

## No. 1979-23

## AN ACT

## HB 645

Amending the act of February 1, 1966 (1965 P.L.1656, No.581), entitled "An act concerning boroughs, and revising, amending and consolidating the law relating to boroughs," further providing for vacating roads.

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

Section 1. Section 1741, act of February 1, 1966 (1965 P.L.1656, No.581), known as "The Borough Code," is amended to read:

Section 1741. Authority to Vacate Streets; Procedure.—Any borough shall have authority, by ordinance, to vacate or close any street or portion thereof previously opened or laid out, but no street or portion thereof providing the sole means of access to any lot or tract of land shall be vacated unless those to whom access would be denied shall consent. No such ordinance shall become effective until **[thirty] forty** days after the enactment thereof. Within ten days after the enactment of any such ordinance, the borough shall give **[personal] written** notice *by United States certified mail return receipt requested to the personal address* to the owners of all property abutting on the street or portion thereof so proposed to be vacated. If any street or portion thereof proposed to be vacated shall be on a recorded plan, the borough shall also give **[personal] thirty days** notice *in a newspaper of general circulation in the borough* of the proposed vacation **[thereof] directed to all the owners of property abutting on the street or portion thereof proposed to be vacated by name and directed generally** to all *other* owners of property appearing on such plan. *In the event any owners of property abutting on the street or portion thereof so proposed to be vacated cannot be found a copy of the ordinance shall be posted on the premises of such property owner within ten days after the enactment of any such ordinance.* During such **[thirty] forty**-day period between the enactment and taking effect of such ordinance, any interested party may petition council for a hearing, which council shall hold within thirty days after the date of such petition, and of which the borough shall give at least fifteen days' notice in a newspaper of general circulation in the borough. Any such petition shall serve to stay the effective date of such ordinance, until council shall have held such hearing and shall have acted upon such petition by motion, or, in case of further appeal, until the court shall have finally disposed of the matter. After such hearing and within thirty days after action by council upon such petition, any party aggrieved by council's action thereupon may appeal to the court of **[quarter sessions] common pleas**.

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

APPROVED—The 28th day of June, A. D. 1979.

DICK THORNBURGH