

MUNICIPAL FORESTS ESTABLISHED
Act of Apr. 22, 1909, P.L. 124, No. 79
AN ACT

Cl. 11

To permit the acquisition of forest or other suitable lands by municipalities, for the purpose of establishing municipal forests; and providing for the administration, maintenance, protection, and development of such forests.

Compiler's Note: Section 302(h) of Act 18 of 1995, which created the Department of Conservation and Natural Resources and renamed the Department of Environmental Resources as the Department of Environmental Protection, provided that the Department of Conservation and Natural Resources shall exercise the powers and duties conferred upon the Commissioner of Forestry by Act 79 of 1909.

Compiler's Note: Section 4701 of Act 317 of 1931 provided that Act 79 is repealed insofar as it relates to third class cities.

Compiler's Note: Section 1301(c) of Act 192 of 1915 provided that Act 79 is repealed insofar as it relates to boroughs.

Compiler's Note: Section 1500 of Act 319 of 1917 provided that Act 79 is repealed insofar as it relates to townships.

Whereas, It has been demonstrated by time and experience in the countries of continental Europe that properly managed municipal forests have proved to be important sources of municipal revenue, tending greatly to reduce the burden of municipal taxation; and

Whereas, Many of the townships, boroughs, and cities of this Commonwealth are so located that it would be proper and expedient for them to possess tracts of land to be used for the purposes of municipal forests, in many instances conserving and protecting the water supply and promoting the healthfulness of said municipality, and capable, as well, of yielding revenue applicable to the purposes of such municipalities; therefore,--

Section 1. Be it enacted, &c., That all townships of the first class, boroughs, and cities of this Commonwealth are hereby empowered to acquire, by purchase, gift, or lease, and hold as the property of the municipality, tracts of land at present covered with forest or tree growth, or suitable for the growth of trees, and to administer the same, under the direction of the Commissioner of Forestry of the Commonwealth of Pennsylvania, in accordance with the practices and principles of scientific forestry, for the benefit and advantage of the said municipalities. Such tracts may be of any size suitable for the purpose, and may be located either within, adjacent to, or at a distance from the corporate limits of the municipality purchasing the same: Provided, That it shall be requisite for the commissioners, burgess, or mayor of any municipality, availing itself of the provisions of this act, to submit to the

Commissioner of Forestry, and secure his approval of, the area and location of any lands proposed to be acquired for the purposes of municipal forests, previous to the passage of the ordinance provided for in section two.

Section 2. Whenever the township commissioners of any township of the first class, or the councils of any borough or city, shall deem it expedient for the municipality to acquire any such lands for the purposes of a municipal forest, they shall so declare in an ordinance, wherein shall be set forth all facts and conditions relating to the proposed action; which said proposed ordinance, prior to its passage, shall be duly advertised once a week for three weeks, and, after its passage and approval, in accordance with existing law. All money necessary for the purchase of such tracts shall be appropriated in like manner as is now done, under existing law, for municipal purposes; and such funds may be provided out of current revenue, or by the proceeds of a sale of bonds, in accordance with existing law.

Section 3. Upon the acquisition of any municipal forests or of lands suitable for such, under this act, the proper authorities shall notify the Commissioner of Forestry, who shall make such rules for the government and proper administration of the same as may be necessary. The municipal authorities shall thereupon publish such rules, declare the uses of the forest in accord with the true intent of this act, and make such provision for its administration, maintenance, protection, and development as shall be necessary or expedient.

Section 4. All moneys necessary to be expended, from time to time, for the administration, maintenance, protection, and development of said forest, shall be appropriated and applied as is now done, under existing law, for municipal purposes; and all revenue and emoluments arising from said forest shall be paid into the municipal treasury, to be used for general municipal purposes.

Section 5. The municipal forest may be used by the people for general outing or recreation grounds, subject to the rules governing its administration for the purpose of a municipal forest, in which the major idea shall be the sale of forest products for producing a continuing municipal revenue.

Section 6. The alienation of a municipal forest, or any part thereof, shall be made only in the manner prescribed herein for the purchase of the same; to wit, by ordinance duly advertised before and after passage, but such ordinance shall not be effective in legalizing such alienation until after it shall have been approved by a majority vote of the people at the next ensuing election.