

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 375

Session of
1985

INTRODUCED BY REINARD, KUKOVICH, GEORGE, CORDISCO, J. L. WRIGHT,
COY, VROON, SCHEETZ, LLOYD, NAHILL, GREENWOOD, COLAFELLA,
BOOK, ANGSTADT, MERRY, SAURMAN, GALLAGHER, CIVERA, HALUSKA,
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FEBRUARY 13, 1985

AS REPORTED FROM COMMITTEE ON CONSERVATION, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 19, 1985

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employees in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employees of certain departments, boards and
20 commissions shall be determined," requiring the Department of
21 Environmental Resources to give notice to municipalities of
22 orders for abatement of nuisances; AND REQUIRING THE
23 DEPARTMENT OF ENVIRONMENTAL RESOURCES TO PUBLISH AND
24 ADVERTISE THE TEXT OF CERTAIN CONSENT AGREEMENTS AND ORDERS
25 AND MAKE COPIES OF SUCH ORDERS AND AGREEMENTS AVAILABLE AT
26 REGIONAL OFFICES.

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27 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Section 1917-A of the act of April 9, 1929
3 (P.L.177, No.175), known as The Administrative Code of 1929,
4 added December 3, 1970 (P.L.834, No.275), is amended to read:

5 Section 1917-A. Abatement of Nuisances.--The Department of
6 Environmental Resources shall have the power and its duty shall
7 be:

8 (1) To protect the people of this Commonwealth from
9 unsanitary conditions and other nuisances, including any
10 condition which is declared to be a nuisance by any law
11 administered by the department;

12 (2) To cause examination to be made of nuisances, or
13 questions affecting the security of life and health, in any
14 locality, and, for that purpose, without fee or hinderance, to
15 enter, examine and survey all grounds, vehicles, apartments,
16 buildings, and places, within the Commonwealth, and all persons,
17 authorized by the department to enter, examine and survey such
18 grounds, vehicles, apartments, buildings and places, shall have
19 the powers and authority conferred by law upon constables;

20 (3) To order such nuisances including those detrimental to
21 the public health to be abated and removed and to provide the
22 governing body of the local municipality and county in which the
23 alleged nuisance is located with a copy of the order within
24 seven days after its issuance;

25 (4) If the owner or occupant of any premises, whereon any
26 such nuisance fails to comply with any order of the department
27 for the abatement or removal thereof, to enter upon the
28 premises, to which such order relates, and abate or remove such
29 nuisance;

30 (5) For the purpose of collecting or recovering the expense

1 of the abatement or removal of a nuisance, to file a claim, or
2 maintain an action, in such manner as may now or hereafter be
3 provided by law, against the owner or occupant of the premises
4 upon or from which such nuisance shall have been abated or
5 removed by the department;

6 (6) In making examinations as authorized by this section,
7 the Department of Environmental Resources shall cooperate with
8 the Department of Health, for the purpose of avoiding any
9 duplication of inspection or overlapping of functions.

10 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—

11 SECTION 1930-A. CONSENT AGREEMENTS AND ORDER.--(A) A
12 SUMMARY OF ALL PROPOSED CONSENT AGREEMENTS AND ORDERS WHICH THE
13 DEPARTMENT OF ENVIRONMENTAL RESOURCES WILL ENTER INTO WITH ANY
14 OTHER PERSON, HAVING TO DO WITH ANY FACET OF REGULATORY
15 ENFORCEMENT, SHALL FIRST BE PUBLISHED IN THE PENNSYLVANIA
16 BULLETIN AT LEAST THIRTY DAYS PRIOR TO ENTERING INTO THE ACTUAL
17 CONSENT AGREEMENTS. NOTICE OF WHOM AN INTERESTED PARTY CAN
18 CONTACT TO RECEIVE THE ENTIRE CONSENT AGREEMENT AND ORDER SHALL
19 ALSO BE PUBLISHED. THE THIRTY-DAY PERIOD SHALL BE PROVIDED FOR
20 THE PURPOSE OF PUBLIC COMMENT AND INPUT. IT MAY NOT BE WAIVED.
21 IN ADDITION TO THIS REQUIREMENT, THE DEPARTMENT SHALL CAUSE THE
22 SAME TO BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION
23 WITHIN THE AREA WHICH WOULD BE AFFECTED BY THE CONSENT AGREEMENT
24 AND ORDER NO LATER THAN THIRTY DAYS AFTER THE CONSENT AGREEMENT
25 AND ORDER.

26 (B) THE REGIONAL OFFICES OF THE DEPARTMENT OF ENVIRONMENTAL
27 RESOURCES SHALL MAKE AVAILABLE FOR INSPECTION OR PHOTOCOPYING
28 ALL COPIES OF DOCUMENTS REFERRED TO IN SECTION 1, AS WELL AS
29 COPIES OF THE APPLICABLE PENNSYLVANIA BULLETIN AND NEWSPAPER
30 NOTICES, TO ANY PERSON WHO MAKES A REQUEST.

1 Section ~~2~~ 3. This act shall take effect in 60 days.

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