

turned or unsold newspapers, and newspapers distributed free of charge), of such newspaper for the six months next preceding the month in which such advertising may be published.

APPROVED—The 6th day of May, A. D. 1959.

DAVID L. LAWRENCE

No. 45

AN ACT

Amending the act of May 4, 1927 (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," providing for the acquisition, maintenance and enlargement by the borough of certain sewage collection or disposal systems.

The Borough Code.

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

Sections 2135 and 2136, act of May 4, 1927, P. L. 519, reenacted and amended July 10, 1947, P. L. 1621, further amended.

Section 1. Sections 2135 and 2136, act of May 4, 1927 (P. L. 519), known as "The Borough Code," reenacted and amended July 10, 1947 (P. L. 1621), are amended to read:

Section 2135. Power to Acquire Sewer Systems.—Any borough, in which any person, firm, or corporation is maintaining sewers and culverts, with the necessary inlets and appliances for surface, under surface, and sewage drainage, *or in which any person or persons are maintaining a community sewage collection or disposal system as defined in section 2137 of this act*, may become the owner of such sewers, culverts, inlets, and appliances, *or the owner of such community collection or disposal system*, by purchase or by the exercise of the power of eminent domain, *or by gift from the owner or owners thereof*.

Section 2136. Assessment of Damages.—In case of disagreement, the amount to be paid shall be ascertained in the manner provided in article fourteen of this act. In the same proceeding, the viewers shall assess the costs and expenses of the sewer, culverts, inlets, and appliances, *or of the sewer collection or disposal system*, acquired by the borough, upon the property benefited, according to benefits, if sufficient can be found; but, if not, then the deficiency when ascertained shall be paid by the borough.

Act of May 4, 1927, P. L. 519, reenacted and amended July 10, 1947, P. L. 1621, amended by adding a new section 2137.

Section 2. The act reenacted and amended July 10, 1947 (P. L. 1621), is amended by adding, after section 2136, a new section to read:

Section 2137. Community Sewage Collection or Disposal Systems.—(a) For the purpose of this subdivision,

*a community sewage collection or disposal system is all or part of a device or devices installed on any privately or publicly owned parcel of land, intended to treat or dispose of the sewage or equivalent volume of domestic sewage from two or more residences, buildings or occupied parcels of land, or any system of piping used in collection and conveyance of sewage on private or public property.*

*(b) After a community sewage collection or disposal system has been acquired under the provisions of this subdivision by the borough, the council shall have the power to enlarge such system if it deems it advisable. In such cases, the cost and expenses of such enlargement may be distributed or assessed in the same manner as if the enlargement was a regular sewer constructed by the borough under other provisions of this act.*

*(c) Whenever a community sewage collection or disposal system is or shall have been established or constructed within a borough by a private owner or owners, and the borough council is thereafter empowered by ordinance to acquire the ownership of the sewage disposal system so established, or when any such system has been enlarged by the borough, such acquisition and ownership shall be subject to the following provisions of this subsection:*

*(1) When the person or persons having established or constructed a community sewage collection or disposal system, or when more than one-half the number of the owners of properties which are connected with, have a right to use and are using a community collection or disposal system, enter into an agreement with the borough for the acquisition of the system by the borough, such agreement shall be considered a valid agreement by the owners of the sewage collection or disposal system and a transfer of ownership to the borough.*

*(2) The borough shall operate and maintain any sewage collection or disposal system acquired and any enlargement or addition thereto for the use of persons having acquired from the borough or from the former owner or owners the right to use the system, and for the use of other owners of property accessible thereto up to the capacity of the sewage collection or disposal system.*

*(3) All persons whose property connects with the sewage collection or disposal system acquired or constructed by the borough shall pay to the borough treasurer, a monthly, quarterly, semi-annual or annual charge prescribed by a resolution of the council. The amount of the charges shall not be in excess of the estimated amount necessary to maintain and operate the system and to establish a reserve fund sufficient for its future replacement.*

(4) *All sewer rentals or charges imposed by the council against properties connected with a community sewage collection or disposal system under the provisions of this section shall constitute liens against the properties and may be collected in the same manner as other sewer charges.*

(5) *All moneys received from the sewer charges shall be deposited as a special reserve fund, and shall be used only for the payment of the cost of operating and maintaining the sewage collection or disposal system and the replacement thereof if necessary and economically desirable. If at any time after the acquisition or enlargement of the sewage system, a regular sewer system is made available by the borough for connection with the properties using the community sewage collection or disposal system, the owners of such properties shall be subject to the other provisions of this act relating to sewers, and all money at that time in the reserve fund which was received from charges for the use of that particular sewage collection or disposal system, and which is over and above the amount expended for the operation and maintenance of that particular sewage collection or disposal system, shall be used towards the payment of any sewer assessments charged against such properties under other sections of this act.*

APPROVED—The 11th day of May, A. D. 1959.

DAVID L. LAWRENCE

No. 46

AN ACT

Amending the act of May 4, 1927 (P. L. 519), entitled "An act concerning boroughs, and revising, amending, and consolidating the law relating to boroughs," changing provisions concerning protests to proposed changes in zoning.

The Borough Code.

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

Section 3305, act of May 4, 1927, P. L. 519, reenacted and amended July 10, 1947, P. L. 1621, further amended.

Section 1. Section 3305, act of May 4, 1927 (P. L. 519), known as "The Borough Code," reenacted and amended July 10, 1947 (P. L. 1621), is amended to read:

Section 3305. Changes.—Such regulations, restrictions, and boundaries may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a protest against such change, signed by the owners of [twenty] *thirty-three and one-third* per cent or more, either of the area of the lots included in such proposed change or of those immediately adjacent in the rear thereof extending one hundred feet therefrom, or