

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 44

Session of  
1985

INTRODUCED BY FRYER, BROUJOS, NAHILL, SCHEETZ, DUFFY, DeLUCA,  
SHOWERS, BELFANTI, MACKOWSKI, WOZNIAK, BALDWIN, RUDY AND  
LIVENGOOD, JANUARY 23, 1985

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JANUARY 23, 1985

AN ACT

1 Amending the act of June 23, 1931 (P.L.932, No.317), entitled  
2 "An act relating to cities of the third class; and amending,  
3 revising, and consolidating the law relating thereto,"  
4 imposing limitations on the authority of cities to take or  
5 appropriate certain real estate.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Section 2802 of the act of June 23, 1931  
9 (P.L.932, No.317), known as The Third Class City Code, reenacted  
10 and amended June 28, 1951 (P.L.662, No.164), is amended to read:

11 Section 2802. Restrictions as to Certain Property.--(a) In  
12 addition to the restrictions made by other provisions of this  
13 act in particular cases, no city shall exercise the right of  
14 eminent domain as against land now occupied by any building  
15 which was used during the Colonial or Revolutionary period as a  
16 place of Assembly by the Council of the Colony of Pennsylvania,  
17 the Supreme Executive Council of the Commonwealth of  
18 Pennsylvania, or the Congress of the United States; or as  
19 against the land occupied by any fort, redoubt, or blockhouse,

1 erected during the Colonial or Revolutionary period, or any  
2 building used as headquarters by the Commander-in-Chief of the  
3 Continental Army, or as against the site of any building, fort,  
4 redoubt, blockhouse, or headquarters, which are preserved for  
5 their historic associations and not for private profit. The  
6 Colonial and Revolutionary period shall be taken as ended on the  
7 third day of September, one thousand seven hundred and eighty-  
8 three.

9 (b) Notwithstanding the power granted in section 2801, no  
10 city shall enter upon, appropriate, take, use, occupy, injure or  
11 destroy any private lands outside the geographical boundaries of  
12 the city for the purpose of or use as a garbage disposal plant,  
13 landfill, incinerator or a disposal place for ashes or other  
14 refuse.

15 Section 2. This act shall take effect immediately.