

No. 175

AN ACT

To amend sections 703, 1015, 1406, 1902, 2103, 2403 Cl. 53, 2559, 2562, 2563, 2564, 2566, 2567, 2601, 2620, 2621, 2706, 2955, 2978, 3206, 3211, 3212, 3501, 3801 and 3803 of and to add sections 1913 and 2990 to, the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, nine hundred thirty-two), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," providing for vacancies in office and the filling thereof where persons elected fail to qualify, for the publication of ordinances, for the deposit of funds by the city treasurer, for exemption from advertisement of contracts with the Commonwealth, for a platoon system for paid men of volunteer fire departments, for group insurance, for the exoneration of tax collectors and the settlement of their duplicates, for penalties and interest on taxes, for the collection of delinquent taxes, for the licensing of transient merchants and business, for the acquisition of unobstructed views, for detours, for the construction of sewage treatment works and the acquisition of property therefor, for the collection of a frontage tax for water mains and certain license taxes, that the powers of the Shade Tree Commission may be exercised by council, for the advertisement of contracts in trade journals, and for the improvement of boundary streets.

Section 1. Be it enacted, &c., That sections 703, 1015, 1406, 1902, 2103, 2403 Cl. 53, 2559, 2562, 2563, 2564, 2566, 2567, 2601, 2620, 2621, 2706, 2955, 2978, 3206, 3211, 3212, 3501, 3801 and 3803 of the act, approved the twenty-third day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, nine hundred thirty-two), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," are hereby amended to read as follows:

The Third Class
City Law.

Act of June 23,
1931 (P. L.
832), certain
sections amended.

Section 703. Elected Officers; Term; Eligible to Re-election; *Vacancies Where Elected Officer Fails to Qualify*.—The elected officers of each city shall be a mayor, four members of council, a controller, and a treasurer. Each of such officers shall serve for a term of four years from the first Monday of January next succeeding his election, and until his successor is elected and duly qualified, and shall be eligible to re-election.

Any person elected to a city office who fails to qualify within thirty days from the first Monday of January following his election shall be ineligible to qualify thereafter. In such cases, the council shall declare a vacancy in the said office and a person shall be appointed to fill said vacancy in the manner provided by this act, and, when the person so appointed to fill said vacancy qualifies for the office, the term of the person holding over shall cease and terminate.

Section 1015. Proof of Ordinance; Evidence; Time of Taking Effect; Publication; Recording.—All ordinances, resolutions, motions or other proceedings of council may be proved by the certificate of the city clerk, under the corporate seal; and when printed or pub-

lished in book or pamphlet form, and purporting to be published by authority of the city, shall be read and received as evidence in all courts and places without further proof. All ordinances shall, unless otherwise provided therein or by law, take effect in ten days after their passage, upon their being signed by the mayor and attested by the city clerk. Every ordinance prescribing a penalty for the violation thereof shall be forthwith published at least three times, *each publication on a different day, in at least one and not more than two newspapers printed and circulated within the city, in the manner provided by section one hundred and nine of this act.* All ordinances shall, within one month after their passage, be certified and recorded by the city clerk, in a book provided by the city for that purpose, which shall be at all times open to the inspection of citizens.

Section 1406. Depositories of City Funds.—The treasurer shall keep the public funds in such banks or financial depositories as council may direct, under such restrictions and safeguards as council may provide, and shall verify his cash accounts monthly, or whenever required, to the satisfaction of council.

No treasurer complying with the provisions of this section and any ordinance of the city, nor his surety or sureties, shall be chargeable with losses of city funds caused by the insolvency or negligence of any such city depositories.

Section 1902. Regulations Concerning Contracts.—All work and materials required by any city of the third class, or any department thereof, where the amount exceeds the sum of five hundred dollars, shall be furnished and performed under written contract, and the contract shall be awarded and given to the lowest responsible bidder, after advertising [once a week for three weeks] *three times, each publication on a different day, in not more than two newspapers, in accord with the provisions of section one hundred and nine of this act, and the bids shall not be opened until at least ten days have elapsed after the first advertisement:* Provided, That the requirements of this section as to advertising and contracts and bidding and to the sum of five hundred dollars shall not apply to repairs of highways, sewers, and other public improvements, or to resurfacing or maintaining of highways, or to street and sewer cleaning, or to the collection of rubbish, ashes, and garbage, made, done and provided by the officers and employes of the city, *or to any agreement with the Commonwealth whereby the city agrees to pay a portion of the cost of any improvement made under contract let by the Commonwealth, or any department thereof:* And further provided, That where the roadway of a street is to be paved originally and for the first time, or reconstructed by putting down a new base, or a sewer is to be constructed, or grading done, such work shall be done under

written contract, after advertising as provided in section one hundred and nine of this act, and such contract shall be given to the lowest responsible bidder.

The council shall, by ordinance, provide for and regulate the purchase of supplies and materials and the sale of personal property.

The council may also, by ordinance, provide a contingent fund or funds for necessary repairs and incidental expenses, not otherwise provided in the general appropriations, and such funds may be expended without advertising for bids.

Section 2103. Platoon System; Hours of Service.—The director of the department having charge of the fire bureau in each city shall divide the officers and members of companies of the uniformed fire force in the employ of such cities, *or, in the case of a volunteer fire department, the firemen and drivers regularly employed and paid by the city*, excepting the chief engineer and assistant chiefs, and those employed subject to call, into two bodies or platoons—one to perform day service, and the other to perform night service. The hours of day service shall not exceed ten, commencing at eight o'clock in the morning; the hours of night service shall not exceed fourteen, commencing at six o'clock in the afternoon. In cases of riot, serious conflagration, or other such emergency, the chief engineer of the bureau of fire, or the assistant chief deputy, or chief officer in charge at any fire shall have the power to assign all the members of the fire force to continuous duty, or to continue any member thereof on duty, if necessary. No member of either of said *shifts, bodies or platoons* shall be required to perform continuous day service or continuous night service for a longer consecutive period than two weeks, nor be kept on duty continuously longer than ten hours in the *day shifts, bodies or platoon* or fourteen hours in the *night shifts, bodies or platoon*, excepting as may be necessary to equalize the hours of duty and service, and also excepting in cases of riot, serious conflagration, or other such emergency, as above provided.

Section 2403.

53. Insurance [with Mutual Companies].—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 city.

To make contracts of insurance with any insurance company, authorized to transact business within the Commonwealth, insuring its employes, or any class or classes thereof, under a policy or policies of group insurance covering life, health, or accident insurance, and to contract with any such company granting annuities or pensions for the pensioning of such employes; and, for such purposes, to agree to pay part or all of the premiums or charges for carrying such contracts, and to

appropriate out of its treasury any money necessary to pay such premiums or charges, or portions thereof. All contracts procured hereunder shall conform and be subject to all the provisions of any existing or future laws concerning group insurance and group annuity contracts.

Section 2559. Powers of City Treasurer as Tax Collector.—The city treasurer, as the collector of taxes, may appoint as many deputies as shall be necessary to enable him to collect the said taxes or any of them, which deputies shall be paid by the said treasurer. The respective authorities levying the tax shall not in any wise be liable for their compensation nor for their official conduct. The city treasurer, as the collector of the several taxes, and his deputies, shall have and exercise all the powers vested by law in the several collectors of State and county taxes, and in all the remedies for the collection thereof; and shall have additional power and authority, after five days' notice, to seize by levy and distress any personal property on the premises assessed, belonging to tenants, purchasers, or others without regard to the date of assessment or levy of the tax, and to sell the same, giving ten days' public notice of such sale by written or printed advertisement; and to levy upon any personal property of the delinquent, that may be found within the county, for the collection of said taxes; and, after notice of sale, to sell the same for the payment of said taxes. The several warrants shall be effectual to authorize the said treasurer, as collector of taxes, to collect the said taxes. [during two years from the date of each respective warrant.]

Section 2562. Exonerations.—The council of each city shall have authority, *in proper cases and for sufficient cause*, to exonerate *the tax collector from the collection of any taxes [for sufficient cause] or penalties, or any part thereof.*

Section 2563. Reductions, [and] Penalties and Interest.—All persons who shall make payment during the months of March and April, in each year, of city and poor tax shall be entitled to a reduction or abatement of one per centum from the amount thereof. All such taxes shall be payable at their face during the months of May and June in each year. Upon all city and poor taxes remaining unpaid on the first day of July in each year, one per centum shall be added thereto, and upon the first day of each succeeding month thereafter, there shall be added or charged an additional penalty for nonpayment of one per centum, until [such taxes are paid] *and including the month of December*, which penalty shall be added to the taxes by said treasurer, as collector, and be collected by him. *All taxes remaining unpaid on January first of the year following the year of levy shall bear interest on the tax and penalty at the rate of six per centum per annum until paid; said in-*

terest to be computed only to the first day of the month in which the tax is paid, which interest shall be added to the taxes by said treasurer, as collector, and be collected by him.

Section 2564. [Monthly] Payment Over of Taxes; Deposits; Monthly Report.—The city treasurer, as collector of taxes, shall, once a month, or oftener if required by ordinance or resolution, pay over to himself as city treasurer, or charge himself therewith, all the city and poor taxes collected by him. At the same time he shall make a report or return to the director of accounts and finance, verified by affidavit, showing by whom and upon what real estate the city and poor taxes have been paid. *He shall at the same time deposit said moneys into a bank or financial institution, which shall be a city depository named by the city council, if a depository has been so named. All such deposits shall be made in the name of the city treasurer as such, or in the name of the city, as council may provide.*

Section 2566. Satisfaction upon Duplicates; Time of Final Settlement; Exonerations.—Upon the payment to the city treasurer, as collector of taxes, of any taxes assessed against property, it shall be his duty to satisfy the property taxes thus paid upon the duplicates in his hands. He shall finally settle with the proper authorities all duplicates of city and poor taxes delivered to him on or before the first Monday of July of the year following the date of the delivery of such duplicates, *unless such time shall be extended by resolution of council*, and pay over the amount charged against him, except such sums as he may be exonerated from collecting by the proper authorities *and such sums as may be due upon real property for which liens are to be filed and for which schedules of taxes have been filed, under oath, with the city solicitor in manner and form as herein-after provided. When a duplicate has been so satisfied, the liability of the tax collector and the sureties on his bond for any taxes charged in such duplicate shall be discharged.*

Section 2567. Rights of Treasury After Expiration of Term of Office.—Upon the expiration of the term of office of the city treasurer, in case of any of the taxes which he was commanded to collect remain unpaid, he shall have the right:

(a) To collect all the delinquent taxes, for the space of one year after the expiration of his term of office; and, for this purpose, all warrants issued to him during his term of office shall be effective to him, as collector of taxes, for the space of one year after the expiration of his term as city treasurer;

(b) To certify real estate taxes, remaining unpaid and delinquent, to the city solicitor for filing in the court of common pleas as a city lien;

(c) Or he may turn over the unpaid or delinquent taxes on real estate to his successor in office, who shall have power to collect the same [either] by having the [same] taxes filed in court as a lien, [or sell] *by selling* the [same] *property* at public sale, as provided by law authorizing the sale of real estate for the payment of delinquent taxes, *or by levying upon personal property on the premises assessed, as provided in this act.*

In case the city treasurer, as collector of taxes, pays the taxes levied against any property, he shall be entitled to collect the same from the person or persons who are liable therefor by his warrant, so long as it is in force, or have real estate taxes filed in court as a lien for his use; and, after the expiration of his term as city treasurer, he shall continue in office as the collector of school taxes until the end of the then current school year.

Section 2601. License Taxes for Revenue Purposes.—Council may, by ordinance, levy and collect a license tax for general revenue purposes, not exceeding one hundred dollars each, annually, on all *photographers*, auctioneers, contractors, druggists, hawkers, peddlers, produce or merchandise venders, bankers, brokers, undertakers, pawnbrokers, trading stamp or premium companies or dealers, warehouses or storage houses or places, merchants of all kinds, persons selling or leasing goods upon instalments, grocers, confectioners, butchers, wholesale meat dealers, restaurants, billard parlors, bowling alleys, billiard tables, pool tables, and other gaming tables, drays, hacks, carriages, omnibuses, automobiles, carts, wagons, *and* street railway cars, [and] including *all* other vehicles [likewise] used in the city for hire or pay; all skating rinks, operas, theatres, shows, circuses, menageries, and all kinds of public exhibitions for pay, except those for religious, educational or charitable purposes; all lumber dealers, commission men, and all persons who make a business of buying lumber for sale at wholesale or retail; all furniture dealers, saddle or harness dealers, stationers, jewelers, livery or automobile or boarding-stable keepers; all real estate agents, market-house companies and owners of markethouses, garage companies and owners of other than private garages, express companies or agencies; and, where no other license tax is imposed, on telegraph, telephone, steam-heating, gas, natural gas, water, electric light or power companies, or agencies or individuals furnishing communication, light, heat, or power, by any of the means enumerated, and to regulate the collection of the same. *If any person, firm or corporation conducts a business at more than one location in a city, the business conducted at each location shall be considered and assessed as a separate and independent business, and shall be subject to a license tax: Provided, That the word "business," as used in this clause, shall not be construed to mean or*

include any place of business at which the principal business conducted is that of selling, storing or distributing products manufactured by the firm, person or corporation operating the business. The taxes assessed under this section shall be in addition to all other taxes levied and collected by the city, county, or Commonwealth.

Section 2620. *Power to Regulate and License.*— [Every person, whether principal or agent, entering into, beginning, or desiring to begin, a transient retail business in any city 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 structure 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 city: 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.] *Every city shall have power, by ordinance, to regulate and license each and every transient wholesale and retail business within such city for the sale of goods, wares, or merchandise, and to prohibit the commencement or doing of any such business until or unless the license required by such ordinance has been procured from the proper authorities by the person, firm or corporation desiring to commence such transient wholesale and retail business, and to enforce such ordinances by penalties not exceeding three hundred dollars and by other appropriate means. The amount of such license shall not exceed two hundred dollars for each month, or fractional part thereof, during which any such sale is continued.*

Section 2621. [Amount of License Fee.—The amount of such license in any city shall be fixed by ordinance, and shall not be less than twenty-five dollars (\$25.00) nor exceed the sum of two hundred dollars (\$200.00) per month, or fractional part thereof, to be paid to the treasurer of said city. 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 summary proceeding, a sum not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00), 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 said county for a period not exceeding thirty (30) days.] *Farmers and Charities Excepted.*— *Nothing contained in this subdivision (c) shall be construed to apply to farmers selling their own produce, or to the sale of goods, wares, and merchandise, donated*

by the owners thereof, the proceeds whereof are to be applied to any charitable or philanthropic purpose.

Section 2706. Ordinance for Increase; Publication.—Whenever, by the Constitution and laws of this Commonwealth, any city shall be authorized to increase its indebtedness by borrowing money on the faith and credit of said city, the proposed ordinance to effect the loan shall be introduced at a stated meeting of the council, and the draft thereof published in at least *one, and not more than two*, of the newspapers of the city, if so many be published therein, once a week for four weeks, before the final consideration and passage thereof by the said council. The specific purpose or purposes for which the said loan is authorized shall be distinctly set out in the said ordinance, and the moneys received for said loan shall not be used for any purpose other than those so stated, except such purpose as has been changed in accordance with existing law. The city shall, at or before the time of authorizing the said loan, provide for the collection of an annual tax sufficient to pay the interest and also the principal of the said loan within [twenty] *thirty* years.

Section 2955. Acquisition of Unobstructed Views.—Any city may acquire, by purchase or by the right of eminent domain, a free and unobstructed view down and across lands located at or near the intersection of any two highways, or a highway and a railroad or railway, or at any curve in any highway, as may be necessary, to assure a free and unobstructed view in all directions at such crossings, and to so prevent the use of such lands for any purpose or in any manner which may interfere with or obstruct the vision of any person or persons traveling upon any such highway. Upon any such condemnation, the city *having instituted the condemnation proceedings shall file with the recorder of deeds of the proper county a plan, showing the property condemned and such other detailed information which may be deemed necessary—said plan to be recorded at the expense of the county—and, after the same is recorded, said city* may, from time to time, abate or remove, or cause to be abated or removed, any obstruction to such view over and across such lands.

The proceedings for the condemnation of such view over and across such lands, and for the assessment of damages for property taken, injured or destroyed, shall be in the manner provided in this act for property taken, injured or destroyed.

Upon the condemnation of a view over and across any lands for the purposes aforesaid, the owner of such lands may make every such use thereof as will not interfere with a free and unobstructed view at such dangerous crossing or curve. Unless specially provided for in such condemnation proceedings, such condemnation shall not be construed to prevent the owner thereof from

using such land for pasture or the growing of grass, oats, wheat, or other crops which will not obstruct the vision more than wheat.

Section 2978. Detours to Be Provided When Highways Closed.—When any highway, street or road shall be closed, as hereinbefore provided, it shall be the duty of the authorities authorizing the closing to immediately designate or lay out a detour, on which they shall erect, or cause to be erected and maintained while such detour is in use, legible signs at each public highway intersection throughout its entire length, indicating the direction to the main highway. During the period when such detour is in use, it shall be the duty of the authorities closing the main highway to maintain such detour in safe and passable condition. It shall also be the duty of the authorities closing the main highway and maintaining the detour to immediately remove all detour signs when the highway originally closed is open for traffic. Said authorities shall, as soon as possible, repair the road designated as a detour, and place same in a condition at least equal to its condition when designated as a detour. Whenever necessary in the creation of a detour, as aforesaid, the authorities responsible for laying out the detour may enter into agreement with the owners of private lands, covering the acquisition of right of way privileges over private property for the period when the main highway shall be closed to traffic. *In case no agreement satisfactory to the parties can be reached, the authorities responsible for the laying out of the detour may proceed with the construction of the same, and either such authorities or the owner of the property occupied may petition the court for the appointment of viewers to ascertain the damages, if any, in the same manner as damages are now ascertained for the opening of public roads in such city.* In the exercise of the rights conferred by this section, the authorities responsible are hereby empowered to pay for the necessary maintenance, subsequent repair, and land rental out of such funds as are available for the construction and/or maintenance of the highways, streets and roads in their charge.

Section 3206. Construction of Sewerage System; Assessment of Cost.—Any city may construct, or cause to be constructed, a sewerage system of sewers in streets, lanes, alleys and highways, with extensions thereof, and *sewage treatment works*, and with lateral and branch sewers therefrom in other highways, streets, lanes and alleys, and in public or private lands, at the same time as part of the same improvement and under the same contract, and the cost and expense thereof may be assessed as is herein provided. *Sewage treatment works may be erected within or without the limits of the city, which shall have authority to acquire property within*

or without the limits of the city deemed necessary for such treatment works and the sewers leading thereto.

Section 3211. Rental Charge for Use of Sewers.—Whenever any city has constructed any sewer, or sewer system, or sewage [disposal plant] *treatment works*, either wholly or partially at public expense, or has acquired the same at public expense, such city may provide by ordinance for the collection of an annual rental or charge for the use of such sewer, sewer system, or sewage [disposal plant] *treatment works* from the owners of the property served by it.

Section 3212. Limitation of Amount of Sewer Rental Charge.—Such annual rental shall not exceed the amount expended annually by the city in the operation, maintenance, repair, alteration, inspection, depreciation, or other expenses in relation to such sewer, sewer system, or sewage [disposal plant] *treatment works*, and may include any interest on money expended by the city in the construction or acquisition of such sewer, sewer system, or sewage [disposal plant] *treatment works*. The said annual sum shall be apportioned equitably among the several properties served by the said sewer, sewer system, or sewage [disposal plant] *treatment works*.

Section 3501. Exclusive Right to Furnish Water to City; *Frontage Tax*.—Each city shall have the exclusive right, at all times, to supply the city with water, and such persons, partnerships, and corporations therein as may desire the same, at such prices, as may be agreed upon; and for that purpose to have, at all times, the unrestricted right, by ordinance, subject to the provisions of existing laws, to make, erect, and maintain all proper works, machinery, buildings, cisterns, reservoirs, pipes, conduits, for the raising, reception, conveyance, and distribution of water; or, in territory not supplied with water, to make contracts with and authorize any person, company, or association so to do and to give such person, company, or association the privilege of furnishing water, as aforesaid, for any length of time not exceeding ten years. *Whenever an extension of a supply of water to portions of the city not previously supplied shall be made, it shall be lawful to charge all owners of houses, lots, and buildings on each side of the street a frontage tax, at such rate per foot as council may, by ordinance, fix. This tax shall be collected and recovered in the manner provided by law for the recovery of municipal claims.* The provisions of this section shall not apply to any city wherein the title to the water-works therein located is in the name of the commissioners of water-works.

Section 3801. Shade Tree Commission.—Any city may, [establish] *by ordinance, create* a commission to be known as the Shade Tree Commission of such city; *but in cities where the council of said city shall not elect to create by ordinance such Shade Tree Commission, the*

said council may exercise all the rights and perform the duties and obligations imposed by this article upon the Shade Tree Commission.

Section 3803. Powers May Be Vested in Park Commission.—Whenever in any city there exists a commission for the care of public parks, the council may also, by ordinance, provide that 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 2. That said act be amended by adding thereto the following sections:

Sections 1913
and 2990 added.

Section 1913. Advertisement of Contracts in Trade Journals Authorized.—Any officer of any city whose duty it is by law to advertise for bids for public works, contracts, supplies or equipment may, at his or its discretion, legally authorize the publication of such advertising, in addition to the newspapers specified by law, also in any publication or journal devoted to the dissemination of information about construction work published in this Commonwealth at least once a week and circulating among contractors, manufacturers and dealers doing business in the community in which such public works are to be constructed or supplies or equipment purchased: Provided, That no advertisement for bids for public works, contracts, supplies or equipment shall be inserted in any publication or journal devoted to the dissemination of information about construction work which has not been established and regularly issued from a printing office and publication house in this Commonwealth for a period of at least eighteen months; and that such publication and journal shall be entered, or entitled to be entered, for admission to the United States mails as second-class matter, and shall have a bona fide income from subscribers within the Commonwealth of Pennsylvania of not less than fifteen thousand dollars (\$15,000) per annum, duly certified by a public accountant; and the rates and charges for such advertising shall not be in excess of those of newspapers of general circulation, as defined by the Newspaper Advertisement Act of May sixteen, one thousand nine hundred twenty-nine (Pamphlet Laws, one thousand seven hundred eighty-four), of a like circulation published in the community in which the public works are to be constructed or the supplies or equipment purchased.

Section 2990. Highway the Center Line of Which Is the Dividing Line Between a City and Borough or Township of the First Class, Paving of: Assessments.—Whenever the center line of any highway constitutes the dividing line between a city and a borough, or a city and a township of the first class, located in the same county, the council of such city may, where such improvement is through built up property or properties duly plotted and laid out in lots for building purposes,

and where two-thirds of the combined frontage of the two sides petition for the improvement, enter into a contract with the borough or township providing for the grading, curbing, draining, paving and macadamizing of such highway. Such alterations and improvements shall be made under the supervision of the proper authorities of such city, borough, or township, or by contract let by such city, borough, or township, as may be provided for in the contract between the city and township.

No ordinance or ordinances authorizing any such improvement, where the whole or any part of the cost of the improvement is to be assessed against abutting property, shall be finally adopted until the expiration of thirty days from the date of its introduction, and, in the meantime, copies thereof shall be published, once a week for two weeks, in one newspaper circulating in such city, borough, and township immediately following the introduction thereof, and at least five copies thereof shall be posted along the line of the proposed improvement.

The whole cost of such alterations and improvements, or any part thereof, as may be agreed upon in the contract between the city, borough, and township, may be collected from the owners of property within the city, borough, and within the township, abutting along the line of the improvement, by an equal assessment on the foot front. Any portion of such cost not assessed against abutting property shall be paid one-half by each of the municipal divisions joining in the improvement.

Thirty days' notice of assessments of the whole cost or part of the cost of any such improvement shall be given to each party assessed, either by service on the owner or his agent, or posted on the premises by the clerk or secretary of the city, borough, or township making the improvement. If any assessment made by the city shall remain unpaid at the expiration of the notice, it shall be the duty of the city solicitor to collect the same, with interest from the time of the 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.

Constitutionality.

Section 3. The provisions of this act shall be severable, and if any provision shall be held to be unconstitutional, the decision of the court shall not be deemed to affect the validity of the remaining provisions. It is hereby declared to be the legislative intent that this act would have been adopted by the General Assembly had such unconstitutional provisions not been included therein.

When effective.

Section 4. This act shall become effective immediately upon final enactment.

Section 5. The following acts are hereby repealed, so far as they relate to cities of the third class:

Acts repealed so far as relate to cities of third class.

The act approved the fifth day of May, one thousand nine hundred and thirty-one (Pamphlet Laws, ninety-three), entitled "An act to amend section one of the act, approved the thirtieth day of March, one thousand nine hundred and fifteen (Pamphlet Laws, thirty-four), entitled 'An act to promote the health and efficiency of firemen, in cities of the second class, by providing for a two-platoon system for firemen in the department of public safety of such cities,' as amended, by extending the provisions of said act to firemen and drivers of volunteer departments when paid by the cities of the first, second and third class."

Act of May 5, 1931 (P. L. 93).

The act approved the twelfth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, five hundred two), entitled "An act to amend section three of the act, approved the ninth day of May, one thousand nine hundred and twenty-nine (Pamphlet Laws, one thousand seven hundred and two), entitled 'An act regulating the closing of public highways and providing for the locating, marking, and maintenance of detours necessitated by such closing; requiring boroughs, cities, and towns to notify the Department of Highways of the creation and discontinuance of certain detours; providing penalties for removing, destroying, defacing signs erected for warning or detour purposes, and for driving on, over or across highways which are closed by the proper persons or authorities, except in certain cases; further providing that the authorities responsible for the maintenance of highways which have been damaged, or their agents or contractors, shall have the right to recover the amount of such damages from the person or persons responsible, in addition to the penalties herein provided; and repealing certain acts.'"

Act of June 12, 1931 (P. L. 502).

The act approved the twelfth day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, five hundred thirty-five), entitled "An act empowering cities, towns, and townships of the first class to regulate and license, by ordinance, any transient retail business for the sale of goods, wares, and merchandise, and to prohibit the doing of business without a license."

Act of June 12, 1931 (P. L. 535).

The act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, six hundred seventy-two), entitled "An act providing for the grading, curbing, draining, paving and/or macadamizing of highways, the center line of which constitutes the dividing line between a city and a borough, or a city and a township of the first class, or a borough and a township of the first class, and for the collection of the whole or part of the cost of such improvements by assessments against property abutting on the line of the improvement."

Act of June 22, 1931 (P. L. 672).

The act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws,

Act of June 22, 1931 (P. L. 675).

six hundred seventy-five), entitled "An act to amend section two of the act, approved the fourteenth day of June, one thousand nine hundred and twenty-three (Pamphlet Laws, eight hundred one), entitled 'An act authorizing the State Highway Department, the Public Service Commission, counties, cities, boroughs, and townships to purchase, or condemn by the right of eminent domain, free and unobstructed view over and across lands at certain highway, railroad, and railway intersections and curves, so as to prevent and permit removal of interference with and obstruction of the vision of users of said highways; and providing for the use of such lands in such manner as not to interfere with a free and unobstructed view.'"

Act of June 22,
1931 (P. L.
844).

The act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, eight hundred forty-four), entitled "An act authorizing the Commonwealth of Pennsylvania, or any department or division thereof, and counties, cities, boroughs, incorporated towns, townships, school districts and poor districts to make contracts of life, health, and accident policies for the benefit of employes thereof, and contracts for pensions for such employes; and providing for the payment of the cost thereof."

Act of June 22,
1931 (P. L.
845).

The act approved the twenty-second day of June, one thousand nine hundred and thirty-one (Pamphlet Laws, eight hundred forty-five), entitled "An act authorizing the publication of advertisements for bids for public works, supplies or equipment in certain publications and journals devoted to information about construction work."

APPROVED—The 22d day of May, A. D. 1933.

GIFFORD PINCHOT

No. 176

AN ACT

To amend sections four and five of the act, approved the twenty-ninth day of May, one thousand nine hundred and thirty-one (Pamphlet Laws, two hundred eighty), entitled "An act relating to delinquent taxes on seated lands, and prescribing interest charges on nonpayment thereof; requiring the receivers and collectors of county, city, borough, town, township, school district and poor district taxes to make a return to the county commissioners of such unpaid taxes, and providing for the lien thereof; authorizing the county treasurers to collect such taxes, and to sell seated lands at public sale for taxes heretofore or hereafter returned as unpaid; and authorizing the county commissioners to purchase such lands and resell the same under certain circumstances," by providing for the extension of the period during which such taxes shall remain liens on real estate, and authorizing the filing of such liens in the prothonotary's office.

Delinquent
taxes on seated
lands.

Section 1. Be it enacted, &c., That sections four and five of the act, approved the twenty-ninth day of May,