

SECOND CLASS COUNTIES, MINING
Act of Jul. 2, 1937, P.L. 2787, No. 579
AN ACT

Cl. 52

Regulating the mining of bituminous coal in counties of the second class; prescribing duties for county commissioners; and imposing penalties.

Section 1. Be it enacted, &c., That it shall be unlawful for any owner, operator, director, or general manager, superintendent, or other person in charge of or having supervision over any bituminous coal mine or mining operation in any county of the second class, to mine bituminous coal or to conduct the operation of mining bituminous coal in such a negligent manner as to cause the caving in, collapse, or subsidence of--

(a) Any public building or any structure customarily used by the public as a place of resort, assemblage, or amusement, including, but not being limited to, churches, schools, hospitals, theatres, hotels, and railroad stations.

(b) Any street, road, bridge, or other public passageway dedicated to public use or habitually used by the public.

(c) Any track, roadbed, right of way, pipe, conduit, wire, or other facility used in the service of the public by any municipal corporation or public service company as defined by the Public Service Company Law.

(d) Any dwelling or other structure used as a human habitation or any factory, store, or other industrial or mercantile establishment in which human labor is employed.

(e) Any cemetery or public burial ground.

Section 2. Every owner, operator, lessor, lessee, or general contractor, engaged in the mining of bituminous coal within any county of the second class of this Commonwealth, shall make or cause to be made a true and accurate map or plan of the workings or excavations of such bituminous coal mine or colliery, which shall be drawn to a scale of such size as to show conveniently and legibly all markings and numbers required to be placed thereon by the terms of this act. Such maps or plans shall also show in detail and in markings of a distinctive color, all contemplated workings which are intended to be undertaken or developed within the succeeding six months. Such maps or plans shall be filed as often as once in six months with the county commissioners of the proper county. Such maps or plans shall be considered public records, and shall be open to the inspection of the public and copies or tracings may be made therefrom. No mining shall be done which is not shown on the map or filed at least ten days previously.

Section 3. Every owner, operator, lessor, lessee, or general contractor, engaged in the mining of bituminous coal in any county of the second class, or any president, director, general manager, superintendent, or other person in charge of or having supervision over any bituminous coal mine or mining operation in this Commonwealth, shall be and is hereby required--(a) To

designate within a period of six months from the passage of this act, and to keep designated by number, each and every pillar of coal beneath the surface still remaining in place at the time this act goes into effect and all pillars thereafter created, the number of each pillar to the place in a conspicuous position with white paint or some other equally durable and visible substance; and (b) to designate or cause to be designated, by numerals of convenient and legible size, upon all maps or plans mentioned in section two of this act, with the space on each map or plan designating any pillar of coal the number of such pillar.

Section 4. The county commissioners of any county of the second class, and such engineers and other agents as they may employ, shall at all reasonable times be given access to any portion of any bituminous coal mines or mining operations which it may be necessary or proper to inspect for the purpose of determining whether the provisions of this act are being complied with, and all reasonable facilities shall be extended by the owner or operator of such mine or mining operation for ingress, egress and inspection.

Section 5. Any owner, operator, lessor, lessee, or general contractor, engaged in the mining of bituminous coal, or any president, director, general manager, superintendent, or other person in charge of, or having supervision over, any bituminous coal mine or mining operation, who shall violate any provision of this act, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine of not more than five thousand dollars, or undergo imprisonment for not more than one year, both or either, at the discretion of the court.

Section 6. The courts of common pleas shall have power by injunction to compel compliance with the provisions of this act.

Section 7. This act is intended as remedial legislation designed to cure existing evils and abuses, and each and every provision thereof is intended to receive a liberal construction such as will best effectuate that purpose.

Section 8. It is hereby declared that the provisions of this act are severable one from another, and if for any reason this act shall be judicially declared and determined to be unconstitutional so far as relate to one or more words, phrases, clauses, sentences, paragraphs, or sections thereof, such judicial determination shall not affect any other provision of this act. It is hereby declared that the remaining provisions would have been enacted notwithstanding such judicial determination of the validity in any respect of one or more of the provisions of this act.

Section 9. This act shall go into effect three calendar months after its final enactment.

Section 10. All acts and parts of acts inconsistent with this act are hereby repealed.