

CONSOLIDATING THE CITY OF PHILADELPHIA
Act of Apr. 21, 1855, P.L. 264, No. 281
A SUPPLEMENT

Cl. 11

To the act Consolidating the city of Philadelphia.

Section 2. Polling places in Philadelphia; how designated

It shall be the duty of the select and common councils of said city to designate the place of holding the elections in the several election divisions of the wards in said city, and to notify the sheriff thereof at least thirty days prior to the second Tuesday of October next; and shall have full power and authority to remove or change the place of holding the elections in any of the said election divisions whenever, by reason of inability to hold said election at the place so designated, a change shall become necessary. 1855, April 21, P.L. 264, Sec. 2.

Section 4. Deposit in office of surveyors; completion, revision and alteration; altering lines and regulating grades

All the public plans of town plots, in the office of the clerk of the court of quarter sessions, and of the recorder of deeds, shall be deposited in the office of the board of surveyors, subject to the public inspection without charge; it shall be the duty of councils, under the supervision of the president of said board, to cause to be completed by the district surveyors, in sections, from time to time, a survey and plans of the city plot not already surveyed, according to the provisions of the laws under which the late district of spring garden was surveyed, one copy of which plans, when approved by the court, shall be filed in the office of said board, and the other in the office of the proper district surveyor, and in like manner, and with like approval existing plans may be revised and altered: provided, that the plans made under existing contracts shall be approved by said board before being returned to court for confirmation; and that no ground shall be taken for public use under this act, without compensation, as provided, by law; the said board of surveyors, under the direction of the councils, shall have authority to alter the lines and regulate the grades of any street or streets, which may have been laid out upon any of the public plans or otherwise, but not opened, subject to the exception and the approval of the court of quarter sessions, as in the case where the plans are originally submitted for approval and confirmation. 1855, April 21, P.L. 264, Sec. 4.

Section 6. New dwellings on streets less than twenty feet wide to recede; new streets to be twenty-five feet wide

No new dwelling house, or other building within said city, shall front upon any street, alley or court, which shall be of less width than twenty feet, or without being made to recede, so that such street, alley or court shall be of that width, the buildings on each side equally receding; the damages for which widening shall be assessed and paid to the owner in manner provided by law in case of opening new streets; every new

dwelling house shall also have an open space attached to it in the rear or at the side, equal to at least twelve feet square, and no building of any kind shall be permitted to be erected on any street, court or alley hereafter to be laid out, or if laid out and wholly unimproved by brick or stone buildings before the passage of this act, of a less width than twenty-five feet; and every builder or owner who shall hereafter build otherwise than as aforesaid, shall pay to the said city one hundred dollars, to be recovered with costs as debts of that amount may by law be recovered, and shall also be restrained by injunction from so building; or if having so built after the passage of this act, from the continuance of such building, contrary to the requirements of this act, and shall pay all the expenses of such alterations which the court may decree to be made. It shall be the duty of the commissioners of highways to give notice to the city solicitor of all violations of this act; and if the building be made to conform thereto on notice without suit, one-half the fine shall be abated. 1855, April 21, P.L. 264, Sec. 6.

Section 7. Powers of councils; proceedings

Whenever councils shall deem the public exigency to demand it, they may order by ordinance any street laid upon any of the public plans of the city to be opened, giving three months' notice thereof to the owner, whereupon any of the owners, whose ground will be taken by such street, may forthwith petition the court of quarter sessions for viewers to assess the damages which such owners may sustain by the opening of such street, and if the same be not paid within one year, may sue said city for the recovery thereof: provided, that security shall be given by said city to the owner for the payment of such damages before his ground shall be actually taken, and the city may indemnify the person entering such security; and no proceedings to assess the damages on any street on such plan shall lapse by the delay of a year in paying such damages. It shall be lawful for councils to institute an inquiry as to persons benefited by the opening of any new street, and to withhold appropriation for the opening of the same until the persons found to be benefited shall have contributed, according to the benefit to be derived therefrom, towards the damages awarded to the owners, whose ground will be taken therefor; but in no instance shall the contribution exceed the damages awarded for the ground taken. 1855, April 21, P.L. 264, Sec. 7.

Section 8. Bridges; charges for culverts, pipes and paving

It shall be lawful for said city to construct any bridges that may be necessary to carry any street or highway at the proper grade across any ravine or stream therein: provided, that nothing herein contained shall relieve councils from the duty of constructing a bridge over the Schuylkill at Chestnut Street, as directed by law; the charges for the culverts and pipes shall be at not exceeding the following rates per lineal foot, according to the fronts of the owners, to wit: for water pipes, seventy-five cents, making the usual allowance for corner lots; for culverts, seventy-five cents; and for street paving, one dollar per square yard; and all extra or further charge and for intersections, shall be paid out of the general taxation. 1855,

April 21, P.L. 264, Sec. 8.

Section 11. Rights of former departments vested in city; suits, etc; to be in name of city

All bonds, contracts and obligations heretofore executed, judgments entered, claims filed, and suits now pending in the name of any department of said city, formerly having had a corporate existence, are declared to be good and valid, and to inure to the use of the city; but no such department shall be taken to have had, since the passage of the act to which this is a supplement, a separate corporate existence, and hereafter all suits growing out of their transactions, and all claims to be filed for removing nuisances, together with all bonds, contracts and obligations, hereafter to be entered into or received by the said departments, shall be in the name of the city of Philadelphia. 1855, April 21, P.L. 264, Sec. 11.

Section 14. Tax bills to be made out and delivered

As soon as the city commissioners shall place the duplicates of taxes in the hands of the receiver, he shall cause his clerks to make out bills against the taxpayers, so that all persons indebted for taxes may have their bills by the first day of July in each year, and the same to be delivered at a cost not exceeding one cent for all persons served within two miles of the office, and one and a half cents for all more distant, for making such delivery; the expense whereof shall be charged to the city: provided, that all properties owned by one person, or belonging to any one estate in any one ward shall be included in the same bill. 1855, April 21, P.L. 264, Sec. 14.

Section 15. Bond of collector; interest on taxes (15 repealed Oct. 9, 2009, P.L.494, No.49)

Section 17. Receiver to publish notice of default in payment of taxes collected; administration of oath

Any alderman or constable who shall have made default on the payment over of any taxes collected by him as required by law, shall cease to be authorized to receive any more taxes; and notice thereof shall be published by the receiver of taxes, in three daily papers three times; nor shall he be capable of drawing any salary or other dues, from the city, until he shall have fully paid up the amount of his collections. It shall be lawful for the receiver of taxes to administer oaths and affirmations to all persons who may be authorized or required to make oath or affirmation in relation to the collection of taxes or other revenue, payable to said receiver. 1855, April 21, P.L. 264, Sec. 17.

Compiler's Note: Section 4 of Act 49 of 2009 provided that section 17 is repealed insofar as it relates to constables.

Section 18. Power to provide for inspection of tobacco

It shall and may be lawful for the councils of Philadelphia to enact an ordinance providing for the inspection of leaf tobacco, of domestic growth, received at that port, to be sold by sample, for establishing the fee for charges for inspection and sampling, and storage, and imposing penalties for any violation of the same. 1855, April 21, P.L. 264, Sec. 18.

Section 22. Sale of public halls, real estate and ground

rents; application of proceeds

It shall be lawful for the City of Philadelphia, as rapidly as purchasers can be procured, without a sacrifice of price, to make public sale and conveyance of the public halls, lots and real estate vested in the said city, not held upon any trust and not required for authorized public purposes, and to apply the proceeds in discharge of the city debts, and if the ground-rents be reserved, to sell and convey the same for said purposes.

1855, April 21, P.L. 264, Sec. 22.