

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2029 Session of
2005

INTRODUCED BY HABAY, BOYD, CALTAGIRONE, CREIGHTON, MARKOSEK,
R. STEVENSON, YOUNGBLOOD AND THOMAS, OCTOBER 17, 2005

REFERRED TO COMMITTEE ON STATE GOVERNMENT, OCTOBER 17, 2005

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, further providing for the power of
3 eminent domain.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 5403 of Title 53 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 5403. Powers of governing body.

9 (a) General rule.--The governing body of every municipal
10 corporation shall have the power:

11 (1) To establish within the municipal corporation an
12 area or areas designated as a business improvement district,
13 which district or districts may be designated as all or part
14 of any community which is zoned commercial or which is used
15 for general commercial purposes.

16 (2) To appropriate and expend those amounts as may be
17 necessary for preliminary planning or feasibility studies to
18 determine needed improvements in business improvement

1 districts, to recommend improvement to individual properties
2 and to provide where required basic design criteria. Public
3 hearings shall be required before passage of the enabling
4 ordinance at which any interested party may be heard. Notice
5 of the hearings shall be advertised at least ten days prior
6 thereto in a newspaper circulating in the municipal
7 corporation. The ordinance shall specify improvements, with
8 respective costs. The ordinance shall not become effective
9 if, before the expiration of 20 days after its enactment,
10 property owners of the proposed district whose property
11 valuation as assessed for taxable purposes amounts to more
12 than 50% of the total property valuation of the district sign
13 and file in the office of the prothonotary of the court of
14 common pleas a written protest against the ordinance.

15 (3) To appropriate and expend in accordance with the
16 specific provisions of the enabling ordinance such amounts as
17 may be required to acquire by purchase or lease real or
18 personal property to effectuate the purposes of the
19 improvement district, including sidewalks, retaining walls,
20 street paving, street lighting, parking lots, parking
21 garages, trees and shrubbery purchased and planted,
22 pedestrian walks, sewers, water lines and rest areas and
23 acquisition and remodeling or demolition of blighted
24 buildings and similar or comparable structures. No
25 improvement shall be made to property which has not been
26 acquired.

27 (4) To acquire by gift, purchase or eminent domain,
28 land, real property or rights-of-way which may be needed for
29 the purposes of the projected improvements within the
30 district[.] except that a municipality has no power or right

1 to appropriate property which is not blighted for any of the
2 following reasons or purposes:

3 (i) For private retail, office, commercial,
4 industrial or residential development.

5 (ii) Primarily for enhancement of tax revenue.

6 (iii) For transfer to a person, nongovernmental
7 entity, public-private partnership, corporation or other
8 business entity.

9 (5) To issue bonds, notes or guarantees in accordance
10 with the provisions of general laws authorizing borrowing by
11 cities of the first class or in accordance with Subpart B of
12 Part VII (relating to indebtedness and borrowing), whichever
13 is applicable, in the amounts and for the periods necessary
14 to finance the projected improvements for any district.

15 (b) Definitions.--As used in this section, the following
16 words and phrases shall have the meanings given to them in this
17 subsection:

18 "Blighted property." Any of the following:

19 (1) Property which, because of physical condition or
20 use, is regarded as a public nuisance at common law or has
21 been declared a public nuisance.

22 (2) A dwelling which, because it is dilapidated,
23 unsanitary, unsafe, vermin infested or lacking in facilities
24 and equipment required by the housing code of the
25 municipality, has been designated unfit for human habitation.

26 (3) A structure which is a fire hazard.

27 (4) A structure from which the utilities, plumbing,
28 heating, sewerage or other facilities have been disconnected,
29 destroyed, removed or rendered ineffective so that the
30 property is unfit for its intended use.

1 (5) A vacant or unimproved lot or parcel of ground in a
2 predominantly built-up neighborhood which, by reason of
3 neglect or lack of maintenance, has become a place for
4 accumulation of trash and debris or a haven for rodents or
5 other vermin.

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