

partment of the Auditor General for audit, and the third to the Department of Revenue for its information.

If any bank, banking institution, or trust company shall, within thirty days after the end of any interest period, fail to make such report for such period, the Treasury Department shall certify that fact to the Department of Revenue, with such information as shall enable that department to settle and collect the penalty hereinafter in this act provided.

Act effective immediately.

Section 2. This act shall take effect immediately.

APPROVED—The 16th day of June, A. D. 1959.

DAVID L. LAWRENCE

No. 95

AN ACT

Amending the act of May 1, 1933 (P. L. 103), entitled "An act concerning townships of the second class; and amending, revising, consolidating, and changing the law relating thereto," providing for the acquisition, maintenance and enlargement by the township of certain sewage collection or disposal systems.

The Second Class Township Code.

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

Section 1535, act of May 1, 1933, P. L. 103, re-enacted and amended July 10, 1947, P. L. 1481, further amended.

Section 1. Section 1535, act of May 1, 1933 (P. L. 103), known as "The Second Class Township Code," reenacted and amended July 10, 1947 (P. L. 1481), is amended to read:

Section 1535. Acquisition.—(a) Any township, in which any person is maintaining sewers and culverts with the necessary inlet and appliances for surface and under-surface and sewage drainage, or in which any person or persons are maintaining a community sewage collection or disposal system as herein defined, may become the owner of such sewers, culverts, inlet and appliances, or the owner of such community sewage collection or disposal system, by paying therefor not more than the actual value of the same at the time of the taking by the township, or by gift from the owner or owners thereof.

(b) In case the supervisors of the township cannot agree with the owners of such sewers or sewage collection or disposal system as to the price to be paid therefor, the supervisors may enter upon and take possession of such sewers, culverts, inlets and appliances or of such sewage collection or disposal system. For all damage done or suffered or which accrues to the owner of [such] the sewer or collection or disposal system by reason of the

taking of the same, the general fund of the township shall be pledged and deemed as security; such damages to be determined by viewers in the manner provided by this act for eminent domain proceedings. If any sewer, [or] sewer system of sewage collection or disposal system is acquired by purchase under the provisions of this section, the cost of such acquisition may be distributed or assessed in the same manner as [if such sewer or sewer system had been constructed by such township under the provisions of this act] *provided by this act in cases where a sewer or drainage system is constructed by the township.*

(c) *For the purpose of this section, 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.*

(d) *After a community sewage collection or disposal system has been acquired under the provisions of this section by the township, the supervisors shall have the power to enlarge such system if they deem 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 township under other provisions of this act.*

(e) *Whenever a community sewage collection or disposal system is or shall have been established or constructed within a township by a private owner or owners, and the township supervisors are 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 township, 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 township for the acquisition of the system by the township, 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 township.*

(2) *The township shall operate and maintain any sewage collection or disposal system acquired, and any enlargement or addition thereto, for the use of persons*

* "residence" in original.

having acquired from the township 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 township, shall pay to the township treasurer a monthly, quarterly, semi-annual or annual charge prescribed by a resolution of the supervisors. 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 supervisors 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 township 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 16th day of June, A. D. 1959.

DAVID L. LAWRENCE

No. 96

AN ACT

Amending the act of August 5, 1941 (P. L. 803), entitled, as amended, "An act providing for the creation, maintenance and operation of a county employes' retirement system in counties of the fifth, sixth, seventh and eighth class; imposing certain charges on counties, and prescribing penalties," limiting the exemption on execution.