

AN ACT

Amending the act of July 28, 1953 (P. L. 723), entitled "An act relating to counties of the second class; amending, revising, consolidating and changing the laws relating thereto," requiring counties to acquire land in fee simple when taking land by eminent domain for the purpose of laying out or opening any road, and authorizing sufficient property to be acquired to enable construction of roads of a certain width.

Preamble.

The General Assembly recognizing the need for efficient road systems in counties of the second class and the importance of the economical establishment and maintenance of such systems hereby determines and declares:

(1) That substantial economy can be effected in the laying out, widening, construction, alteration or improvement of public facilities by the acquisition of adjoining real property or of interests in adjoining real property in excess of that actually required for present needs;

(2) That such acquisition will allow for the future widening of roads as the public safety requires at a minimum of disruption of private property rights and at far lower expense than would otherwise be possible and will effect economy by the acquisition of an entire tract of land when the necessary part plus the severance damages to the remainder would involve an equal or greater expenditure than if the entire tract is acquired;

(3) That such acquisition will prevent the creation of small uneconomic remnants of land which, if allowed to exist, depreciate property values and hinder the proper development of private property and the most valuable utilization of areas adjacent to public improvements; and

(4) That the resulting economy to the public and the restoration of land values and utilization to private property owners will greatly aid the economic and social progress of counties of the second class and are necessary for the preservation of the public safety and the promotion of the general welfare.

Second Class
County Code.

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

Section 2601, act
of July 28, 1953,
P. L. 723,
amended.

Section 1. Section 2601, act of July 28, 1953 (P. L. 723), known as the "Second Class County Code," is amended to read:

Section 2601. Eminent Domain; County May Enter Upon Land, Et Cetera.—In all cases where the power of eminent domain is conferred upon the county by law, the

county may enter upon, appropriate, take, injure or destroy private lands, property or material. *Any such taking for the purpose of originally laying out or opening of any road shall be in fee simple.*

Section 2. Section 2901 of the act is amended by adding, after subsection (b), a new subsection to read:

Section 2901 of the act, amended by adding a new subsection (b.1).

Section 2901. County Roads; Establishment and Maintenance.—

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(b.1) When the county commissioners acquire real property for the county to be used for originally laying out or opening any road, sufficient property may be acquired to enable construction of roads two hundred (200) feet in width exclusive of division strips: Provided, That the limits of width shall not be construed to include the width required for necessary slopes in cuts or fills.

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APPROVED—The 25th day of July, A. D. 1961.

DAVID L. LAWRENCE

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No. 371

AN ACT

Amending the act of May 2, 1929 (P. L. 1518), entitled, as amended, "An act regulating the construction, equipment, maintenance, operation and inspection of elevators; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing fees for inspection of elevators, certificates of operation, and approval of plans; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act," changing the definition of "elevator" and regulating the repairing and renovating of elevators; requiring permits and fixing fees for permits, inspections and certificates.

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

Section 1. The definition of "elevator" in section 1, act of May 2, 1929 (P. L. 1518), entitled, as amended, "An act regulating the construction, equipment, maintenance, operation and inspection of elevators; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing fees for inspection of elevators, certificates of operation, and approval of plans; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act," reenacted and amended April 8, 1937

Elevators.
Definition of "elevator," section 1, act of May 2, 1929, P. L. 1518, reenacted and amended April 8, 1937, P. L. 277 and amended May 21, 1943, P. L. 327, further amended.