

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**

**No. 2792** Session of  
2004

INTRODUCED BY BISHOP, DeWEESE, GOODMAN, STABACK, THOMAS,  
HENNESSEY, WALKO, BEBKO-JONES, DeLUCA, CURRY, YOUNGBLOOD,  
PISTELLA, KIRKLAND AND WASHINGTON, JULY 2, 2004

REFERRED TO COMMITTEE ON TRANSPORTATION, JULY 2, 2004

AN ACT

1 Amending the act of May 16, 1891 (P.L.75, No.59), entitled "An  
2 act in relation to the laying out, opening, widening,  
3 straightening, extending or vacating streets and alleys, and  
4 the construction of bridges in the several municipalities of  
5 this Commonwealth, the grading, paving, macadamizing or  
6 otherwise improving streets and alleys, providing for  
7 ascertaining the damages to private property resulting  
8 therefrom, the assessment of the damages, costs and expenses  
9 thereof upon the property benefited, and the construction of  
10 sewers and payment of the damages, costs and expenses  
11 thereof, including damages to private property resulting  
12 therefrom," further providing for powers of municipal  
13 corporations.

14 The General Assembly of the Commonwealth of Pennsylvania  
15 hereby enacts as follows:

16 Section 1. Section 1 of the act of May 16, 1891 (P.L.75,  
17 No.59), entitled "An act in relation to the laying out, opening,  
18 widening, straightening, extending or vacating streets and  
19 alleys, and the construction of bridges in the several  
20 municipalities of this Commonwealth, the grading, paving,  
21 macadamizing or otherwise improving streets and alleys,  
22 providing for ascertaining the damages to private property  
23 resulting therefrom, the assessment of the damages, costs and

1 expenses thereof upon the property benefited, and the  
2 construction of sewers and payment of the damages, costs and  
3 expenses thereof, including damages to private property  
4 resulting therefrom," amended June 12, 1893 (P.L.459, No.329),  
5 is amended to read:

6 Section 1. (a) That all municipal corporations of this  
7 Commonwealth shall have power, whenever it shall be deemed  
8 necessary in the laying out, opening, widening, extending,  
9 grading or changing grade or lines of streets, lanes or alleys,  
10 the construction of bridges and the piers and abutments  
11 therefor, the construction of slopes, embankments and sewers,  
12 the changing of water courses or vacation of streets or alleys,  
13 to take, use, occupy or injure private lands, property or  
14 material, and in case the compensation for the damages or the  
15 benefits accruing therefrom have not been agreed upon, any court  
16 of common pleas of the proper county, or any law judge thereof  
17 in vacation, on application thereto by petition by said  
18 municipal corporation or any person interested, shall appoint  
19 three discreet and disinterested freeholders as viewers, and  
20 appoint a time not less than twenty nor more than thirty days  
21 thereafter when said viewers shall meet upon the line of the  
22 improvement and view the same and the premises affected thereby.  
23 The said viewers shall give at least ten days' notice of the  
24 time of their first meeting by publication in one or more  
25 newspapers of said corporation of the county in which it is  
26 situate, and where the publication is in more than one  
27 newspaper, one of said newspapers may be in the German language,  
28 and by handbills posted upon the premises, or otherwise, as the  
29 said court shall direct, having regard to the circumstances of  
30 the case.

1       (b) Municipal corporations shall also have the power to  
2 condemn privately owned structures which are no longer occupied  
3 by the owner or a tenant, are in poor condition and are unlikely  
4 to be restored by their owner or whose owner is unknown.

5       Section 2. This act shall take effect in 60 days.