

MINING, ANTHRACITE COAL
Act of May 27, 1921, P.L. 1198, No. 445
AN ACT

Cl. 52

Regulating the mining of anthracite coal; prescribing duties for certain municipal officers; and imposing penalties.

Section 1. Be it enacted, &c., That it shall be unlawful for any owner, operator, director, or general manager, superintendent, or other person in charge of, or having supervision over, any anthracite coal mine or mining operation, so to mine anthracite coal or so to conduct the operation of mining anthracite coal as to cause the caving-in, collapse, or subsidence of--

(a) Any public building or any structure customarily used by the public as a place of resort, assemblage, or amusement, including, but not being limited to, churches, schools, hospitals, theatres, hotels, and railroad stations.

(b) Any street, road, bridge, or other public passage-way, dedicated to public use or habitually used by the public.

(c) Any track, roadbed, right of way, pipe, conduit, wire, or other facility, used in the service of the public by any municipal corporation or public service company as defined by the Public Service Company Law.

(d) Any dwelling or other structure used as a human habitation, or any factory, store, or other industrial or mercantile establishment in which human labor is employed.

(e) Any cemetery or public burial ground.

Section 2. Every owner, operator, lessor, lessee, or general contractor, engaged in the mining anthracite coal within this Commonwealth, shall make, or cause to be made, a true and accurate map or plan of the workings or excavations of such coal mine or colliery, which shall be drawn to a scale of such size as to show conveniently and legibly all markings and numbers required to be placed thereon by the terms of this act. Such maps or plans shall also show, in detail and in markings of a distinctive color, all contemplated workings which are intended to be undertaken or developed within the succeeding six months. Such maps or plans shall be deposited, as often as once in six months, with the mayor in cities where such coal mines or collieries are situated. In boroughs and townships of the first class, such maps or plans shall be filed with the county commissioners of the proper county. Such maps or plans shall be considered public records, and shall be open to the inspection of the public, and copies or tracings may be made therefrom. No mining shall be done which is not shown on the map or plan filed at least ten days previously.

Section 3. Every owner, operator, lessor, lessee, or general contractor, engaged in the mining of anthracite coal, or any president, director, general manager, superintendent, or other person in charge of, or having supervision over, any anthracite coal mine or mining operation in this Commonwealth, shall be, and is hereby, required: (a) To designate, within a period of

six months from the passage of this act, and to keep designated by number, each and every pillar of anthracite coal beneath the surface still remaining in place at the time this act goes into effect and all pillars thereafter created, the number of each pillar to be placed in a conspicuous position with white paint or some other equally durable and visible substance; and (b) to designate, or cause to be designated, by numerals of convenient and legible size, upon all mine maps or plans mentioned in section two of this act, with the space on each map or plan designating any pillar of coal, the number of such pillar.

Section 4. The mayor of cities, the burgess of boroughs, the boards of township commissioners of townships of the first class, and such engineers and other agents as they may employ, shall, at all reasonable times, be given access to any portion of any anthracite coal mines or mining operations which it may be necessary or proper to inspect, for the purpose of determining whether the provisions of this act are being complied with, and all reasonable facilities shall be extended by the owner or operator of such mine or mining operation for ingress, egress, and inspection.

Section 5. The mayor of cities, the burgess in boroughs, the board of township commissioners in townships of the first class, shall have the power to prevent the mining of anthracite coal beneath the surface in any mine or mining operation in which the pillars of coal shall not have been numbered and the numbers thereof designated by maps or tracings as provided by this act; and where mining operations are being conducted in violation of this act, they shall have the power to prevent any miner or laborer, other than those necessary for the protection of life and property, from entering the mine or mining operation, until such time as the provisions of this act have been complied with.

Section 6. The provisions of this act shall not apply to townships of the second class, nor to any area wherein the surface overlying the mine or mining operation is wild or unseated land, nor where such surface is owned by the owner or operator of the underlying coal and is distant more than one hundred and fifty feet from any improved property belonging to any other person.

Section 7. Any owner, operator, lessor, lessee, or general contractor, engaged in the mining of anthracite coal, or any president, director, general manager, superintendent or other person in charge of, or having supervision over, any anthracite coal mine or mining operation, who shall violate any provision of this act, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine of not more than five thousand dollars, or undergo imprisonment for not more than one year, both or either, at the discretion of the court.

Section 8. The courts of common pleas shall have power to award injunction to restrain violations of this act.

Section 9. This act is intended as remedial legislation, designed to cure existing evils and abuses, and each and every provision thereof is intended to receive a liberal construction such as will best effectuate that purpose, and no provisions is intended to receive a strict or limited construction.

Section 10. It is hereby declared that the provisions of

this act are severable one from another, and if, for any reason, this act shall be judicially declared and determined to be unconstitutional so far as relate to one or more words, phrases, clauses, sentences, paragraphs, or section thereof, such judicial determination shall not affect any other provision of this act. It is hereby declared that the remaining provisions would have been enacted notwithstanding such judicial determination of the validity in any respect of one or more of the provisions of this act.

Section 11. This act shall go into effect three calendar months after its final approval.