

EMINENT DOMAIN GRANTED TO BOROUGHES AND TOWNS

Act of Apr. 2, 1915, P.L. 44, No. 31

Cl. 08

AN ACT

Granting to boroughs and incorporated towns the right of eminent domain for certain purposes, and regulating the procedure thereunder.

**Compiler's Note:** Section 35 of Act 261 of 1917 provided that Act 31 is repealed insofar as it relates to boroughs.

Section 1. Be it enacted, &c., That all boroughs and incorporated towns may acquire, enter upon, take, use, and appropriate private property, and also land heretofore granted or dedicated to public use or other use, which is no longer used for the purpose for which the same was granted or dedicated, and also lands where the title is defective, disputed, or doubtful, for the erection of a town-hall, hose-house, lockup, and other buildings and works as are necessary for public municipal purposes within the corporate limits of such municipality, whenever the council thereof shall by ordinance determine thereon.

No land or property belonging to or used for any cemetery, burying-ground, or place of public worship shall be taken or appropriated, in any manner, under and by virtue of the provisions of this act.

Section 2. Whenever the municipal authorities desire to acquire, enter upon, take, use, and appropriate any such private property or lands, for any of such purposes, they shall declare such intention by an ordinance duly enacted.

Section 3. (3 repealed Apr. 28, 1978, P.L.202, No.53)

Section 4. (4 repealed Apr. 28, 1978, P.L.202, No.53)

Section 5. (5 repealed Apr. 28, 1978, P.L.202, No.53)

Section 6. (6 repealed Apr. 28, 1978, P.L.202, No.53)

Section 7. (7 repealed Jun. 3, 1971, P.L.118, No.6)

Section 8. This act does not repeal or in any way affect the provisions of the act, approved the tenth day of June, one thousand nine hundred and one, entitled "An act authorizing and empowering boroughs and incorporated towns to take, use, and appropriate private property for necessary public buildings and works within the corporate limits of such municipality, and providing for the manner of ascertaining, determining, awarding, and paying compensation and damages therefor," or of an act, approved the first day of June, one thousand nine hundred and seven, entitled "An act to amend section one of an act, entitled 'An act authorizing and empowering boroughs and incorporated towns to take, use, and appropriate private property for necessary public buildings and works within the corporate limits of such municipality, and providing for the manner of ascertaining, determining, awarding, and paying compensation and damages therefor,' approved June tenth, one thousand nine hundred and one; extending the provisions of the act to the taking, use, and appropriation of private property for a filter plant," or of an act, approved the first day of April, one thousand nine hundred and nine, entitled "An act authorizing and empowering, the several boroughs of this Commonwealth to purchase or acquire by condemnation proceedings such real estate, within or without the borough limits, as may be necessary for present and future use, upon which to erect, construct, and maintain garbage or incinerating furnaces, sewage-disposal works or plants, with the necessary filter-beds, appliances, drains, and sewers, and for the extensions thereof."