

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1135 Session of  
1993

INTRODUCED BY PISTELLA, LESCOVITZ, BATTISTO, MERRY AND  
D. W. SNYDER, APRIL 19, 1993

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, APRIL 19, 1993

AN ACT

1 Amending the act of February 1, 1966 (1965 P.L.1656, No.581),  
2 entitled "An act concerning boroughs, and revising, amending  
3 and consolidating the law relating to boroughs," providing  
4 for adoption of property maintenance regulations and standard  
5 codes; authorizing boards of code appeals; and eliminating  
6 provisions for milk inspection.

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

9 Section 1. Section 1202(24) and (31) of the act of February  
10 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code,  
11 amended October 9, 1967 (P.L.399, No.181), are amended to read:

12 Section 1202. Specific Powers.--The powers of the borough  
13 shall be vested in the corporate authorities. Among the specific  
14 powers of the borough shall be the following, and in the  
15 exercise of any of such powers involving the enactment of any  
16 ordinance or the making of any regulation, restriction or  
17 prohibition, the borough may provide for the enforcement thereof  
18 and may prescribe penalties for the violation thereof or for the  
19 failure to conform thereto:

1       \* \* \*

2       (24) Building, housing [and plumbing] property maintenance,  
3 plumbing and other regulations. To enact and enforce ordinances  
4 relating to buildings and housing, their construction,  
5 alteration, extension, repair and maintenance and all facilities  
6 and services in or about such buildings or housing, to require  
7 that, before any work of construction, alteration, extension, or  
8 repair of any building is begun, approval of the plans and  
9 specifications therefor be secured; to provide for the  
10 inspection of such work of construction, alteration, extension  
11 and repair, including the appointment of one or more building  
12 inspectors and/or housing inspectors; to prescribe limits  
13 wherein none but buildings of noncombustible material and  
14 fireproof roofs shall be erected, or substantially  
15 reconstructed, or moved thereinto; to provide for enforcement of  
16 such regulations by a reasonable fine, and by instituting  
17 appropriate actions or proceedings at law, or in equity, to  
18 effect the purposes of this provision and ordinances enacted  
19 thereunder. Any building or housing or part thereof erected,  
20 altered, extended, reconstructed or removed, contrary to any of  
21 the provisions of any ordinance passed for any of the purposes  
22 specified in this clause is declared to be a public nuisance and  
23 abatable as such.

24       Any such ordinance may be adopted by reference to a standard  
25 building code [or], housing code or other standard codes, or to  
26 parts thereof, determined by council, or the provisions of the  
27 ordinance may be supplied by reference to a typed or printed  
28 building code, [or] housing code or other standard codes,  
29 prepared under the direction of or accepted by council, or the  
30 provisions may consist of a standard building code [or], housing

1 code or other standard codes, or parts thereof, and also further  
2 provisions typed or printed as aforesaid. Such building code  
3 [or], housing code or other standard codes shall not be  
4 advertised either in advance of or following enactment, by  
5 publication of the full text thereof, and, in place of such  
6 complete advertisement, an informative notice of intention to  
7 consider such proposed building code [or], housing code or other  
8 standard codes, and a brief summary, setting forth the principal  
9 provisions of such proposed building code [or], housing code or  
10 other standard codes in such reasonable detail as will give  
11 adequate notice of its contents and a reference to the place or  
12 places within the borough where copies of such proposed building  
13 code [or], housing code or other standard codes may be examined  
14 or obtained shall be published once in one newspaper of general  
15 circulation in the borough at least one week and not more than  
16 three weeks prior to the presentation of the proposed building  
17 code [or], housing code or other standard codes to council. No  
18 further advertisement or notice need be published following  
19 enactment of the building code [or], housing code or other  
20 standard codes. Copies of the building code [or], housing code  
21 or other standard codes thus adopted by reference shall be made  
22 available to any interested party at the cost thereof, or may be  
23 furnished or loaned without charge. Such building code [or],  
24 housing code or other standard codes need not be recorded in or  
25 attached to the ordinance book, but it shall be deemed to have  
26 been legally recorded if the ordinance by which such building  
27 code [or], housing code [was] or other standard codes were  
28 adopted by reference shall have been recorded, with an  
29 accompanying notation stating where the full text of such  
30 building code [or], housing code or other standard codes shall

1 have been filed. The procedure set forth relating to the  
2 adoption of the building code [or], housing code or other  
3 standard codes, by reference, may likewise be adopted in  
4 amending, supplementing or repealing any of the provisions of  
5 the building code [or], housing code or other standard codes.

6 To enact suitable ordinances relating to property maintenance  
7 and plumbing, in the same manner and to the same effect as  
8 herein provided for building [and] codes, housing codes or other  
9 standard codes. The building code, the property maintenance  
10 code, the housing code and the plumbing code may be combined or  
11 separately enacted or combined with other standard codes.

12 Any housing ordinance previously enacted by a borough which  
13 provides for the purposes authorized by this clause is hereby  
14 validated.

15 Every borough which adopts a code under this clause may  
16 create a board of code appeals herein called the "board" for  
17 each code or a single board for two or more codes. When a  
18 borough is a part of a code enforcement program with another  
19 municipality, there may be a joint board of appeals.

20 The board shall consist of at least three members appointed  
21 by the council. The terms of office of the members shall be  
22 three years and fixed so that the term of office of members  
23 shall expire in successive years insofar as possible. In case of  
24 a joint board, there shall be at least one member from each  
25 municipality appointed by the governing body of the  
26 municipality. Should the joint board comprise more than three  
27 municipalities, the board shall consist of at least one member  
28 from each municipality.

29 The board shall hear and determine all complaints relating to  
30 a decision arising under a code.

1     A decision of the board may be appealed within thirty days  
2     from the decision of the board to the court of common pleas of  
3     the county in which the property involved is located.

4             \* \* \*

5             (31) Markets, market houses[, ] and peddling [and milk  
6 inspection]. To regulate markets and peddling, whether for  
7 individual use or for resale[, and to provide for the inspection  
8 of milk]; and to purchase and own ground for and to erect,  
9 establish and maintain market houses and market places, for  
10 which latter purposes, parts of any streets or sidewalks may be  
11 temporarily used; to contract with any person or persons, or  
12 association of persons, companies, or corporations, for the  
13 erection, maintenance and regulation of market houses and market  
14 places, on such terms and conditions, and in such manner, as the  
15 council may prescribe; to provide and enforce suitable  
16 regulations respecting said market houses and market places and  
17 to provide for the payment of the cost or expense thereof,  
18 either in whole or in part, out of the funds of the borough; and  
19 to levy and collect a suitable license fee from every person who  
20 may be authorized by council to occupy any portion of said  
21 market houses or market places, or any portion of the streets or  
22 sidewalks for temporary market purposes.

23             \* \* \*

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