

**MUNICIPALITIES, ESTABLISHING COMMISSION OF WATER-WORKS**

**Act of Jun. 5, 1913, P.L. 445, No. 296**

**Cl. 08**

**AN ACT**

Establishing a Commission of Water-works in boroughs and incorporated towns of this Commonwealth; providing for the appointment of Commissioners of Water-works and prescribing their powers and duties.

**Compiler's Note:** Section 1500 of Act 319 of 1917 provided that Act 296 is repealed insofar as it relates to townships.

**Compiler's Note:** Section 1301(c) of Act 192 of 1915 provided that Act 296 is repealed insofar as it relates to boroughs.

Section 1. Be it enacted, &c., That in boroughs or incorporated towns of this Commonwealth, owning and maintaining water-works, or which shall hereafter acquire and maintain water-works, there may be established a Commission of Water-works, to be composed of three citizens of said borough or incorporated town, who shall be known as commissioners of water-works.

Section 2. Any borough or incorporated town, within this Commonwealth, desiring to avail itself of the provisions of this act, shall, by resolution duly passed by council and recorded in its minutes, apply to the court of common pleas of the proper county for the appointment of commissioners of water-works.

Section 3. It shall be the duty of the judges of the court of common pleas upon application of any incorporated town or borough council, as aforesaid, to appoint such commissioners of water-works, one of whom shall be appointed to serve for one year, one for two years, and one for three years; and annually thereafter the judges of said court shall appoint one citizen to serve as a commissioner of water-works, for a term of three years. In case of a vacancy the said court shall fill the same for the unexpired term thereof. Such commissioners of water-works shall not receive salary for their services, but shall be paid all such sums necessarily expended in the performance of their duty: Provided, however, That after three years from the first appointment under this act, the borough or town council may at any time rescind the resolution asking for the appointment of a commissioner of water-works. When such resolution shall be so rescinded the court shall make no further appointment of commissioner of water-works until a resolution shall again be passed by council asking for such appointment.

Section 4. It shall be the duty of the commissioners of water-works in each borough or incorporated town of the Commonwealth, where a commission of water-works is established, to meet within ten days after their appointment, and annually thereafter, and organize by electing a president and secretary.

Section 5. It shall be the duty of said commissioners, after having duly organized, to take full charge and control of the water-works of such borough or incorporated town. Said

commissioners shall have power to appoint all necessary officers and agents, and take from them, respectively, such security for the faithful performance of their duty as they shall deem proper; and to fix the salaries and wages of such officers and agents; to provide for the repair, extension, improvement, and maintenance of said water-works, and the erection of new water-works subject to the provisions of existing laws; to collect water-rents, and to make and establish the rates, terms, and conditions upon which water will be furnished to applicants therefor; and to make by-laws, rules, and regulations for the economical and efficient management and protection of said water-works.

Section 6. The council of any borough or incorporated town within this Commonwealth may, upon request of the commissioners of water-works, issue bonds for the extension of water-works or the erection of new water-works. Said bonds shall be issued in the form and manner now provided for by law, and shall be designated "water-works bonds." They shall be delivered to said commissioners, from time to time, upon their requisition, after the commencement of the work for the payment of which such bonds were issued. Each such requisition shall be accompanied by a detailed statement of the work done and materials purchased. Said bonds shall not be sold for less than par and the proceeds thereof shall be applied to the purposes for which said bonds were issued, and no other.

Section 7. The said commissioners shall prepare plans and specifications of all work to be performed and materials necessary for the repair, maintenance, and extension of such water-works, or the erection of new water-works; and shall, after plans and specifications for the extension of water-works or the erection of new water-works have been submitted to and approved by the Department of Health, in accordance with the provisions of an act of Assembly, approved the twenty-second day of April, one thousand nine hundred and five, entitled "An act to preserve the purity of the waters of the State, for the protection of the public health," and a permit granted therefor by the Commissioner of Health,--by due public notice, invite proposals for the performing of such work and the furnishing of such materials; and shall, in all cases, let the contracts therefor to the lowest responsible bidder, and shall take adequate security for the performance of such contracts.

Section 8. Said commissioners shall make a monthly report to the council of the borough or incorporated town of the receipts and disbursements during the preceding month; and annually make a detailed report of the condition of said water-works, which shall be published by the council of said borough or incorporated town for the information of the public. Said commissioners shall cause all moneys collected to be deposited weekly by the collectors with the borough treasurer, who shall return a receipt therefor to the said commissioners. All moneys so collected shall be kept in a separate fund, and shall be used for the purpose of repairing, maintaining, and extending said water-works, the erection of new water-works, or the payment of any indebtedness on said water-works, and for no other purpose. No money shall be drawn from said fund except upon order

countersigned by the president and secretary of said commission.

Section 9. All by-laws, rules and regulations, not inconsistent with the laws of the Commonwealth, the rules and regulations of the Department of Health or the Water Supply Commission, when made by said commissioners, shall have the force and effect of ordinances of said borough or incorporated town, and the penalties imposed thereby shall be collected in the same manner as penalties imposed by incorporated town or borough ordinances are now by law collected.

Section 10. Whenever two or more boroughs, or any borough and township, having united in the construction or acquisition and maintenance of water-works, or hereafter uniting for the purpose of constructing or acquiring and maintaining water-works, desire to avail themselves of the provision of this act, the councils of such boroughs and the commissioners or supervisors of such townships shall, by joint action, after ordinance or resolution duly passed, apply to the court of common pleas of the proper county for the appointment of a commission of water-works in accordance with this act. Said commission shall be composed of citizens of each of said boroughs and townships so uniting.

Section 11. All acts and parts of acts, general, local, and special, inconsistent with this act, are repealed; but this repeal shall not become effective in any borough or incorporated town until the authorities thereof shall by appropriate ordinance accept the provisions of this act: Provided always, however, That anything herein to the contrary notwithstanding the act of Assembly, entitled "An act authorizing the erection of water-works in the borough of Sewickley by commissioners, and the issue of borough bonds and the levy of a special water tax," approved February twenty-first, one thousand eight hundred and seventy-three (Pamphlet Laws, one hundred and forty-seven), shall in no wise be affected or repealed by this act.