

wealth of not less than one hundred and fifty thousand dollars (\$150,000). If to transact the classes of business mentioned in clauses (2) and (3) of subdivision (b), section two hundred and two (202) of this act, its surplus over all liabilities must not be less than four hundred thousand dollars (\$400,000).

Section 2. This act shall become effective immediately upon its final enactment. When effective.

APPROVED—The 4th day of April, A. D. 1935.

GEORGE H. EARLE

No. 10

AN ACT

To amend section two thousand one hundred twenty of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws, five hundred nineteen), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," providing for and regulating joint sewer improvements.

Section 1. Be it enacted, &c., That section two thousand one hundred twenty of the act, approved the fourth day of May, one thousand nine hundred and twenty-seven (Pamphlet Laws, five hundred nineteen), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," is hereby amended to read as follows: Boroughs.  
Section 2120,  
act of May 4,  
1927 (P. L. 519),  
amended.

Section 2120. [Agreements for] *Building Joint Sewers.*—(a) Boroughs may [enter into agreements] *jointly with other municipalities or townships or both [for the purpose of building] build and construct sewers, including trunk-line sewers or drains and sewerage treatment works, [Such agreement shall provide for the joint maintenance of the same] and may connect into such system existing sewers, and may assess their respective portions of the cost thereof, or so much thereof as may be legally assessable, upon property benefited by the improvement, either by viewers as is provided in the case of boroughs by section two thousand one hundred and two of this act, or by the front-foot rule as provided in sections two thousand one hundred and eight, and two thousand one hundred and nine of this act. Any portion of the cost of such an improvement not assessed or not assessable shall be paid by the respective cities, boroughs, and townships joining as may be agreed upon.* Sewer  
construction.  
  
Assessment  
of costs.

(b) *The boroughs, cities, and townships joining or contemplating joining in any such improvement, in order to facilitate the building of the same and securing preliminary surveys and estimates, may by ordinance* Appointment  
of a joint  
sewer board.

Terms of members.

Powers of the board.

Compensation.

Additional powers of the board.

or resolution provide for the appointment of a joint sewer board composed of one representative from each of the boroughs, cities, and townships joining which shall act generally as the advisory and administrative agency in the construction of such improvement, and its subsequent operation and maintenance. The members of such board shall serve for terms of six years each from the dates of their respective appointments, and until their successors are appointed. The joint sewer board shall organize by the election of a chairman, vice-chairman, secretary, and treasurer. The several boroughs, cities, and townships may, in the ordinances and resolutions creating the joint sewer board, authorize the board to appoint an engineer, a solicitor, and such other assistants as are deemed necessary; and agree to the share of the compensation of such persons each borough, city, and township is to pay. The members of the joint sewer board shall receive no compensation, but shall be entitled to actual expenses to be paid by the respective boroughs, cities, and townships which such members represent.

(c) The joint sewer board shall have power to adopt rules and regulations to govern its proceedings, and shall prepare and suggest any practical measures and plans by means of which the joint improvement may be carried to successful completion; and the future development of the system, so as to conform to a general plan, assured and safeguarded. It shall have power to prepare a joint agreement or agreements for submission to and adoption by the several boroughs, cities, and townships defining the advisory and administrative powers of the board; setting forth the consents of the several boroughs, cities, and townships to the proposed improvement; the manner in which preliminary and final plans, specifications, and estimates for the proposed improvement shall be prepared and adopted; how proposals for bids shall be advertised, and contracts let; the manner in which the costs of the improvement and other incidental and preliminary expenses in connection therewith, and the future cost of operation and maintenance shall be equitably shared, apportioned, and paid; and all such other matters, including the preparation and submission of annual and other budgets, as may be deemed necessary or required by law, to carry the proposed improvement to completion and to assure future maintenance and operation thereof. But nothing herein contained shall authorize the board to make any improvement or expend any public moneys which has not first been authorized by all of the boroughs, cities, and townships proceeding with the improvement.

Eminent domain.

(d) In any case where it shall be necessary to acquire, appropriate, injure, or destroy private property (lands, property, or material) to build any such joint

sewer improvement, and the same cannot be acquired by purchase or gift, the right of eminent domain shall vest in the borough, city, or township where such property is located. In any case where it shall be necessary to acquire, injure, or destroy property in any territory not within the limits of any of the boroughs, cities, or townships joining in the improvement; then the right of eminent domain shall be vested in any borough, city, or township adjacent to such territory where such property is located. Damages for any property taken, injured, or destroyed shall be assessed as provided by the general laws relating to the boroughs, cities, and townships exercising the right of eminent domain; and shall be paid by the several boroughs, cities, and townships joining, in the same proportion as other costs of the improvement.

(e) Each of the boroughs joining in any such improvement shall have power to incur or increase its indebtedness, not exceeding the constitutional limits, for the purpose of paying its share or portion of the cost of such improvement in the manner now provided by law for the incurring of indebtedness.

May increase  
indebtedness.

APPROVED—The 4th day of April, A. D. 1935.

GEORGE H. EARLE

No. 11

AN ACT

To amend section three thousand two hundred and forty 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," providing for and regulating joint sewer improvements.

Section 1. Be it enacted, &c., That section three thousand two hundred and forty 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," is hereby amended to read as follows:

Section 3240. [Agreements for] *Building Joint Sewers.*—(a) Cities may [enter into agreements] *jointly* with other municipalities or townships or both [for the purpose of building] *build and construct* sewers, including trunk-line sewers or drains and sewage treatment works, [Such agreements shall provide for the joint maintenance of the same] *and may connect into such system existing sewers, and may assess their respective portions of the cost thereof, or so much thereof as may*

Cities of the  
third class.

Section 3240,  
act of June 23,  
1931 (P. L. 932),  
amended.

Sewer con-  
struction.

Assessment  
of costs.