

ment of which is vested in the Department of Forests and Waters or the Water and Power Resources Board.

APPROVED—The 23d day of June, A. D. 1931.

GIFFORD PINCHOT

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No. 318

AN ACT

To repeal the act, approved the twenty-second day of July, one thousand nine hundred and nineteen (Pamphlet Laws, one thousand one hundred thirteen), entitled "An act authorizing cities of the third class to surrender their charter and be constituted a borough, and providing the procedure therefor."

Cities of third class.

Act of July 22, 1919 (P. L. 1113), repealed.

Section 1. Be it enacted, &c., That the act, approved the twenty-second day of July, one thousand nine hundred and nineteen (Pamphlet Laws, one thousand one hundred thirteen), entitled "An act authorizing cities of the third class to surrender their charter and be constituted a borough, and providing the procedure therefor," is hereby repealed.

APPROVED—The 23d day of June, A. D. 1931.

GIFFORD PINCHOT

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No. 319

AN ACT

Declaring buildings and parts of buildings used for purposes of fornication, lewdness, assignation, and prostitution to be nuisances; providing a method of abating same; establishing a method of procedure against those who use said buildings, or parts thereof, for such purposes; and providing penalties for violations of this act.

Building used for fornication, etc.

Nuisance.

Misdemeanor.

Penalty.

Knowledge of unlawful use by owner.

Section 1. Be it enacted, &c., That any building, or part of a building, used for the purpose of fornication, lewdness, assignation, and/or prostitution is hereby declared to be a common nuisance; and any person who maintains such a common nuisance shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to imprisonment for not more than one year, or pay a fine not exceeding one thousand dollars, or both, at the discretion of the court.

Section 2. If a person, being the owner of any building, has knowledge of, or reason to believe, that such building, or a part thereof, is used for the purposes of fornication, lewdness, assignation, and/or prostitution,

and suffers the same to be so used, such building shall be subject to a lien for and may be sold to pay all fines and costs assessed against the person guilty of maintaining such nuisance for such violation of this act; and the total amount of any such fine and costs may be entered, by the filing of a certificate thereof by the clerk of the court in which the same was imposed, in the court of common pleas of the county, and shall remain a lien in favor of such county until paid. Judgment may be obtained thereon and execution issued in the manner provided by law in the case of municipal liens.

Building subject to lien for fine and costs.

Judgment and execution.

Section 3. An action to enjoin any nuisances defined in section one of this act may be brought, in the name of the Commonwealth of Pennsylvania, by the Attorney General thereof or by the district attorney of the county concerned. Such action shall be brought and tried as an action in equity in the court of common pleas of the county.

Action to enjoin nuisance.

If it is made to appear, by affidavits or otherwise, to the satisfaction of the court, or judge in vacation, that such nuisance exists, a temporary writ of injunction shall forthwith issue, directed to the owner of such building and to the person so using the same, restraining such owner and such person from conducting or permitting the continuance of such nuisance until the conclusion of the hearing and decision thereon. No bond shall be required in instituting such proceedings.

Temporary injunction.

Section 4. It shall not be necessary for the court to find the property involved was being unlawfully used, as aforesaid, at the time of the hearing, but on finding that the material allegations of the petition are true, the court shall order that the building nor any part thereof be not used for any of the purposes aforesaid. And upon judgment of the court ordering such nuisance to be abated, the court may order that the building, or any part thereof, shall not be occupied or used for any purpose whatsoever for one year thereafter, but the court may, in its discretion, permit it to be occupied or used if the owner thereof shall give bond, with sufficient surety to be approved by the court making the order, in the penal and liquidated sum of not less than one thousand dollars nor more than twenty-five hundred dollars, payable to the Commonwealth of Pennsylvania, and conditioned that the building, or part thereof, shall not be used for any of the purposes aforesaid, and that he will pay all fines, costs, and damages that may be assessed for any violation of this act upon said property.

Abatement of nuisance.

Order prohibiting use of building.

Bond for use.

Condition.

Section 5. Service of any preliminary temporary or permanent injunctions shall be made personally upon

Service of injunction.

the owner, if such person can be found in the county. If such person cannot be found, a copy thereof shall be delivered to any adult residing in said building or upon the agent, if any, of the owner. If no such adult be found, and service cannot be had upon such agent, then service shall be made as the court shall direct. Any person, other than such owner, who shall be served with any such notice of an injunction, shall, within twenty-four hours thereafter, deliver the same to said owner, or mail it to said owner by registered mail, provided the address of the owner be known to the person served.

Violation of  
injunction.

Section 6. Any person, or any owner of such building, or any agent of such owner, who, after any injunction or order, as aforesaid, has been granted, shall use such building, or any part thereof, as aforesaid, or knowingly permit the same to be so used, shall be subject to summary punishment as for contempt of court, in the manner now provided by law.

Contempt.

Violation of act.

Misdemeanor.

Penalty.

Section 7. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to imprisonment for not more than one year, or pay a fine not exceeding one thousand dollars, or both, at the discretion of the court.

Act of July 26,  
1913 (P. L. 1369),  
repealed.

Section 8. The act, approved the twenty-sixth day of July, one thousand nine hundred and thirteen (Pamphlet Laws, one thousand three hundred sixty-nine), entitled "An act declaring buildings and parts of buildings used for purposes of fornication, lewdness, assignation, and prostitution to be nuisances; providing a method of abating same; establishing a method of procedure against those who use said buildings, or parts, for such purposes; and providing penalties for violations of this act," and its amendments, the act, approved the twenty-fifth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, one thousand one hundred thirteen), entitled "An act to amend sections one, two, three, four, five, and six, and repealing sections seven and eight, of an act, approved the twenty-sixth day of July, one thousand nine hundred thirteen (Pamphlet Laws, one thousand three hundred and sixty-nine), entitled 'An act declaring buildings and parts of buildings used for purposes of fornication, lewdness, assignation, and prostitution to be nuisances; providing a method of abating same; establishing a method of procedure against those who use said buildings, or parts, for such purposes; and providing penalties for violations of this act,'" are hereby repealed.

Act of May 25,  
1921 (P. L. 1113),  
repealed.

APPROVED—The 23d day of June, A. D. 1931.

GIFFORD PINCHOT