

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILLNo. 966 Session of
1997

INTRODUCED BY FICHTER, DENT, M. N. WRIGHT, ITKIN, STABACK,
BELARDI, ARGALL, HERSHEY, CAWLEY, STERN, STURLA, CARONE,
RAYMOND, GEIST, MASLAND, SERAFINI, GLADECK, VAN HORNE,
BROWNE, L. I. COHEN, HENNESSEY, YOUNGBLOOD, RUBLEY, RAMOS,
STETLER, MCGEEHAN, STEELMAN, CIVERA, MCNAUGHTON, PETRONE AND
ROSS, MARCH 25, 1997

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
FEBRUARY 10, 1998

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," further
4 providing for collection of fines and penalties; and
5 providing for collection of penalties for violations of
6 certain ordinances.

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

9 Section 1. Section 3301 of the act of February 1, 1966 (1965
10 P.L.1656, No.581), known as The Borough Code, amended October 9,
11 1967 (P.L.399, No.181) and repealed in part April 28, 1978
12 (P.L.202, No.53), is amended to read:

13 Section 3301. Prosecution of Ordinance Violators;
14 Disposition of Fines, Penalties and Costs.--Any violation or
15 failure to comply with any provision of any borough ordinance
16 shall constitute a summary offense and prosecution for every
17 such offense shall be according to the practice in the case of

1 summary convictions, except as provided in section 3308.1(c).

2 Section 2. Section 3308 of the act, amended March 2, 1988
3 (P.L.103, No.18), is amended to read:

4 Section 3308. Collection of Penalties.--No fine or penalty
5 shall exceed one thousand dollars (\$1,000) for [a violation of a
6 building, housing, property maintenance, health, fire or public
7 safety code or ordinance and for] water, air and noise pollution
8 violations, and shall not exceed six hundred dollars (\$600) for
9 a violation of any other borough ordinance, except as provided
10 in section 3308.1.

11 Section 3. The act is amended by adding a section to read:

12 Section 3308.1. Collection of Penalties for Violations of
13 Building, Housing, Property Maintenance, Health, Fire, or Public
14 Safety Ordinances.--(a) No fine or penalty shall exceed one
15 thousand dollars (\$1000) for a violation of a building, housing,
16 property maintenance, health, fire, or public safety ordinance,
17 except as provided in subsection (c) SUBSECTIONS (C) AND (D). <—

18 (b) For violations which pose a serious threat to health,
19 safety or property, after thirty days from the initial charge,
20 each day that the violation continues may constitute a separate
21 violation, unless a person demonstrates a good faith effort to
22 begin abatement of the violation. If the violation remains
23 unabated after ninety days from the initial charge, the owner of
24 the real property in violation may, WITH THE CONSENT OF THE <—
25 BOROUGH, surrender title to the borough in lieu of payment of
26 the accrued penalties.

27 (C) THE FINE OR PENALTY IN THE CASE OF A VIOLATION INVOLVING <—
28 THE DWELLING OF A PERSON SIXTY-FIVE YEARS OF AGE OR OLDER MAY
29 EXCEED ONE THOUSAND DOLLARS (\$1,000) BUT SHALL NOT EXCEED ONE
30 THOUSAND FIVE HUNDRED DOLLARS (\$1,500).

1 ~~(e)~~ (D) Any person charged for a violation in subsection (b) <—
2 who fails, without just cause, to begin abatement of the
3 violation within ninety days of the initial charge or fails to
4 demonstrate that a good faith effort has been made to begin
5 abatement of the violation, commits a misdemeanor of the third
6 degree and may, upon conviction, be sentenced to pay a fine not
7 to exceed two thousand five hundred dollars (\$2,500) and to
8 undergo a sentence of not more than one year.

9 Section 4. This act shall take effect in 60 days.