

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 510 Session of
2001

INTRODUCED BY REINARD AND McILHINNEY, FEBRUARY 6, 2001

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
FEBRUARY 6, 2001

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 Protection to give notice to municipalities of
22 orders for abatement of nuisances and examinations; and
23 making editorial changes.

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

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

1 Section 1917-A. Abatement of Nuisances.--The Department of
2 Environmental [Resources] Protection shall have the power and
3 its duty shall be:

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

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

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

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

26 (5) For the purpose of collecting or recovering the expense
27 of the abatement or removal of a nuisance, to file a claim, or
28 maintain an action, in such manner as may now or hereafter be
29 provided by law, against the owner or occupant of the premises
30 upon or from which such nuisance shall have been abated or

1 removed by the department;

2 (6) In making examinations as authorized by this section,
3 the Department of Environmental [Resources] Protection shall
4 cooperate with the Department of Health, for the purpose of
5 avoiding any duplication of inspection or overlapping of
6 functions[.] and shall notify the governing body of the
7 municipality in which an examination will be conducted.

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