

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 cities, boroughs, and townships proceeding with the improvement.

(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 city, borough, 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 cities, boroughs, or townships joining in the improvement; then the right of eminent domain shall be vested in any city, borough, 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 cities, boroughs, and townships exercising the right of eminent domain; and shall be paid by the several cities, boroughs, and townships joining in the same proportion as other costs of the improvement.

Eminent domain.

(e) Each of the cities 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 costs 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. 12

AN ACT

To amend section one thousand five hundred and forty of the act, approved the first day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, one hundred three), entitled "An act concerning townships of the second class, and amending, revising, consolidating, and changing the law relating thereto," providing for and regulating joint sewer improvements.

Section 1. Be it enacted, &c., That section one thousand five hundred and forty of the act, approved the

Townships of the second class.

Section 1540,
act of May 1,
1933 (P. L. 103),
amended.

first day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, one hundred three), entitled "An act concerning townships of the second class, and amending, revising, consolidating, and changing the law relating thereto," is hereby amended to read as follows:

Sewer construction.

Section 1540. [Agreements for] *Building Joint Sewers.*—(a) Townships may [enter into agreements] *jointly* with municipalities or other townships [for the purpose of building] *build and construct* sewers, including trunk-line sewers or drains and [sewage-disposal plants] *sewage 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 as is provided in the case of townships by sections one thousand five hundred and nine, one thousand five hundred and ten, and one thousand five hundred and eleven of this act. Any portion of the cost of such an improvement not assessed or not assessable shall be paid by the respective townships, cities, and boroughs joining as may be agreed upon.*

Assessment of costs.

Appointment of a joint sewer board.

(b) *The townships, cities, and boroughs 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 resolution or ordinance provide for the appointment of a joint sewer board composed of one representative from each of the townships, cities, and boroughs 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 townships, cities, and boroughs may, in the resolutions and ordinances 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 township, city, and borough 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 townships, cities, and boroughs which such members represent.*

Terms of members.

Powers of the board.

Compensation.

Additional powers of the board.

(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 townships, cities, and boroughs defining the advisory and administrative powers of the board; setting forth the consents of the several townships, cities, and boroughs 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 townships, cities, and boroughs proceeding with the improvement.

(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 township, city, or borough 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 townships, cities, or boroughs joining in the improvement; then the right of eminent domain shall be vested in any township, city, or borough 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 townships, cities, and boroughs exercising the right of eminent domain; and shall be paid by the several townships, cities, and boroughs joining in the same proportion as other costs of the improvements.

Eminent domain.

(e) Each of the townships 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