

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 674 Session of
1995INTRODUCED BY CORMAN, BAKER, ROBBINS, STOUT AND STEWART,
MARCH 6, 1995

SENATE AMENDMENTS TO HOUSE AMENDMENTS, JUNE 28, 1996

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
20 which such ordinance was passed by the council, when the

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

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

30 **(c)** When council shall present the mayor with the annual tax

1 ordinance referred to in section 1310 of this act, the mayor
2 shall, within ten days of receiving the tax ordinance, approve
3 the tax ordinance by affixing his signature thereto, or return
4 the tax ordinance to the borough secretary with a statement
5 setting forth his objections thereto. Council shall proceed to a
6 reconsideration thereof at any regular, special or adjourned
7 meeting held not later than ten days after the mayor has
8 returned the tax ordinance to the secretary with his objections.
9 The mayor's objections shall be entered upon the minutes of the
10 meeting. A veto of the tax ordinance of the borough may be
11 overridden by a vote of two-thirds of all the members of
12 council, and thereafter such ordinance shall have full force and
13 effect as if it had received the approval of the mayor.

14 ~~Section 2. Sections 1202(24) and (31) and 1310 of the act,~~ <—
15 ~~amended October 9, 1967 (P.L.399, No.181), are amended to read:~~

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

24 ~~* * *~~

25 ~~(24) Building, housing [and plumbing], property maintenance,~~
26 ~~plumbing and other regulations. To enact and enforce ordinances~~
27 ~~relating to buildings and housing, their construction,~~
28 ~~alteration, extension, repair and maintenance and all facilities~~
29 ~~and services in or about such buildings or housing, to require~~
30 ~~that, before any work of construction, alteration, extension, or~~

1 ~~repair of any building is begun, approval of the plans and~~
2 ~~specifications therefor be secured; to provide for the~~
3 ~~inspection of such work of construction, alteration, extension~~
4 ~~and repair, including the appointment of one or more building~~
5 ~~inspectors and/or housing inspectors; to prescribe limits~~
6 ~~wherein none but buildings of noncombustible material and~~
7 ~~fireproof roofs shall be erected, or substantially~~
8 ~~reconstructed, or moved thereinto; to provide for enforcement of~~
9 ~~such regulations by a reasonable fine, and by instituting~~
10 ~~appropriate actions or proceedings at law, or in equity, to~~
11 ~~effect the purposes of this provision and ordinances enacted~~
12 ~~thereunder. Any building [or], housing, or property, or part~~
13 ~~thereof erected, altered, extended, reconstructed [or], removed,~~
14 ~~or maintained, contrary to any of the provisions of any~~
15 ~~ordinance passed for any of the purposes specified in this~~
16 ~~clause is declared to be a public nuisance and abatable as such.~~

17 ~~Any such ordinance may be adopted by reference to a standard~~
18 ~~building code [or], housing code or other standard codes, or to~~
19 ~~parts thereof, determined by council, or the provisions of the~~
20 ~~ordinance may be supplied by reference to a typed or printed~~
21 ~~building code, [or] housing code or other standard codes,~~
22 ~~prepared under the direction of or accepted by council, or the~~
23 ~~provisions may consist of a standard building code [or], housing~~
24 ~~code or other standard codes, or parts thereof, and also further~~
25 ~~provisions typed or printed as aforesaid. Such building code~~
26 ~~[or], housing code or other standard codes shall not be~~
27 ~~advertised either in advance of or following enactment, by~~
28 ~~publication of the full text thereof, and, in place of such~~
29 ~~complete advertisement, an informative notice of intention to~~
30 ~~consider such proposed building code [or], housing code or other~~

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

29 ~~To enact suitable ordinances relating to property maintenance~~
30 ~~and plumbing, in the same manner and to the same effect as~~

1 ~~herein provided for building [and] codes, housing codes or other~~
2 ~~standard codes. The building code, the property maintenance~~
3 ~~code, the housing code and the plumbing code may be combined or~~
4 ~~separately enacted or combined with other standard codes.~~

5 Any [housing] ordinance previously enacted by a borough which
6 provides for the purposes authorized by this clause is hereby
7 validated.

8 * * *

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

27 * * *

28 Section 1310. Adoption of Budget; Tax Ordinance. Upon
29 completion of the budget, containing the estimated receipts and
30 expenditures, and its adoption by motion in council, which shall

1 ~~not be later than December thirty first, it shall be the duty of~~
2 ~~the council to adopt an ordinance levying the taxes referred to~~
3 ~~in this act for the fiscal year for approval of the mayor or~~
4 ~~passage over his veto. Adoption of the budget by motion in~~
5 ~~council shall not be deemed an ordinance or resolution of~~
6 ~~legislative character which need be presented to the mayor for~~
7 ~~his approval.~~

8 ~~[Copy] A copy of the budget, together with the tax ordinance,~~
9 ~~shall be filed with the Department of Community Affairs by the~~
10 ~~secretary of the borough, within fifteen days after the adoption~~
11 ~~of the tax ordinance.~~

12 Section 3 2. Sections 2451 and 2452 of the act are amended <—
13 to read:

14 Section 2451. Commission May Be Established.--Whenever any
15 borough owns and maintains waterworks, there may be established
16 in such borough, by ordinance, a commission of waterworks, which
17 shall have the power of a nonprofit corporation, to be composed
18 of either three or five citizens of the borough, appointed by
19 the borough council who shall be known as commissioners of
20 waterworks. At any time after three years from the first
21 appointment of the commissioners of waterworks, the borough may
22 abolish such commission by repealing the ordinance establishing
23 the same, and therefore the terms of the commissioners then in
24 office shall terminate.

25 Section 2452. Terms of Commissioners; Compensation.--(A) It <—
26 shall be the duty of the borough council to appoint such
27 commissioners of waterworks. If there are three commissioners,
28 one [of whom] shall be appointed to serve for one year, one for
29 two years, and one for three years; and annually thereafter the
30 council shall appoint one commissioner of waterworks to serve a

1 term of three years. If there are five commissioners, one shall
2 be appointed to serve for one year, one for two years, one for
3 three years, one for four years, and one for five years; and
4 annually thereafter the council shall appoint one commissioner
5 of waterworks to serve a term of five years. The terms of
6 commissioners of waterworks in office on the effective date of
7 this act shall terminate on the effective date of this act. In
8 case of a vacancy the council shall fill the same for the
9 unexpired term. Such commissioners of waterworks [shall not
10 receive any salary] ~~may receive a salary set by the council~~ for <—
11 their services [as such, but] and shall be reimbursed by the
12 borough for all expenses necessarily incurred in the performance
13 of their duty.

14 (B) THE SALARY OF THE COMMISSIONERS SHALL NOT EXCEED, IN <—
15 SERVICE AREAS WITH FEWER THAN FIVE THOUSAND METERED ACCOUNTS, A
16 MAXIMUM OF ONE THOUSAND EIGHT HUNDRED SEVENTY-FIVE DOLLARS
17 (\$1875) PER YEAR OR ONE HUNDRED FIFTY-SIX DOLLARS AND TWENTY-
18 FIVE CENTS (\$156.25) PER MONTH; IN SERVICE AREAS WITH FIVE
19 THOUSAND BUT FEWER THAN TEN THOUSAND METERED ACCOUNTS, A MAXIMUM
20 OF TWO THOUSAND FIVE HUNDRED DOLLARS (\$2500) PER YEAR OR TWO
21 HUNDRED AND EIGHT DOLLARS AND THIRTY-THREE CENTS (\$208.33) PER
22 MONTH; IN SERVICE AREAS WITH TEN THOUSAND BUT FEWER THAN FIFTEEN
23 THOUSAND METERED ACCOUNTS, A MAXIMUM OF THREE THOUSAND TWO
24 HUNDRED AND FIFTY DOLLARS (\$3250) PER YEAR OR TWO HUNDRED AND
25 SEVENTY DOLLARS AND EIGHTY-THREE CENTS (\$270.83) PER MONTH; IN
26 SERVICE AREAS WITH FIFTEEN THOUSAND BUT FEWER THAN TWENTY-FIVE
27 THOUSAND METERED ACCOUNTS, A MAXIMUM OF FOUR THOUSAND ONE
28 HUNDRED AND TWENTY-FIVE DOLLARS (\$4125) PER YEAR OR THREE
29 HUNDRED AND FORTY-THREE DOLLARS AND SEVENTY-FIVE CENTS (\$343.75)
30 PER MONTH; IN SERVICE AREAS WITH TWENTY-FIVE THOUSAND BUT FEWER

1 THAN 35,000 METERED ACCOUNTS, A MAXIMUM OF FOUR THOUSAND THREE
2 HUNDRED SEVENTY-FIVE DOLLARS (\$4375) PER YEAR OR THREE HUNDRED
3 SIXTY-FOUR DOLLARS AND FIFTY-EIGHT CENTS (\$364.58) PER MONTH;
4 AND IN SERVICE AREAS WITH THIRTY-FIVE THOUSAND OR MORE METERED
5 ACCOUNTS, A MAXIMUM OF FIVE THOUSAND DOLLARS (\$5000) PER YEAR OR
6 FOUR HUNDRED AND SIXTEEN DOLLARS AND SIXTY-SEVEN CENTS (\$416.67)
7 PER MONTH.

8 Section 4 3. This act shall take effect as follows: <—

9 (1) The amendment of sections 2451 and 2452 of the act
10 shall take effect in 60 days.

11 (2) The remainder of this act shall take effect
12 immediately.