

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 674 Session of  
1995

INTRODUCED BY CORMAN, BAKER, ROBBINS, STOUT AND STEWART,  
MARCH 6, 1995

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
OCTOBER 17, 1995

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 budget and tax ordinances AND FOR ADOPTION OF PROPERTY <—  
5 MAINTENANCE REGULATIONS AND STANDARD CODES; ELIMINATING  
6 PROVISIONS FOR MILK INSPECTION; AND FURTHER PROVIDING FOR  
7 COMMISSIONS OF WATERWORKS.

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

10 Section 1. Section 1007 of the act of February 1, 1966 (1965  
11 P.L.1656, No.581), known as The Borough Code, is amended to  
12 read:

13 Section 1007. Passage, Approval and Veto of Ordinances.--(a)  
14 Every ordinance and every resolution of legislative character  
15 except as herein otherwise provided, passed by the council,  
16 shall be presented to the mayor for his approval. If the mayor  
17 approves, he shall sign it; but, if he shall not so approve, he  
18 shall return it with his objections to the council at its next  
19 regular meeting occurring at least ten days after the meeting at

1 which such ordinance was passed by the council, when the  
2 objections shall be entered upon the minutes and the council  
3 shall proceed to a reconsideration thereof either at the meeting  
4 at which the vetoed ordinance was returned or at any other  
5 regular, special or adjourned meeting held not later than ten  
6 days thereafter. If, after such reconsideration, two-thirds of  
7 all the members elected to said council, or a majority of  
8 council plus one, when the number composing such council is less  
9 than nine, shall vote to pass such ordinance or resolution, it  
10 shall become of as full force and effect as if it had received  
11 the approval of the mayor; but in such case the vote shall be  
12 determined by yeas and nays, and the names and votes of the  
13 members shall be entered on the minutes. If any such ordinance  
14 or resolution shall not be returned by the mayor at the regular  
15 meeting of the council occurring at least ten days next  
16 succeeding its presentation to him, it shall likewise have as  
17 full force as if it had been approved. [A veto of the annual tax  
18 ordinance of the borough, referred to in section 1301 of this  
19 act, may be overridden by a vote of two-thirds of all the  
20 members of council, and thereafter such ordinance shall become  
21 of as full force and effect as if it had received the approval  
22 of the mayor.]

23 (b) The enactment of an ordinance except as herein otherwise  
24 provided shall be the date when the mayor shall approve it or  
25 the date of passage by the council over the veto of the mayor,  
26 or in the case of any ordinance not returned by the mayor at the  
27 regular meeting of council, occurring at least ten days after  
28 the meeting at which such ordinance was passed by the council,  
29 the date of enactment shall be the date of such succeeding  
30 regular meeting of council.

1       (c) When council shall present the mayor with the annual  
2 budget and tax ordinance referred to in section 1310 of this <—  
3 act, the mayor shall, within ten days of receiving the budget or <—  
4 tax ordinance, approve either the budget or tax ordinance, or <—  
5 both, by affixing his signature thereto, or return either the <—  
6 budget or tax ordinance, or both, to the borough secretary with <—  
7 a statement setting forth his objections thereto. Council shall  
8 proceed to a reconsideration thereof at any regular, special or  
9 adjourned meeting held not later than ten days after the mayor  
10 has returned either the budget or tax ordinance, or both, to the <—  
11 secretary with his objections. The mayor's objections shall be  
12 entered upon the minutes of the meeting. A veto of the budget of <—  
13 the borough may be overridden by a vote of two thirds of all the  
14 members of council or a majority of council plus one, when the  
15 number composing such council is less than nine. Thereafter, the  
16 budget shall have full force and effect as if it had received  
17 the approval of the mayor. A veto of the tax ordinance of the  
18 borough may be overridden by a vote of two-thirds of all the  
19 members of council, and thereafter such ordinance shall have  
20 full force and effect as if it had received the approval of the  
21 mayor.

22       ~~SECTION 2. SECTION 1310 OF THE ACT, AMENDED OCTOBER 9, 1967~~ <—  
23 ~~(P.L.399, NO.181), IS AMENDED TO READ:~~

24       SECTION 2. SECTIONS 1202(24) AND (31) AND 1310 OF THE ACT, <—  
25 AMENDED OCTOBER 9, 1967 (P.L.399, NO.181), ARE AMENDED TO READ:

26       SECTION 1202. SPECIFIC POWERS.--THE POWERS OF THE BOROUGH  
27 SHALL BE VESTED IN THE CORPORATE AUTHORITIES. AMONG THE SPECIFIC  
28 POWERS OF THE BOROUGH SHALL BE THE FOLLOWING, AND IN THE  
29 EXERCISE OF ANY OF SUCH POWERS INVOLVING THE ENACTMENT OF ANY  
30 ORDINANCE OR THE MAKING OF ANY REGULATION, RESTRICTION OR

1 PROHIBITION, THE BOROUGH MAY PROVIDE FOR THE ENFORCEMENT THEREOF  
2 AND MAY PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF OR FOR THE  
3 FAILURE TO CONFORM THERETO:

4 \* \* \*

5 (24) BUILDING, HOUSING [AND PLUMBING], PROPERTY MAINTENANCE,  
6 PLUMBING AND OTHER REGULATIONS. TO ENACT AND ENFORCE ORDINANCES  
7 RELATING TO BUILDINGS AND HOUSING, THEIR CONSTRUCTION,  
8 ALTERATION, EXTENSION, REPAIR AND MAINTENANCE AND ALL FACILITIES  
9 AND SERVICES IN OR ABOUT SUCH BUILDINGS OR HOUSING, TO REQUIRE  
10 THAT, BEFORE ANY WORK OF CONSTRUCTION, ALTERATION, EXTENSION, OR  
11 REPAIR OF ANY BUILDING IS BEGUN, APPROVAL OF THE PLANS AND  
12 SPECIFICATIONS THEREFOR BE SECURED; TO PROVIDE FOR THE  
13 INSPECTION OF SUCH WORK OF CONSTRUCTION, ALTERATION, EXTENSION  
14 AND REPAIR, INCLUDING THE APPOINTMENT OF ONE OR MORE BUILDING  
15 INSPECTORS AND/OR HOUSING INSPECTORS; TO PRESCRIBE LIMITS  
16 WHEREIN NONE BUT BUILDINGS OF NONCOMBUSTIBLE MATERIAL AND  
17 FIREPROOF ROOFS SHALL BE ERECTED, OR SUBSTANTIALLY  
18 RECONSTRUCTED, OR MOVED THEREINTO; TO PROVIDE FOR ENFORCEMENT OF  
19 SUCH REGULATIONS BY A REASONABLE FINE, AND BY INSTITUTING  
20 APPROPRIATE ACTIONS OR PROCEEDINGS AT LAW, OR IN EQUITY, TO  
21 EFFECT THE PURPOSES OF THIS PROVISION AND ORDINANCES ENACTED  
22 THEREUNDER. ANY BUILDING [OR], HOUSING, OR PROPERTY, OR PART  
23 THEREOF ERECTED, ALTERED, EXTENDED, RECONSTRUCTED [OR], REMOVED,  
24 OR MAINTAINED, CONTRARY TO ANY OF THE PROVISIONS OF ANY  
25 ORDINANCE PASSED FOR ANY OF THE PURPOSES SPECIFIED IN THIS  
26 CLAUSE IS DECLARED TO BE A PUBLIC NUISANCE AND ABATABLE AS SUCH.

27 ANY SUCH ORDINANCE MAY BE ADOPTED BY REFERENCE TO A STANDARD  
28 BUILDING CODE [OR], HOUSING CODE OR OTHER STANDARD CODES, OR TO  
29 PARTS THEREOF, DETERMINED BY COUNCIL, OR THE PROVISIONS OF THE  
30 ORDINANCE MAY BE SUPPLIED BY REFERENCE TO A TYPED OR PRINTED

1 BUILDING CODE, [OR] HOUSING CODE OR OTHER STANDARD CODES,  
2 PREPARED UNDER THE DIRECTION OF OR ACCEPTED BY COUNCIL, OR THE  
3 PROVISIONS MAY CONSIST OF A STANDARD BUILDING CODE [OR]\_ HOUSING  
4 CODE OR OTHER STANDARD CODES, OR PARTS THEREOF, AND ALSO FURTHER  
5 PROVISIONS TYPED OR PRINTED AS AFORESAID. SUCH BUILDING CODE  
6 [OR]\_ HOUSING CODE OR OTHER STANDARD CODES SHALL NOT BE  
7 ADVERTISED EITHER IN ADVANCE OF OR FOLLOWING ENACTMENT, BY  
8 PUBLICATION OF THE FULL TEXT THEREOF, AND, IN PLACE OF SUCH  
9 COMPLETE ADVERTISEMENT, AN INFORMATIVE NOTICE OF INTENTION TO  
10 CONSIDER SUCH PROPOSED BUILDING CODE [OR]\_ HOUSING CODE OR OTHER  
11 STANDARD CODES, AND A BRIEF SUMMARY, SETTING FORTH THE PRINCIPAL  
12 PROVISIONS OF SUCH PROPOSED BUILDING CODE [OR]\_ HOUSING CODE OR  
13 OTHER STANDARD CODES IN SUCH REASONABLE DETAIL AS WILL GIVE  
14 ADEQUATE NOTICE OF ITS CONTENTS AND A REFERENCE TO THE PLACE OR  
15 PLACES WITHIN THE BOROUGH WHERE COPIES OF SUCH PROPOSED BUILDING  
16 CODE [OR]\_ HOUSING CODE OR OTHER STANDARD CODES MAY BE EXAMINED  
17 OR OBTAINED SHALL BE PUBLISHED ONCE IN ONE NEWSPAPER OF GENERAL  
18 CIRCULATION IN THE BOROUGH AT LEAST ONE WEEK AND NOT MORE THAN  
19 THREE WEEKS PRIOR TO THE PRESENTATION OF THE PROPOSED BUILDING  
20 CODE [OR]\_ HOUSING CODE OR OTHER STANDARD CODES TO COUNCIL. NO  
21 FURTHER ADVERTISEMENT OR NOTICE NEED BE PUBLISHED FOLLOWING  
22 ENACTMENT OF THE BUILDING CODE [OR]\_ HOUSING CODE OR OTHER  
23 STANDARD CODES. COPIES OF THE BUILDING CODE [OR]\_ HOUSING CODE  
24 OR OTHER STANDARD CODES THUS ADOPTED BY REFERENCE SHALL BE MADE  
25 AVAILABLE TO ANY INTERESTED PARTY AT THE COST THEREOF, OR MAY BE  
26 FURNISHED OR LOANED WITHOUT CHARGE. SUCH BUILDING CODE [OR]\_  
27 HOUSING CODE OR OTHER STANDARD CODES NEED NOT BE RECORDED IN OR  
28 ATTACHED TO THE ORDINANCE BOOK, BUT IT SHALL BE DEEMED TO HAVE  
29 BEEN LEGALLY RECORDED IF THE ORDINANCE BY WHICH SUCH BUILDING  
30 CODE [OR]\_ HOUSING CODE [WAS] OR OTHER STANDARD CODES WERE

1 ADOPTED BY REFERENCE SHALL HAVE BEEN RECORDED, WITH AN  
2 ACCOMPANYING NOTATION STATING WHERE THE FULL TEXT OF SUCH  
3 BUILDING CODE [OR], HOUSING CODE OR OTHER STANDARD CODES SHALL  
4 HAVE BEEN FILED. THE PROCEDURE SET FORTH RELATING TO THE  
5 ADOPTION OF THE BUILDING CODE [OR], HOUSING CODE OR OTHER  
6 STANDARD CODES, BY REFERENCE, MAY LIKEWISE BE ADOPTED IN  
7 AMENDING, SUPPLEMENTING OR REPEALING ANY OF THE PROVISIONS OF  
8 THE BUILDING CODE [OR], HOUSING CODE OR OTHER STANDARD CODES.

9 TO ENACT SUITABLE ORDINANCES RELATING TO PROPERTY MAINTENANCE  
10 AND PLUMBING, IN THE SAME MANNER AND TO THE SAME EFFECT AS  
11 HEREIN PROVIDED FOR BUILDING [AND] CODES, HOUSING CODES OR OTHER  
12 STANDARD CODES. THE BUILDING CODE, THE PROPERTY MAINTENANCE  
13 CODE, THE HOUSING CODE AND THE PLUMBING CODE MAY BE COMBINED OR  
14 SEPARATELY ENACTED OR COMBINED WITH OTHER STANDARD CODES.

15 ANY [HOUSING] ORDINANCE PREVIOUSLY ENACTED BY A BOROUGH WHICH  
16 PROVIDES FOR THE PURPOSES AUTHORIZED BY THIS CLAUSE IS HEREBY  
17 VALIDATED.

18 \* \* \*

19 (31) MARKETS, MARKET HOUSES[, ] AND PEDDLING [AND MILK  
20 INSPECTION]. TO REGULATE MARKETS AND PEDDLING, WHETHER FOR  
21 INDIVIDUAL USE OR FOR RESALE[, AND TO PROVIDE FOR THE INSPECTION  
22 OF MILK]; AND TO PURCHASE AND OWN GROUND FOR AND TO ERECT,  
23 ESTABLISH AND MAINTAIN MARKET HOUSES AND MARKET PLACES, FOR  
24 WHICH LATTER PURPOSES, PARTS OF ANY STREETS OR SIDEWALKS MAY BE  
25 TEMPORARILY USED; TO CONTRACT WITH ANY PERSON OR PERSONS, OR  
26 ASSOCIATION OF PERSONS, COMPANIES, OR CORPORATIONS, FOR THE  
27 ERECTION, MAINTENANCE AND REGULATION OF MARKET HOUSES AND MARKET  
28 PLACES, ON SUCH TERMS AND CONDITIONS, AND IN SUCH MANNER, AS THE  
29 COUNCIL MAY PRESCRIBE; TO PROVIDE AND ENFORCE SUITABLE  
30 REGULATIONS RESPECTING SAID MARKET HOUSES AND MARKET PLACES AND

1 TO PROVIDE FOR THE PAYMENT OF THE COST OR EXPENSE THEREOF,  
2 EITHER IN WHOLE OR IN PART, OUT OF THE FUNDS OF THE BOROUGH; AND  
3 TO LEVY AND COLLECT A SUITABLE LICENSE FEE FROM EVERY PERSON WHO  
4 MAY BE AUTHORIZED BY COUNCIL TO OCCUPY ANY PORTION OF SAID  
5 MARKET HOUSES OR MARKET PLACES, OR ANY PORTION OF THE STREETS OR  
6 SIDEWALKS FOR TEMPORARY MARKET PURPOSES.

7 \* \* \*

8 SECTION 1310. ADOPTION OF BUDGET; TAX ORDINANCE.--UPON  
9 COMPLETION OF THE BUDGET, CONTAINING THE ESTIMATED RECEIPTS AND  
10 EXPENDITURES, AND ITS ADOPTION BY MOTION IN COUNCIL, WHICH SHALL  
11 NOT BE LATER THAN DECEMBER THIRTY-FIRST, IT SHALL BE THE DUTY OF  
12 THE COUNCIL TO ADOPT AN ORDINANCE LEVYING THE TAXES REFERRED TO  
13 IN THIS ACT FOR THE FISCAL YEAR FOR APPROVAL OF THE MAYOR OR  
14 PASSAGE OVER HIS VETO. ADOPTION OF THE BUDGET BY MOTION IN  
15 COUNCIL SHALL NOT BE DEEMED AN ORDINANCE OR RESOLUTION OF  
16 LEGISLATIVE CHARACTER WHICH NEED BE PRESENTED TO THE MAYOR FOR  
17 HIS APPROVAL.

18 [COPY] A COPY OF THE BUDGET, TOGETHER WITH THE TAX ORDINANCE,  
19 SHALL BE FILED WITH THE DEPARTMENT OF COMMUNITY AFFAIRS BY THE  
20 SECRETARY OF THE BOROUGH, WITHIN FIFTEEN DAYS AFTER THE ADOPTION  
21 OF THE TAX ORDINANCE.

22 ~~Section 2 3. This act shall take effect immediately.~~ <—

23 SECTION 3. SECTIONS 2451 AND 2452 OF THE ACT ARE AMENDED TO <—  
24 READ:

25 SECTION 2451. COMMISSION MAY BE ESTABLISHED.--WHENEVER ANY  
26 BOROUGH OWNS AND MAINTAINS WATERWORKS, THERE MAY BE ESTABLISHED  
27 IN SUCH BOROUGH, BY ORDINANCE, A COMMISSION OF WATERWORKS, WHICH  
28 SHALL HAVE THE POWER OF A NONPROFIT CORPORATION, TO BE COMPOSED  
29 OF EITHER THREE OR FIVE CITIZENS OF THE BOROUGH, APPOINTED BY  
30 THE BOROUGH COUNCIL WHO SHALL BE KNOWN AS COMMISSIONERS OF

1 WATERWORKS. AT ANY TIME AFTER THREE YEARS FROM THE FIRST  
2 APPOINTMENT OF THE COMMISSIONERS OF WATERWORKS, THE BOROUGH MAY  
3 ABOLISH SUCH COMMISSION BY REPEALING THE ORDINANCE ESTABLISHING  
4 THE SAME, AND THEREFORE THE TERMS OF THE COMMISSIONERS THEN IN  
5 OFFICE SHALL TERMINATE.

6 SECTION 2452. TERMS OF COMMISSIONERS; COMPENSATION.--IT  
7 SHALL BE THE DUTY OF THE BOROUGH COUNCIL TO APPOINT SUCH  
8 COMMISSIONERS OF WATERWORKS. IF THERE ARE THREE COMMISSIONERS,  
9 ONE [OF WHOM] SHALL BE APPOINTED TO SERVE FOR ONE YEAR, ONE FOR  
10 TWO YEARS, AND ONE FOR THREE YEARS; AND ANNUALLY THEREAFTER THE  
11 COUNCIL SHALL APPOINT ONE COMMISSIONER OF WATERWORKS TO SERVE A  
12 TERM OF THREE YEARS. IF THERE ARE FIVE COMMISSIONERS, ONE SHALL  
13 BE APPOINTED TO SERVE FOR ONE YEAR, ONE FOR TWO YEARS, ONE FOR  
14 THREE YEARS, ONE FOR FOUR YEARS, AND ONE FOR FIVE YEARS; AND  
15 ANNUALLY THEREAFTER THE COUNCIL SHALL APPOINT ONE COMMISSIONER  
16 OF WATERWORKS TO SERVE A TERM OF FIVE YEARS. THE TERMS OF  
17 COMMISSIONERS OF WATERWORKS IN OFFICE ON THE EFFECTIVE DATE OF  
18 THIS ACT SHALL TERMINATE ON THE EFFECTIVE DATE OF THIS ACT. IN  
19 CASE OF A VACANCY THE COUNCIL SHALL FILL THE SAME FOR THE  
20 UNEXPIRED TERM. SUCH COMMISSIONERS OF WATERWORKS [SHALL NOT  
21 RECEIVE ANY SALARY] MAY RECEIVE A SALARY SET BY THE COUNCIL FOR  
22 THEIR SERVICES [AS SUCH, BUT] AND SHALL BE REIMBURSED BY THE  
23 BOROUGH FOR ALL EXPENSES NECESSARILY INCURRED IN THE PERFORMANCE  
24 OF THEIR DUTY.

25 SECTION 4. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

26 (1) THE AMENDMENT OF SECTIONS 2451 AND 2452 OF THE ACT  
27 SHALL TAKE EFFECT IN 60 DAYS.

28 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT  
29 IMMEDIATELY.