

Section 1. Be it enacted, &c., That in cities of the first class when the board of health shall declare any private alley or driveway and/or retaining wall appurtenant thereto, to be a nuisance by reason of improper grading or defective paving of said alley or driveway, and/or retaining wall appurtenant thereto, and shall so certify to the Department of Public Works, the said Department of Public Works is hereby empowered to abate said nuisance upon the neglect or refusal of the registered owners of the property abutting on, or having the use, or actually using, such alley or driveway and/or retaining wall appurtenant thereto to abate said nuisance within [ten] *sixty* days after service of notice, by the said Department of Public Works, upon the said registered owners so to do, as hereinafter provided.

Department of Public Works empowered to abate certain nuisances upon neglect or refusal of certain owners to abate same.

APPROVED—The 26th day of September, A. D. 1951.

JOHN S. FINE

No. 374

AN ACT

To amend clauses (r) and (s) of subsection B of section four of the act, approved the second day of May, one thousand nine hundred forty-five (Pamphlet Laws 382), entitled "An act providing for the incorporation as bodies corporate and politic of "Authorities" for municipalities, counties and townships; prescribing the rights, powers and duties of such Authorities heretofore or hereafter incorporated; authorizing such Authorities to acquire, construct, improve, maintain and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and conferring exclusive jurisdiction on certain courts over rates," by clarifying and correcting the provisions of said clauses authorizing Authorities to charge the cost of sewer construction against properties benefited, improved or accommodated thereby, and providing for the enforcement of such charges.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Clauses (r) and (s) of subsection B of section four of the act, approved the second day of May, one thousand nine hundred forty-five (Pamphlet Laws 382), entitled "An act providing for the incorporation as bodies corporate and politic of "Authorities" for municipalities, counties and townships; prescribing the rights, powers and duties of such Authorities heretofore or hereafter incorporated; authorizing such Authorities to acquire, construct, improve, maintain and operate projects, and to borrow money and issue bonds therefor; providing for the payment of such bonds, and prescribing the rights of the holders thereof; conferring the

"Municipality Authorities Act of 1945."

Clauses (r) and (s) of subsection B of section 4, act of May 2, 1945, P. L. 382, as amended by act of June 12, 1947, P. L. 571, further amended.

right of eminent domain on such Authorities; authorizing such Authorities to enter into contracts with and to accept grants from the Federal Government or any agency thereof; and conferring exclusive jurisdiction on certain courts over rates," as amended by the act, approved the twelfth day of June, one thousand nine hundred forty-seven (Pamphlet Laws 571), are hereby *further amended to read as follows:

Section 4. Purposes and Powers; General.—

* * * * *

B. Every Authority is hereby granted, and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes, including but without limiting the generality of the foregoing, the following rights and powers:

* * * * *

(r) To charge the cost of construction of any [lateral] sewer constructed by the Authority against the properties benefited, improved or accommodated thereby to the extent of such benefits. Such benefits shall be assessed in the manner provided by section eleven of this act for the exercise of the right of eminent domain.

(s) To charge the cost of construction of any [lateral] sewer constructed by the Authority against the properties benefited, improved or accommodated thereby according to the foot front rule. Such charges shall be based upon the foot frontage of the properties so benefited, and shall be a lien against such properties. Such charges may be assessed and collected and such liens may be enforced in the manner provided by law for the assessment and collection of charges and the enforcement of liens of the municipality in which such Authority is located: Provided, That no such charge shall [have the force and effect of a lien] *be assessed* unless prior to construction of such sewer [system] the Authority shall have submitted the plan of construction and estimated cost to the municipality in which such project is to be undertaken, and the [municipal authority] *municipality* shall have approved such plan and estimated cost: And provided *further, That [the cost of the construction shall not have exceeded] *there shall not be charged against the properties benefited, improved or accommodated thereby an aggregate amount in excess of the estimated cost as approved by the [municipal authority] municipality.*

Act effective
immediately.

Section 2. The provisions of this act shall become effective immediately upon final enactment.

APPROVED—The 26th day of September, A. D. 1951.

JOHN S. FINE

* "further" omitted in original