

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

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, JUNE 27, 1994

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; AND PROVIDING FOR ELECTRICITY <—
7 CONSTRUCTION DEBT APPROVAL BY QUALIFIED VOTERS.

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

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

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

1 failure to conform thereto:

2 * * *

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

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

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

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

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

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

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

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

30 The board shall hear and determine all complaints relating to

1 a decision arising under a code.

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

5 * * *

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

24 * * *

25 SECTION 2. SECTION 2471 OF THE ACT, AMENDED DECEMBER 16,
26 1992 (P.L.1215, NO.158), IS AMENDED TO READ:

<—

27 SECTION 2471. MANUFACTURE AND PURCHASE OF ELECTRICITY.--ANY
28 BOROUGH MAY MANUFACTURE OR PURCHASE ELECTRICITY FOR THE USE OF
29 THE INHABITANTS OF SUCH BOROUGH. ANY BOROUGH OWNING OR OPERATING
30 ELECTRIC LIGHT PLANTS MAY MAKE CONTRACTS FOR SUPPLYING

1 ELECTRICITY FOR COMMERCIAL PURPOSES OUTSIDE THE LIMITS OF SUCH
2 BOROUGH, WITH THE CONSENT OF THE MUNICIPAL AND TOWNSHIP
3 AUTHORITIES. NOTHING IN THIS SECTION SHALL CONFLICT WITH THE
4 CORPORATE RIGHTS OF ANY CORPORATION EMPOWERED TO SUPPLY
5 ELECTRICITY IN TERRITORY ADJACENT TO SUCH BOROUGH, OR WITH THE
6 RIGHTS OF ANY OTHER BOROUGH. NO PERSON, FIRM, OR CORPORATION
7 SHALL INTRODUCE ELECTRIC CURRENT FOR LIGHT, HEAT, OR POWER
8 PURPOSES, WITHOUT THE CONSENT OF THE BOROUGH AUTHORITIES, INTO
9 THE LIMITS OF ANY BOROUGH WHICH IS FURNISHING ELECTRIC CURRENT
10 TO THE INHABITANTS: PROVIDED, HOWEVER, THAT THIS SECTION SHALL
11 NOT APPLY TO ANY PERSON, FIRM, OR CORPORATION MANUFACTURING
12 ELECTRICITY EXCLUSIVELY FOR ITS OWN USE: AND PROVIDED FURTHER,
13 THAT BEFORE ANY BOROUGH [WHICH CONSTRUCTS] SHALL CONSTRUCT AN
14 ELECTRIC LIGHT PLANT, OR [PURCHASES] PURCHASE THE PROPERTY OF
15 ANY PERSON, COPARTNERSHIP, OR ELECTRIC LIGHT COMPANY, AND
16 [INCURS] INCUR DEBT FOR ANY OF SUCH PURPOSES, THE QUESTION OF
17 INCREASE OF THE BOROUGH DEBT FOR SUCH PURPOSES SHALL FIRST BE
18 SUBMITTED TO THE QUALIFIED VOTERS OF THE BOROUGH IN THE MANNER
19 PROVIDED BY LAW FOR THE INCREASE OF INDEBTEDNESS OF MUNICIPAL
20 CORPORATIONS. THE BOROUGH SHALL INCUR SUCH DEBT IN ACCORDANCE
21 WITH AND TO THE EXTENT PERMITTED BY THE ACT OF JULY 12, 1972
22 (P.L.781, NO.185), KNOWN AS THE "LOCAL GOVERNMENT UNIT DEBT
23 ACT." NOTHING IN THIS ACT SHALL BE CONSTRUED SO AS TO DISALLOW
24 ANY BOROUGH FROM OPERATING A CABLE TELEVISION SYSTEM.

25 SECTION 3. THE AMENDMENT OF SECTION 2471 OF THE ACT SHALL
26 APPLY TO ANY CONSTRUCTION THAT IS NOT COMPLETE AND TO ANY
27 PURCHASE OF PROPERTY FOR WHICH TITLE TO THE PROPERTY HAS NOT
28 BEEN TRANSFERRED ON THE EFFECTIVE DATE OF THIS ACT.

29 Section ~~2~~ 4. This act shall take effect in 60 days.

<—