

**CITIES, AUTHORIZED TO BUILD SEWERS**  
**Act of Apr. 10, 1905, P.L. 125, No. 94**  
AN ACT

Cl. 11

Giving all cities in Pennsylvania the right to take lands, under the power of eminent domain, for the purpose of building sewers either within or without their corporate limits, and providing a method of compensation.

**Compiler's Note:** Section 4701 of Act 317 of 1931 provided that Act 94 is repealed insofar as it relates to third class cities.

Section 1. Be it enacted, &c., That all cities of the Commonwealth are hereby authorized and empowered, by themselves, their agents, artisans, engineers, and workmen, with their tools, appliances, instruments, carts, wagons, and other carriages, and beasts of burden or draft, from time to time and at all time hereafter, for the purpose of establishing and constructing a system of sewers and drains, to enter into such lands and enclosures, and public or private roads or highways, or over or through any private streams, as may be necessary, and to occupy, excavate and lay sewers and drains through the same, to maintain, alter and repair, doing as little damage to private property as possible, and making compensation to the owner or owners thereof in the manner hereinafter provided.

Section 2. That all cities, by their engineers and laborers, with their tools, appliances, instruments, carts, wagons, and other carriages, and beasts of burden or draft, may enter upon the land contiguous to the sewers constructed or in the course of construction, first giving notice to the owner or owners thereof, and from and thence take and carry away stone, earth, sand or other materials necessary to the construction, repair, or proper laying and repair of said sewers, doing as little damage as possible, and repairing any breaches they may make in the enclosures thereof, and making compensation to the owner or owners thereof in the manner hereinafter provided.

Section 3. If the parties cannot agree upon the compensation to be made to the owner or owners of such land, enclosures, streams, public or private roads or highways, or to any person or persons who may be injured by the diversion, absorption, or pollution of any waters that may be used by said cities for the purpose aforesaid, it shall and may be lawful for either party to present a petition to the court of common pleas of the county in which the lands are situate, asking the court to appoint three viewers to view and assess, and report to the court, what damage, if any, has been done by the said city. The report to be filed at the next term of court; and notice of the time of the meeting of said viewers to be served upon all parties interested, at least five days before the day of view; which report, being confirmed by the court, judgment shall be entered thereon; and execution may issue in case of non-payment of the sum awarded; with two dollars per diem, and mileage, for each day the viewers were in attendance, and the same pay for

witnesses as now provided for attendance at court; with power in the viewers to issue subpoenas, at the instance of either party, to compel the attendance of witnesses; the costs of the proceeding to be assessed and paid by the losing party: Provided, That either party may appeal to the common pleas court, within thirty days after such report shall have been filed in the prothonotary's office of said county, in the same manner as appeals are allowed in other cases; upon which appeal such proceedings shall be had as are used in actions for damages at law.