

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 850 Session of  
2003

INTRODUCED BY STEIL, CAPPELLI, CORRIGAN, CREIGHTON, DAILEY,  
HERMAN, HORSEY, McILHATTAN, O'NEILL, PETRI, PISTELLA, SATHER,  
SAYLOR, E. Z. TAYLOR, THOMAS, WATSON, MELIO AND McILHINNEY,  
MARCH 11, 2003

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, NOVEMBER 19, 2004

AN ACT

1 Amending the act of July 28, 1953 (P.L.723, No.230), entitled,  
2 as amended, "An act relating to counties of the second class  
3 and second class A; amending, revising, consolidating and  
4 changing the laws relating thereto," providing for insurance  
5 and other employee benefits; further providing for authority  
6 of county commissioners to make contracts; amending  
7 provisions relating to acquisition, use, leasing and  
8 disposing of property for county and to construction or  
9 alteration of county buildings; further prohibiting  
10 disorderly conduct in and about courthouses and jails;  
11 further providing for joining with municipality in improving  
12 certain streets and highways and for parks and comfort  
13 houses; amending provisions relating to monuments and  
14 memorials; further providing for acquiring of property for  
15 certain purposes and for authority to provide for morgues;  
16 amending provisions relating to bridges, viaducts, culverts,  
17 roads and recreation places; FURTHER PROVIDING FOR FINDINGS  
18 AND DECLARATION OF POLICY AND FOR TAX RELIEF; REPEALING  
19 PROVISIONS RELATING TO REIMBURSEMENT TO SCHOOL DISTRICTS OF  
20 THE FIRST CLASS A; and making editorial changes. <—

21 The General Assembly of the Commonwealth of Pennsylvania

22 hereby enacts as follows:

23 Section 1. The act of July 28, 1953 (P.L.723, No.230), known  
24 as the Second Class County Code, is amended by adding a section  
25 to read:

1     Section 1820.1. Insurance and Other Employee Benefits.--In  
2     addition to any other authorized compensation, county  
3     commissioners and other county officers and their dependents  
4     shall be eligible for inclusion in group life, health,  
5     hospitalization, medical service and accident insurance plans or  
6     employee benefits, or payments made in lieu of such benefits,  
7     paid in whole or in part by the county, provided such plans,  
8     benefits or payments are offered generally to employees of the  
9     county.

10     Section 2. Section 2001 of the act, amended or added July 1,  
11     1978 (P.L.696, No.121), November 26, 1978 (P.L.1268, No.302),  
12     December 10, 1980 (P.L.1165, No.213), December 10, 1982  
13     (P.L.1084, No.254), October 5, 1990 (P.L.519, No.125), January  
14     27, 1998 (P.L.1, No.1) and October 30, 2000 (P.L.616, No.85), is  
15     amended to read:

16     Section 2001. County Commissioners to Make Contracts.--The  
17     County Commissioners may make contracts for lawful purposes and  
18     for the purposes of carrying into execution the provisions of  
19     this section and the laws of the Commonwealth.

20     (a) Except as provided in subsection (a.1), all contracts or  
21     purchases in excess of ten thousand dollars (\$10,000) shall be  
22     in writing and, except those hereinafter mentioned, and except  
23     as provided by the act of October 27, 1979 (P.L.241, No.78),  
24     entitled "An act authorizing political subdivisions,  
25     municipality authorities and transportation authorities to enter  
26     into contracts for the purchase of goods and the sale of real  
27     and personal property where no bids are received," shall not be  
28     made except with and from the lowest responsible and responsive  
29     bidder meeting specifications, after due notice in at least one  
30     newspaper of general circulation, published or circulating in

1 the county at least [three (3)] two (2) times, at intervals of  
2 not less than three (3) days where daily newspapers of general  
3 circulation are employed for such publication, or in case weekly  
4 newspapers are employed, then the notice shall be published once  
5 a week for two (2) successive weeks. The first advertisement  
6 shall be published not less than ten (10) days prior to the date  
7 fixed for the opening of bids.

8 (a.1) The requirements of this subsection need not be  
9 followed in cases of emergency, but in such cases the actual  
10 emergency shall be declared and stated by resolution of the  
11 commissioners.

12 (b) The acceptance of all bids shall be by the controller.  
13 They shall be opened publicly at a time and place to be  
14 designated in the notice. All the figures shall be announced  
15 publicly by the chief clerk or his designee and referred to the  
16 appropriate departments for tabulation without the presence of  
17 the commissioners. Whenever, for any reason, the bid openings  
18 shall not be held, the same business may be transacted at a  
19 subsequent [time, if at least five (5) days notice thereof shall  
20 be published in the newspaper aforesaid.] meeting, the time and  
21 place of which shall have been announced at the previous meeting  
22 held for such openings. The contract shall be awarded or all  
23 bids shall be rejected within thirty (30) days of the opening of  
24 the bids, except for bids subject to 62 Pa.C.S. (relating to  
25 procurement). Thirty-day extensions of the date for the award  
26 may be made by the mutual written consent of the commissioners  
27 and any bidder who wishes to remain under consideration for  
28 award. The commissioners shall excuse from consideration any  
29 bidder not wishing to agree to a request for extension of the  
30 date for the award and shall release such bidder from any bid

1 bond or similar bid security furnished under subsection (b.1).  
2 All contracts shall be filed with the controller or with the  
3 chief clerk, as the case may be, immediately after their  
4 execution.

5 (b.1) All bids [may] shall if required by the commissioners  
6 be accompanied by cash [or by a certified good faith check], a  
7 certified check, cashier's check, bank good faith check or  
8 irrevocable letter of credit in a reasonable amount drawn upon a  
9 bank authorized to do business in the Commonwealth[, in an  
10 amount not exceeding five per centum (5%) of the bid] or by a  
11 bond with corporate surety [not exceeding five per centum (5%)  
12 of the amount bid] in a reasonable amount. In the event any  
13 bidder shall, upon award of the contract to him, fail to comply  
14 with the requirements hereinafter stated as to [a bond] security  
15 guaranteeing the performance of the contract, or fail or refuse  
16 to enter into a contract, or otherwise fail or refuse to render  
17 the required services, the [good faith deposit by cash,  
18 certified check or bond] security furnished under this  
19 subsection shall be forfeited to the county as liquidated  
20 damages, and the contract subsequently may be awarded to the  
21 next lowest bidder, who shall manifest his acceptance of such  
22 contract by giving a good faith deposit in the amount and manner  
23 set forth in this subsection on or before the third day after  
24 the award of the contract to such bidder and otherwise comply  
25 with the provisions of this section.

26 (b.2) The amount or price of the contract shall, in all  
27 cases whether of straight sale price, conditional sale, lease,  
28 lease purchase or otherwise, be the entire amount which the  
29 county pays to the successful bidder, or his assigns, plus the  
30 value of personal property transferred from the county to the

1 bidder or his assigns at any time during the duration of the  
2 contract, in order to obtain the services or property, or both,  
3 and shall not be construed to mean only the amount which is paid  
4 to acquire title or to receive any other particular benefit or  
5 benefits of the whole bargain. The value of personal property  
6 transferred to the bidder or his assigns upon execution of the  
7 contract shall be specified in the bid. The method of  
8 determining the value of personal property transferred to the  
9 bidder or his assigns at a time during the duration of the  
10 contract shall be specified in the bid and shall be determined  
11 using generally accepted valuation methods.

12 (c) The successful bidder, when [advertising] a formal bid  
13 is required herein, shall be required to furnish a bond [with  
14 suitable reasonable requirements] or irrevocable letter of  
15 credit or other security in an amount sufficient to the  
16 commissioners guaranteeing performance of the contract[, with  
17 sufficient surety in the amount of fifty per centum (50%) of the  
18 amount of the contract,] within thirty (30) days after the  
19 contract has been awarded, unless the commissioners shall  
20 prescribe a shorter period or unless the commissioners shall  
21 waive the bond requirement in the bid specification. The  
22 successful bidder for a contract which involves the  
23 construction, erection, installation, completion, alteration,  
24 repair of or addition to any public work or improvement of any  
25 kind shall furnish security as provided in section 2518.  
26 Performance security for services and contracts for labor and  
27 materials delivered on a periodic basis, including, but not  
28 limited to, food service contracts, home health services and  
29 janitorial services and supplies, may be computed on the  
30 expected average value for one or more months at the discretion

1 of the commissioners. Upon failure to furnish any required bond  
2 within such time, the previous awards shall be void and the  
3 commissioners may award the contract to the next lowest bidder.  
4 Deliveries, performances, accomplishment and guarantees may be  
5 required in all cases of expenditures, including the exceptions  
6 herein.

7 (d) The contracts or purchases made by the commissioners  
8 involving an expenditure of over ten thousand dollars (\$10,000)  
9 which shall not require advertising or bidding as hereinbefore  
10 provided are as follows:

11 (1) Those for maintenance, repairs or replacements for  
12 water, electric light, or other public works: Provided, That  
13 they do not constitute new additions, extensions or enlargements  
14 of existing facilities and equipment[, but a bond]. Security may  
15 be required by the county commissioners as in other cases of  
16 work done.

17 (2) Those made for improvements, repairs and maintenance of  
18 any kind made or provided by the county through its own  
19 employes[: Provided, That this]. This paragraph shall not apply  
20 to construction materials used in a street improvement.

21 (3) Those where particular types, models or pieces of new  
22 equipment, articles, apparatus, appliances, vehicles or parts  
23 thereof are desired by the county commissioners, which are  
24 patented and manufactured products or copyrighted products.

25 (4) Those involving any policies of insurance or surety  
26 company bonds, those made for public utility service and  
27 electricity, natural gas or telecommunication services:  
28 Provided, That, in the case of utilities not under tariffs on  
29 file with the Pennsylvania Public Utility Commission[.] and  
30 contracts made without advertising and bidding shall be made

only after receiving written or telephonic price quotations from at least three (3) qualified and responsible contractors or, in lieu of price quotations, a memorandum shall be kept on file showing that fewer than three (3) qualified contractors exist in the market area within which it is practicable to obtain quotations. A written record of telephonic price quotations shall be made and contain at least the date of the quotation, the name of the contractor and the contractor's representative.

(5) Those involving personal or professional services[.], including, but not limited to, services of members of the medical or legal profession, registered architects, engineers, certified public accountants or other personal services involving professional expertise.

(6) Those involving tangible client services provided by nonprofit agencies. For the purposes of this clause, the term "tangible client services" shall mean congregate meals, home-delivered meals, transportation and chore services provided through area agencies on aging.

(6.1) Those involving contracts entered into by nonprofit cooperative hospital service associations for hospitals and nursing homes which are part of the institutional district or which are owned by the county, operated by the county or affiliated with the county by the purchasing of or participating in contracts for materials, supplies and equipment.

(7) Those involving the purchase of milk.

(8) Those made with any public body, including, but not limited to, the sale, lease or loan of any supplies or materials to the county by a public body, provided that the price thereof shall not be in excess of that fixed by the public body. The requirements of 53 Pa.C.S. Ch. 23 Subch. A (relating to

1 intergovernmental cooperation) shall not apply when a county  
2 purchases cooperatively with another public body which has  
3 entered into a contract for supplies or materials. As used in  
4 this paragraph, "public body" shall mean any of the following:

5 (i) the Federal Government;

6 (ii) the Commonwealth of Pennsylvania;

7 (iii) any other state;

8 (iv) a political subdivision, local or municipal authority  
9 or other similar local entity of the Commonwealth or any other  
10 state; or

11 (v) an agency of the Federal Government, the Commonwealth or  
12 any other state.

13 (9) Those exclusively involving construction management  
14 services.

15 (10) Those involving computer software.

16 (d.1) Notwithstanding the provisions of this article to the  
17 contrary, the county commissioners shall have authority to enter  
18 into contracts for equipment and services related to technology  
19 and information systems on the basis of best value procurement.  
20 Contracts under best value procurement shall be made only after  
21 the county has solicited proposals based on performance and  
22 outcome specifications developed by the county and describing at  
23 minimum the objectives to be met by the system, the tasks to be  
24 performed by the system, the users of the system, system  
25 security issues, the time frame for system implementation,  
26 potential operating technologies, compatibility with existing  
27 systems, training and maintenance and shall indicate the process  
28 by which the contract shall be awarded. Best value procurement  
29 shall not require a sealed bid process and shall permit the  
30 commissioners to negotiate the terms of the agreement with any



1 responsive and responsible vendor.

2 (e) [Every contract for the construction, reconstruction,  
3 alteration, repair, improvement or maintenance of public works  
4 shall comply with the provisions of the act of March 3, 1978  
5 (P.L.6, No.3), known as the "Steel Products Procurement Act."]  
6 Every contract subject to this article shall comply, as  
7 applicable, with the provisions of:

8 (1) The act of August 15, 1961 (P.L.987, No.442), known as  
9 the "Pennsylvania Prevailing Wage Act."

10 (2) The act of December 20, 1967 (P.L.869, No.385), known as  
11 the "Public Works Contractors' Bond Law of 1967."

12 (3) The act of January 23, 1974 (P.L.9, No.4), referred to  
13 as the Public Contract Bid Withdrawal Law."

14 (4) The act of March 3, 1978 (P.L.6, No.3), known as the  
15 "Steel Products Procurement Act".

16 (5) The act of February 17, 1994 (P.L.73, No.7), known as  
17 the "Contractor and Subcontractor Payment Act."

18 (6) 62 Pa.C.S. Chs. 37 Subch. B (relating to motor  
19 vehicles), 39 (relating to contracts for public works) and 45  
20 (relating to antibid-rigging).

21 (f) No person, consultant, firm or corporation contracting  
22 with a county for purposes of rendering personal or professional  
23 services to the county shall share with any county officer or  
24 employe, and no county officer or employe shall accept, any  
25 portion of the compensation or fees paid by the county for the  
26 contracted services provided to the county except under the  
27 following terms or conditions:

28 (1) Full disclosure of all relevant information regarding  
29 the sharing of the compensation or fees shall be made to the  
30 board of commissioners.

1       (2) The board of commissioners must approve the sharing of  
2 any fee or compensation for personal or professional services  
3 prior to the performance of said services.

4       (3) No fee or compensation for personal or professional  
5 services may be shared except for work actually performed.

6       (4) No shared fee or compensation for personal or  
7 professional services may be paid at a rate in excess of that  
8 commensurate for similar personal or professional services.

9       (g) (1) The board of commissioners may, in its sole  
10 discretion, elect to use an alternative contracting procedure to  
11 achieve the adaptive reuse of former jail facilities. If the  
12 board of commissioners elects to utilize an alternative  
13 contracting procedure, the board shall adopt a resolution that  
14 the use of an alternative contracting procedure is the most  
15 efficient, economical and timely method to secure an adaptive  
16 reuse of former jail facilities. Upon adoption of a resolution,  
17 the board of commissioners shall request written proposals from  
18 proposers for the adaptive reuse of former jail facilities under  
19 an alternative contracting method. In its request for proposals,  
20 the board shall include such terms, conditions and requirements  
21 which it deems necessary to protect the interests of the county.

22       (2) In reviewing and evaluating the proposals for the  
23 adaptive reuse of former jail facilities, the board of  
24 commissioners shall, in addition to compliance with the terms,  
25 conditions and requirements set forth in the request for  
26 proposals, consider the following criteria:

27       (i) the cost of the proposer's adaptive reuse proposal;

28       (ii) experience of the proposer;

29       (iii) preservation of the distinct architectural design and  
30 integrity of the former jail facilities;

1 (iv) adherence to prevailing wage laws and other work force  
2 standards;

3 (v) commitment to enter into voluntary contract with  
4 disadvantaged business enterprises.

5 After due consideration of proposals under the criteria  
6 described above, the board of commissioners may, in its  
7 discretion, select a proposal and award a contract to a  
8 responsible proposer for the adaptive reuse of former jail  
9 facilities under an alternative contracting procedure. The award  
10 of a contract for the adaptive reuse of former jail facilities  
11 need not be awarded to the lowest bidder.

12 (3) Any contract for the adaptive reuse for former jail  
13 facilities awarded under this subsection shall be exempt from  
14 and not be subject to sections 2517 and 2520 of this act or the  
15 act of May 1, 1913 (P.L.155, No.104), entitled "An act  
16 regulating the letting of certain contracts for the erection,  
17 construction, and alteration of public buildings."

18 (4) As used in this section, the following words and phrases  
19 shall have the meanings given to them in this subsection:

20 "Adaptive reuse." The alteration, renovation, remodeling,  
21 modification or reconstruction of former jail facilities for  
22 reuse as courtrooms, office space or such other facilities and  
23 uses as the board of commissioners shall from time to time deem  
24 necessary and appropriate.

25 "Alternative contracting procedure." A procedure under which  
26 a proposer would be responsible for all aspects or phases  
27 necessary to achieve the development of a parcel of property.  
28 Such aspects or phases of development shall include, but not  
29 necessarily be limited to, the planning, design, finance,  
30 construction and management of property. The term "alternative

1 contracting procedure" shall be similar in all respects to the  
2 commonly understood term in the real estate development and  
3 construction industry known as a "turnkey."

4 "Former jail facilities." A building or group of buildings  
5 with related facilities owned by a county of the second class  
6 which are more than one hundred years old and which were  
7 previously used as jail facilities.

8 "Proposer." A firm, organization or company or a combination  
9 of firms, organizations or companies acting as a partnership,  
10 joint venture, consortium or similar joint relationship with  
11 sufficient knowledge, expertise and experience in the areas of  
12 architectural design, construction, financing of real estate  
13 development or construction and real estate management.

14 Section 3. Section 2505(a) of the act is amended to read:

15 Section 2505. Acquiring and Using Real Property; [Court  
16 Approval;] Exceptions.--(a) The county commissioners may  
17 purchase for not more than fair market value, take by gift,  
18 devise or by the power of eminent domain, in accordance with the  
19 provisions of this act, such real property at the county seat or  
20 in such other places, as may be authorized by law, as they deem  
21 necessary for the purposes of a county courthouse, county jail,  
22 prison, workhouse, detention house or other county building,  
23 either in acquisition of a building suitable for such purposes  
24 or in the construction of a new building, or in the alteration,  
25 including enlargement, of an existing county building. [Any  
26 purchase herein authorized shall be subject to the approval of  
27 the court of common pleas of the county as to purchase price,  
28 and no such contract shall bind the county, nor shall any  
29 conveyance be valid until the court has so approved the purchase  
30 price.] The fair market value of real property in the case of a

1 purchase valued in excess of ten thousand dollars (\$10,000)  
2 shall be determined by the county commissioners in consultation  
3 with two (2) of the following: the county assessor, a licensed  
4 real estate broker or licensed real estate appraiser doing  
5 business within the county.

6 \* \* \*

7 Section 4. Section 2506.1 of the act, added September 1,  
8 1965 (P.L.431, No.217), is amended to read:

9 Section 2506.1. Sale and Lease of Real Property to  
10 Industrial Development Agencies.--(a) [Subject only to the  
11 provisions of section 2506 of this act with respect to approval  
12 of the court, the] The county may sell to any industrial  
13 development agency designated as such an industrial development  
14 agency, in the manner provided by [the act of May 31, 1956  
15 (P.L.1911), known as the "Industrial Development Assistance  
16 Law,"] Chapter 23 of the act of June 29, 1996 (P.L.434, No.67),  
17 known as the "Job Enhancement Act," with or without  
18 consideration, any lands, easements or rights in land, together  
19 with any improvements, buildings or structures therein or  
20 thereon now owned by the county or hereafter acquired by it for  
21 the purpose of establishing or enlarging any commercial,  
22 industrial or manufacturing enterprise or research and  
23 development center within the county, and make with such  
24 industrial development agency any and all agreements for the  
25 industrial development of such lands, easements or rights in  
26 lands, or may [with approval of the court as provided in section  
27 2506 of this act,] lease to any such industrial development  
28 agency for a term not exceeding ninety-nine years at a nominal  
29 or other rental, as may be determined, any or all lands,  
30 easements or rights in lands, together with any improvements,

1 structures or buildings therein or thereon now owned by the  
2 county or hereafter acquired by it for the purpose of  
3 establishing or enlarging any commercial, industrial or  
4 manufacturing enterprise, or research and development center  
5 within the county.

6 (b) Any instrument of sale, lease or other agreement made  
7 pursuant to this section may contain provisions regulating the  
8 uses of lands, buildings and structures for trade, industry,  
9 manufacture, research, residence, recreation, water supply,  
10 public activities or other purposes.

11 Section 5. The act is amended by adding a section to read:

12 Section 2506.2. Authority to Sell Certain Real Property and  
13 Personal Property as a Single Unit.--Notwithstanding any other  
14 provisions of law, whenever the board of commissioners  
15 determines that the continued ownership and operation of an  
16 institution for the care of dependents is economically  
17 unfeasible, the county commissioners may sell the real property  
18 belonging to the county and being used for such purposes,  
19 together with all of the contents of personal property used in  
20 connection with and incidental to the operation of the  
21 institution, as a single unit. Any such sale of real property  
22 and personal property as a single unit shall be deemed a sale of  
23 real property only and shall comply only with the provisions of  
24 this act relating to the sale of real property.

25 Section 6. Section 2511 of the act is amended to read:

26 Section 2511. Sale of Personal Property; Demolition and  
27 Removal of County Buildings.--(a) (1) The county commissioners  
28 may sell at private sale any county owned personal property  
29 valued by the controller at not more than [five hundred dollars  
30 (\$500)] one thousand dollars (\$1,000), or at public sale, under

1 conditions prescribed by the commissioners, any county owned  
2 personal property valued [by the controller] in excess of that  
3 amount.

4 (2) The provisions of this section shall be construed to  
5 allow:

6 (i) County property to be traded in or exchanged for new  
7 personal property.

8 (ii) The sale of personal property with real property as a  
9 single unit.

10 (b) Whenever any county owned building [valued by the  
11 controller at not more than one thousand dollars (\$1000)] is  
12 deemed by the county commissioners to be no longer suitable for  
13 use by the county, they may cause it to be demolished or removed  
14 from its location by such means or in such manner as they deem  
15 to be in the public interest. [Any such county owned building  
16 valued by the controller in excess of that amount may be so  
17 demolished or removed with the approval of the court of quarter  
18 sessions of the county.]

19 Section 7. Sections 2518 and 2519 of the act are amended to  
20 read:

21 Section 2518. Additional Bond to Protect Labor and  
22 Materialmen on Contracts.--[(a) It shall be the duty of the  
23 county to require any person, copartnership, association or  
24 corporation entering into contract with such county for the  
25 construction, erection, installation, completion, alteration,  
26 repair of or addition to any public work or improvement, of any  
27 kind whatsoever, where the amount of such contract is in excess  
28 of five hundred dollars (\$500), before commencing work under  
29 such contract, to execute and deliver to such county, in  
30 addition to any other bond which may now or hereafter be

1 required by law to be given in connection with such contract, an  
2 additional bond for the use of any and every person,  
3 copartnership, association or corporation interested, in a sum  
4 not less than fifty per centum and not more than one hundred per  
5 centum of the contract price, as such county may prescribe. Such  
6 bond shall have as surety thereon one or more surety companies  
7 legally authorized to do business in this Commonwealth, and  
8 shall be conditioned for the prompt payment for all material  
9 furnished and labor supplied or performed in the prosecution of  
10 the work, whether or not the said material or labor enter into  
11 and become component parts of the work or improvement  
12 contemplated.

13 (b) Such additional bond shall be deposited with and held by  
14 the county for the use of any party interested therein.

15 (c) Every such additional bond shall provide that every  
16 person, copartnership, association or corporation who, whether  
17 as subcontractor or otherwise, has furnished material or  
18 supplied or performed labor in the prosecution of the work, as  
19 above provided, and who has not been paid therefor, may sue in  
20 assumpsit on said additional bond, in the name of the county,  
21 for his, their or its use, and prosecute the same to final  
22 judgment for such sum or sums as may be justly due him, them or  
23 it, and have execution thereon, but the county shall not be  
24 liable for the payment of any costs or expense of any suit.

25 (d) Any contract executed in violation of the provisions of  
26 this section shall be null and void.]

27 (e) Unless covered under the bonding requirements of the act  
28 of December 20, 1967 (P.L.869, No.385), known as the "Public  
29 Works Contractors' Bond Law of 1967," for construction contracts  
30 awarded for amounts between twenty-five thousand dollars



1 (\$25,000) and one hundred thousand dollars (\$100,000), the  
2 successful bidder shall furnish a bond guaranteeing performance  
3 of the contract, in an amount as determined by the board of  
4 commissioners at the time of advertising for bids which shall be  
5 not less than ten per centum nor more than one hundred per  
6 centum of the amount of the contract, within thirty (30) days  
7 after the contract is awarded. When a construction contract is  
8 awarded in excess of one hundred thousand dollars (\$100,000),  
9 the following bonds shall be delivered to the county and shall  
10 be binding on the parties upon the execution of the contract:

11 (1) A performance bond, executed by a surety company  
12 authorized to do business in this Commonwealth and made payable  
13 to the county in an amount as determined by the county  
14 commissioners at the time of advertising for bids which shall be  
15 not less than fifty per centum nor more than one hundred per  
16 centum of the price specified in the contract and conditioned  
17 upon the faithful performance of the contract in accordance with  
18 the plans, specifications and conditions of the contract.

19 (2) A payment bond, executed by a surety company authorized  
20 to do business in this Commonwealth and made payable to the  
21 county in an amount equal to one hundred per centum of the price  
22 specified in the contract and conditioned upon the prompt  
23 payment for all materials furnished or labor supplied or  
24 performed in the prosecution of the work. Labor or materials  
25 include public utility services and reasonable rentals of  
26 equipment for the periods when the equipment is actually used at  
27 the site.

28 (f) A performance bond shall be solely for the protection of  
29 the county. A payment bond shall be solely for the protection of  
30 claimants supplying labor or materials to the prime contractor

1 to whom the contract was awarded or to any of its subcontractors  
2 in the prosecution of the work provided for in the contract,  
3 whether or not the labor or materials constitutes a component  
4 part of the construction.

5 (g) Nothing in this section shall be construed to limit the  
6 authority of the commissioners to require a performance bond,  
7 payment bond or other security in addition to those bonds or in  
8 circumstances other than specified in subsection (e).

9 (h) Actions on payment bonds shall be pursuant to the  
10 following:

11 (1) Subject to paragraph (2), any claimant who has performed  
12 labor or furnished material in the prosecution of the work  
13 provided for in any contract for which a payment bond has been  
14 given under subsection (e) and who has not been paid in full  
15 before the expiration of ninety (90) days after the day on which  
16 the claimant performed the last of the labor or furnished the  
17 last of the materials for which it claims payments may bring an  
18 action on the payment bond in its own name, in assumpsit, to  
19 recover any amount due it for the labor or material and may  
20 prosecute the action to final judgment and have execution on the  
21 judgment.

22 (2) Any claimant who has a direct contractual relationship  
23 with any subcontractor of the prime contractor who gave the  
24 payment bond but has no contractual relationship, express or  
25 implied, with the prime contractor may bring an action on the  
26 payment bond only if it has given written notice to the  
27 contractor within ninety (90) days from the date on which the  
28 claimant performed the last of the labor or furnished the last  
29 of the materials for which it claims payment, stating with  
30 substantial accuracy the amount and the name of the person for

1 whom the work was performed or to whom the material was  
2 furnished.

3 (3) Notice shall be served by registered mail in an envelope  
4 addressed to the contractor at any place where its office is  
5 regularly maintained for the transaction of business or served  
6 in any manner in which legal process may be served in the manner  
7 provided by law for the service of a summons except that the  
8 service need not be made by a public officer.

9 (i) The dollar threshold set forth in subsection (e) shall  
10 be adjusted annually to reflect the annual percentage change in  
11 the Composite Construction Cost Index of the United States  
12 Department of Commerce occurring in the one-year period ending  
13 December 31 of each year.

14 Section 2519. Compliance with Workmen's Compensation Law.--

15 (a) All contracts executed by the board of commissioners which  
16 shall involve the construction or doing of any work involving  
17 the employment of labor shall contain a provision that the  
18 contractor shall accept, in so far as the work covered by any  
19 such contract is concerned, the provisions of the [Workmen's  
20 Compensation Act] act of June 2, 1915 (P.L.736, No.338), known  
21 as the "Workers' Compensation Act," and any reenactments,  
22 supplements or amendments thereto, and that the said contractor  
23 will insure his liability thereunder or file with the board of  
24 commissioners a certificate of exemption from insurance from the  
25 Department of Labor and Industry of the Commonwealth.

26 (b) The board of commissioners, before signing on behalf of  
27 the county any contract, requiring in its performance the  
28 employment of labor, shall require proof that the said  
29 contractor with whom the contract is made shall have accepted  
30 the [Workmen's] Workers' Compensation Act and any reenactments,

1 supplements or amendments thereto, and proof that the said  
2 contractor has insured his liability thereunder in accordance  
3 with the terms of said act or that the contractor has had issued  
4 to him a certificate of exemption from insurance from the  
5 Department of Labor and Industry.

6 (c) Any contract executed in violation of the provisions of  
7 this section shall be null and void.

8 Section 8. Section 2520 of the act is repealed.

9 Section 9. Sections 2529, 2545 and 2550 of the act are  
10 amended to read:

11 Section 2529. Disorderly Conduct In and About Courthouses  
12 and Jails Prohibited.--It is unlawful for any person to cause  
13 any outcry or disorder, or be guilty of any indecent or  
14 unbecoming conduct tending to disturb the peace and good order,  
15 in the county courthouse, jail or other county buildings, or to  
16 wilfully or carelessly defile, deface or injure the floors,  
17 walls or any other portion of said buildings, or fences or  
18 railings surrounding the same, or the carpets, furniture or  
19 other articles or things used in or about said buildings,  
20 belonging to the county. [Any person violating any of the  
21 provisions of this section shall make restitution for damages  
22 arising therefrom and shall, upon summary conviction thereof, be  
23 sentenced to pay a fine not exceeding fifty dollars (\$50). In  
24 case such person shall neglect or refuse to pay the same, he or  
25 she shall suffer an imprisonment not exceeding thirty (30)  
26 days.] Any person violating any of the provisions of this  
27 section commits a summary offense and, upon conviction, shall  
28 make restitution for damages arising therefrom.

29 Section 2545. Joining With [City] Municipality in Improving  
30 Certain Streets and Highways.--(a) The board of commissioners

1 of the county may erect public buildings in any [city, with the  
2 approval of the court of common pleas] municipality. The county  
3 may join with the proper authorities of such [city] municipality  
4 in the grading, regrading, paving, re-paving and improvement of  
5 so much of the streets and highways as are in, upon or alongside  
6 of the grounds upon which said public buildings stand.

7 (b) The commissioners may enter into contract with any such  
8 [city authorities] municipality for the payment of a just  
9 proportion of the expense of said grading, re-grading, paving,  
10 re-paving and improvement of said streets and highways, and may  
11 appropriate from the county treasury sufficient funds for this  
12 purpose. They may act with any committee or committees which may  
13 be appointed by such [city authorities] municipality to  
14 establish grades, determine the kind and quality of paving  
15 materials to be used, and ratify the contracts entered into by  
16 said [city authorities] municipality in the course of said  
17 improvements.

18 (c) No obligation shall rest upon the county for any  
19 proportion of the expenses of such improvements until the  
20 selection of grades and paving materials and the acceptance of  
21 bids by said [city authorities] municipality shall have been  
22 ratified by the board of commissioners [and approved by the  
23 court of common pleas].

24 Section 2550. Parks and Comfort Houses.--(a) The  
25 commissioners may purchase land to be used for park purposes or  
26 for the erection thereon of public comfort houses. The land  
27 purchased for such purposes shall lie within the limits of [such  
28 county and shall be contiguous to or in the vicinity of a county  
29 road and shall be outside the corporate limits of any city or  
30 borough. The amount that may be expended for such purposes shall

1 not exceed the sum of twenty-five thousand dollars (\$25,000) in  
2 any one year, nor the sum of five thousand dollars (\$5,000) for  
3 any single park or any single comfort house. The board of  
4 commissioners shall agree with the owner or owners of the land  
5 selected upon a reasonable price to be paid therefor.] the  
6 county. The county may erect and maintain on the land such  
7 buildings as are necessary to fulfill the purpose for which the  
8 land was acquired.

9 (b) The commissioners may adopt reasonable rules and  
10 regulations necessary for preservation, management and control  
11 of parks and public comfort houses so established and  
12 maintained, and provide penalties for the breach thereof. All  
13 rules adopted by the board of commissioners shall, before  
14 becoming operative, be published once a week for three  
15 consecutive weeks in [three newspapers] a newspaper of general  
16 circulation in the county[, and shall be recorded in the office  
17 of the recorder of deeds in the county].

18 (c) Any person violating any rules so adopted shall[, upon  
19 summary conviction, be sentenced to pay a fine of not less than  
20 five dollars (\$5) nor more than twenty-five dollars (\$25), which  
21 shall be payable to the county treasurer, who shall add the fine  
22 to the fund for the improvement of county roads] be guilty of a  
23 summary offense.

24 Section 10. Section 2555 of the act, amended April 20, 1956  
25 (1955 P.L.1481, No.490), is amended to read:

26 Section 2555. Monuments and Memorials to War Veterans.--The  
27 commissioners may appropriate money for and provide for the  
28 erection of monuments or memorials commemorating the services of  
29 any person who has served in the armed forces of the United  
30 States or in any women's organization officially connected

1 therewith during any part of any war or armed conflict in which  
2 the United States has been or may hereafter be engaged. [The  
3 style and character of such monuments or memorials shall be  
4 approved by the State Art Commission.]

5 Section 11. Section 2556 of the act is amended to read:

6 Section 2556. Assistance to Private or Municipal Agencies.--  
7 The commissioners may, in order to prevent duplication,  
8 appropriate money to assist any individual, private corporation,  
9 city, borough or township in the erection of any monument or  
10 memorial for said soldiers, sailors and marines. [Before any  
11 such appropriation is made, the style and character of such  
12 monument or memorial shall be approved by the State Art  
13 Commission.]

14 Section 12. Sections 2557 and 2558 of the act are repealed.

15 Section 13. Section 2577(b) of the act is amended to read:

16 Section 2577. Acquiring of Property.--\* \* \*

17 (b) Counties may appropriate money from the public funds or  
18 by issuance of bonds in accordance with [the Municipal Borrowing  
19 Law] 53 Pa.C.S. Pt. VII, Subpt. B (relating to indebtedness and  
20 borrowing) for the erection on said property taken, purchased or  
21 acquired through condemnation proceedings, public auditoriums,  
22 public libraries, public memorial buildings and monuments. They  
23 may appropriate moneys for the operation and maintenance of such  
24 public auditoriums, public libraries, memorials, buildings and  
25 monuments.

26 Section 14. Section 2579 of the act is repealed.

27 Section 15. Section 2590 of the act is amended to read:

28 Section 2590. Authority to Provide; Approval.--The county  
29 commissioners of each county may[, upon presentment of two  
30 successive grand juries of the county,] buy or lease land and

1 construct and maintain thereon, at the expense of the county, a  
2 morgue for the reception and care of the bodies of all unclaimed  
3 deceased persons upon whom it may be necessary to hold a  
4 coroner's inquest and such other bodies as the coroner of the  
5 county may, by written order, direct to be received therein. The  
6 location of such morgue shall be determined by the county  
7 commissioners, subject to the approval of [a judge of the court  
8 of common pleas and] the coroner of the county.

9 Section 16. Sections 2706, 2707, 2708, 2709, 2710 and 2711  
10 of the act are repealed.

11 Section 17. Sections 2712, 2713(a), 2714, 2715 and 2717 of  
12 the act are amended to read:

13 Section 2712. Building or Rebuilding in Emergencies.--When a  
14 county bridge wholly within the county or on the boundary line  
15 between any two counties has been or shall hereafter be  
16 destroyed or partially destroyed, or rendered impassable, or  
17 becomes insufficient or inadequate to accommodate public travel,  
18 or in any other case of emergency it becomes necessary to  
19 construct or reconstruct any such bridge, the county  
20 commissioners of the county or of any two counties, in case of a  
21 joint county bridge, may[, upon the approval of the court or  
22 courts of quarter sessions of such county or counties,] erect  
23 and construct a new bridge, or reconstruct any partially  
24 destroyed, insufficient or inadequate bridge, to take the place  
25 of such wholly or partially destroyed or insufficient or  
26 inadequate bridge.

27 Section 2713. Bridges on Boundary Between Two Counties.--(a)  
28 Whenever any bridge contemplated by any of the provisions of  
29 this article is on the boundary line between two counties or  
30 within one-fourth of a mile therefrom and necessary for the



1 accommodation of the inhabitants of both counties, the  
2 commissioners of such counties shall act jointly in the exercise  
3 of all powers conferred upon them and in the performance of all  
4 duties imposed upon them. [Whenever a petition of residents or  
5 taxpayers is required, such petition shall be made by the  
6 required number of petitioners in each county to the court of  
7 quarter sessions or the court of common pleas, as the case may  
8 be, of their county. Whenever any other petitions are required,  
9 such petitions shall be made to each of such courts. Each of the  
10 courts shall act on such petitions and shall communicate its  
11 approval or disapproval to the other court.]

12 \* \* \*

13 Section 2714. Payment of Cost[; Tolls; Rentals].--(a) All  
14 expenses in connection with any matters affecting any such  
15 bridge shall be borne by the two counties jointly in equal  
16 proportions or in any other proportions, as the commissioners of  
17 the several counties may agree upon.

18 [(b) Whenever it is necessary for any counties, in the  
19 construction of any joint county bridge or in joint acquisition  
20 of any toll bridge, to issue bonds in payment of such  
21 construction, erection or acquisition, including the approaches  
22 thereto, the damages sustained by the owner or owners of lands  
23 taken in the construction thereof and including reasonable fees  
24 for necessary legal services required in such construction,  
25 erection and acquisition, the commissioners of said counties  
26 may, with the consent of the State Department of Highways, if  
27 the cost of such bridge was in excess of four hundred thousand  
28 dollars (\$400,000), assess, supervise and collect such tolls for  
29 the use of said bridge for all traffic as may be necessary, to  
30 pay the interest on said bonds and to create a sinking fund for

1 the payment and redemption of the same within thirty years from  
2 the date of the issue thereof, and to pay also the costs and  
3 expenses of operating and maintaining such bridge between the  
4 time of construction thereof and the date of the redemption of  
5 the last of said bonds to be redeemed by such tolls.

6 (c) The tolls so collected shall be distributed between such  
7 counties in proportion to the amount paid in by each county in  
8 the original construction or acquisition, and in no case shall  
9 any tolls be collected after the redemption of the original  
10 bonds issued. All moneys received from rentals for special use  
11 shall be divided between them in the same proportion. Such  
12 bridge shall be a joint county bridge.]

13 Section 2715. Management, Maintenance and Policing of Joint  
14 County [Toll Bridges; Turning over to the Department of  
15 Highways] Bridges.--(a) Such joint county bridge shall be  
16 managed, controlled, maintained, repaired, operated and lighted  
17 by the commissioners of the said counties, acting as a joint  
18 county bridge commission, who are hereby authorized to act  
19 jointly in the employment of such [workmen, collectors of tolls  
20 and other] employes and fix their wages, salaries and  
21 compensation, and to incur such other expenses in the  
22 construction and operation of such bridge, including the  
23 compensation of such attorneys as in their judgment shall be  
24 requisite and necessary. All decisions of such commission shall  
25 require a majority vote of all the members thereof.

26 (b) The commissioners of said counties, acting jointly,  
27 shall have power to adopt such rules and regulations as they  
28 deem expedient for the proper government and management of said  
29 bridge and for the preservation of good order, safe traffic and  
30 proper conduct thereon. [Said commissioners are further

1 authorized and empowered to make arrests for evasion or attempts  
2 to evade the payment of tolls which may be fixed or may have  
3 been fixed for passage over said bridge.]

4 (c) For any violations thereof, the offender or offenders  
5 shall be [subject to a fine or penalty of not less than ten  
6 dollars (\$10) or more than twenty-five dollars (\$25), together  
7 with costs, to be adjudged by a justice of the peace or alderman  
8 of either of said counties, and on default of payment of such  
9 fine or penalty, then to imprisonment of not less than ten (10)  
10 days or more than thirty (30) days in the county prison of  
11 either of said counties] guilty of a summary offense.

12 [(d) Said powers and duties of said commissioners, acting as  
13 a joint commission, shall continue until the redemption of the  
14 last of said bonds to be redeemed by such tolls, whereupon said  
15 bridge shall be turned over as a free bridge to the  
16 Commonwealth, if such bridge crosses a river and is located on a  
17 State highway route or connects two State highway routes.  
18 Thereafter, such bridge shall be maintained by the Highway  
19 Department at the expense of the Commonwealth.]

20 Section 2717. Dykes, Banks, Causeways and Sluiceways for  
21 Protection of Bridges and Highways.--The board of commissioners,  
22 for the purpose of protecting any county bridge or bridges, the  
23 abutments thereof and approaches thereto and any public highway  
24 adjacent to the same from the incursions of floods or waters of  
25 any creek, rivulet or other stream, and so as to prolong the  
26 life of said structures, may erect and maintain dykes, banks,  
27 causeways and sluiceways over, on and across any creek, rivulet  
28 or other stream not navigable, and which creek, rivulet or other  
29 stream is affected by the rise and fall of the tide, floods or  
30 waters of any creek, rivulet or other stream, and secure a right

1 of way for proper ingress and egress thereto, and in connection  
2 with such activities, to take, injure and destroy any necessary  
3 land or property, in accordance with Article XXVI. Any such  
4 change in an existing stream channel under the provisions of  
5 this or the preceding section shall first be approved by the  
6 [Department of Forests and Waters] Department of Environmental  
7 Protection.

8 Section 18. Sections 2718, 2721, 2722, 2723, 2724, 2725 and  
9 2726 of the act are repealed.

10 Section 19. Sections 2729, 2730, 2731 and 2734 of the act  
11 are amended to read:

12 Section 2729. Rebuilding Insufficient Bridge.--Whenever it  
13 shall appear to the commissioners that any county bridge is not  
14 sufficient for any cause to accommodate the public travel, they  
15 may[, upon the approval of the court of quarter sessions as  
16 hereinafter provided,] erect and construct a new and sufficient  
17 bridge to take the place of the insufficient, destroyed or  
18 partially destroyed bridge, or may widen and straighten county  
19 bridges where deemed necessary to accommodate the public travel.  
20 Such new bridge when constructed shall be a county bridge.

21 Section 2730. Rebuilding Bridges Wholly or Partly  
22 Destroyed.--(a) The county commissioners shall rebuild and  
23 reconstruct all bridges heretofore built or that may hereafter  
24 be erected by the county commissioners, whether constructed  
25 under general, special or local laws, whenever any such bridge  
26 has been or shall hereafter be blown down, destroyed, partially  
27 destroyed or swept away by floods, freshets, ice, storm, fire or  
28 other casualty, at the expense of the county.

29 (b) For the purpose of carrying into effect the provisions  
30 of this section, the county commissioners are hereby authorized

1 to borrow any sum of money, in accordance with [the Municipal  
2 Borrowing Law] 53 Pa.C.S. Pt. VII, Subpt. B (relating to  
3 indebtedness and borrowing).

4 Section 2731. Closing, Vacating, Abandoning and Removing.--  
5 Whenever it shall appear to the commissioners of the county that  
6 any county bridge has from any cause become burdensome and is no  
7 longer necessary for the accommodation of public travel, they  
8 may[, upon the approval of the court of quarter sessions,]  
9 close, vacate, abandon and remove said bridge.

10 Section 2734. Appropriations; Tax Levy and Incurring of  
11 Indebtedness.--For the purpose of carrying into effect the  
12 provisions of this subsection, the county commissioners are  
13 hereby authorized to make appropriations, levy taxes, borrow  
14 money and incur indebtedness, in accordance with [the Municipal  
15 Borrowing Law] 53 Pa.C.S. Pt. VII, Subpt. B (relating to  
16 indebtedness and borrowing).

17 Section 20. Sections 2751, 2752, 2753 and 2754 of the act  
18 are repealed.

19 Section 21. Sections 2755, 2756, 2757, 2771 and 2772(a) of  
20 the act are amended to read:

21 Section 2755. Assistance in Building Bridges not Entered as  
22 County Bridges.--When [it is found by the report of viewers and  
23 by the court] the county commissioners find that a bridge is  
24 necessary and that the erection of such bridge will require more  
25 expense than it is reasonable that the one or more adjoining  
26 townships, boroughs or cities of the third class should bear,  
27 [or in lieu of such proceedings, with the approval of the  
28 Secretary of Highways, when the cost to the county will not  
29 exceed fifteen hundred dollars (\$1500)] and the county  
30 commissioners do not deem it advisable to enter such bridge on

1 record as a county bridge but shall consider it proper to assist  
2 such township or townships or such city of the third class or  
3 such borough in building the same, they may either build such  
4 bridge or any portion or portions thereof or furnish such  
5 township or townships or city of the third class or borough the  
6 whole or part of the money necessary to build it, without  
7 entering such bridge on record as a county bridge.

8 Section 2756. Record to be Kept by County; Maintenance,  
9 Repair and Rebuilding by Township or Municipalities.--The county  
10 commissioners shall keep a record of all their proceedings in  
11 such cases, and such bridges shall be maintained, kept in repair  
12 and rebuilt, when necessary, by the respective townships,  
13 boroughs or cities of the third class, and the county shall not  
14 be liable for the costs of the maintenance, repair or rebuilding  
15 of the same or any part of such cost: Provided, however, That  
16 [in case the report of a board of viewers appointed by the court  
17 for the purpose, duly approved by the court, shall set forth  
18 that the cost of the repair or rebuilding of such bridge is  
19 greater than it is reasonable that the said township or  
20 townships, borough or city of the third class should bear, then]  
21 it shall be lawful for the county commissioners of the county in  
22 which such bridge is located to furnish such township or  
23 townships, boroughs or city of the third class either the whole  
24 or part of the money necessary to repair or to rebuild such  
25 bridge or bridges, as the said board of county commissioners may  
26 deem just and proper.

27 Section 2757. Entering on Record as County Bridge.--Whenever  
28 the county commissioners [of the county] have heretofore  
29 assisted or shall hereafter assist any [township or borough]  
30 municipality in the building of the whole or any portion of a

1 bridge and it shall afterwards appear to the commissioners [and  
2 to the court of quarter sessions] that the care, maintenance and  
3 responsibility of said bridge is greater than it is reasonable  
4 that the said [township or borough] municipality should bear,  
5 they may[, with the approval of said court,] enter such bridge  
6 upon record as a county bridge, and it shall thereafter be a  
7 county bridge the same as if it had originally been so entered  
8 on record.

9       Section 2771. Bridges and Approaches Authorized.--The county  
10 commissioners[, upon the approval of the court of quarter  
11 sessions,] may locate, lay out, open, construct and maintain  
12 public bridges across any river or stream, whether such bridge  
13 is wholly or partly within any city, borough or township  
14 therein, together with such bridge approaches, viaduct or other  
15 approaches as the county commissioners may deem necessary or  
16 convenient for the purpose of connecting any such bridge with  
17 the existing streets or public roads in such cities, boroughs or  
18 townships, and to that end may take, enter upon, appropriate  
19 property and rights of property of all kinds, whether devoted to  
20 a public or private use, for the purposes aforesaid, and for the  
21 necessary slopes, piers, walls, abutments, fills and  
22 embankments, in the manner and subject to the restrictions and  
23 procedure provided in Article XXVI of this act, and may enter  
24 upon or over any street, public highway or public road in such  
25 cities, boroughs or townships.

26       Section 2772. Plans and Surveys[; Petition to Quarter  
27 Sessions].--(a) Whenever the county commissioners shall resolve  
28 to exercise any of the powers conferred by the preceding  
29 section, they shall cause to be prepared plans and surveys  
30 showing the location of the proposed bridge and its approaches

1 and the property or rights of property affected thereby,  
2 together with any streets or public roads in any city, borough  
3 or township proposed to be used in connection therewith[, and  
4 they shall present the same, together with their petition, on  
5 behalf of said county, to the court of quarter sessions, praying  
6 for authority to locate, lay out, open and construct such  
7 bridge].

8 \* \* \*

9 Section 22. Section 2773 of the act is repealed.

10 Section 23. Section 2774 of the act is amended to read:

11 Section 2774. Approval of State or Federal Officers, Board  
12 or Body; Change in Location.--(a) Where the proposed bridge  
13 crosses any navigable stream or other public water or the  
14 property rights or property or rights of way of any railroad or  
15 other public service corporation, and by reason thereof the  
16 approval of any State or Federal officer, board or body is  
17 required as to the location and construction of such bridge or  
18 its approaches, the county shall be deemed to have full and  
19 complete authority to construct such bridge in such other  
20 location and in such other manner as may be necessary to comply  
21 with the conditions prescribed by such officer, board or body in  
22 granting such approval[: Provided, The] if county commissioners  
23 be of the opinion, and by resolution duly adopted so decide,  
24 that the bridge as thus changed is necessary for the convenience  
25 of the traveling public and will accommodate substantially the  
26 same traveling public as the bridge would have done if it had  
27 been constructed at the location and in the manner originally  
28 provided.

29 [(b) Upon the adoption of any such resolution and prior to  
30 the construction of such bridge and the entry upon and taking of



1 property for that purpose, such county, through its county  
2 commissioners, shall present its petition to the court of  
3 quarter sessions of said county, briefly setting forth the facts  
4 as to the obtaining of such approval and the change made in  
5 consequence thereof and the adoption of such resolution,  
6 together with plans and surveys showing the new location and  
7 manner of construction and an estimate showing the cost of the  
8 construction of such bridge as thus changed.

9 (c) If the proceedings shall appear to be regular, the court  
10 shall make an order fixing a time, not less than twenty days  
11 thereafter, for the filing of exceptions thereto.

12 (d) Notice of the time and place of hearing on said  
13 exceptions shall be given by advertisement published once a week  
14 for two successive weeks in at least two newspapers of general  
15 circulation in such county and by handbills posted in  
16 conspicuous places along or in the neighborhood of the proposed  
17 bridge and its approaches, or otherwise, as the court shall  
18 direct, having regard to the circumstances of the cases.

19 (e) Upon the hearing thereof, the court may, for proper  
20 cause shown, disapprove of said petition; otherwise, it shall  
21 thereupon make a decree authorizing and empowering the county to  
22 contract such bridge in accordance with such new plans and  
23 surveys, and thereupon such bridge shall be deemed to have been  
24 laid out and opened in accordance with such plans and surveys.]

25 Section 24. Section 2776 of the act is repealed.

26 Section 25. Section 2777 of the act is amended to read:

27 Section 2777. County Authorized to Contract With [City or  
28 Borough] Municipality.--When such bridge is proposed to be  
29 located or erected in any [city or borough] municipality, the  
30 county may agree that such [city or borough] municipality may

1 bear a portion of the cost of the locating, laying out, opening  
2 and constructing of such bridge and its approaches and  
3 appurtenances, and that the [city or borough] municipality may  
4 provide the approach therefor and bear the cost of the  
5 maintenance of any approach within the respective [city or  
6 borough] municipality, as shall be agreed upon between any such  
7 county and such [city or borough]. All such agreements shall be  
8 entered into in writing and at least one executed copy shall be  
9 furnished to each county, city and borough becoming a party  
10 thereto.] municipality.

11 Section 26. Sections 2779, 2780 and 2781 of the act are  
12 repealed.

13 Section 27. Subarticle (d) of Article XXVII of the act is  
14 repealed.

15 Section 28. Sections 2801, 2802 and 2803 of the act are  
16 amended to read:

17 Section 2801. Building or Rebuilding.--Whenever it is  
18 necessary to erect a bridge on the boundary line between two  
19 counties, either to take the place of an intercounty bridge  
20 which has become insufficient for any cause to accommodate  
21 public travel or to provide a new bridge where none has  
22 previously been, such counties may jointly build or rebuild such  
23 bridge[, after first having obtained the approval of the court  
24 of quarter sessions in each county].

25 Section 2802. Joining With [City] Municipality.--When such  
26 bridge is on the dividing line between two counties which is  
27 also the dividing line between one county and a [city]  
28 municipality in the other county, and such [city] municipality  
29 has authority to build or rebuild such bridge or to join with  
30 any county therein, said county may join with said [city]

1 municipality in the other county in building or rebuilding such  
2 bridge. [In such case, the approval of the court of quarter  
3 sessions of the county so joining with a city only shall be  
4 required.]

5 Section 2803. Cost; Status.--The cost of such bridge shall  
6 be paid in such proportions as shall be agreed upon by the two  
7 counties or by the county and [city] municipality so joining.  
8 Such bridge when built shall be an intercounty bridge and be  
9 subject to all provisions of existing laws relating to  
10 intercounty bridges.

11 Section 29. Subarticle (f) of Article XXVIII of the act is  
12 repealed.

13 Section 30. Sections 2822, 2823, 2824, 2832, 2833 and 2834  
14 of the act are repealed.

15 Section 31. Subarticle (i) of Article XXVIII of the act is  
16 repealed.

17 Section 32. Sections 2851, 2852, 2853 and 2855 of the act  
18 are amended to read:

19 Section 2851. [City] Municipal Bridges Benefiting  
20 Neighboring [Townships] Municipalities.--Whenever different  
21 parts of any [city] municipality or any part of such [city]  
22 municipality and any [township] municipality bordering thereon  
23 are separated therefrom by any intervening valley or ravine, and  
24 the county commissioners [of such county] shall decide it  
25 necessary that a public bridge for the purpose of connecting the  
26 territories thus separated be constructed and that such bridge  
27 will be of substantial advantage and benefit to the taxable  
28 inhabitants of the [township] municipality bordering thereon or  
29 [townships] municipalities adjacent thereto, such county may  
30 contract with such [city] municipality for the laying out and

1 construction by such [city] municipality of such bridge and may  
2 pay to the [city] municipality such portion of the cost thereof  
3 as the county commissioners shall deem reasonable, and shall  
4 appropriate money, levy taxes and incur indebtedness therefor.

5 Section 2852. Municipal Bridges Where County Might Have  
6 Built Bridge.--Where, under the provisions of existing laws, a  
7 [city of the third class, a borough or a township of the first  
8 class] municipality is authorized to construct a bridge or  
9 viaduct over a river, creek or stream or other place over which  
10 the county is authorized to build bridges, and such municipality  
11 is authorized to contract with the county and with railroads,  
12 street railways and other companies or parties interested for  
13 the building and maintenance of such bridge or viaduct, and for  
14 the payment of any damages caused by the location or erection  
15 thereof, the county commissioners may[, with the approval of the  
16 court of quarter sessions,] contract with such [city, borough or  
17 township] municipality for that part or portion of the bridge or  
18 viaduct which crosses any of the places hereinbefore mentioned,  
19 including the abutments and piers thereof. Such part shall  
20 thereafter be maintained as a county bridge. In lieu thereof,  
21 the county commissioners may[, with the approval of the court,]  
22 contract for any part or portion of the whole structure equal to  
23 or greater than the part or portion which the county might have  
24 built.

25 Section 2853. Contribution Where County Might Not Have Built  
26 Bridge.--When such bridge or viaduct is built by a [borough or  
27 township of the first class] municipality and does not cross any  
28 place over which the county is authorized to construct a bridge  
29 but crosses merely railroad or railroads and private property,  
30 the county commissioners may[, subject to the approval of the

1 court of quarter sessions,] contract to pay an amount of money,  
2 not exceeding thirty per centum of the entire cost of the  
3 proposed bridge or viaduct. Such bridge or viaduct shall  
4 thereafter be maintained as a [borough or township] municipal  
5 structure, and the county shall not be liable for any part of  
6 the cost of maintenance or repair thereof.

7 Section 2855. Contracts for Work.--After any such contract  
8 has been entered into, the county commissioners, in conjunction  
9 with the [city, borough or township] municipality, shall have  
10 prepared plans and specifications of the entire work and shall  
11 advertise for bids and award the contract to the lowest  
12 responsible bidder. Such contract shall provide that the county  
13 shall pay its certain part of such bridge or viaduct directly to  
14 the contractor. The contractor shall have a right of action  
15 against the county for the part of the contract which the county  
16 agrees to pay.

17 Section 33. Section 2857 of the act is repealed.

18 Section 34. Sections 2901, 2902 and 2903 of the act are  
19 amended to read:

20 Section 2901. County Roads; Establishment and Maintenance.--

21 (a) The words defined in section 2801 of this act shall be  
22 construed to have like meanings when used in this article.

23 (b) Establishing County Roads. For the purpose of providing  
24 public roads, specially constructed, improved and maintained,  
25 the county commissioners may[, upon approval by the court of  
26 quarter sessions,] originally lay out and open any road, and  
27 take possession of and exercise control over any existing  
28 [township] municipal road or part thereof, and build and  
29 maintain roads as county roads within their respective limits.  
30 They may, at any time, straighten, widen, extend and alter any

1 such road or part thereof, and vacate so much thereof as may  
2 become unnecessary and useless. Any road so taken over or  
3 improved shall thereupon become a county road and be subject to  
4 the control and supervision of the county commissioners. It  
5 shall be the duty of the county to keep and maintain county  
6 roads established under this act and all other county roads in  
7 repair, the expense thereof to be paid by the county in the  
8 manner hereinafter provided.

9 [(b.1) When the county commissioners acquire real property  
10 for the county to be used for originally laying out or opening  
11 any road, sufficient property may be acquired to enable  
12 construction of roads two hundred (200) feet in width exclusive  
13 of division strips: Provided, That the limits of width shall not  
14 be construed to include the width required for necessary slopes  
15 in cuts or fills.]

16 (c) Acquisition of Rights of Way of Abandoned Railroads. The  
17 commissioners of the county may take over any abandoned rights  
18 of way or bridge of a railroad company or any part thereof for  
19 the purpose of relocating any existing or locating a new county  
20 road, and they may purchase such abandoned right of way or  
21 bridge or such part thereof, as may be necessary for the  
22 relocating or locating of said county road, from the owner  
23 thereof, at a fair price[, to be approved by the court of  
24 quarter sessions of the county].

25 Whenever any such abandoned right of way or bridge of a  
26 railroad company or any part thereof is purchased under the  
27 provisions of this section, a county road shall be laid out and  
28 located thereon and shall thereafter be constructed, improved  
29 and maintained in accordance with law. Any such bridge so taken  
30 over shall become a county bridge and shall be maintained,

1 rebuilt and repaired accordingly.

2 (d) Joint Action by Counties. The provisions of this article  
3 may also be exercised jointly by adjoining counties as to roads  
4 extending along and adjacent to county lines and from one  
5 adjoining county into another.

6 The procedure and jurisdiction in each county in such cases  
7 shall be the same as to any portion of such road lying within  
8 its limits, except that the petition, plans and surveys of such  
9 road shall describe and exhibit every portion of such road  
10 within the limits of such county and every portion thereof  
11 extending along the line of or into an adjoining county. The  
12 several portions thereof lying within limits of each county  
13 shall be treated in all proceedings as one continuous road.

14 (e) To Be County Road as Soon as so Decreed. All roads and  
15 parts thereof heretofore and hereafter decreed by the court  
16 under this or any former acts of Assembly to be a county road  
17 shall be subject to the control and supervision of the county  
18 commissioners. [Upon the decree or order making an existing  
19 township road or part thereof a county road, the same shall  
20 immediately be kept in repair, made, constructed and maintained  
21 by the county and the township relieved of any duty thereto as a  
22 township road.]

23 (f) Maintenance and Repair of County Roads. The  
24 commissioners shall have prepared plans and estimates, as often  
25 as required, for the repair and maintenance of all roads which  
26 the county is required by law to maintain and repair. They may  
27 invite proposals for maintaining and repairing such roads or  
28 parts thereof in accordance with such plans and estimates and  
29 award the contract therefor in like manner as contracts for new  
30 improvements, or they may make the necessary repairs themselves.

1 For the purpose of making such repairs, the commissioners may  
2 employ or appoint the proper persons and buy the necessary  
3 materials and buy or rent the necessary machinery. The county  
4 may also lease any of its machinery to any political subdivision  
5 within the county, upon such terms and conditions as may be  
6 agreed upon.

7 (g) Annual Tax. The commissioners may levy, assess and  
8 collect an annual tax, of not more than two mills upon the  
9 dollar, upon all real and personal property within said county  
10 taxable for county purposes for the purpose of acquiring and  
11 securing a fund from which to pay all costs, damages and  
12 expenses required in the locating, opening, building, improving,  
13 widening, straightening, extending, maintaining, repairing or  
14 vacating of roads or parts thereof covered by the provisions of  
15 this section, and for the taking and use of such land as may be  
16 necessary in constructing and maintaining proper slopes,  
17 embankments, fills and culverts. The moneys so raised shall not  
18 be expended for any other purposes than those named in this  
19 section, except for the maintenance, repair, construction and  
20 reconstruction of any county bridge or bridges, whether or not  
21 located on a county road or roads. All warrants for the payment  
22 of any portion of the money raised for the purposes aforesaid  
23 shall be issued, in the manner provided by this act, upon  
24 estimates which shall be made from time to time by the persons  
25 charged with such duty. The amount and time within which the  
26 same shall be paid shall be fixed and determined in the contract  
27 made for the public work.

28 (h) Borrowing Money; Bond Issue and Tax Levy. The county  
29 commissioners may borrow money and secure any indebtedness  
30 created by them for the purposes authorized under this section



1 [by issuing bonds in accordance with the provisions of the  
2 Municipal Borrowing Law].

3 (i) Changing Part of Road Without View. Whenever the board  
4 of commissioners deem it advisable to construct or alter any  
5 part of any road under their supervision and can agree with the  
6 property owners affected by such change as to damages, they may,  
7 upon payment of the damages agreed upon, construct or alter such  
8 part of such public road as contemplated in such agreement  
9 without the formality of a view. [This authority shall not  
10 extend to any construction or alteration, the costs and expenses  
11 of which to such county, including damages, shall exceed one  
12 thousand dollars (\$1000). A petition setting forth the facts,  
13 accompanied by a map or draft of such proposed change, shall be  
14 presented to the court of quarter sessions for approval before  
15 such actual change is made, whereupon the new location thus  
16 approved by the court shall be the public road to all intents  
17 and purposes and the old location shall be vacated.]

18 (j) Assessment of Benefits. Whenever, in the county, any  
19 road or highway shall be originally located, laid out or  
20 constructed or relocated, opened, straightened, widened,  
21 extended or altered, or any part thereof vacated, the viewers  
22 appointed to assess damages for taking, injuring or destroying  
23 property, after having determined the amount of damages  
24 sustained, shall assess the whole or such part of such damages  
25 as may be represented by benefits upon the properties abutting  
26 on and benefited by such improvements. The remaining part of  
27 such damages, if any, not so assessed against the abutting  
28 properties, shall be paid by the county. The total assessments  
29 for benefits shall in no case exceed the total damages awarded  
30 and agreed upon.

1       The viewers shall in such cases file their report showing the  
2 balance struck between the damages awarded and the benefits  
3 assessed.

4       (k) Interest on Benefits Assessed. All assessments for  
5 benefits shall bear interest at the expiration of thirty days  
6 after they have been finally determined and fixed and shall be  
7 payable to the treasurer of the county.

8       (l) Liens for Benefits Assessed. All liens for the  
9 assessment of benefits pursuant to the provisions of the two  
10 preceding subsections shall be filed, revived and collected in  
11 accordance with law.

12       No appeal taken shall prevent the filing of liens by the  
13 county for any assessment made by virtue of the viewers' report,  
14 but upon the final determination of the issue the court may make  
15 such order as to any lien filed that shall appear right and  
16 proper.

17       (m) Sidewalks Along County Roads. Whenever considered  
18 necessary for the safety and accommodation of the public, the  
19 county commissioners may locate, construct and maintain  
20 sidewalks along county roads. The cost of the construction and  
21 maintenance of said sidewalks shall be paid by the county.

22       (n) Lights Along County Roads. Whenever considered necessary  
23 for the safety and convenience of the traveling public, the  
24 county commissioners may supply and equip any county road or  
25 parts thereof with lights of such kind as they shall deem  
26 necessary. The commissioners may for this purpose contract with  
27 any individual or with any municipal or private corporation. The  
28 cost of the construction may and the cost of maintenance of the  
29 said lights shall be paid by the county.

30       Section 2902. System of Main Thoroughfares in County.--(a)

1 Adoption of System. The county commissioners may, in the manner  
2 provided by this section, cause to be laid out, surveyed and  
3 adopted a system of main thoroughfares which said board shall  
4 adjudge the proper roads to be established and specially  
5 constructed and improved. In adopting such system, the  
6 commissioners shall consider the population and needs of all  
7 parts of the county and make an equitable distribution of the  
8 roads to be specially constructed, located and improved by the  
9 said county. They shall cause a plan or plans to be made showing  
10 said system of proposed roads, the relation of the proposed  
11 roads to existing public roads which connect therewith or are to  
12 be supplied thereby, the names of abutting property owners, and  
13 also roads which already have been improved by the county. Upon  
14 approval of said plan or plans by the commissioners, they shall  
15 cause said approval to be engrossed upon said plans and  
16 certified by at least two commissioners. Said plans shall be  
17 filed for public inspection in the office of the commissioners  
18 and recorded in the office of the recorder of deeds in a book to  
19 be provided for the purpose.

20 No part of the proposed roads of said system shall be an  
21 easement upon private property or in any manner interfere with  
22 the use thereof until established as a public road by the action  
23 of the court of quarter sessions.

24 (b) Improvement of [Borough and Township] Municipal Roads.  
25 Whenever such system of main thoroughfares has been adopted or  
26 when the adoption thereof is contemplated within two years after  
27 the commencement of such improvement, the commissioners may[,  
28 upon approval by the court of quarter sessions as hereinafter  
29 provided,] take exclusive control of and improve any road or  
30 section thereof located either wholly or in part in any [borough

1 or township] municipality, whether existing by their authority  
2 or laid out in whole or in part by virtue of this act or  
3 otherwise. For that purpose, they may originally locate, lay  
4 out, establish in whole or in part, relocate, straighten, widen,  
5 extend, alter and open roads, and construct and improve the  
6 same, and vacate so much of any roads as may be thereby rendered  
7 unnecessary and useless. Any road as established or altered,  
8 constructed and improved under the provisions of this subsection  
9 shall, by ordinance enacted by each [borough or by resolution  
10 adopted by the commission or supervisors of each township]  
11 municipality through which such road shall pass, become [borough  
12 or township] municipal roads, and the duty of maintaining and  
13 keeping the same in repair shall devolve upon each respective  
14 [township or borough] municipality through or into which the  
15 same extends.

16 (c) Plan of System to Be Followed; Variations. After such  
17 plans have been adopted and recorded pursuant to law, all  
18 applications under the preceding subsection [to the court of  
19 quarter sessions] shall be restricted and shall relate only to  
20 the establishing, opening, construction and improvement of the  
21 proposed roads of said system or parts thereof and the vacation  
22 of roads supplied by the portion opened and improved. The  
23 commissioners[, upon approval by the court of quarter sessions  
24 as hereinafter provided,] may relocate, straighten, widen,  
25 extend, alter and open, construct and improve the proposed roads  
26 as laid out, surveyed, marked and shown upon the plans of said  
27 system, or to originally locate, lay out and establish,  
28 construct and improve roads which substantially supply said  
29 system or parts thereof which, although not parts of said  
30 system, are deemed by the said court to be main thoroughfares of

1 sufficient importance to be improved by the county and to be  
2 added to said plan, and in such case to vacate so much of the  
3 roads of said system and of roads already established as may be  
4 rendered unnecessary by the changes or by an entirely new  
5 location.

6 (d) Improvement of Roads Not Part of System on Contribution  
7 From Parties Interested. The commissioners may also originally  
8 locate, lay out and establish in whole or in part, relocate,  
9 straighten, widen, extend, alter and open, construct and improve  
10 roads not parts of said system nor deemed main thoroughfares,  
11 upon parties interested therein paying or securing to be paid,  
12 [in a manner to be approved by the court of quarter sessions,]  
13 such proportion of the cost of the original construction and  
14 improvement as the commissioners may deem just, which shall not  
15 be less than one-fourth of such cost in any case.

16 (e) Annual Tax. The commissioners may levy, assess and  
17 collect an annual tax, of not more than two mills upon the  
18 dollar, upon all real and personal property within the county  
19 taxable for county purposes, for the purpose of acquiring and  
20 securing a fund from which to pay all costs, damages and  
21 expenses required in locating, opening, widening, straightening,  
22 extending, building, improving, maintaining, repairing or  
23 vacating of the roads or parts thereof improved under the  
24 provisions of this section, and for the taking and using of such  
25 land as may be made necessary in constructing and maintaining  
26 proper slopes, embankments, fills and culverts. The moneys so  
27 raised shall not be expended for any other purposes than those  
28 named in this subsection. All warrants for the payment of any  
29 portion of the money raised for the purposes aforesaid shall be  
30 issued, in the manner provided by this act, upon estimates which

1 shall be made from time to time by the person charged with such  
2 duty, and the amount and time within which the same shall be  
3 paid shall be fixed and determined in the contract made for the  
4 public work herein authorized.

5 (f) Borrowing Money and Bond Issue. Any county may borrow  
6 money and secure such indebtedness [by issuing bonds in  
7 accordance with the provisions of the Municipal Borrowing Law]  
8 for the purpose of building and improving the roads or any part  
9 thereof constructed under the provisions of this section.

10 Section 2903. Providing Roads, Tunnels, Subways and  
11 Underground Roads.--(a) Whenever the county commissioners shall  
12 deem it expedient so to do [and upon the approval thereof by the  
13 court of quarter sessions as hereinafter provided,] they may  
14 cause to be purchased, located, constructed, operated and  
15 maintained roads, tunnels, subways or underground roads anywhere  
16 within the county, either wholly or partly within the boundaries  
17 of any city, borough or township. Any road, tunnel, subway or  
18 underground road purchased or constructed under the provisions  
19 of this section shall forever thereafter be a county road,  
20 tunnel, subway or underground road, and the duty of maintaining  
21 and keeping the same in repair shall devolve upon the county.  
22 The expense thereof shall be paid by the county as hereinafter  
23 provided.

24 (b) Contracts or Lease for Special Use of Improvements. The  
25 commissioners[, subject to the approval of the court of quarter  
26 sessions,] may make a contract or lease with any street railway  
27 or transportation company, its successors and assigns, for the  
28 concurrent use of such a portion of said road, tunnel or subway  
29 or underground road, as shall not substantially impair or  
30 restrict the public use and enjoyment thereof, upon such terms

1 and conditions as shall be agreed upon. [No such contract or  
2 lease for the concurrent use of a portion of such improvement  
3 shall be for a longer term or period than twenty years. Any such  
4 contract or lease shall be made in accordance with applicable  
5 provisions of the Public Utility Law.]

6 (c) Taking Street or Other Property of [City or Borough]  
7 Municipality. Should the commissioners of the county deem it  
8 necessary or advisable to enter upon or appropriate any road or  
9 property of any city or borough in the county, or take any other  
10 action affecting the property rights or authority of such [city  
11 or borough] municipality, for the purpose of constructing or  
12 maintaining a road, tunnel, subway or underground road, or in  
13 connection with the improvement of any of them, which has been  
14 or is about to be purchased by the county or otherwise, the  
15 consent thereto of such [city or borough] municipality by  
16 ordinance shall be obtained before the actual entering in or  
17 upon or the appropriation of such road or property. After such  
18 entry and appropriation, the county shall be liable and charged  
19 with the supervision, control and maintenance of said roads and  
20 properties, or so much thereof as is taken and used for the  
21 purpose of constructing and maintaining such road, tunnel,  
22 subway or underground road, or in connection with the  
23 improvement of any of them, purchased or to be purchased as  
24 aforesaid.

25 (d) Annual Tax Levy. The commissioners may levy, assess and  
26 collect an annual tax, of not more than two mills on the dollar,  
27 on all real and personal property within the county taxable for  
28 county purposes for the purpose of acquiring and securing a fund  
29 from which to pay all costs, damages and expenses required in  
30 the purchasing, improving, locating, opening, constructing,

1 maintaining and repairing roads, tunnels, subways and  
2 underground roads, purchased or constructed under the provisions  
3 of this section, and the taking and using of such land as may be  
4 made necessary in constructing the same and in maintaining  
5 proper slopes, embankments, approaches and termini for said  
6 roads, tunnels, subways and underground roads. The money so  
7 raised shall not be used or expended for any other purposes than  
8 those named in this subsection. All warrants for the payment of  
9 any portion of the money raised for the purposes aforesaid shall  
10 be issued, in the manner provided by this act, upon estimates  
11 which shall be made from time to time by the person charged with  
12 such duty. The amount and time within which the same shall be  
13 paid shall be fixed and determined in the contract made for the  
14 public work herein authorized.

15 (e) Borrowing Money and Bond Issue. The county may borrow  
16 money and incur indebtedness [in accordance with the provisions  
17 of the Municipal Borrowing Law,] to an amount not exceeding the  
18 constitutional limitations, for the purchase and improvement or  
19 construction of such roads, tunnels, subways and underground  
20 roads.

21 Section 35. Section 2904 of the act is repealed.

22 Section 36. Sections 2907, 2909, 2912 and 2931 heading and  
23 (a) of the act are amended to read:

24 Section 2907. Penalties for Injuring Drains, Etc.--If any  
25 person shall stop, fill up or injure any such drain, channel or  
26 ditch, or the inlets or outlets thereto, or shall divert or  
27 change the course thereof, without any authority of the county,  
28 or shall be responsible for the same, and does not eliminate or  
29 remove such obstruction of or interference with said drains,  
30 channels, ditches, etc., upon ten (10) days notice in writing



1 from the county so to do, then and in that case such person  
2 shall[, upon summary conviction in an action before any  
3 magistrate, alderman or justice of the peace, be sentenced to  
4 pay a fine or penalty of ten dollars (\$10) for every such  
5 offense together with the costs of prosecution, and such fines  
6 as shall be imposed shall be paid to the treasurer of the proper  
7 county] be convicted of a summary offense. Every day's  
8 violation, after written notice has been received by the proper  
9 person, shall constitute a separate offense: Provided, however,  
10 That nothing herein contained shall limit or deprive the said  
11 counties of any other remedy which they may now or in the future  
12 have, in law or equity.

13 Section 2909. Vacation as County Roads.--Upon petition of  
14 the county commissioners, the court of [quarter sessions] common  
15 pleas may vacate as a county road any portions of any abandoned  
16 or condemned [turnpike] road, or any portions of any [turnpike]  
17 road purchased by the county, or of any road, the permanent  
18 location or improvement whereof has been ordered or made under  
19 this or former acts relating to county roads. All portions of  
20 such roads so vacated shall become and be township roads, if  
21 located within a township, or shall become and be borough or  
22 city roads, if located within a borough or city. Written notice  
23 of the contents of said petition and the time when the same will  
24 be presented to the court shall be given by the county  
25 commissioners to the supervisors or commissioners of the  
26 township or townships or to the council of the borough or city  
27 through which said road passes, at least ten days before the  
28 date of presenting the same. At the time said petition is  
29 presented, the court may fix a time for hearing in open court,  
30 or may refer the matter to an examiner to take testimony and

1 report his findings to the court at such time as the court shall  
2 direct. At any hearing in open court or before an examiner  
3 appointed by the court, all parties in interest may appear and  
4 be heard. After such hearing, the court, if it shall find that  
5 the conditions prescribed by this act have been complied with,  
6 may grant the prayer of the petitioners and make a decree  
7 accordingly or make such order in the premises as it deems right  
8 and just. No order of vacation shall be made until the township,  
9 borough or city affected shall have consented thereto by an  
10 ordinance or resolution certified to the court.

11 Section 2912. Laying Out; Altering; Vacating.--Roads forming  
12 or intended to form a continuous highway from one county to  
13 another, which cross a river, creek or rivulet forming a  
14 boundary line between said counties, may be laid out or altered  
15 or vacated in the manner provided in the case of other roads[,  
16 except that the court of quarter sessions of each county shall  
17 appoint three viewers and that a report as aforesaid shall be  
18 made to each court respectively, and that each court shall  
19 otherwise have and exercise concurrent jurisdiction therein].

20 Section 2931. Improvement on Order of Court of [Quarter  
21 Sessions] Common Pleas.--(a) In all cases in which it shall be  
22 found impossible to enter into such contracts or agreements, or  
23 where either the city or borough and the township or the county  
24 in which such township is situated shall refuse to enter into  
25 such contract or agreement, either the municipality or the  
26 county or township may present its petition to the court of  
27 [quarter sessions] common pleas of either county setting forth  
28 the facts and circumstances, including the condition of the road  
29 from which the necessity and desirability for the grading,  
30 curbing, macadamizing or paving of the roadway appears, and the

1 estimated cost thereof, and that the terms of such contract  
2 cannot be agreed upon by the municipality and county or  
3 township, or either or any of them, or that either such  
4 municipality or the county or township or any of them refuses to  
5 enter into such contract.

6 \* \* \*

7 Section 37. Section 2932 of the act is repealed.

8 Section 38. Sections 2940(a) and 2942 of the act are amended  
9 to read:

10 Section 2940. Laying Out Detours When County Road is  
11 Closed.--(a) Except in the case of emergency wherein the safety  
12 of the public would be endangered, no county road shall be  
13 closed to vehicular traffic except upon order of the county  
14 commissioners, nor for a longer period than is necessary for the  
15 purpose for which such order is issued. Except for temporary  
16 emergency police measures wherein the safety of the public would  
17 be endangered if it were not temporarily closed, no county road  
18 shall be closed to vehicular traffic when the same has been  
19 designated as a detour by the Department of [Highways of the  
20 Commonwealth] Transportation unless the written consent of the  
21 Department of [Highways] Transportation has first been obtained,  
22 or unless the county commissioners having jurisdiction over said  
23 road shall, by resolution, declare such closing necessary for  
24 the protection of the public safety.

25 \* \* \*

26 Section 2942. Fines and Damages.--(a) Any person who shall  
27 wilfully remove, deface, destroy or disregard any barricade,  
28 light, danger sign, detour sign or warning of any character  
29 whatsoever, erected or placed under authority of section 2940 of  
30 this act, or who shall drive on, over or across any road which

1 has been closed by proper authority, shall[, upon conviction  
2 thereof in a summary proceeding before a magistrate, alderman or  
3 justice of the peace, be sentenced to pay a fine of not less  
4 than twenty-five dollars (\$25) nor more than one hundred dollars  
5 (\$100) and the cost of prosecution, and in default of the  
6 payment thereof, shall be imprisoned one day for each dollar of  
7 fine and costs unpaid] be convicted of a summary offense:

8 Provided, however, That persons who have no outlet due to the  
9 closing of a road may drive on, over or across such road, with  
10 the consent in writing of and subject to such conditions as may  
11 be prescribed by the county commissioners responsible for the  
12 closing, or their agents or contractors, without being subject  
13 to the fines imposed by this section.

14 (b) In addition to the fines herein provided, the county  
15 commissioners responsible for the maintenance of a road which  
16 has been closed to vehicular traffic, or their agents or  
17 contractors, may, in an action at law, recover damages from any  
18 person or persons who have damaged a road when it is closed to  
19 vehicular traffic.

20 (c) All fines collected under the provisions of this section  
21 shall be paid [by the officer receiving the same to the  
22 treasurer of the boroughs, towns or townships in which the  
23 offenses shall have been committed] to the county treasurer for  
24 the general fund use of the county.

25 Section 39. Sections 2950, 2951, 2952 and 2953 of the act  
26 are repealed.

27 Section 40. Sections 2954(b) and 3053 of the act are amended  
28 to read:

29 Section 2954. Penalty for Destroying, Et Cetera, Index  
30 Boards.--\* \* \*

1 (b) Any person violating the provisions of this section  
2 shall[, upon summary conviction, be sentenced to pay a fine of  
3 not less than ten dollars (\$10) nor more than twenty-five  
4 dollars (\$25) with all costs of prosecution, together with the  
5 value of such sign so destroyed, removed or defaced. In default  
6 of payment of said fine, costs and expenses, such person shall  
7 undergo an imprisonment for a period of not less than five (5)  
8 nor more than sixty (60) days] be convicted of a summary  
9 offense, and in addition to other fines and penalties provided  
10 by law, may be required to provide reimbursement for the value  
11 of such sign so destroyed.

12 Section 3053. Sale of Unused Grounds.--If, for a period of  
13 five years, no public use of said real estate as contemplated by  
14 the grant to the county is made, the county commissioners shall  
15 have power to sell such real estate [on petition to the court of  
16 common pleas, as provided by law, for the sale of county  
17 property].

18 SECTION 41. SECTION 3101-B(B) OF THE ACT, ADDED DECEMBER 22, <—  
19 1993 (P.L.529, NO.77), IS AMENDED TO READ:

20 SECTION 3101-B. FINDINGS AND DECLARATION OF POLICY.--\* \* \*

21 (B) IT IS HEREBY DECLARED TO BE THE POLICY OF THIS  
22 COMMONWEALTH TO PROMOTE THE HEALTH, WELFARE AND QUALITY OF LIFE  
23 OF THE CITIZENS OF SOUTHWESTERN PENNSYLVANIA BY ENSURING THE  
24 CONTINUED AVAILABILITY OF THE REGION'S ASSETS AND THEREBY TO  
25 ENHANCE [ECONOMIC DEVELOPMENT AND] EMPLOYMENT AND TAX RELIEF IN  
26 THE REGION BY AUTHORIZING THE CREATION OF THE ALLEGHENY REGIONAL  
27 ASSET DISTRICT AS A SPECIAL PURPOSE AREAWIDE UNIT OF GOVERNMENT.

28 SECTION 42. SECTION 3171-B OF THE ACT, AMENDED OR ADDED  
29 DECEMBER 22, 1993 (P.L.529, NO.77) AND OCTOBER 30, 2000  
30 (P.L.616, NO. 85), IS AMENDED TO READ:

SECTION 3171-B. TAX RELIEF AND USE OF DISBURSEMENTS.--(A)

(1) THE COUNTY AND THE CITY SHALL UTILIZE THE DISBURSEMENTS RECEIVED FROM THE STATE TREASURER UNDER SECTION 3157-B(B) IN THE FIRST FULL CALENDAR YEAR IN WHICH THE DISBURSEMENTS ARE RECEIVED FOR THE REDUCTION OF LOCAL TAXES.

(2) EFFECTIVE JANUARY 1 OF THE FIRST FULL CALENDAR YEAR IN WHICH DISBURSEMENTS ARE RECEIVED PURSUANT TO SECTION 3157-B(B), THE COUNTY AND THE CITY SHALL REPEAL ANY TAX IMPOSED UPON PERSONAL PROPERTY.

(3) EFFECTIVE JANUARY 1 OF THE FIRST FULL CALENDAR YEAR IN WHICH DISBURSEMENTS ARE RECEIVED PURSUANT TO SECTION 3157-B(B), THE CITY SHALL REDUCE TO AN AMOUNT NOT TO EXCEED FIVE PER CENTUM (5%) THE TAX ON ADMISSIONS TO PLACES OF AMUSEMENT, ATHLETIC EVENTS AND THE LIKE AND ON MOTION PICTURE THEATERS.

(3.1) NOTWITHSTANDING THE PROVISIONS OF ANY OTHER ACT, THE CITY SHALL USE TWO-THIRDS OF THE NONRESIDENT SPORTS FACILITY USAGE FEE COLLECTED PURSUANT TO THE ACT OF DECEMBER 31, 1965 (P.L.1257, NO.511), KNOWN AS "THE LOCAL TAX ENABLING ACT," TO REDUCE THE AMOUNT OF TAX ON ADMISSIONS TO PLACES OF AMUSEMENT THAT ARE INVOLVED WITH PERFORMING ARTS FOR WHICH THE NET PROCEEDS THEREFROM INURE TO THE BENEFIT OF AN INSTITUTION OF PURELY PUBLIC CHARITY. IN REDUCING THE RATE OF THE TAX PURSUANT TO THIS PROVISION, THE CITY SHALL NOT ESTABLISH A RATE THAT EXCEEDS TWO AND ONE-HALF PER CENTUM (2.5%). IF THE CITY CANNOT IMPOSE AND COLLECT A NONRESIDENT SPORTS FACILITY USAGE FEE PURSUANT TO "THE LOCAL TAX ENABLING ACT," THE CITY SHALL NOT ESTABLISH A RATE THAT EXCEEDS FIVE PER CENTUM (5%).

(4) THE COUNTY AND THE CITY SHALL UTILIZE ALL OR A PORTION OF REVENUES REMAINING FROM DISBURSEMENTS RECEIVED PURSUANT TO SECTION 3157-B(B) AFTER REDUCING TAXES AS PROVIDED BY CLAUSES

1 (1) AND (2) FOR THE IMPLEMENTATION OF ONE OF THE FOLLOWING:

2 (I) PROGRAMS UNDER THE ACT OF DECEMBER 13, 1988 (P.L.1190,  
3 NO.146), KNOWN AS THE "FIRST AND SECOND CLASS COUNTY PROPERTY  
4 TAX RELIEF ACT";

5 (II) A PROGRAM FOR PROPERTY TAX REBATE OR RENT REBATE IN  
6 LIEU OF PROPERTY TAXES MODELED BY THE COUNTY OR CITY AFTER THE  
7 ACT OF MARCH 11, 1971 (P.L.104, NO.3), KNOWN AS THE "SENIOR  
8 CITIZENS REBATE AND ASSISTANCE ACT," FOR LONGTIME OWNER-  
9 OCCUPANTS OF PERSONAL RESIDENCES. PROPERTY ELIGIBLE FOR TAX  
10 RELIEF UNDER THIS CLAUSE SHALL BE LIMITED TO A PRIMARY PERSONAL  
11 RESIDENCE OWNED BY A SINGLE PERSON AGE 62 OR OLDER OR BY MARRIED  
12 PERSONS IF EITHER SPOUSE IS 62 YEARS OF AGE OR OLDER. TAX RELIEF  
13 PROVIDED PURSUANT TO THIS CLAUSE SHALL BE LIMITED TO PERSONS  
14 WHOSE INCOME AS DEFINED UNDER THE ACT OF MARCH 11, 1971  
15 (P.L.104, NO.3), KNOWN AS THE "SENIOR CITIZENS REBATE AND  
16 ASSISTANCE ACT," DOES NOT EXCEED TWENTY-FIVE THOUSAND DOLLARS  
17 (\$25,000); OR

18 (III) A PROGRAM FOR PROPERTY TAX REBATE OR RENT REBATE IN  
19 LIEU OF PROPERTY TAXES MODELED BY THE COUNTY OR CITY AFTER THE  
20 "SENIOR CITIZENS REBATE AND ASSISTANCE ACT" FOR LONGTIME OWNER-  
21 OCCUPANTS OF PERSONAL RESIDENCES. PROPERTY ELIGIBLE FOR TAX  
22 RELIEF UNDER THIS CLAUSE SHALL BE LIMITED TO A PRIMARY PERSONAL  
23 RESIDENCE OWNED BY A SINGLE PERSON AGE 60 OR OLDER OR BY MARRIED  
24 PERSONS IF EITHER SPOUSE IS 60 YEARS OF AGE OR OLDER. TAX RELIEF  
25 PROVIDED PURSUANT TO THIS CLAUSE SHALL BE LIMITED TO PERSONS  
26 WHOSE INCOME AS DEFINED UNDER THE "SENIOR CITIZENS REBATE AND  
27 ASSISTANCE ACT" DOES NOT EXCEED THIRTY THOUSAND DOLLARS  
28 (\$30,000).

29 FOR PURPOSES OF THIS CLAUSE, "LONGTIME OWNER-OCCUPANT" SHALL  
30 MEAN ANY PERSON WHO FOR AT LEAST TEN CONTINUOUS YEARS HAS OWNED

1 AND HAS OCCUPIED A DWELLING PLACE WITHIN THE COUNTY AS A  
2 PRINCIPAL RESIDENCE AND DOMICILE, OR ANY PERSON WHO FOR AT LEAST  
3 FIVE YEARS HAS OWNED AND OCCUPIED A DWELLING WITHIN THE COUNTY  
4 AS A PRINCIPAL RESIDENCE AND DOMICILE IF THAT PERSON RECEIVED  
5 ASSISTANCE IN THE ACQUISITION OF THE PROPERTY AS PART OF A  
6 GOVERNMENT OR NONPROFIT HOUSING PROGRAM.

7 (5) THE COUNTY MAY ESTABLISH INSTALLMENT PAYMENT PROGRAMS  
8 FOR PAYMENT OF THE PROPERTY TAXES BY TAXPAYERS WHO PARTICIPATE  
9 IN COUNTY PROGRAMS PURSUANT TO CLAUSE (4). OF PROGRAMS FOR REAL  
10 PROPERTY TAX RELIEF AS PROVIDED BY SUBSECTION (A)(4).

11 (B) (1) MUNICIPALITIES OTHER THAN THE COUNTY AND THE CITY  
12 SHALL UTILIZE AT LEAST TWO-THIRDS OF THE DISBURSEMENTS RECEIVED  
13 UNDER SECTION 3157-B(B) [IN THE FIRST FULL CALENDAR YEAR IN  
14 WHICH THE DISBURSEMENTS ARE RECEIVED] FOR THE REDUCTION OF LOCAL  
15 TAXES.

16 (2) MUNICIPALITIES OTHER THAN THE COUNTY AND THE CITY SHALL  
17 UTILIZE ALL OR A PORTION OF DISBURSEMENTS RECEIVED FOR THE  
18 PURPOSE OF REDUCING LOCAL TAXES FOR THE IMPLEMENTATION OF  
19 PROGRAMS FOR REAL PROPERTY TAX RELIEF. SUCH PROGRAMS MAY CONSIST  
20 OF A PROGRAM AS PROVIDED BY SUBSECTION (A)(4)[.], A PROGRAM FOR  
21 PROPERTY TAX REBATE OR RENT REBATE IN LIEU OF PROPERTY TAXES  
22 MODELED AFTER THE "SENIOR CITIZENS REBATE AND ASSISTANCE ACT," A  
23 REDUCTION IN THE MILLAGE RATE ACROSS ALL PROPERTIES OR A  
24 COMBINATION OF THE FOREGOING.

25 (3) MUNICIPALITIES IN COUNTIES OF THE SECOND CLASS, OTHER  
26 THAN THE COUNTY AND THE CITY, WHICH DO NOT IMPOSE A TAX UPON  
27 PERSONAL PROPERTY ON THE EFFECTIVE DATE OF THIS AMENDATORY ACT  
28 ARE PROHIBITED FROM IMPOSING SUCH A TAX THEREAFTER.

29 (C) NO MUNICIPALITY OR CITY MAY USE DISBURSEMENTS RECEIVED  
30 FOR THE PURPOSE OF SECURING THE BONDS OF A MUNICIPAL AUTHORITY



1 OR MAY ALLOW DISBURSEMENTS RECEIVED TO BE CONTROLLED OR  
2 DISTRIBUTED BY AN ENTITY OTHER THAN THE GOVERNING BODY OF THE  
3 MUNICIPALITY.

4 SECTION 43. SECTION 3173-B OF THE ACT IS REPEALED.

5 SECTION 44. THE ADDITION OF SECTION 3171-B(A)(3.1) OF THE  
6 ACT SHALL APPLY TO TAXES LEVIED FOR TAX YEARS COMMENCING ON OR  
7 AFTER JANUARY 1, 2006, UPON ENACTMENT OF A NONRESIDENT SPORTS  
8 FACILITY USAGE FEE UNDER THE ACT OF DECEMBER 31, 1965 (P.L.1257,  
9 NO.511), KNOWN AS THE LOCAL TAX ENABLING ACT.

10 ~~Section 41. This act shall take effect in 60 days.~~ <—

11 SECTION 45. THIS ACT SHALL TAKE EFFECT IN 60 DAYS. <—