

BOROUGHES, SEWERS, PAVING
Act of Jun. 15, 1911, P.L. 971, No. 784
AN ACT

Cl. 08

Providing a system whereby boroughs may build sewers; grade, sub-grade, and pave streets and alleys; pay the costs thereof by the issue of bonds, and collect the same from the property benefited, in instalments.

Compiler's Note: Section 1301(c) of Act 192 of 1915 provided that Act 784 is repealed insofar as it relates to boroughs.

Section 1. Be it enacted, &c., That in addition to the present methods provided by law for the payment and collection of the costs and expense of building and acquiring sewers and sewer systems, grading streets, alleys or any highways, or parts thereof, by the boroughs or incorporated towns of this Commonwealth, said boroughs or incorporated towns shall have power to ordain that said costs and expense may be paid and collected in accordance with the provisions of this act.

(1 amended May 21, 1913, P.L.277, No.193)

Section 2. Whenever, after the passage of this act, the council of any borough, or incorporated town in this Commonwealth shall, by ordinance, authorize the construction, or building, or acquisition of any sewer or system of sewers; the grading, the sub-grading, or the permanent paving and improvement of any streets, avenues, alleys, courts, or any highways or parts thereof, in said borough or incorporated town; and the entire cost, or any part of the costs, of the said improvement, shall be assessed against the properties fronting and abutting on and along said improvement, whether by the foot-front rule or according to benefits; it shall be lawful for the council of the said boroughs or incorporated towns to provide, in said ordinance, that the said assessments may be paid in semiannual or annual instalments, which instalments shall bear interest at a rate not exceeding six (6) per centum, from the date of the commencement of the work or construction of the said improvement, until paid; and in order to provide for the payment of the cost and expense of such improvement as it progresses, the council of said borough or incorporated town may, from time to time, issue bonds in such sums as may be required, in all to an amount not exceeding the amount of said assessments. Said bonds shall bear the name of the sewer system built, or the name of the street, avenue, or alley, or part thereof, to be improved, and shall rest alone for their security and payment upon the said assessments; and shall be payable at periods not exceeding five (5) years from the date of their issue, to be provided in the ordinance directing the improvement; and shall bear interest at a rate not exceeding six (6) per centum per annum, payable semiannually or annually, as the council in said ordinance shall direct. Said bonds shall be negotiated at not less than par, and the proceeds thereof applied solely to the payment of the costs of said improvement. In case the said bonds

are not negotiated by the council, they may be delivered to the contractor in payment of the work, but when so delivered must be at their par value.

(2 amended May 21, 1913, P.L.277, No.193)

Section 3. Liens to secure the said assessment shall be entered in the prothonotary's office of the proper county; in the same form and with like effect, and shall be collected in the same manner, as other municipal liens are now filed and collected, according to the laws of this Commonwealth providing for the filing and collection of municipal liens.

Section 4. Such assessments shall be payable at the office of the borough treasurer, or such other place as the ordinance shall provide, in equal semiannual or annual instalments, with interest at the rate provided in said bonds, from the date from which interest was computed on the amount of the assessment, or so much as remains unpaid from time to time, until all said assessments and interest are fully paid. The moneys so received by the borough shall be applied to the payment of said bonds exclusively.

Section 5. In case of default in the payment of any semiannual or annual instalments of said assessment and interest, for a period of sixty (60) days after the same shall become due and payable, the entire assessment and accrued interest shall become due and payable, and the borough solicitor shall proceed to collect the same under the provisions of the general laws creating and regulating municipal liens and proceedings thereon.

Section 6. Any owner of any property, against whom an assessment shall have been made for such improvement, shall have the right to pay the same, or any part remaining unpaid, in full, with interest thereon to the next semiannual payment due on said assessment; such payment shall discharge the lien. If any owner shall subdivide any property after such lien attaches, he in like manner may discharge the same upon any subdivided portion thereof by paying the amount for which said part would be liable.

Section 7. Whenever any borough shall issue improvement bonds in pursuance of this act, the secretary of the borough council shall keep a registry book, prepared by him, in which the said bonds shall be registered. Said registry shall show the date of the issue of the bond, the amount of the bond, the name and address of the person, firm, or corporation to whom the same is issued, which shall also be noted on the back of said bond: Provided, however, That the said bonds may be transferred at any time by proper adjustments; in which case the secretary shall make the proper entry of the said assignments in said registry book and on said bonds, and file said assignments among the records of the borough; and payment of said bonds and interest thereon shall be made only to the last registered owner.