

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**

**No. 47**

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 24, 1931 (P.L.1206, No.331), entitled  
2 "An act concerning townships of the first class; amending,  
3 revising, consolidating, and changing the law relating  
4 thereto," imposing limitations on the power of first class  
5 townships to acquire real estate for refuse disposal  
6 facilities.

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

9 Section 1. Section 1901 of the act of June 24, 1931  
10 (P.L.1206, No.331), known as The First Class Township Code,  
11 reenacted and amended May 27, 1949 (P.L.1955, No.569) and  
12 amended May 27, 1953 (P.L.220, No.30), is amended to read:

13 Section 1901. Exercise of Eminent Domain.--In the laying  
14 out, opening, widening, extending, vacating, grading or changing  
15 the grades or lines of streets or highways, the construction of  
16 bridges and the piers and abutments therefor, the construction  
17 of slopes, embankments and sewers, including storm water drains,  
18 the erection and extension of waterworks, wharves and docks,  
19 public buildings, public works, lands and places for the

1 disposal of ashes and other refuse materials, garbage treatment  
2 works and libraries, the establishing of parks, playgrounds and  
3 recreation places, the changing of watercourses, and for all  
4 other purposes authorized by this act, a township of the first  
5 class may enter upon, appropriate, injure or destroy private  
6 lands, property and material. No township shall exercise the  
7 power of eminent domain outside the limits of such township for  
8 the purpose of acquiring real estate or facilities for  
9 incineration, landfill, the disposal of ashes, rubbish, other  
10 refuse materials, garbage or garbage treatment works.

11 Section 2. This act shall take effect immediately.