

on active duty with the armed forces of the United States to act as notaries public, and requiring certification of their authority," and its amendments, are hereby repealed.

Act effective immediately.

Section 4. The provisions of this act shall become effective immediately upon final enactment.

APPROVED—The 28th day of July, A. D. 1953.

JOHN S. FINE

No. 212

AN ACT

To further amend sections 4 and 8 of the act, approved the sixteenth day of May, one thousand nine hundred twenty-three (Pamphlet Laws 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," by authorizing the assignment by municipal authorities organized by cities of the second class of their municipal claims and liens to and the purchase thereof by cities, boroughs and townships in which the property subject to such municipal claims or liens is located.

Municipal liens.

Sections 4 and 8, act of May 16, 1923, P. L. 207, as last amended by act of January 14, 1952, P. L. 1921, further amended.

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

Section 1. Sections 4 and 8 of the act, approved the sixteenth day of May, one thousand nine hundred twenty-three (Pamphlet Laws 207), entitled "An act providing when, how, upon what property, and to what extent, liens shall be allowed for taxes and for municipal improvements, for the removal of nuisances, and for water rents or rates, sewer rates, and lighting rates; for the procedure upon claims filed therefor; the methods for preserving such liens and enforcing payment of such claims; the effect of judicial sales of the properties liened; the distribution of the proceeds of such sales, and the redemption of the property therefrom; for the lien and collection of certain taxes heretofore assessed, and of claims for municipal improvements made and nuisances removed, within six months before the passage of this act; and for the procedure on tax and municipal claims filed under other and prior acts of Assembly," as

last amended by the act, approved the fourteenth day •of January, one thousand nine hundred fifty-two (Pamphlet Laws 1921), are hereby further amended to read as follows:

Section 4. The lien for taxes shall exist in favor of, and the claim therefor may be filed against the property taxed by, any municipality to which the tax is payable.

Lien for taxes.

The lien for the removal of nuisances shall exist in favor of, and the claim therefor may be filed against the property from which it is removed, or by which it is caused, by, any municipality by or for which the nuisance is removed.

For removal of nuisances.

The lien for grading, guttering, paving, macadamizing, or otherwise improving the cartways of any highways; for grading, curbing, recurbing, paving, repaving, constructing, or repairing the footways thereof; or for laying water pipes, gas pipes, culverts, sewers, branch sewers, or sewer connections in any highway; for assessments for benefits in the opening, widening, or vacation thereof; or in the changing of watercourses or construction of sewers through private lands; or in highways of townships of the first class; or in the acquisition of sewers and drains constructed and owned by individuals or corporations, and of rights in and to use the same; or for water rates, lighting rates, or sewer rates, or rates for any other service furnished by a municipality,—shall exist in favor of, and the claim **therefor may be filed against the property thereby benefited by, the municipality extending the benefit; or the city, borough, or township in which the property is located, if the work, material or service forming the basis of such lien was supplied by a municipal authority organized *by a city of the second class*, by a county of the second class or *by a city of the third class* and such liens or the claim therefor has been assigned to it.

For grading, guttering, paving, macadamizing, etc.

Claim may be filed against property.

Municipal authorities organized *by cities of the second class*, by counties of the second class or *by cities of the third class* are hereby authorized to assign their municipal claims and their liens to the city, borough, or township in which the property subject thereto is located, and cities, boroughs and townships in which such property is located are hereby authorized to purchase the same. Upon such assignment or purchase the city, borough, or township acquiring such municipal claim or lien shall have the same rights thereunder as if it had supplied the work, material or service upon which such municipal claim or lien is based.

Assignment of claims and liens.

When the contractor performing the work is to be paid by assessment bills, the lien shall exist for, and the claim shall be filed to, his use, and he shall under no

Claim filed to use of contractor in certain cases.

* "or" omitted in original.

** "therefore" in original.

circumstances have recourse to the municipality authorizing the work.

Procedure where claims filed to use.

Section 8. Where claims are to be filed to use, the claimant, at least one month before the claim is filed, shall serve a written notice of his intention to file it unless the amount due is paid. Service of such notice may be made personally on the owner wherever found, but if he cannot be served in the county where the property is situated, such notice may be served on his agent or the party in possession of the property; and if there be no agent or party in possession, it may be posted on the most public part of the property.

Exceptions.

The provisions of this section shall not apply if the use-plaintiff is a city, borough, or township to which a municipal claim of a municipal authority organized by a city of the second class, by a county of the second class or by a city of the third class has been assigned or sold, as provided in section four of this act, and the procedure for filing, reviving and enforcing liens for such assigned claim shall be the same as is provided in this act for filing, reviving and enforcing liens based on such use-plaintiff's own municipal claims.

Inconsistent acts repealed.

Section 2. All acts and parts of acts are hereby repealed in so far as they are inconsistent with the provisions of this act.

Act effective immediately.

Section 3. The provisions of this act shall become effective immediately upon final enactment.

APPROVED—The 28th day of July, A. D. 1953.

JOHN S. FINE

No. 213

AN ACT

To further amend the title and section 2.1 of the act, approved the eighteenth day of July, one thousand nine hundred thirty-five (Pamphlet Laws 1286), entitled, as amended, "An act empowering counties of the second class, cities, boroughs, incorporated towns, and townships to charge and collect from owners of and water users in property served thereby, annual rentals, rates or charges for the use of certain sewers, sewerage systems and sewage treatment works, including charges for operation, inspection, maintenance, repair, depreciation, and the amortization of indebtedness and interest thereon; empowering counties of the second class, cities, boroughs, incorporated towns and townships to contract with authorities organized by counties of the second class or by cities of the third class for sewer, sewerage and sewage treatment services; to grant, convey, lease, transfer, encumber, mortgage and pledge to such authorities, their sewers, sewerage systems and sewage treatment works; to assign and pledge to such authorities rentals, rates and charges charged and collected by them for the use thereof, and to assign to such authorities their power to charge and collect the