

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1947 Session of
2001

INTRODUCED BY HABAY, KENNEY, PETRONE, ARGALL, PHILLIPS, BROWNE,
L. I. COHEN, HENNESSEY, HESS, LEDERER, DIVEN, MANN,
M. WRIGHT, J. WILLIAMS, BASTIAN, BUNT, CIVERA, DAILEY, DALLY,
FICHTER, GODSHALL, HARHART, McILHINNEY, RUBLEY, TRELLO,
FREEMAN, WATSON, M. COHEN, MICOZZIE, McILHATTAN, FEESE,
WALKO, SAYLOR, JAMES, BEBKO-JONES, CAPPELLI AND MICHLOVIC,
SEPTEMBER 26, 2001

SENATOR GERLACH, LOCAL GOVERNMENT, IN SENATE, AS AMENDED,
OCTOBER 9, 2002

AN ACT

1 Amending the act of July 28, 1953 (P.L.723, No.230), entitled,
2 as amended, "An act relating to counties of the second class
3 and second class A; amending, revising, consolidating and
4 changing the laws relating thereto," ~~further providing for~~ <—
5 ~~authority to sell or lease real property.~~ PROVIDING FOR <—
6 INSURANCE AND OTHER EMPLOYEE BENEFITS; FURTHER PROVIDING FOR
7 AUTHORITY OF COUNTY COMMISSIONERS TO MAKE CONTRACTS; AMENDING
8 PROVISIONS RELATING TO ACQUISITION, USE, LEASING AND
9 DISPOSING OF PROPERTY FOR COUNTY AND TO CONSTRUCTION OR
10 ALTERATION OF COUNTY BUILDINGS; FURTHER PROHIBITING
11 DISORDERLY CONDUCT IN AND ABOUT COURTHOUSES AND JAILS;
12 FURTHER PROVIDING FOR JOINING WITH MUNICIPALITY IN IMPROVING
13 CERTAIN STREETS AND HIGHWAYS AND FOR PARKS AND COMFORT
14 HOUSES; AMENDING PROVISIONS RELATING TO MONUMENTS AND
15 MEMORIALS; FURTHER PROVIDING FOR ACQUIRING OF PROPERTY FOR
16 CERTAIN PURPOSES AND FOR AUTHORITY TO PROVIDE FOR MORGUES;
17 AMENDING PROVISIONS RELATING TO BRIDGES, VIADUCTS, CULVERTS,
18 ROADS AND RECREATION PLACES; AND MAKING EDITORIAL CHANGES.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 ~~Section 1. Section 2506 of the act of July 28, 1953~~ <—
22 ~~(P.L.723, No.230), known as the Second Class County Code, is~~

1 ~~amended by adding a subsection to read:~~

2 ~~Section 2506. Authority to Sell or Lease Real Property. * *~~

3 *

4 SECTION 1. THE ACT OF JULY 28, 1953 (P.L.723, NO.230), KNOWN ←
5 AS THE SECOND CLASS COUNTY CODE, IS AMENDED BY ADDING A SECTION
6 TO READ:

7 SECTION 1820.1. INSURANCE AND OTHER EMPLOYE BENEFITS.--IN
8 ADDITION TO ANY OTHER AUTHORIZED COMPENSATION, COUNTY
9 COMMISSIONERS AND OTHER COUNTY OFFICERS AND THEIR DEPENDENTS
10 SHALL BE ELIGIBLE FOR INCLUSION IN GROUP LIFE, HEALTH,
11 HOSPITALIZATION, MEDICAL SERVICE AND ACCIDENT INSURANCE PLANS OR
12 EMPLOYE BENEFITS, OR PAYMENTS MADE IN LIEU OF SUCH BENEFITS,
13 PAID IN WHOLE OR IN PART BY THE COUNTY, PROVIDED SUCH PLANS,
14 BENEFITS OR PAYMENTS ARE OFFERED GENERALLY TO EMPLOYEES OF THE
15 COUNTY.

16 SECTION 2. SECTION 2001 OF THE ACT, AMENDED OR ADDED JULY 1,
17 1978 (P.L.696, NO.121), NOVEMBER 26, 1978 (P.L.1268, NO.302),
18 DECEMBER 10, 1980 (P.L.1165, NO.213), DECEMBER 10, 1982
19 (P.L.1084, NO.254), OCTOBER 5, 1990 (P.L.519, NO.125), JANUARY
20 27, 1998 (P.L.1, NO.1) AND OCTOBER 30, 2000 (P.L.616, NO.85), IS
21 AMENDED TO READ:

22 SECTION 2001. COUNTY COMMISSIONERS TO MAKE CONTRACTS.--THE
23 COUNTY COMMISSIONERS MAY MAKE CONTRACTS FOR LAWFUL PURPOSES AND
24 FOR THE PURPOSES OF CARRYING INTO EXECUTION THE PROVISIONS OF
25 THIS SECTION AND THE LAWS OF THE COMMONWEALTH.

26 (A) EXCEPT AS PROVIDED IN SUBSECTION (A.1), ALL CONTRACTS OR
27 PURCHASES IN EXCESS OF TEN THOUSAND DOLLARS (\$10,000) SHALL BE
28 IN WRITING AND, EXCEPT THOSE HEREINAFTER MENTIONED, AND EXCEPT
29 AS PROVIDED BY THE ACT OF OCTOBER 27, 1979 (P.L.241, NO.78),
30 ENTITLED "AN ACT AUTHORIZING POLITICAL SUBDIVISIONS,

1 MUNICIPALITY AUTHORITIES AND TRANSPORTATION AUTHORITIES TO ENTER
2 INTO CONTRACTS FOR THE PURCHASE OF GOODS AND THE SALE OF REAL
3 AND PERSONAL PROPERTY WHERE NO BIDS ARE RECEIVED," SHALL NOT BE
4 MADE EXCEPT WITH AND FROM THE LOWEST RESPONSIBLE AND RESPONSIVE
5 BIDDER MEETING SPECIFICATIONS, AFTER DUE NOTICE IN AT LEAST ONE
6 NEWSPAPER OF GENERAL CIRCULATION, PUBLISHED OR CIRCULATING IN
7 THE COUNTY AT LEAST [THREE (3)] TWO (2) TIMES, AT INTERVALS OF
8 NOT LESS THAN THREE (3) DAYS WHERE DAILY NEWSPAPERS OF GENERAL
9 CIRCULATION ARE EMPLOYED FOR SUCH PUBLICATION, OR IN CASE WEEKLY
10 NEWSPAPERS ARE EMPLOYED, THEN THE NOTICE SHALL BE PUBLISHED ONCE
11 A WEEK FOR TWO (2) SUCCESSIVE WEEKS. THE FIRST ADVERTISEMENT
12 SHALL BE PUBLISHED NOT LESS THAN TEN (10) DAYS PRIOR TO THE DATE
13 FIXED FOR THE OPENING OF BIDS.

14 (A.1) THE REQUIREMENTS OF THIS SUBSECTION NEED NOT BE
15 FOLLOWED IN CASES OF EMERGENCY, BUT IN SUCH CASES THE ACTUAL
16 EMERGENCY SHALL BE DECLARED AND STATED BY RESOLUTION OF THE
17 COMMISSIONERS.

18 (B) THE ACCEPTANCE OF ALL BIDS SHALL BE BY THE CONTROLLER.
19 THEY SHALL BE OPENED PUBLICLY AT A TIME AND PLACE TO BE
20 DESIGNATED IN THE NOTICE. ALL THE FIGURES SHALL BE ANNOUNCED
21 PUBLICLY BY THE CHIEF CLERK OR HIS DESIGNEE AND REFERRED TO THE
22 APPROPRIATE DEPARTMENTS FOR TABULATION WITHOUT THE PRESENCE OF
23 THE COMMISSIONERS. WHENEVER, FOR ANY REASON, THE BID OPENINGS
24 SHALL NOT BE HELD, THE SAME BUSINESS MAY BE TRANSACTED AT A
25 SUBSEQUENT [TIME, IF AT LEAST FIVE (5) DAYS NOTICE THEREOF SHALL
26 BE PUBLISHED IN THE NEWSPAPER AFORESAID.] MEETING, THE TIME AND
27 PLACE OF WHICH SHALL HAVE BEEN ANNOUNCED AT THE PREVIOUS MEETING
28 HELD FOR SUCH OPENINGS. THE CONTRACT SHALL BE AWARDED OR ALL
29 BIDS SHALL BE REJECTED WITHIN THIRTY (30) DAYS OF THE OPENING OF
30 THE BIDS, EXCEPT FOR BIDS SUBJECT TO 62 PA.C.S. (RELATING TO

1 PROCUREMENT). THIRTY-DAY EXTENSIONS OF THE DATE FOR THE AWARD
2 MAY BE MADE BY THE MUTUAL WRITTEN CONSENT OF THE COMMISSIONERS
3 AND ANY BIDDER WHO WISHES TO REMAIN UNDER CONSIDERATION FOR
4 AWARD. THE COMMISSIONERS SHALL EXCUSE FROM CONSIDERATION ANY
5 BIDDER NOT WISHING TO AGREE TO A REQUEST FOR EXTENSION OF THE
6 DATE FOR THE AWARD AND SHALL RELEASE SUCH BIDDER FROM ANY BID
7 BOND OR SIMILAR BID SECURITY FURNISHED UNDER SUBSECTION (B.1).
8 ALL CONTRACTS SHALL BE FILED WITH THE CONTROLLER OR WITH THE
9 CHIEF CLERK, AS THE CASE MAY BE, IMMEDIATELY AFTER THEIR
10 EXECUTION.

11 (B.1) ALL BIDS [MAY] SHALL IF REQUIRED BY THE COMMISSIONERS
12 BE ACCOMPANIED BY CASH [OR BY A CERTIFIED GOOD FAITH CHECK], A
13 CERTIFIED CHECK, CASHIER'S CHECK, BANK GOOD FAITH CHECK OR
14 IRREVOCABLE LETTER OF CREDIT IN A REASONABLE AMOUNT DRAWN UPON A
15 BANK AUTHORIZED TO DO BUSINESS IN THE COMMONWEALTH[, IN AN
16 AMOUNT NOT EXCEEDING FIVE PER CENTUM (5%) OF THE BID] OR BY A
17 BOND WITH CORPORATE SURETY [NOT EXCEEDING FIVE PER CENTUM (5%)
18 OF THE AMOUNT BID] IN A REASONABLE AMOUNT. IN THE EVENT ANY
19 BIDDER SHALL, UPON AWARD OF THE CONTRACT TO HIM, FAIL TO COMPLY
20 WITH THE REQUIREMENTS HEREINAFTER STATED AS TO [A BOND] SECURITY
21 GUARANTEEING THE PERFORMANCE OF THE CONTRACT, OR FAIL OR REFUSE
22 TO ENTER INTO A CONTRACT, OR OTHERWISE FAIL OR REFUSE TO RENDER
23 THE REQUIRED SERVICES, THE [GOOD FAITH DEPOSIT BY CASH,
24 CERTIFIED CHECK OR BOND] SECURITY FURNISHED UNDER THIS
25 SUBSECTION SHALL BE FORFEITED TO THE COUNTY AS LIQUIDATED
26 DAMAGES, AND THE CONTRACT SUBSEQUENTLY MAY BE AWARDED TO THE
27 NEXT LOWEST BIDDER, WHO SHALL MANIFEST HIS ACCEPTANCE OF SUCH
28 CONTRACT BY GIVING A GOOD FAITH DEPOSIT IN THE AMOUNT AND MANNER
29 SET FORTH IN THIS SUBSECTION ON OR BEFORE THE THIRD DAY AFTER
30 THE AWARD OF THE CONTRACT TO SUCH BIDDER AND OTHERWISE COMPLY

1 WITH THE PROVISIONS OF THIS SECTION.

2 (B.2) THE AMOUNT OR PRICE OF THE CONTRACT SHALL, IN ALL
3 CASES WHETHER OF STRAIGHT SALE PRICE, CONDITIONAL SALE, LEASE,
4 LEASE PURCHASE OR OTHERWISE, BE THE ENTIRE AMOUNT WHICH THE
5 COUNTY PAYS TO THE SUCCESSFUL BIDDER, OR HIS ASSIGNS, PLUS THE
6 VALUE OF PERSONAL PROPERTY TRANSFERRED FROM THE COUNTY TO THE
7 BIDDER OR HIS ASSIGNS AT ANY TIME DURING THE DURATION OF THE
8 CONTRACT, IN ORDER TO OBTAIN THE SERVICES OR PROPERTY, OR BOTH,
9 AND SHALL NOT BE CONSTRUED TO MEAN ONLY THE AMOUNT WHICH IS PAID
10 TO ACQUIRE TITLE OR TO RECEIVE ANY OTHER PARTICULAR BENEFIT OR
11 BENEFITS OF THE WHOLE BARGAIN. THE VALUE OF PERSONAL PROPERTY
12 TRANSFERRED TO THE BIDDER OR HIS ASSIGNS UPON EXECUTION OF THE
13 CONTRACT SHALL BE SPECIFIED IN THE BID. THE METHOD OF
14 DETERMINING THE VALUE OF PERSONAL PROPERTY TRANSFERRED TO THE
15 BIDDER OR HIS ASSIGNS AT A TIME DURING THE DURATION OF THE
16 CONTRACT SHALL BE SPECIFIED IN THE BID AND SHALL BE DETERMINED
17 USING GENERALLY ACCEPTED VALUATION METHODS.

18 (C) THE SUCCESSFUL BIDDER, WHEN [ADVERTISING] A FORMAL BID
19 IS REQUIRED HEREIN, SHALL BE REQUIRED TO FURNISH A BOND [WITH
20 SUITABLE REASONABLE REQUIREMENTS] OR IRREVOCABLE LETTER OF
21 CREDIT OR OTHER SECURITY IN AN AMOUNT SUFFICIENT TO THE
22 COMMISSIONERS GUARANTEEING PERFORMANCE OF THE CONTRACT[, WITH
23 SUFFICIENT SURETY IN THE AMOUNT OF FIFTY PER CENTUM (50%) OF THE
24 AMOUNT OF THE CONTRACT,] WITHIN THIRTY (30) DAYS AFTER THE
25 CONTRACT HAS BEEN AWARDED, UNLESS THE COMMISSIONERS SHALL
26 PRESCRIBE A SHORTER PERIOD OR UNLESS THE COMMISSIONERS SHALL
27 WAIVE THE BOND REQUIREMENT IN THE BID SPECIFICATION. THE
28 SUCCESSFUL BIDDER FOR A CONTRACT WHICH INVOLVES THE
29 CONSTRUCTION, ERECTION, INSTALLATION, COMPLETION, ALTERATION,
30 REPAIR OF OR ADDITION TO ANY PUBLIC WORK OR IMPROVEMENT OF ANY

1 KIND SHALL FURNISH SECURITY AS PROVIDED IN SECTION 2518.
2 PERFORMANCE SECURITY FOR SERVICES AND CONTRACTS FOR LABOR AND
3 MATERIALS DELIVERED ON A PERIODIC BASIS, INCLUDING, BUT NOT
4 LIMITED TO, FOOD SERVICE CONTRACTS, HOME HEALTH SERVICES AND
5 JANITORIAL SERVICES AND SUPPLIES, MAY BE COMPUTED ON THE
6 EXPECTED AVERAGE VALUE FOR ONE OR MORE MONTHS AT THE DISCRETION
7 OF THE COMMISSIONERS. UPON FAILURE TO FURNISH ANY REQUIRED BOND
8 WITHIN SUCH TIME, THE PREVIOUS AWARDS SHALL BE VOID AND THE
9 COMMISSIONERS MAY AWARD THE CONTRACT TO THE NEXT LOWEST BIDDER.
10 DELIVERIES, PERFORMANCES, ACCOMPLISHMENT AND GUARANTEES MAY BE
11 REQUIRED IN ALL CASES OF EXPENDITURES, INCLUDING THE EXCEPTIONS
12 HEREIN.

13 (D) THE CONTRACTS OR PURCHASES MADE BY THE COMMISSIONERS
14 INVOLVING AN EXPENDITURE OF OVER TEN THOUSAND DOLLARS (\$10,000)
15 WHICH SHALL NOT REQUIRE ADVERTISING OR BIDDING AS HEREINBEFORE
16 PROVIDED ARE AS FOLLOWS:

17 (1) THOSE FOR MAINTENANCE, REPAIRS OR REPLACEMENTS FOR
18 WATER, ELECTRIC LIGHT, OR OTHER PUBLIC WORKS: PROVIDED, THAT
19 THEY DO NOT CONSTITUTE NEW ADDITIONS, EXTENSIONS OR ENLARGEMENTS
20 OF EXISTING FACILITIES AND EQUIPMENT[, BUT A BOND]. SECURITY MAY
21 BE REQUIRED BY THE COUNTY COMMISSIONERS AS IN OTHER CASES OF
22 WORK DONE.

23 (2) THOSE MADE FOR IMPROVEMENTS, REPAIRS AND MAINTENANCE OF
24 ANY KIND MADE OR PROVIDED BY THE COUNTY THROUGH ITS OWN
25 EMPLOYEES[: PROVIDED, THAT THIS]. THIS PARAGRAPH SHALL NOT APPLY
26 TO CONSTRUCTION MATERIALS USED IN A STREET IMPROVEMENT.

27 (3) THOSE WHERE PARTICULAR TYPES, MODELS OR PIECES OF NEW
28 EQUIPMENT, ARTICLES, APPARATUS, APPLIANCES, VEHICLES OR PARTS
29 THEREOF ARE DESIRED BY THE COUNTY COMMISSIONERS, WHICH ARE
30 PATENTED AND MANUFACTURED PRODUCTS OR COPYRIGHTED PRODUCTS.

1 (4) THOSE INVOLVING ANY POLICIES OF INSURANCE OR SURETY
2 COMPANY BONDS, THOSE MADE FOR PUBLIC UTILITY SERVICE AND
3 ELECTRICITY, NATURAL GAS OR TELECOMMUNICATION SERVICES:
4 PROVIDED, THAT, IN THE CASE OF UTILITIES NOT UNDER TARIFFS ON
5 FILE WITH THE PENNSYLVANIA PUBLIC UTILITY COMMISSION[.] └
6 CONTRACTS MADE WITHOUT ADVERTISING AND BIDDING SHALL BE MADE
7 ONLY AFTER RECEIVING WRITTEN OR TELEPHONIC PRICE QUOTATIONS FROM
8 AT LEAST THREE (3) QUALIFIED AND RESPONSIBLE CONTRACTORS OR, IN
9 LIEU OF PRICE QUOTATIONS, A MEMORANDUM SHALL BE KEPT ON FILE
10 SHOWING THAT FEWER THAN THREE (3) QUALIFIED CONTRACTORS EXIST IN
11 THE MARKET AREA WITHIN WHICH IT IS PRACTICABLE TO OBTAIN
12 QUOTATIONS. A WRITTEN RECORD OF TELEPHONIC PRICE QUOTATIONS
13 SHALL BE MADE AND CONTAIN AT LEAST THE DATE OF THE QUOTATION,
14 THE NAME OF THE CONTRACTOR AND THE CONTRACTOR'S REPRESENTATIVE.

15 (5) THOSE INVOLVING PERSONAL OR PROFESSIONAL SERVICES[.] └
16 INCLUDING, BUT NOT LIMITED TO, SERVICES OF MEMBERS OF THE
17 MEDICAL OR LEGAL PROFESSION, REGISTERED ARCHITECTS, ENGINEERS,
18 CERTIFIED PUBLIC ACCOUNTANTS OR OTHER PERSONAL SERVICES
19 INVOLVING PROFESSIONAL EXPERTISE.

20 (6) THOSE INVOLVING TANGIBLE CLIENT SERVICES PROVIDED BY
21 NONPROFIT AGENCIES. FOR THE PURPOSES OF THIS CLAUSE, THE TERM
22 "TANGIBLE CLIENT SERVICES" SHALL MEAN CONGREGATE MEALS, HOME-
23 DELIVERED MEALS, TRANSPORTATION AND CHORE SERVICES PROVIDED
24 THROUGH AREA AGENCIES ON AGING.

25 (6.1) THOSE INVOLVING CONTRACTS ENTERED INTO BY NONPROFIT
26 COOPERATIVE HOSPITAL SERVICE ASSOCIATIONS FOR HOSPITALS AND
27 NURSING HOMES WHICH ARE PART OF THE INSTITUTIONAL DISTRICT OR
28 WHICH ARE OWNED BY THE COUNTY, OPERATED BY THE COUNTY OR
29 AFFILIATED WITH THE COUNTY BY THE PURCHASING OF OR PARTICIPATING
30 IN CONTRACTS FOR MATERIALS, SUPPLIES AND EQUIPMENT.

1 (7) THOSE INVOLVING THE PURCHASE OF MILK.

2 (8) THOSE MADE WITH ANY PUBLIC BODY, INCLUDING, BUT NOT
3 LIMITED TO, THE SALE, LEASE OR LOAN OF ANY SUPPLIES OR MATERIALS
4 TO THE COUNTY BY A PUBLIC BODY, PROVIDED THAT THE PRICE THEREOF
5 SHALL NOT BE IN EXCESS OF THAT FIXED BY THE PUBLIC BODY. THE
6 REQUIREMENTS OF 53 PA.C.S. CH. 23 SUBCH. A (RELATING TO
7 INTERGOVERNMENTAL COOPERATION) SHALL NOT APPLY WHEN A COUNTY
8 PURCHASES COOPERATIVELY WITH ANOTHER PUBLIC BODY WHICH HAS
9 ENTERED INTO A CONTRACT FOR SUPPLIES OR MATERIALS. AS USED IN
10 THIS PARAGRAPH, "PUBLIC BODY" SHALL MEAN ANY OF THE FOLLOWING:

11 (I) THE FEDERAL GOVERNMENT;

12 (II) THE COMMONWEALTH OF PENNSYLVANIA;

13 (III) ANY OTHER STATE;

14 (IV) A POLITICAL SUBDIVISION, LOCAL OR MUNICIPAL AUTHORITY
15 OR OTHER SIMILAR LOCAL ENTITY OF THE COMMONWEALTH OR ANY OTHER
16 STATE; OR

17 (V) AN AGENCY OF THE FEDERAL GOVERNMENT, THE COMMONWEALTH OR
18 ANY OTHER STATE.

19 (9) THOSE EXCLUSIVELY INVOLVING CONSTRUCTION MANAGEMENT
20 SERVICES.

21 (10) THOSE INVOLVING COMPUTER SOFTWARE.

22 (D.1) NOTWITHSTANDING THE PROVISIONS OF THIS ARTICLE TO THE
23 CONTRARY, THE COUNTY COMMISSIONERS SHALL HAVE AUTHORITY TO ENTER
24 INTO CONTRACTS FOR EQUIPMENT AND SERVICES RELATED TO TECHNOLOGY
25 AND INFORMATION SYSTEMS ON THE BASIS OF BEST VALUE PROCUREMENT.
26 CONTRACTS UNDER BEST VALUE PROCUREMENT SHALL BE MADE ONLY AFTER
27 THE COUNTY HAS SOLICITED PROPOSALS BASED ON PERFORMANCE AND
28 OUTCOME SPECIFICATIONS DEVELOPED BY THE COUNTY AND DESCRIBING AT
29 MINIMUM THE OBJECTIVES TO BE MET BY THE SYSTEM, THE TASKS TO BE
30 PERFORMED BY THE SYSTEM, THE USERS OF THE SYSTEM, SYSTEM

1 SECURITY ISSUES, THE TIME FRAME FOR SYSTEM IMPLEMENTATION,
2 POTENTIAL OPERATING TECHNOLOGIES, COMPATIBILITY WITH EXISTING
3 SYSTEMS, TRAINING AND MAINTENANCE AND SHALL INDICATE THE PROCESS
4 BY WHICH THE CONTRACT SHALL BE AWARDED. BEST VALUE PROCUREMENT
5 SHALL NOT REQUIRE A SEALED BID PROCESS AND SHALL PERMIT THE
6 COMMISSIONERS TO NEGOTIATE THE TERMS OF THE AGREEMENT WITH ANY
7 RESPONSIVE AND RESPONSIBLE VENDOR.

8 (E) [EVERY CONTRACT FOR THE CONSTRUCTION, RECONSTRUCTION,
9 ALTERATION, REPAIR, IMPROVEMENT OR MAINTENANCE OF PUBLIC WORKS
10 SHALL COMPLY WITH THE PROVISIONS OF THE ACT OF MARCH 3, 1978
11 (P.L.6, NO.3), KNOWN AS THE "STEEL PRODUCTS PROCUREMENT ACT."]
12 EVERY CONTRACT SUBJECT TO THIS ARTICLE SHALL COMPLY, AS
13 APPLICABLE, WITH THE PROVISIONS OF:

14 (1) THE ACT OF AUGUST 15, 1961 (P.L.987, NO.442), KNOWN AS
15 THE "PENNSYLVANIA PREVAILING WAGE ACT."

16 (2) THE ACT OF DECEMBER 20, 1967 (P.L.869, NO.385), KNOWN AS
17 THE "PUBLIC WORKS CONTRACTORS' BOND LAW OF 1967."

18 (3) THE ACT OF JANUARY 23, 1974 (P.L.9, NO.4), REFERRED TO
19 AS THE PUBLIC CONTRACT BID WITHDRAWAL LAW."

20 (4) THE ACT OF MARCH 3, 1978 (P.L.6, NO.3), KNOWN AS THE
21 "STEEL PRODUCTS PROCUREMENT ACT".

22 (5) THE ACT OF FEBRUARY 17, 1994 (P.L.73, NO.7), KNOWN AS
23 THE "CONTRACTOR AND SUBCONTRACTOR PAYMENT ACT."

24 (6) 62 PA.C.S. CHS. 37 SUBCH. B (RELATING TO MOTOR
25 VEHICLES), 39 (RELATING TO CONTRACTS FOR PUBLIC WORKS) AND 45
26 (RELATING TO ANTIBID-RIGGING).

27 (F) NO PERSON, CONSULTANT, FIRM OR CORPORATION CONTRACTING
28 WITH A COUNTY FOR PURPOSES OF RENDERING PERSONAL OR PROFESSIONAL
29 SERVICES TO THE COUNTY SHALL SHARE WITH ANY COUNTY OFFICER OR
30 EMPLOYE, AND NO COUNTY OFFICER OR EMPLOYE SHALL ACCEPT, ANY

1 PORTION OF THE COMPENSATION OR FEES PAID BY THE COUNTY FOR THE
2 CONTRACTED SERVICES PROVIDED TO THE COUNTY EXCEPT UNDER THE
3 FOLLOWING TERMS OR CONDITIONS:

4 (1) FULL DISCLOSURE OF ALL RELEVANT INFORMATION REGARDING
5 THE SHARING OF THE COMPENSATION OR FEES SHALL BE MADE TO THE
6 BOARD OF COMMISSIONERS.

7 (2) THE BOARD OF COMMISSIONERS MUST APPROVE THE SHARING OF
8 ANY FEE OR COMPENSATION FOR PERSONAL OR PROFESSIONAL SERVICES
9 PRIOR TO THE PERFORMANCE OF SAID SERVICES.

10 (3) NO FEE OR COMPENSATION FOR PERSONAL OR PROFESSIONAL
11 SERVICES MAY BE SHARED EXCEPT FOR WORK ACTUALLY PERFORMED.

12 (4) NO SHARED FEE OR COMPENSATION FOR PERSONAL OR
13 PROFESSIONAL SERVICES MAY BE PAID AT A RATE IN EXCESS OF THAT
14 COMMENSURATE FOR SIMILAR PERSONAL OR PROFESSIONAL SERVICES.

15 (G) (1) THE BOARD OF COMMISSIONERS MAY, IN ITS SOLE
16 DISCRETION, ELECT TO USE AN ALTERNATIVE CONTRACTING PROCEDURE TO
17 ACHIEVE THE ADAPTIVE REUSE OF FORMER JAIL FACILITIES. IF THE
18 BOARD OF COMMISSIONERS ELECTS TO UTILIZE AN ALTERNATIVE
19 CONTRACTING PROCEDURE, THE BOARD SHALL ADOPT A RESOLUTION THAT
20 THE USE OF AN ALTERNATIVE CONTRACTING PROCEDURE IS THE MOST
21 EFFICIENT, ECONOMICAL AND TIMELY METHOD TO SECURE AN ADAPTIVE
22 REUSE OF FORMER JAIL FACILITIES. UPON ADOPTION OF A RESOLUTION,
23 THE BOARD OF COMMISSIONERS SHALL REQUEST WRITTEN PROPOSALS FROM
24 PROPOSERS FOR THE ADAPTIVE REUSE OF FORMER JAIL FACILITIES UNDER
25 AN ALTERNATIVE CONTRACTING METHOD. IN ITS REQUEST FOR PROPOSALS,
26 THE BOARD SHALL INCLUDE SUCH TERMS, CONDITIONS AND REQUIREMENTS
27 WHICH IT DEEMS NECESSARY TO PROTECT THE INTERESTS OF THE COUNTY.

28 (2) IN REVIEWING AND EVALUATING THE PROPOSALS FOR THE
29 ADAPTIVE REUSE OF FORMER JAIL FACILITIES, THE BOARD OF
30 COMMISSIONERS SHALL, IN ADDITION TO COMPLIANCE WITH THE TERMS,

1 CONDITIONS AND REQUIREMENTS SET FORTH IN THE REQUEST FOR
2 PROPOSALS, CONSIDER THE FOLLOWING CRITERIA:

3 (I) THE COST OF THE PROPOSER'S ADAPTIVE REUSE PROPOSAL;

4 (II) EXPERIENCE OF THE PROPOSER;

5 (III) PRESERVATION OF THE DISTINCT ARCHITECTURAL DESIGN AND
6 INTEGRITY OF THE FORMER JAIL FACILITIES;

7 (IV) ADHERENCE TO PREVAILING WAGE LAWS AND OTHER WORK FORCE
8 STANDARDS;

9 (V) COMMITMENT TO ENTER INTO VOLUNTARY CONTRACT WITH
10 DISADVANTAGED BUSINESS ENTERPRISES.

11 AFTER DUE CONSIDERATION OF PROPOSALS UNDER THE CRITERIA
12 DESCRIBED ABOVE, THE BOARD OF COMMISSIONERS MAY, IN ITS
13 DISCRETION, SELECT A PROPOSAL AND AWARD A CONTRACT TO A
14 RESPONSIBLE PROPOSER FOR THE ADAPTIVE REUSE OF FORMER JAIL
15 FACILITIES UNDER AN ALTERNATIVE CONTRACTING PROCEDURE. THE AWARD
16 OF A CONTRACT FOR THE ADAPTIVE REUSE OF FORMER JAIL FACILITIES
17 NEED NOT BE AWARDED TO THE LOWEST BIDDER.

18 (3) ANY CONTRACT FOR THE ADAPTIVE REUSE FOR FORMER JAIL
19 FACILITIES AWARDED UNDER THIS SUBSECTION SHALL BE EXEMPT FROM
20 AND NOT BE SUBJECT TO SECTIONS 2517 AND 2520 OF THIS ACT OR THE
21 ACT OF MAY 1, 1913 (P.L.155, NO.104), ENTITLED "AN ACT
22 REGULATING THE LETTING OF CERTAIN CONTRACTS FOR THE ERECTION,
23 CONSTRUCTION, AND ALTERATION OF PUBLIC BUILDINGS."

24 (4) AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES
25 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION:

26 "ADAPTIVE REUSE." THE ALTERATION, RENOVATION, REMODELING,
27 MODIFICATION OR RECONSTRUCTION OF FORMER JAIL FACILITIES FOR
28 REUSE AS COURTROOMS, OFFICE SPACE OR SUCH OTHER FACILITIES AND
29 USES AS THE BOARD OF COMMISSIONERS SHALL FROM TIME TO TIME DEEM
30 NECESSARY AND APPROPRIATE.

1 "ALTERNATIVE CONTRACTING PROCEDURE." A PROCEDURE UNDER WHICH
2 A PROPOSER WOULD BE RESPONSIBLE FOR ALL ASPECTS OR PHASES
3 NECESSARY TO ACHIEVE THE DEVELOPMENT OF A PARCEL OF PROPERTY.
4 SUCH ASPECTS OR PHASES OF DEVELOPMENT SHALL INCLUDE, BUT NOT
5 NECESSARILY BE LIMITED TO, THE PLANNING, DESIGN, FINANCE,
6 CONSTRUCTION AND MANAGEMENT OF PROPERTY. THE TERM "ALTERNATIVE
7 CONTRACTING PROCEDURE" SHALL BE SIMILAR IN ALL RESPECTS TO THE
8 COMMONLY UNDERSTOOD TERM IN THE REAL ESTATE DEVELOPMENT AND
9 CONSTRUCTION INDUSTRY KNOWN AS A "TURNKEY."

10 "FORMER JAIL FACILITIES." A BUILDING OR GROUP OF BUILDINGS
11 WITH RELATED FACILITIES OWNED BY A COUNTY OF THE SECOND CLASS
12 WHICH ARE MORE THAN ONE HUNDRED YEARS OLD AND WHICH WERE
13 PREVIOUSLY USED AS JAIL FACILITIES.

14 "PROPOSER." A FIRM, ORGANIZATION OR COMPANY OR A COMBINATION
15 OF FIRMS, ORGANIZATIONS OR COMPANIES ACTING AS A PARTNERSHIP,
16 JOINT VENTURE, CONSORTIUM OR SIMILAR JOINT RELATIONSHIP WITH
17 SUFFICIENT KNOWLEDGE, EXPERTISE AND EXPERIENCE IN THE AREAS OF
18 ARCHITECTURAL DESIGN, CONSTRUCTION, FINANCING OF REAL ESTATE
19 DEVELOPMENT OR CONSTRUCTION AND REAL ESTATE MANAGEMENT.

20 SECTION 3. SECTIONS 2505(A) AND 2506 OF THE ACT ARE AMENDED
21 TO READ:

22 SECTION 2505. ACQUIRING AND USING REAL PROPERTY; [COURT
23 APPROVAL;] EXCEPTIONS.--(A) THE COUNTY COMMISSIONERS MAY
24 PURCHASE FOR NOT MORE THAN FAIR MARKET VALUE, TAKE BY GIFT,
25 DEVISE OR BY THE POWER OF EMINENT DOMAIN, IN ACCORDANCE WITH THE
26 PROVISIONS OF THIS ACT, SUCH REAL PROPERTY AT THE COUNTY SEAT OR
27 IN SUCH OTHER PLACES, AS MAY BE AUTHORIZED BY LAW, AS THEY DEEM
28 NECESSARY FOR THE PURPOSES OF A COUNTY COURTHOUSE, COUNTY JAIL,
29 PRISON, WORKHOUSE, DETENTION HOUSE OR OTHER COUNTY BUILDING,
30 EITHER IN ACQUISITION OF A BUILDING SUITABLE FOR SUCH PURPOSES

1 OR IN THE CONSTRUCTION OF A NEW BUILDING, OR IN THE ALTERATION,
2 INCLUDING ENLARGEMENT, OF AN EXISTING COUNTY BUILDING. [ANY
3 PURCHASE HEREIN AUTHORIZED SHALL BE SUBJECT TO THE APPROVAL OF
4 THE COURT OF COMMON PLEAS OF THE COUNTY AS TO PURCHASE PRICE,
5 AND NO SUCH CONTRACT SHALL BIND THE COUNTY, NOR SHALL ANY
6 CONVEYANCE BE VALID UNTIL THE COURT HAS SO APPROVED THE PURCHASE
7 PRICE.] THE FAIR MARKET VALUE OF REAL PROPERTY IN THE CASE OF A
8 PURCHASE VALUED IN EXCESS OF TEN THOUSAND DOLLARS (\$10,000)
9 SHALL BE DETERMINED BY THE COUNTY COMMISSIONERS IN CONSULTATION
10 WITH TWO (2) OF THE FOLLOWING: THE COUNTY ASSESSOR, A LICENSED
11 REAL ESTATE BROKER OR LICENSED REAL ESTATE APPRAISER DOING
12 BUSINESS WITHIN THE COUNTY.

13 * * *

14 SECTION 2506. AUTHORITY TO SELL OR LEASE REAL PROPERTY.--(A)
15 [THE BOARD OF COMMISSIONERS MAY SELL OR LEASE, EITHER AS LESSOR
16 OR LESSEE, ANY REAL PROPERTY BELONGING TO THE COUNTY OR TO
17 OTHERS WHERE THE COUNTY IS LESSEE. ANY SALE HEREIN AUTHORIZED
18 SHALL BE BY PETITION TO THE COURT OF COMMON PLEAS, SETTING FORTH
19 A DESCRIPTION OF THE PROPERTY TO BE SOLD AND THE REASON
20 THEREFOR; THE COURT SHALL THEREUPON FIX A DAY FOR HEARING AND
21 NOTICE OF WHICH SHALL BE GIVEN IN AT LEAST TWO NEWSPAPERS, IN
22 THE COUNTY, OF GENERAL CIRCULATION, ONCE A WEEK FOR THREE
23 CONSECUTIVE WEEKS. AFTER HEARING, THE COURT SHALL MAKE SUCH
24 ORDER AND DECREE AS SHALL SEEM RIGHT AND PROPER.] THE BOARD OF
25 COMMISSIONERS MAY SELL FOR NOT LESS THAN THE FAIR MARKET VALUE
26 OR LEASE, EITHER AS LESSOR OR LESSEE, ANY REAL PROPERTY
27 BELONGING TO THE COUNTY OR TO OTHERS WHERE THE COUNTY IS LESSEE.
28 IF THE COMMISSIONERS KNOW OR HAVE REASON TO BELIEVE THAT THE
29 PROPERTY TO BE SOLD CONTAINS OIL, GAS, COAL, STONE, TIMBER OR
30 OTHER MINERAL OR FOREST PRODUCTS OF COMMERCIAL VALUE, SUCH

1 KNOWLEDGE OR BELIEF SHALL BE ADVERTISED TOGETHER WITH THE
2 DESCRIPTION OF THE LAND IN AT LEAST TWO (2) NEWSPAPERS OF
3 GENERAL CIRCULATION IN THE COUNTY ONCE A WEEK FOR THREE (3)
4 CONSECUTIVE WEEKS. THE FAIR MARKET VALUE OF REAL PROPERTY IN THE
5 CASE OF A SALE VALUED IN EXCESS OF TEN THOUSAND DOLLARS
6 (\$10,000) SHALL BE DETERMINED BY THE COUNTY COMMISSIONERS IN
7 CONSULTATION WITH TWO (2) OF THE FOLLOWING: THE COUNTY ASSESSOR,
8 A CERTIFIED BROKER-APPRAISER OR CERTIFIED REAL ESTATE APPRAISER
9 DOING BUSINESS WITHIN THE COUNTY.

10 (A.1) (1) THE PROVISIONS OF SUBSECTION (A) SHALL NOT BE
11 MANDATORY WHERE COUNTY REAL PROPERTY IS TO BE SOLD TO ANY OF THE
12 FOLLOWING:

13 (I) A CITY, BOROUGH, TOWN, TOWNSHIP, INSTITUTION DISTRICT,
14 SCHOOL DISTRICT, VOLUNTEER FIRE COMPANY, VOLUNTEER AMBULANCE
15 SERVICE OR VOLUNTEER RESCUE SQUAD LOCATED WITHIN THE COUNTY.

16 (II) A MUNICIPAL AUTHORITY PURSUANT TO 53 PA.C.S. CH. 56
17 (RELATING TO MUNICIPAL AUTHORITIES).

18 (III) A NONPROFIT CORPORATION OR LIMITED PARTNERSHIP IN
19 WHICH A NONPROFIT CORPORATION IS A GENERAL PARTNER AND MANAGING
20 AGENT ENGAGED IN COMMUNITY INDUSTRIAL, COMMERCIAL OR AFFORDABLE
21 HOUSING DEVELOPMENT OR REUSE FOR ITS EXCLUSIVE USE FOR
22 INDUSTRIAL, COMMERCIAL OR AFFORDABLE HOUSING DEVELOPMENT. THIS
23 EXEMPTION SHALL NOT APPLY TO PROPERTY OWNED AND OPERATED BY A
24 COUNTY OR SUBCONTRACTED OR OPERATED ON BEHALF OF A COUNTY IN
25 ORDER TO CONDUCT EXISTING GOVERNMENT FUNCTIONS.

26 (IV) A PERSON FOR HIS EXCLUSIVE USE IN AN INDUSTRIAL
27 DEVELOPMENT PROGRAM.

28 (V) A NONPROFIT CORPORATION ORGANIZED AS A PUBLIC LIBRARY
29 FOR ITS EXCLUSIVE USE AS A LIBRARY.

30 (VI) A NONPROFIT MEDICAL SERVICE CORPORATION FOR ITS

1 EXCLUSIVE USE AS A SITE FOR A MEDICAL SERVICE FACILITY.

2 (VII) A NONPROFIT HOUSING CORPORATION FOR ITS EXCLUSIVE USE
3 FOR HOUSING FOR THE ELDERLY OR FOR LOW-INCOME HOUSING.

4 (VIII) THE FEDERAL GOVERNMENT.

5 (IX) THE COMMONWEALTH.

6 (X) AN AUTHORITY PURSUANT TO THE ACT OF AUGUST 23, 1967
7 (P.L.251, NO.102), KNOWN AS THE "ECONOMIC DEVELOPMENT FINANCING
8 LAW."

9 (XI) A REDEVELOPMENT AUTHORITY PURSUANT TO THE ACT OF MAY
10 24, 1945 (P.L.991, NO.385), KNOWN AS THE "URBAN REDEVELOPMENT
11 LAW."

12 (2) WHEN THE REAL PROPERTY IS TO BE SOLD OR LEASED TO A
13 QUALIFIED ENTITY UNDER THIS SUBSECTION, THE COMMISSIONERS MAY
14 ELECT TO ACCEPT SUCH NOMINAL CONSIDERATION FOR SUCH SALE AS IT
15 SHALL DEEM APPROPRIATE. REAL PROPERTY SOLD PURSUANT TO THIS
16 SUBSECTION TO ANY ENTITY UNDER THIS SUBSECTION, OTHER THAN A
17 CITY, BOROUGH, TOWN, TOWNSHIP, INSTITUTION DISTRICT, SCHOOL
18 DISTRICT, MUNICIPAL AUTHORITY PURSUANT TO 53 PA.C.S. CH. 56
19 LOCATED WITHIN THE COUNTY, THE FEDERAL GOVERNMENT OR THE
20 COMMONWEALTH SHALL BE SUBJECT TO THE CONDITION THAT WHEN THE
21 PROPERTY IS NOT USED FOR THE PURPOSES OF THE ENTITY THE PROPERTY
22 SHALL REVERT TO THE COUNTY.

23 (B) IN THE CASE OF ANY LEASE OF REAL PROPERTY BY THE COUNTY
24 HEREUNDER, SUCH PROPERTY, WITH ANY AND ALL IMPROVEMENTS OR
25 ADDITIONS THEREON OR THERETO, SHALL, IN THE HANDS OF THE LESSEE,
26 BE SUBJECT TO TAXATION BY SUCH COUNTY AND ANY OTHER MUNICIPAL OR
27 POLITICAL SUBDIVISION THEREIN, IN THE SAME MANNER AS ALL OTHER
28 REAL ESTATE LOCATED IN SUCH COUNTY, ALL OF WHICH TAXES SHALL BE
29 LEVIED AND ASSESSED AGAINST AND PAID BY THE LESSEE.

30 (C) THIS SECTION SHALL NOT APPLY TO LEASES OR SALES OF

1 COUNTY PROPERTY OR OTHER PROPERTY WHICH ARE OTHERWISE
2 SPECIFICALLY PROVIDED FOR BY LAW.

3 (d) This section shall not apply to sales to a non-profit
4 corporation engaged in community industrial, commercial or
5 affordable housing development. Such conveyances or leases shall
6 be at the sole discretion of the county.

7 SECTION 4. SECTION 2506.1 OF THE ACT, ADDED SEPTEMBER 1, ←
8 1965 (P.L.431, NO.217), IS AMENDED TO READ:

9 SECTION 2506.1. SALE AND LEASE OF REAL PROPERTY TO
10 INDUSTRIAL DEVELOPMENT AGENCIES.--(A) [SUBJECT ONLY TO THE
11 PROVISIONS OF SECTION 2506 OF THIS ACT WITH RESPECT TO APPROVAL
12 OF THE COURT, THE] THE COUNTY MAY SELL TO ANY INDUSTRIAL
13 DEVELOPMENT AGENCY DESIGNATED AS SUCH AN INDUSTRIAL DEVELOPMENT
14 AGENCY, IN THE MANNER PROVIDED BY [THE ACT OF MAY 31, 1956
15 (P.L.1911), KNOWN AS THE "INDUSTRIAL DEVELOPMENT ASSISTANCE
16 LAW,"] CHAPTER 23 OF THE ACT OF JUNE 29, 1996 (P.L.434, NO.67),
17 KNOWN AS THE "JOB ENHANCEMENT ACT," WITH OR WITHOUT
18 CONSIDERATION, ANY LANDS, EASEMENTS OR RIGHTS IN LAND, TOGETHER
19 WITH ANY IMPROVEMENTS, BUILDINGS OR STRUCTURES THEREIN OR
20 THEREON NOW OWNED BY THE COUNTY OR HEREAFTER ACQUIRED BY IT FOR
21 THE PURPOSE OF ESTABLISHING OR ENLARGING ANY COMMERCIAL,
22 INDUSTRIAL OR MANUFACTURING ENTERPRISE OR RESEARCH AND
23 DEVELOPMENT CENTER WITHIN THE COUNTY, AND MAKE WITH SUCH
24 INDUSTRIAL DEVELOPMENT AGENCY ANY AND ALL AGREEMENTS FOR THE
25 INDUSTRIAL DEVELOPMENT OF SUCH LANDS, EASEMENTS OR RIGHTS IN
26 LANDS, OR MAY [WITH APPROVAL OF THE COURT AS PROVIDED IN SECTION
27 2506 OF THIS ACT,] LEASE TO ANY SUCH INDUSTRIAL DEVELOPMENT
28 AGENCY FOR A TERM NOT EXCEEDING NINETY-NINE YEARS AT A NOMINAL
29 OR OTHER RENTAL, AS MAY BE DETERMINED, ANY OR ALL LANDS,
30 EASEMENTS OR RIGHTS IN LANDS, TOGETHER WITH ANY IMPROVEMENTS,

1 STRUCTURES OR BUILDINGS THEREIN OR THEREON NOW OWNED BY THE
2 COUNTY OR HEREAFTER ACQUIRED BY IT FOR THE PURPOSE OF
3 ESTABLISHING OR ENLARGING ANY COMMERCIAL, INDUSTRIAL OR
4 MANUFACTURING ENTERPRISE, OR RESEARCH AND DEVELOPMENT CENTER
5 WITHIN THE COUNTY.

6 (B) ANY INSTRUMENT OF SALE, LEASE OR OTHER AGREEMENT MADE
7 PURSUANT TO THIS SECTION MAY CONTAIN PROVISIONS REGULATING THE
8 USES OF LANDS, BUILDINGS AND STRUCTURES FOR TRADE, INDUSTRY,
9 MANUFACTURE, RESEARCH, RESIDENCE, RECREATION, WATER SUPPLY,
10 PUBLIC ACTIVITIES OR OTHER PURPOSES.

11 SECTION 5. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
12 SECTION 2506.2. AUTHORITY TO SELL CERTAIN REAL PROPERTY AND
13 PERSONAL PROPERTY AS A SINGLE UNIT.--NOTWITHSTANDING ANY OTHER
14 PROVISIONS OF LAW, WHENEVER THE BOARD OF COMMISSIONERS
15 DETERMINES THAT THE CONTINUED OWNERSHIP AND OPERATION OF AN
16 INSTITUTION FOR THE CARE OF DEPENDENTS IS ECONOMICALLY
17 UNFEASIBLE, THE COUNTY COMMISSIONERS MAY SELL THE REAL PROPERTY
18 BELONGING TO THE COUNTY AND BEING USED FOR SUCH PURPOSES,
19 TOGETHER WITH ALL OF THE CONTENTS OF PERSONAL PROPERTY USED IN
20 CONNECTION WITH AND INCIDENTAL TO THE OPERATION OF THE
21 INSTITUTION, AS A SINGLE UNIT. ANY SUCH SALE OF REAL PROPERTY
22 AND PERSONAL PROPERTY AS A SINGLE UNIT SHALL BE DEEMED A SALE OF
23 REAL PROPERTY ONLY AND SHALL COMPLY ONLY WITH THE PROVISIONS OF
24 THIS ACT RELATING TO THE SALE OF REAL PROPERTY.

25 SECTION 6. SECTIONS 2511, 2515, 2516, 2518 AND 2519 OF THE
26 ACT ARE AMENDED TO READ:

27 SECTION 2511. SALE OF PERSONAL PROPERTY; DEMOLITION AND
28 REMOVAL OF COUNTY BUILDINGS.--(A) (1) THE COUNTY COMMISSIONERS
29 MAY SELL AT PRIVATE SALE ANY COUNTY OWNED PERSONAL PROPERTY
30 VALUED BY THE CONTROLLER AT NOT MORE THAN [FIVE HUNDRED DOLLARS

1 (\$500)] ONE THOUSAND DOLLARS (\$1,000), OR AT PUBLIC SALE, UNDER
2 CONDITIONS PRESCRIBED BY THE COMMISSIONERS, ANY COUNTY OWNED
3 PERSONAL PROPERTY VALUED [BY THE CONTROLLER] IN EXCESS OF THAT
4 AMOUNT.

5 (2) THE PROVISIONS OF THIS SECTION SHALL BE CONSTRUED TO
6 ALLOW:

7 (I) COUNTY PROPERTY TO BE TRADED IN OR EXCHANGED FOR NEW
8 PERSONAL PROPERTY.

9 (II) THE SALE OF PERSONAL PROPERTY WITH REAL PROPERTY AS A
10 SINGLE UNIT.

11 (B) WHENEVER ANY COUNTY OWNED BUILDING [VALUED BY THE
12 CONTROLLER AT NOT MORE THAN ONE THOUSAND DOLLARS (\$1000)] IS
13 DEEMED BY THE COUNTY COMMISSIONERS TO BE NO LONGER SUITABLE FOR
14 USE BY THE COUNTY, THEY MAY CAUSE IT TO BE DEMOLISHED OR REMOVED
15 FROM ITS LOCATION BY SUCH MEANS OR IN SUCH MANNER AS THEY DEEM
16 TO BE IN THE PUBLIC INTEREST. [ANY SUCH COUNTY OWNED BUILDING
17 VALUED BY THE CONTROLLER IN EXCESS OF THAT AMOUNT MAY BE SO
18 DEMOLISHED OR REMOVED WITH THE APPROVAL OF THE COURT OF QUARTER
19 SESSIONS OF THE COUNTY.]

20 SECTION 2515. AUTHORITY FOR ACQUIRING, CONSTRUCTING OR
21 ALTERING COUNTY BUILDINGS; EXCEPTION.--[WHENEVER THE BOARD OF
22 COMMISSIONERS ARE AUTHORIZED AND REQUIRED TO ERECT A COURTHOUSE,
23 JAIL OR OTHER COUNTY BUILDING, THEY SHALL SUBMIT THE PLANS AND
24 SPECIFICATIONS ADOPTED BY THEM TO THE COURT OF COMMON PLEAS FOR
25 ITS APPROVAL. UPON APPROVAL, THE COUNTY COMMISSIONERS SHALL LET
26 THE WORK BY CONTRACT TO THE LOWEST RESPONSIBLE BIDDER, IN
27 ACCORDANCE WITH THE PROVISIONS OF THIS ACT.] (A) THE COUNTY
28 COMMISSIONERS MAY PURCHASE OR TAKE BY GIFT ANY BUILDING AT THE
29 COUNTY SEAT OR ELSEWHERE AS AUTHORIZED BY LAW DEEMED SUITABLE
30 AND PROPER BY THEM FOR USE AS A COUNTY BUILDING.

1 (B) THE COUNTY COMMISSIONERS MAY PROVIDE, IN ACCORDANCE WITH
2 THIS SECTION, FOR THE CONSTRUCTION OR ALTERATION, INCLUDING
3 ENLARGEMENT OF A COUNTY COURT HOUSE, COUNTY JAIL, PRISON,
4 WORKHOUSE, DETENTION HOUSE AND SUCH OTHER COUNTY BUILDINGS, AS
5 MAY BE REQUIRED OR AUTHORIZED BY LAW. SUCH CONSTRUCTION OR
6 ALTERATION SHALL BE DONE AT THE COUNTY SEAT OR ELSEWHERE AS
7 AUTHORIZED BY LAW. WHENEVER THE COUNTY COMMISSIONERS UNDERTAKE
8 ANY SUCH CONSTRUCTION OR ALTERATION, THEY SHALL CAUSE TO BE
9 PREPARED PLANS AND SPECIFICATIONS THEREFOR. THE COUNTY
10 COMMISSIONERS MAY SECURE BIDS FOR THE CONTRACT OR CONTRACTS
11 INVOLVED IN THE CONSTRUCTION OR ALTERATION IN ACCORDANCE WITH
12 THIS ACT. ANY SUCH CONTRACT OR CONTRACTS SHALL BE MADE AS
13 PROVIDED BY THIS ACT.

14 (C) EXCEPT WHERE ANOTHER PROCEDURE IS PROVIDED BY LAW WITH
15 REGARD TO SUCH CONSTRUCTION OR ALTERATION OF ANY PARTICULAR
16 COUNTY BUILDING, THE COUNTY COMMISSIONERS SHALL COMPLY WITH THE
17 PROVISIONS OF THIS SECTION FOR ALL SUCH PURPOSES.

18 SECTION 2516. RIGHT TO BUILD ON PUBLIC SQUARES.--WHENEVER
19 THE COURTHOUSE, JAIL OR OTHER BUILDING OF THE COUNTY IS LOCATED
20 UPON A PUBLIC SQUARE OR COMMON IN THE CITY, BOROUGH OR TOWNSHIP,
21 THEN BEING THE COUNTY SEAT, AND A NEW BUILDING IS AUTHORIZED AND
22 REQUIRED TO BE ERECTED IN PLACE OF SUCH COURTHOUSE, JAIL OR
23 OTHER BUILDING, THE BOARD OF COUNTY COMMISSIONERS MAY ERECT SUCH
24 NEW BUILDING UPON ANY OTHER OF THE PUBLIC SQUARES OR COMMONS OF
25 SAID CITY, BOROUGH OR TOWNSHIP, OR UPON ANY PART THEREOF[, IF
26 THE COUNCIL OF THE CITY, BOROUGH OR TOWNSHIP SHALL HAVE FIRST
27 CONSENTED TO SUCH NEW LOCATION FOR SAID BUILDING].

28 SECTION 2518. ADDITIONAL BOND TO PROTECT LABOR AND
29 MATERIALMEN ON CONTRACTS.--[(A) IT SHALL BE THE DUTY OF THE
30 COUNTY TO REQUIRE ANY PERSON, COPARTNERSHIP, ASSOCIATION OR

1 CORPORATION ENTERING INTO CONTRACT WITH SUCH COUNTY FOR THE
2 CONSTRUCTION, ERECTION, INSTALLATION, COMPLETION, ALTERATION,
3 REPAIR OF OR ADDITION TO ANY PUBLIC WORK OR IMPROVEMENT, OF ANY
4 KIND WHATSOEVER, WHERE THE AMOUNT OF SUCH CONTRACT IS IN EXCESS
5 OF FIVE HUNDRED DOLLARS (\$500), BEFORE COMMENCING WORK UNDER
6 SUCH CONTRACT, TO EXECUTE AND DELIVER TO SUCH COUNTY, IN
7 ADDITION TO ANY OTHER BOND WHICH MAY NOW OR HEREAFTER BE
8 REQUIRED BY LAW TO BE GIVEN IN CONNECTION WITH SUCH CONTRACT, AN
9 ADDITIONAL BOND FOR THE USE OF ANY AND EVERY PERSON,
10 COPARTNERSHIP, ASSOCIATION OR CORPORATION INTERESTED, IN A SUM
11 NOT LESS THAN FIFTY PER CENTUM AND NOT MORE THAN ONE HUNDRED PER
12 CENTUM OF THE CONTRACT PRICE, AS SUCH COUNTY MAY PRESCRIBE. SUCH
13 BOND SHALL HAVE AS SURETY THEREON ONE OR MORE SURETY COMPANIES
14 LEGALLY AUTHORIZED TO DO BUSINESS IN THIS COMMONWEALTH, AND
15 SHALL BE CONDITIONED FOR THE PROMPT PAYMENT FOR ALL MATERIAL
16 FURNISHED AND LABOR SUPPLIED OR PERFORMED IN THE PROSECUTION OF
17 THE WORK, WHETHER OR NOT THE SAID MATERIAL OR LABOR ENTER INTO
18 AND BECOME COMPONENT PARTS OF THE WORK OR IMPROVEMENT
19 CONTEMPLATED.

20 (B) SUCH ADDITIONAL BOND SHALL BE DEPOSITED WITH AND HELD BY
21 THE COUNTY FOR THE USE OF ANY PARTY INTERESTED THEREIN.

22 (C) EVERY SUCH ADDITIONAL BOND SHALL PROVIDE THAT EVERY
23 PERSON, COPARTNERSHIP, ASSOCIATION OR CORPORATION WHO, WHETHER
24 AS SUBCONTRACTOR OR OTHERWISE, HAS FURNISHED MATERIAL OR
25 SUPPLIED OR PERFORMED LABOR IN THE PROSECUTION OF THE WORK, AS
26 ABOVE PROVIDED, AND WHO HAS NOT BEEN PAID THEREFOR, MAY SUE IN
27 ASSUMPSIT ON SAID ADDITIONAL BOND, IN THE NAME OF THE COUNTY,
28 FOR HIS, THEIR OR ITS USE, AND PROSECUTE THE SAME TO FINAL
29 JUDGMENT FOR SUCH SUM OR SUMS AS MAY BE JUSTLY DUE HIM, THEM OR
30 IT, AND HAVE EXECUTION THEREON, BUT THE COUNTY SHALL NOT BE

1 LIABLE FOR THE PAYMENT OF ANY COSTS OR EXPENSE OF ANY SUIT.

2 (D) ANY CONTRACT EXECUTED IN VIOLATION OF THE PROVISIONS OF
3 THIS SECTION SHALL BE NULL AND VOID.]

4 (E) UNLESS COVERED UNDER THE BONDING REQUIREMENTS OF THE ACT
5 OF DECEMBER 20, 1967 (P.L.869, NO.385), KNOWN AS THE "PUBLIC
6 WORKS CONTRACTORS' BOND LAW OF 1967," FOR CONSTRUCTION CONTRACTS
7 AWARDED FOR AMOUNTS BETWEEN TWENTY-FIVE THOUSAND DOLLARS
8 (\$25,000) AND ONE HUNDRED THOUSAND DOLLARS (\$100,000), THE
9 SUCCESSFUL BIDDER SHALL FURNISH A BOND GUARANTEEING PERFORMANCE
10 OF THE CONTRACT, IN AN AMOUNT AS DETERMINED BY THE BOARD OF
11 COMMISSIONERS AT THE TIME OF ADVERTISING FOR BIDS WHICH SHALL BE
12 NOT LESS THAN TEN PER CENTUM NOR MORE THAN ONE HUNDRED PER
13 CENTUM OF THE AMOUNT OF THE CONTRACT, WITHIN THIRTY (30) DAYS
14 AFTER THE CONTRACT IS AWARDED. WHEN A CONSTRUCTION CONTRACT IS
15 AWARDED IN EXCESS OF ONE HUNDRED THOUSAND DOLLARS (\$100,000),
16 THE FOLLOWING BONDS SHALL BE DELIVERED TO THE COUNTY AND SHALL
17 BE BINDING ON THE PARTIES UPON THE EXECUTION OF THE CONTRACT:

18 (1) A PERFORMANCE BOND, EXECUTED BY A SURETY COMPANY
19 AUTHORIZED TO DO BUSINESS IN THIS COMMONWEALTH AND MADE PAYABLE
20 TO THE COUNTY IN AN AMOUNT AS DETERMINED BY THE COUNTY
21 COMMISSIONERS AT THE TIME OF ADVERTISING FOR BIDS WHICH SHALL BE
22 NOT LESS THAN FIFTY PER CENTUM NOR MORE THAN ONE HUNDRED PER
23 CENTUM OF THE PRICE SPECIFIED IN THE CONTRACT AND CONDITIONED
24 UPON THE FAITHFUL PERFORMANCE OF THE CONTRACT IN ACCORDANCE WITH
25 THE PLANS, SPECIFICATIONS AND CONDITIONS OF THE CONTRACT.

26 (2) A PAYMENT BOND, EXECUTED BY A SURETY COMPANY AUTHORIZED
27 TO DO BUSINESS IN THIS COMMONWEALTH AND MADE PAYABLE TO THE
28 COUNTY IN AN AMOUNT EQUAL TO ONE HUNDRED PER CENTUM OF THE PRICE
29 SPECIFIED IN THE CONTRACT AND CONDITIONED UPON THE PROMPT
30 PAYMENT FOR ALL MATERIALS FURNISHED OR LABOR SUPPLIED OR

1 PERFORMED IN THE PROSECUTION OF THE WORK. LABOR OR MATERIALS
2 INCLUDE PUBLIC UTILITY SERVICES AND REASONABLE RENTALS OF
3 EQUIPMENT FOR THE PERIODS WHEN THE EQUIPMENT IS ACTUALLY USED AT
4 THE SITE.

5 (F) A PERFORMANCE BOND SHALL BE SOLELY FOR THE PROTECTION OF
6 THE COUNTY. A PAYMENT BOND SHALL BE SOLELY FOR THE PROTECTION OF
7 CLAIMANTS SUPPLYING LABOR OR MATERIALS TO THE PRIME CONTRACTOR
8 TO WHOM THE CONTRACT WAS AWARDED OR TO ANY OF ITS SUBCONTRACTORS
9 IN THE PROSECUTION OF THE WORK PROVIDED FOR IN THE CONTRACT,
10 WHETHER OR NOT THE LABOR OR MATERIALS CONSTITUTES A COMPONENT
11 PART OF THE CONSTRUCTION.

12 (G) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE
13 AUTHORITY OF THE COMMISSIONERS TO REQUIRE A PERFORMANCE BOND,
14 PAYMENT BOND OR OTHER SECURITY IN ADDITION TO THOSE BONDS OR IN
15 CIRCUMSTANCES OTHER THAN SPECIFIED IN SUBSECTION (E).

16 (H) ACTIONS ON PAYMENT BONDS SHALL BE PURSUANT TO THE
17 FOLLOWING:

18 (1) SUBJECT TO PARAGRAPH (2), ANY CLAIMANT WHO HAS PERFORMED
19 LABOR OR FURNISHED MATERIAL IN THE PROSECUTION OF THE WORK
20 PROVIDED FOR IN ANY CONTRACT FOR WHICH A PAYMENT BOND HAS BEEN
21 GIVEN UNDER SUBSECTION (E) AND WHO HAS NOT BEEN PAID IN FULL
22 BEFORE THE EXPIRATION OF NINETY (90) DAYS AFTER THE DAY ON WHICH
23 THE CLAIMANT PERFORMED THE LAST OF THE LABOR OR FURNISHED THE
24 LAST OF THE MATERIALS FOR WHICH IT CLAIMS PAYMENTS MAY BRING AN
25 ACTION ON THE PAYMENT BOND IN ITS OWN NAME, IN ASSUMPSIT, TO
26 RECOVER ANY AMOUNT DUE IT FOR THE LABOR OR MATERIAL AND MAY
27 PROSECUTE THE ACTION TO FINAL JUDGMENT AND HAVE EXECUTION ON THE
28 JUDGMENT.

29 (2) ANY CLAIMANT WHO HAS A DIRECT CONTRACTUAL RELATIONSHIP
30 WITH ANY SUBCONTRACTOR OF THE PRIME CONTRACTOR WHO GAVE THE

1 PAYMENT BOND BUT HAS NO CONTRACTUAL RELATIONSHIP, EXPRESS OR
2 IMPLIED, WITH THE PRIME CONTRACTOR MAY BRING AN ACTION ON THE
3 PAYMENT BOND ONLY IF IT HAS GIVEN WRITTEN NOTICE TO THE
4 CONTRACTOR WITHIN NINETY (90) DAYS FROM THE DATE ON WHICH THE
5 CLAIMANT PERFORMED THE LAST OF THE LABOR OR FURNISHED THE LAST
6 OF THE MATERIALS FOR WHICH IT CLAIMS PAYMENT, STATING WITH
7 SUBSTANTIAL ACCURACY THE AMOUNT AND THE NAME OF THE PERSON FOR
8 WHOM THE WORK WAS PERFORMED OR TO WHOM THE MATERIAL WAS
9 FURNISHED.

10 (3) NOTICE SHALL BE SERVED BY REGISTERED MAIL IN AN ENVELOPE
11 ADDRESSED TO THE CONTRACTOR AT ANY PLACE WHERE ITS OFFICE IS
12 REGULARLY MAINTAINED FOR THE TRANSACTION OF BUSINESS OR SERVED
13 IN ANY MANNER IN WHICH LEGAL PROCESS MAY BE SERVED IN THE MANNER
14 PROVIDED BY LAW FOR THE SERVICE OF A SUMMONS EXCEPT THAT THE
15 SERVICE NEED NOT BE MADE BY A PUBLIC OFFICER.

16 (I) THE DOLLAR THRESHOLD SET FORTH IN SUBSECTION (E) SHALL
17 BE ADJUSTED ANNUALLY TO REFLECT THE ANNUAL PERCENTAGE CHANGE IN
18 THE COMPOSITE CONSTRUCTION COST INDEX OF THE UNITED STATES
19 DEPARTMENT OF COMMERCE OCCURRING IN THE ONE-YEAR PERIOD ENDING
20 DECEMBER 31 OF EACH YEAR.

21 SECTION 2519. COMPLIANCE WITH WORKMEN'S COMPENSATION LAW.--

22 (A) ALL CONTRACTS EXECUTED BY THE BOARD OF COMMISSIONERS WHICH
23 SHALL INVOLVE THE CONSTRUCTION OR DOING OF ANY WORK INVOLVING
24 THE EMPLOYMENT OF LABOR SHALL CONTAIN A PROVISION THAT THE
25 CONTRACTOR SHALL ACCEPT, IN SO FAR AS THE WORK COVERED BY ANY
26 SUCH CONTRACT IS CONCERNED, THE PROVISIONS OF THE [WORKMEN'S
27 COMPENSATION ACT] ACT OF JUNE 2, 1915 (P.L.736, NO.338), KNOWN
28 AS THE "WORKERS' COMPENSATION ACT," AND ANY REENACTMENTS,
29 SUPPLEMENTS OR AMENDMENTS THERETO, AND THAT THE SAID CONTRACTOR
30 WILL INSURE HIS LIABILITY THEREUNDER OR FILE WITH THE BOARD OF

1 COMMISSIONERS A CERTIFICATE OF EXEMPTION FROM INSURANCE FROM THE
2 DEPARTMENT OF LABOR AND INDUSTRY OF THE COMMONWEALTH.

3 (B) THE BOARD OF COMMISSIONERS, BEFORE SIGNING ON BEHALF OF
4 THE COUNTY ANY CONTRACT, REQUIRING IN ITS PERFORMANCE THE
5 EMPLOYMENT OF LABOR, SHALL REQUIRE PROOF THAT THE SAID
6 CONTRACTOR WITH WHOM THE CONTRACT IS MADE SHALL HAVE ACCEPTED
7 THE [WORKMEN'S] WORKERS' COMPENSATION ACT AND ANY REENACTMENTS,
8 SUPPLEMENTS OR AMENDMENTS THERETO, AND PROOF THAT THE SAID
9 CONTRACTOR HAS INSURED HIS LIABILITY THEREUNDER IN ACCORDANCE
10 WITH THE TERMS OF SAID ACT OR THAT THE CONTRACTOR HAS HAD ISSUED
11 TO HIM A CERTIFICATE OF EXEMPTION FROM INSURANCE FROM THE
12 DEPARTMENT OF LABOR AND INDUSTRY.

13 (C) ANY CONTRACT EXECUTED IN VIOLATION OF THE PROVISIONS OF
14 THIS SECTION SHALL BE NULL AND VOID.

15 SECTION 7. SECTION 2520 OF THE ACT IS REPEALED.

16 SECTION 8. SECTIONS 2529, 2545 AND 2550 OF THE ACT ARE
17 AMENDED TO READ:

18 SECTION 2529. DISORDERLY CONDUCT IN AND ABOUT COURTHOUSES
19 AND JAILS PROHIBITED.--IT IS UNLAWFUL FOR ANY PERSON TO CAUSE
20 ANY OUTCRY OR DISORDER, OR BE GUILTY OF ANY INDECENT OR
21 UNBECOMING CONDUCT TENDING TO DISTURB THE PEACE AND GOOD ORDER,
22 IN THE COUNTY COURTHOUSE, JAIL OR OTHER COUNTY BUILDINGS, OR TO
23 WILFULLY OR CARELESSLY DEFILE, DEFACE OR INJURE THE FLOORS,
24 WALLS OR ANY OTHER PORTION OF SAID BUILDINGS, OR FENCES OR
25 RAILINGS SURROUNDING THE SAME, OR THE CARPETS, FURNITURE OR
26 OTHER ARTICLES OR THINGS USED IN OR ABOUT SAID BUILDINGS,
27 BELONGING TO THE COUNTY. [ANY PERSON VIOLATING ANY OF THE
28 PROVISIONS OF THIS SECTION SHALL MAKE RESTITUTION FOR DAMAGES
29 ARISING THEREFROM AND SHALL, UPON SUMMARY CONVICTION THEREOF, BE
30 SENTENCED TO PAY A FINE NOT EXCEEDING FIFTY DOLLARS (\$50). IN

1 CASE SUCH PERSON SHALL NEGLECT OR REFUSE TO PAY THE SAME, HE OR
2 SHE SHALL SUFFER AN IMPRISONMENT NOT EXCEEDING THIRTY (30)
3 DAYS.] ANY PERSON VIOLATING ANY OF THE PROVISIONS OF THIS
4 SECTION COMMITS A SUMMARY OFFENSE AND, UPON CONVICTION, SHALL
5 MAKE RESTITUTION FOR DAMAGES ARISING THEREFROM.

6 SECTION 2545. JOINING WITH [CITY] MUNICIPALITY IN IMPROVING
7 CERTAIN STREETS AND HIGHWAYS.--(A) THE BOARD OF COMMISSIONERS
8 OF THE COUNTY MAY ERECT PUBLIC BUILDINGS IN ANY [CITY, WITH THE
9 APPROVAL OF THE COURT OF COMMON PLEAS] MUNICIPALITY. THE COUNTY
10 MAY JOIN WITH THE PROPER AUTHORITIES OF SUCH [CITY] MUNICIPALITY
11 IN THE GRADING, REGRADING, PAVING, RE-PAVING AND IMPROVEMENT OF
12 SO MUCH OF THE STREETS AND HIGHWAYS AS ARE IN, UPON OR ALONGSIDE
13 OF THE GROUNDS UPON WHICH SAID PUBLIC BUILDINGS STAND.

14 (B) THE COMMISSIONERS MAY ENTER INTO CONTRACT WITH ANY SUCH
15 [CITY AUTHORITIES] MUNICIPALITY FOR THE PAYMENT OF A JUST
16 PROPORTION OF THE EXPENSE OF SAID GRADING, RE-GRADING, PAVING,
17 RE-PAVING AND IMPROVEMENT OF SAID STREETS AND HIGHWAYS, AND MAY
18 APPROPRIATE FROM THE COUNTY TREASURY SUFFICIENT FUNDS FOR THIS
19 PURPOSE. THEY MAY ACT WITH ANY COMMITTEE OR COMMITTEES WHICH MAY
20 BE APPOINTED BY SUCH [CITY AUTHORITIES] MUNICIPALITY TO
21 ESTABLISH GRADES, DETERMINE THE KIND AND QUALITY OF PAVING
22 MATERIALS TO BE USED, AND RATIFY THE CONTRACTS ENTERED INTO BY
23 SAID [CITY AUTHORITIES] MUNICIPALITY IN THE COURSE OF SAID
24 IMPROVEMENTS.

25 (C) NO OBLIGATION SHALL REST UPON THE COUNTY FOR ANY
26 PROPORTION OF THE EXPENSES OF SUCH IMPROVEMENTS UNTIL THE
27 SELECTION OF GRADES AND PAVING MATERIALS AND THE ACCEPTANCE OF
28 BIDS BY SAID [CITY AUTHORITIES] MUNICIPALITY SHALL HAVE BEEN
29 RATIFIED BY THE BOARD OF COMMISSIONERS [AND APPROVED BY THE
30 COURT OF COMMON PLEAS].

1 SECTION 2550. PARKS AND COMFORT HOUSES.--(A) THE
2 COMMISSIONERS MAY PURCHASE LAND TO BE USED FOR PARK PURPOSES OR
3 FOR THE ERECTION THEREON OF PUBLIC COMFORT HOUSES. THE LAND
4 PURCHASED FOR SUCH PURPOSES SHALL LIE WITHIN THE LIMITS OF [SUCH
5 COUNTY AND SHALL BE CONTIGUOUS TO OR IN THE VICINITY OF A COUNTY
6 ROAD AND SHALL BE OUTSIDE THE CORPORATE LIMITS OF ANY CITY OR
7 BOROUGH. THE AMOUNT THAT MAY BE EXPENDED FOR SUCH PURPOSES SHALL
8 NOT EXCEED THE SUM OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000) IN
9 ANY ONE YEAR, NOR THE SUM OF FIVE THOUSAND DOLLARS (\$5,000) FOR
10 ANY SINGLE PARK OR ANY SINGLE COMFORT HOUSE. THE BOARD OF
11 COMMISSIONERS SHALL AGREE WITH THE OWNER OR OWNERS OF THE LAND
12 SELECTED UPON A REASONABLE PRICE TO BE PAID THEREFOR.] THE
13 COUNTY. THE COUNTY MAY ERECT AND MAINTAIN ON THE LAND SUCH
14 BUILDINGS AS ARE NECESSARY TO FULFILL THE PURPOSE FOR WHICH THE
15 LAND WAS ACQUIRED.

16 (B) THE COMMISSIONERS MAY ADOPT REASONABLE RULES AND
17 REGULATIONS NECESSARY FOR PRESERVATION, MANAGEMENT AND CONTROL
18 OF PARKS AND PUBLIC COMFORT HOUSES SO ESTABLISHED AND
19 MAINTAINED, AND PROVIDE PENALTIES FOR THE BREACH THEREOF. ALL
20 RULES ADOPTED BY THE BOARD OF COMMISSIONERS SHALL, BEFORE
21 BECOMING OPERATIVE, BE PUBLISHED ONCE A WEEK FOR THREE
22 CONSECUTIVE WEEKS IN [THREE NEWSPAPERS] A NEWSPAPER OF GENERAL
23 CIRCULATION IN THE COUNTY[, AND SHALL BE RECORDED IN THE OFFICE
24 OF THE RECORDER OF DEEDS IN THE COUNTY].

25 (C) ANY PERSON VIOLATING ANY RULES SO ADOPTED SHALL[, UPON
26 SUMMARY CONVICTION, BE SENTENCED TO PAY A FINE OF NOT LESS THAN
27 FIVE DOLLARS (\$5) NOR MORE THAN TWENTY-FIVE DOLLARS (\$25), WHICH
28 SHALL BE PAYABLE TO THE COUNTY TREASURER, WHO SHALL ADD THE FINE
29 TO THE FUND FOR THE IMPROVEMENT OF COUNTY ROADS] BE GUILTY OF A
30 SUMMARY OFFENSE.

1 SECTION 9. SECTION 2555 OF THE ACT, AMENDED APRIL 20, 1956
2 (1955 P.L.1481, NO.490), IS AMENDED TO READ:

3 SECTION 2555. MONUMENTS AND MEMORIALS TO WAR VETERANS.--THE
4 COMMISSIONERS MAY APPROPRIATE MONEY FOR AND PROVIDE FOR THE
5 ERECTION OF MONUMENTS OR MEMORIALS COMMEMORATING THE SERVICES OF
6 ANY PERSON WHO HAS SERVED IN THE ARMED FORCES OF THE UNITED
7 STATES OR IN ANY WOMEN'S ORGANIZATION OFFICIALLY CONNECTED
8 THEREWITH DURING ANY PART OF ANY WAR OR ARMED CONFLICT IN WHICH
9 THE UNITED STATES HAS BEEN OR MAY HEREAFTER BE ENGAGED. [THE
10 STYLE AND CHARACTER OF SUCH MONUMENTS OR MEMORIALS SHALL BE
11 APPROVED BY THE STATE ART COMMISSION.]

12 SECTION 10. SECTION 2556 OF THE ACT IS AMENDED TO READ:

13 SECTION 2556. ASSISTANCE TO PRIVATE OR MUNICIPAL AGENCIES.--
14 THE COMMISSIONERS MAY, IN ORDER TO PREVENT DUPLICATION,
15 APPROPRIATE MONEY TO ASSIST ANY INDIVIDUAL, PRIVATE CORPORATION,
16 CITY, BOROUGH OR TOWNSHIP IN THE ERECTION OF ANY MONUMENT OR
17 MEMORIAL FOR SAID SOLDIERS, SAILORS AND MARINES. [BEFORE ANY
18 SUCH APPROPRIATION IS MADE, THE STYLE AND CHARACTER OF SUCH
19 MONUMENT OR MEMORIAL SHALL BE APPROVED BY THE STATE ART
20 COMMISSION.]

21 SECTION 11. SECTIONS 2557 AND 2558 OF THE ACT ARE REPEALED.

22 SECTION 12. SECTION 2577(B) OF THE ACT IS AMENDED TO READ:

23 SECTION 2577. ACQUIRING OF PROPERTY.--* * *

24 (B) COUNTIES MAY APPROPRIATE MONEY FROM THE PUBLIC FUNDS OR
25 BY ISSUANCE OF BONDS IN ACCORDANCE WITH [THE MUNICIPAL BORROWING
26 LAW] 53 PA.C.S. PT. VII, SUBPT. B (RELATING TO INDEBTEDNESS AND
27 BORROWING) FOR THE ERECTION ON SAID PROPERTY TAKEN, PURCHASED OR
28 ACQUIRED THROUGH CONDEMNATION PROCEEDINGS, PUBLIC AUDITORIUMS,
29 PUBLIC LIBRARIES, PUBLIC MEMORIAL BUILDINGS AND MONUMENTS. THEY
30 MAY APPROPRIATE MONEYS FOR THE OPERATION AND MAINTENANCE OF SUCH

1 PUBLIC AUDITORIUMS, PUBLIC LIBRARIES, MEMORIALS, BUILDINGS AND
2 MONUMENTS.

3 SECTION 13. SECTION 2579 OF THE ACT IS REPEALED.

4 SECTION 14. SECTION 2590 OF THE ACT IS AMENDED TO READ:

5 SECTION 2590. AUTHORITY TO PROVIDE; APPROVAL.--THE COUNTY
6 COMMISSIONERS OF EACH COUNTY MAY[, UPON PRESENTMENT OF TWO
7 SUCCESSIVE GRAND JURIES OF THE COUNTY,] BUY OR LEASE LAND AND
8 CONSTRUCT AND MAINTAIN THEREON, AT THE EXPENSE OF THE COUNTY, A
9 MORGUE FOR THE RECEPTION AND CARE OF THE BODIES OF ALL UNCLAIMED
10 DECEASED PERSONS UPON WHOM IT MAY BE NECESSARY TO HOLD A
11 CORONER'S INQUEST AND SUCH OTHER BODIES AS THE CORONER OF THE
12 COUNTY MAY, BY WRITTEN ORDER, DIRECT TO BE RECEIVED THEREIN. THE
13 LOCATION OF SUCH MORGUE SHALL BE DETERMINED BY THE COUNTY
14 COMMISSIONERS, SUBJECT TO THE APPROVAL OF [A JUDGE OF THE COURT
15 OF COMMON PLEAS AND] THE CORONER OF THE COUNTY.

16 SECTION 15. SECTIONS 2706, 2707, 2708, 2709, 2710 AND 2711
17 OF THE ACT ARE REPEALED.

18 SECTION 16. SECTIONS 2712, 2713(A), 2714, 2715 AND 2717 OF
19 THE ACT ARE AMENDED TO READ:

20 SECTION 2712. BUILDING OR REBUILDING IN EMERGENCIES.--WHEN A
21 COUNTY BRIDGE WHOLLY WITHIN THE COUNTY OR ON THE BOUNDARY LINE
22 BETWEEN ANY TWO COUNTIES HAS BEEN OR SHALL HEREAFTER BE
23 DESTROYED OR PARTIALLY DESTROYED, OR RENDERED IMPASSABLE, OR
24 BECOMES INSUFFICIENT OR INADEQUATE TO ACCOMMODATE PUBLIC TRAVEL,
25 OR IN ANY OTHER CASE OF EMERGENCY IT BECOMES NECESSARY TO
26 CONSTRUCT OR RECONSTRUCT ANY SUCH BRIDGE, THE COUNTY
27 COMMISSIONERS OF THE COUNTY OR OF ANY TWO COUNTIES, IN CASE OF A
28 JOINT COUNTY BRIDGE, MAY[, UPON THE APPROVAL OF THE COURT OR
29 COURTS OF QUARTER SESSIONS OF SUCH COUNTY OR COUNTIES,] ERECT
30 AND CONSTRUCT A NEW BRIDGE, OR RECONSTRUCT ANY PARTIALLY

1 DESTROYED, INSUFFICIENT OR INADEQUATE BRIDGE, TO TAKE THE PLACE
2 OF SUCH WHOLLY OR PARTIALLY DESTROYED OR INSUFFICIENT OR
3 INADEQUATE BRIDGE.

4 SECTION 2713. BRIDGES ON BOUNDARY BETWEEN TWO COUNTIES.--(A)
5 WHENEVER ANY BRIDGE CONTEMPLATED BY ANY OF THE PROVISIONS OF
6 THIS ARTICLE IS ON THE BOUNDARY LINE BETWEEN TWO COUNTIES OR
7 WITHIN ONE-FOURTH OF A MILE THEREFROM AND NECESSARY FOR THE
8 ACCOMMODATION OF THE INHABITANTS OF BOTH COUNTIES, THE
9 COMMISSIONERS OF SUCH COUNTIES SHALL ACT JOINTLY IN THE EXERCISE
10 OF ALL POWERS CONFERRED UPON THEM AND IN THE PERFORMANCE OF ALL
11 DUTIES IMPOSED UPON THEM. [WHENEVER A PETITION OF RESIDENTS OR
12 TAXPAYERS IS REQUIRED, SUCH PETITION SHALL BE MADE BY THE
13 REQUIRED NUMBER OF PETITIONERS IN EACH COUNTY TO THE COURT OF
14 QUARTER SESSIONS OR THE COURT OF COMMON PLEAS, AS THE CASE MAY
15 BE, OF THEIR COUNTY. WHENEVER ANY OTHER PETITIONS ARE REQUIRED,
16 SUCH PETITIONS SHALL BE MADE TO EACH OF SUCH COURTS. EACH OF THE
17 COURTS SHALL ACT ON SUCH PETITIONS AND SHALL COMMUNICATE ITS
18 APPROVAL OR DISAPPROVAL TO THE OTHER COURT.]

19 * * *

20 SECTION 2714. PAYMENT OF COST[; TOLLS; RENTALS].--(A) ALL
21 EXPENSES IN CONNECTION WITH ANY MATTERS AFFECTING ANY SUCH
22 BRIDGE SHALL BE BORNE BY THE TWO COUNTIES JOINTLY IN EQUAL
23 PROPORTIONS OR IN ANY OTHER PROPORTIONS, AS THE COMMISSIONERS OF
24 THE SEVERAL COUNTIES MAY AGREE UPON.

25 [(B) WHENEVER IT IS NECESSARY FOR ANY COUNTIES, IN THE
26 CONSTRUCTION OF ANY JOINT COUNTY BRIDGE OR IN JOINT ACQUISITION
27 OF ANY TOLL BRIDGE, TO ISSUE BONDS IN PAYMENT OF SUCH
28 CONSTRUCTION, ERECTION OR ACQUISITION, INCLUDING THE APPROACHES
29 THERETO, THE DAMAGES SUSTAINED BY THE OWNER OR OWNERS OF LANDS
30 TAKEN IN THE CONSTRUCTION THEREOF AND INCLUDING REASONABLE FEES

1 FOR NECESSARY LEGAL SERVICES REQUIRED IN SUCH CONSTRUCTION,
2 ERECTION AND ACQUISITION, THE COMMISSIONERS OF SAID COUNTIES
3 MAY, WITH THE CONSENT OF THE STATE DEPARTMENT OF HIGHWAYS, IF
4 THE COST OF SUCH BRIDGE WAS IN EXCESS OF FOUR HUNDRED THOUSAND
5 DOLLARS (\$400,000), ASSESS, SUPERVISE AND COLLECT SUCH TOLLS FOR
6 THE USE OF SAID BRIDGE FOR ALL TRAFFIC AS MAY BE NECESSARY, TO
7 PAY THE INTEREST ON SAID BONDS AND TO CREATE A SINKING FUND FOR
8 THE PAYMENT AND REDEMPTION OF THE SAME WITHIN THIRTY YEARS FROM
9 THE DATE OF THE ISSUE THEREOF, AND TO PAY ALSO THE COSTS AND
10 EXPENSES OF OPERATING AND MAINTAINING SUCH BRIDGE BETWEEN THE
11 TIME OF CONSTRUCTION THEREOF AND THE DATE OF THE REDEMPTION OF
12 THE LAST OF SAID BONDS TO BE REDEEMED BY SUCH TOLLS.

13 (C) THE TOLLS SO COLLECTED SHALL BE DISTRIBUTED BETWEEN SUCH
14 COUNTIES IN PROPORTION TO THE AMOUNT PAID IN BY EACH COUNTY IN
15 THE ORIGINAL CONSTRUCTION OR ACQUISITION, AND IN NO CASE SHALL
16 ANY TOLLS BE COLLECTED AFTER THE REDEMPTION OF THE ORIGINAL
17 BONDS ISSUED. ALL MONEYS RECEIVED FROM RENTALS FOR SPECIAL USE
18 SHALL BE DIVIDED BETWEEN THEM IN THE SAME PROPORTION. SUCH
19 BRIDGE SHALL BE A JOINT COUNTY BRIDGE.]

20 SECTION 2715. MANAGEMENT, MAINTENANCE AND POLICING OF JOINT
21 COUNTY [TOLL BRIDGES; TURNING OVER TO THE DEPARTMENT OF
22 HIGHWAYS] BRIDGES.--(A) SUCH JOINT COUNTY BRIDGE SHALL BE
23 MANAGED, CONTROLLED, MAINTAINED, REPAIRED, OPERATED AND LIGHTED
24 BY THE COMMISSIONERS OF THE SAID COUNTIES, ACTING AS A JOINT
25 COUNTY BRIDGE COMMISSION, WHO ARE HEREBY AUTHORIZED TO ACT
26 JOINTLY IN THE EMPLOYMENT OF SUCH [WORKMEN, COLLECTORS OF TOLLS
27 AND OTHER] EMPLOYES AND FIX THEIR WAGES, SALARIES AND
28 COMPENSATION, AND TO INCUR SUCH OTHER EXPENSES IN THE
29 CONSTRUCTION AND OPERATION OF SUCH BRIDGE, INCLUDING THE
30 COMPENSATION OF SUCH ATTORNEYS AS IN THEIR JUDGMENT SHALL BE

1 REQUISITE AND NECESSARY. ALL DECISIONS OF SUCH COMMISSION SHALL
2 REQUIRE A MAJORITY VOTE OF ALL THE MEMBERS THEREOF.

3 (B) THE COMMISSIONERS OF SAID COUNTIES, ACTING JOINTLY,
4 SHALL HAVE POWER TO ADOPT SUCH RULES AND REGULATIONS AS THEY
5 DEEM EXPEDIENT FOR THE PROPER GOVERNMENT AND MANAGEMENT OF SAID
6 BRIDGE AND FOR THE PRESERVATION OF GOOD ORDER, SAFE TRAFFIC AND
7 PROPER CONDUCT THEREON. [SAID COMMISSIONERS ARE FURTHER
8 AUTHORIZED AND EMPOWERED TO MAKE ARRESTS FOR EVASION OR ATTEMPTS
9 TO EVADE THE PAYMENT OF TOLLS WHICH MAY BE FIXED OR MAY HAVE
10 BEEN FIXED FOR PASSAGE OVER SAID BRIDGE.]

11 (C) FOR ANY VIOLATIONS THEREOF, THE OFFENDER OR OFFENDERS
12 SHALL BE [SUBJECT TO A FINE OR PENALTY OF NOT LESS THAN TEN
13 DOLLARS (\$10) OR MORE THAN TWENTY-FIVE DOLLARS (\$25), TOGETHER
14 WITH COSTS, TO BE ADJUDGED BY A JUSTICE OF THE PEACE OR ALDERMAN
15 OF EITHER OF SAID COUNTIES, AND ON DEFAULT OF PAYMENT OF SUCH
16 FINE OR PENALTY, THEN TO IMPRISONMENT OF NOT LESS THAN TEN (10)
17 DAYS OR MORE THAN THIRTY (30) DAYS IN THE COUNTY PRISON OF
18 EITHER OF SAID COUNTIES] GUILTY OF A SUMMARY OFFENSE.

19 [(D) SAID POWERS AND DUTIES OF SAID COMMISSIONERS, ACTING AS
20 A JOINT COMMISSION, SHALL CONTINUE UNTIL THE REDEMPTION OF THE
21 LAST OF SAID BONDS TO BE REDEEMED BY SUCH TOLLS, WHEREUPON SAID
22 BRIDGE SHALL BE TURNED OVER AS A FREE BRIDGE TO THE
23 COMMONWEALTH, IF SUCH BRIDGE CROSSES A RIVER AND IS LOCATED ON A
24 STATE HIGHWAY ROUTE OR CONNECTS TWO STATE HIGHWAY ROUTES.
25 THEREAFTER, SUCH BRIDGE SHALL BE MAINTAINED BY THE HIGHWAY
26 DEPARTMENT AT THE EXPENSE OF THE COMMONWEALTH.]

27 SECTION 2717. DYKES, BANKS, CAUSEWAYS AND SLUICWAYS FOR
28 PROTECTION OF BRIDGES AND HIGHWAYS.--THE BOARD OF COMMISSIONERS,
29 FOR THE PURPOSE OF PROTECTING ANY COUNTY BRIDGE OR BRIDGES, THE
30 ABUTMENTS THEREOF AND APPROACHES THERETO AND ANY PUBLIC HIGHWAY

1 ADJACENT TO THE SAME FROM THE INCURSIONS OF FLOODS OR WATERS OF
2 ANY CREEK, RIVULET OR OTHER STREAM, AND SO AS TO PROLONG THE
3 LIFE OF SAID STRUCTURES, MAY ERECT AND MAINTAIN DYKES, BANKS,
4 CAUSEWAYS AND SLUICEWAYS OVER, ON AND ACROSS ANY CREEK, RIVULET
5 OR OTHER STREAM NOT NAVIGABLE, AND WHICH CREEK, RIVULET OR OTHER
6 STREAM IS AFFECTED BY THE RISE AND FALL OF THE TIDE, FLOODS OR
7 WATERS OF ANY CREEK, RIVULET OR OTHER STREAM, AND SECURE A RIGHT
8 OF WAY FOR PROPER INGRESS AND EGRESS THERETO, AND IN CONNECTION
9 WITH SUCH ACTIVITIES, TO TAKE, INJURE AND DESTROY ANY NECESSARY
10 LAND OR PROPERTY, IN ACCORDANCE WITH ARTICLE XXVI. ANY SUCH
11 CHANGE IN AN EXISTING STREAM CHANNEL UNDER THE PROVISIONS OF
12 THIS OR THE PRECEDING SECTION SHALL FIRST BE APPROVED BY THE
13 [DEPARTMENT OF FORESTS AND WATERS] DEPARTMENT OF ENVIRONMENTAL
14 PROTECTION.

15 SECTION 17. SECTIONS 2718, 2721, 2722, 2723, 2724, 2725 AND
16 2726 OF THE ACT ARE REPEALED.

17 SECTION 18. SECTIONS 2729, 2730, 2731 AND 2734 OF THE ACT
18 ARE AMENDED TO READ:

19 SECTION 2729. REBUILDING INSUFFICIENT BRIDGE.--WHENEVER IT
20 SHALL APPEAR TO THE COMMISSIONERS THAT ANY COUNTY BRIDGE IS NOT
21 SUFFICIENT FOR ANY CAUSE TO ACCOMMODATE THE PUBLIC TRAVEL, THEY
22 MAY[, UPON THE APPROVAL OF THE COURT OF QUARTER SESSIONS AS
23 HEREINAFTER PROVIDED,] ERECT AND CONSTRUCT A NEW AND SUFFICIENT
24 BRIDGE TO TAKE THE PLACE OF THE INSUFFICIENT, DESTROYED OR
25 PARTIALLY DESTROYED BRIDGE, OR MAY WIDEN AND STRAIGHTEN COUNTY
26 BRIDGES WHERE DEEMED NECESSARY TO ACCOMMODATE THE PUBLIC TRAVEL.
27 SUCH NEW BRIDGE WHEN CONSTRUCTED SHALL BE A COUNTY BRIDGE.

28 SECTION 2730. REBUILDING BRIDGES WHOLLY OR PARTLY
29 DESTROYED.--(A) THE COUNTY COMMISSIONERS SHALL REBUILD AND
30 RECONSTRUCT ALL BRIDGES HERETOFORE BUILT OR THAT MAY HEREAFTER

1 BE ERECTED BY THE COUNTY COMMISSIONERS, WHETHER CONSTRUCTED
2 UNDER GENERAL, SPECIAL OR LOCAL LAWS, WHENEVER ANY SUCH BRIDGE
3 HAS BEEN OR SHALL HEREAFTER BE BLOWN DOWN, DESTROYED, PARTIALLY
4 DESTROYED OR SWEEP AWAY BY FLOODS, FRESHETS, ICE, STORM, FIRE OR
5 OTHER CASUALTY, AT THE EXPENSE OF THE COUNTY.

6 (B) FOR THE PURPOSE OF CARRYING INTO EFFECT THE PROVISIONS
7 OF THIS SECTION, THE COUNTY COMMISSIONERS ARE HEREBY AUTHORIZED
8 TO BORROW ANY SUM OF MONEY, IN ACCORDANCE WITH [THE MUNICIPAL
9 BORROWING LAW] 53 PA.C.S. PT. VII, SUBPT. B (RELATING TO
10 INDEBTEDNESS AND BORROWING).

11 SECTION 2731. CLOSING, VACATING, ABANDONING AND REMOVING.--
12 WHENEVER IT SHALL APPEAR TO THE COMMISSIONERS OF THE COUNTY THAT
13 ANY COUNTY BRIDGE HAS FROM ANY CAUSE BECOME BURDENSOME AND IS NO
14 LONGER NECESSARY FOR THE ACCOMMODATION OF PUBLIC TRAVEL, THEY
15 MAY[, UPON THE APPROVAL OF THE COURT OF QUARTER SESSIONS,]
16 CLOSE, VACATE, ABANDON AND REMOVE SAID BRIDGE.

17 SECTION 2734. APPROPRIATIONS; TAX LEVY AND INCURRING OF
18 INDEBTEDNESS.--FOR THE PURPOSE OF CARRYING INTO EFFECT THE
19 PROVISIONS OF THIS SUBSECTION, THE COUNTY COMMISSIONERS ARE
20 HEREBY AUTHORIZED TO MAKE APPROPRIATIONS, LEVY TAXES, BORROW
21 MONEY AND INCUR INDEBTEDNESS, IN ACCORDANCE WITH [THE MUNICIPAL
22 BORROWING LAW] 53 PA.C.S. PT. VII, SUBPT. B (RELATING TO
23 INDEBTEDNESS AND BORROWING).

24 SECTION 19. SECTIONS 2751, 2752, 2753 AND 2754 OF THE ACT
25 ARE REPEALED.

26 SECTION 20. SECTIONS 2755, 2756, 2757, 2771 AND 2772(A) OF
27 THE ACT ARE AMENDED TO READ:

28 SECTION 2755. ASSISTANCE IN BUILDING BRIDGES NOT ENTERED AS
29 COUNTY BRIDGES.--WHEN [IT IS FOUND BY THE REPORT OF VIEWERS AND
30 BY THE COURT] THE COUNTY COMMISSIONERS FIND THAT A BRIDGE IS

1 NECESSARY AND THAT THE ERECTION OF SUCH BRIDGE WILL REQUIRE MORE
2 EXPENSE THAN IT IS REASONABLE THAT THE ONE OR MORE ADJOINING
3 TOWNSHIPS, BOROUGHS OR CITIES OF THE THIRD CLASS SHOULD BEAR,
4 [OR IN LIEU OF SUCH PROCEEDINGS, WITH THE APPROVAL OF THE
5 SECRETARY OF HIGHWAYS, WHEN THE COST TO THE COUNTY WILL NOT
6 EXCEED FIFTEEN HUNDRED DOLLARS (\$1500)] AND THE COUNTY
7 COMMISSIONERS DO NOT DEEM IT ADVISABLE TO ENTER SUCH BRIDGE ON
8 RECORD AS A COUNTY BRIDGE BUT SHALL CONSIDER IT PROPER TO ASSIST
9 SUCH TOWNSHIP OR TOWNSHIPS OR SUCH CITY OF THE THIRD CLASS OR
10 SUCH BOROUGH IN BUILDING THE SAME, THEY MAY EITHER BUILD SUCH
11 BRIDGE OR ANY PORTION OR PORTIONS THEREOF OR FURNISH SUCH
12 TOWNSHIP OR TOWNSHIPS OR CITY OF THE THIRD CLASS OR BOROUGH THE
13 WHOLE OR PART OF THE MONEY NECESSARY TO BUILD IT, WITHOUT
14 ENTERING SUCH BRIDGE ON RECORD AS A COUNTY BRIDGE.

15 SECTION 2756. RECORD TO BE KEPT BY COUNTY; MAINTENANCE,
16 REPAIR AND REBUILDING BY TOWNSHIP OR MUNICIPALITIES.--THE COUNTY
17 COMMISSIONERS SHALL KEEP A RECORD OF ALL THEIR PROCEEDINGS IN
18 SUCH CASES, AND SUCH BRIDGES SHALL BE MAINTAINED, KEPT IN REPAIR
19 AND REBUILT, WHEN NECESSARY, BY THE RESPECTIVE TOWNSHIPS,
20 BOROUGHS OR CITIES OF THE THIRD CLASS, AND THE COUNTY SHALL NOT
21 BE LIABLE FOR THE COSTS OF THE MAINTENANCE, REPAIR OR REBUILDING
22 OF THE SAME OR ANY PART OF SUCH COST: PROVIDED, HOWEVER, THAT
23 [IN CASE THE REPORT OF A BOARD OF VIEWERS APPOINTED BY THE COURT
24 FOR THE PURPOSE, DULY APPROVED BY THE COURT, SHALL SET FORTH
25 THAT THE COST OF THE REPAIR OR REBUILDING OF SUCH BRIDGE IS
26 GREATER THAN IT IS REASONABLE THAT THE SAID TOWNSHIP OR
27 TOWNSHIPS, BOROUGH OR CITY OF THE THIRD CLASS SHOULD BEAR, THEN]
28 IT SHALL BE LAWFUL FOR THE COUNTY COMMISSIONERS OF THE COUNTY IN
29 WHICH SUCH BRIDGE IS LOCATED TO FURNISH SUCH TOWNSHIP OR
30 TOWNSHIPS, BOROUGH OR CITY OF THE THIRD CLASS EITHER THE WHOLE

1 OR PART OF THE MONEY NECESSARY TO REPAIR OR TO REBUILD SUCH
2 BRIDGE OR BRIDGES, AS THE SAID BOARD OF COUNTY COMMISSIONERS MAY
3 DEEM JUST AND PROPER.

4 SECTION 2757. ENTERING ON RECORD AS COUNTY BRIDGE.--WHENEVER
5 THE COUNTY COMMISSIONERS [OF THE COUNTY] HAVE HERETOFORE
6 ASSISTED OR SHALL HEREAFTER ASSIST ANY [TOWNSHIP OR BOROUGH]
7 MUNICIPALITY IN THE BUILDING OF THE WHOLE OR ANY PORTION OF A
8 BRIDGE AND IT SHALL AFTERWARDS APPEAR TO THE COMMISSIONERS [AND
9 TO THE COURT OF QUARTER SESSIONS] THAT THE CARE, MAINTENANCE AND
10 RESPONSIBILITY OF SAID BRIDGE IS GREATER THAN IT IS REASONABLE
11 THAT THE SAID [TOWNSHIP OR BOROUGH] MUNICIPALITY SHOULD BEAR,
12 THEY MAY[, WITH THE APPROVAL OF SAID COURT,] ENTER SUCH BRIDGE
13 UPON RECORD AS A COUNTY BRIDGE, AND IT SHALL THEREAFTER BE A
14 COUNTY BRIDGE THE SAME AS IF IT HAD ORIGINALLY BEEN SO ENTERED
15 ON RECORD.

16 SECTION 2771. BRIDGES AND APPROACHES AUTHORIZED.--THE COUNTY
17 COMMISSIONERS[, UPON THE APPROVAL OF THE COURT OF QUARTER
18 SESSIONS,] MAY LOCATE, LAY OUT, OPEN, CONSTRUCT AND MAINTAIN
19 PUBLIC BRIDGES ACROSS ANY RIVER OR STREAM, WHETHER SUCH BRIDGE
20 IS WHOLLY OR PARTLY WITHIN ANY CITY, BOROUGH OR TOWNSHIP
21 THEREIN, TOGETHER WITH SUCH BRIDGE APPROACHES, VIADUCT OR OTHER
22 APPROACHES AS THE COUNTY COMMISSIONERS MAY DEEM NECESSARY OR
23 CONVENIENT FOR THE PURPOSE OF CONNECTING ANY SUCH BRIDGE WITH
24 THE EXISTING STREETS OR PUBLIC ROADS IN SUCH CITIES, BOROUGHS OR
25 TOWNSHIPS, AND TO THAT END MAY TAKE, ENTER UPON, APPROPRIATE
26 PROPERTY AND RIGHTS OF PROPERTY OF ALL KINDS, WHETHER DEVOTED TO
27 A PUBLIC OR PRIVATE USE, FOR THE PURPOSES AFORESAID, AND FOR THE
28 NECESSARY SLOPES, PIERS, WALLS, ABUTMENTS, FILLS AND
29 EMBANKMENTS, IN THE MANNER AND SUBJECT TO THE RESTRICTIONS AND
30 PROCEDURE PROVIDED IN ARTICLE XXVI OF THIS ACT, AND MAY ENTER

1 UPON OR OVER ANY STREET, PUBLIC HIGHWAY OR PUBLIC ROAD IN SUCH
2 CITIES, BOROUGH OR TOWNSHIPS.

3 SECTION 2772. PLANS AND SURVEYS[; PETITION TO QUARTER
4 SESSIONS].--(A) WHENEVER THE COUNTY COMMISSIONERS SHALL RESOLVE
5 TO EXERCISE ANY OF THE POWERS CONFERRED BY THE PRECEDING
6 SECTION, THEY SHALL CAUSE TO BE PREPARED PLANS AND SURVEYS
7 SHOWING THE LOCATION OF THE PROPOSED BRIDGE AND ITS APPROACHES
8 AND THE PROPERTY OR RIGHTS OF PROPERTY AFFECTED THEREBY,
9 TOGETHER WITH ANY STREETS OR PUBLIC ROADS IN ANY CITY, BOROUGH
10 OR TOWNSHIP PROPOSED TO BE USED IN CONNECTION THEREWITH[, AND
11 THEY SHALL PRESENT THE SAME, TOGETHER WITH THEIR PETITION, ON
12 BEHALF OF SAID COUNTY, TO THE COURT OF QUARTER SESSIONS, PRAYING
13 FOR AUTHORITY TO LOCATE, LAY OUT, OPEN AND CONSTRUCT SUCH
14 BRIDGE].

15 * * *

16 SECTION 21. SECTION 2773 OF THE ACT IS REPEALED.

17 SECTION 22. SECTION 2774 OF THE ACT IS AMENDED TO READ:

18 SECTION 2774. APPROVAL OF STATE OR FEDERAL OFFICERS, BOARD
19 OR BODY; CHANGE IN LOCATION.--(A) WHERE THE PROPOSED BRIDGE
20 CROSSES ANY NAVIGABLE STREAM OR OTHER PUBLIC WATER OR THE
21 PROPERTY RIGHTS OR PROPERTY OR RIGHTS OF WAY OF ANY RAILROAD OR
22 OTHER PUBLIC SERVICE CORPORATION, AND BY REASON THEREOF THE
23 APPROVAL OF ANY STATE OR FEDERAL OFFICER, BOARD OR BODY IS
24 REQUIRED AS TO THE LOCATION AND CONSTRUCTION OF SUCH BRIDGE OR
25 ITS APPROACHES, THE COUNTY SHALL BE DEEMED TO HAVE FULL AND
26 COMPLETE AUTHORITY TO CONSTRUCT SUCH BRIDGE IN SUCH OTHER
27 LOCATION AND IN SUCH OTHER MANNER AS MAY BE NECESSARY TO COMPLY
28 WITH THE CONDITIONS PRESCRIBED BY SUCH OFFICER, BOARD OR BODY IN
29 GRANTING SUCH APPROVAL[: PROVIDED, THE] IF COUNTY COMMISSIONERS
30 BE OF THE OPINION, AND BY RESOLUTION DULY ADOPTED SO DECIDE,

1 THAT THE BRIDGE AS THUS CHANGED IS NECESSARY FOR THE CONVENIENCE
2 OF THE TRAVELING PUBLIC AND WILL ACCOMMODATE SUBSTANTIALLY THE
3 SAME TRAVELING PUBLIC AS THE BRIDGE WOULD HAVE DONE IF IT HAD
4 BEEN CONSTRUCTED AT THE LOCATION AND IN THE MANNER ORIGINALLY
5 PROVIDED.

6 [(B) UPON THE ADOPTION OF ANY SUCH RESOLUTION AND PRIOR TO
7 THE CONSTRUCTION OF SUCH BRIDGE AND THE ENTRY UPON AND TAKING OF
8 PROPERTY FOR THAT PURPOSE, SUCH COUNTY, THROUGH ITS COUNTY
9 COMMISSIONERS, SHALL PRESENT ITS PETITION TO THE COURT OF
10 QUARTER SESSIONS OF SAID COUNTY, BRIEFLY SETTING FORTH THE FACTS
11 AS TO THE OBTAINING OF SUCH APPROVAL AND THE CHANGE MADE IN
12 CONSEQUENCE THEREOF AND THE ADOPTION OF SUCH RESOLUTION,
13 TOGETHER WITH PLANS AND SURVEYS SHOWING THE NEW LOCATION AND
14 MANNER OF CONSTRUCTION AND AN ESTIMATE SHOWING THE COST OF THE
15 CONSTRUCTION OF SUCH BRIDGE AS THUS CHANGED.

16 (C) IF THE PROCEEDINGS SHALL APPEAR TO BE REGULAR, THE COURT
17 SHALL MAKE AN ORDER FIXING A TIME, NOT LESS THAN TWENTY DAYS
18 THEREAFTER, FOR THE FILING OF EXCEPTIONS THERETO.

19 (D) NOTICE OF THE TIME AND PLACE OF HEARING ON SAID
20 EXCEPTIONS SHALL BE GIVEN BY ADVERTISEMENT PUBLISHED ONCE A WEEK
21 FOR TWO SUCCESSIVE WEEKS IN AT LEAST TWO NEWSPAPERS OF GENERAL
22 CIRCULATION IN SUCH COUNTY AND BY HANDBILLS POSTED IN
23 CONSPICUOUS PLACES ALONG OR IN THE NEIGHBORHOOD OF THE PROPOSED
24 BRIDGE AND ITS APPROACHES, OR OTHERWISE, AS THE COURT SHALL
25 DIRECT, HAVING REGARD TO THE CIRCUMSTANCES OF THE CASES.

26 (E) UPON THE HEARING THEREOF, THE COURT MAY, FOR PROPER
27 CAUSE SHOWN, DISAPPROVE OF SAID PETITION; OTHERWISE, IT SHALL
28 THEREUPON MAKE A DECREE AUTHORIZING AND EMPOWERING THE COUNTY TO
29 CONTRACT SUCH BRIDGE IN ACCORDANCE WITH SUCH NEW PLANS AND
30 SURVEYS, AND THEREUPON SUCH BRIDGE SHALL BE DEEMED TO HAVE BEEN

1 LAID OUT AND OPENED IN ACCORDANCE WITH SUCH PLANS AND SURVEYS.]

2 SECTION 23. SECTION 2776 OF THE ACT IS REPEALED.

3 SECTION 24. SECTION 2777 OF THE ACT IS AMENDED TO READ:

4 SECTION 2777. COUNTY AUTHORIZED TO CONTRACT WITH [CITY OR
5 BOROUGH] MUNICIPALITY.--WHEN SUCH BRIDGE IS PROPOSED TO BE
6 LOCATED OR ERECTED IN ANY [CITY OR BOROUGH] MUNICIPALITY, THE
7 COUNTY MAY AGREE THAT SUCH [CITY OR BOROUGH] MUNICIPALITY MAY
8 BEAR A PORTION OF THE COST OF THE LOCATING, LAYING OUT, OPENING
9 AND CONSTRUCTING OF SUCH BRIDGE AND ITS APPROACHES AND
10 APPURTENANCES, AND THAT THE [CITY OR BOROUGH] MUNICIPALITY MAY
11 PROVIDE THE APPROACH THEREFOR AND BEAR THE COST OF THE
12 MAINTENANCE OF ANY APPROACH WITHIN THE RESPECTIVE [CITY OR
13 BOROUGH] MUNICIPALITY, AS SHALL BE AGREED UPON BETWEEN ANY SUCH
14 COUNTY AND SUCH [CITY OR BOROUGH]. ALL SUCH AGREEMENTS SHALL BE
15 ENTERED INTO IN WRITING AND AT LEAST ONE EXECUTED COPY SHALL BE
16 FURNISHED TO EACH COUNTY, CITY AND BOROUGH BECOMING A PARTY
17 THERETO.] MUNICIPALITY.

18 SECTION 25. SECTIONS 2779, 2780 AND 2781 OF THE ACT ARE
19 REPEALED.

20 SECTION 26. SUBARTICLE (D) OF ARTICLE XXVII OF THE ACT IS
21 REPEALED.

22 SECTION 27. SECTIONS 2801, 2802 AND 2803 OF THE ACT ARE
23 AMENDED TO READ:

24 SECTION 2801. BUILDING OR REBUILDING.--WHENEVER IT IS
25 NECESSARY TO ERECT A BRIDGE ON THE BOUNDARY LINE BETWEEN TWO
26 COUNTIES, EITHER TO TAKE THE PLACE OF AN INTERCOUNTY BRIDGE
27 WHICH HAS BECOME INSUFFICIENT FOR ANY CAUSE TO ACCOMMODATE
28 PUBLIC TRAVEL OR TO PROVIDE A NEW BRIDGE WHERE NONE HAS
29 PREVIOUSLY BEEN, SUCH COUNTIES MAY JOINTLY BUILD OR REBUILD SUCH
30 BRIDGE[, AFTER FIRST HAVING OBTAINED THE APPROVAL OF THE COURT

1 OF QUARTER SESSIONS IN EACH COUNTY].

2 SECTION 2802. JOINING WITH [CITY] MUNICIPALITY.--WHEN SUCH
3 BRIDGE IS ON THE DIVIDING LINE BETWEEN TWO COUNTIES WHICH IS
4 ALSO THE DIVIDING LINE BETWEEN ONE COUNTY AND A [CITY]
5 MUNICIPALITY IN THE OTHER COUNTY, AND SUCH [CITY] MUNICIPALITY
6 HAS AUTHORITY TO BUILD OR REBUILD SUCH BRIDGE OR TO JOIN WITH
7 ANY COUNTY THEREIN, SAID COUNTY MAY JOIN WITH SAID [CITY]
8 MUNICIPALITY IN THE OTHER COUNTY IN BUILDING OR REBUILDING SUCH
9 BRIDGE. [IN SUCH CASE, THE APPROVAL OF THE COURT OF QUARTER
10 SESSIONS OF THE COUNTY SO JOINING WITH A CITY ONLY SHALL BE
11 REQUIRED.]

12 SECTION 2803. COST; STATUS.--THE COST OF SUCH BRIDGE SHALL
13 BE PAID IN SUCH PROPORTIONS AS SHALL BE AGREED UPON BY THE TWO
14 COUNTIES OR BY THE COUNTY AND [CITY] MUNICIPALITY SO JOINING.
15 SUCH BRIDGE WHEN BUILT SHALL BE AN INTERCOUNTY BRIDGE AND BE
16 SUBJECT TO ALL PROVISIONS OF EXISTING LAWS RELATING TO
17 INTERCOUNTY BRIDGES.

18 SECTION 28. SUBARTICLE (F) OF ARTICLE XXVIII OF THE ACT IS
19 REPEALED.

20 SECTION 29. SECTIONS 2822, 2823, 2824, 2832, 2833 AND 2834
21 OF THE ACT ARE REPEALED.

22 SECTION 30. SUBARTICLE (I) OF ARTICLE XXVIII OF THE ACT IS
23 REPEALED.

24 SECTION 31. SECTIONS 2851, 2852, 2853 AND 2855 OF THE ACT
25 ARE AMENDED TO READ:

26 SECTION 2851. [CITY] MUNICIPAL BRIDGES BENEFITING
27 NEIGHBORING [TOWNSHIPS] MUNICIPALITIES.--WHENEVER DIFFERENT
28 PARTS OF ANY [CITY] MUNICIPALITY OR ANY PART OF SUCH [CITY]
29 MUNICIPALITY AND ANY [TOWNSHIP] MUNICIPALITY BORDERING THEREON
30 ARE SEPARATED THEREFROM BY ANY INTERVENING VALLEY OR RAVINE, AND

1 THE COUNTY COMMISSIONERS [OF SUCH COUNTY] SHALL DECIDE IT
2 NECESSARY THAT A PUBLIC BRIDGE FOR THE PURPOSE OF CONNECTING THE
3 TERRITORIES THUS SEPARATED BE CONSTRUCTED AND THAT SUCH BRIDGE
4 WILL BE OF SUBSTANTIAL ADVANTAGE AND BENEFIT TO THE TAXABLE
5 INHABITANTS OF THE [TOWNSHIP] MUNICIPALITY BORDERING THEREON OR
6 [TOWNSHIPS] MUNICIPALITIES ADJACENT THERETO, SUCH COUNTY MAY
7 CONTRACT WITH SUCH [CITY] MUNICIPALITY FOR THE LAYING OUT AND
8 CONSTRUCTION BY SUCH [CITY] MUNICIPALITY OF SUCH BRIDGE AND MAY
9 PAY TO THE [CITY] MUNICIPALITY SUCH PORTION OF THE COST THEREOF
10 AS THE COUNTY COMMISSIONERS SHALL DEEM REASONABLE, AND SHALL
11 APPROPRIATE MONEY, LEVY TAXES AND INCUR INDEBTEDNESS THEREFOR.

12 SECTION 2852. MUNICIPAL BRIDGES WHERE COUNTY MIGHT HAVE
13 BUILT BRIDGE.--WHERE, UNDER THE PROVISIONS OF EXISTING LAWS, A
14 [CITY OF THE THIRD CLASS, A BOROUGH OR A TOWNSHIP OF THE FIRST
15 CLASS] MUNICIPALITY IS AUTHORIZED TO CONSTRUCT A BRIDGE OR
16 VIADUCT OVER A RIVER, CREEK OR STREAM OR OTHER PLACE OVER WHICH
17 THE COUNTY IS AUTHORIZED TO BUILD BRIDGES, AND SUCH MUNICIPALITY
18 IS AUTHORIZED TO CONTRACT WITH THE COUNTY AND WITH RAILROADS,
19 STREET RAILWAYS AND OTHER COMPANIES OR PARTIES INTERESTED FOR
20 THE BUILDING AND MAINTENANCE OF SUCH BRIDGE OR VIADUCT, AND FOR
21 THE PAYMENT OF ANY DAMAGES CAUSED BY THE LOCATION OR ERECTION
22 THEREOF, THE COUNTY COMMISSIONERS MAY[, WITH THE APPROVAL OF THE
23 COURT OF QUARTER SESSIONS,] CONTRACT WITH SUCH [CITY, BOROUGH OR
24 TOWNSHIP] MUNICIPALITY FOR THAT PART OR PORTION OF THE BRIDGE OR
25 VIADUCT WHICH CROSSES ANY OF THE PLACES HEREINBEFORE MENTIONED,
26 INCLUDING THE ABUTMENTS AND PIERS THEREOF. SUCH PART SHALL
27 THEREAFTER BE MAINTAINED AS A COUNTY BRIDGE. IN LIEU THEREOF,
28 THE COUNTY COMMISSIONERS MAY[, WITH THE APPROVAL OF THE COURT,]
29 CONTRACT FOR ANY PART OR PORTION OF THE WHOLE STRUCTURE EQUAL TO
30 OR GREATER THAN THE PART OR PORTION WHICH THE COUNTY MIGHT HAVE

1 BUILT.

2 SECTION 2853. CONTRIBUTION WHERE COUNTY MIGHT NOT HAVE BUILT
3 BRIDGE.--WHEN SUCH BRIDGE OR VIADUCT IS BUILT BY A [BOROUGH OR
4 TOWNSHIP OF THE FIRST CLASS] MUNICIPALITY AND DOES NOT CROSS ANY
5 PLACE OVER WHICH THE COUNTY IS AUTHORIZED TO CONSTRUCT A BRIDGE
6 BUT CROSSES MERELY RAILROAD OR RAILROADS AND PRIVATE PROPERTY,
7 THE COUNTY COMMISSIONERS MAY[, SUBJECT TO THE APPROVAL OF THE
8 COURT OF QUARTER SESSIONS,] CONTRACT TO PAY AN AMOUNT OF MONEY,
9 NOT EXCEEDING THIRTY PER CENTUM OF THE ENTIRE COST OF THE
10 PROPOSED BRIDGE OR VIADUCT. SUCH BRIDGE OR VIADUCT SHALL
11 THEREAFTER BE MAINTAINED AS A [BOROUGH OR TOWNSHIP] MUNICIPAL
12 STRUCTURE, AND THE COUNTY SHALL NOT BE LIABLE FOR ANY PART OF
13 THE COST OF MAINTENANCE OR REPAIR THEREOF.

14 SECTION 2855. CONTRACTS FOR WORK.--AFTER ANY SUCH CONTRACT
15 HAS BEEN ENTERED INTO, THE COUNTY COMMISSIONERS, IN CONJUNCTION
16 WITH THE [CITY, BOROUGH OR TOWNSHIP] MUNICIPALITY, SHALL HAVE
17 PREPARED PLANS AND SPECIFICATIONS OF THE ENTIRE WORK AND SHALL
18 ADVERTISE FOR BIDS AND AWARD THE CONTRACT TO THE LOWEST
19 RESPONSIBLE BIDDER. SUCH CONTRACT SHALL PROVIDE THAT THE COUNTY
20 SHALL PAY ITS CERTAIN PART OF SUCH BRIDGE OR VIADUCT DIRECTLY TO
21 THE CONTRACTOR. THE CONTRACTOR SHALL HAVE A RIGHT OF ACTION
22 AGAINST THE COUNTY FOR THE PART OF THE CONTRACT WHICH THE COUNTY
23 AGREES TO PAY.

24 SECTION 32. SECTION 2857 OF THE ACT IS REPEALED.

25 SECTION 33. SECTIONS 2901, 2902 AND 2903 OF THE ACT ARE
26 AMENDED TO READ:

27 SECTION 2901. COUNTY ROADS; ESTABLISHMENT AND MAINTENANCE.--

28 (A) THE WORDS DEFINED IN SECTION 2801 OF THIS ACT SHALL BE
29 CONSTRUED TO HAVE LIKE MEANINGS WHEN USED IN THIS ARTICLE.

30 (B) ESTABLISHING COUNTY ROADS. FOR THE PURPOSE OF PROVIDING

1 PUBLIC ROADS, SPECIALLY CONSTRUCTED, IMPROVED AND MAINTAINED,
2 THE COUNTY COMMISSIONERS MAY[, UPON APPROVAL BY THE COURT OF
3 QUARTER SESSIONS,] ORIGINALLY LAY OUT AND OPEN ANY ROAD, AND
4 TAKE POSSESSION OF AND EXERCISE CONTROL OVER ANY EXISTING
5 [TOWNSHIP] MUNICIPAL ROAD OR PART THEREOF, AND BUILD AND
6 MAINTAIN ROADS AS COUNTY ROADS WITHIN THEIR RESPECTIVE LIMITS.
7 THEY MAY, AT ANY TIME, STRAIGHTEN, WIDEN, EXTEND AND ALTER ANY
8 SUCH ROAD OR PART THEREOF, AND VACATE SO MUCH THEREOF AS MAY
9 BECOME UNNECESSARY AND USELESS. ANY ROAD SO TAKEN OVER OR
10 IMPROVED SHALL THEREUPON BECOME A COUNTY ROAD AND BE SUBJECT TO
11 THE CONTROL AND SUPERVISION OF THE COUNTY COMMISSIONERS. IT
12 SHALL BE THE DUTY OF THE COUNTY TO KEEP AND MAINTAIN COUNTY
13 ROADS ESTABLISHED UNDER THIS ACT AND ALL OTHER COUNTY ROADS IN
14 REPAIR, THE EXPENSE THEREOF TO BE PAID BY THE COUNTY IN THE
15 MANNER HEREINAFTER PROVIDED.

16 [(B.1) WHEN THE COUNTY COMMISSIONERS ACQUIRE REAL PROPERTY
17 FOR THE COUNTY TO BE USED FOR ORIGINALLY LAYING OUT OR OPENING
18 ANY ROAD, SUFFICIENT PROPERTY MAY BE ACQUIRED TO ENABLE
19 CONSTRUCTION OF ROADS TWO HUNDRED (200) FEET IN WIDTH EXCLUSIVE
20 OF DIVISION STRIPS: PROVIDED, THAT THE LIMITS OF WIDTH SHALL NOT
21 BE CONSTRUED TO INCLUDE THE WIDTH REQUIRED FOR NECESSARY SLOPES
22 IN CUTS OR FILLS.]

23 (C) ACQUISITION OF RIGHTS OF WAY OF ABANDONED RAILROADS. THE
24 COMMISSIONERS OF THE COUNTY MAY TAKE OVER ANY ABANDONED RIGHTS
25 OF WAY OR BRIDGE OF A RAILROAD COMPANY OR ANY PART THEREOF FOR
26 THE PURPOSE OF RELOCATING ANY EXISTING OR LOCATING A NEW COUNTY
27 ROAD, AND THEY MAY PURCHASE SUCH ABANDONED RIGHT OF WAY OR
28 BRIDGE OR SUCH PART THEREOF, AS MAY BE NECESSARY FOR THE
29 RELOCATING OR LOCATING OF SAID COUNTY ROAD, FROM THE OWNER
30 THEREOF, AT A FAIR PRICE[, TO BE APPROVED BY THE COURT OF

1 QUARTER SESSIONS OF THE COUNTY].

2 WHENEVER ANY SUCH ABANDONED RIGHT OF WAY OR BRIDGE OF A
3 RAILROAD COMPANY OR ANY PART THEREOF IS PURCHASED UNDER THE
4 PROVISIONS OF THIS SECTION, A COUNTY ROAD SHALL BE LAID OUT AND
5 LOCATED THEREON AND SHALL THEREAFTER BE CONSTRUCTED, IMPROVED
6 AND MAINTAINED IN ACCORDANCE WITH LAW. ANY SUCH BRIDGE SO TAKEN
7 OVER SHALL BECOME A COUNTY BRIDGE AND SHALL BE MAINTAINED,
8 REBUILT AND REPAIRED ACCORDINGLY.

9 (D) JOINT ACTION BY COUNTIES. THE PROVISIONS OF THIS ARTICLE
10 MAY ALSO BE EXERCISED JOINTLY BY ADJOINING COUNTIES AS TO ROADS
11 EXTENDING ALONG AND ADJACENT TO COUNTY LINES AND FROM ONE
12 ADJOINING COUNTY INTO ANOTHER.

13 THE PROCEDURE AND JURISDICTION IN EACH COUNTY IN SUCH CASES
14 SHALL BE THE SAME AS TO ANY PORTION OF SUCH ROAD LYING WITHIN
15 ITS LIMITS, EXCEPT THAT THE PETITION, PLANS AND SURVEYS OF SUCH
16 ROAD SHALL DESCRIBE AND EXHIBIT EVERY PORTION OF SUCH ROAD
17 WITHIN THE LIMITS OF SUCH COUNTY AND EVERY PORTION THEREOF
18 EXTENDING ALONG THE LINE OF OR INTO AN ADJOINING COUNTY. THE
19 SEVERAL PORTIONS THEREOF LYING WITHIN LIMITS OF EACH COUNTY
20 SHALL BE TREATED IN ALL PROCEEDINGS AS ONE CONTINUOUS ROAD.

21 (E) TO BE COUNTY ROAD AS SOON AS SO DECREED. ALL ROADS AND
22 PARTS THEREOF HERETOFORE AND HEREAFTER DECREED BY THE COURT
23 UNDER THIS OR ANY FORMER ACTS OF ASSEMBLY TO BE A COUNTY ROAD
24 SHALL BE SUBJECT TO THE CONTROL AND SUPERVISION OF THE COUNTY
25 COMMISSIONERS. [UPON THE DECREE OR ORDER MAKING AN EXISTING
26 TOWNSHIP ROAD OR PART THEREOF A COUNTY ROAD, THE SAME SHALL
27 IMMEDIATELY BE KEPT IN REPAIR, MADE, CONSTRUCTED AND MAINTAINED
28 BY THE COUNTY AND THE TOWNSHIP RELIEVED OF ANY DUTY THERETO AS A
29 TOWNSHIP ROAD.]

30 (F) MAINTENANCE AND REPAIR OF COUNTY ROADS. THE

1 COMMISSIONERS SHALL HAVE PREPARED PLANS AND ESTIMATES, AS OFTEN
2 AS REQUIRED, FOR THE REPAIR AND MAINTENANCE OF ALL ROADS WHICH
3 THE COUNTY IS REQUIRED BY LAW TO MAINTAIN AND REPAIR. THEY MAY
4 INVITE PROPOSALS FOR MAINTAINING AND REPAIRING SUCH ROADS OR
5 PARTS THEREOF IN ACCORDANCE WITH SUCH PLANS AND ESTIMATES AND
6 AWARD THE CONTRACT THEREFOR IN LIKE MANNER AS CONTRACTS FOR NEW
7 IMPROVEMENTS, OR THEY MAY MAKE THE NECESSARY REPAIRS THEMSELVES.
8 FOR THE PURPOSE OF MAKING SUCH REPAIRS, THE COMMISSIONERS MAY
9 EMPLOY OR APPOINT THE PROPER PERSONS AND BUY THE NECESSARY
10 MATERIALS AND BUY OR RENT THE NECESSARY MACHINERY. THE COUNTY
11 MAY ALSO LEASE ANY OF ITS MACHINERY TO ANY POLITICAL SUBDIVISION
12 WITHIN THE COUNTY, UPON SUCH TERMS AND CONDITIONS AS MAY BE
13 AGREED UPON.

14 (G) ANNUAL TAX. THE COMMISSIONERS MAY LEVY, ASSESS AND
15 COLLECT AN ANNUAL TAX, OF NOT MORE THAN TWO MILLS UPON THE
16 DOLLAR, UPON ALL REAL AND PERSONAL PROPERTY WITHIN SAID COUNTY
17 TAXABLE FOR COUNTY PURPOSES FOR THE PURPOSE OF ACQUIRING AND
18 SECURING A FUND FROM WHICH TO PAY ALL COSTS, DAMAGES AND
19 EXPENSES REQUIRED IN THE LOCATING, OPENING, BUILDING, IMPROVING,
20 WIDENING, STRAIGHTENING, EXTENDING, MAINTAINING, REPAIRING OR
21 VACATING OF ROADS OR PARTS THEREOF COVERED BY THE PROVISIONS OF
22 THIS SECTION, AND FOR THE TAKING AND USE OF SUCH LAND AS MAY BE
23 NECESSARY IN CONSTRUCTING AND MAINTAINING PROPER SLOPES,
24 EMBANKMENTS, FILLS AND CULVERTS. THE MONEYS SO RAISED SHALL NOT
25 BE EXPENDED FOR ANY OTHER PURPOSES THAN THOSE NAMED IN THIS
26 SECTION, EXCEPT FOR THE MAINTENANCE, REPAIR, CONSTRUCTION AND
27 RECONSTRUCTION OF ANY COUNTY BRIDGE OR BRIDGES, WHETHER OR NOT
28 LOCATED ON A COUNTY ROAD OR ROADS. ALL WARRANTS FOR THE PAYMENT
29 OF ANY PORTION OF THE MONEY RAISED FOR THE PURPOSES AFORESAID
30 SHALL BE ISSUED, IN THE MANNER PROVIDED BY THIS ACT, UPON

1 ESTIMATES WHICH SHALL BE MADE FROM TIME TO TIME BY THE PERSONS
2 CHARGED WITH SUCH DUTY. THE AMOUNT AND TIME WITHIN WHICH THE
3 SAME SHALL BE PAID SHALL BE FIXED AND DETERMINED IN THE CONTRACT
4 MADE FOR THE PUBLIC WORK.

5 (H) BORROWING MONEY; BOND ISSUE AND TAX LEVY. THE COUNTY
6 COMMISSIONERS MAY BORROW MONEY AND SECURE ANY INDEBTEDNESS
7 CREATED BY THEM FOR THE PURPOSES AUTHORIZED UNDER THIS SECTION
8 [BY ISSUING BONDS IN ACCORDANCE WITH THE PROVISIONS OF THE
9 MUNICIPAL BORROWING LAW].

10 (I) CHANGING PART OF ROAD WITHOUT VIEW. WHENEVER THE BOARD
11 OF COMMISSIONERS DEEM IT ADVISABLE TO CONSTRUCT OR ALTER ANY
12 PART OF ANY ROAD UNDER THEIR SUPERVISION AND CAN AGREE WITH THE
13 PROPERTY OWNERS AFFECTED BY SUCH CHANGE AS TO DAMAGES, THEY MAY,
14 UPON PAYMENT OF THE DAMAGES AGREED UPON, CONSTRUCT OR ALTER SUCH
15 PART OF SUCH PUBLIC ROAD AS CONTEMPLATED IN SUCH AGREEMENT
16 WITHOUT THE FORMALITY OF A VIEW. [THIS AUTHORITY SHALL NOT
17 EXTEND TO ANY CONSTRUCTION OR ALTERATION, THE COSTS AND EXPENSES
18 OF WHICH TO SUCH COUNTY, INCLUDING DAMAGES, SHALL EXCEED ONE
19 THOUSAND DOLLARS (\$1000). A PETITION SETTING FORTH THE FACTS,
20 ACCOMPANIED BY A MAP OR DRAFT OF SUCH PROPOSED CHANGE, SHALL BE
21 PRESENTED TO THE COURT OF QUARTER SESSIONS FOR APPROVAL BEFORE
22 SUCH ACTUAL CHANGE IS MADE, WHEREUPON THE NEW LOCATION THUS
23 APPROVED BY THE COURT SHALL BE THE PUBLIC ROAD TO ALL INTENTS
24 AND PURPOSES AND THE OLD LOCATION SHALL BE VACATED.]

25 (J) ASSESSMENT OF BENEFITS. WHENEVER, IN THE COUNTY, ANY
26 ROAD OR HIGHWAY SHALL BE ORIGINALLY LOCATED, LAID OUT OR
27 CONSTRUCTED OR RELOCATED, OPENED, STRAIGHTENED, WIDENED,
28 EXTENDED OR ALTERED, OR ANY PART THEREOF VACATED, THE VIEWERS
29 APPOINTED TO ASSESS DAMAGES FOR TAKING, INJURING OR DESTROYING
30 PROPERTY, AFTER HAVING DETERMINED THE AMOUNT OF DAMAGES

1 SUSTAINED, SHALL ASSESS THE WHOLE OR SUCH PART OF SUCH DAMAGES
2 AS MAY BE REPRESENTED BY BENEFITS UPON THE PROPERTIES ABUTTING
3 ON AND BENEFITED BY SUCH IMPROVEMENTS. THE REMAINING PART OF
4 SUCH DAMAGES, IF ANY, NOT SO ASSESSED AGAINST THE ABUTTING
5 PROPERTIES, SHALL BE PAID BY THE COUNTY. THE TOTAL ASSESSMENTS
6 FOR BENEFITS SHALL IN NO CASE EXCEED THE TOTAL DAMAGES AWARDED
7 AND AGREED UPON.

8 THE VIEWERS SHALL IN SUCH CASES FILE THEIR REPORT SHOWING THE
9 BALANCE STRUCK BETWEEN THE DAMAGES AWARDED AND THE BENEFITS
10 ASSESSED.

11 (K) INTEREST ON BENEFITS ASSESSED. ALL ASSESSMENTS FOR
12 BENEFITS SHALL BEAR INTEREST AT THE EXPIRATION OF THIRTY DAYS
13 AFTER THEY HAVE BEEN FINALLY DETERMINED AND FIXED AND SHALL BE
14 PAYABLE TO THE TREASURER OF THE COUNTY.

15 (L) LIENS FOR BENEFITS ASSESSED. ALL LIENS FOR THE
16 ASSESSMENT OF BENEFITS PURSUANT TO THE PROVISIONS OF THE TWO
17 PRECEDING SUBSECTIONS SHALL BE FILED, REVIVED AND COLLECTED IN
18 ACCORDANCE WITH LAW.

19 NO APPEAL TAKEN SHALL PREVENT THE FILING OF LIENS BY THE
20 COUNTY FOR ANY ASSESSMENT MADE BY VIRTUE OF THE VIEWERS' REPORT,
21 BUT UPON THE FINAL DETERMINATION OF THE ISSUE THE COURT MAY MAKE
22 SUCH ORDER AS TO ANY LIEN FILED THAT SHALL APPEAR RIGHT AND
23 PROPER.

24 (M) SIDEWALKS ALONG COUNTY ROADS. WHENEVER CONSIDERED
25 NECESSARY FOR THE SAFETY AND ACCOMMODATION OF THE PUBLIC, THE
26 COUNTY COMMISSIONERS MAY LOCATE, CONSTRUCT AND MAINTAIN
27 SIDEWALKS ALONG COUNTY ROADS. THE COST OF THE CONSTRUCTION AND
28 MAINTENANCE OF SAID SIDEWALKS SHALL BE PAID BY THE COUNTY.

29 (N) LIGHTS ALONG COUNTY ROADS. WHENEVER CONSIDERED NECESSARY
30 FOR THE SAFETY AND CONVENIENCE OF THE TRAVELING PUBLIC, THE

1 COUNTY COMMISSIONERS MAY SUPPLY AND EQUIP ANY COUNTY ROAD OR
2 PARTS THEREOF WITH LIGHTS OF SUCH KIND AS THEY SHALL DEEM
3 NECESSARY. THE COMMISSIONERS MAY FOR THIS PURPOSE CONTRACT WITH
4 ANY INDIVIDUAL OR WITH ANY MUNICIPAL OR PRIVATE CORPORATION. THE
5 COST OF THE CONSTRUCTION MAY AND THE COST OF MAINTENANCE OF THE
6 SAID LIGHTS SHALL BE PAID BY THE COUNTY.

7 SECTION 2902. SYSTEM OF MAIN THOROUGHFARES IN COUNTY.--(A)
8 ADOPTION OF SYSTEM. THE COUNTY COMMISSIONERS MAY, IN THE MANNER
9 PROVIDED BY THIS SECTION, CAUSE TO BE LAID OUT, SURVEYED AND
10 ADOPTED A SYSTEM OF MAIN THOROUGHFARES WHICH SAID BOARD SHALL
11 ADJUDGE THE PROPER ROADS TO BE ESTABLISHED AND SPECIALLY
12 CONSTRUCTED AND IMPROVED. IN ADOPTING SUCH SYSTEM, THE
13 COMMISSIONERS SHALL CONSIDER THE POPULATION AND NEEDS OF ALL
14 PARTS OF THE COUNTY AND MAKE AN EQUITABLE DISTRIBUTION OF THE
15 ROADS TO BE SPECIALLY CONSTRUCTED, LOCATED AND IMPROVED BY THE
16 SAID COUNTY. THEY SHALL CAUSE A PLAN OR PLANS TO BE MADE SHOWING
17 SAID SYSTEM OF PROPOSED ROADS, THE RELATION OF THE PROPOSED
18 ROADS TO EXISTING PUBLIC ROADS WHICH CONNECT THEREWITH OR ARE TO
19 BE SUPPLIED THEREBY, THE NAMES OF ABUTTING PROPERTY OWNERS, AND
20 ALSO ROADS WHICH ALREADY HAVE BEEN IMPROVED BY THE COUNTY. UPON
21 APPROVAL OF SAID PLAN OR PLANS BY THE COMMISSIONERS, THEY SHALL
22 CAUSE SAID APPROVAL TO BE ENGROSSED UPON SAID PLANS AND
23 CERTIFIED BY AT LEAST TWO COMMISSIONERS. SAID PLANS SHALL BE
24 FILED FOR PUBLIC INSPECTION IN THE OFFICE OF THE COMMISSIONERS
25 AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN A BOOK TO
26 BE PROVIDED FOR THE PURPOSE.

27 NO PART OF THE PROPOSED ROADS OF SAID SYSTEM SHALL BE AN
28 EASEMENT UPON PRIVATE PROPERTY OR IN ANY MANNER INTERFERE WITH
29 THE USE THEREOF UNTIL ESTABLISHED AS A PUBLIC ROAD BY THE ACTION
30 OF THE COURT OF QUARTER SESSIONS.

1 (B) IMPROVEMENT OF [BOROUGH AND TOWNSHIP] MUNICIPAL ROADS.
2 WHENEVER SUCH SYSTEM OF MAIN THOROUGHFARES HAS BEEN ADOPTED OR
3 WHEN THE ADOPTION THEREOF IS CONTEMPLATED WITHIN TWO YEARS AFTER
4 THE COMMENCEMENT OF SUCH IMPROVEMENT, THE COMMISSIONERS MAY[,
5 UPON APPROVAL BY THE COURT OF QUARTER SESSIONS AS HEREINAFTER
6 PROVIDED,] TAKE EXCLUSIVE CONTROL OF AND IMPROVE ANY ROAD OR
7 SECTION THEREOF LOCATED EITHER WHOLLY OR IN PART IN ANY [BOROUGH
8 OR TOWNSHIP] MUNICIPALITY, WHETHER EXISTING BY THEIR AUTHORITY
9 OR LAID OUT IN WHOLE OR IN PART BY VIRTUE OF THIS ACT OR
10 OTHERWISE. FOR THAT PURPOSE, THEY MAY ORIGINALLY LOCATE, LAY
11 OUT, ESTABLISH IN WHOLE OR IN PART, RELOCATE, STRAIGHTEN, WIDEN,
12 EXTEND, ALTER AND OPEN ROADS, AND CONSTRUCT AND IMPROVE THE
13 SAME, AND VACATE SO MUCH OF ANY ROADS AS MAY BE THEREBY RENDERED
14 UNNECESSARY AND USELESS. ANY ROAD AS ESTABLISHED OR ALTERED,
15 CONSTRUCTED AND IMPROVED UNDER THE PROVISIONS OF THIS SUBSECTION
16 SHALL, BY ORDINANCE ENACTED BY EACH [BOROUGH OR BY RESOLUTION
17 ADOPTED BY THE COMMISSION OR SUPERVISORS OF EACH TOWNSHIP]
18 MUNICIPALITY THROUGH WHICH SUCH ROAD SHALL PASS, BECOME [BOROUGH
19 OR TOWNSHIP] MUNICIPAL ROADS, AND THE DUTY OF MAINTAINING AND
20 KEEPING THE SAME IN REPAIR SHALL DEVOLVE UPON EACH RESPECTIVE
21 [TOWNSHIP OR BOROUGH] MUNICIPALITY THROUGH OR INTO WHICH THE
22 SAME EXTENDS.

23 (C) PLAN OF SYSTEM TO BE FOLLOWED; VARIATIONS. AFTER SUCH
24 PLANS HAVE BEEN ADOPTED AND RECORDED PURSUANT TO LAW, ALL
25 APPLICATIONS UNDER THE PRECEDING SUBSECTION [TO THE COURT OF
26 QUARTER SESSIONS] SHALL BE RESTRICTED AND SHALL RELATE ONLY TO
27 THE ESTABLISHING, OPENING, CONSTRUCTION AND IMPROVEMENT OF THE
28 PROPOSED ROADS OF SAID SYSTEM OR PARTS THEREOF AND THE VACATION
29 OF ROADS SUPPLIED BY THE PORTION OPENED AND IMPROVED. THE
30 COMMISSIONERS[, UPON APPROVAL BY THE COURT OF QUARTER SESSIONS

1 AS HEREINAFTER PROVIDED,] MAY RELOCATE, STRAIGHTEN, WIDEN,
2 EXTEND, ALTER AND OPEN, CONSTRUCT AND IMPROVE THE PROPOSED ROADS
3 AS LAID OUT, SURVEYED, MARKED AND SHOWN UPON THE PLANS OF SAID
4 SYSTEM, OR TO ORIGINALLY LOCATE, LAY OUT AND ESTABLISH,
5 CONSTRUCT AND IMPROVE ROADS WHICH SUBSTANTIALLY SUPPLY SAID
6 SYSTEM OR PARTS THEREOF WHICH, ALTHOUGH NOT PARTS OF SAID
7 SYSTEM, ARE DEEMED BY THE SAID COURT TO BE MAIN THOROUGHFARES OF
8 SUFFICIENT IMPORTANCE TO BE IMPROVED BY THE COUNTY AND TO BE
9 ADDED TO SAID PLAN, AND IN SUCH CASE TO VACATE SO MUCH OF THE
10 ROADS OF SAID SYSTEM AND OF ROADS ALREADY ESTABLISHED AS MAY BE
11 RENDERED UNNECESSARY BY THE CHANGES OR BY AN ENTIRELY NEW
12 LOCATION.

13 (D) IMPROVEMENT OF ROADS NOT PART OF SYSTEM ON CONTRIBUTION
14 FROM PARTIES INTERESTED. THE COMMISSIONERS MAY ALSO ORIGINALLY
15 LOCATE, LAY OUT AND ESTABLISH IN WHOLE OR IN PART, RELOCATE,
16 STRAIGHTEN, WIDEN, EXTEND, ALTER AND OPEN, CONSTRUCT AND IMPROVE
17 ROADS NOT PARTS OF SAID SYSTEM NOR DEEMED MAIN THOROUGHFARES,
18 UPON PARTIES INTERESTED THEREIN PAYING OR SECURING TO BE PAID,
19 [IN A MANNER TO BE APPROVED BY THE COURT OF QUARTER SESSIONS,]
20 SUCH PROPORTION OF THE COST OF THE ORIGINAL CONSTRUCTION AND
21 IMPROVEMENT AS THE COMMISSIONERS MAY DEEM JUST, WHICH SHALL NOT
22 BE LESS THAN ONE-FOURTH OF SUCH COST IN ANY CASE.

23 (E) ANNUAL TAX. THE COMMISSIONERS MAY LEVY, ASSESS AND
24 COLLECT AN ANNUAL TAX, OF NOT MORE THAN TWO MILLS UPON THE
25 DOLLAR, UPON ALL REAL AND PERSONAL PROPERTY WITHIN THE COUNTY
26 TAXABLE FOR COUNTY PURPOSES, FOR THE PURPOSE OF ACQUIRING AND
27 SECURING A FUND FROM WHICH TO PAY ALL COSTS, DAMAGES AND
28 EXPENSES REQUIRED IN LOCATING, OPENING, WIDENING, STRAIGHTENING,
29 EXTENDING, BUILDING, IMPROVING, MAINTAINING, REPAIRING OR
30 VACATING OF THE ROADS OR PARTS THEREOF IMPROVED UNDER THE

1 PROVISIONS OF THIS SECTION, AND FOR THE TAKING AND USING OF SUCH
2 LAND AS MAY BE MADE NECESSARY IN CONSTRUCTING AND MAINTAINING
3 PROPER SLOPES, EMBANKMENTS, FILLS AND CULVERTS. THE MONEYS SO
4 RAISED SHALL NOT BE EXPENDED FOR ANY OTHER PURPOSES THAN THOSE
5 NAMED IN THIS SUBSECTION. ALL WARRANTS FOR THE PAYMENT OF ANY
6 PORTION OF THE MONEY RAISED FOR THE PURPOSES AFORESAID SHALL BE
7 ISSUED, IN THE MANNER PROVIDED BY THIS ACT, UPON ESTIMATES WHICH
8 SHALL BE MADE FROM TIME TO TIME BY THE PERSON CHARGED WITH SUCH
9 DUTY, AND THE AMOUNT AND TIME WITHIN WHICH THE SAME SHALL BE
10 PAID SHALL BE FIXED AND DETERMINED IN THE CONTRACT MADE FOR THE
11 PUBLIC WORK HEREIN AUTHORIZED.

12 (F) BORROWING MONEY AND BOND ISSUE. ANY COUNTY MAY BORROW
13 MONEY AND SECURE SUCH INDEBTEDNESS [BY ISSUING BONDS IN
14 ACCORDANCE WITH THE PROVISIONS OF THE MUNICIPAL BORROWING LAW]
15 FOR THE PURPOSE OF BUILDING AND IMPROVING THE ROADS OR ANY PART
16 THEREOF CONSTRUCTED UNDER THE PROVISIONS OF THIS SECTION.

17 SECTION 2903. PROVIDING ROADS, TUNNELS, SUBWAYS AND
18 UNDERGROUND ROADS.--(A) WHENEVER THE COUNTY COMMISSIONERS SHALL
19 DEEM IT EXPEDIENT SO TO DO [AND UPON THE APPROVAL THEREOF BY THE
20 COURT OF QUARTER SESSIONS AS HEREINAFTER PROVIDED,] THEY MAY
21 CAUSE TO BE PURCHASED, LOCATED, CONSTRUCTED, OPERATED AND
22 MAINTAINED ROADS, TUNNELS, SUBWAYS OR UNDERGROUND ROADS ANYWHERE
23 WITHIN THE COUNTY, EITHER WHOLLY OR PARTLY WITHIN THE BOUNDARIES
24 OF ANY CITY, BOROUGH OR TOWNSHIP. ANY ROAD, TUNNEL, SUBWAY OR
25 UNDERGROUND ROAD PURCHASED OR CONSTRUCTED UNDER THE PROVISIONS
26 OF THIS SECTION SHALL FOREVER THEREAFTER BE A COUNTY ROAD,
27 TUNNEL, SUBWAY OR UNDERGROUND ROAD, AND THE DUTY OF MAINTAINING
28 AND KEEPING THE SAME IN REPAIR SHALL DEVOLVE UPON THE COUNTY.
29 THE EXPENSE THEREOF SHALL BE PAID BY THE COUNTY AS HEREINAFTER
30 PROVIDED.

1 (B) CONTRACTS OR LEASE FOR SPECIAL USE OF IMPROVEMENTS. THE
2 COMMISSIONERS[, SUBJECT TO THE APPROVAL OF THE COURT OF QUARTER
3 SESSIONS,] MAY MAKE A CONTRACT OR LEASE WITH ANY STREET RAILWAY
4 OR TRANSPORTATION COMPANY, ITS SUCCESSORS AND ASSIGNS, FOR THE
5 CONCURRENT USE OF SUCH A PORTION OF SAID ROAD, TUNNEL OR SUBWAY
6 OR UNDERGROUND ROAD, AS SHALL NOT SUBSTANTIALLY IMPAIR OR
7 RESTRICT THE PUBLIC USE AND ENJOYMENT THEREOF, UPON SUCH TERMS
8 AND CONDITIONS AS SHALL BE AGREED UPON. [NO SUCH CONTRACT OR
9 LEASE FOR THE CONCURRENT USE OF A PORTION OF SUCH IMPROVEMENT
10 SHALL BE FOR A LONGER TERM OR PERIOD THAN TWENTY YEARS. ANY SUCH
11 CONTRACT OR LEASE SHALL BE MADE IN ACCORDANCE WITH APPLICABLE
12 PROVISIONS OF THE PUBLIC UTILITY LAW.]

13 (C) TAKING STREET OR OTHER PROPERTY OF [CITY OR BOROUGH]
14 MUNICIPALITY. SHOULD THE COMMISSIONERS OF THE COUNTY DEEM IT
15 NECESSARY OR ADVISABLE TO ENTER UPON OR APPROPRIATE ANY ROAD OR
16 PROPERTY OF ANY CITY OR BOROUGH IN THE COUNTY, OR TAKE ANY OTHER
17 ACTION AFFECTING THE PROPERTY RIGHTS OR AUTHORITY OF SUCH [CITY
18 OR BOROUGH] MUNICIPALITY, FOR THE PURPOSE OF CONSTRUCTING OR
19 MAINTAINING A ROAD, TUNNEL, SUBWAY OR UNDERGROUND ROAD, OR IN
20 CONNECTION WITH THE IMPROVEMENT OF ANY OF THEM, WHICH HAS BEEN
21 OR IS ABOUT TO BE PURCHASED BY THE COUNTY OR OTHERWISE, THE
22 CONSENT THERETO OF SUCH [CITY OR BOROUGH] MUNICIPALITY BY
23 ORDINANCE SHALL BE OBTAINED BEFORE THE ACTUAL ENTERING IN OR
24 UPON OR THE APPROPRIATION OF SUCH ROAD OR PROPERTY. AFTER SUCH
25 ENTRY AND APPROPRIATION, THE COUNTY SHALL BE LIABLE AND CHARGED
26 WITH THE SUPERVISION, CONTROL AND MAINTENANCE OF SAID ROADS AND
27 PROPERTIES, OR SO MUCH THEREOF AS IS TAKEN AND USED FOR THE
28 PURPOSE OF CONSTRUCTING AND MAINTAINING SUCH ROAD, TUNNEL,
29 SUBWAY OR UNDERGROUND ROAD, OR IN CONNECTION WITH THE
30 IMPROVEMENT OF ANY OF THEM, PURCHASED OR TO BE PURCHASED AS

1 AFORESAID.

2 (D) ANNUAL TAX LEVY. THE COMMISSIONERS MAY LEVY, ASSESS AND
3 COLLECT AN ANNUAL TAX, OF NOT MORE THAN TWO MILLS ON THE DOLLAR,
4 ON ALL REAL AND PERSONAL PROPERTY WITHIN THE COUNTY TAXABLE FOR
5 COUNTY PURPOSES FOR THE PURPOSE OF ACQUIRING AND SECURING A FUND
6 FROM WHICH TO PAY ALL COSTS, DAMAGES AND EXPENSES REQUIRED IN
7 THE PURCHASING, IMPROVING, LOCATING, OPENING, CONSTRUCTING,
8 MAINTAINING AND REPAIRING ROADS, TUNNELS, SUBWAYS AND
9 UNDERGROUND ROADS, PURCHASED OR CONSTRUCTED UNDER THE PROVISIONS
10 OF THIS SECTION, AND THE TAKING AND USING OF SUCH LAND AS MAY BE
11 MADE NECESSARY IN CONSTRUCTING THE SAME AND IN MAINTAINING
12 PROPER SLOPES, EMBANKMENTS, APPROACHES AND TERMINI FOR SAID
13 ROADS, TUNNELS, SUBWAYS AND UNDERGROUND ROADS. THE MONEY SO
14 RAISED SHALL NOT BE USED OR EXPENDED FOR ANY OTHER PURPOSES THAN
15 THOSE NAMED IN THIS SUBSECTION. ALL WARRANTS FOR THE PAYMENT OF
16 ANY PORTION OF THE MONEY RAISED FOR THE PURPOSES AFORESAID SHALL
17 BE ISSUED, IN THE MANNER PROVIDED BY THIS ACT, UPON ESTIMATES
18 WHICH SHALL BE MADE FROM TIME TO TIME BY THE PERSON CHARGED WITH
19 SUCH DUTY. THE AMOUNT AND TIME WITHIN WHICH THE SAME SHALL BE
20 PAID SHALL BE FIXED AND DETERMINED IN THE CONTRACT MADE FOR THE
21 PUBLIC WORK HEREIN AUTHORIZED.

22 (E) BORROWING MONEY AND BOND ISSUE. THE COUNTY MAY BORROW
23 MONEY AND INCUR INDEBTEDNESS [IN ACCORDANCE WITH THE PROVISIONS
24 OF THE MUNICIPAL BORROWING LAW,] TO AN AMOUNT NOT EXCEEDING THE
25 CONSTITUTIONAL LIMITATIONS, FOR THE PURCHASE AND IMPROVEMENT OR
26 CONSTRUCTION OF SUCH ROADS, TUNNELS, SUBWAYS AND UNDERGROUND
27 ROADS.

28 SECTION 34. SECTION 2904 OF THE ACT IS REPEALED.

29 SECTION 35. SECTIONS 2907, 2909, 2912 AND 2931 HEADING AND
30 (A) OF THE ACT ARE AMENDED TO READ:

1 SECTION 2907. PENALTIES FOR INJURING DRAINS, ETC.--IF ANY
2 PERSON SHALL STOP, FILL UP OR INJURE ANY SUCH DRAIN, CHANNEL OR
3 DITCH, OR THE INLETS OR OUTLETS THERETO, OR SHALL DIVERT OR
4 CHANGE THE COURSE THEREOF, WITHOUT ANY AUTHORITY OF THE COUNTY,
5 OR SHALL BE RESPONSIBLE FOR THE SAME, AND DOES NOT ELIMINATE OR
6 REMOVE SUCH OBSTRUCTION OF OR INTERFERENCE WITH SAID DRAINS,
7 CHANNELS, DITCHES, ETC., UPON TEN (10) DAYS NOTICE IN WRITING
8 FROM THE COUNTY SO TO DO, THEN AND IN THAT CASE SUCH PERSON
9 SHALL[, UPON SUMMARY CONVICTION IN AN ACTION BEFORE ANY
10 MAGISTRATE, ALDERMAN OR JUSTICE OF THE PEACE, BE SENTENCED TO
11 PAY A FINE OR PENALTY OF TEN DOLLARS (\$10) FOR EVERY SUCH
12 OFFENSE TOGETHER WITH THE COSTS OF PROSECUTION, AND SUCH FINES
13 AS SHALL BE IMPOSED SHALL BE PAID TO THE TREASURER OF THE PROPER
14 COUNTY] BE CONVICTED OF A SUMMARY OFFENSE. EVERY DAY'S
15 VIOLATION, AFTER WRITTEN NOTICE HAS BEEN RECEIVED BY THE PROPER
16 PERSON, SHALL CONSTITUTE A SEPARATE OFFENSE: PROVIDED, HOWEVER,
17 THAT NOTHING HEREIN CONTAINED SHALL LIMIT OR DEPRIVE THE SAID
18 COUNTIES OF ANY OTHER REMEDY WHICH THEY MAY NOW OR IN THE FUTURE
19 HAVE, IN LAW OR EQUITY.

20 SECTION 2909. VACATION AS COUNTY ROADS.--UPON PETITION OF
21 THE COUNTY COMMISSIONERS, THE COURT OF [QUARTER SESSIONS] COMMON
22 PLEAS MAY VACATE AS A COUNTY ROAD ANY PORTIONS OF ANY ABANDONED
23 OR CONDEMNED [TURNPIKE] ROAD, OR ANY PORTIONS OF ANY [TURNPIKE]
24 ROAD PURCHASED BY THE COUNTY, OR OF ANY ROAD, THE PERMANENT
25 LOCATION OR IMPROVEMENT WHEREOF HAS BEEN ORDERED OR MADE UNDER
26 THIS OR FORMER ACTS RELATING TO COUNTY ROADS. ALL PORTIONS OF
27 SUCH ROADS SO VACATED SHALL BECOME AND BE TOWNSHIP ROADS, IF
28 LOCATED WITHIN A TOWNSHIP, OR SHALL BECOME AND BE BOROUGH OR
29 CITY ROADS, IF LOCATED WITHIN A BOROUGH OR CITY. WRITTEN NOTICE
30 OF THE CONTENTS OF SAID PETITION AND THE TIME WHEN THE SAME WILL

1 BE PRESENTED TO THE COURT SHALL BE GIVEN BY THE COUNTY
2 COMMISSIONERS TO THE SUPERVISORS OR COMMISSIONERS OF THE
3 TOWNSHIP OR TOWNSHIPS OR TO THE COUNCIL OF THE BOROUGH OR CITY
4 THROUGH WHICH SAID ROAD PASSES, AT LEAST TEN DAYS BEFORE THE
5 DATE OF PRESENTING THE SAME. AT THE TIME SAID PETITION IS
6 PRESENTED, THE COURT MAY FIX A TIME FOR HEARING IN OPEN COURT,
7 OR MAY REFER THE MATTER TO AN EXAMINER TO TAKE TESTIMONY AND
8 REPORT HIS FINDINGS TO THE COURT AT SUCH TIME AS THE COURT SHALL
9 DIRECT. AT ANY HEARING IN OPEN COURT OR BEFORE AN EXAMINER
10 APPOINTED BY THE COURT, ALL PARTIES IN INTEREST MAY APPEAR AND
11 BE HEARD. AFTER SUCH HEARING, THE COURT, IF IT SHALL FIND THAT
12 THE CONDITIONS PRESCRIBED BY THIS ACT HAVE BEEN COMPLIED WITH,
13 MAY GRANT THE PRAYER OF THE PETITIONERS AND MAKE A DECREE
14 ACCORDINGLY OR MAKE SUCH ORDER IN THE PREMISES AS IT DEEMS RIGHT
15 AND JUST. NO ORDER OF VACATION SHALL BE MADE UNTIL THE TOWNSHIP,
16 BOROUGH OR CITY AFFECTED SHALL HAVE CONSENTED THERETO BY AN
17 ORDINANCE OR RESOLUTION CERTIFIED TO THE COURT.

18 SECTION 2912. LAYING OUT; ALTERING; VACATING.--ROADS FORMING
19 OR INTENDED TO FORM A CONTINUOUS HIGHWAY FROM ONE COUNTY TO
20 ANOTHER, WHICH CROSS A RIVER, CREEK OR RIVULET FORMING A
21 BOUNDARY LINE BETWEEN SAID COUNTIES, MAY BE LAID OUT OR ALTERED
22 OR VACATED IN THE MANNER PROVIDED IN THE CASE OF OTHER ROADS[,
23 EXCEPT THAT THE COURT OF QUARTER SESSIONS OF EACH COUNTY SHALL
24 APPOINT THREE VIEWERS AND THAT A REPORT AS AFORESAID SHALL BE
25 MADE TO EACH COURT RESPECTIVELY, AND THAT EACH COURT SHALL
26 OTHERWISE HAVE AND EXERCISE CONCURRENT JURISDICTION THEREIN].

27 SECTION 2931. IMPROVEMENT ON ORDER OF COURT OF [QUARTER
28 SESSIONS] COMMON PLEAS.--(A) IN ALL CASES IN WHICH IT SHALL BE
29 FOUND IMPOSSIBLE TO ENTER INTO SUCH CONTRACTS OR AGREEMENTS, OR
30 WHERE EITHER THE CITY OR BOROUGH AND THE TOWNSHIP OR THE COUNTY

1 IN WHICH SUCH TOWNSHIP IS SITUATED SHALL REFUSE TO ENTER INTO
2 SUCH CONTRACT OR AGREEMENT, EITHER THE MUNICIPALITY OR THE
3 COUNTY OR TOWNSHIP MAY PRESENT ITS PETITION TO THE COURT OF
4 [QUARTER SESSIONS] COMMON PLEAS OF EITHER COUNTY SETTING FORTH
5 THE FACTS AND CIRCUMSTANCES, INCLUDING THE CONDITION OF THE ROAD
6 FROM WHICH THE NECESSITY AND DESIRABILITY FOR THE GRADING,
7 CURBING, MACADAMIZING OR PAVING OF THE ROADWAY APPEARS, AND THE
8 ESTIMATED COST THEREOF, AND THAT THE TERMS OF SUCH CONTRACT
9 CANNOT BE AGREED UPON BY THE MUNICIPALITY AND COUNTY OR
10 TOWNSHIP, OR EITHER OR ANY OF THEM, OR THAT EITHER SUCH
11 MUNICIPALITY OR THE COUNTY OR TOWNSHIP OR ANY OF THEM REFUSES TO
12 ENTER INTO SUCH CONTRACT.

13 * * *

14 SECTION 36. SECTION 2932 OF THE ACT IS REPEALED.

15 SECTION 37. SECTIONS 2940(A) AND 2942 OF THE ACT ARE AMENDED
16 TO READ:

17 SECTION 2940. LAYING OUT DETOURS WHEN COUNTY ROAD IS
18 CLOSED.--(A) EXCEPT IN THE CASE OF EMERGENCY WHEREIN THE SAFETY
19 OF THE PUBLIC WOULD BE ENDANGERED, NO COUNTY ROAD SHALL BE
20 CLOSED TO VEHICULAR TRAFFIC EXCEPT UPON ORDER OF THE COUNTY
21 COMMISSIONERS, NOR FOR A LONGER PERIOD THAN IS NECESSARY FOR THE
22 PURPOSE FOR WHICH SUCH ORDER IS ISSUED. EXCEPT FOR TEMPORARY
23 EMERGENCY POLICE MEASURES WHEREIN THE SAFETY OF THE PUBLIC WOULD
24 BE ENDANGERED IF IT WERE NOT TEMPORARILY CLOSED, NO COUNTY ROAD
25 SHALL BE CLOSED TO VEHICULAR TRAFFIC WHEN THE SAME HAS BEEN
26 DESIGNATED AS A DETOUR BY THE DEPARTMENT OF [HIGHWAYS OF THE
27 COMMONWEALTH] TRANSPORTATION UNLESS THE WRITTEN CONSENT OF THE
28 DEPARTMENT OF [HIGHWAYS] TRANSPORTATION HAS FIRST BEEN OBTAINED,
29 OR UNLESS THE COUNTY COMMISSIONERS HAVING JURISDICTION OVER SAID
30 ROAD SHALL, BY RESOLUTION, DECLARE SUCH CLOSING NECESSARY FOR

1 THE PROTECTION OF THE PUBLIC SAFETY.

2 * * *

3 SECTION 2942. FINES AND DAMAGES.--(A) ANY PERSON WHO SHALL
4 WILFULLY REMOVE, DEFACE, DESTROY OR DISREGARD ANY BARRICADE,
5 LIGHT, DANGER SIGN, DETOUR SIGN OR WARNING OF ANY CHARACTER
6 WHATSOEVER, ERECTED OR PLACED UNDER AUTHORITY OF SECTION 2940 OF
7 THIS ACT, OR WHO SHALL DRIVE ON, OVER OR ACROSS ANY ROAD WHICH
8 HAS BEEN CLOSED BY PROPER AUTHORITY, SHALL[, UPON CONVICTION
9 THEREOF IN A SUMMARY PROCEEDING BEFORE A MAGISTRATE, ALDERMAN OR
10 JUSTICE OF THE PEACE, BE SENTENCED TO PAY A FINE OF NOT LESS
11 THAN TWENTY-FIVE DOLLARS (\$25) NOR MORE THAN ONE HUNDRED DOLLARS
12 (\$100) AND THE COST OF PROSECUTION, AND IN DEFAULT OF THE
13 PAYMENT THEREOF, SHALL BE IMPRISONED ONE DAY FOR EACH DOLLAR OF
14 FINE AND COSTS UNPAID] BE CONVICTED OF A SUMMARY OFFENSE:

15 PROVIDED, HOWEVER, THAT PERSONS WHO HAVE NO OUTLET DUE TO THE
16 CLOSING OF A ROAD MAY DRIVE ON, OVER OR ACROSS SUCH ROAD, WITH
17 THE CONSENT IN WRITING OF AND SUBJECT TO SUCH CONDITIONS AS MAY
18 BE PRESCRIBED BY THE COUNTY COMMISSIONERS RESPONSIBLE FOR THE
19 CLOSING, OR THEIR AGENTS OR CONTRACTORS, WITHOUT BEING SUBJECT
20 TO THE FINES IMPOSED BY THIS SECTION.

21 (B) IN ADDITION TO THE FINES HEREIN PROVIDED, THE COUNTY
22 COMMISSIONERS RESPONSIBLE FOR THE MAINTENANCE OF A ROAD WHICH
23 HAS BEEN CLOSED TO VEHICULAR TRAFFIC, OR THEIR AGENTS OR
24 CONTRACTORS, MAY, IN AN ACTION AT LAW, RECOVER DAMAGES FROM ANY
25 PERSON OR PERSONS WHO HAVE DAMAGED A ROAD WHEN IT IS CLOSED TO
26 VEHICULAR TRAFFIC.

27 (C) ALL FINES COLLECTED UNDER THE PROVISIONS OF THIS SECTION
28 SHALL BE PAID [BY THE OFFICER RECEIVING THE SAME TO THE
29 TREASURER OF THE BOROUGH, TOWNS OR TOWNSHIPS IN WHICH THE
30 OFFENSES SHALL HAVE BEEN COMMITTED] TO THE COUNTY TREASURER FOR

1 THE GENERAL FUND USE OF THE COUNTY.

2 SECTION 38. SECTIONS 2950, 2951, 2952 AND 2953 OF THE ACT
3 ARE REPEALED.

4 SECTION 39. SECTIONS 2954(B) AND 3053 OF THE ACT ARE AMENDED
5 TO READ:

6 SECTION 2954. PENALTY FOR DESTROYING, ET CETERA, INDEX
7 BOARDS.--* * *

8 (B) ANY PERSON VIOLATING THE PROVISIONS OF THIS SECTION
9 SHALL[, UPON SUMMARY CONVICTION, BE SENTENCED TO PAY A FINE OF
10 NOT LESS THAN TEN DOLLARS (\$10) NOR MORE THAN TWENTY-FIVE
11 DOLLARS (\$25) WITH ALL COSTS OF PROSECUTION, TOGETHER WITH THE
12 VALUE OF SUCH SIGN SO DESTROYED, REMOVED OR DEFACED. IN DEFAULT
13 OF PAYMENT OF SAID FINE, COSTS AND EXPENSES, SUCH PERSON SHALL
14 UNDERGO AN IMPRISONMENT FOR A PERIOD OF NOT LESS THAN FIVE (5)
15 NOR MORE THAN SIXTY (60) DAYS] BE CONVICTED OF A SUMMARY
16 OFFENSE, AND IN ADDITION TO OTHER FINES AND PENALTIES PROVIDED
17 BY LAW, MAY BE REQUIRED TO PROVIDE REIMBURSEMENT FOR THE VALUE
18 OF SUCH SIGN SO DESTROYED.

19 SECTION 3053. SALE OF UNUSED GROUNDS.--IF, FOR A PERIOD OF
20 FIVE YEARS, NO PUBLIC USE OF SAID REAL ESTATE AS CONTEMPLATED BY
21 THE GRANT TO THE COUNTY IS MADE, THE COUNTY COMMISSIONERS SHALL
22 HAVE POWER TO SELL SUCH REAL ESTATE [ON PETITION TO THE COURT OF
23 COMMON PLEAS, AS PROVIDED BY LAW, FOR THE SALE OF COUNTY
24 PROPERTY].

25 Section ~~2~~ 40. This act shall take effect in 60 days.

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