

operator shall be required on written order of the department to cover the exposed surface of the anthracite to a depth of five (5) feet in order to prevent the spread of fire to the unmined anthracite. [Nothing contained in this act shall be construed to mean that the covering material required by this section or material deposited in the stripping pit, whether five (5) feet or more in depth shall be leveled or planted with trees, grasses or shrubs, as provided in section fourteen of this act.]

Exposed anthracite to be covered.

Section 4. Section fifteen of the act is amended to read:

Section 15. Within six (6) months after the backfilling and other acts required by this act have been completed, the operator shall file with the Department of Mines a completion report on a form to be prescribed and furnished by the secretary, identifying the operation and stating the area of land affected by open pit mining and such other information as may be required by the secretary before releasing the bond of the operator.

Report filed six months after backfilling.

The operator shall attach to the completion report a map of the operation, certified by a registered professional engineer, showing the boundary lines of the tract or tracts, tidal elevations of the surface top of the coal seam and the bottom of the strip mine pit, the access to the operation from the nearest public highway, the area of land affected by open pit mining, the locations preserved for deep mining and the proposed plans in connection therewith.

Certified map of operation to be attached.

APPROVED—The 4th day of April, A. D. 1956.

GEORGE M. LEADER

No. 456

AN ACT

Amending the act of June twenty-three, one thousand nine hundred thirty-one (Pamphlet Laws 932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," providing for the release of land subdivision improvement encumbrances in certain instances.

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

The Third Class City Code.

Section 1. Section four thousand five, act of June twenty-three, one thousand nine hundred thirty-one (Pamphlet Laws 932), known as "The Third Class City Code," reenacted and amended June twenty-eight, one thousand nine hundred fifty-one (Pamphlet Laws 662): is amended to read:

Section 4005, act of June 23, 1931, P. L. 932, reenacted and amended June 28, 1951, P. L. 662, further amended.

Section 4005. Approval of Plans of Building Lots: Conflict of Jurisdiction.—All plans, plots, or re-plots of

*"follow" in original.

lands laid out in building lots, and the streets, or other portions of the same intended to be dedicated to public use, or for the use of purchasers or owners of lots fronting thereon or adjacent thereto, and located within the city limits, or for a distance of three miles outside thereof, shall be submitted to the city planning commission and be approved by it before it shall be recorded. No plan, plot or re-plot shall be received or recorded in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the city planning commission as required by law. The disapproval of any such plan by the city planning commission shall be deemed a refusal of the proposed dedication shown thereon.

Where the plans, plots or re-plots have been approved by the city planning commission, purchasers and mortgagees of lots within the plans, with or without buildings thereon or on any of them, shall be relieved of any and all liability for any deficiency in lack of or failure to complete the improvements as set out in said plans, plots or re-plots, and any failure to complete or properly complete said improvements shall not encumber any or all of the lots of the subdivision.

The approval of the commission shall be deemed an acceptance of the proposed dedication; but shall not impose any duty upon the city concerning the maintenance or improvement of any such dedicated parts, until the proper authorities of the city shall have made actual appropriation of the same by acceptance, entry, use, or improvement. No sewer, water, or gas main, or pipes, or other improvement, shall be voted or made within the area under the jurisdiction of said commission, for the use of any such purchasers or owners; nor shall any permit for connection with or other use of any such improvement existing, or for any other reason made, be given to any such purchasers or owners until such plan is so approved. Where the jurisdictional limit of three miles outside of the city limits, as provided in this section, may conflict with the zone of similar character connected with another municipality, the jurisdiction of said commission shall extend only to the point equidistant between the city limits of said municipality.

Act effective immediately.

Section 2. This act shall take effect immediately.

APPROVED—The 4th day of April, A. D. 1956.

GEORGE M. LEADER