

No. 1978-48

## AN ACT

HB 1566

Amending the act of June 24, 1931 (P.L.1206, No.331), entitled "An act concerning townships of the first class; amending revising, consolidating, and changing the law relating thereto," further providing for the power to lay out, open, widen and vacate streets and making an editorial change.

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

Section 1. Section 2005, act of June 24, 1931 (P.L.1206, No.331), known as "The First Class Township Code," reenacted and amended May 27, 1949 (P.L.1955, No.569) and amended May 27, 1953 (P.L.220, No.30), is amended to read:

Section 2005. Power to Lay Out, Open, Widen, Vacate, Et Cetera.—(a) The board of township commissioners may enact, ordain, survey, lay out, open, widen, straighten, vacate, and relay all streets, and parts thereof, which are wholly within the township, upon the petition of a majority in interest of the owners of property or properties through whose land such street passes, or upon whose land it abuts, or without petition of the owners of abutting property if, in the judgment of the board of commissioners, it is necessary for the public convenience; and the authority to open, widen and straighten highways with the approval of the Secretary of [Highways] *Transportation*. Such power shall include authority to vacate in whole or in part streets laid out by the Commonwealth where the same have remained unopened for a period of thirty years; and also the authority to lay out and open a street which will be a continuation or extension of a street already open by an adjacent city, borough, or township.

(b) *For the purposes of subsection (a) "street" shall mean and include any street as defined by section 102, either for or intended for public use and shall include the cartway, sidewalk, gutter or the right-of-way area, whether or not such street, or any part thereof, is owned in fee by others than the township.*

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

APPROVED—The 28th day of April, A. D. 1978.

MILTON J. SHAPP