

# LAWS

2411-1

OF THE

## GENERAL ASSEMBLY

OF THE

## STATE OF PENNSYLVANIA,

PASSED AT THE

SESSION OF 1873,

In the Ninety-seventh year of Independence.

WITH AN APPENDIX.

BY AUTHORITY.

HARRISBURG:

BENJAMIN SINGERLY, STATE PRINTER.

1873.

ford county, shall each receive two dollars per day for each day spent in attending to their official duties.

SECTION 2. All acts or parts of acts conflicting with the first section of this act, be and they are hereby repealed, so far as relates to the county of Bradford. Repeal

APPROVED—the 21st day of February, A. D. 1873.

J. F. HARTRANFT.

No. 121.

## A Supplement

To an act to regulate medical practice in certain counties of this commonwealth, approved the thirty-first day of March, Anno Domini one thousand eight hundred and seventy, extending the same to Lancaster, Cumberland and Susquehanna counties.

SECTION 1. *Be it enacted, &c.*, That the provisions of an act to regulate medical practice in certain counties of this commonwealth, approved the thirty-first day of March, Anno Domini one thousand eight hundred and seventy, be and the same are hereby extended to the counties of Lancaster, Cumberland and Susquehanna.

APPROVED—The 21st day of February, A. D. 1873.

J. F. HARTRANFT.

No. 122.

## An Act

Authorizing the erection of water works in the borough of Sewickley by commissioners, and the issue of borough bonds, and the levy of a special water tax.

SECTION 1. *Be it enacted, &c.*, That a board of commissioners, consisting of five persons, under the corporate name of the commissioners of Sewickley water works, be and is hereby created, for the purpose of erecting and maintaining water works, to supply with water the inhabitants of the borough of Sewickley, in Allegheny county, and such portions of the adjoining townships as the commissioners may include. Board of commissioners created  
Purpose.

Present board.

SECTION 2. That Theodore H. Nevin, William Harbaugh, J. W. F. White, Robert Watson and David N. White, are hereby appointed as the present board of commissioners, whose terms of office shall be as follows, to wit: Theodore H. Nevin's term of office shall expire on the thirty-first day of December, one thousand eight hundred and seventy-three; William Harbaugh's term of office shall expire on the thirty-first day of December, one thousand eight hundred and seventy-four; J. W. F. White's term of office shall expire on the thirty-first day of December, one thousand eight hundred and seventy-five; Robert Watson's term of office shall expire on the thirty-first day of December, one thousand eight hundred and seventy-six, and David N. White's term of office shall expire on the thirty-first day of December, one thousand eight hundred and seventy-seven; on or before the first day of January, one thousand eight hundred and seventy-four, and annually thereafter, the town council of said borough shall elect some suitable person as commissioner, whose term of office shall be five years, and any vacancy in the board, occasioned by death, resignation or otherwise, shall be filled by the said council electing a person to fill the vacancy.

Terms of office.

Council to elect commissioners annually.

Vacancies.

May purchase lands, lay pipes &amp;c.

SECTION 3. The said commissioners and their successors shall have full power to lease, or purchase, or take by appropriation, any lands or tenements, rights of way or privileges, which may be necessary or proper for the erection, extension, operation or maintenance of said water works, and shall have authority to lay and keep in repair the necessary pipes, fire plugs, hydrants, &c., in any of the streets or alleys of said borough, or the highways of the adjoining townships: *Provided however*, That the title to any lands or tenements, rights or privileges acquired by lease, purchase or appropriation, in pursuance of this act, shall be vested in said borough, in its corporate capacity.

How lands, &amp;c., may be appropriated in cases of disagreement with owners.

SECTION 4. That if said commissioners cannot agree with the owner or owners for the purchase of any lands or tenements, rights of way or privileges, which may be necessary or proper in their judgments for the erection, extension, operation or maintenance of said water works, they shall have the right to take and appropriate the same in the following manner, to wit: They shall prepare a plot and description of the land they desire to appropriate, or through or in which they desire any rights or privileges, and shall present their petition under oath, accompanied by said plot and description, to the court of common pleas of said county, setting forth particularly the lands, rights and privileges desired, and their inability to agree with the owner or owners for the same; whereupon the said court shall appoint three discreet and disinterested freeholders as viewers, who, after being first duly sworn to perform the duties of their appointment faithfully and impartially, shall view the premises, hear the proofs and allegations of the parties, and make report to said court, stating the value of the lands, rights or privileges appropriated or damages to be paid said owner or owners. If either party shall be dissatisfied with said report, they may,

Viewers to be appointed

Their duties.

Report.

within ten days after the same shall have been presented to said court and approved, file exceptions thereto, and the said court shall have power to hear testimony, modify or confirm said report as they may deem right and just, or to appoint new viewers with like power over their report. The final confirmation of a report by the court shall be conclusive upon all parties, and upon payment or tender of the value or damage allowed the title to said lands, rights and privileges so appropriated, shall vest in the said borough: *Provided however*, That after a report has been made to court, if exceptions be filed by the owner or owners, the commissioners upon giving bond in such manner as said court may direct, in double the amount of compensation allowed by the viewers, with sureties approved by the court, shall have the right to enter upon and take possession of said lands, rights and privileges without further delay.

Final confirmation conclusive

Upon giving bond, possession may be taken when exceptions are filed.

SECTION 5. That for the purpose of defraying the cost of erecting said water works, the burgess and town council of said borough shall issue bonds in the name of said borough, not exceeding in the aggregate, sixty thousand dollars, in such form and in such sums as may be directed by said commissioners, bearing eight per cent. interest, payable at such time and places as said commissioners may direct; and the said bonds shall be free from taxation, except from state purposes. The said bonds shall be placed in the hands of the commissioners, but shall not be sold or negotiated by them at less than their par value.

Burgess and council to issue bonds.

Exempt from local taxation.

To be placed in hands of commissioners.

SECTION 6. The said commissioners and their successors are hereby authorized to fix and change, as occasion may require, a schedule of water rents, and collect the same from the owners or occupants of the premises where the water is used, either annually, semi-annually or quarterly, as they may deem best, and for this purpose they may appoint a collector and issue their warrant to him to collect the same by levy and sale in like manner as other taxes of any property on the premises or elsewhere belonging to the owner or occupant.

Commissioners may fix schedule of rents, and collect same.

SECTION 7. If the water rents, after paying necessary expenses and repairs, shall not be sufficient to meet the interest on said bonds, the deficiency shall be provided for by the said borough council. For this purpose they are hereby authorized and required, if need be, to set apart one half the borough taxes now authorized by law, and if that is not sufficient, to levy and collect a special water tax to meet any deficiency. But until the water rents shall be sufficient to meet the annual interest on said bonds, the rate of water rents on dwellings, stables, &c., and shall not be less than the following, to wit: Small dwellings fronting on courts or alleys, or small tenement houses on public streets, occupied exclusively as dwellings, for use of hydrants of convenient access, whether on the premises or not, each family, one room, charge three dollars; two rooms, six dollars; three rooms, seven dollars and fifty cents; four rooms, ten dollars; for each additional room, one dollar and fifty cents; all persons not on the main line of pipes, charged at reduced rates; dwellings fronting

If rents are insufficient to pay interest on bonds, council to provide for same.

Rate of rents fixed.

on public streets occupied exclusively as dwellings, for each family occupying the premises, charge for two rooms, seven dollars; three rooms, nine dollars; four rooms, twelve dollars; five rooms, thirteen dollars and fifty cents; six rooms, fifteen dollars; seven rooms, eighteen dollars; eight rooms, twenty dollars; nine rooms, twenty-two dollars; ten rooms, twenty-four dollars; each additional room, two dollars and fifty cents; baths supplied with cold water, each two dollars and fifty cents; baths supplied with cold and hot water, five dollars; baths supplied by separate ferrule from main, seven dollars and fifty cents; baths supplied by separate ferrule, each additional bath, five dollars; water closets for one, five dollars; water closets for each additional one, two dollars and fifty cents; wash basins and urinals in chambers, same rate; wash pavements of every description, five dollars; wash pavements used by more than one family, each three dollars and fifty cents; street and garden hose, two dollars and fifty cents to fifteen dollars; all additional fixtures or extra attachments for use of water, extra rates; stores, offices and workshops, wholesale and retail store and shop, five dollars to fourteen dollars; offices of professional men, companies, &c., five dollars to twenty-five dollars; druggists, barbers and bakers, special rates, (each tenant in the building charged according to the nature of business;) families, dwelling rates; water closets, self-closing, each five dollars; water closets, other description, six dollars and fifty cents; urinals self-closing, six dollars and fifty cents; urinals of other descriptions, seven dollars and fifty cents; hotels, restaurants and boarding houses, for family keeping house, dwelling rates; boarders five or under, six dollars; boarders over five and under ten, nine dollars; boarders over ten and under twenty-five persons, seventeen dollars; boarders, every twenty-five persons additional, nine dollars; bar with water fixtures inside, eight dollars to twenty-five dollars; bar without water fixtures inside, six dollars to seventeen dollars; wash basins and slop sinks, six dollars; water closets and urinals, self-closing, each seven dollars; water closets and urinals of other descriptions, nine dollars; baths for use of boarders, each eleven dollars and twenty-five cents; wash tubs in wash rooms, each two dollars and fifty cents; kitchen according to capacity and number of draw cocks, nine dollars to forty dollars; outside hydrants for watering horses, no troughs allowed, eight dollars and fifty cents to eighteen dollars; stables, livery stables per stall, two dollars and fifty cents; country stables per stall, one dollar and ten cents; horses not in livery stables, each two dollars and fifty cents; cows not in livery stables, each two dollars; each four wheeled carriage, two dollars and fifty cents; each two wheeled carriage, one dollar and ten cents; steam engines, each horse power ten hours per day, two dollars; distilleries, rectifiers, breweries and manufacturing establishments rated according to capacity and size of ferrule granted by special annual agreement; building purposes for each perch of stone, ten cents; for each thousand brick, sixteen cents; for each hundred yards of plaster, seventy-five cents; plastering done for a specified

sum, charge five per cent. on the amount; public bathing establishments, baths, each tub, twelve dollars; public schools each one hundred children, five dollars; fountains, special rates.

SECTION 8. The said commissioners and their successors, before entering upon the duties of their office, shall be duly sworn to perform well, truly and faithfully all the duties devolving upon them as commissioners; the board shall be organized by the election of a president, secretary and treasurer, and they shall have power to make rules for their own government, to appoint and employ all necessary officers, agents or workmen, and to establish and enforce all such rules and regulations as may be necessary and proper for the construction, repair, maintenance and successful operation of the works and for preserving the purity of the water; they shall receive no compensation for their time or services as commissioners, but they may appoint one of their numbers to take a more active oversight of the construction and management of the works, and allow him such compensation as his services may justify.

Commissioners to be sworn.

Organization.

Powers.

Not to receive compensation.

May appoint one of their number to give special superintendence to construction.

SECTION 9. The said commissioners and their successors shall immediately on the completion of the works, furnish the said council a particular and detailed statement of all cost and expenses in the construction of the works; and they shall also annually make to said council, a full and detailed report of all receipts and expense, and the condition of said works, and shall pay over to the borough treasurer, semi-annually, the balance of money in their hands.

To furnish statement of expenses of construction.

Report annually, and pay over balances.

SECTION 10. The water rents paid over by the commissioners and the taxes provided for in section seven of the act, shall be kept in the borough treasury, separate and apart from all other funds, and shall be appropriated exclusively to paying the interest on said bonds and providing a fund to pay the bonds at maturity; and if the water rents should not be sufficient to pay the bonds, when they fall due, the said borough council are hereby authorized to levy and collect a special tax for that purpose.

Rents and taxes to be kept separate.

How to be appropriated.

Special tax may be levied in certain case.

SECTION 11. If any person or persons shall wilfully and maliciously, in any manner, injure or damage the said water works or any part thereof, or cause any impurity or nuisance in the water, such person or persons shall be liable to an action, in the name of the commissioners, for the injury or damage done, and shall also be guilty of a misdemeanor, and on conviction thereof, in the quarter sessions of said county, shall be subject to a fine not exceeding five hundred dollars and imprisonment in the county jail, or work-house, not exceeding one year at the discretion of the court.

Punishment for injuring works or corrupting waters.

APPROVED—The 21st day of February, A. D. 1873.

• J. F. HARTRANFT.