of such taxes, as are now vested in, conferred upon, or imposed upon tax collectors for county purposes.

Section 1081. *Bond of Tax Collector.*—The tax collector shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same in the court of quarter sessions, and shall annually enter into a bond to the Commonwealth, in not more than the amount of taxes charged and assessed in the duplicates, with at least two sufficient sureties or one trust or bonding company. The bond shall be approved by the court of quarter sessions, and shall be filed in the office of the clerk of said court. The condition of the bond shall be that the tax collector shall well and truly pay over, or account for, the whole amount of taxes charged and assessed in the duplicates which shall be delivered to him, together with penalties and interest legally due. This bond does not cover the collection and payment over of school taxes, for which purpose a separate bond is required by the school laws of the Commonwealth, but nothing contained in this section shall be construed so as to require the collector of taxes to give separate bonds for the collection of borough and county taxes. Security for the payment of borough and county taxes may be given by a joint or by separate bond.

## ARTICLE XI

## POWERS AND DUTIES OF APPOINTED OFFICERS AND EMPLOYES

## (a) GENERAL PROVISIONS

Section 1101. *Compensation.*—Appointed officers of the borough shall receive such compensation for their services as the council shall prescribe, and the compensation for the secretary and police shall be by annual salary, the amount of which shall be fixed at the time of appointment, and shall be in lieu of all and any other compensation whatsoever.

Section 1102. *Accounts.*—All officers appointed by the borough council shall, whenever directed, render their accounts to the council for settlement.

Section 1103. *Bonds.*—Whenever an employe of any borough is required to give bond, endorsed by a surety company for the faithful performance of his duties, the borough may pay the premium thereon.

## (b) TREASURER

Section 1105. *Bond and Duties.*—The borough treasurer shall, before entering upon the duties of his office, give bond, with surety as required by the borough; he shall perform the duties of the township treasurer within the borough, shall keep a just account of all receipts and disbursements, and shall annually submit his account to the borough auditors; he shall pay over all moneys remaining in his hands and deliver all books, papers, accounts, and other things belonging to the borough, to his successor. All moneys received by any officer for the use of the borough shall be forthwith paid to the borough treasurer.

Section 1106. *Compensation.*—The borough treasurer shall receive such compensation as the council shall prescribe, not exceeding however two per centum of the amount of funds paid out by him upon borough orders or warrants: Provided, That no compensation or commission shall be allowed to any borough treasurer on account of any balance in his hands paid over to his successor, or on account of the repayment of any loan or redemption of bonds, or on account of any transfer from or to the sinking or other fund, or to or from any other fund, whether upon order or warrant or otherwise.

## (c) SECRETARY

Section 1110. *Duties.*—The secretary shall attend all meetings of the borough council and shall keep full minutes of their proceedings; he shall transcribe the by-laws, rules, regulations, and ordinances adopted into a book kept for that purpose and, when signed by the presiding officer, shall attest the same; he shall preserve the records and documents of the borough, and shall have custody of the corporate seal. He shall certify copies of any book, paper, record, by-law, rule, regulation, ordinances, or proceeding of the borough, under the seal

thereof, which copies so certified shall be admitted in evidence in any court of the Commonwealth. He shall attest the execution of all instruments, record the publication of all enactments and attest the same by his signature. He shall file or record the proof of service of all notices required by law, and the certificate thereof shall be good evidence of such notice. He shall deliver to his successor the seal and all books, papers, and other things belonging to the borough.

(d) STREET COMMISSIONER

Section 1115. *Appointment.*—On the first Monday of January, or within thirty days thereafter, of each even-number year, the borough council may appoint one person as street commissioner, who shall serve for a term of two years, or until his successor shall qualify.

Section 1116. *Street Commissioners When Boroughs Consolidated.*—Whenever two or more boroughs are consolidated under the provisions of this act, the street commissioners of each of such boroughs shall continue in office as officers of the new borough, until the expiration of their respective terms of office.

(e) SOLICITOR

Section 1120. *Election; Vacancies.*—The borough council, on the first Monday of January in any even-numbered year, or as soon thereafter as practicable, may elect, by a vote of a majority of the members, one person learned in the law, who shall be styled the borough solicitor, and who shall serve for the term of four years from the first Monday of January of the even-numbered year in or succeeding which he was elected, and until his successor qualifies. Vacancies in the office of borough solicitor shall be filled by the council for the unexpired term.

Section 1121. *Bond.*—The borough solicitor shall give a bond to the borough, with two or more sureties, or one trust or bonding company, to be approved by the council, in such sum as it shall by ordinance direct, conditioned for the faithful performance of his duty.

Section 1122. *Solicitor to Have Control of Law Matters.*—The law matters of the borough shall be under the superintendence, discretion, and control of the borough solicitor, and no department of the borough, except as herein otherwise provided, shall employ an additional counsel without the assent or ratification of the council.

Section 1123. *Duties of Solicitor.*—The borough solicitor shall prepare such bonds, obligations, contracts, leases, conveyances, and assurances to which the borough or any department thereof may be a party, as may be directed by ordinance or resolution; he shall commence and prosecute all actions brought by the borough for or on account of any of the estates, rights, trusts, privileges, claims, or demands, as well as defend all actions or suits against the



borough, or any officer thereof, wherein or whereby any of the estates, rights, privileges, trusts, ordinances, or accounts, of the borough, or any department thereof, may be brought in question before any court in the Commonwealth; and shall do every professional act incident to the office which he may be authorized or required to do by the burgess or by any ordinance or resolution. He shall, whenever required, furnish the council, the committees thereof, the burgess, or the heads of departments, with his opinion in writing upon any question of law which may be submitted by any of them in their official capacities.

(f) POLICE

Section 1125. *Appointment; Burgess to Have Control.*—Borough councils may appoint and remove one or more suitable persons, citizens of this Commonwealth, as borough policemen, who shall have the power to arrest persons violating any ordinance of the borough the violation of which may subject persons to arrest. Any person so arrested shall be received for confinement by the keepers of the jails, lockups, or station houses within the county. The borough council may designate one of said policemen as chief of police. The burgess of the borough shall have full charge and control of the chief of police and the police force, and he shall direct the time during which, the place where, and the manner in which, the chief of police and the police force shall perform its duties.

Section 1126. *Police Badge.*—The borough policeman shall, when on duty, wear a shield or badge with the words "borough police" and the name of the borough for which they are appointed inscribed thereon.

Section 1127. *Suspension By Burgess.*—The burgess may, for cause and without pay, suspend any policeman until the succeeding regular meeting of the council, at which time the council may discharge or reinstate such policeman.

Section 1128. *Compensation.*—The borough police shall receive a stated salary to be fixed by ordinance, and it shall be unlawful for any borough policeman to charge or accept any fee or other compensation, in addition to his salary, for any service performed pertaining to his duties or office except public rewards and legal mileage allowed for traveling expenses.

Any person violating the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be sentenced to pay a fine not exceeding fifty dollars and costs, or undergo imprisonment not exceeding thirty days or both.

Section 1129. *Office of Police and Constable Not Incompatible.*—Borough policeman residing in the borough may at the same time hold and exercise the office of constable in the borough or any ward thereof, and may

demand and receive all costs, fees, and emoluments pertaining to such office.

Section 1130. *May Act As High Constable.*—Borough policemen may perform all the duties of high constable but shall receive no compensation therefor.

Section 1131. *Police Pension Fund.*—Boroughs may, by ordinance, establish a police pension fund, to be maintained by an equal and proportionate monthly charge against each member of the police force, not exceeding annually three per centum of the pay of such member. The fund shall be under the direction of the borough council, or such committee as it may designate, and shall be applied under such regulations as the council may by ordinance prescribe for the benefit of such members of the police force as shall receive honorable discharge therefrom by reason of age or disability and the families of such as may be injured or killed in the service. Any allowances made to those who are retired by reason of disability or age shall be in conformity with a uniform scale.

Section 1132. *Service Required Before Retirement.*—The ordinance establishing the police pension fund may prescribe a minimum period of continuous service, not less than twenty years, after which members of the force may be retired from active duty. Borough policemen so retired shall be subject to service as police reserve, until unfitted for such service by reason of age or disability, when they may be finally discharged.

Section 1133. *Pension Allowance.*—The basis of the apportionment of the pension shall be determined by the rate of monthly pay of the member at the date of death, honorable discharge, or retirement, and shall not in any case exceed in any year one-half the annual pay of such member computed at such monthly rate.

Section 1134. *Pensions Not to Be Charged on Other Funds.*—Payments made on account of police pensions shall be a charge on no fund in the treasury of the borough, or under its control, other than the police pension fund.

Section 1135. *Gifts to Pension Fund.*—Boroughs may take, by gift, grant, devise, or bequest, any money or property real, personal, or mixed, in trust for the benefit of such police pension fund. The care, management, investment, and disposal of such trust funds or property shall be vested in such officers as the borough shall by ordinance direct, and shall be governed by such officers, subject to any directions not inconsistent therewith as the donors of such funds and property may prescribe.

Section 1136. *Rights of Members.*—No person participating in such police pension fund and becoming entitled to receive a benefit therefrom, shall be deprived of his right to an equal and proportionate share therein, upon the basis upon which he first became entitled thereto, except for the following causes, that is to say: conviction of a crime or misdemeanor; becoming a habitual drunkard; becoming a non-resident of the Commonwealth; or

failing to comply with some general regulation relating to the management of such fund, which may be made by ordinance, and which provides that a failure to comply therewith shall terminate the right to participate in the pension fund after such notice and hearing as it shall prescribe.

(g) BOROUGH MANAGER

Section 1140. *Borough Manager May Be Created by Ordinance; Election.*—The council of any borough may, at its discretion, at any time, create by ordinance the office of borough manager and may in like manner abolish the same. While said office exists, the council shall, from time to time, whenever there is a vacancy, elect, by a vote of a majority of the members, one person to fill said office, who shall serve until the first Monday of January of the even-numbered year succeeding his election and until his successor qualified, subject however to removal by the council at any time by a vote of the majority of the members.

Section 1141. *Powers and Duties; Bond.*—The powers, duties, and compensation of the borough manager shall be regulated by ordinance. The council and, when authorized by ordinance, the burgess may delegate, subject to recall, any of their respective non-legislative and non-judicial powers and duties to the borough manager. He shall give a bond to the borough, with one or more sureties or one trust or bonding company, to be approved by the council, in such sum as it shall by ordinance direct, conditioned for the faithful performance of his duties.

Section 1142. *Other Offices Not Incompatible.*—The offices of borough manager, street commissioner, secretary, treasurer, and chief of police, shall not be deemed incompatible, and any two or more or all of the said offices may be held by one person, except the offices of secretary and treasurer shall not be held by the same person. Neither the burgess nor any member of the borough council shall be eligible to hold the office of borough manager.

(h) BOROUGH PLANNING COMMISSION

Section 1145. *Creation of Borough Planning Department; Appointment of Commissioners; Powers; No Compensation.*—The council of any borough may at any time create by ordinance a department to be known as the Department of Borough Planning, which shall be in charge of a Borough Planning Commission consisting of five persons to be appointed by the burgess and councils. In the first instance one member of said commission shall be appointed for one year, one member for two years, one member for three years, one member for four years, and one member for five years, and, annually thereafter, a member of said commission shall be appointed for a term of five years. An appointment to fill a casual vacancy shall be only for the unexpired portion of the term.

All members of the said commission shall reside within the zone of jurisdiction of said commission as hereinafter defined. They may make and alter rules and regulations for their own organization and procedure, consistent with the ordinances of the borough and the laws of the Commonwealth. They shall serve without compensation, and make annually to the burgess and councils a report of their transactions. They may employ engineers and other persons, whose salaries and wages, and other necessary expenses of the commission shall be provided for through proper appropriation by councils.

Section 1146. *Commission to Receive Copies of Ordinances; Action Thereon.*—The secretary of council shall, upon introduction, furnished to the Borough Planning Commission for its consideration a copy of all ordinances and bills, and all amendments thereto, relating to the location of any public building of the borough, and to the location, extension, widening, narrowing, enlargement, ornamentation, and parking of any street, boulevard, parkway, park, playground, or other public ground, and to the relocation, vacation, curtailment, changes of use, or any other alteration of the borough plan with relation to any of the same, and to the location of any bridge, tunnel, and subway, or any surface, underground, or elevated railway. The said commission shall have the power to disapprove any of the said ordinances, bills or amendments, which disapproval, however, must be communicated to councils in writing within ten days from the introduction of said ordinances, but such disapproval shall not operate as a veto.

Section 1147. *Maps; Recommendations.*—The Borough Planning Commission may make, or cause to be made, and lay before councils, and, at its discretion, and cause to be published, maps of the borough or any portion thereof, including territory extending three miles beyond the borough limits, showing the streets and highways, and other natural and artificial features, and also locations proposed by it for any new public buildings, civic centre, street, parkway, park, playground, or any other public ground or public improvement, or any widening, extension, or relocation of the same, or any change in the borough plan by it deemed advisable; and it may make recommendations to councils, from time to time, concerning any such matters and things aforesaid, for action by councils thereto, and, in so doing, have regard for the present conditions and future needs and growth of the borough, and the distribution and relative location of all the principal and other streets and railways, waterways and all other means of public travel and business communications, as well as the distribution and relative location of all public buildings, public grounds, and open spaces devoted to public use.

Section 1148. *Recommendations to Private Persons, Et Cetera.*—The Borough Planning Commission may make

recommendations to any public authorities or any corporations or individuals in said boroughs with reference to the location of any buildings, structures, or works to be erected or constructed by them.

Section 1149. *Plans of Lots, Et Cetera, to Be Submitted Before Recording; Approval of Sewers, Et Cetera.*—All plans, plots, or replots of lands laid out in building lots, and the streets, alleys, or other portions of the same, intended to be dedicated to public use, or for the use of purchasers or owners of lots fronting thereon or adjacent thereto, and located within the borough limits, shall be submitted to the Borough Planning Commission, and approved by it, before it shall be recorded. And it shall be unlawful to receive or record such plan in any public office, unless the same shall bear thereon, by endorsement or otherwise, the approval of the Borough Planning Commission. The disapproval of any such plan by the Borough Planning Commission shall be deemed a refusal of the proposed dedication shown thereon. The approval of the commission shall be deemed an acceptance of the proposed dedication, but shall not impose any duty upon the borough concerning the maintenance or improvement of any such dedicated parts, until the proper authorities of the borough shall have made actual appropriations of the same by entry, use, or improvement. No sewer, water, or gas main or pipes, or other improvement, shall be voted or made, within the area under the jurisdiction of said commission, for the use of any such purchasers or owners, nor shall any permit for connection with, or other use of, any such improvement existing, or for any other reason made, be given to any such purchasers or owners, until such plan is so approved.

Section 1150. *Ordinances to Confirm Action; Eligibility of Commissioners*—It shall be proper for said boroughs to provide by ordinance for the exercise of all rights and powers herein conferred upon the Borough Planning Commission, by a park commission, or kindred municipal bureau or commission, authorized under existing laws. And no person holding office under the government of any of said boroughs, except the burgess or members of councils, shall be ineligible to serve as a member of a Borough Planning Commission.

(i) BUREAU OF MINE INSPECTION AND SURFACE SUPPORT

Section 1155. *Ordinance Creating.*—Boroughs within the limits of the anthracite region of the Commonwealth may, by ordinance, create a bureau of mine inspection and surface support.

Section 1156. *Bureau How Constituted.*—The bureau shall consist of one practical mining engineer, to be appointed by the burgess with consent of the council, and such assistants, clerks, and employes as the council may provide. The officers and employes of the bureau shall receive such compensation as may be prescribed by council.

Section 1157. *Inspection of Mines.*—Members of the bureau may enter, inspect, examine, and survey, any mine or colliery within the limits of the borough, at all reasonable times, either by day or night, but not so as to impede nor obstruct the workings of the mine or colliery; and may take with them such other persons as may be necessary for the purpose of making an examination or survey. The owner, operator, or superintendent of such mine or colliery, shall furnish the means necessary for such entry, inspection, examination, survey, and exit.

Section 1158. *Operators to Furnish Maps; Contents.*—The owner, operator, or superintendent, of every coal mine or colliery, within three months after the passage of an ordinance by any borough creating such bureau, shall make or cause to be made and furnished to such bureau, an accurate map or plan of the workings or excavations of such coal mine or colliery, on a scale of one hundred feet to the inch. The map or plan shall exhibit the workings or excavations in every seam of coal on a separate sheet, and the tunnels and passages connecting with such workings or excavations. It shall show in degrees the general inclination of the strata, with any material deflection therein in the workings or excavations, and shall also show the tidal elevations of the bottom of every shaft, slope, tunnel, and gangway, and of any other point in the mine or on the surface where such elevation shall be deemed necessary by the bureau. The map or plan shall show the number of the last survey station and date of each survey on the gangways or the most advanced workings.

Section 1159. *Extensions to Be Placed On Maps.*—Every mine owner, operator, or superintendent, shall place or cause to be placed upon the map of the bureau, at least once in every three months, all the extensions made in any mine within the limits of such borough during the three preceding months, except those made within thirty days immediately preceding the time of placing such extensions upon the said map.

Section 1160. *Certain Surface Supports Not to Be Removed.*—It shall be unlawful for any person, copartnership, association, or corporation to dig, mine, remove, or carry away the coal, rock, earth, or other minerals or materials forming the natural support of the surface beneath the public highways, streets, alleys, courts, and places of any borough in the anthracite region to such an extent and in such a manner as to thereby remove the necessary support of the surface, without having first placed or constructed an artificial permanent support sufficient to uphold and preserve the stability of the surfaces of such public highways, streets, alleys, courts, and places.

Section 1161. *Penalty.*—Any person being the general manager, superintendent or person in charge of the work of any corporation, copartnership, or association, violating any of the provisions of this article, shall be guilty of a

misdemeanor, and, upon conviction before a justice of the peace of the borough, shall be sentenced, for such offense, to pay a fine not exceeding one thousand dollars or to undergo imprisonment in the county jail for a period not exceeding ninety days, or both. All fines imposed under this section shall be paid into the treasury of the borough.

Section 1162. *Enactment of Ordinances.*—Borough councils may enact such ordinances as may be necessary for the enforcement of the provisions of this article.

## ARTICLE XII

### CORPORATE POWERS

Section 1201. *General Powers.*—A borough may:

- I. Have succession perpetually by its corporate name.
- II. Sue and be sued, and complain and defend in the courts of the Commonwealth.
- III. Make and use a common seal, and alter the same at pleasure.

IV. Purchase, hold, lease, let, and convey, such real and personal estate as the purposes of the borough shall require.

Section 1202. *Specific Powers.*—The powers of the borough shall be vested in the corporate officers. They shall have power:

I. *Street, Sewer, Building, Et Cetera, Regulations.*—To regulate the roads, streets, lanes, alleys, common sewers, public squares, common grounds, footwalks, gutters, culverts, and drains, and the heights, grades, widths, slopes, and forms thereof; and to prohibit the erection or construction of any building or other obstruction to the convenient use of the same.

II. *Fees for Service of Officers.*—To prescribe reasonable fees for the services of their officers in the adjustment of grades, curbs, lines of streets, and the like, and to enforce the payment of the same.

III. *Water Supply.*—To provide a supply of water for the use of the inhabitants, and to make regulations for the protection of the pipes, reservoirs, and other constructions or apparatus; and to prevent the waste of water so supplied.

IV. *Night Watch.*—To establish a night watch.

V. *Street Lighting.*—To provide street lights and to make regulations for the protection thereof; and, upon the petition of a majority of abutting property owners of the section affected, to provide for the ornamental illumination of any section of the borough and to collect the cost of the installation and maintenance of such illumination from the owners of property fronting the streets upon which the same is installed by the foot-front rule.

VI. *Comfort Stations.*—To construct and maintain, in any of the highways within the borough limits, comfort and waiting stations and drinking fountains. The damages

accruing to abutting properties, by reason of any such improvements, shall be ascertained and collected in the manner provided in article fourteen of this act.

VII. *Watering Troughs*.—To erect watering troughs.

VIII. *Nuisances*.—To prohibit and remove any obstruction or nuisance in the highways of the borough.

IX. *Nuisances and Dangerous Structures*.—To prohibit and remove any nuisance or dangerous structure on public or private grounds, or to require the removal of the same by the owner or occupier of such grounds, in default of which the borough may cause the same to be done, and collect the cost thereof, together with a penalty of twenty per centum of such cost, in the manner provided by law for the collection of municipal claims, or by action of assumpsit.

X. *Hogs*.—To prohibit the keeping of hogs within the borough, or within any part of the borough.

XI. *Cesspool and Drain Regulations*.—To make regulations respecting vaults, cesspools, and drains.

XII. *Manure and Compost Regulations*.—To make regulations relative to the accumulation of manure, compost and the like.

XIII. *Garbage and Rubbish*.—To prohibit accumulations of garbage or rubbish upon private properties, and to prescribe penalties for the enforcement thereof.

XIV. *Removal of Garbage, Et Cetera*.—To make regulations for the care and removal of garbage and other refuse material, including the imposition and collection of reasonable fees and charges therefor, and to prescribe fines and penalties for the violation of such regulations.

XV. *Garbage Plants*.—To erect, maintain, and operate garbage-plants, or to provide other means for the collection, destruction, or removal of garbage and other refuse material, and to provide for the payment of the cost or expense thereof, either in whole or in part, out of the funds of the borough.

XVI. *Noxious and Offensive Businesses*.—To prohibit, within the borough, the carrying on of any manufacture, art, trade or business which may be noxious or offensive to the inhabitants.

XVII. *Health and Cleanliness Regulations*.—To make such other regulations as may be necessary for the health and cleanliness and the beauty, convenience, comfort, and safety of the borough.

XVIII. *Fire Regulations*.—To make regulations, within the borough, or within such limits thereof as may be deemed proper, relative to the cause and management of fires and the prevention thereof.

XIX. *Fire Apparatus and Houses*.—To purchase fire-engines and fire-apparatus and supplies for the use of the borough, and to appropriate money to fire companies and for the construction, repair, and maintenance of fire company houses.



XX. *Wooden Structures.*—To prohibit or regulate the erection of wooden structures.

XXI. *Buildings and Building Inspection.*—To make regulations for the construction of new buildings, and repair of old ones; and to require that, before the work begins, municipal approval of the plans and specifications therefor be secured; and to provide for the inspection of such construction and repair, including the appointment of one or more building inspectors; to prescribe limits wherein none but buildings of non-combustible material and fire-proof roofs shall be erected, or substantially reconstructed, or removed thereinto; and to provide penalties for the violation of such regulations. Any building erected, reconstructed, or removed, contrary to the provisions of any ordinance passed for any of the purposes specified in this clause, is declared to be a public nuisance and abatable as such.

XXII. *Inflammable Articles.*—To prohibit the manufacture, sale, or exposure of fireworks, or other inflammable or dangerous articles; to prescribe the quantities of inflammable articles that may be kept in place; and to prescribe such other safeguards as may be necessary.

XXIII. *Party Wall and Fence Regulations.*—To make regulations respecting partition fences and the foundations and party-walls of buildings.

XXIV. *Fees of Officers.*—To prescribe reasonable fees for the service of their officers in the adjustment of party-walls, partition fences, and the like, and to enforce the payment of the same.

XXV. *Building Lines.*—By suitable ordinance to establish and maintain uniform building lines upon any or all public streets, roads, highways, lanes, and alleys of said boroughs and townships.

XXVI. *Licensing Amusements.*—To regulate, license, or prohibit theatrical exhibitions, amusements, dances, at which an admission or other fee is charged and other exhibitions; to regulate and license and to fix the time of opening and closing of pool-rooms, billiard-rooms and tempin alleys.

XXVII. *Markets and Market Houses.*—To regulate markets and peddling, whether for individual use or for resale, and to provide for the inspection of milk; and to purchase and own ground for and to erect, establish, and maintain market houses and market places, for which latter purposes, parts of any streets or sidewalks may be temporarily used; to contract with any person or persons, or association of persons, companies, or corporations, for the erection, maintenance, and regulation of market houses and market places, on such terms and conditions, and in such manner, as the council may prescribe; to provide and enforce suitable regulations of said market houses and market places and to provide for the payment of the cost or expense thereof, either in whole or in part, out of the funds of the borough; and to levy and collect

a suitable license tax from every person or persons who may be authorized by council to occupy any portion of said market houses or market places, or any portion of the streets or sidewalks for temporary market purposes.

XXVIII. *Weights and Measures.*—To regulate the scales, weights, and measures, according to the standard of the Commonwealth; to provide for the confiscation of false weights and measures; and to regulate the inspection and measurement or weight of articles offered for sale in the borough.

XXIX. *Insurance on Property.*—To make contracts of insurance, with any mutual fire insurance company, duly authorized by law to transact business in the Commonwealth of Pennsylvania, on any building or property owned by the borough.

XXX. *Compensation Insurance.*—To appropriate such amount as may be necessary to secure insurance or compensation for volunteer firemen killed or injured while going to, returning from, or attending fires in the borough or territory adjacent thereto.

XXXI. *Appropriations to Borough Associations.*—To appropriate annually a sum of money, not exceeding two hundred dollars, for the support of any association, composed of electors of the several boroughs and townships within the county, formed for the study and investigation of the welfare, economics, management, and government of boroughs and townships, and for the protection and safeguarding of the rights and franchises of boroughs and townships, and for the purpose of recommending legislation beneficial to boroughs and townships, or any one or more of such purposes.

XXXII. *Dogs.*—To prohibit or regulate the running at large of dogs and, in the enforcement of such regulations, to direct the killing of dogs, or their seizure and sale for the benefit of the borough.

XXXIII. *Animals.*—To prohibit and regulate the running at large of other animals, and to authorize their seizure and sale for the benefit of the borough.

XXXIV. *Fines and Forfeitures.*—To impose fines and penalties, incurring partial or total forfeitures, or to remit the same.

XXXV. *Lockup.*—To provide a lockup for the temporary detention of persons.

XXXVI. *Flags.*—To display the flag of Pennsylvania, or the flag of any county, city, borough or other municipality in the State, on the public buildings of the borough.

XXXVII. *Contracts with Railways, Et Cetera.*—To enter into contract with any street passenger railway company, surface, elevated, or underground, or motor power company, leasing and operating the franchise and property of such company within the limits of the borough, regulating the franchises, powers, duties, and liabilities of such companies, and the respective rights of the contracting parties.

Such contracts may, inter alia, provide for payments by the companies to the borough, in lieu of the performance of certain duties, or the payment of license fees or charges imposed in favor of such borough, by the charters of the respective companies, or by any general law, or ordinances; for the appointment by the borough of a certain number of persons to act as directors of such company, in conjunction with the directors elected by the stockholders of such company; and may further provide for the ultimate acquisition by the borough, upon terms mutually satisfactory, of the leaseholds, property, and franchises of the contracting companies.

XXXVIII. *Eminent Domain for National Guard Purposes.*—To take, by right of eminent domain, for the purpose of appropriating to themselves for the use of the National Guard of Pennsylvania, such public lands, easements, and public property, as may be in their possession or control and used or held by them for any other purpose. Such right, however, shall not be exercised as to any street or wharf, but all other public easements and property may be appropriated and used for the purposes herein provided, any limitation of the use thereof by the borough either by donation, dedication, appropriation, statute, or otherwise to the contrary notwithstanding.

XXXIX. *Lands for Armory Purposes.*—To acquire, by purchase or by gift or by the right of eminent domain, any land for the use of the National Guard of Pennsylvania; to convey such lands so acquired to the Commonwealth of Pennsylvania to assist the Armory Board in the erection of armories. The proceedings for the condemnation of lands, under the provisions of this clause, and for the assessment of damages for property taken, injured or destroyed, shall be taken in the same manner as is now provided by law for the condemnation of lands for public purposes in boroughs. The power conferred by this clause shall not be exercised to take any church property, graveyard, cemetery, or any dwelling-house or the curtilage of the same in the actual occupancy of the owner.

XL. *Appropriation of Money, Et Cetera, to Assist in Erection of Armories.*—To appropriate money or convey land, either independently or in conjunction with any county, city, town, borough, or other municipal division to the Commonwealth of Pennsylvania, for the purpose of assisting the Armory Board of the Commonwealth of Pennsylvania in the erection of armories for the use of the National Guard; and to furnish water, light, or fuel, free of cost, to the Commonwealth of Pennsylvania for use in any armory of the National Guard; and to do all things necessary to accomplish the purpose of this clause.

XLI. *Appropriations for Memorial Day.*—To appropriate money for the expenses of Memorial Day services.

XLII. *Appropriations to Posts of Veterans.*—To appropriate annually to each camp of the United Spanish War Veterans, and to each post of the American Legion, and

to each post of the Veterans of Foreign Wars, and to each Naval Association, and to each post of the Disabled American Veterans of the World War, and to each organization of ex-service men incorporated under the act of April twenty-ninth, one thousand eight hundred and seventy-four, and the supplements thereto, in the respective boroughs a sum not to exceed two hundred dollars to aid in defraying the expenses of Memorial Day and Armistice Day. Such payments shall be made to defray actual expenses only. Before any payment is made, the organization receiving the same shall submit verified accounts of their expenditures.

XLIII. *Appropriations to Grand Army Posts.*—To make, and they are hereby so required, annual appropriations to each post of the Grand Army of the Republic in the borough, in a sum not exceeding fifty dollars, to aid in defraying expenses of Memorial Day, and, if there is no post in said borough, then said appropriation may be made to a post in any municipality or township to be designated by the council.

XLIV. *Payment of Rent for Veterans' Posts and Camps.*—By a two-thirds vote of the council, appropriate money to any incorporated camp or post of veterans of any war in which the United States was engaged, to be used in the payment of the rent of any building or room or rooms in which such camp or post has its regular meetings.

XLV. *Rooms for Veterans' Posts and Camps.*—Upon application therefor, to furnish to each organization composed of veterans of the Civil War, veterans of the Spanish-American War, veterans of the War with Germany and Austria, veterans of any foreign war, and sons of veterans, a room or rooms in any public building of such county, city, or borough, sufficient for the meeting of each of such organizations at least once each month.

XLVI. *Care of Memorials.*—To take charge of, care for, maintain, and keep in good order and repair, at the expense of the borough, any soldiers' monument, gun, or carriage, or similar memorial, situate in the borough, and not in the charge or care of any person, body, or organization, and not put up or placed by the Government of the United States, the Commonwealth of Pennsylvania, the commissioners of the county, or by the direction or authority of any other State of the Union, and to receive from any person or organization any moneys or funds which can be used for the maintenance of such memorials, and to expend the same.

XLVII. *Numbering Buildings.*—To require and regulate the numbering of buildings.

XLVIII. *Municipal Music.*—To appropriate money, not in excess of the sum of one thousand dollars (\$1,000) annually, for the expense of municipal music.

XLIX. *Appropriations to Forest Protection Associations.*—To appropriate moneys to any forest protection association, cooperating in forest work with the State De-

partment of Forestry, or to be expended in direct cooperation with said Department of Forestry in forest work.

L. *Appropriations for Burial-Ground Maintenance.*—To appropriate annually, out of the general funds of the borough, a sum not exceeding five hundred dollars (\$500.00), for the care, upkeep, maintenance, and beautifying of cemeteries, burial-grounds, and private roads therein or leading thereto, lying wholly or partly within the boundary limits of such borough, or in the territory immediately adjacent or contiguous to the borough.

LI. *Smoke Regulations.*—To regulate the emission of smoke from chimneys, smokestacks, and other sources. Provided, however, That this clause shall not apply to locomotive smokestacks.

LII. *Municipal Claims.*—To file and collect municipal claims for water rents, lighting rates, and sewer rates, in the manner now provided by law.

LIII. *Regulation of Contracts.*—To make contracts or purchases in connection with proper legal requirements of the borough: Provided, That all contracts or purchases, other than purchases for water, electric light, and other public works of the borough, or for improvement made by its employes, or where the State or county is a party with the borough to a street improvement made by any borough, involving an expenditure of over five hundred dollars (\$500), shall be in writing, and shall not be made except with and from the lowest responsible bidder, after due public notice by the secretary, published once a week for three weeks at intervals of seven days in one newspaper published in such borough, and, if no newspaper is published therein, then by publication in one newspaper of the county; and such bids shall be received, opened, and read in open meeting of council, at a time fixed by such notice, and not earlier than twenty-one days after the first publication thereof.

In case of an emergency, so declared by the affirmation vote of two-thirds of all the members of said council, or a majority of council plus one when the number composing such council is less than nine, the notice shall be published at least one week prior to the time fixed therein for opening bids.

The acceptance of bids shall only be made by public announcement at the meeting at which bids are received, or at a subsequent meeting, the time and place of which shall be publicly announced when bids are received. If for any reason one or both of the above meetings shall not be held, the same business may be transacted at subsequent meetings, provided that one week's notice thereof shall be published in the newspaper aforesaid.

The successful bidder, when advertising is required herein, shall be required to furnish a bond, with sufficient surety, in the amount of fifty per centum of the amount of the contract, within ten days after the contract has

been awarded, and, upon failure to furnish such bond within such time, the previous award shall be void.

LIV. *Bonds from Contractor.*—To require, and it shall be their duty so to do, in the improvement of lands or in the erection, alteration, addition or repair of edifices and public buildings of any kind in the borough, of the contractor or contractors employed in or about said improvements, an additional bond, with sufficient surety or sureties providing, for the payment of all labor and material entering into the said improvements. Labor and material-men, furnishing labor and material in and for said improvements upon the contract of such contractor, shall have the right, according to law, to sue in an action of assumpsit in the name of the obligee for his or their use upon said bond, upon proof of said contractor's failure to pay for said labor or material.

LV. *Disorderly Conduct; Ordinances.*—To adopt ordinances defining disorderly conduct within the limits of the borough, and to provide in such ordinances for the imposition of penalties for the violation thereof.

### ARTICLE XIII

#### TAXATION

Section 1301. *General Levy.*—The council of the borough shall have power, by ordinance, to levy and collect annually for general borough purposes, any tax, not exceeding fifteen (15) mills on the dollar on the valuation assessed for county purposes as now is or may be provided by law. All property, offices, professions, and persons, made taxable by the laws of this Commonwealth for county rates and levies, shall be taxable after the same manner for general borough purposes.

Section 1302. *Special Levy to Pay Debts.*—In addition to the levy provided for in the preceding section, when it shall be shown to the court of quarter sessions of the county that the debts due by any borough exceed the amount which the borough may collect in any one year by taxation, or when the proper officers refuse or neglect to levy a sufficient tax to pay the same, the court may, after ascertaining the amount of such indebtedness of the borough, direct a writ of mandamus to the proper officers of such borough to collect by special taxation an amount sufficient to pay the same in one or more annual instalments, as may be adjudged reasonable by said court, during such years as may be required for the payment of the same.

Section 1303. *Tax Collector to Furnish Address, Et Cetera, to County Treasurer.*—The tax collector, before he assumes the duties of his office, shall notify the county treasurer, in writing, setting forth his name, address where taxes are receivable, the office hours when he sits, to receive taxes, and the borough for which he collects taxes.

Section 1304. *Date Tax Duplicate to Issue.*—The corporate authorities of the borough shall, on or before the first day of June of each year, issue their duplicate of taxes assessed to the collector of taxes of the borough, with their warrants attached, directing and authorizing him to collect the taxes therein assessed and levied.

Section 1305. *Tax Collector to Sit on Certain Days.*—The collector of taxes shall, in person or by some person duly authorized, be in attendance for the purpose of receiving and receipting for taxes on Thursday, Friday, and Saturday of each week, during the last two weeks of the period during which an abatement is allowed, between the hours of two and six o'clock in the afternoon.

Section 1306. *Notice of Issue of Tax Duplicate.*—Where any duplicate of taxes assessed is issued and directed to the collector of taxes, he shall give public notice, as soon thereafter as conveniently can be done, by at least ten written or printed notices to be posted in as many public places in different parts of the borough.

Such notice shall state that the tax duplicate has been issued and delivered to him.

Section 1307. *Notices to Taxables.*—Each tax collector shall, within thirty days after receiving the tax duplicate, notify each taxable whose name shall appear on said duplicate. Such notice shall contain the rate of taxation, the valuation of the property of such taxable, the occupation of such taxable, and the full amount of taxes for which said taxable shall be liable for the current year. Such notice shall further state that such taxes are payable, shall designate a place and time when they shall be paid, and shall further state the time within which an abatement of the tax will be allowed, when the full amount of tax will be collected, and when an additional percentage will be added as a penalty. Such notice shall be mailed to the last known post office address of each of said taxables.

Before any allowance is made by the council of the borough for commissions due the tax collector, he shall make an affidavit setting forth that he has complied with the provisions of this section.

Section 1308. *Abatements and Penalties.*—All persons who shall, within ninety days from the date of notice, make payment of any taxes charged against them in the duplicate, shall be entitled to a reduction of five per centum from the amount thereof. All persons who shall fail to make payment of any taxes charged against them in said duplicate for six months after notice given as aforesaid, shall be charged five per centum additional on the taxes charged against them, which shall be added thereto by the tax collector and collected by him.

Section 1309. *Commissions of Tax Collector; Monthly Returns.*—The tax collector shall collect the taxes charged in said duplicate and pay over the same to the borough treasurer, after deducting his commission for the collection thereof. Such commission shall be fixed by the corporate

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authorities of the borough, and shall not exceed five per centum of the amount collected. The tax collector shall make monthly returns, in writing, in duplicate, to the borough council, showing the amounts collected by him during the preceding month, and the amount of uncollected taxes on his duplicate, or exhibit the duplicate showing the uncollected taxes at the close of each month, and shall pay over to the treasurer the amounts so collected, less the commissions to which he is by law entitled. The treasurer shall issue duplicate receipts for said payments, one of which shall be filed by the tax collector with the borough council.

Any tax collector failing to comply with the provisions of this section, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one hundred dollars.

Section 1310. *Expenses of Tax Collector.*—The tax collector may retain, out of the taxes collected, such actual printing and postage expenses as shall be incurred by him in the performance of his duties. Such amount shall be adjusted by the borough council.

Section 1311. *Exonerations.*—The council of the borough shall at all times make abatements or exonerations for mistakes, indigent persons, unseated lands, et cetera, as to it shall appear just and reasonable. The secretary of the borough shall enter in a book, to be kept for that purpose, the name of all persons abated or exonerated, together with the reason why, the amount of the tax, and the date when made, and give to the collector a certificate, directed to the treasurer, stating the nature of the tax and the amount exonerated, in order to make settlement accordingly.

Section 1312. *Audit of Tax Collector's Accounts.*—The accounts of the tax collector shall be settled by the borough auditors or controller. The tax collector shall state a separate account for each different tax collected by him.

#### ARTICLE XIV

#### EMINENT DOMAIN; ASSESSMENT OF DAMAGES AND BENEFITS

##### (a) GENERAL PROVISIONS RELATING TO EMINENT DOMAIN

Section 1401. *Exercise of Eminent Domain.*—In the laying out, opening, widening, extending, vacating, grading, or changing the grades or lines, of streets, lanes, or alleys, the construction of bridges, and the piers and abutments therefor, the construction of slopes, embankments, and sewers, the erection and extension of waterworks, wharves, and docks, public buildings, public works, filtration plants, sewage systems, sewage treatment works, garbage disposal plants, gas plants, electric light plants, and libraries, the establishing of parks and playgrounds, the changing of watercourses, and for all other purposes authorized by this act, a borough may enter upon, appro-



private, injure, or destroy, private lands, property, or material.

Section 1402. *Restrictions as to Certain Property.*—In addition to the restrictions made by other provisions of this act in particular cases, no borough shall exercise right of eminent domain as against land now occupied by any building which was used during the Colonial or Revolutionary period as a place of Assembly by the Council of the Colony of Pennsylvania, the Supreme Executive Council of the Commonwealth of Pennsylvania, or the Congress of the United States; or as against the land occupied by any fort, redoubt, or blockhouse, erected during the Colonial or Revolutionary period, or any building used as headquarters by the Commander-in-Chief of the Continental Army; or as against the site of any building, fort, redoubt, blockhouse, or headquarters, which are preserved for their historic associations and not for private profit. The Colonial and Revolutionary period shall be taken as ended on the third day of September, one thousand seven hundred and eighty-three.

Section 1403. *Possession of Property Upon Tender of Bond.*—Whenever, in any condemnation proceedings, any borough has tendered a bond to secure the payment of damages, and the same has been accepted, or, if the acceptance has been refused and the bond has been filed in and approved by the court, the borough shall have the right to immediate possession of the property.

Section 1404. *Notice to Quit; Possession; Procedure.*—If the owner, lessee, or occupier shall refuse to remove his personal property or give up possession, the borough may serve written notice upon such owner, lessee, or his agent, or the occupier, to remove his personal property and give up possession of such property, within sixty days from the date of the service of such notice.

If the owner, lessee, or occupier shall refuse to remove his personal property and give possession, upon proof of the service of the notice, a writ of habere facias possessionem shall forthwith issue, directing the sheriff to give to the borough possession.

Section 1405. *Bond of Borough Without Surety Sufficient.*—Whenever any court shall order any borough to enter security for the payment of damages for the taking, injury, or destruction of land or materials by right of eminent domain, the bond of the borough shall be taken without sureties.

Section 1406. *Value of Land Not to Be Assessed as Benefits; Exception.*—In all cases of the appropriation of land for public use, other than for roads or streets, it shall not be lawful to assess any portion of the damage done to or value of the land so appropriated, against the other property adjoining or in the vicinity of the land so appropriated.

Section 1407. *Viewers' Report.*—Viewers or juries of view appointed by any court to assess damages and bene-

fits, due to the taking, injury, or destruction of private property in and by the construction or enlargement of any public work, highway, or improvement, shall make their reports within a time which the court shall fix when appointing them, but, if any of the viewers or juries of view shall, for any reason appearing sufficient to the court, be unable to file its report within the period so fixed, the court may, either before or after the expiration of the time fixed, extend the time for the filing of such report.

*Section 1408. Plans of Properties Condemned to Be Furnished to Viewers.*—In all proceedings to assess damages for the taking, injury or destruction of private property for public use, the borough taking, injuring, or destroying property for said purpose, shall furnish the board of viewers with a correct plan of all properties affected, showing all buildings or other structures thereon, their width, length, elevation, and cubical contents, names of all owners, tenants, or occupiers thereof, the topography of the land, and the grades and widths of all highways running through or abutting on said properties, and all other data necessary for a proper determination of the amount of damages caused by the taking, injury or destruction of said private property.

Said plans shall be prepared and ready for the use of the viewers at their first meeting, and copies thereof shall be furnished to all owners, tenants, and occupiers of the property and all other parties affected thereby, without charge.

*Section 1409. Condemnation Petition to Specify Liens; Exception.*—In all proceedings instituted for the condemnation and appropriation of land and property by the exercise of the right of eminent domain, excepting proceedings to ascertain damages and benefits by reason of borough street or sewer improvements, the petition for the appointment of viewers therein shall contain allegations specifying any judgments, mortgages, or other claims (hereinafter designated "liens") which are liens upon the land and property sought to be appropriated or condemned as aforesaid.

*Section 1410. Findings of Facts as to Liens.*—Testimony shall be taken in said proceedings to ascertain the amounts of said liens and the dates of the entry of the same, and the amounts of said liens and the dates of entry thereof shall be found as facts by the viewers in said proceedings. Certified lists of liens, from the courts of the Commonwealth and the United States, shall be prima facie evidence of the existence, dates, amounts, dates of entry, and places of record, of said liens, and, unless modified or overcome by oral or documentary evidence, shall be conclusive upon the parties thereto as to items just specified.

*Section 1411. Reports of Viewers as to Liens; Appeals; Distribution to Lien Creditors; Discharge of Liens.*—Where it appears that liens exist as aforesaid, which are liens upon property sought to be condemned and appropriated as

aforesaid, a report of the facts found as aforesaid shall be made to the court having jurisdiction of the proceeding, which report shall be subject to exceptions in manner to be regulated by the Supreme Court, by general rule prescribed, amended, and published from time to time; and, upon the findings in relation to said liens being finally found by said court having jurisdiction of said proceedings, said court shall make an order directing the payment and distribution of the amount found to be payable as compensation to the parties entitled thereto, first to the owners of said liens then to the owners of the property appropriated as aforesaid: Provided, however, That the parties interested shall have the right of appeal from said order of distribution to the Superior and Supreme Courts of the Commonwealth, as shall be determined by the amount distributed to said parties respectively, in manner now provided by law. Payment in accordance with said order of distribution shall absolutely discharge the party making said payment from all claims of whatsoever nature by any person, firm, corporation, or claimant, as against said property, when the payment thereof shall be evidenced by a receipt of record in said proceedings; and, in said receipt and on the record thereof, any claimant may reserve the right to pursue the owner of said property for any balance due upon his lien against any other property or assets of the said owner.

Section 1412. *Vesting Title*.—Upon payment of the compensation for land or property appropriated as aforesaid, in accordance with said order of distribution, title to the land or property appropriated shall vest in the taker thereof in accordance with provisions of the law under which such appropriation is made, and all claims for compensation shall be deemed paid and satisfied as herein provided.

Section 1413. *Competency of Evidence as to Market Value of Property*.—In all proceedings arising from the exercise of the right of eminent domain, it shall be competent for all witnesses called, when duly qualified, to state their opinion as to the market value of the property before the exercise of the right of eminent domain and as unaffected by it, and its market value immediately after the exercise of the right of eminent domain and as affected thereby;

(a) To state, in detail and costs, all the elements of benefit or damage which they have taken into consideration in arriving at their opinion;

(b) In arriving at their opinion as to the market value immediately after the exercise of the right of eminent domain, to add to their opinion of the market value before such exercise, the cost or value of all the elements of benefit or advantage, and to deduct therefrom all disadvantage or damage in order to arrive at the market value after such exercise of the right of eminent domain and as affected thereby.

(c) In all proceedings to assess damages or benefits for the opening of any street, alley, or other highway, to take into consideration, as one of the elements of advantage or disadvantage, the cost of street improvements.

In all claims for damages against a borough, arising from the exercise of the right of eminent domain, it shall be competent for the party or parties claiming damages to offer in evidence, as a declaration against interest, the value of the property affected as assessed for the purpose of taxation.

Section 1414. *Proceedings Where Assessments by Viewers Waived.*—In any proceeding to ascertain the damage caused to any owner of lands, by reason of the appropriation of a right of way or easement by any borough, where the owner and borough cannot agree upon the amount of damage done, the parties may, by agreement, waive the right to have such damages assessed, and the owner may file his claim in the court of common pleas of the county, and rule the defendant to plead thereto within fifteen days from the service of such rule upon the borough, and the suit shall be proceeded with as if an award of viewers had been filed and an appeal had been taken therefrom.

Either party to such an action may on motion have the jury visit and view the premises over or through which the proposed right of way or easement may extend.

Section 1415. *Appeals in Eminent Domain Proceedings; Payment of Money into Court.*—In all cases of damages assessed against any borough for property taken, injured, or destroyed by the construction or enlargement of their works, highways, or improvements, whether such assessment shall have been made by viewers, or otherwise than upon trial in court, and an appeal is not provided for, an appeal may be taken by either party to the court of common pleas of the county within thirty days from the filing of the report.

Any such appeal taken shall be signed by the party taking the same or by his agent or attorney, and shall be accompanied by an affidavit of the party appellant, or of the agent or attorney, that the same is not for the purpose of delay, but because the affiant firmly believes that injustice has been done.

When no such appeal is taken and judgment is entered, and the party to whom damages have been awarded refuses to accept payment of such award or judgment, then it shall be lawful for such borough, upon petition to the court after notice as ordered by court, to pay the amount of the award and costs into the court. The court, upon such payment, shall order the satisfaction of the award or judgment.

(b) PROCEDURE FOR THE EXERCISE OF EMINENT DOMAIN AND FOR THE ASSESSMENT OF DAMAGES AND BENEFITS

Section 1420. *Petition for Viewers; Time of Meeting.*—Except as is in this act otherwise provided, in case the com-

compensation for damages or benefits accruing from the exercise of the right of eminent domain and from the erection and construction of public improvements have not been agreed upon, any court of common pleas, or any law judge thereof in vacation, on application thereto by petition by the borough or any person interested, shall appoint three viewers, from the board of viewers of the county, and appoint a time, not less than twenty nor more than thirty days thereafter, when the viewers shall meet upon the line of the improvement and view the same and the premises affected thereby.

Section 1421. *When Viewers May Be Appointed.*—The viewers provided for in the preceding section may be appointed before or after the entry, appropriation, or injury of any property or materials for constructing such improvements.

Section 1422. *Notice of Meeting of Viewers.*—Except when otherwise in this act provided, the viewers shall give at least ten days' notice of the time of their first meeting, by publication in one or more newspapers of the county, and by handbills posted upon the premises, or otherwise as the court shall direct. Where the publication is in more than one newspaper, one of the newspapers may be in the German language.

Section 1423. *Swearing Viewers; Hearings; Schedules of Damages and Benefits.*—The viewers, having been sworn or affirmed faithfully, justly, and impartially to decide and a true report to make concerning all matters to be submitted to them and in relation to which they are authorized to inquire, and having viewed the premises and examined the property, shall hear all parties interested and their witnesses and shall determine the damages for property taken, injured, or destroyed, and to whom the same is payable; and, having determined the damages, together with the benefits, they shall prepare a schedule thereof.

Section 1424. *Assessment of Damages and Benefits.*—The damages may be paid in whole or in part by the borough, or may be assessed in whole or in part upon the property benefited. In the latter case, the viewers, having first determined the damages apart from the benefits, shall assess the total cost of the improvement, or so much thereof as may be just and reasonable, upon the properties peculiarly benefited, including in the assessment all parties for which damages have been allowed, and shall report the same to the court. The total assessments for benefits shall not exceed the total damages awarded or agreed upon.

Section 1425. *Assessment Awards.*—In proceedings to assess damages and benefits, if the property is both benefited and damaged by such improvements, the excess of damages over benefits, or the excess of benefits over damages, or nothing in case the benefits and damages are equal, shall be awarded to or assessed against the several owners of property affected thereby.

Section 1426. *Separate Reports of Damages and Benefits.*—The preceding section shall not prevent the viewers from making a separate report of the damages and benefits, respectively. In such event, if the damages to the property of any person be greater than the benefits, or if the benefits be greater than the damages, or if the damages and benefits be equal, in either case the viewers shall strike a balance and carry the difference forward to another column, so that the assessment shall show what amount is to be received or paid by the property owner and the difference only shall be collectible of or paid to such property owner. Appeals taken from the report of the board of viewers shall be from such net amount only.

Section 1427. *Notice When Schedules Will Be Exhibited.*—The viewers shall give notice to all parties to whom damages are allowed, or upon whom assessments for benefits are made, of a time not less than ten days thereafter, and of place where the viewers will meet and exhibit their schedule and hear all exceptions thereto.

Section 1428. *Service of Notices.*—Such notice shall be given, in the manner provided by law for the service of a summons in a personal action, if the parties can be found in the borough; or upon an adult person residing upon the property affected by the assessment, in case the owner or reputed owner cannot be found; and to all others by publication in the newspaper or newspapers in which the first notices of the view were published, and by posting conspicuously on the premises. Council may by ordinance provide by whom the notice shall be served and posted and fix the compensation for such service.

Section 1429. *Report of Viewers; Plan of Improvements.*—After making whatever changes are necessary, the viewers shall report to the court, showing the damages and benefits allowed and assessed in each case, and file therewith a plan showing the improvement, the properties taken, injured, or destroyed, and properties benefited.

Section 1430. *Notice of Filing of Report.*—When the report is filed, notice thereof shall immediately be given, by publication once in the newspapers publishing the notice provided for in section fourteen hundred and twenty two of this article. Such notice shall state the date of filing of the report, contain a schedule of the damages allowed and benefits assessed, and shall state that, unless exceptions be filed thereto or an appeal to the court of common pleas is taken therefrom within thirty days from the date of filing, the report will be confirmed absolutely.

Section 1431. *Borough to Pay Costs of Proceedings.*—The cost of the proceedings, including court costs, except the compensation of the viewers, shall be paid by the borough.

Section 1432. *Bond of Borough.*—Except when in this act otherwise provided, in all cases where the parties have not agreed upon the damages claimed, or where, by reason of the absence or legal incapacity of the owner, no such

agreement can be made, the borough may tender sufficient security to the party entitled to damages, or to the attorney or agent of any person absent, or to the agent or officer of a corporation, or to the guardian or committee of anyone under legal incapacity.

Section 1433. *Condition of Bond; Notice of Filing in Court.*—The condition of the security shall be that the borough shall pay or cause to be paid such amount of damages as the party shall be entitled to receive, after the same shall have been agreed upon by the parties or assessed in the manner provided for by this article. In case the party claiming damages refuse to accept the security tendered, the borough shall give the party or his agent, attorney, guardian, or committee, a written notice of the time when the same will be presented in court.

Section 1434. *Filing Bond; Recovery Thereon.*—If approved by the court, the security shall be filed for the benefit of those interested, and recovery may be had thereon for the amount of damages assessed. If the damages be not paid, they may be collected by execution on the judgment in the issue framed to try the question. Upon the approval of the security, the borough may proceed with the improvement.

Section 1435. *Exceptions to Report of Viewers.*—Within thirty days after the filing of any report, any party interested may file exceptions to the same; and the court shall confirm, modify, or change the same, or change the assessments made therein, or refer it back to the same or new viewers.

Section 1436. *Confirmation of Report of Viewers.*—When the report is filed, the prothonotary shall mark it confirmed nisi. In case no exceptions are filed thereto, he shall enter a decree that the report is confirmed absolutely.

Section 1437. *Effect of Exceptions on Confirmation of Report.*—When exceptions are filed which affect the entire report, the same shall not be confirmed absolutely as to any part thereof until the exceptions have been finally disposed of; when the exceptions do not affect the entire report, the court shall confirm the assessments to which exceptions have not been taken.

Section 1438. *Appeals From Confirmations After Exceptions.*—Within three months after the confirmation of any report, following the filing of exceptions thereto, any party interested may appeal from the decree of the court below to the Superior or Supreme Court, as the case may be.

Section 1439. *Effect of Appeals.*—When any appeal is taken from the action of the court confirming any viewers' report or part thereof, if the appeal affects the entire report, it shall have the effect of suspending the absolute confirmation thereof until the appeal is finally disposed of; but where the appeal is to matters which do not affect the entire report, or any other assessment, such appeal shall affect only the particular assessment for which the appeal is taken.

Section 1440. *Filing Assignments of Error, Et Cetera.*—In order to determine whether any appeal affects the entire report, or any particular assessment, the appellant shall file in the court below, before or at the time of filing his writ of certiorari, a copy of his specifications or assignments of error or grounds of appeal. Upon failure so to do, the borough or any party interested may, by notice or rule upon the appellant, cause such specifications, assignments of error, or grounds of appeal to be filed.

Section 1441. *Certificate of Judge of the Court Below.*—Upon the request of the borough, or any party interested, the court below, or any judge thereof in vacation, shall certify whether the appeal affects the entire report, and said certificate shall be conclusive. Where the court or judge certifies that the appeal will affect the entire report, no further proceedings shall be taken in the court below until after the final action of the appellate court; but where the court or judge certifies that the appeal will affect only a particular assessment, then the confirmation of all other assessments shall be final.

Section 1442. *Effect of Affirmation of Decree of Court Below.*—If, on any appeal, the action of the court below is affirmed, the date of the decree or judgment of the appellate court shall be taken as the day on which the report was finally confirmed.

Section 1443. *Consolidation of Appeals.*—Where any appeal is taken to the Supreme Court, and an appeal is also taken to the Superior Court, and the appeals in both cases are substantially the same, the Superior Court may certify such appeal to the Supreme Court to be heard with the other appeals from the same report.

The Supreme Court shall consolidate all such appeals and hear them as one case. Where several appeals are taken from the confirmation of the same report, either to the Superior or Supreme Court, and the grounds of appeal are similar, the appellate court may consolidate the appeals.

Section 1444. *Appellants May Unite in Appeals; Effect Thereof.*—Several parties may unite in a single appeal, either to the Superior or Supreme Court, where the grounds of appeal are similar, but the uniting of the appellants shall not unite the amounts or change the jurisdiction. When the appeal, if taken by each appellant singly, would be to the Superior Court, then the appeal shall be to that court; but, if the appeal of any one appellant would be to the Supreme Court, then the joint appeal shall be to that court. If an appeal has been taken to the Supreme Court, any other party, without regard to the amount involved, if the grounds of appeal are similar, may appeal to the same court and join in such appeal.

Section 1445. *Appeals from Reports of Viewers for Jury Trial.*—Within thirty days after any report of viewers is filed in court, any party whose property is taken, injured, or destroyed, or who is assessed benefits, may appeal to the court of common pleas and demand a trial



by jury. Where an appeal is so taken as a portion of the report, the portion not appealed from shall be confirmed absolutely, at the expiration of thirty days after the report is filed in court.

Section 1446. *Reasons for Appeals to Be Stated.*—The appeal, as provided in the last preceding section, shall state the grounds upon which it is taken, and shall be signed by the appellant, or by his agent or attorney; and shall be accompanied by an affidavit that it is not taken for the purpose of delay but because the appellant believes that injustice has been done.

Section 1447. *Costs.*—Upon the trial of any such appeal, in case the party appellant does not obtain a verdict more favorable than was the report of the viewers as finally confirmed, the appellant shall not recover any costs.

Section 1448. *Notices; Appeals from the Court Below.*—The court of common pleas shall order what notices shall be given in connection with such proceedings, and may, by rule or otherwise, prescribe the form of pleadings. After verdict and final judgment, either party may, within three months, appeal to the Superior or Supreme Court.

Section 1449. *Appeals to the Wrong Court.*—Should any appeal under this article be made to the wrong court, such court shall certify the appeal to the court to which it should have been taken.

Section 1450. *Appeals Not to Prevent Filing Liens.*—No appeal taken under this article shall prevent the filing of liens by any borough for any assessment made by any such report, but, upon the final termination of the issue, the court shall make such order as to the lien filed as shall appear right and proper.

Section 1451. *Discontinuance of Proceedings.*—If any borough shall repeal any ordinance, or discontinue any proceeding, providing for any of the improvements mentioned in this article, prior to the entry upon, taking, or injury to any property or materials, the borough shall not be liable to pay any damages which have been assessed, but all costs upon any such proceeding shall be paid by the borough, together with any actual damage sustained by reason of such proceeding.

Section 1452. *Assessments to Bear Interest.*—All assessments for benefits, costs, and expenses shall bear interest at the expiration of thirty days after they shall have been finally ascertained, and shall be payable to the treasurer of the borough.

## ARTICLE XV

### DAMAGES FOR INJURY TO PROPERTY

Section 1501. *Right to Damage Given in Certain Cases.*—The right to damages against boroughs is given to all owners or tenants of lands, property, or material, abutting on, or through which pass, roads, streets, lanes, or alleys injured by the laying out, opening, widening, vacating,

extending, or grading of such roads, streets, lanes, or alleys, or the changing of the grades or lines thereof; the construction and the vacation of bridges and piers, abutments and approaches therefor, and the construction of sewers over, upon, or through such lands or property.

Section 1502. *Juries of View to Assess Damages and Benefits.*—All juries of view for assessing damages or benefits for taking, using, occupying, or injuring land, property, or material, are directed to assess the damages, provided for in the preceding section, against boroughs, and the benefits in connection therewith, and make a report thereof to the court.

Section 1503. *Appeals from Viewers' Reports.*—The right of appeal to the court of common pleas, the right of trial by jury, and the right to file exceptions are given to any party not satisfied with such report.

Section 1504. *Appeals from Court Below.*—After disposal of exceptions, or after verdict and final judgment, any interested party may appeal to the Superior or Supreme Court, as in other cases.

Section 1505. *Damages for Vacations.*—Whenever viewers are appointed to vacate any road, streets, or highway, and the vacation of the same takes no land from the owner abutting thereon, if, in the opinion of the viewers, such vacation damages the property of the abutting owner, they may award damages to such owner as though land has been actually taken, and such damages shall be ascertained as provided in article fourteen (b) of this act.

#### ARTICLE XVI

##### LOCATING, OPENING, WIDENING, EXTENDING, STRAIGHTENING, AND VACATING STREETS

(a) SURVEYING, LAYING OUT, OPENING, WIDENING, STRAIGHTENING, EXTENDING, AND VACATING STREETS, ET CETERA, WITHOUT PETITION

Section 1601. *Proceedings Without Petition of Property Owners.*—Boroughs may survey, lay out, open, widen, straighten, extend or vacate streets, lanes, alleys, and courts, or parts thereof, without petition of property owners.

Section 1602. *Notice of Improvement.*—Ten days' notice of the contemplated improvement shall be given by the borough, by not less than ten handbills posted on the line of the proposed improvement, and in such notice shall be designated a time and place where objections thereto shall be heard.

Section 1603. *Ordinances.*—Any ordinance authorizing the exercise of any power conferred by section sixteen hundred and one of this article shall be adopted by the affirmative vote of three-fourths of the whole number of councilmen, and shall be approved by the burgess. No such ordinance shall be finally adopted until the expiration of twenty-eight days from the date of its introduction,

and, in the meantime, copies thereof shall be published in one or more of the newspapers of the borough, once a week for three consecutive weeks, immediately following the introduction thereof. In case no newspaper shall be published in the borough, then in one newspaper published in the county.

Section 1604. *Erection of Improvements.*—No owner or occupier of lands, buildings, or other improvement shall erect any buildings or make any improvements within the lines of the roads, streets, lanes, alleys, or courts laid out, widened, or straightened, or proposed to be laid out, widened, or straightened, after notice thereof. If any such erection or improvement shall be made, no allowance shall be had therefor in the assessment of damages.

Section 1605. *Procedure to Assess Damages and Benefits.*—Viewers shall be appointed, damages awarded, and benefits assessed, as provided in article fourteen in the case of property taken, injured or destroyed. Any costs and expenses, which cannot be assessed upon property benefited, shall be paid by the borough.

Section 1606. *Grade Damages to Be Included.*—In all cases of assessment of damages for the opening or widening of any street or highway in any borough, the award of damages, if any, shall include all damages due to the grade at which said street or highway is to be opened or widened; and the plan attached to the report of the viewers awarding the damages shall have therein a profile plan showing the existing grade as well as the grade to which said street or highway is to be opened and widened.

Section 1607. *Streets Declared Public Highways.*—Any street, lane, or alley so opened or opened by agreement of parties, is a public highway.

(b) OPENING, WIDENING, STRAIGHTENING, EXTENDING, AND VACATING STREETS, ET CETERA, ON PETITION TO THE COUNCIL

Section 1610. *Proceedings on Petition of Property Owners.*—Boroughs may, upon petition, open, widen, straighten, extend, or vacate streets and alleys, or parts thereof.

Section 1611. *Signing Petition.*—The petition shall be signed by a majority, in number and interest, of the owners of property abutting on the line of the proposed improvement, as fixed at the time of its presentation, and shall be verified by the affidavit of one or more of the petitioners. The majority in interest of owners of undivided interests in any piece of property shall be deemed as one person for the purposes of the petition.

Section 1612. *Notice of Ordinance and Petition; Appeal.*—Upon the approval of any ordinance passed pursuant to said petition, notice shall, within ten days, be given by handbills posted in conspicuous places along the line of the proposed improvement. The notice shall state the fact of the passage of the ordinance, and the date thereof, that the petition for the improvement was signed by a

majority in interest and number of the owners of property abutting the line of the proposed improvement, and that any person interested, denying the fact such petition was so signed, may appeal to the court of common pleas of the county within thirty days after the passage thereof.

Section 1613. *Appeal from Ordinance.*—Any person interested may, within thirty days from the passage of the ordinance, present a petition to the court of common pleas of the county, whereupon the court shall determine whether such improvement was petitioned for by the requisite majority. If said court shall find that it was not so petitioned for, it shall quash the ordinance; otherwise it shall approve the same.

Section 1614. *Effect of Failure to Appeal.*—If no appeal shall be taken, or if the court on appeal shall approve the ordinance, the borough may proceed with the improvement. Thereafter all parties interested shall be estopped from denying the fact that the petition was signed by the requisite majority of the property owners as required by section sixteen hundred and eleven of this article.

Section 1615. *Assessment of Damages and Benefits.*—Viewers shall be appointed, damages awarded, and benefits assessed as provided in article fourteen of this act, in the case of property taken, injured, or destroyed. In all cases of the assessment of damages for the opening or widening of any street or highway, the award of damages, if any, shall include all damages due to the grade at which said street or highway is to be opened or widened, and the plan attached to the report of the viewers awarding the damages shall have therein a profile plan showing the existing grade, as well as the grade to which said street or highway is to be opened and widened. Any costs and expenses which cannot be assessed upon property benefited shall be paid by the borough.

(c) OPENING, WIDENING, AND STRAIGHTENING ROADS PARTLY  
WITHIN A BOROUGH

Section 1620. *Proceedings Where Roads Partly in Borough.*—In opening, widening, and straightening roads partly within a borough, like proceedings shall be had as for the laying out and opening of public roads under the general road laws of the Commonwealth.

Section 1621. *Juries of View to Have Reference to Town Plot.*—Every jury appointed to view, lay out, widen or vacate any road, or part of a road, in any borough so laid out, shall have reference to the town plot and to the general arrangement, convenience, and advantage of the borough, and shall set forth the facts fully in their report.

Section 1622. *Payment of Damages.*—All damages assessed, beyond the value of the land appropriated to public use, shall be paid by the borough, and the jury shall separately assess the same.

Section 1623. *Petitions for Assessment of Damages.*—Petitions for the assessment of damages for the opening or

widening of any road or highway, when the damages are not assessed by the view opening the road, may be filed in the court of quarter sessions, within the period of six years from the confirmation of any report or the entry of any decree opening such road or highway. All claims shall be barred after the expiration of the period of six years.

Section 1624. *Improvements Erected Within Lines Laid Out.*—No owner or occupier of lands, buildings, or improvements shall erect any building, or make any improvements, within the lines of the roads laid out, widened or straightened, or proposed to be laid out, widened or straightened, after notice thereof, and, if any such erection or improvement shall be made, no allowance shall be had therefor in the assessment of damages.

Section 1625. *Alteration of Roads by Agreement.*—Whenever the authorities of any borough deem it advisable to construct or change any part of any public road under their supervision, and can agree with the property owners affected as to the damages, upon the payment of the damages agreed upon, the borough may change or alter such public road without the formality of a view.

Section 1626. *Petitions for Change of Road.*—Before any change is made in any such road, a petition setting forth the facts, accompanied by a map, shall be presented to the court of quarter sessions, and, if approved by the court, the new location shall be taken to be the public road and the old location shall be deemed vacated.

Section 1627. *Limitation of Cost of Change.*—The authority conferred in section one thousand six hundred and twenty-five of this article shall not extend to any change, the costs and expenses of which, to the borough, including damages, shall exceed three hundred dollars.

(d) TIME WITHIN WHICH STREETS ARE TO BE OPENED

Section 1630. *When Roads to Be Opened.*—Whenever any borough shall pass an ordinance authorizing the laying out or surveying of any road, street, lane, alley, or court over any private property, the proceedings to open the same, and to assess the damages arising therefrom, shall be had not later than two years from the passage thereof.

Section 1631. *When Roads Not to Be Opened.*—Whenever any street, lane, or alley shall be laid out by any person, and has not been opened to, or used by, the public for twenty-one years, such streets, lanes, or alleys shall not thereafter be opened without the consent of the owners of the land on which the same has been so laid out.

(e) VACATION OF ROADS LAID OUT BY THE COMMONWEALTH

Section 1640. *Vacation of Commonwealth Roads Unopened.*—Boroughs may vacate, in whole or in part, streets, lanes, and alleys within their limits, laid out by the Commonwealth, whenever the same shall have remained unopened for a period of thirty years.

Section 1641. *Assessment of Damages and Benefits.*—

In exercising the power provided for in the preceding section, the proceedings for the ascertainment of damages and the assessment of benefits shall be as provided for in article fourteen of this act.

(f) VACATION OF LANES AND ALLEYS DECLARED NUISANCES  
BY BOARD OF HEALTH

Section 1650. *Petitions to Vacate Nuisances.*—Whenever the board of health of the borough shall declare as a nuisance any public alley, lane, or passageway, any two or more owners of property adjacent or abutting upon the same may present their petition, verified by oath or affirmation, to the court of quarter sessions, setting forth the facts regarding such nuisance and praying that said alley, lane, or passageway may be vacated. Such petition shall be accompanied by a certificate of the board of health, setting forth that they have declared such alley, lane, or passageway to be a public nuisance.

Section 1651. *Jury of View.*—The court shall thereupon appoint a jury of view of three men of the county. The jury, being sworn or affirmed to faithfully perform its duties, shall give notice to all parties likely to be affected by the proceedings, of the time and place of the first meeting, in such manner as the court shall direct.

Section 1652. *Hearings and Report.*—After the first meeting, the jury shall proceed to view the premises, hear all parties interested and their witnesses, and shall prepare a report of finding and recommendations as to whether or not such alley, lane, or passageway, or part thereof, should be vacated; and in such report shall award damages and assess benefits to the property affected.

Section 1653. *Notice of Filing Report.*—The jury shall give notice, in writing, to all parties affected by their report, at least ten days before the same is filed in court. The notice shall state the time and place where such report will be open to inspection.

Section 1654. *Exceptions to Report.*—Any person aggrieved by such report may file exceptions thereto with the jury, whereupon the jury shall reconsider their report, with the exceptions, and change the same as justice may require. The report as finally prepared shall be filed in court.

Section 1655. *Appeals from Report.*—Any person affected by the report shall have an appeal to the court of common pleas, within thirty days after the report is filed, and the procedure on such appeal shall be the same as in actions of trespass.

Section 1656. *Confirmation of Report.*—At the end of the period allowed for an appeal, the report shall be absolutely confirmed by the court as to such awards or assessments from which no appeals have been taken.

Section 1657. *When Vacation Proceedings not to Be Had.*—No alley, lane, or passageway shall be vacated in any case where the vacating deprives any lot abutting thereon

of the sole means of ingress or egress, otherwise than to or from the front line thereof; nor where it was created by grant or contract and not theretofore accepted by the public.

(g) PLANS AND LOCATION OF STREETS

Section 1660. *General Plan of Streets.*—Every borough shall have a general plan of its streets and alleys, including those which have been laid out but not opened.

Section 1661. *Filing Plans; Subdivisions.*—The plan shall be filed in the office of the engineer, or other proper office of the borough, and all subdivisions of property thereafter made shall conform thereto.

Section 1662. *Alterations; Maps and Plots to be Approved.*—The location of streets or alleys laid out by council shall not afterwards be altered without the consent of council; and no map or plot of streets or alleys shall be entered in any public office of the county until approved by council.

Section 1663. *Location of Streets.*—Boroughs may, by ordinance, locate streets and alleys, and include therein streets and alleys theretofore opened or used for highway purposes; and may locate streets or alleys theretofore opened or used for highway purposes of a greater width; and may revise the lines of such streets or alleys in accordance therewith, and place the same on the general plan of such borough. All subdivisions of property thereafter made shall conform thereto.

Section 1664. *Locations Not to Authorize Entry.*—No such location shall authorize the entry upon or appropriation of any property, within such located street or alley, not theretofore opened or used for highway purposes, nor shall the same interfere in any way with the rights of the owners to the full use of such property.

Section 1665. *No Damages Allowed for Erections upon Located Streets.*—No person shall recover any damages for the taking for public use of any buildings or improvements constructed within the lines of any located street or alley, after the same shall have been so located; and any such building or improvement shall be removed at the expense of the owner.

(h) GRADE CROSSINGS

Section 1670. *Consent of Public Service Commission.*—Every borough constructing a highway across a railroad, shall construct the same above or below the grade thereof, unless permitted by the Public Service Commission to construct the same at grade.

Section 1671. *Public Service Commission; Jurisdiction; Damages.*—Any such crossing of a railroad by a highway, or any vacation of any highway crossing a railroad, shall be constructed only in the manner prescribed by, and under the jurisdiction of, the Public Service Commission. The compensation for damages to the owners of adjacent

property taken, injured, or destroyed, shall be ascertained, fixed, and paid in the manner prescribed in the Public Service Company Law.

ARTICLE XVII  
STREET IMPROVEMENT

(a) GRADING, PAVING, AND CURBING STREETS AND ASSESSMENT OF DAMAGES

Section 1701. *Power to Grade and Pave.*—Boroughs may lay out, establish, or change the grades of, and may pave and curb, streets, roads, lanes, and alleys, as parts thereof.

Section 1702. *Notice of Proposed Improvement.*—At least ten days' notice shall be given, by not less than ten handbills posted on the line of the proposed improvement, of any proposition to establish or change the grades of, or to pave and curb, streets, roads, lanes, or alleys, and, in such notice, a time and place shall be designated where objections thereto shall be heard.

Section 1703. *Assessments of Damages and Benefits.*—Whenever any street, road, lane, or alley is so graded, or changed in grade, or paved, or curbed, and private property is damaged thereby, the damages may be awarded, and benefits, costs, and expenses, where costs and expenses are not assessed according to the foot-front rule, may be assessed, as provided in article fourteen of this act in the case of property taken, injured, or destroyed.

(b) GRADING, CURBING, PAVING, MACADAMIZING STREETS ON PETITION AND ASSESSMENT ACCORDING TO BENEFITS

Section 1705. *Proceedings on Petition.*—Upon the petition of a majority of property owners in interest and number, abutting on the line of any proposed improvement, to be verified by the affidavit of at least one of the petitioners, a majority in interest of owners of undivided interests in any piece of property to be treated as one person, a borough may grade, curb, pave, or macadamize, or otherwise improve, any street or alley, or part thereof, or which may be, in whole or in part, boundaries thereof, and provide for the necessary drainage thereof; and may also provide for the improvement of any street, road, lane, or alley, and any sections or parts thereof, in length, in the space between the curb, gutter, or actual carriage-way line and the property line, either by an original work or improvement thereon, or by a change, repair, renewal, or alteration in the said highway, curb, parking spaces, or shade trees, or by changing, altering, renewing, replanting, pruning, or otherwise improving the same, in any or all of said particulars.

Section 1706. *Notice.*—The majority in interest and number required for such petitions shall be fixed as of the date of such petition. After the passage of any ordinance for the grading, curbing, paving, or macadamizing, or otherwise improving any street or alley, notice shall be



given, within ten days thereafter, by handbills posted in conspicuous places along the line of the proposed improvement.

Section 1707. *Contents of Notice.*—The notice shall state the fact and the date of the passage of such ordinance, that the petition for the improvement was signed by a majority in interest and number of owners of property abutting on the line of the proposed improvement, and that any person interested, denying the fact that said petition was so signed, may appeal to the court of common pleas of the county, within thirty days from the passage of the ordinance.

Section 1708. *Appeals from Ordinance.*—Any person interested may, within thirty days from the passage of such ordinance, present a petition to the court of common pleas of the county, setting forth the facts; whereupon the court shall determine whether such improvement was petitioned for by the requisite majority. If the court shall find that it was not so petitioned for, it shall quash the ordinance; but, if it shall find that it was so petitioned for, it shall approve the same. If no appeal shall be taken, or if the court, on appeal, shall approve the ordinance, the borough may proceed with the improvement, and thereafter all parties shall be estopped from denying the fact that such petition was properly signed.

Section 1709. *Assessment of Damages and Benefits.*—On petition, viewers shall be appointed, as provided in article fourteen of this act, who shall assess the damages, costs, and expenses of such grading, curbing, paving, or macadamizing, or parking, shade tree planting, or changing, altering, renewing, replanting, pruning, or improving, including the expenses for necessary drainage, upon the property benefited, according to benefits, if sufficient can be found; but, if not, the deficiency, when ascertained, shall be paid by the borough. The proceedings of the viewers and the proceedings on their report shall be as provided in article fourteen of this act.

(c) GRADING, CURBING, PAVING OR MACADAMIZING STREETS AND COLLECTION OF COST BY FOOT-FRONT RULE

Section 1712. *Proceedings With or Without Petition.*—Boroughs, with petition or without petition, may grade, curb, gutter, pave, macadamize, or otherwise improve, streets, lanes, and alleys 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 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. 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 and alley 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: Provided, That the petition states that the total cost may be assessed on the abutters.

Section 1713. *Notices of Assessments.*—The secretary of the borough shall cause thirty days' notice of the assessment to be given to each party assessed, either by service on the owner or his agent, or left on the assessed premises.

Section 1714. *Collection of Assessments.*—If any assessment shall remain unpaid at the expiration of the notice, it shall be the duty of the borough solicitor to collect the same, with interest from the time of completion of the improvement, by action of assumpsit, or by a lien to be filed and collected in the same manner as municipal claims. When an owner has two or more lots, against which there is an assessment for the same improvement, all of such lots shall be embraced in one claim.

(d) GRADING, CURBING, PAVING, MACADAMIZING, BOUNDARY STREETS AND STREETS OUTSIDE LIMITS

1. By Agreement with Municipalities and Townships:

Section 1725. *Agreements to Improve Boundary Streets.*—Boroughs may enter into agreements with adjoining municipalities and townships for the grading, curbing, paving or macadamizing of streets and alleys which may be boundaries between such boroughs and municipalities or townships, and may provide in such contract that the damages, costs, and expenses of such improvement shall be divided between such boroughs, municipalities or townships in the proportion agreed upon.

Section 1726. *Petition of Property Owners.*—In grading, curbing, paving, or macadamizing such streets or alleys, boroughs shall exercise such power, only upon petition of a majority of the property owners in interest and number abutting the line of the proposed improvement within the borough limits, to be verified by the affidavit of at least one of the petitioners, a majority in interest of owners of undivided interests in any piece of property to be treated as one person, asking that such improvement be made.

Section 1727. *Assessment of Damages and Benefits.*—The portion of the damages, costs, and expenses agreed to

be paid by the borough, shall be ascertained and the benefits incident thereto shall be assessed and collected in the manner provided in article fourteen of this act; but the borough may agree to pay any part of the costs, damages, and expenses of such improvements out of the general funds.

## 2. By Agreement with Counties and Townships:

Section 1730. *Proceedings to Improve Boundary Roads.*—Whenever the center line of any highway constitutes the dividing line between any borough and a township located in the same county, and the borough shall enter into a contract with the commissioners of the county and the commissioners or road supervisors of the township, to grade, curb, pave, or macadamize such highway, in accordance with the provisions of the act of the twentieth day of May, one thousand nine hundred and thirteen, page two hundred and sixty-seven, entitled “An act, providing a method whereby highways, the center line of which constitutes a dividing line between a city or borough and a township in the same county, may be altered or improved and the cost thereof apportioned,” or any amendments thereto, such alteration or improvement shall be constructed and subsequent repairs shall be made under the supervision of the authorities of the borough, and in compliance with the plans to be agreed upon, in writing, between such borough and the commissioners of the county and the commissioners or road supervisors of the township. One-half of the cost of such repairs shall be borne by the borough.

## 3. Streets More Than One-half the Width of Which Are Within the Borough:

Section 1735. Whenever any street, alley, or highway, more than one-half the width of which is within the limits of any borough, shall divide the said borough from any other municipality or township, located within the same county, such street, alley, or highway may be improved by the borough within which the greater width is located, in the same manner as if the said street, alley, or highway were entirely located within the limits of said borough.

The property abutting on the side of said street, alley, or highway, which is located outside the limits of the borough making such improvements, shall, for a depth of one hundred and fifty feet, plus one-half the width of said street, alley, or highway, from its center line, be assessed for any and all municipal improvements to or on the said street, alley, or highway, in the same manner as such property would be assessed under the laws of the Commonwealth if it were entirely located within the limits of such borough.

## 4. Assessment on Property Outside Limits Where Boundary Line Street Entirely Within Borough:

Section 1740. Wherever any street or alley, entirely within the limits of any borough, shall divide such borough from any other municipality or township, located in the

same county, the property on the side of the street or alley opposite the line of the borough, shall, for the depth of one hundred and fifty feet, be assessed for municipal improvements on such streets or alleys on which such property shall abut, in the manner provided by this article for assessments by the foot-front rule; and such improvements may be made, assessed, and collected in accordance with the provisions of this article for assessments by the foot-front rule.

#### 5. Streets Outside Limits:

Section 1745. *Appropriations to Improve Connecting Links.*—Boroughs may, singly, or jointly with boroughs, cities, or counties, appropriate and expend moneys for the improvement of highways outside of the limits of such boroughs, for the purpose of connecting improved streets in such boroughs with State or State-aid highways. No such highway shall be improved which shall be more than one mile in length.

#### (e) MAINTENANCE AND IMPROVEMENT OF CONDEMNED AND ABANDONED TURNPIKES

Section 1750. When any turnpike, or part thereof, situate in the same or more than one county, shall be condemned for public use, free of tolls, and the assessment of damages therefor shall have been paid by the county; or when any turnpike company or association has abandoned its turnpike, or any part thereof; or when any turnpike company or association has been dissolved, such turnpike, or part thereof, located within the limits of any borough, shall be maintained and improved in the same manner as other streets of the borough.

#### (f) MAINTENANCE AND IMPROVEMENT OF STREETS CONNECTING COUNTY ROADS

Section 1755. *Maintenance of Roads Improved By Counties.*—Whenever any county shall improve any road located within any borough, under the provisions of an act, approved the thirteenth day of May, one thousand nine hundred and nine, page five hundred and twenty-seven, entitled "An act amending an act, approved the twenty-second day of April, Anno Domini nineteen hundred and five, entitled 'An act to amend an act, entitled "An act providing for the permanent improvement of certain public roads or highways in the several counties of this Commonwealth, making such improved roads and highways county roads; authorizing the relocation, opening, straightening, widening, extension, and alteration of the same and the vacation of so much of any such road as may thereby become unnecessary; authorizing the taking of property for such improvement and providing for the compensation therefor and the damage resulting from such taking; providing for the payment of the costs and expenses incurred in making such improvements, and in thereafter repairing and maintaining said road, and

authorizing the levy of a tax to provide a fund for such purposes," approved June twenty-sixth, one thousand eight hundred and ninety-five; providing that public roads and highways may be constructed, improved, and maintained by the several counties of the Commonwealth as county roads, whether existing by other authority or laid out in whole or in part by virtue of this act; and providing that public roads and highways may be originally located, laid out, and established for the purpose of such construction, improvement, and maintenance by the several counties, in the manner and by the procedure set out in the amended act, and subject to other provisions thereof; providing for the laying out of a system of main thoroughfares, to which the establishing, construction, improvement, and maintenance of public roads by the counties shall be restricted after January one, one thousand nine hundred and seven; but providing for such establishing, construction, improvement, and maintenance of roads not part of said system, upon parties interested paying not less than one-fourth of the original cost of construction; and providing that the county commissioners of any county may provide rules regulating the use of roads constructed and maintained by the counties; and prescribing the penalties for the violation thereof,' and providing that public roads and highways located, established, constructed, and improved by the several counties, in the manner and by the procedure set out in the said acts, shall thereafter be township or borough roads, and be maintained and improved by the proper township or borough," or any amendments thereto, such road shall, by ordinance enacted by the borough council, become a borough road, and the duty of maintaining the same in repair shall devolve upon the borough in which such road lies.

Section 1756. *Agreements to Improve Connecting Links Between County Highways.*—Whenever any road is improved by a county, in accordance with the provisions of an act, approved the eleventh day of May, one thousand nine hundred and eleven, page two hundred and forty-four, entitled "An act providing for the original location, laying out, and construction of public roads or highways in the several counties of this Commonwealth, and for permanent improvement of certain public roads or highways therein; making such originally constructed or improved roads and highways county roads; authorizing the relocation, opening, straightening, widening, extension, and alteration of the same, and the vacation of so much of any road as may thereby become unnecessary; providing that the county commissioners of any county may prescribe rules regulating the use of roads constructed or maintained by the various counties, and prescribing penalties for the violation thereof; providing for the taking of property for such improvement, the compensation to be paid therefor, and the payment of damages resulting

from such taking, and the manner in which such damages may be determined; providing for the payment of the costs and expenses of such construction or improvement and in thereafter repairing and maintaining said roads; authorizing the levy of a tax or the issuing of bonds to provide a fund for the expense thereof; prescribing a method for improving a county road lying within or traversing a borough, and apportioning the cost of such improvement; and authorizing the vacation of any county road," and its amendments, and when a borough intervenes between two ends of such county highway, and the borough has failed to improve the street or streets constituting the shortest and most reasonable route through the borough, which will connect the two ends of such highway, the council of the borough may, by ordinance, contract with the county commissioners, that the shortest and most reasonable route through such borough be improved; or when an improved county highway terminates at the limits of a borough in the same or another county, and connects with a borough street which the borough has failed to improve, and the county commissioners deem the improvement of such borough street necessary, in order to make such highway accessible to the traveling public, the council of the borough may, by ordinance, contract with the county commissioners for the improvement of such street.

Section 1757. *Payment for Improvements.*—Whenever an improvement is made to a borough street, pursuant to the preceding section, the cost of such improvement may be divided between the borough and the county. The borough ordinance authorizing the improvement shall stipulate what percentage of the cost, if any, the borough and county shall pay. The contract for such improvement may be taken by the borough, upon the stipulation of the county to pay its proportionate share of the cost, or the improvement may be made by joint contract with the county.

Section 1758. *Maintenance Agreements.*—Before any highway is so improved the borough shall agree with the county commissioners for the maintenance of such highway. Such agreement may provide that such highway shall be kept and maintained in repair by the borough, or by the county, and in the latter case the cost thereof shall be paid by the borough to the county.

#### (g) EXPENDITURES FOR STREET IMPROVEMENTS

Section 1760. The authorities of any borough, in addition to the method of paying for improvements prescribed in this article, may expend not exceeding one-half of the annual appropriation for roads and streets in curbing and paving or macadamizing any street, lane, or alley, or part thereof.

(h) USE OF ABUTTING LANDS FOR EMBANKMENTS, SLOPES,  
FILLS, AND CULVERTS

Section 1765. In the grading of any street, lane, or alley, or any part thereof, boroughs are hereby authorized and empowered to use so much of the lots and lands abutting on the same for the construction of embankments, slopes, fills, and culverts, as may be necessary and proper for the completion of the improvement; and the assessment of damages, costs, and expenses, resulting thereby, shall be regarded as other assessments of damages, costs, and expenses, caused by the grading of streets, lanes, and alleys in said borough, and shall be assessed and paid as is provided by article fourteen of this act.

## (i) SPECIAL TAX AND SINKING FUND FOR STREET IMPROVEMENT

Section 1770. *Special Road Sinking Fund Tax.*—The several boroughs are hereby empowered to levy and collect annually a tax upon all property, taxable for borough purposes, not to exceed five mills on the dollar in any one year, for the purpose of creating and maintaining a sinking fund, to be used by such borough in making permanent street improvements, and to pay contract prices for paving and other permanent street improvements, prior to the collection of the cost and expense or any part thereof from the property owners adjoining or abutting thereon by such borough under existing laws.

Section 1771. *Repayments Into Sinking Fund.*—When the cost and expense, or any part thereof, of the construction of any permanent street improvement, which has been made under existing laws, and which has been aided in its construction from the said sinking fund hereby provided for, shall have been assessed and collected from the owners of the property adjoining or abutting upon such improvement, it shall be applied to the credit of the said sinking fund, to the extent of the withdrawal therefrom for such purpose.

(j) COLLECTION BY INSTALMENT OF COST OF GRADING AND  
IMPROVING STREETS

Section 1775. *Ordinances for Instalment Payments.*—When any borough shall authorize the grading, sub-grading, or the permanent paving and improvement, of any streets or alleys, or parts thereof, and the entire costs, or any part thereof, shall be assessed against the properties abutting on such improvement, whether by the foot-front rule or according to benefits, the council may provide in the ordinance that the assessment may be paid in semi-annual or annual instalments. Such instalments shall bear interest, at a rate not exceeding six per centum, from the date of the commencement of the work or the construction of such improvement.

Section 1776. *Issue of Bonds.*—In order to provide for the payment of the cost and expenses of such improvement, the council of such borough may, from time to

time, issue bonds, in such sums as may be required, in all to an amount not exceeding the amount of assessments. The bonds shall bear the name of the street or alley to be improved, and shall rest alone for their security and payment upon such assessments; and shall be payable at periods not exceeding five years from the date of their issue, to be provided in the ordinance directing the improvement.

Section 1777. *Sale of Bonds; Interest.*—The bonds shall bear interest at a rate not exceeding six per centum per annum, payable semi-annually or annually, as the ordinance shall direct; and shall be negotiated at not less than par, and the proceeds thereof applied solely to the payment of such improvement. In case the bonds are not negotiated by the council, they may be delivered to the contractor in payment of the work, but when so delivered must be at not less than par.

Section 1778. *Entry of Liens.*—Liens to secure the assessments shall be entered in the prothonotary's office of the county, in the same form and collected in the same manner as municipal claims are filed and collected.

Section 1779. *Assessments; Where Payable.*—Such assessments shall be payable at the office of the borough treasurer, or such other place as the ordinance shall provide, in semi-annual or annual instalments, with interest at the rate provided from the date from which interest is computed on the amount of the assessments. The moneys so received by the borough shall be applied to the payment of such bonds exclusively.

Section 1780. *Default in Payment of Instalment.*—In case of default in the payment of any instalment and interest for a period of sixty days after the same shall become due, the entire assessment and accrued interest shall become due; and the borough solicitor shall proceed to collect the same under the general laws relating to the collection of municipal claims.

Section 1781. *Payments in Full; Subdivisions of Property*—Any owner of property, against whom any such assessment has been made, may pay the same in full, at any time, with interest thereon to the next semi-annual or annual payment, and such payment shall discharge the lien. If any owner shall subdivide any property after the lien attaches, he may, in like manner, discharge the same upon any subdivided portion thereof by paying the amount for which such part would be liable.

Section 1782. *Registration of Bonds.*—Whenever any borough shall so issue bonds the treasurer of the borough shall keep a registry book in which the bonds shall be registered. Such registry shall show the date of the issue of the bond, the amount of the bond, and the name and address of the person, firm, or corporation to whom the same was issued, which shall also be noted on the back of such bond.

Section 1783. *Transfer of Bonds.*—The bonds may be



transferred at any time, and the treasurer shall make the proper entry of any such transfers in the registry book and on such bonds, and shall file all assignments among the records of the borough. Payment of such bonds and interest thereon shall be made only to the last registered owner.

## ARTICLE XVIII

## SIDEWALKS

## (a) GRADING, PAVING, REPAIRING SIDEWALKS, CURBS, AND GUTTERS

Section 1801. *Power to Ordain and Lay Out.*—Boroughs may ordain and lay out sidewalks, curbs, gutters, and drains on the streets of the borough.

Section 1802. *Establishment of Grades.*—Boroughs may establish a grade or grades for footways or sidewalks, which grade or grades may be separate and apart from the grade or grades established for the cartway or roadway.

Section 1803. *Sidewalks on Turnpikes and State Highways.*—Boroughs may ordain and lay out sidewalks, gutters, and drains upon the beds of turnpike roads or State highways, with the consent of companies controlling such turnpikes, or the State Highway Commissioner.

Section 1804. *Sidewalks on Lands Abutting State Highways.*—Boroughs may ordain and lay out sidewalks, gutters, and drains upon lands abutting the sides of State highways, and upon land abutting the sides of public roads, where such roads are outside the borough limits, and the land upon which such sidewalks are to be laid out is within the borough limits.

Section 1805. *Width of Sidewalks; Grading and Paving.*—Boroughs shall fix the width of all sidewalks; and may require the grading, paving, and repairing of sidewalks, and the constructing and repairing of curbs and gutters at the edge of sidewalks, by the owners of lots fronting thereon.

Section 1806. *Borough May Pay Part of Cost.*—The borough may pay a portion of the cost and expense of grading and curbing sidewalks.

Section 1807. *Borough May Do Work; Collection of Cost.*—Upon the neglect of any owner of lots to comply with the requirements as provided in the preceding sections of this article, the borough may, after notice, cause the grading, paving, repairing, curbing, and guttering to be done at the cost of such owner, and may collect the cost thereof and ten per centum additional, together with all charges and expenses, from such owner, and may file a municipal claim therefor or collect the same by action in assumpsit.

Section 1808. *Service of Notice.*—All such notices shall be served upon the owner of the premises to which the notice refers, if such owner be a resident of the borough. If the owner is not a resident, then the notice may be served upon the agent or tenant of the owner, or upon

the occupant of such premises. If the owner have no agent or tenant or there be no occupier of such premises, then service shall be by printed or written notice posted upon the premises.

(b) LAYING OUT SIDEWALKS, GUTTERS, AND DRAINS ALONG  
THE SIDES OF TURNPIKE ROADS

Section 1810. *Sidewalks on Lands Abutting Turnpikes.*—Boroughs may ordain and lay out sidewalks, gutters, and drains upon land abutting the sides of turnpike roads, and may fix the width thereof.

Section 1811. *Appointment of Viewers.*—Whenever any borough shall open, lay out, and ordain sidewalks, gutters, and drains upon lands abutting along the sides of turnpike roads, the borough may apply, by petition, to the court of common pleas, setting forth the facts, and describing the locality of such sidewalks, gutters, and drains, and praying the court to appoint three viewers from the county board of viewers.

Section 1812. *Duties of Viewers.*—The viewers shall view the premises described in the petition and, having regard to the advantages and disadvantages caused to the property along the line of such improvement, shall allow to all persons injured thereby such damages as they shall have sustained over and above all advantages, and shall make all assessments for contribution upon such properties as shall be benefited.

Section 1813. *Report of Viewers.*—The viewers shall report to the next session of the court, describing the properties upon which assessments have been made, specifically stating whether for contribution or for damages with the amounts respectively, and the court may at any subsequent session, on the hearing of such parties as choose to contest the same, modify and confirm the report, which confirmation shall be final. The borough may collect such assessments for contribution by municipal claim or by action of assumpsit.

(c) EMERGENCY REPAIRS TO SIDEWALKS

Section 1815. *Emergency Repairs; Notice.*—In addition to the remedies now vested in the borough of this Commonwealth to make repairs to sidewalks, the said boroughs shall have power to make emergency repairs to sidewalks within corporate limits, where, in the opinion of the officer or head of the department or committee lawfully having charge of sidewalk repairs, a dangerous condition exists that can be repaired by an expenditure of not more than twenty-five dollars. Before the said repairs are made, a notice to make the repairs within forty-eight hours shall be served upon the owner of the said property. If the owner cannot be served within the county, notice may be served upon the agent of the owner, or the party in possession, if any there be, or, if there be no agent or party in possession, the notice may be served by posting upon the most public part of the said premises.

Section 1816. *Collection of Costs.*—Upon the completion of the work, the cost thereof shall be a charge against the owner of the property, and shall be a lien, until paid, upon the abutting property, provided a claim is filed therefor in accordance with the law providing for the filing and collection of municipal claims.

Section 1817. *Limitation on Cost.*—This subdivision is intended to provide an additional remedy for boroughs in connection with emergency repairs, where the actual cost of doing the work does not exceed twenty-five dollars, and the certificate of the officer or head of the department or committee in charge of repairs to sidewalks shall be conclusive evidence of the existence of the emergency justifying the repair under the terms of this act.

## ARTICLE XIX

### CONTRACTS WITH STREET RAILWAYS

Section 1901. *Power to Contract.*—To secure the removal of any street railway tracks, or to prevent the laying of any tracks authorized to be laid, or to change the route of any street railway on any street, a borough may, subject to the approval of the Public Service Commission, enter into a contract with a street railway or motor power company, owning, leasing, or operating such tracks, for a period not exceeding fifty years, for such considerations and upon such conditions as may be agreed upon.

Section 1902. *Covenants.*—Such contract may include a covenant providing that, during the continuance thereof, municipal consent shall not be granted to any other company to use, for street railway or passenger transportation purposes, any streets covered by such contract. Such covenant may be enforced by bill in equity against the borough. The contract may also provide for the laying or relaying of tracks, upon such terms and upon such conditions as may be agreed upon.

## ARTICLE XX

### BRIDGES AND VIADUCTS

#### (a) GENERAL POWER

Section 2001. *General Powers.*—Boroughs may construct bridges, and the piers and abutments therefor, and in exercising such power shall have the right to take, use, and occupy private property.

Section 2002. *Proceedings.*—Whenever any borough shall build any bridge, and the piers and abutments therefor, the same procedure shall be had as provided in article sixteen of this act, relating to the opening, widening, and straightening of streets, and all damages shall be awarded and benefits assessed as provided in article fourteen of this act.

Whenever in the laying out, opening, widening, extending, straightening, or grading of streets, it becomes

necessary to build bridges, piers, and abutments therefor, the proceedings therefor shall be, in the case of opening, widening, extending, or straightening streets, as provided in article sixteen; and in the case of grading streets, as provided in article seventeen; and all damages shall be awarded and benefits assessed as provided in article fourteen of this act.

(b) OVER BOUNDARY STREAMS

Section 2005. *Power to Construct Boundary Bridges.*—Whenever a creek, over which a bridge may be necessary, shall be on the division line of a borough and municipality or township, the borough shall unite with such municipality or township in the construction and maintenance of such bridge, and pay an equal share of the expenses incident thereto.

(c) OVER RAILROADS

Section 2010. *Power to Erect Across Railroads.*—Boroughs may build bridges or viaducts over railroads, rivers, creeks, streams, and private property, or over railroads and any of them, or over railroads only, whether the bridges or viaducts be wholly or partly within the borough limits, for the purpose of uniting two or more streets or separate portions of the same street. Such bridges and viaducts must in all cases cross railroads.

Section 2011. *Proceedings.*—Boroughs may provide for the laying out and opening of the routes or locations for such bridges and viaducts, which shall be public highways. The proceedings for the laying out and fixing such locations, and for the opening thereof, shall be as provided in article sixteen of this act for the laying out and opening of streets, except that no petition of property owners shall be required therefor.

Section 2012. *Proceedings to Assess Damages and Benefits.*—In case the borough has not agreed with the owner of any land for the damages done, or likely to be done, by the erection of any such bridge or viaduct, the borough may appropriate the lands and property necessary; and the damages and benefits caused by such appropriation shall be assessed by viewers in the manner provided in article fourteen of this act.

Section 2013. *Contracts For Payment of Damages.*—The borough shall also have power to enter into a contract with the county commissioners, and also with railroads, street railways, and other companies, or parties interested, for the building and maintenance of such bridges or viaducts, and for the payment of any damages caused by the location or erection thereof.

Section 2014. *Maintenance.*—Nothing contained in the preceding section shall authorize a borough to contract with a county for the maintenance of any bridge or viaduct which does not cross a place over which the county is authorized to build bridges; but such viaduct or bridge shall be maintained as a borough structure, and the bor-

ough is authorized to contract with any party interested, except the county, for the maintenance of the same.

Section 2015. *Covenants of Contracts.*—The contracts herein provided for may stipulate that the borough, county railroad company, street railway, or other company or party interested, shall pay a certain part of the contract price of the work, including damages; or may stipulate that each shall construct a certain portion of the work, and may provide otherwise for the payment of damages.

Section 2016. *Payments by Railroad Companies.*—When any railroad company, street railway, or other company or party interested, agrees to pay a certain portion of the cost of such work, it shall pay the same into the borough treasury; and the borough treasurer shall pay the same over to the contractor, as may be provided in the contract; but the amount to be paid by the county shall be paid directly to the contractor. The agreements may provide for the maintenance of the bridges and viaducts after their erection.

Section 2017. *Plans; Bids.*—After any such contract has been entered into, the borough, in conjunction with the county commissioners, shall have prepared plans and specifications of the entire work, and shall advertise for bids and award the contract to the lowest responsible bidder.

Section 2018. *Covenants of Contract.*—The contract for the work shall provide that the county shall pay its certain part of such bridge or viaduct, and the borough shall contract for the other part of the work; but the contract as to the borough's part shall be based upon the appropriation made by the borough for the part of the work for which it had agreed to pay, and the remaining part of the contract price shall be based upon the amounts the other parties have agreed to pay.

Section 2019. *Contractor May Sue on Contract.*—The contractor shall have a right of action against each party uniting in the contract provided for in this subdivision, for the part thereof agreed to be paid by each party.

Section 2020. *Proceedings Where County Does Not Join.*—In case the county commissioners do not unite in the contract, the borough may contract for the construction of such bridge or viaduct, and may pay for the entire work, or may contract with all or any of the other parties for such work. Plans and specifications shall be prepared and advertisement shall be made for bids by the borough, and the contract shall be let in the manner hereinbefore provided.

Section 2021. *Recording Contracts.*—Any of the contracts provided for may be recorded in the recorder's office of the county, and such record shall be notice to all persons who might be affected thereby.

(d) CONDEMNATION OF TOLL-BRIDGES

Section 2025. *Power to Purchase or Condemn; Contracts.*—Boroughs may purchase, condemn, and maintain any

toll-bridge crossing any river or stream within the limits of such borough, and may also enter into contracts with the county commissioners whereby the county shall pay a portion of the costs thereof.

Section 2026. *Appointment of Viewers.*—If the borough is unable to agree with the owner of the bridge for the price to be paid, any court of common pleas, or any law judge thereof in vacation, on application of the borough by petition, shall appoint three persons as viewers, and appoint a time, not less than ten nor more than twenty days thereafter, when the viewers shall meet and view the same together with the approaches thereto.

Section 2027. *Proceedings to Assess Damages.*—The proceedings before such viewers for the assessment of damages for property taken, injured, or destroyed, and the proceedings on their report, shall be the same as provided in article fourteen of this act.

Section 2028. *Discontinuing Proceedings.*—If any borough shall discontinue any proceeding taken providing for the appropriation of any such bridge, prior to the entry upon the same, and before judgment therein, the borough shall not be liable to pay any damages; but all costs upon any such proceeding, together with any actual damage sustained by reason of such proceeding, shall be paid by the borough, and such damage shall be fixed by the court.

Section 2029. *Contracts With Counties.*—Any borough may also enter into a contract with the county commissioners, upon such terms and conditions as may be agreed upon, for the purchase or condemnation of any such bridge. The contract may stipulate that the borough and county shall each pay a certain portion of the purchase price, or the damages allowed by any condemnation proceeding, and may also provide for the maintenance and repair of such bridge. The amount to be paid by the county shall be paid into the borough treasury, and shall be applied solely to the payment of such bridge.

Section 2030. *Collection of Tolls.*—Whenever any bridge shall be purchased or condemned, the borough shall maintain the same as a public bridge, but the borough may charge tolls or rentals for the use thereof, from railways, telephone and telegraph companies, and other persons making a use thereof, for other than ordinary foot and vehicle travel.

Section 2031. *Assignment of Existing Contracts.*—All existing contracts between persons, firms, or corporations, and the owners of the bridge, shall be preserved for the benefit of the borough and shall be assigned to the borough.

## ARTICLE XXI

### SEWERS

#### (a) LAYING OUT AND ASSESSMENT ACCORDING TO BENEFITS

Section 2101. *Power to Lay Out and Ordain.*—Boroughs may, with the consent and permit of the Sanitary Water

Board, lay out and ordain such common sewers and drains, as may be necessary, in any street or alley, or through or over private property.

Section 2102. *Proceedings.*—On petition, viewers shall be appointed, as provided in article fourteen of this act, who shall assess the damages, costs, and expenses of the sewer upon the property benefited, according to benefits, if sufficient can be found, but, if not, then the deficiency when finally ascertained shall be paid by the borough. The proceedings of the viewers and the proceedings on their report shall be as provided in article fourteen of this act.

(b) SEWER SYSTEM AND ASSESSMENT ACCORDING TO  
FOOT-FRONT RULE

Section 2105. *Ordinance to Construct System.*—Any borough may by ordinance adopt and construct such system of sewers as may be necessary for the disposal of sewage matter.

Section 2106. *Places and Manner of Construction.*—The borough shall fix the places along the streets, alleys, and courts where such sewer mains or drains, and branches thereof, shall be laid down, and shall prescribe the manner in which they shall be constructed.

Section 2107. *Permit from Sanitary Water Board.*—No contract for the construction of any such sewer system shall be entered into, until a permit for the construction of the same shall have been obtained from the Sanitary Water Board.

Section 2108. *Assessments of Cost.*—Whenever any borough shall so determine to construct any sewer, it shall, by ordinance, assess the cost thereof, as a sewage tax, upon the property adjoining or adjacent to the same, either by the foot-front rule or in such other manner as to the burgess and town council may seem equitable, which assessment, duly certified under the seal of the borough, attested by the burgess or the president of council and secretary, shall be collectible from the owner of such property.

Such certificate of assessment shall be prima facie evidence, in any suit for the recovery of the same, of the correctness and validity of such assessment.

Section 2109. *Collection of Assessments.*—If the owners of property against which assessment for sewage tax have been made shall refuse to pay such assessment within thirty days after notice of the same, it shall be the duty of the borough solicitor to collect the same, with interest from the time of completion of the improvement, by action of assumpsit, or by lien to be filed and collected in the same manner as municipal claims. When an owner has two or more lots against which there is an assessment for the same improvement, all of such lots may be embraced in one claim.

Section 2110. *Regulations of Borough.*—The borough

may enforce, by penalties, such regulations as it may ordain with reference to the use and maintenance of such sewage system.

Section 2111. *Extensions Beyond Borough Limits; Eminent Domain.*—The borough may extend the necessary sewer mains and outlets beyond the limits of such borough, to a point where such sewage is to be disposed; and shall have power to enter upon and condemn such lands, property, and materials for the construction of all such sewer mains, outlets, and works as may be necessary for the disposal of such sewage.

Section 2112. *Notice of Certain Ordinances.*—No ordinance for any such construction beyond the limits of the borough, or any works connected therewith, shall be adopted until notice thereof has been given, by publication of the proposed ordinance, for at least four weeks in one newspaper published in the borough or county, and also by serving copies of such proposed ordinance upon all land owners through whose land such sewer is to pass, at least ten days before final action thereon.

Section 2113. *Security for Damages; Assessments.*—Before entry shall be made upon private property without the owner's consent, for the purpose of laying any such sewer or outlet or constructing any such works, security for all damages which may be done shall first be given to such owner in such form and in such amount as the court of common pleas of the county may direct. All damages caused by the construction of any such sewer or works, or by the taking of lands and materials therefor, shall be ascertained in the manner provided in article fourteen of this act for property taken, injured, or destroyed, and shall be paid out of the borough treasury.

(c) CONSTRUCTION OF SEWERS OUTSIDE CARTWAY  
AND CURB LINES

Section 2115. *Power to Construct.*—Boroughs are hereby authorized to require and permit sanitary sewers and sewer pipes to be laid and constructed outside the cartway and the curb lines thereof in any street or highway.

The said sewers shall be for the service and use of the property abutting thereon, on the side of the street or highway in which they are laid.

Section 2116. *Collection of Costs and Expenses.*—The costs and expenses of any sewer laid and constructed as aforesaid may be assessed against the abutting property, in front of which the same is laid, and such costs and expenses, when so assessed, shall be assessed and collected in the way and manner as the costs and expenses of other sewers are assessed and collected in the respective borough in which the same are laid.

(d) JOINT SEWERS

Section 2120. *Agreements for Joint Sewers.*—Boroughs may enter into agreements with municipalities or town-



ships, for the purpose of building sewers, including trunk-line sewers or drains and sewage treatment works. Such agreement shall provide for the joint maintenance of the same.

Section 2121. *Approval of Sanitary Water Board.*—No such sewer or plant shall be constructed until plans and specifications have been submitted to the Sanitary Water Board, and approved in accordance with provisions of the act of Assembly providing for such approval.

Section 2122. *Connections with Sewers of Adjacent Municipalities.*—Any borough may connect with an existing sewer, owned by any adjacent municipality, for sewage purposes, in the manner prescribed in the following sections of this subdivision of this article.

Section 2123. *Applications to Court.*—Whenever any borough shall desire to connect with the existing sewer of any adjacent municipality, and no agreement has been reached between such borough and the adjacent municipality, an application shall be made by council to the court of quarter sessions of the county, setting forth that fact.

Section 2124. *Appointment of Viewers.*—If the court shall be of the opinion that such connection can be made without impairing the usefulness of the existing sewer, it shall appoint three viewers, who shall view the premises and investigate the facts of the case, and shall assess the proportionate part of the expense of building the original sewer upon such borough, and shall fix the proportion of the expense for repairs which each municipality shall thereafter bear, and determine all other questions liable to arise in connection therewith.

Section 2125. *Report of Viewers; Appeals to Court.*—The viewers shall report to the court the result of their investigation, which report shall be confirmed within thirty days unless exceptions thereto be filed. After confirmation of such report, or the disposal of any exceptions, any party interested may appeal from the decision of the court of quarter sessions to the Supreme or Superior Court.

(c) POWER TO SUPPLY SEWAGE SERVICE OUTSIDE  
BOROUGH LIMITS

Section 2130. *Power to Supply Service.*—Whenever any borough is maintaining and operating a sewerage system and sewage purification or treatment works, it shall be lawful for such borough to supply sewerage service to municipalities, persons, and corporations, outside the limits of such borough, and to enter into contracts for such service, at rates not less than those required to be paid by persons and corporations within the limits of such borough; but no such privilege shall conflict with the rights of any sewer company, or the rights of any other borough.

Section 2131. *Power to Extend Lines and Condemn Property.*—For the purpose of supplying such sewerage facilities, any such borough may extend the necessary sewer mains and pipes beyond the limits of such borough,

to the points where such sewerage is to be collected and received, and shall have the power to enter upon and condemn such lands, property, and materials for the construction of such sewer mains, and pipes, as may be necessary to the furnishing of such sewerage service.

Section 2132. *Procedure; Assessment of Damages.*—Before entry shall be made upon private property, without the owner's consent, for the purpose of laying any such sewer mains or pipes, or constructing such sewer collection system outside of the limits of the borough, security for all damages which may be done shall be first given to such owner, in such form and in such amount as the court of common pleas of the county may direct; and all damages, caused by the construction or laying of such sewer mains or pipes or by the taking of lands and materials therefor, shall be ascertained in the manner provided in article fourteen of this act.

(f) ACQUISITION OF SEWER SYSTEMS

Section 2135. *Power to Acquire Sewer Systems.*—Any borough, in which any person, firm, or corporation is maintaining sewers and culverts, with the necessary inlets and appliances for surface, under-surface, and sewage drainage, may become the owner of such sewers, culverts, inlets, and appliances, by paying therefor the actual value of the same at the time of the taking by the borough.

Section 2136. *Assessment of Damages.*—In case of disagreement, the amount to be paid shall be ascertained in the same manner as damages are ascertained under article fourteen of this act. In the same proceeding, the viewers shall assess the costs and expenses of the sewer, culverts, inlets, and appliances, acquired by the borough, upon the property benefited, according to benefits, if sufficient can be found; but, if not, then the deficiency when ascertained shall be paid by the borough.

(g) COLLECTION BY INSTALMENT OF COST OF BUILDING AND ACQUIRING SEWERS

Section 2140. *Ordinance for Instalment Payments; Interest.*—Whenever any borough shall, by ordinance, authorize the construction or acquisition of any sewer, or system of sewers, and the entire cost, or any part thereof, shall be assessed against the properties abutting on such improvement, whether by the foot-front rule, or according to benefits, the council may provide in such ordinance that the assessment may be paid in semi-annual or annual instalments. Such instalments shall bear interest, at a rate not exceeding six per centum, from the date of the commencement of the work or the construction of such improvement.

Section 2141. *Issue of Bonds.*—In order to provide for the payment of the costs and expense of any such improvement, the borough may, from time to time, issue bonds in such sums as may be required, in all to an

amount not exceeding the amount of assessments. The bonds shall bear the name of the sewer, and shall rest alone for their security and payment upon such assessments; and shall be payable at periods not exceeding five years from the date of their issue, to be provided in the ordinance directing the improvement.

Section 2142. *Interest on Bonds; Sale.*—The bonds shall bear interest, at a rate not exceeding six per centum per annum, payable semi-annually or annually as the council in the ordinance shall direct; and shall be negotiated at not less than par, and the proceeds thereof applied solely to the payment of such improvement. In case the bonds are not negotiated by the council, they may be delivered to the contractor in payment of the work, but when so delivered must be at not less than par.

Section 2143. *Liens to Secure Assessments.*—Liens to secure the assessments shall be entered in the prothonotary's office of the county, in the same form and collected in the same manner as municipal claims are filed and collected.

Section 2144. *Payment of Assessments.*—Such assessments shall be payable at the office of the borough treasurer or such other place as the ordinance shall provide, in semi-annual or annual instalments, with interest at the rate provided from the date from which interest is computed on the amount of the assessments. The moneys so received by the borough shall be applied to the payment of such bonds exclusively.

Section 2145. *Default in Payment.*—In case of default in the payment of any instalment and interest for a period of sixty days after the same shall become due, the entire assessment and accrued interest shall become due; and the solicitor shall proceed to collect the same under the general laws relating to the collection of municipal claims.

Section 2146. *Payments in Advance; Subdivisions of Property.*—Any owner of property, against whom any such assessment has been made, may pay the same in full at any time, with interest thereon to the next semi-annual or annual payment, and such payment shall discharge the lien. If any owner shall subdivide any property after the lien attaches, he may, in like manner, discharge the same upon any subdivided portion thereof by paying the amount for which such part would be liable.

Section 2147. *Registry of Bonds.*—Whenever any borough shall issue any such bonds, the treasurer of the borough shall keep a registry book in which the bonds shall be registered. Such registry shall show the date of the issue of the bond, the amount of the bond, and the name and address of the person, firm, or corporation to whom the same was issued, which shall also be noted on the back of such bonds.

Section 2148. *Transfer of Bonds.*—The bonds may be transferred at any time, and the treasurer shall make the

proper entry of any such transfer in the registry book and on such bonds, and shall file all assignments among the records of the borough. Payment of such bonds and interest thereon shall be made only to the last registered owner.

Section 2149. *General Powers Not Interfered With.*—Nothing contained in this subdivision of this article shall prevent the construction of any sewer and the payment of the same by general taxation, when the same is for the general health and public welfare of any borough.

(h) SEWER CONNECTIONS

Section 2155. *Ordinances to Require Sewer Connections.*—Any borough may, by ordinance, require any owner of property, abutting on or adjoining any street or alley in which is a sewer, to make connections with such sewer, in such manner as the borough may order, for the purpose of discharge of such drainage or waste matter as the borough may specify. The borough may by penalties enforce any regulation it may ordain with reference to any sewer connections.

Section 2156. *Notice of Ordinance; Failure to Comply With Ordinance.*—The owner shall be given forty-five days' notice of any resolution or ordinance requiring such sewer connection, and, upon failure to make such connection, the borough may make the same, and collect the cost thereof from the owner by a municipal claim or in an action of assumpsit. All connections required shall be uniform.

(i) UNLAWFUL TO BUILD WITHIN LINE OF SEWERS

Section 2160. It shall be unlawful for any person to erect any building or make any improvement, within the lines of the sewers laid out or ordained to be laid out, after due notice thereof; and, if any such erection or improvement shall be made, no allowance shall be had therefor in the assessment of damages.

(j) OPENING SEWERS

Section 2165. If any borough shall lay out or ordain any sewer, over or under private property, located in whole or in part within the limits of such borough, and proceedings to open the same and to assess the damage arising therefrom shall not be proceeded with by the borough, within two years from the enactment of the ordinance, the whole proceeding shall be void.

(k) ASSESSMENT OF COST OF MAINTENANCE AND REPAIR

Section 2170. *Ordinance For Annual Rental.*—Whenever any borough has constructed any sewer or sewer system, or has acquired wholly or partially the same at public expense, the council of such borough may provide, by ordinance, for the collection of an annual rental or charge, for the use of such sewer or sewer system, from

the owner of property served by it. The council may, at its discretion, in lieu of such annual rental or charge, provide for the payment by such owner of a fixed sum.

Section 2171. *How Rental Fixed.*—Such annual rental shall not exceed the amount expended annually by the borough in the maintenance, repair, alteration, inspection, depreciation, or other expense, in relation to such sewer or sewer system, and may include any interest on money expended by the borough in the construction of the sewer or sewer system. The said annual or fixed sum shall be apportioned equitably among the several properties served by the said sewers.

Section 2172. *Collection of Rental.*—Such annual rental or charge, or such fixed sum, shall be authorized and collected as provided by general ordinances, and, when so levied and charged, shall be a lien on the properties charged. The collection thereof shall be made and enforced in the manner municipal claims are now or may hereafter be collected.

The councils of such borough shall execute a warrant or warrants, authorizing the collection of such annual sewer rentals or charges, or such fixed sum, to the officer employed by council to collect the same. Such officer shall have the authority now vested by law for the collection of borough taxes.

Section 2173. *Lien.*—Such annual sewer rentals or charges, or such fixed sum, shall be a lien on the properties charged with the payment thereof, from the date set forth in the ordinance, and, if not paid after thirty days' notice, may be collected by an action of assumpsit, in the name of the borough against the owner of the property charged, or by distress of personal property on the premises, or by a lien filed in the nature of a municipal lien.

## ARTICLE XXII

### WATER-COURSES

#### (a) WIDENING AND DEEPENING WATER-COURSES

Section 2201. *Power to Widen and Deepen Water-Courses.*—Boroughs may widen and deepen water-courses running through the borough, and may erect such dykes and embankments along the same as shall be necessary to prevent the water from overflowing the banks thereof.

Section 2202. *Right of Entry Upon Lands.*—Boroughs may enter upon any land lying near such water-courses, and secure such material as may be necessary for the purpose of making, repairing the embankments along such water-courses, when the same cannot be obtained by contract at reasonable prices. Boroughs shall cause no unnecessary damage to the owners of such lands, and shall repair any fences which they may destroy.

Section 2203. *Appropriation of Moneys.*—Boroughs may appropriate, for such purposes, any moneys of the borough

applicable to the making and maintaining of the streets and bridges of such borough.

Section 2204. *Proceedings to Assess Damages.*—Any person aggrieved by reason of any ordinance passed pursuant to the preceding sections of this article, may complain to the court of common pleas, and proceedings may be had in the court to fix and determine the damages and the rights of all parties interested, in the same manner as provided in article fourteen of this act.

(b) VACATION AND ALTERATION OF WATER-COURSES

Section 2210. *Power to Vacate or Alter Water-Courses.*—Boroughs may vacate or alter the course or channel of any water-course, other than navigable streams, and for such purpose may enter upon and condemn such property and materials as may be necessary.

Section 2211. *Notice.*—No ordinance for the vacation or alteration of the course or channel of any water-course shall be passed, until notice thereof has been given, by publication of the proposed ordinance, at least once a week for three consecutive weeks, in one newspaper published in the county.

Section 2212. *Viewers to Assess Damages.*—The borough may, at any time after the passage of the ordinance, present a petition to the court of common pleas setting forth the nature of the vacation or alteration proposed in the course or channel of such water-course, together with a description of the proposed improvements, and praying the court to appoint three viewers to ascertain the damages, costs, and expenses resulting therefrom, and to assess the damages, costs, and expenses, or so much thereof as the viewers may deem reasonable, upon the property benefited.

Section 2213. *Appointment of Viewers.*—The court, or any law judge thereof in vacation, shall appoint three viewers from the county board of viewers, and appoint a time, not less than twenty nor more than thirty days thereafter, when the viewers shall meet upon the line of the improvement and view the same and the premises affected.

Section 2214. *Proceedings to Assess Damages.*—The proceedings before such viewers for the allowances of damages for property taken, injured, or destroyed and for the assessment of benefits upon property benefited, shall be as provided in article fourteen of this act.

Section 2215. *Discontinuance of Proceedings.*—If any borough shall repeal any ordinance passed, or discontinue any proceeding taken, providing for any such improvements, prior to the entry upon, appropriation, or injury to any property or materials, the borough shall not be liable to pay any damages, but all costs upon any such proceeding, together with any actual damage or injury sustained by reason of such proceeding, shall be paid by the borough.

Section 2216. *Liens.*—When the court has entered its

final decree confirming the report or fixing the assessments, the assessments of benefits shall become liens upon the property assessed; and such claims shall be filed and collected in the same manner as municipal claims are filed and collected, or they may be collected by action of assumpsit, the lien of the judgment however to be limited to the property assessed.

Section 2217. *Waters Excepted.*—Nothing contained in this subdivision of this article shall apply to any water-course used by any municipality or water company as a source of supply, unless such municipality or water company shall consent to such vacation or alteration.

(c) CONFINING AND PAVING WATER-COURSES

Section 2220. *Power to Pave and Confine Water-Courses.*—Upon the written request of the board of health, the borough may confine and pave any water-course or part thereof, other than navigable streams, within the limits of the borough, and, for such purpose, may enter upon and condemn such property and materials as may be necessary to complete such work.

Section 2221. *Notice of Ordinance.*—No ordinance for the confining or paving of any water-course shall be passed until notice thereof has been given, by publication of the proposed ordinance, once a week for three consecutive weeks in one newspaper published in the county.

Section 2222. *Petition for Viewers.*—When the work of confining and paving of any water-course has been completed, if the borough cannot agree with the property owners as to the payment of the costs and expenses, the borough may present its petition to the court of common pleas, setting forth the character of such improvements, and that the damages, costs, and expenses incurred have not been paid, and praying the court to appoint three freeholders as viewers to ascertain the damages, costs and expenses resulting therefrom, and to ratably assess the damages, costs, and expenses, or so much thereof as the viewers may deem reasonable, upon the property benefited, and make report thereof to the court.

Section 2223. *Appointment of Viewers.*—The court, or any law judge thereof, shall thereupon appoint three viewers from the county board of viewers, and appoint a time, not less than twenty nor more than thirty days thereafter, when the viewers shall meet upon the line of the improvement and view the same.

Section 2224. *Proceedings to Assess Damages.*—The proceedings before such viewers for the allowance of damages for property taken, injured, or destroyed, and for the assessment of benefits upon property benefited, shall be as provided in article fourteen of this act.

Section 2225. *Liens.*—The final assessment against any property shall be a lien for the amount of such assessment, dating from the time of the final confirmation of the report, or the final decree of the court fixing such assess-

ment, if filed in the court within six months from the final assessment or confirmation.

Section 2226. *Exceptions.*—Nothing contained in this subdivision of this article shall apply to any water-course used by any borough or water company as a source of supply, unless such borough or water company shall consent to such confining or paving.

#### ARTICLE XXIII ELECTRIC WIRES

Section 2301. *Powers of Boroughs.*—Boroughs may define, by ordinance, a reasonable district within which electric light, electric power, telephone, and telegraph wires shall be placed underground in conduits, owned either by the borough or by corporations owning such wires, or by corporations organized for the purpose of laying such conduits and renting space therein.

Section 2302. *Borough Regulations.*—Whenever conduits are owned by any person, firm, or corporation, the borough may regulate, by ordinance, the manner in which conduits shall be used, and the terms and conditions, and the rate of rental to be charged for space therein.

Section 2303. *Acquisition of Conduits; Assessment of Damages.*—Boroughs may acquire such conduits by purchase or by condemnation, and, in the latter case, the court of common pleas, or any judge thereof in vacation, shall, upon the petition of the borough, appoint a jury of three viewers from the county board, not residents of the borough, and the proceedings for the assessment of damages shall be the same as provided in article fourteen of this act for property taken, injured, or destroyed.

Section 2304. *Borough Not to Surrender Rights.*—The borough authorities shall not surrender or barter away the rights reserved in this article.

Section 2305. *Appeals from Ordinances.*—The court of quarter sessions of the county, upon the appeal of any person, may review any ordinance passed pursuant to this article, and may annul such ordinance, if deemed unreasonable. Such appeal shall be taken within thirty days from the approval of such ordinance.

#### ARTICLE XXIV PUBLIC SERVICE

##### (a) WATER SUPPLY AND WATER-WORKS

##### (1) General Powers to Supply Water:

Section 2401. *Power to Supply Water.*—Boroughs may provide a supply of water for the use of the public within such borough, by erecting and operating water-works, by purchasing and operating water-works, by entering into contract with persons or corporations authorized to supply water within the limits of such borough, or partly by the erection or purchase and operation of water-works, and partly by entering into a contract.



Section 2402. *Contracts Not to Abridge Powers.*—No contract for the supply of water hereafter entered into by any borough with any person or corporation shall, in any wise, abridge the power of the borough to construct and operate water-works as provided in the preceding section of this article, but such power shall remain in force as though such contract had not been made.

Section 2403. *Issue of Bonds Where Water-Works Acquired.*—Where the price and terms are agreed upon, a borough may become the owner of and operate any water system owned and operated by a corporation furnishing water within the acquiring borough, and in adjacent townships or nearby boroughs, and may pay therefor by obligations secured by liens on the property acquired and which shall be secured solely by such water works systems and property and the revenues thereof, and without any other liability on the part of such borough, which obligations shall be exempt from taxation for any purpose: Provided, That this section shall not apply where a duly organized water company is authorized to furnish, and is furnishing, service in the adjacent townships or nearby boroughs, where the water company whose system is purchased under the provisions of this act had been furnishing service.

Section 2404. *Vote of Electors in Special Cases.*—In all boroughs where authority is given to construct water-works, and where the qualified voters are given the right to determine by vote the expediency of constructing such water-works, and whenever the question of expediency has been submitted to a vote, and has been determined in favor of such expediency, and the construction of such works has not been commenced within four years after such election, it shall be unlawful thereafter to proceed with such construction until the expediency thereof has been determined by another election.

Section 2405. *Rates in Particular Boroughs.*—Whenever the schedule of water-rates in any borough, owning or controlling water-works, shall have been fixed or limited by general or special act of Assembly, the borough may change the rates or schedule of rates from time to time, so that the same shall not at any time exceed the rates now limited.

Section 2406. *Contracts to Supply Water for Fire Protection.*—Boroughs may receive bids from incorporated water companies, authorized to do business within such borough, for the supply of water for fire protection and for other municipal purposes, and may contract therefor with such company.

Section 2407. *Power to Supply Water Beyond Limits of Borough.*—Whenever any borough is maintaining water-works it shall be lawful for such borough to supply water, for ordinary and domestic uses, to persons and corporations outside the limits of such borough, at rates not less than those required to be paid by persons and corporations

within the limits of such borough; but no such privilege shall conflict with the corporate rights of any water company, or the rights of any other borough.

Section 2408. *Assessment for Water Mains.*—That boroughs in this Commonwealth shall have power to assess the whole cost, or any part of the cost, of construction of new water mains, built in connection with the establishment or extension of a municipally owned water supply system, and serving the properties abutting thereon, against the properties abutting along the line thereof, by the front-foot rule, and to collect such assessments as other municipal claims are now by law collectible: Provided, That the assessment shall be rebated to the owner of the property assessed, out of rates charged for water consumed in serving the property so assessed: And provided further, That the borough may issue negotiable credit memorandum to the amount of the assessment, which may be used for the payment of any water service to the extent of the said assessment.

(2) Acquisition by Eminent Domain:

Section 2410. *Appropriation of Lands and Waters.*—Any borough desiring to erect water-works, or to improve its water supply, may appropriate springs, streams, rivers, or creeks, and lands, easements, and rights of way, within or without its limits, and, for the purpose of conducting water obtained outside the limits of the borough, may lay pipes under and over any lands, rivers, streams, bridges, highways, and across railroads. No water appropriated under the provisions of the preceding section shall be used in such manner as to deprive the owner thereof of the free use and enjoyment of the same for domestic or farm purposes.

Section 2411. *Agreements as to Damages; Bonds.*—Prior to any such appropriation, the borough shall attempt to agree with the owner as to the damage done, or likely to be done, and, if the parties cannot agree, or the owner cannot be found, or is under legal incapacity, the borough shall file its bond in the court of common pleas, conditioned for the payment to the owner of the property of the damages for the taking thereof, when the same shall have been ascertained. Upon the approval of the bond and filing thereof, the borough may enter upon such property.

Section 2412. *Appointment of Viewers; Proceedings.*—Upon petition of either the property owner or borough, at any time thereafter, the court shall appoint three viewers from the county board of viewers, who shall assess the damages for the property or rights appropriated, and shall fix a time for their meeting, of which notice shall be given to all parties interested. The proceedings for the assessment of damages shall be as provided in article fourteen of this act.

(3) Acquisition by Purchase after Appraisement:

Section 2415. *Petition to Court Expressing Desire*

*Acquire Water-Works.*—Whenever any person, firm, or any corporation shall own any water-works or system, and a borough is desirous of owning and operating such water-works or system, such borough may present its petition to the court of common pleas of the county, setting forth that the borough is desirous of owning such water-works or system, and that it will be necessary to issue bonds, to be secured by such water-works or system, and that a value should be placed upon such water-works or system, including all property, real and personal, used in connection therewith.

Section 2416. *Appointment of Engineers as Appraisers to Make Valuation.*—The court shall thereupon appoint three civil engineers as appraisers, to value and appraise such water-works or system, and the property used in connection therewith, and the contracts or agreements with municipalities or townships, who shall file their report in the court within three months after their appointment, unless such time be extended by the court.

Section 2417. *Powers of Appraisers.*—The appraisers shall have access to the books and records of the person, firm, or corporation owning such water-works or system, to inform themselves as to the income and value thereof. They shall have power to administer oaths and are authorized to take the testimony of witnesses. Their report shall be final if not appealed from.

Section 2418. *Appeal from Appraisement.*—Within ten days after notice of the filing of any report, either party may appeal from such appraisement, alleging an undervaluation or overvaluation of the property, and praying for a hearing before the court. The court shall thereupon fix a time when such appeal may be heard, of which time at least ten days' notice shall be given to the parties, and, upon such hearing, the court shall have power to modify such report, and either party may appeal from the final confirmation of such report to the Superior or Supreme Court.

Section 2419. *Effect of Failure of Owner of Works to Accept Price Fixed.*—After the value is finally determined, the borough is authorized to buy such water-works or system at the valuation so fixed; and the person, firm, or corporation owning the same shall, within ten days after notice, file in court its consent to sell and convey its water-works or system and property to the borough at the valuation fixed; and, in default thereof, such person, firm, or corporation shall cease to have any exclusive privilege of supplying the borough, or the citizens thereof, with water, and the borough may install such water-works or system as may be necessary for the accommodation of the public.

Section 2420. *Issue of Bonds.*—For the purpose of such purchase, the borough may issue bonds, which shall be secured solely by such water-works systems and prop-

erty, and the revenues thereof, and without any other liability on the part of such borough.

Section 2421. *Limit of Bond Issue.*—Such bonds shall not exceed in amount the value fixed by the appraisers or the court. The proceeds of the sale of such bonds shall be used exclusively for the purpose of paying for the property acquired.

Section 2422. *Redemption of Bonds; Interest.*—The bonds shall be payable within thirty years from the date of their issue, and shall be redeemable at such earlier periods as the borough may by ordinance provide, and shall bear interest at a rate not exceeding six per centum per annum. The bonds shall be exempt from taxation for any purpose.

Section 2423. *Sinking Fund.*—The borough shall provide a sinking fund for the revenues derived from such water-works or system, for the payment of the interest on such bonds and for their redemption.

Section 2424. *Terms of Existing Contracts to Govern.*—Should there be, at the time of the passage of this act, a contract or agreement, in writing, existing between any person, firm, or corporation, owning such water-works or system, and a borough, dated prior to May thirty-first, one thousand nine hundred and seven, establishing or fixing the manner in which such water-works or system may be appraised and acquired, then the appraisement shall be made in accordance with the terms of such contract, and the respective parties to such contract shall, in lieu of the provisions of sections twenty-four hundred fifteen to twenty-four hundred nineteen, inclusive, of this article, carry out the terms of such contract in arriving at the value of such water-works or system.

(4) Power to Lease Water-Works:

Section 2430. *Lease of Water-Works.*—The council of any borough may, on behalf of such borough, enter into a contract with any private individual, copartnership, association, or corporation, for the leasing of any water supply, works, systems, and property, or both of such private individual, copartnership, association, or corporation.

Section 2431. *Term of Lease; Rental.*—The said leasing may be for such term of years and at such rental, as shall be agreed upon by the borough and the private individual, copartnership, association, or corporation.

Section 2432. *Operation of Property.*—The property, so acquired, shall be operated in the same manner as if the same had been acquired by such borough by purchase or condemnation proceedings.

Section 2433. *Rates.*—The council of the borough, with the consent of the Public Service Commission, shall fix the rates to be charged for the water furnished within the limits of such borough to individuals, copartnerships, associations, or corporations.

(5) Joint Water-Works:

Section 2435. *Joint Acquisitions and Constructions.*—

Two or more boroughs may unite, or any borough may unite with a township, in the construction or acquisition and maintenance of works for the supply of water.

Section 2436. *Permit of Sanitary Water Board.*—The construction of water-works, as provided for in the preceding section, shall be after plans for such water-works have been filed with the State Commissioner of Health, and a permit issued in accordance with the act of Assembly of April twenty-second, one thousand nine hundred and five, page two hundred sixty, entitled "An act to preserve the purity of the waters of the State for the protection of the public health."

(6) Condemnation of Lands for Road Purposes and to Prevent Contamination:

Section 2440. *Overflowing Roads; Acquisition of Lands to Reconstruct Roads.*—Whenever any borough, in supplying water to the public, shall find it necessary, in storing water, to occupy and overflow with water portions of any turnpike or public road, or whenever any public road leads into or crosses over any reservoir used for the storage of water, the borough shall cause such turnpike or road to be reconstructed, at its own expense, on a favorable location, and in as perfect manner as the original road, and, for such purposes is authorized to condemn land, whenever an agreement as to the price cannot be had with the owners.

Section 2441. *Filing Maps and Plans.*—After such change is made the borough shall file in the court of quarter sessions of the county a map or plan showing such change of road, and shall furnish to the supervisors or other authorities of the township, or municipal corporation, a copy of such map.

Section 2442. *Condemnation of Lands to Prevent Contamination.*—Boroughs may acquire, by purchase or condemnation, such lands along and contiguous to the streams of water or reservoirs from which water is taken for public use, as may be necessary to preserve the same from contamination.

Section 2443. *Security for Payment of Damages.*—No land shall be taken for the uses mentioned in this subdivision of this article, until compensation therefor shall have been paid, or secured, before such taking, injury, or destruction.

Section 2444. *Condemnation Proceedings.*—The damages incurred in changing the location of any such turnpike or public road, and in condemning land to preserve water from contamination, shall be ascertained in the manner provided in article fourteen of this act, and shall be paid by the borough.

(7) Commission of Water-Works:

Section 2450. *Commission May Be Established.*—Whenever any borough owns and maintains water-works, there may be established in such borough a commission of water-

works, to be composed of three citizens of the borough, who shall be known as commissioners of water-works.

Section 2451. *Application to Court for Appointment of Commissioners.*—Any borough desiring to avail itself of the provisions of this act, so far as it relates to a commission of water-works, shall, by resolution passed by the council and recorded in its minutes, apply to the court of common pleas of the county for the appointment of commissioners of water-works.

Section 2452. *Terms of Commissioners.*—It shall be the duty of the court of common pleas, upon application of any borough, to appoint such commissioners of water-works, one of whom shall be appointed to serve for one year, one for two years, and one for three years; and annually thereafter the court shall appoint one commissioner of water-works to serve a term of three years. In case of a vacancy the court shall fill the same for the unexpired term.

Section 2453. *Rescinding Action.*—After three years from the first appointment, the borough may, at any time, rescind the resolution asking for the appointment of a commission of water-works. When such resolution shall be rescinded, the court shall make no further appointment of commissions, until a resolution shall again be passed by a council asking for such appointment.

Section 2454. *Commissioners to Receive Expenses.*—The commissioners of water-works shall not receive any salary for the services, but shall be paid all moneys necessarily expended in the performance of their duty.

Section 2455. *Organization of Commissioners.*—It shall be the duty of the commissioners of water-works to meet within ten days after their first appointment, and annually thereafter, and organize by electing a president and secretary.

Section 2456. *Powers of Commission.*—After organization, the commissioners shall take charge and control of the water-works of such borough. The commissioner shall have power to appoint all necessary officers and agents, and take from them such security for the faithful performance of their duty as they shall deem proper, and to fix the salaries and wages of such officers and agents; to provide for the repair, extension, improvement, and maintenance of such water-works, and the erection of new water-works; to collect water-rents and to make and establish the rates and conditions upon which water will be furnished to applicants therefor, and to make by-laws and regulations for the economic and efficient management of such water-works.

Section 2457. *Issue of Bonds.*—The borough may, upon the request of the commissioners of water-works, issue bonds for the extension of the water-works or the erection of new water-works. Such bonds shall be designated "water-works bonds," and shall be delivered to the commissioners, from time to time, upon their requisition,

after the commencement of the work for the payment of which such bonds were issued. Each such requisition shall be accompanied by a detailed statement of the work done and materials purchased. The bonds shall not be sold for less than par, and the proceeds thereof shall be applied to the purposes for which such bonds were issued.

Section 2458. *Plans and Specifications for the Improvements; Contracts.*—The commissioners shall prepare plans and specifications of all work to be performed and materials necessary for the repair, maintenance, and extension of such water-works, or the erection of new water-works; and shall, after plans and specifications for the extension or the erection of water-works have been submitted to and approved by the Sanitary Water Board, and a permit granted therefor by the board, invite proposals for the performing of such work and the furnishing of such materials; and shall let contracts therefor to the lowest responsible bidder, and shall take adequate security for the performance of such contracts.

Section 2459. *Reports by Commission.*—The commissioners shall make a monthly report to the council of the borough of the receipts and disbursements during the preceding month, and annually make a detailed report of the condition of the water-works, which shall be published by the council for the information of the public.

Section 2460. *Care of Funds.*—The commissioners shall cause all moneys collected to be deposited weekly, by the collectors, with the borough treasurer, who shall return a receipt therefor to the commissioners. All moneys so collected shall be kept in a separate fund, and shall be used for the purpose of repairing, maintaining, and extending such water-works, the erection of new water-works, or the payment of any indebtedness on said water-works, and for no other purpose. No money shall be drawn from such fund except upon order countersigned by the president and secretary of the commission.

Section 2461. *By-Laws and Regulations.*—All by-laws and regulations, not inconsistent with the laws of the Commonwealth, the rules and regulations of the Sanitary Water Board or the Water and Power Resources Board, when made by the commissioners, shall have the force and effect of ordinance of such borough.

Section 2462. *Government of Joint Works.*—Whenever two or more boroughs, or any borough and a township, jointly construct and maintain water-works, and desire to avail themselves of the provisions of this act so far as it relates to a commission of water-works, the councils of such boroughs may join with the commissioners or supervisors of such township, after ordinance duly passed, and apply to the court of common pleas of the county for the appointment of a commission of water-works in accordance with this subdivision of this article. Such commission shall be composed of citizens of each of the boroughs and townships so uniting.

## (b) MANUFACTURE AND SUPPLY OF ELECTRICITY

Section 2470. *Manufacture and Purchase of Electricity.*—Boroughs may manufacture or purchase electricity for the use of the inhabitants of such borough. Boroughs owning or operating electric light plants may make contracts for supplying electricity for commercial purposes outside the limits of such borough, with the consent of the municipal and township authorities, at rates not less than those established from time to time within the limits of such borough. Nothing in this section shall conflict with the corporate rights of any corporation empowered to supply electricity in territory adjacent to such boroughs, or with the rights of any other borough. No person, firm, or corporation shall introduce electric current for light, heat, or power purposes, without the consent of the borough authorities, into the limits of any borough which is furnishing electric current to the inhabitants: Provided, however, That this section shall not apply to any person, firm, or corporation manufacturing electricity exclusively for its own use.

Section 2471. *May Regulate Use and Prices.*—Boroughs may regulate the use of electricity in dwelling houses, storerooms, and other places in such boroughs, and the price to be charged for the same.

Section 2472. *Purchase of Electric Light Works.*—Whenever any person, copartnership, or any electric light company organized under the laws of this Commonwealth, is furnishing light to any borough or the public, such borough is authorized to purchase the works of such person, copartnership, or corporation, at such price as may be agreed upon by the borough and such person or copartnership, or a majority in value of the stockholders of such corporation.

Section 2473. *Petition for Viewers.*—Upon failure so to agree, the borough may present a petition to the court of common pleas, asking for the appointment of viewers to assess the value of the plant and works so taken; whereupon the court shall appoint three viewers from the county board of viewers, neither of whom shall be interested in such works, or be stockholders in such corporation, or taxpayers in such borough, and shall appoint a time for their meeting, of which ten days' notice shall be given to all parties in interest.

Section 2474. *Duty of Viewers.*—The viewers, having been sworn or affirmed justly and impartially to appraise the property, and having viewed the premises and taken such testimony as may be offered by any party touching the value of the property and franchises, they shall determine the amount of damages that such person, copartnership, or corporation will sustain, and to whom payable, and make report thereof to the court; which report, having been confirmed by the court, judgment shall be entered thereon.

Section 2475. *Appeal from Report.*—Either party may,



at any time within thirty days after the confirmation of any such report, appeal therefrom to the court of common pleas of the county.

Section 2476. *Trial by Jury*.—After such appeal, either party may put the cause at issue, in the form directed by the court, and the same shall be tried before a jury. After final judgment either party may have an appeal to the Superior or Supreme Court.

Section 2477. *Exceptions to Report*.—If any exceptions are filed with any appeal, they shall be speedily disposed of, and, if allowed, a new view shall be ordered; but, if disallowed, the appeal shall proceed as before provided.

Section 2478. *Notices*.—The court shall have power to order what notice shall be given in connection with any part of such proceedings.

Section 2479. *Vote on Increase of Indebtedness*.—Before any borough shall construct an electric light plant, or purchase the property of any person, copartnership, or electric light company, the question of the increase of the debt of such borough, for any of such purposes, shall first be submitted to the qualified voters of the borough, in the manner provided by law for the increase of indebtedness of municipal corporations.

#### (c) OPERATION OF GAS WELLS FOR MUNICIPAL PURPOSES

Section 2485. Any borough shall have authority to purchase, own, use, operate, and control any natural gas well, or wells, within the limits of such borough, or in the vicinity thereof, for the purpose of supplying natural gas for its own municipal purposes, the expense thereof to be paid out of the revenues of such borough.

### ARTICLE XXV

#### PUBLIC BUILDINGS AND WORKS

##### (a) EMINENT DOMAIN; GENERAL PROVISIONS

Section 2501. *Exercise of Eminent Domain*.—Boroughs may enter upon and appropriate private property, and also land heretofore granted or dedicated to public use or other use, and which is no longer used for the purpose for which the same was granted or dedicated, and also lands where the title is defective, disputed, or doubtful, for the erection thereon of such public buildings and works as are necessary for municipal purposes within the limits of such borough.

Section 2502. *Lands Excepted*.—No land or property used for any cemetery, burying-ground, or place of public worship, shall be taken or appropriated by virtue of any power contained in the preceding section of this article.

Section 2503. *Declaration of Intention*.—Whenever the municipal authorities desire to acquire, enter upon, take, use, and appropriate any such private property or lands, for any of such purposes, they shall declare such intention by an ordinance duly enacted.

Section 2504. *Proceedings.*—The compensation and damages arising from such taking, using and appropriating of private property for the purposes aforesaid, shall be considered, ascertained, determined, awarded, and paid in the manner hereinafter provided.

Section 2505. *Proceedings to File Bonds.*—In cases where the municipal authorities and the owner or owners thereof cannot agree as to the price or damages to be paid; or where land is held by any borough and the title of the borough is disputed by one or more claimants; or where any claimant or owner or owners are unknown; or where there are two or more owners or claimants, and one or more of said owners or claimants are known, and reside within the county within which the borough is situate, and any other owner or owners or claimants are unknown, or do not reside within the said county; and in cases where the title to the real estate to be taken, used, and appropriated, as aforesaid, is defective, disputed, or doubtful; or any of the persons owning, claiming, or interested in said real estate are absent, not of full age, or unsound mind, or from any cause cannot be bargained with; and after the enactment of an ordinance, as aforesaid, declaring the intention of the borough to take, use, and appropriate any such real estate—the borough shall present a petition to the court of common pleas of the county where the real estate to be taken is situated, or to any judge thereof in vacation, setting forth the facts; and said petition of the borough shall state who the owner or owners or claimants of said real estate are, if known, together with their residence and address, if the same can be ascertained; or, if the owner or claimants of said lands are unknown, said petition shall state that the officers who make oath to the truth of the facts set forth in said petition have inquired of the tax assessor of the ward or borough in which said lands are situated, as well as of three reputable and disinterested freeholders who reside in the vicinity of said lands, as to who the owners or claimants of said real estate are; and said petition shall be verified by the affidavit of either the burgess or the president of the council of the petitioning borough; and, upon presentation of such petition, said court or judge thereof shall direct the filing of a bond to the Commonwealth of Pennsylvania, in an amount to be fixed and approved by said court, or, in vacation, by a judge thereof, for the use of those entitled to damages for said taking and appropriation; the condition of which bond shall be that the borough shall pay or cause to be paid to any person or persons such amount of damages as he or they shall have suffered by reason of such taking and appropriation, after the same shall have been agreed upon or assessed in the manner provided by this article.

Section 2506. *Notice to Absent Persons and Those Under Legal Disability.*—Where any owner or owners, or claimants, or the persons claiming or entitled to damages, are

known and reside within the county where said real estate is situated; or are absent from said county, but have a known agent or attorney residing within said county; or are under legal disability, but have a guardian or committee within said county; or are a corporation and have an agent or officer residing within said county—the borough shall serve upon said owners, attorneys, officers, or agents, guardians and committees, as the case may be, a copy of said petition and order directing the filing of said bond, together with notice that said bond has been filed. Where minors have no guardians, and lunatics or persons of unsound or feeble mind have no guardian or committees, the said court, or a judge thereof in vacation, shall have power to appoint a guardian or committee ad litem, and direct that said petition, order, and notice, and all other notices required by this article, shall be served upon them. As to all other persons, who may be interested, or claim to be interested in said real estate, the said court, or said judge thereof in vacation, shall, upon the filing of said bond, direct such notice to be given, by publication in at least two newspapers of the county in which said real estate is situated, as the said court shall deem proper: Provided, That said notice shall be so published at least twenty days prior to the limit of the time for filing exceptions, and shall state the time within which such exceptions may be filed, and if no exceptions are filed to said bond within ten days after service of said petition and order directing the filing of said bond, by persons upon whom the same are served, or by other persons, on or before the day fixed in said published notices, as the case may be, the court shall approve said bond. The said court shall have power to increase the amount of said bond and to hear and determine all exceptions that may be filed against the approval thereof.

Section 2507. *Entry Into Possession.*—Upon the approval of said bond, the municipal authorities may enter upon and take said lands for the purposes expressed in this article; and take, hold, use, and enjoy said lands thereafter forever, and the title of said borough to the lands shall be in fee simple. The bond shall remain on file for the use of any person or persons who may be legally entitled to damages by reason of the taking of said lands. The damages which may be recovered by the condition of the bond shall not be more than the fair market value of the land at the time of such entry and taking by the borough.

Section 2508. *Appointment of Viewers; Notices.*—In case the damages for said taking and appropriation have not, for any reason, been agreed upon between the borough and the owners of said land, the court of common pleas of the county, or any judges thereof in vacation, upon application thereto by a petition of the borough, or any person interested, shall appoint three members of the board of viewers as a board of view, and appoint a time not

less than twenty nor more than thirty days thereafter, when said board of view shall meet upon the premises or lands taken or appropriated and view the same and the premises affected thereby. The board of view shall give, or cause to be given, at least ten days' notice of said meeting to the owner or owners of the said lands taken, if it appears by the petition filed for the order directing the filing of a bond as aforesaid, or by exceptions filed to said bond, that said owner or owners reside within the county where said real estate is situated, and can be found, which notice shall be served in the same manner as heretofore provided in this article for the service of the petition and order directing the filing of a bond. Where any owner, owners, or persons interested, are unknown, or do not reside within the county where said real estate is situated, or where service of such notice cannot be made upon a proper person or persons within the county, as provided for the service of the petition and order for the filing of the bond, as heretofore provided, such notice shall be given in at least two newspapers of general circulation, printed and published in the proper borough or county, not less than ten days prior to said meeting, and they shall give such other or further notice as the court shall direct.

Section 2509. *Proceeding Before Viewers.*—The proceedings before such viewers for the assessment of damages for property taken, injured, or destroyed, the powers and duties of the viewers with reference to such proceedings, and the proceedings on the report of the viewers, shall be as provided in article fourteen of this act.

Section 2510. *Payment of Damages and Costs.*—All damages when ascertained, the costs of the viewers, and all court costs incurred in such proceedings, including advertising, printing, and posting notices, shall be paid by the borough.

Section 2511. *Separate Specifications.*—In the preparation of specifications for the erection or alteration of any public building, when the entire cost of such work shall exceed one thousand dollars, it shall be the duty of the architect, engineer, or person preparing such specifications, to prepare separate specifications for the plumbing, heating, ventilating, and electrical work; and the borough shall receive separate bids upon each of the said branches of work and award the contract for the same to the lowest responsible bidder.

Section 2512. *Plans and Specifications; Letting Bids.*—In letting contracts for the erection, construction, improvement, or repair of any public buildings, and public works, when plans and specifications for the same shall be submitted for bids, the same shall be accompanied by a list of quantities of material required for such erection, construction, improvement, or repair, to be prepared and furnished by the architect or engineer preparing the plans, which bill or list shall be attached to the specifications.

No list of materials shall be taken as being guaranteed by the borough submitting such plans and specifications.

(b) GARBAGE AND TREATMENT WORKS

Section 2520. *Power to Purchase Real Estate.*—Boroughs may purchase any real estate, within or without the borough limits, upon which to erect and maintain garbage or incinerating furnaces and sewage-treatment works, with the necessary filter-beds, appliances, drains, and sewers.

Section 2521. *Approval of Site.*—Boroughs desiring to locate any garbage or incinerating plant, shall first apply to the court of common pleas for its approval of the location thereof; whereupon the court shall fix a date when objections to the location will be heard and shall prescribe what notice of such hearing shall be given. If at the time fixed for such hearing no objections shall be made to such location, the same shall be approved; but, if objection be made, then the court shall proceed to hear the matter and determine whether the location is a detriment to neighboring properties. The finding of the court shall be conclusive, but shall in no way adjudicate any question relating to damages for injury to property.

Section 2522. *Proceedings Where Owner Unknown.*—In case the borough cannot agree with the owner of such property as to the price, or in case the owner is absent or incapacitated from any cause, or is unknown, by reason of which no agreement can be made, the borough may take and appropriate, for any of such purposes, any real estate, after an ordinance shall have been passed providing for such taking and appropriating.

Section 2523. *Permits.*—No real estate shall be acquired, or contract for the construction of sewage-disposal works or plants, or sewer or drains extending thereto, be entered into, until a permit for the location and construction shall have been obtained from the Sanitary Water Board.

Section 2524. *Bond of Borough.*—Where the borough and the owner cannot agree as to the price to be paid; or where by reason of the legal incapacity of such owner, or where the owner is absent or unknown, no agreement as to the damages sustained can be made; the borough may tender its bond to the party entitled to damages, or to the agent of any person absent, or to the guardian or committee of any one under legal incapacity. The condition of the bond shall be that the borough will pay, or cause to be paid, such amount of damages as the party shall be entitled to receive, after the same shall have been agreed upon by the parties or assessed by viewers.

In case the party claiming damage refuses to accept the bonds so tendered, the borough shall give such party at least five days' written notice of a time when the same will be presented for filing in court. Thereafter the borough may present its bond to the court of common pleas, or to any law judge thereof in vacation, and, if

approved, the bond shall be filed in court for the benefit of those interested.

In case the title to the lands to be taken and approved be defective or disputed, or the party owning such real estate cannot be served with a notice, or have a bond tendered as provided in the preceding section, the court of common pleas of the county, or any law judge thereof in vacation, upon petition of the borough setting forth the necessary facts, shall direct the filing of a bond to the Commonwealth, in an amount to be fixed and approved by the court, for the benefit of those who may be found entitled to the damages. The condition of such bond shall be the same as provided in section seventeen of this article.

Upon the filing and approval of any bond provided for by this article, the borough shall have the right to enter upon and appropriate the lands mentioned in such bonds, and the title acquired by virtue of such condemnation shall be a fee simple title.

Section 2525. *Appointment of Viewers.*—In case the damages for such taking and appropriation have not been agreed upon, the court of common pleas, or any law judge thereof in vacation, on application by petition of the borough, or any person interested, shall appoint three viewers from the county board of viewers, and appoint a time, not less than twenty nor more than thirty days thereafter, when the viewers shall meet upon the premises and view the same.

Section 2526. *Notices by Viewers.*—The viewers shall give ten days' notice of such meeting to the owners of lands taken, if such owners reside within the county and can be found; and to the guardian of any minor if such guardian resides within the county, and to the guardian or committee of any lunatic or person of unsound mind, if such notice can be served upon such guardian or committee; and, in all cases where the owners are incapacitated or unknown, notice shall be given in two newspapers of general circulation printed in the borough or county; and the viewers shall give such other notice as the court shall direct, having regard to the circumstances of the case. Where minors have no guardians, and lunatics or persons of unsound mind have no guardians or committee, the court shall appoint a guardian or committee ad litem, and direct that all notices shall be served upon them.

Section 2527. *Proceedings.*—The proceedings before such viewers for the allowance of damages for property taken, injured, or destroyed and the proceedings upon their report shall be as provided in article fourteen of this act.

#### ARTICLE XXVI

#### WHARVES AND DOCKS

Section 2601. *Power With Regard to Wharves and Docks.*—Boroughs may erect and repair wharves and

docks, regulate and fix the rate of wharfage for all public wharves and docks within their limits, and enforce the collection of wharfage for the use of the same, and also regulate the anchoring of vessels, boats, or rafts within their limits, and the depositing of freight on such public wharves.

Section 2602. *Purchase and Condemnation of Real Estate.*—Boroughs may acquire, by purchase or condemnation, such real estate as they may need for the construction of wharves and docks within the limits of such boroughs, along navigable streams. No real estate for the erection of wharves and docks shall be so taken or appropriated until an ordinance authorizing the same shall have been passed and approved.

Section 2603. *Tender of Bond.*—Whenever an agreement cannot be made between any borough and the owner of any real estate as to the price to be paid therefor, the borough may tender its bond to the owner, or to the agent if such owner shall be absent, or to the guardian or committee of any one incapacitated.

Section 2604. *Refusal to Accept Bond.*—In case the owner or agent, committee or guardian, shall refuse to accept such bond, the borough shall present the same for approval to the court of common pleas of the county, or any law judge thereof in vacation. A notice of such application, in writing, with a copy of the proposed bond, shall be served upon such owner, agent, committee, or guardian, at least five days before the application for approval shall be made. If such bond shall be approved by the court, it shall be filed in the prothonotary's office of the county for the benefit of those interested.

Section 2605. *Bond in Case of Defective and Disputed Titles.*—In case the title to any real estate so condemned shall be defective or disputed, or if, from any cause, no bond can be tendered or notice served, the borough may present its petition to the court, or to any law judge thereof in vacation, setting forth the necessary facts. Whereupon the court may direct that the bond of such borough be executed to the Commonwealth, and filed in the court for the benefit of those who shall be entitled to any damages by reason of such taking or appropriation. The amount of such bond shall be fixed by the court.

Section 2606. *Conditions of Bonds.*—The conditions of each bond provided for in this article shall be that the borough will pay to the party entitled such amount of damages as may be agreed upon between such party and the borough or assessed by viewers.

Section 2607. *Entry Upon Lands.*—Upon the approval and filing of any bond provided for in the preceding sections of this article, the borough may enter upon and appropriate the real estate mentioned in such bond, and the title acquired by the borough shall be a title in fee simple.

Section 2608. *Appointment of Viewers.*—Whenever the

price for any such real estate has not been agreed upon, the court, on the petition of the borough or any party interested, shall appoint three freeholders as viewers, and fix a time not less than twenty nor more than thirty days thereafter when the viewers shall meet upon the premises and view the same.

Section 2609. *Notices.*—At least ten days' notice of the time and place of such meeting shall be given to the owners of such real estate or to their agent, committee, or guardian. If service of such notice cannot be had on such owners, agent, committee, or guardian, such notice shall be given in two newspapers of general circulation in such borough. Such other notices shall be given as the court or judge may direct.

Section 2610. *Appointment of Guardians and Committees.*—When any owner of such real estate shall be legally incapacitated, the court may, on the application of the borough, appoint a guardian or committee ad litem for such owner, and may direct that all notices shall be served on such guardian or committee.

Section 2611. *Proceedings.*—The proceedings before such viewers for the allowance of damages for property taken, injured, or destroyed, and the proceedings on their report shall be as provided in article fourteen of this act. The costs of all proceedings, including the compensation of the viewers, shall be paid by the borough.

Section 2612. *How Damages Assessed.*—The damages for the taking or injury of any property for use as a wharf, pier, or bulkhead, shall include full compensation for the value of the property taken or injured; and if the property so taken or injured shall constitute a part of a plant used as an entirety, the damage to the owner or tenant shall be assessed by taking the difference in market value of such plant as a whole, including buildings and all equipments installed and used in such plant, before and after taking or injuries, and notwithstanding that part of such plant may be separated by a highway.

Section 2613. *Leases.*—Boroughs may lease any wharf or part thereof and collect rent therefor by distress or otherwise. No one term of any such lease shall be for a longer period than three years.

Section 2614. *Market-Houses and Terminal Sheds.*—Boroughs may erect and maintain market-houses and terminal sheds on wharves, for the receipt and distribution of freight and express hauled by boats, railroads, and street cars. Boroughs may also construct railroad and street railway tracks, or other facilities, on wharves, to provide for the convenient hauling of such freight or express matter and collect rents, tolls, or charges for the use of such market-houses, terminal sheds, tracks, and facilities. No permit other than a license revocable at will shall be granted, and no exclusive permit for the use of such facilities shall be granted.

Section 2615. *Public Use Preserved.*—No structure



erected, and no right granted under the powers conferred by any of the preceding sections of this article, shall interfere with the public use of wharves for river commerce.

Section 2616. Nothing contained in this article shall be construed as conferring upon boroughs any power conferred by existing law on the Board of Commissioners of Navigation for the River Delaware and its Navigable Tributaries, or to permit boroughs to do any act, or to enact any ordinance, inconsistent with the laws relating to said board, or the rules and regulations of said board.

## ARTICLE XXVII

### PARKS, SHADE TREES, FORESTS

#### (a) PARKS AND PLAYGROUNDS, ET CETERA

Section 2701. *Power to Maintain and Improve.*—Borough may improve, maintain, and regulate public parks, parkways and playgrounds, playfields, swimming pools, public baths, bathing places, indoor recreation centers, and gymnasiums, within the borough limits or in adjacent townships. Two or more boroughs may jointly improve, maintain, and regulate public parks, parkways and playgrounds and playfields, including swimming pools, bathing places, indoor recreation centers and gymnasiums, within the limits of any township adjacent to any one of such boroughs. All expenses relative thereto shall be borne by the respective boroughs, in such proportion as may be agreed upon by the councils thereof.

Section 2702. *Power to Acquire.*—Boroughs may enter upon, appropriate, and acquire by gift, devise, purchase, lease, or otherwise, private property within the limits of the borough, or in adjacent townships; or any borough may designate and set apart any lands or buildings, owned by the borough and not dedicated or devoted to other public uses; and two or more boroughs may jointly appropriate, and acquire by gift, devise, purchase, lease, or otherwise, private property within the limits of any township adjacent to either of such boroughs, for the purpose of making, enlarging, and maintaining public parks, parkways and playgrounds, playfields, swimming pools, public baths, bathing places, indoor recreation centers and gymnasiums. All the costs and expenses relative to any such property, acquired by two or more boroughs jointly, shall be paid by the respective boroughs in such proportions as may be agreed upon by the councils thereof.

Section 2703. *Limit on Obligations.*—No appropriation, purchase, or lease shall be made pursuant to the preceding sections, whereby any borough shall, within any period of three years, obligate itself to pay in the aggregate any sum exceeding one and one-half mills on the dollar on the assessed valuation of all property, offices, professions, and persons in the borough, upon which county taxes are rated and levied, without the consent of a majority of the electors obtained as hereinafter provided.

Section 2704. *Submission to Voters.*—Whenever any borough shall, by ordinance, provide for the appropriation, purchase, or leasing of private property, for the purposes aforesaid, and the value of such property, or the rental thereof, shall alone, or when added to the amount of liability incurred for any of the purposes aforesaid, within the preceding three years, exceed one and one-half mills on the dollar of valuation, as provided in the preceding section, the council shall cause the question of such appropriation, purchase, or leasing to be submitted to the electors of the borough, at the municipal or general election next occurring after the expiration of forty days from the date of such ordinance.

Section 2705. *Notice of Election.*—The council shall give notice of the proposed submission of such question, by weekly advertisements in not more than three newspapers published in the borough for a period of four weeks immediately preceding the day of election, and, if no newspapers be published therein, by twenty printed handbills posted in conspicuous places at least twenty-one days prior to such election.

Section 2706. *Question to Be Submitted.*—For the purpose of having such question appear upon the ballot, the council shall certify the question to the county commissioners at least twenty-one days before the day of election. The question may be stated substantially as follows:

“Shall the borough of . . . . . acquire, by purchase, or condemnation, or both, at a price not exceeding . . . . . dollars (or by lease for not more than . . . . . years, at an annual rental of not more than . . . . . dollars), property for the purpose of making (or of enlarging) public parks, parkways and playgrounds and playfields, including swimming pools, bathing places, indoor recreation centers, and gymnasiums, within the locality bounded by . . . . .”

The council may, at their discretion, omit the designation of the locality.

Section 2707. *Result of Submission to Voters.*—The result of the vote on such question shall be ascertained and certified in the same manner as the vote on the election of officers named on the same ballots. No such question, determined negatively by the voters, shall be again submitted until one municipal or general election shall intervene.

Section 2708. *Appropriation for Public Purposes.*—The appropriation of private property for the purpose of making, enlarging, and maintaining public parks, parkways and playgrounds and playfields, including swimming pools, bathing places, and gymnasiums, is declared to be the taking of private property for public use, and for all damage suffered by the owners of any property so taken, the funds of the borough raised by taxation shall be pledged as security.

Section 2709. *Tendering Bond.*—Whenever compen-

sation for the damages arising from such appropriation cannot be agreed upon, the borough may tender its bond as security, to the party claiming, or entitled to, any damages, to the attorney or agent of any person absent, to the agent or other officer of a corporation, or to the guardian or committee of any person under legal incapacity, the condition of which shall be that the borough shall cause to be paid such amount of damages as the party shall be entitled to receive, after the same have been agreed upon or assessed.

Section 2710. *Approval of Bond.*—Whenever any party, claiming damages for property taken under the provisions of the preceding sections of this article, refuses or neglects to accept the securities so tendered, the borough may, upon ten days' written notice given to the party, his agent, attorney, guardian, or committee, present its bond to the court of common pleas. If approved, the bond shall be filed for the benefit of those interested; and recovery may be had thereon for the amount of damages ascertained or finally determined, if the same be not paid, by an execution on the judgment in the issue formed to try the question. Upon the approval of such security, the borough may enter into possession, hold, and use such land for such purposes forever.

Section 2711. *Appointment of Viewers.*—Whenever any borough, or boroughs acting jointly, appropriates private property under the provisions of this article, and is unable to agree with the owners or lessees for the amount of compensation, or whenever, by reason of the absence or legal incapacity of any owner or lessee, no such compensation can be agreed upon, the courts of common pleas, or any law judge thereof in vacation, on application thereto by the borough, or by the boroughs acting jointly, or any person interested, shall appoint three viewers from the county board of viewers, and shall designate a time, not less than twenty nor more than thirty days thereafter, when the viewers shall meet upon the property and view the same. Whenever viewers appointed on the joint application of two or more boroughs shall, after viewing the property, assess any damages against such boroughs, such damages shall be paid by the respective boroughs, in equal proportion, or in such other proportions as may have been agreed upon by the councils thereof.

Section 2712. *Notices by Viewers.*—The viewers shall give ten days' notice of the time and place of their first meeting, to the owners of the property, their agents, attorneys, or representatives, by writing, served, if they reside within the county, in the same manner as the service of summons in personal actions, otherwise by handbills posted upon the premises, or by such other notice as the court may prescribe.

Section 2713. *Proceedings.*—The proceedings before the viewers for the assessment of damages and the proceed-

ings upon their report shall be as provided in article fourteen of this act.

Section 2714. *Final Judgment; Interest.*—The final confirmation of the report of viewers shall operate as a judgment against the borough, in favor of the party to whom damages have been awarded by the report or by so much of the report as is confirmed. Interest is allowed on such judgment from the date of filing the report.

Section 2715. *Discontinuing Proceedings.*—Whenever any borough repeals any ordinance, or discontinues any proceedings taken providing for the appropriation of property under this article, prior to the entry upon or injury to such property, and within thirty days after the filing of the report of viewers assessing damages, the borough shall not thereafter be liable to pay any damages which have been, or might have been, assessed; but the costs upon any proceeding had thereon shall be paid by the borough, together with the actual damage sustained by reason of such proceeding.

Section 2716. *Validation of Prior Acquisitions.*—Whenever, prior to the first day of June, one thousand nine hundred and eleven, any borough acquired land outside its corporate limits for park purposes, such borough may own and possess such land for park purposes, and is authorized to lay out and maintain the same and to appropriate money to defray expenses incident to such work.

Section 2717. *Plan of Parks and Playgrounds.*—Every borough shall have a general plan of its parks and playgrounds, which plan shall be filed in the office of the engineer or other proper officer of the borough. All subdivisions of property thereafter made shall conform thereto. The location of parks and playgrounds, laid out and confirmed by the borough council, shall not afterwards be altered without the consent of council, and no map or plot of parks or playgrounds shall be entered or recorded in any public office of the county until approved by the borough council.

Section 2718. *No Damages for Building Within Lines.*—No person shall recover any damages for the taking for public use of any buildings or improvements of any kind placed or constructed upon or within the lines of any located park or playground after the same has been located by the borough council.

Section 2719. *Creation of Recreation Board.*—The authority to supervise and maintain playgrounds, playfields, gymnasiums, public baths, swimming pools, or indoor recreation centers, may be vested in any existing body or board, or in a recreation board, as the borough council shall determine. The corporate authorities of any such borough may equip, operate, and maintain the playgrounds, playfields, gymnasiums, swimming pools, bathing places, public baths, or indoor recreation centers, as authorized by this act. Such authorities may, for the purpose of carrying out the provisions of this article, employ play

leaders, recreation directors, supervisors, superintendents, or any other officers or employes, as they deem proper.

Section 2720. *Composition of Board.*—If the borough council shall determine that the power to equip, operate, and maintain playgrounds, playfields, gymnasiums, public baths, bathing places, swimming pools, or recreation centers, shall be exercised by a recreation board, they may establish in said borough such recreation board, which shall possess all the powers, and be subject to all the responsibilities, of the respective authorities under this article. Such board, when established, shall consist of five persons, and when established in a borough, two of the members shall be members of the school board. The board shall be appointed by the burgess of such borough, and shall serve for terms of five years, or until their successors are appointed, except that the members of such board, first appointed, shall be appointed for such terms that the term of one member shall expire annually thereafter. Members of such board shall serve without pay. Women shall be eligible for appointment. Vacancies in such board, occurring otherwise than by expiration of term, shall be for the unexpired term and shall be filled in the same manner as original appointments.

Section 2721. *Organization of Board; Employes.*—The members of a recreation board, established pursuant to this article, shall elect their own chairman and secretary and select all other necessary officers, to serve for a period of one year, and may employ such persons as may be needed, as authorized by this act. Such board shall have power to adopt rules and regulations for the conduct of all business within its jurisdiction.

Section 2722. *Joint Ownership and Maintenance.*—Any two or more boroughs, or borough with any city, or borough with a county, may jointly acquire property for, and operate and maintain, any playgrounds, playfields, gymnasiums, public baths, bathing places, swimming pools, or indoor recreation centers. Any school district shall have power to join with any borough or boroughs in equipping, operating, and maintaining playgrounds, playfields, gymnasiums, public baths, swimming pools, and indoor recreation centers, and may appropriate money therefor.

Section 2723. *Issue of Bonds.*—The borough council may issue bonds for the purpose of acquiring lands or buildings for playgrounds, playfields, gymnasiums, swimming pools, public baths, or indoor recreation centers, and for the equipment thereof.

Section 2724. *Maintenance and Tax Levy.*—All expenses incurred in the operation of such playgrounds, playfields, gymnasiums, swimming pools, public baths, bathing places, and indoor recreation centers, established as herein provided, shall be payable from the treasury of such borough, or boroughs, city, county, or school district, as may be provided for by agreement of the corporate

authorities. The local authorities of such borough or school district, having power to appropriate money therein, may annually appropriate, and cause to be raised by taxation, such tax, not to exceed two mills on the dollar of the assessed valuation of taxable property in such borough or school district, for the purpose of maintaining and operating playgrounds, playfields, gymnasiums, public baths, bathing places, swimming pools and recreation centers.

(b) SHADE TREES

1. Shade Tree Commission:

Section 2730. *Shade Tree Commission.*—Borough may establish a commission to be known as the Shade Tree Commission of such borough.

Section 2731. *Composition of Commission.*—The commission shall be composed of three freeholders of the borough, who shall be appointed by the burgess, and shall serve without compensation.

Whenever a shade tree commission is established by any borough, the burgess shall appoint three freeholders, one for a term of three years, one for a term of four years, and one for a term of five years.

On the expiration of the term of any commissioner, a successor shall be appointed by the burgess to serve for a term of five years.

Vacancies in the office of commissioner shall be filled by the burgess for the unexpired term.

Section 2732. *Powers May Be Vested in Park Commission.*—Whenever in any borough there exists a commission for the care of public parks, the council may, by ordinance, accept the provisions of this article so far as it relates to the subject of the shade tree commission, and thereafter the park commission shall have all the powers and be subject to all the duties prescribed by this article for the shade tree commission.

Section 2733. *Powers of Commission.*—The commission shall have exclusive custody and control of the shade trees in the borough, and is authorized to plant, remove, maintain, and protect shade trees on the public highways in the borough.

The commission may employ and pay such superintendents, engineers, foresters, tree-wardens, or other assistants, as the proper performance of the duties devolving upon it shall require, and may make, publish, and enforce regulations for the care and protection of the shade trees of the borough. No such regulation shall be in force until it has been approved by the council, and until it has been published at least twice in one or two newspapers of the borough.

Section 2734. *Report of Commission.*—The shade tree commission shall annually report in full to the burgess its transactions and expenses for the last fiscal year of the borough. The park commission in boroughs accepting

this article may incorporate such transactions and expenses in its regular report to council.

Section 2735. *Notices by Commission.*—Whenever any shade tree commission, or park commission in boroughs accepting this article, proposes to plant, transplant, or remove shade trees on any highway, notice of the time and place of the meeting at which such work is to be considered shall be given in one or more newspapers published in the borough, once a week for two weeks immediately preceding the time of the meeting. The notice shall specify in detail the highways or portions thereof upon which trees are proposed to be so planted, replanted, or removed.

Section 2736. *Payment by Owners.*—The cost of planting, transplanting, or removing any shade trees in the highways of the borough, of the necessary and suitable guards, curbing, or grading for the protection thereof, and of the replacing of any pavement or sidewalk necessarily disturbed in the execution of such work, shall be paid by the owner of the real estate in front of whose property the work is done.

The amount each freeholder is to pay shall be ascertained and certified by the commission to council and to the borough treasurer.

Section 2737. *Assessments; Liens.*—Upon the filing of the certificate with the council, the secretary of the borough shall cause thirty days' written notice to be given to the persons against whose property an assessment has been made. The notice shall state the amount of the assessment, and the time and place of payment, and shall be accompanied with a copy of the certificate.

The amount assessed against the real estate shall be a lien from the time of the filing of the certificate with the council, and, if not paid within the time designated in the notice, a claim may be filed and collected by the borough solicitor in the same manner as municipal claims are filed and collected.

Section 2738. *Maintenance by Borough; Tax Levy.*—The cost and expenses of caring for such trees after having been planted and the expense of publishing the notice provided in the preceding section shall be paid by the borough.

The needed amount shall each year be certified by the commissioners to the borough council and shall be drawn against, as required by the commission, in the same manner as money appropriated for borough purposes.

The borough council may levy a general tax, not to exceed the sum of one-tenth of one mill on the dollar on the assessed valuation of the property in said borough, for the purpose of defraying the cost and expenses of caring for such shade trees and the expense of publishing the notice provided in the preceding section of this article; or it may provide for the expense of the caring for trees already planted and of publishing the notice required by the preceding section of this article by appropriations

equal to the amount certified to be required by the commission.

Section 2739. *Penalties.*—The commission may assess penalties for the violation of its regulations and of this article so far as it relates to shade trees. Any penalty so assessed shall be a lien upon the real estate of the offender and may be collected as municipal claims are collected.

All penalties or assessments imposed under this article shall be paid to the borough treasurer, to be placed to the credit of the commission, subject to be drawn upon by the commission for the purposes of the preceding sections of this article.

(2) Power of Boroughs as to Shade Trees:

Section 2745. *Ordinances to Require Planting and Replanting.*—Boroughs may, by ordinance, upon the petition of a majority of the property owners upon any public street thereof, require the planting and replanting of suitable shade trees along and upon the sides of such streets, upon such alignment and at such points as may be by such ordinance designated, by the owners of property abutting the street at the points designated. This section does not authorize boroughs to require the planting or replanting of trees at any point which may interfere with the necessary or reasonable use of any street or abutting property or unreasonably interfere with any business conducted thereon.

Section 2746. *Power of Borough Where Owners Fail to Comply.*—On failure of any owner, after reasonable notice, to comply with the terms of any such ordinance, the borough may cause such trees to be planted or replanted at the expense of the borough, and thereupon, in the name of the borough, collect the cost of such work from the owners in default, as debts of like amount are by law collectible.

(c) FORESTS

Section 2750. *Acquisition of Land for Forest Purposes.*—Boroughs may acquire, by purchase, gift, or lease, and hold tracts of land covered with forest or tree growth or suitable for the growth of trees, and administer the same, under the direction of the commissioner of forestry, in accordance with the practices and principles of scientific forestry, for the benefit of the borough. Such tracts may be of any size suitable for the purpose and may be located within or without the borough limits.

Section 2751. *Approval of Secretary of Forests and Waters.*—Before the passage of any ordinance for the acquisition of land to be used as municipal forests, the burgess shall submit to the Secretary of Forests and Waters, and secure his approval of, the area and location of such land.

Section 2752. *Ordinance Declaring Intention.*—Whenever the council of any borough deems it expedient to acquire any lands for the purposes of municipal forests,



it shall so declare in an ordinance wherein shall be set forth all facts and conditions relating to the proposed action; which proposed ordinance shall be advertised once a week for three weeks prior to its passage.

Section 2753. *Appropriations of Money.*—All money necessary for the purchase of such tracts shall be appropriated in the same manner as appropriations for borough purposes, and such funds may be provided from the current revenue or by the proceeds of a sale of bonds in accordance with existing law.

Section 2754. *Rules and Regulations.*—Upon the acquisition of any municipal forests or lands suitable for such, the council shall notify the Secretary of Forests and Waters, who shall make such rules for the government and proper administration of the same as may be necessary, and the council shall publish such rules, declare the uses of the forest in accordance with the intent of this article, and make such provision for its administration, maintenance, protection, and development as shall be necessary or expedient. The rules governing the administration of such forests shall have for their main purpose the producing of a continuing borough revenue by the sale of forest products.

Section 2755. *Appropriations and Revenues.*—All moneys necessary to be expended for the administration, maintenance, protection, and development of such forests, shall be appropriated and applied as is now done for borough purposes; all revenue and emoluments arising from such forests shall be paid into the borough treasury to be used for general borough purposes.

Section 2756. *Use of Forests.*—Municipal forests may be used by the public as general outing or recreation grounds subject to the rules governing their administration as municipal forests.

Section 2757. *Ordinance of Sale.*—Whenever the council of any borough deems it expedient to alienate any municipal forest or part thereof, it shall so declare in an ordinance wherein shall be set forth all the facts and conditions relating to the proposed action; which proposed ordinance shall be advertised once a week for three weeks prior to its passage. No ordinance shall be effective in legalizing such alienation until it has been approved by a majority vote of the people at the next ensuing election.

## ARTICLE XXVIII

### BURIAL GROUNDS

Section 2801. *Powers of Borough.*—Boroughs may prohibit within their limits, or within any described territory within such limits, the burial or interment of deceased persons, and may regulate the depth of graves.

Section 2802. *Transfer from Borough to Company.*—When the title and management of any burial ground is vested in a borough, the council of such borough, upon petition of ten lot owners in such burial ground, may

transfer such burial ground and the management thereof, to an incorporated cemetery company.

Section 2803. *Vesting Title.*—Upon the presentation to council of such petition, the council may pass an ordinance declaring that, upon the acceptance of the provisions of such ordinance by the incorporated cemetery company, filed with the borough secretary, the title and control of such burial ground shall vest in such incorporated cemetery companies.

Section 2804. *Acceptance of Corporation.*—The secretary of the borough shall record the acceptance of any such incorporated cemetery company in the ordinance book of the borough, and a copy of the ordinance and the acceptance thereof, certified by the burgess and secretary of the borough, shall be recorded in the office of the recorder of deeds of the county.

Section 2805. *Orders of Court as to Neglected Cemeteries.*—Authority is vested in the court of quarter sessions to make such orders for the regulation of burial grounds, situated in and adjacent to boroughs, as the public good shall require; and when any burial ground shall become so neglected as, in the opinion of the court, to become a public nuisance, the court may direct the removal of the dead therefrom by the borough authorities to some other burial ground.

Section 2806. *Transfer from Company to Borough.*—Upon the petition of any incorporated cemetery company and a majority of the taxables of any borough, the court of quarter sessions may authorize the transfer of any cemetery to the authorities of any borough in which such cemetery may be located or be adjacent thereto.

Section 2807. *Powers of Borough.*—Such transfer shall be made without cost to the borough and upon being made the borough authorities shall exercise the powers and privileges of such incorporated company, and may purchase lands within or beyond the borough limits, not to exceed thirty acres, for the extension of such cemetery, and may raise the means to pay for the same, by the sale of lots or otherwise, but in no event by taxation; they may lay out lots so purchased and alter the original plot of such cemetery, and may dispose of such grounds in the same manner as such incorporated company could have done.

Section 2808. *Deeds to Lots.*—A deed for any lot, made by the burgess, shall be of the same validity as the deed of such incorporated cemetery company; and the burgess is authorized to make deeds to those who theretofore purchased lots, but have not been furnished with deeds by the cemetery company.

Section 2809. *Removing Bodies to Alter Plots.*—In altering the plot of any such cemetery, the bodies may be removed and reinterred in a suitable place, but without cost to surviving relatives or friends.

Section 2810. *Removal of Bodies to Other Cemeteries.*—

Whenever any burial ground privately owned and in charge of no person or persons, or any burial ground in charge of any religious society or church, or in charge of no one, has ceased to be used for interments, or has become so neglected as to become a public nuisance; or when such cemetery hinders the improvements and progressive interests of any borough, or is desired by the borough for any free public library building, or for any other public purpose—the court of quarter sessions of the county, upon petition of the managers of such cemetery; or upon the petition of fifty residents in the vicinity in case such cemetery is not in charge of anyone, setting forth that the improvements and progressive interests of such borough are hampered and the welfare of such borough is injured; or upon the petition of such borough setting forth that such cemetery is desired by the borough for the erection thereon of a free public library building, or for use as recreation centres or municipal playgrounds, or the opening, laying out or extension through said land of any street or highway, or for any other public purpose; and after three weeks of advertisement, may direct the removal of the remains of the dead from such burial ground.

Section 2811. *Applications for Removal.*—No application, as provided in the preceding section, shall be made by the managers of any cemetery, in charge of any society or church, except in pursuance of the wishes of a majority of the members of such society or church, expressed at a meeting held for that purpose after two weeks' public notice.

Section 2812. *Removals; How Made.*—Such removal shall be made by the managers of such cemetery, or by the borough when such cemetery is in charge of no one, in a careful manner, at the expense of the party making such removal, to such other burial ground as may be selected; or if so desired by relatives or friends, to some cemetery in the immediate vicinity.

Section 2813. *Notice of Removal.*—The parties making such removal shall publish, for two successive weeks, in two daily or weekly newspapers of the borough or county, a notice declaring their intention to remove such remains.

Section 2814. *Removal by Relatives and Friends.*—Relatives and friends of such dead may remove such remains, at any time during such proceedings at their own expense, before removal by the managers.

Section 2815. *Care in Removal.*—All bodies, when so removed, shall be placed in separate caskets and graves, and the markers placed by the remains of such bodies shall be taken by the persons authorized to make such removal, and placed as near as can be in the same relative position as before removal.

Section 2816. *Right to Use Property From Which Bodies Removed.*—After the removal of all dead bodies from such burial grounds, the said land shall cease to be a cemetery or burial ground for all and any purpose what-

soever; and may be acquired by the municipality or school district thereof, as other lands are acquired for municipal or school purposes.

Section 2817. *Purchase of Plots for Burial of Deceased Service Men.*—Any borough may purchase plots of ground, in any cemetery or burial ground within its limits, for the interment of such deceased service men, as have heretofore died or shall hereafter die within such borough, or shall die beyond such borough and shall have a legal residence within such borough at the time of their death, and whose bodies are entitled to be buried by the county under the provisions of the act, approved the tenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, four hundred and seventy-three), entitled "An act providing for the burial of certain persons who are, have been, or shall be soldiers, sailors, or marines, designated as 'deceased service men'; defining the term 'deceased service man'; and authorizing county commissioners to provide headstones, markers, and burial plots for such deceased service men at the expense of the county in which they shall die or have a legal residence at the time of their death," or any reenactment thereof. Such plots of ground shall be paid for out of the treasury of such borough.

#### ARTICLE XXIX

#### LICENSES AND LICENSE FEES

##### (a) AUCTIONEERS

Section 2901. Boroughs may regulate and license persons and firms engaged in the business of auctioneering within the limits of any such borough, and fix the amount to be paid for such license. Such license shall be in addition to all other licenses required by law. The provisions of this section shall not apply, for a space of three months, to persons or firms regularly engaged in business in boroughs, who may desire to reduce their stock or retire from business.

##### (b) FOREIGN DEALERS

Section 2905. Boroughs may license foreign dealers in merchandise, or their agents, having no permanent place of business in such boroughs, but temporarily engaged in selling merchandise, either by wholesale or by retail. Such license shall not exceed the amount imposed on resident merchants engaged in like business. The provisions of this section shall not apply to sales by sample.

##### (c) TRANSIENT RETAIL MERCHANTS

Section 2910. *License.*—Hereafter every person, whether principal or agent, entering into, beginning, or desiring to begin, a transient, retail business in any borough, for the sale of any goods, wares, or merchandise whatsoever, and who hires, leases, occupies, or uses any room, apartment, store, shop, building, railway car, or other place or struc-

ture, for the exhibition and sale of such goods, wares, or merchandise, shall take out a license for the same from the proper authorities of the said borough: Provided, however, That nothing herein contained shall apply to farmers selling their own produce, or to any sale of goods, wares, or merchandise donated by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose.

Section 2911. *License Fee.*—The amount of such license in any borough shall be fixed by ordinance, duly passed by the council of such city, and shall not be less than twenty-five dollars (\$25) nor exceed the sum of two hundred dollars (\$200) per month, or fractional part thereof, to be paid to the treasurer of said borough. Said license shall be renewed monthly during the continuance of said sale, and upon failure of said person or persons so to secure such license, he, she or they shall be fined in a sum not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200), to be collected as other fines are by law collectible, and in default of payment of said fines, shall be imprisoned in the jail of the county for a period not exceeding thirty (30) days.

Section 2912. *Commonwealth Licenses Saved.*—Nothing contained in the two preceding sections shall be construed to relieve any person, partnership, or corporation from the duty of taking out a license, or from the payment of any license tax imposed or authorized by any other statute of this Commonwealth.

(d) VEHICLES

Section 2915. Boroughs may enact ordinances establishing reasonable rates of license fees on all vehicles used in carrying persons or property for pay; and may regulate the operation and compensation of such vehicles within the limits of such boroughs, or between any such borough or other points.

(e) RESTRICTIONS

Section 2920. *Farmers.*—It shall be unlawful for any borough to levy or collect any license fee from any farmer who sells his own produce in or about the streets of any borough.

Section 2921. *Persons Taking Orders.*—It shall be unlawful for any borough to levy any license fee or mercantile tax upon any persons taking orders for merchandise by sample, from dealers or merchants, for individuals or companies who pay a license or mercantile tax at their chief places of business. Nothing in this section shall authorize any person to sell by retail to others than dealers or merchants.

Section 2922. *Equality of Residents and Non-residents.*—It shall be unlawful for any borough to impose, by ordinance, or exact or collect under the provisions of any ordinance heretofore or hereafter enacted, any license tax

Repealed

Act of 1931

P. L. 386, P. 394, 400

or fee upon or from any manufacturer, or the agent, representative or employe of any manufacturer who is a resident of the Commonwealth, for soliciting orders for, or for selling, any goods, merchandise, or wares manufactured within this Commonwealth, that is not or cannot legally be imposed upon, or exacted, or collected from, any manufacturer or dealer, or the agent, representative, or employe of any manufacturer, who is a non-resident of the Commonwealth, for soliciting orders for or for selling any goods, merchandise, or wares manufactured without the Commonwealth.

Section 2923. *Insurance Business.*—It shall be unlawful for any borough to impose or collect any license fee upon insurance companies, or their agents, or insurance brokers, authorized to transact business under the laws of the Commonwealth.

#### ARTICLE XXX

##### REAL ESTATE REGISTRY

Section 3001. *Real Estate Registry Established.*—For the purpose of procuring accurate information in reference to the ownership of real estate the council of each borough may provide by ordinance for a registry thereof.

Section 3002. *Duties of Borough Secretary.*—The secretary of such borough, in which such registry shall be established, shall, under the direction of the council, cause to be made all necessary books, maps, and plans, as will show the situation and dimensions of each property thereon; which books, maps, or plans shall be so prepared as to show the location and the name of the owner or owners thereof, with blank spaces for the name of the owner of each lot, and with provision for the names of future owners and the dates of future transfers of title.

Section 3003. *Access to Public Records.*—For the purpose of establishing such registry, the secretary shall have access without charge to any public records wherein the necessary information may be obtainable, and may also cause a search to be made in other places for any muniments or evidences of title, not reported to him as herein provided, and requisite for the completion of such books, maps, or plans.

Section 3004. *Keeping of Records.*—Said books, maps, and plans shall be carefully preserved, and shall be so kept, by additions from time to time, as to show the ownership of every lot, or piece of real estate, or subdivision thereof, within the limits of such borough, with the succeeding transmissions of title from the time of the commencement of such plans; but nothing contained therein shall, at any time, invalidate any municipal or tax claim by reason of the fact that the same is not assessed or levied against the registered owner.

Section 3005. *Duties of Owners of Real Estate.*—It shall be the duty of all owners of real estate within the limits of such borough, within one month after the date of the

approval of any ordinance establishing such registry, and of every subsequent purchaser, devisee, or person, within one month after acquiring title in any manner whatsoever to any real estate in such borough, to furnish to the said secretary, at his office, descriptions of their respective properties upon blanks to be furnished by the borough, and at the same time to present their conveyances to be stamped as evidence of the registry thereof.

Any person neglecting or refusing to comply with the provisions of this section, for a period of thirty days after public notice, shall be liable to a penalty of five dollars, to be recovered, with costs of suit, in the name and for the use of the borough as penalties of like amount are now recoverable.

Section 3006. *Deeds Not to Be Recorded Until Registered.*—The sheriffs of the respective counties in which any such borough is situated shall present for registry the deeds of all properties within such borough sold by them at judicial sales; and the prothonotaries and recorders of deeds of such counties shall not admit for record any deed of any property in such borough, bearing dates subsequent to the approval of an ordinance providing for the establishment of such registry, unless same shall first have been duly stamped as herein provided.

#### ARTICLE XXXI

##### ENFORCEMENTS OF ORDINANCES

Section 3101. *Recovery of Fines, Penalties and Costs.*—Fines, penalties, and costs made payable by this act, or imposed under the ordinances of any borough, shall be recoverable, before the burgess or any justice of the peace of the borough, in the same manner as debts not exceeding three hundred dollars are recoverable, and when so recovered shall be forthwith paid to the treasurer of the borough.

Section 3102. *Arrests by Policemen.*—Policemen of the several boroughs may, without warrant and upon view, arrest and commit for hearing, any person guilty of a breach of the peace, vagrancy, riotous or disorderly conduct or drunkenness; or that may be engaged in the commission of any unlawful act tending to imperil the personal security or endanger the property of citizens, or violating any of the ordinances of such borough for the violation of which a penalty is imposed. Persons so arrested shall be entitled to give bail for their appearance, according to the practice in cases of summary convictions.

Section 3103. *Commencement of Proceedings.*—All proceedings for the violation of borough ordinances and for the collection of fines and penalties imposed thereby, may be commenced by warrant or by summons at the discretion of the burgess or justice of the peace before whom the proceedings are commenced, but no warrant shall be issued except on oath or affirmation specifying the ordi-

nance for the violation of which the same is issued, and all process may be directed to and be served by any policeman of the borough, who may execute the same anywhere within the Commonwealth.

Section 3104. *Return of Warrants.*—Warrants shall be returnable forthwith, and upon such return, like proceedings shall be had as in cases of summary conviction, with the same right of appeal from any final judgment.

Section 3105. *Arrests on View; Complaints.*—When any person is arrested on view, a complaint, on oath or affirmation, shall be immediately made, whereupon like proceedings shall be had as provided in the preceding section.

Section 3106. *Commitments Pending Hearings.*—Any person arrested for the violation of a borough ordinance may be committed to the borough lockup, pending a hearing or trial, but in case there is no suitable lockup in which to detain prisoners, the person arrested may be committed to the county jail.

Section 3107. *Commitments After Hearings.*—Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the borough lockup, for a period not exceeding five days, or to the county jail or workhouse for a period not exceeding thirty days.

Section 3108. *Collection of Penalties.*—No fine or penalty shall exceed one hundred dollars for any single violation of any ordinance. In case the defendant has goods or property of any kind whatsoever, out of which the judgment and costs can be collected by execution or other process, the plaintiff in the action may elect to collect the judgment and costs by such proceedings.

Section 3109. *Commitment of Vagrants.*—When any person shall have been arrested, by authority of the burgess or justice of the peace of any borough, charged with being a vagrant or tramp, and having refused to pay the fine imposed for such offense, the burgess or justice of the peace shall have authority to commit such person to the lockup in such borough for a term not exceeding five days, or compel such person to work upon the public works or streets of the borough for a period of time not exceeding one day for each dollar of fine imposed.

Section 3110. *Appeals by Vagrants.*—Any such defendant, as provided in the preceding section, may appeal to the court of quarter sessions upon entering into recognizance with at least one surety in double the amount of the fine and costs for his appearance in court, and the offense shall be prosecuted in court as in the case of misdemeanors.

Section 3111. *Payment of Costs by Borough.*—When a prisoner shall be committed to any county jail or prison, either for the non-payment of a fine or penalty imposed for the violation of any borough ordinance, or while awaiting a hearing upon any charge for the violation of



any borough ordinance, the costs of the proceedings and the expenses of maintaining such prisoner during his confinement, shall be paid by the borough, and the county shall not be liable to the sheriff for any maintenance or to any person for any costs in such proceedings.

## ARTICLE XXXII

## ACTIONS BY AND AGAINST BOROUGHS

## (a) MUNICIPAL CLAIMS

Section 3201. *Collection of Municipal Claims.*—Boroughs may proceed for the recovery of municipal claims by lien or by action of assumpsit, and jurisdiction is conferred upon justices of the peace to entertain such actions of assumpsit to the amount of three hundred dollars. In all proceedings for the recovery of municipal claims an attorney's commission of five per centum may be included, not to exceed twenty dollars.

## (b) DEFENSES BY TAXPAYERS

Section 3205. *Intervention by Taxpayers.*—Any taxpayer of any borough may inquire into the validity of any judgment, or defend the borough in any suits or judgment, upon filing a petition with the court of common pleas of the county in which such suit is pending or judgment exists, accompanied by an affidavit that the taxpayer believes that injustice will be done to the borough in such suit or judgment. Whenever it is deemed necessary, the court may order such taxpayer to file a bond with one or more sureties, to be approved by court, to save the borough harmless from all costs that may accrue in such proceeding subsequent to the filing of such petition. When such intervention shall have taken place, such taxpayer shall be deemed a party to the record, and no settlement of any suit or judgment, wherein such intervention shall have taken place, shall be made by the borough without notice to such intervening taxpayer and opportunity for him to be heard.

Section 3206. *Appeals by Taxpayers.*—Whenever a judgment is rendered by any justice of the peace or alderman against any borough, and a right of appeal is given to such borough, and for ten days immediately after the rendition of such judgment the borough officials neglect to perfect such appeal, any taxpayer of such borough may take an appeal in behalf of the borough from such judgment to the court of common pleas of the county within the time prescribed for the taking of such appeal.

Section 3207. *Affidavit by Taxpayer; Costs.*—In taking the appeal, the taxpayer shall make an affidavit that the same is not taken for the purpose of delay, but because he verily believes that injustice has been done. The taxpayer shall pay the costs of the appeal, and enter sufficient bail for the payment of all costs before the justice of the

peace or alderman, and all costs in the court of common pleas.

Section 3208. *Taxpayer to Be Party to Suit.*—Upon the filing of such appeal in the court of common pleas of the county, the taxpayer shall be made a party to the suit and shall have the right to defend such borough therein.

(c) LIABILITY IN BOND TRANSFERS

Section 3210. All certificates of loans, issued by a borough, shall be transferable by the legal owner thereof without any liability on the part of the transfer agents of the borough to recognize or see to the execution of any trust, whether expressed, implied, or constructive, to which such loans may be subject, unless such transfer agents of the borough shall have previously received notice in writing, signed by or on behalf of the person for whom such loans appear by the certificate thereof to be held in trust, that the proposed transfer would be a violation of such trust.

ARTICLE XXXIII

ACTS OF ASSEMBLY REPEALED; SAVING CLAUSE

Section 3301. The following acts and parts of acts of Assembly are hereby repealed as particularly set forth:

Clause 24, section 2, of act of April 3, 1851 (P. L. 320).

Clause twenty-four, section two, of the act, approved the third day of April, one thousand eight hundred and fifty-one (Pamphlet Laws, three hundred and twenty), entitled "An act regulating boroughs," absolutely.

Sections 8 and 11 of act of June 25, 1885 (P. L. 187), as to boroughs.

Sections eight and eleven of the act, approved the twenty-fifth day of June, one thousand eight hundred and eighty-five (Pamphlet Laws, one hundred eighty-seven), entitled "An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth," so far as they relate to borough taxes.

Act of April 22, 1887 (P. L. 61).

The act, approved the twenty-second day of April, one thousand eight hundred and eighty-seven (Pamphlet Laws, sixty-one), entitled "An act relating to the collection of debts due by boroughs in the several counties of this Commonwealth," absolutely.

Sections 1 and 2 of act of February 14, 1889 (P. L. 7), as to boroughs.

Sections one and two of the act, approved the fourteenth day of February, one thousand eight hundred and eighty-nine (Pamphlet Laws, seven), entitled "An act to authorize the election of assessors for three years in the several boroughs and townships of this Commonwealth," so far as they relate to boroughs.

Section 1 of act of May 8, 1889 (P. L. 133), as to boroughs.

Section one of the act, approved the eighth day of May, one thousand eight hundred and eighty-nine (Pamphlet Laws, one hundred and thirty-three), entitled "An act to amend an act, entitled 'An act to authorize the election of assessors for three years in the several boroughs and townships of this Commonwealth,' approved the fourteenth day of February, Anno Domini one thousand eight hundred and eighty-nine," so far as it relates to boroughs.

The act, approved the sixth day of June, one thousand eight hundred and ninety-three (Pamphlet Laws, three hundred and thirty-three), entitled "An act to authorize the election of tax collectors for the term of three years in the several boroughs and townships of this Commonwealth," so far as it relates to boroughs.

Act of June 6,  
1893 (P. L. 333),  
as to boroughs.

The act, approved the twenty-sixth day of June, one thousand eight hundred and ninety-five (Pamphlet Laws, three hundred and forty-six), entitled "A supplement to an act, entitled 'An act regulating boroughs,' approved the third day of April, Anno Domini one thousand eight hundred and fifty-one, empowering boroughs to tax persons, property, and occupations for general borough purposes," absolutely.

Act of June 26,  
1895 (P. L. 346).

The act, approved the ninth day of July, one thousand eight hundred and ninety-seven (Pamphlet Laws, two hundred and forty-two), entitled "An act requiring the tax collectors of the several boroughs and townships of this Commonwealth to make monthly returns of the taxes collected by them, and the amount outstanding upon their respective duplicates, to the several authorities legally authorized to receive the said taxes and to borough councils, and to pay over monthly the amounts so collected by them, and providing a penalty for the violation of the same," so far as it relates to borough taxes.

Act of July 9,  
1897 (P. L. 242),  
as to boroughs.

The act, approved the eleventh day of May, one thousand nine hundred and one (Pamphlet Laws, one hundred and fifty-two), entitled "An act, amending the act of June twenty-sixth, one thousand eight hundred and ninety-five, entitled 'A supplement to an act, entitled "An act regulating boroughs," approved the third day of April, Anno Domini one thousand eight hundred and fifty-one, empowering boroughs to tax persons, property, and occupations for general borough purposes,' " absolutely.

Act of May 11,  
1901 (P. L. 152).

The act, approved the first day of May, one thousand nine hundred and nine (Pamphlet Laws, three hundred and five), entitled "An act to amend section seven of an act, entitled 'An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth,' approved June twenty-fifth, one thousand eight hundred and eighty-five, allowing a reduction of five per centum on all taxes paid within ninety days from date of notice by collector that duplicate has been issued or delivered to him," so far as it relates to borough taxes.

Act of May 1,  
1909 (P. L. 305),  
as to boroughs.

The act, approved the eighth day of May, one thousand nine hundred and nine (Pamphlet Laws, four hundred seventy-four), entitled "An act to amend an act, approved the twenty-fifth day of June, Anno Domini eight hundred and eighty-five, entitled 'An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth,' so as to fix the amount of bond at not more than the amount of taxes charged and assessed in the duplicates delivered to the collectors of taxes," so far as it relates to borough taxes.

Act of May 8,  
1909 (P. L. 474),  
as to boroughs.

Act of May 5,  
1911 (P. L. 170),  
as to boroughs.

The act, approved the fifth day of May, one thousand nine hundred and eleven (Pamphlet Laws, one hundred and seventy), entitled "An act providing for notification of taxables by tax collectors in boroughs and townships; prescribing the contents of such notices, and providing for the payment of the expenses thereof," so far as it relates to borough taxes.

Act of May 21,  
1913 (P. L. 284),  
as to boroughs.

The act, approved the twenty-first day of May, one thousand nine hundred and thirteen (Pamphlet Laws, two hundred eighty-four), entitled "An act to amend an act, approved the twenty-fifth day of June, one thousand eight hundred eighty-five, entitled 'An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth,' as amended by an act, approved the second day of June, one thousand eight hundred and ninety-one, entitled 'An act to amend section nine of an act, approved the twenty-fifth day of June, one thousand eight hundred and eighty-five, entitled "An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth," by providing the time in which tax collectors shall pay over tax and make settlements,"" so far as it relates to borough taxes.

Act of July 22,  
1913 (P. L. 910).

The act, approved the twenty-second day of July, one thousand nine hundred and thirteen (Pamphlet Laws, nine hundred and ten), entitled "An act providing for the annulment of charters of boroughs incorporated by decree of the court of quarter sessions, and prescribing the manner and procedure necessary to secure such decree of annulment; and providing for the reversion to the original township of the property embraced with such borough," absolutely.

Act of April 14,  
1915 (P. L. 122),  
as to boroughs.

The act, approved the fourteenth day of April, one thousand nine hundred and fifteen (Pamphlet Laws, one hundred and twenty-two), entitled "An act providing for the payment of judgments and mortgages, and other claims, which are liens on property affected by public improvements or appropriated by the exercise of the right of eminent domain," so far as it relates to boroughs.

Act of April 21,  
1915 (P. L. 159),  
as to boroughs.

The act, approved the twenty-first day of April, one thousand nine hundred and fifteen (Pamphlet Laws, one hundred and fifty-nine), entitled "An act relating to the competency of witnesses, and to the rules of evidence in proceedings arising from the exercise of the right of eminent domain," so far as it relates to boroughs.

Act of May 3,  
1915 (P. L. 217),  
as to boroughs.

The act, approved the third day of May, one thousand nine hundred and fifteen (Pamphlet Laws, two hundred and seventeen), entitled "An act prohibiting any city, county, or municipality from imposing or collecting any license fee upon insurance companies or their agents, or insurance brokers, licensed to transact business by the Insurance Commissioner," so far as it relates to boroughs.

Act of May 14,  
1915 (P. L. 312).

The act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred and twelve), entitled "An act providing a system

of government for boroughs, and revising, amending, and consolidating the law relating to boroughs," absolutely.

The act, approved the eleventh day of June, one thousand nine hundred and fifteen (Pamphlet Laws, nine hundred and forty-two), entitled "An act to amend an act, approved the fourteenth day of April, one thousand nine hundred fifteen, entitled 'An act providing for the payment of judgments and mortgages, and other claims, which are liens on property affected by public improvements or appropriated by the exercise of the right of eminent domain,'" so far as it relates to boroughs.

Act of June 11,  
1915 (P. L. 942),  
as to boroughs.

The act, approved the fifteenth day of June, one thousand nine hundred and fifteen (Pamphlet Laws, nine hundred and eighty-five), entitled "An act to provide that assessments of damages for the opening or widening of any street or highway in any city or borough, or other municipality, in this Commonwealth, shall include all damages for the opening or widening of the street or highway at the existing confirmed grade of such street or highway," so far as it relates to boroughs.

Act of June 15,  
1915 (P. L. 985),  
as to boroughs.

The act, approved the thirtieth day of March, one thousand nine hundred and seventeen (Pamphlet Laws, nineteen), entitled "An act to amend section one, of article two, chapter seven, of the act, approved the fourteenth day of May, one thousand nine hundred and fifteen, entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,'" absolutely.

Act of March 30,  
1917 (P. L. 19).

The act, approved the third day of May, one thousand nine hundred and seventeen (Pamphlet Laws, one hundred and forty-one), entitled "An act authorizing cities, boroughs, and towns to lease water-supply works and systems; providing for the operation thereof, and the establishment of rates," so far as it relates to boroughs.

Act of May 3,  
1917 (P. L. 141),  
as to boroughs.

The act, approved the tenth day of May, one thousand nine hundred and seventeen (Pamphlet Laws, one fifty-eight), entitled "An act to authorize counties, cities, boroughs, towns, townships, school districts, and poor districts, to require a bond to protect labor and material-men, and providing for suits thereon by laborers and material-men furnishing labor and material in and about the erection, alteration, addition, and repair of public buildings," so far as it relates to boroughs.

Act of May 10,  
1917 (P. L. 158),  
as to boroughs.

The act, approved the tenth day of May, one thousand nine hundred and seventeen (Pamphlet Laws, one hundred and sixty), entitled "An act to amend an act approved the fourteenth day of May, one thousand nine hundred fifteen, entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,'" absolutely.

Act of May 10,  
1917 (P. L. 160).

The act, approved the twenty-third day of June, one thousand nine hundred and seventeen (Pamphlet Laws, six hundred and forty-one), entitled "An act amending an act, approved the fourteenth day of May, one thousand

Act of June 23,  
1917 (P. L. 641).

nine hundred fifteen, entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,' by adding thereto article eight of chapter seven," absolutely.

Act of July 6,  
1917 (P. L. 704).

The act, approved the sixth day of July, one thousand nine hundred and seventeen (Pamphlet Laws, seven hundred and four), entitled "An act to amend an act, approved the fourteenth day of May, one thousand nine hundred and fifteen, entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,' and repealing certain acts relating to boroughs," absolutely.

Act of July 11,  
1917 (P. L. 803).

The act, approved the eleventh day of July, one thousand nine hundred and seventeen (Pamphlet Laws, eight hundred and three), entitled "An act empowering boroughs to levy and collect annually a tax for the purpose of creating and maintaining a sinking-fund to aid in permanent street improvements," absolutely.

Act of May 8,  
1919 (P. L. 130),  
as to boroughs.

The act, approved the eighth day of May, one thousand nine hundred and nineteen (Pamphlet Laws, one hundred and thirty), entitled "An act requiring prothonotaries and clerks of courts to furnish to the Secretary of Internal Affairs copies of orders of court relative to the creation, consolidation, division, and partition of cities, boroughs, and townships, and fixing the fee of such officers for such services," so far as it relates to boroughs.

Act of May 23,  
1919 (P. L. 252).

The act, approved the twenty-third day of May, one thousand nine hundred and nineteen (Pamphlet Laws, two hundred and fifty-two), entitled "An act, amending section nine of article seven of chapter six of an act, approved May fourteenth, one thousand nine hundred fifteen, entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,' by adding thereto a sixth subsection, which shall provide that where the total distance, by an unpaved street or unpaved streets from the paved streets of a borough to the borough line, to there connect with an improved State highway or an improved State-aid highway or an improved county road, leading to the county seat of the same or an adjoining county or to a State line, is less than two-thirds ( $\frac{2}{3}$ ) of a mile, the borough may grade, curb, and pave the connecting link between its paved street and such improved highway, without the petition of the abutting property holders, and charge the same part of the cost thereof to the abutting property holders that was charged to the abutting property holders along the streets of such boroughs that were graded, curbed, and paved prior to the time the ordinance for the improvement provided for in this amendment is introduced into council: Provided, That the amount of streets in such borough graded, curbed, and paved on the same basis prior to said time exceeds one (1) mile in length and is more than one-half ( $\frac{1}{2}$ ) of the grading, curbing, and paving done in such borough," absolutely.

The act, approved the fourth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, three hundred and eighty-five), entitled "An act to amend section nine of article seven of chapter six, of an act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred and twelve), entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,' as amended," absolutely.

Act of June 4,  
1919 (P. L. 385).

The act, approved the fifth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, four hundred and one), entitled "An act to amend section nine of article seven chapter six, of an act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred and twelve), entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,' as amended," absolutely.

Act of June 5,  
1919 (P. L. 401).

The act, approved the seventh day of June, one thousand nine hundred and nineteen (Pamphlet Laws, four hundred and twenty-six), entitled "An act authorizing boroughs maintaining a sewerage system and sewage disposal works to supply sewage service and extend sewer mains and pipes outside of the limits of the borough, provided such privilege shall not conflict with the rights of any sewer company or other borough; and granting the right of eminent domain for such purpose, and prescribing the procedure thereunder," absolutely.

Act of June 7,  
1919 (P. L. 426).

The act, approved the twelfth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, four hundred and forty-seven), entitled "An act to amend sections one, two, and three of article five, chapter two, of an act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred twelve), entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,' " absolutely.

Act of June 12,  
1919 (P. L. 447).

The act approved the twelfth day of June, one thousand nine hundred and nineteen (Pamphlet Laws, four hundred and sixty-four), entitled "An act to amend section one of article three, chapter three of an act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred twelve), entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,' " absolutely.

Act of June 12,  
1919 (P. L. 464).

The act, approved the seventh day of July, one thousand nine hundred and nineteen (Pamphlet Laws, seven hundred and thirty-two), entitled "An act authorizing boroughs and townships to establish separate grades for sidewalks and cartways or roadways," so far as relates to boroughs.

Act of July 7,  
1919 (P. L. 732),  
as to boroughs.

The act, approved the eighth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, seven hun-

Act of July 8,  
1919 (P. L. 732)

dred and thirty-two), entitled "An act authorizing boroughs to appropriate moneys for the care, upkeep, maintenance, and beautifying of cemeteries, burial-grounds, and private roads therein or leading thereto," absolutely.

Act of July 8,  
1919 (P. L. 763)  
as to boroughs.

The act, approved the eighth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, seven hundred and sixty-three), entitled "A supplement to an act, 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 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,' approved the sixteenth day of May, Anno Domini one thousand eight hundred and ninety-one (Pamphlet Laws, seventy-five), by providing that all municipal corporations of this Commonwealth in the grading of any street, lane, or alley, or any part thereof, shall be and are hereby authorized and empowered to use so much of the lots and lands abutting on the same for the construction of embankments, slopes, fills, and culverts as may be necessary and proper for the completion of the improvement; and the damages resulting thereby shall be regarded as other damages caused by the grading of streets, lanes, and alleys in said municipalities, and shall be paid as is now provided by existing laws where land is actually taken for the laying out, opening, widening, extending, or grading of streets, lanes, or alleys," so far as it relates to boroughs.

Act of July 8,  
1919 (P. L. 784),  
as to boroughs.

The act, approved the eighth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, seven hundred and eighty-four), entitled "An act authorizing counties, cities, and boroughs to furnish rooms in public buildings for meeting places for certain organizations," so far as relates to boroughs.

Act of July 8,  
1919 (P. L. 784),  
as to boroughs.

The act, approved the eighth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, seven hundred and eighty-four), entitled "An act empowering cities of the second and third classes, boroughs and counties to acquire, maintain, and operate playgrounds, playfields, gymnasiums, public baths, swimming pools, and indoor recreation centers; authorizing school districts to join in the maintenance and operation of said activities; and authorizing the issue of bonds and the levy of taxes for such purposes," so far as relates to boroughs.

Act of July 17,  
1919 (P. L. 1001),  
as to boroughs.

The act, approved the seventeenth day of July, one thousand nine hundred and nineteen (Pamphlet Laws, one thousand and one), entitled "An act authorizing boroughs and incorporated towns to establish systems for the registration of deeds and titles to real estate; imposing certain



duties upon sheriffs, prothonotaries, and recorders of deeds and providing penalties," so far as it relates to boroughs.

The act, approved the thirty-first day of March, one thousand nine hundred and twenty-one (Pamphlet Laws, seventy-nine), entitled "An act to amend an act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred and twelve), entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,'" absolutely.

Act of March 31,  
1921 (P. L. 79).

The act, approved the sixth day of April, one thousand nine hundred and twenty-one (Pamphlet Laws, one hundred and thirteen), entitled "An act to amend clause three, section nine, article seven, chapter six, of an act, entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,' approved May fourteenth, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred twelve), so as to provide that boroughs, on petition signed by petitioners representing three-fifths in the number of feet of property abutting on the proposed improvement, may grade, curb, pave, or macadamize streets, lanes, and alleys, or parts thereof, and collect the whole cost of such improvement from the owners of real estate abutting on the improvement by an equal assessment on the foot-front," absolutely.

Act of April 6,  
1921 (P. L. 113).

The act, approved the twentieth day of April, one thousand nine hundred and twenty-one (Pamphlet Laws, one hundred ninety-nine), entitled "An act to amend an act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred twelve), entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,'" absolutely.

Act of April 20,  
1921 (P. L. 199).

The act, approved the twenty-sixth day of April, one thousand nine hundred and twenty-one (Pamphlet Laws, two hundred eighty-two), entitled "An act to amend section six, chapter one, article one, of an act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred and twelve), entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,' as amended," absolutely.

Act of April 26,  
1921 (P. L. 282).

The act, approved the twenty-sixth day of April, one thousand nine hundred and twenty-one (Pamphlet Laws, three hundred and ten), entitled "An act to amend an act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred and twelve), entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,'" absolutely.

Act of April 26,  
1921 (P. L. 310).

The act, approved the fifth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, three hundred eighty-one), entitled "An act authorizing the

Act of May 5,  
1921 (P. L. 381),  
as to boroughs.

several boroughs and townships to appropriate moneys for the support of county associations of boroughs and townships," so far as it relates to boroughs.

Act of May 10,  
1921 (P. L. 428),  
as to boroughs.

The act, approved the tenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, four hundred and twenty-eight), entitled "An act fixing the time for the confirmation of the reports of viewers, or portions thereof, in proceedings to assess damages or benefits incident to public improvements, where no exceptions are filed or appeals taken," so far as it relates to boroughs.

Act of May 10,  
1921 (P. L. 429).

The act, approved the tenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, four hundred and twenty-nine), entitled "An act to amend section twelve, article one, chapter eight, of an act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred and twelve), entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,'" absolutely.

Act of May 12,  
1921 (P. L. 544),  
as to boroughs.

The act, approved the twelfth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, five hundred and forty-four), entitled "An act authorizing counties, cities, boroughs, towns, and townships to acquire lands by purchase, gift, or condemnation, and to convey such lands to the Commonwealth for use of the National Guard," so far as it relates to boroughs.

Act of May 16,  
1921 (P. L. 564).

The act, approved the sixteenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, five hundred and sixty-four), entitled "An act to amend an act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred and twelve), entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,'" absolutely.

Act of May 16,  
1921 (P. L. 580).

The act, approved the sixteenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, five hundred and eighty), entitled "An act to amend clause twenty-four, of section two, of an act, approved the third day of April, one thousand eight hundred and fifty-one (Pamphlet Laws, three hundred and twenty), entitled 'An act regulating boroughs,' as amended, authorizing the boroughs to increase the rate of taxation for general borough purposes," absolutely.

Act of May 16,  
1921 (P. L. 656).

The act, approved the sixteenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, six hundred and fifty-six), entitled "An act to amend section two, article five, chapter seven, of an act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred twelve), entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,'" absolutely.

Act of May 17,  
1921 (P. L. 859).

The act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws,

eight hundred fifty-nine) entitled "An act to amend sections one, two, and three, article seven, chapter six, of an act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred and twelve), entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,'" absolutely.

The act, approved the seventeenth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, eight hundred ninety-six), entitled "An act to amend section nine, of article seven, chapter six, of an act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred twelve), entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,' by adding thereto subsection eight providing that the borough's share of the cost of construction and improvement of streets or highways in boroughs, which are built or improved jointly by the borough and county, the borough and State, or borough, county, and State, may be assessed against the abutting property owners," absolutely.

Act of May 17,  
1921 (P. L. 896).

The act, approved the twentieth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, nine hundred and seventy-six), entitled "An act to amend section seven of article two of chapter seven of the act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred and twelve), entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,' and to repeal section seven of article two of chapter seven of said act," absolutely.

Act of May 20,  
1921 (P. L. 976)

The act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, one thousand and sixty-five), entitled "An act to amend the forty-first clause of section two, article one, chapter five, of the act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred twelve), entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,'" absolutely.

Act of May 24,  
1921 (P. L. 1065).

The act, approved the twenty-fifth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, one thousand one hundred and forty-two), entitled "An act to amend section nineteen, chapter three, article one, of an act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet laws, three hundred and twelve), entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,'" absolutely.

Act of May 25,  
1921 (P. L. 1142).

The act, approved the twenty-sixth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, one thousand one hundred and seventy-one), entitled "An

Act of May 26,  
1921 (P. L. 1171).

act to amend an act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred twelve), entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,' absolutely.

Act of April 26,  
1923 (P. L. 90),  
as to boroughs.

The act, approved the twenty-sixth day of April, one thousand nine hundred and twenty-three (Pamphlet Laws, ninety), entitled "An act authorizing counties, cities, boroughs, and townships to appropriate moneys for forest work," so far as it relates to boroughs.

Act of May 3,  
1923 (P. L. 136),  
as to boroughs.

The act, approved the third day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, one hundred and thirty-six), entitled "An act authorizing cities, boroughs, towns, and townships to purchase burial plots for certain deceased service men," so far as it relates to boroughs.

Act of May 8,  
1923 (P. L. 168).

The act, approved the eighth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, one hundred and sixty-eight), entitled "An act to amend sections fourteen and sixteen, of article six, chapter seven, of the act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred and twelve), entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,'" absolutely.

Act of May 8,  
1923 (P. L. 170).

The act, approved the eighth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, one hundred and seventy), entitled "An act to amend clause three, section ten, article two, of chapter seven, and section seven, article one, of chapter twelve, of the act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred and twelve), entitled 'An act providing a system of government for boroughs, and revising, amending, consolidating the law relating to boroughs,'" absolutely.

Act of May 8,  
1923 (P. L. 171).

The act, approved the eighth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, one hundred and seventy-one), entitled "An act to amend the forty-first clause of section two, article one, chapter five, of the act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred and twelve), entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,' as amended," absolutely.

Act of May 8,  
1923 (P. L. 171).

The act, approved the eighth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, one hundred and seventy-one), entitled "An act providing for the filling of vacancies in the office of tax-collector in boroughs, by the council of the borough, and repealing certain acts inconsistent therewith," absolutely.

Act of May 19,  
1923 (P. L. 282).

The act, approved the nineteenth day of May, one thousand nine hundred and twenty-three (Pamphlet

Laws, two hundred and eighty-two), entitled "An act to amend section one, article four, chapter seven, of the act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred and twelve), entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,' as amended," absolutely.

The act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, four hundred and forty-two), entitled "An act to provide for the licensing of transient retail merchants in cities, boroughs, and townships, and providing a penalty for the failure to obtain such license," so far as it relates to boroughs.

Act of May 24,  
1923 (P. L. 442),  
as to boroughs.

The act, approved the twenty-fifth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, four hundred and fifty-two), entitled "An act authorizing cities, boroughs, and incorporated towns to require and permit the laying and constructing of sanitary sewers and sewer pipes outside the cartway and the curb lines thereof in all streets and highways, and prescribing the uses thereof; and providing for the assessment of the costs and expenses of any such sewer against the abutting property in the front of which the said sewer is laid," so far as it relates to boroughs.

Act of May 25,  
1923 (P. L. 452),  
as to boroughs.

The act, approved the ninth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, six hundred and eighty-nine), entitled "An act to amend chapter six, article seventeen, of the act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred and twelve), entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,'" absolutely.

Act of June 9,  
1923 (P. L. 689).

The act, approved the fifteenth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, eight hundred and thirty-three), entitled "An act providing a method for deciding a tie vote in borough councils," absolutely.

Act of June 15,  
1923 (P. L. 833).

The act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, eight hundred and forty-four), entitled "An act authorizing cities and boroughs to appropriate moneys to organizations or veterans to assist in paying rent," so far as it relates to boroughs.

Act of June 27,  
1923 (P. L. 844),  
as to boroughs.

The act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, eight hundred and forty-five), entitled "An act to amend sections forty-three, forty-four, forty-five, and fifty of article seventeen, chapter six, of the act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred and twelve), entitled 'An act providing a system of government

Act of June 27,  
1923 (P. L. 845).

for boroughs, and revising, amending, and consolidating the law relating to boroughs," absolutely.

Act of June 27,  
1923 (P. L. 855).

The act, approved the twenty-seventh day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, eight hundred and fifty-five), entitled "An act to amend chapter seven of an act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred and twelve), entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,' by creating a borough planning department; defining its jurisdiction, and extending the same so as to regulate the laying out and recording of plans of lots within the limits of the borough, and to regulate the making and use of certain public improvements until said plans are approved by said department, and authorizing the exercise of the powers herein provided by a park or other municipal commission," absolutely.

Act of June 29,  
1923 (P. L. 949),  
as to boroughs.

The act, approved the twenty-ninth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, nine hundred and forty-nine), entitled "An act providing for the establishing and maintenance of uniform building lines in boroughs and townships of the first class," so far as it relates to boroughs.

Act of June 29,  
1923 (P. L. 965),  
as to boroughs.

The act, approved the twenty-ninth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, nine hundred and sixty-five), entitled "An act to amend section four of an act, approved the twenty-fifth day of June, one thousand eight hundred eighty-five (Pamphlet Laws, one hundred eighty-seven), entitled 'An act regulating the collection of taxes in the several boroughs and townships of this Commonwealth,' by changing the time of issuing duplicates," so far as it relates to borough taxes.

Act of June 29,  
1923 (P. L. 972).

The act, approved the twenty-ninth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, nine hundred and seventy-two), entitled "An act to amend section one, article six, chapter seven, of an act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred and twelve), entitled 'Providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,' as amended," absolutely.

Act of July 11,  
1923 (P. L. 1039),  
as to boroughs.

The act, approved the eleventh day of July, one thousand nine hundred and twenty-three (Pamphlet Laws, one thousand and thirty-nine), entitled "An act authorizing cities and boroughs to make emergency repairs to dangerous sidewalks, and providing for the cost of collection thereof from the abutting property owners," so far as it relates to boroughs.

Act of April 1,  
1925 (P. L. 107),  
as to boroughs.

The act, approved the first day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, one hundred and seven), entitled "An act to further amend an act, approved the seventeenth day of May, one thou

sand nine hundred and twenty-one (Pamphlet Laws, eight hundred ninety-four), entitled 'An act to amend an act, approved the twenty-fifth day of June, one thousand nine hundred and thirteen (Pamphlet Laws, five hundred and fifty), entitled "An act authorizing the several counties, incorporated towns, and boroughs to appropriate annually sums of money to each camp of the United Spanish War Veterans and of the Army of the Philippines and to each post of the American Veterans of Foreign Service in the respective counties, boroughs, and towns to aid in defraying the expenses of Memorial Day," by authorizing appropriations to each post of the American Legion, Veterans of Foreign Wars, and to each Naval Association, and each post of the Grand Army of the Republic,' by extending the provisions thereof to cities and boroughs and by authorizing appropriations for Armistice Day," so far as it relates to boroughs.

The act, approved the seventh day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, one hundred and eighty-four), entitled "An act providing that borough records may be typewritten, and validating records heretofore typewritten," absolutely.

Act of April 7,  
1925 (P. L. 184).

The act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, three hundred), entitled "An act to amend section one of an act, approved the twelfth day of May, one thousand eight hundred and eighty-seven (Pamphlet Laws, ninety-six), entitled 'A supplement to an act, entitled "An act supplementary to an act, relative to burial grounds and cemeteries situated in incorporated boroughs, approved the nineteenth day of May, one thousand eight hundred and seventy-four, changing the title of said act, and authorizing the court to make orders and decrees required by the act and to enforce the same by process, approved the thirteenth day of May, eighteen hundred and seventy-six, further empowering courts to direct removal of remains in boroughs, cities, and towns from burial grounds where interments have ceased, or have become so neglected as to become a public nuisance, or such remains interfere with the improvements, extensions, and interests of such cities, boroughs, or towns," as amended, providing that such removal may be authorized when such land is desired by said municipalities for opening, laying out, or extending streets, or establishing playgrounds, or recreation centres,'" so far as it relates to boroughs.

Act of April 27,  
1925 (P. L. 300),  
as to boroughs.

The act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, three hundred and five), entitled "An act authorizing counties, cities, boroughs, incorporated towns, townships, and school districts to make contracts of insurance with mutual fire insurance companies duly authorized to transact business in the Commonwealth of Pennsylvania," so far as it relates to boroughs

Act of April 27,  
1925 (P. L. 305),  
as to boroughs.

Act of April 27,  
1925 (P. L. 310),  
as to boroughs.

The act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, three hundred and ten), entitled "An act to provide for the preparation of plans for the use of viewers, owners, tenants, and occupiers of property, and all other parties affected, in proceedings for the assessment of damages for the taking, injury, or destruction of private property for public use, and the furnishing of copies thereof to parties affected thereby," so far as it relates to boroughs.

Act of April 27,  
1925 (P. L. 328).

The act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, three hundred and twenty-eight), entitled "An act authorizing and providing for the acquiring by agreement and operating by boroughs of water systems owned by corporations furnishing water within the acquiring borough and in adjacent townships or nearby boroughs; authorizing the placing of liens upon and the issuing of obligations secured by the property acquired for the payment thereof; and providing that the obligations shall be exempt from taxation for any purpose," absolutely.

Act of April 27,  
1925 (P. L. 333).

The act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, three hundred and thirty-three), entitled "An act to amend clause forty-four, of section two, of article one, of chapter five, of an act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred and twelve), entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,'" absolutely.

Act of April 27,  
1925 (P. L. 335).

The act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, three hundred and thirty-five), entitled "An act to further amend sections one and two, and to amend section eleven, of article one, chapter nine, of an act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred twelve), entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,' authorizing two or more boroughs to act jointly in the acquisition, improvement, maintenance, and control of public parks, playgrounds, swimming pools, and gymnasiums," absolutely.

Act of April 27,  
1925 (P. L. 336).

The act, approved the twenty-seventh day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, three hundred thirty-six), entitled "An act to amend chapter five, article one, section two, of the act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred and twelve), entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,' authorizing boroughs to erect, establish, and maintain market houses and market places, and to regulate the same," absolutely.



The act approved the twenty-seventh day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, three hundred and fifty), entitled "An act to amend an act, approved the fourteenth day of May, nineteen hundred and fifteen (Pamphlet Laws, three hundred and twelve), entitled 'An act providing for a system of government for boroughs, and revising, amending, and consolidating the laws relating to boroughs,' by adding an additional section to article seventeen, chapter six thereof, providing an additional method for meeting the cost of the construction of new water mains in connection with municipally owned water supply systems in boroughs by empowering boroughs to assess all or a part of the cost of such construction against the properties abutting thereon by the front foot rule and collect the same as municipal claims are now by law collected," absolutely.

Act of April 27,  
1925 (P. L. 350).

The act, approved the twenty-ninth day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, three hundred and fifty-nine), entitled "An act providing for the clerk of the court of quarter sessions of the several counties of this Commonwealth to certify to the Department of Highways the establishment of all new townships and boroughs within said county, fixing fee for such certification; and providing penalty," so far as it relates to boroughs.

Act of April 29,  
1925 (P. L. 359),  
as to boroughs.

The act, approved the thirtieth day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, three hundred and seventy-one), entitled "An act providing for the care and maintenance by cities, boroughs, incorporated towns, and townships, of any soldiers' monument, gun, or carriage, or other similar memorial, where there is no person, body, or organization in existence to care for and maintain the said memorials," so far as it relates to boroughs.

Act of April 30,  
1925 (P. L. 371),  
as to boroughs.

The act, approved the thirtieth day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, three hundred and eighty-three), entitled "An act to amend clause forty-one of section two, article one, chapter five of the act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred and twelve), entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,' as amended," absolutely.

Act of April 30,  
1925 (P. L. 383).

The act, approved the thirtieth day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, four hundred and eleven), entitled "An act to amend section twenty-eight of chapter six, article seven, of an act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred and twelve), entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,' " absolutely.

Act of April 30,  
1925 (P. L. 411).

Act of April 30,  
1925 (P. L. 412),  
as to boroughs.

The act, approved the thirtieth day of April, one thousand nine hundred and twenty-five (Pamphlet Laws, four hundred and twelve), entitled "An act to amend the twenty-sixth clause of section two, article one, chapter five of the act, approved the fourteenth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, three hundred twelve), entitled 'An act providing a system of government for boroughs, and revising, amending, and consolidating the law relating to boroughs,'" absolutely.

Act of May 1,  
1925 (P. L. 428),  
as to boroughs.

The act, approved the first day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, four hundred and twenty-eight), entitled "An act providing for the improvement of certain streets, alleys, and highways on the boundary lines of cities, boroughs, and townships and the assessment of properties abutting thereon, but lying outside the limits of such cities, boroughs, or townships," so far as it relates to boroughs.

Act of May 2,  
1925 (P. L. 494),  
as to boroughs.

The act, approved the second day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, four hundred and ninety-four), entitled "An act authorizing municipalities to expend money for the purpose of insuring volunteer firemen against death or injuries while going to or returning from or attending fires," so far as it relates to boroughs.

Act of May 6,  
1925 (P. L. 546),  
as to boroughs.

The act, approved the sixth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, five hundred and forty-six), entitled "An act to amend section one of the act, approved the tenth day of May, one thousand nine hundred and seventeen (Pamphlet Laws, one hundred fifty-eight), entitled 'An act to authorize counties, cities, boroughs, towns, townships, school districts, and poor districts to require a bond to protect labor and material-men, and providing for suits thereon by laborers and material-men furnishing labor and material in and about the erection, alteration, addition, and repair of public buildings,'" so far as it relates to boroughs.

Act of May 13,  
1925 (P. L. 642),  
as to boroughs.

The act, approved the thirteenth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, six hundred and forty-two), entitled "An act to amend section one of the act, approved the twenty-fourth day of May, one thousand nine hundred and twenty-three (Pamphlet Laws, four hundred forty-two), entitled 'An act to provide for the licensing of transient retail merchants in cities, boroughs, and townships, and providing a penalty for the failure to obtain such license,'" so far as it relates to boroughs.

Act of May 14,  
1925 (P. L. 745),  
as to boroughs

The act, approved the fourteenth day of May, one thousand nine hundred and twenty-five (Pamphlet Laws, seven hundred and forty-five), entitled "An act to prevent unfair discrimination against Pennsylvania manufacturers by making it unlawful for any municipality to levy license taxes or fees against such manufacturers that are not levied against non-resident manufacturers," so far as it relates to boroughs.