

No. 538

AN ACT

Amending the act of June 5, 1947 (P. L. 458), entitled, as amended, "An act creating as bodies corporate and politic 'Parking Authorities' in cities of the first, second, second A and third classes, boroughs, and townships of the first class; prescribing the rights, powers and duties of such authorities; authorizing such authorities to acquire, construct, improve, maintain and operate parking projects; to conduct research of the parking problem, and to establish a permanent coordinated system of parking facilities, 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; empowering such authorities to enter into contracts with, and to accept grants from, the Federal Government, State, political subdivisions of the State or any agency thereof; exempting the property and securities of such parking authorities from taxation and conferring exclusive jurisdiction on certain courts over rates," authorizing the sale or leasing of the space above any parking facility for commercial purposes other than the sale of gasoline or automobile accessories.

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

Parking
Authority Law.

Section 1. Subsection (a) of section 5, act of June 5, 1947 (P. L. 458), known as the "Parking Authority Law," amended August 19, 1953 (P. L. 1106), is amended to read:

Subsection (a).
section 5, act of
June 5, 1947.
P. L. 458,
amended August
19, 1953, P. L.
1106, further
amended.

Section 5. Purposes and Powers; General.

(a) The Authority, incorporated under this act, shall constitute a public body corporate and politic, exercising public powers of the Commonwealth as an agency thereof, and shall be known as the Parking Authority of the city, borough, or township of the first class, but shall in no way be deemed to be an instrumentality of the city, borough, or township of the first class or engage in the performance of a municipal function. The Authority shall be for the purpose of conducting the necessary research activity, to maintain current data leading to efficient operation of off-street parking facilities, for the fulfillment of public needs in relation to parking, establishing a permanent coordinated system of parking facilities, planning, designing, locating, acquiring, holding, constructing, improving, maintaining and operating, owning, leasing, either in the capacity of lessor or lessee, land and facilities to be devoted to the parking of vehicles of any kind: Provided, however, That the Authority shall not have the power to engage in the sale of gasoline, the sale of automobile accessories, automobile repair and service, or any other garage service and shall not engage in the sale of any commodity of trade or commerce.

The Authority shall have the power to lease portions of the street level or lower floors of the parking facilities for commercial use, including emergency automobile repair service, and the sale, by the lessee, of any commodity of trade or commerce or any service, except the sale of gasoline or the sale of automobile accessories, where, in the opinion of the Authority, such leasing is desirable and feasible in order to assist in defraying the expenses of the Authority. Such *leases shall be granted on a fair competitive basis.

Nothing herein contained shall be construed to prohibit the sale or leasing by the Authority of the right to occupy and use the space above any parking facility for commercial uses other than parking (except the sale of gasoline or the sale of automobile accessories), together with the right to use and occupy such space within the parking facility as may be necessary for the purposes of access to and support of structures occupying the space above such parking facility.

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APPROVED—The 2nd day of September, A. D. 1961.

DAVID L. LAWRENCE

No. 539

AN ACT

Amending the act of June 17, 1913 (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," increasing assessments when returns are filed later than a certain date in counties of the second class.

Taxation.

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

Section 5, act of June 17, 1913, P. L. 507, amended July 3, 1947, P. L. 1249, further amended.

Section 1. Section 5, act of June 17, 1913 (P. L. 507), entitled "An act to provide revenue for State and county purposes, and, in cities coextensive with counties, for city and county purposes; imposing taxes upon certain classes of personal property; providing for the assessment and collection of the same; providing for the duties and compensation of prothonotaries and recorders in connection therewith; and modifying existing legislation which provided for raising revenue for State purposes," amended July 3, 1947 (P. L. 1249), is amended to read:

* "lease" in original.