
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 701 Session of
1995

INTRODUCED BY MERRY, PISTELLA, D. W. SNYDER, BATTISTO, LESCOVITZ
AND BARD, FEBRUARY 13, 1995

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 15, 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 adoption of property maintenance regulations and standard
5 codes; ~~and~~ eliminating provisions for milk inspection; AND <—
6 FURTHER PROVIDING FOR THE MANUFACTURE AND PURCHASE OF
7 ELECTRICITY.

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 property, or part
21 thereof erected, altered, extended, reconstructed [or], removed,
22 or maintained, contrary to any of the provisions of any
23 ordinance passed for any of the purposes specified in this
24 clause is declared to be a public nuisance and 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 * * *

17 (31) Markets, market houses[,] and peddling [and milk
18 inspection]. To regulate markets and peddling, whether for
19 individual use or for resale[, and to provide for the inspection
20 of milk]; and to purchase and own ground for and to erect,
21 establish and maintain market houses and market places, for
22 which latter purposes, parts of any streets or sidewalks may be
23 temporarily used; to contract with any person or persons, or
24 association of persons, companies, or corporations, for the
25 erection, maintenance and regulation of market houses and market
26 places, on such terms and conditions, and in such manner, as the
27 council may prescribe; to provide and enforce suitable
28 regulations respecting said market houses and market places and
29 to provide for the payment of the cost or expense thereof,
30 either in whole or in part, out of the funds of the borough; and

1 to levy and collect a suitable license fee from every person who
2 may be authorized by council to occupy any portion of said
3 market houses or market places, or any portion of the streets or
4 sidewalks for temporary market purposes.

5 * * *

6 SECTION 2. SECTION 2471 OF THE ACT, AMENDED DECEMBER 16, <—
7 1992 (P.L.1215, NO.158), IS AMENDED TO READ:

8 SECTION 2471. MANUFACTURE AND PURCHASE OF ELECTRICITY.--(A) <—
9 ANY BOROUGH MAY MANUFACTURE OR PURCHASE ELECTRICITY FOR THE USE
10 OF THE INHABITANTS OF SUCH BOROUGH. ANY BOROUGH OWNING OR
11 OPERATING ELECTRIC LIGHT PLANTS MAY MAKE CONTRACTS FOR SUPPLYING
12 ELECTRICITY FOR COMMERCIAL PURPOSES OUTSIDE THE LIMITS OF SUCH
13 BOROUGH, WITH THE CONSENT OF THE MUNICIPAL AND TOWNSHIP
14 AUTHORITIES. NOTHING IN THIS SECTION SHALL CONFLICT WITH THE
15 CORPORATE RIGHTS OF ANY CORPORATION EMPOWERED TO SUPPLY
16 ELECTRICITY IN TERRITORY ADJACENT TO SUCH BOROUGH, OR WITH THE
17 RIGHTS OF ANY OTHER BOROUGH. NO PERSON, FIRM, OR CORPORATION
18 SHALL INTRODUCE ELECTRIC CURRENT FOR LIGHT, HEAT, OR POWER
19 PURPOSES, WITHOUT THE CONSENT OF THE BOROUGH AUTHORITIES, INTO
20 THE LIMITS OF ANY BOROUGH WHICH IS FURNISHING ELECTRIC CURRENT
21 TO THE INHABITANTS: PROVIDED, HOWEVER, THAT THIS SECTION SHALL
22 NOT APPLY TO ANY PERSON, FIRM, OR CORPORATION MANUFACTURING
23 ELECTRICITY EXCLUSIVELY FOR ITS OWN USE: AND PROVIDED FURTHER,
24 THAT BEFORE ANY BOROUGH [WHICH CONSTRUCTS] SHALL CONSTRUCT AN
25 ELECTRIC LIGHT PLANT, OR [PURCHASES] PURCHASE THE PROPERTY OF
26 ANY PERSON, COPARTNERSHIP, OR ELECTRIC LIGHT COMPANY, AND
27 [INCURS] INCUR DEBT FOR ANY OF SUCH PURPOSES, THE QUESTION OF
28 INCREASE OF THE BOROUGH DEBT FOR SUCH PURPOSES SHALL FIRST BE
29 SUBMITTED TO THE QUALIFIED VOTERS OF THE BOROUGH IN THE MANNER
30 PROVIDED BY LAW FOR THE INCREASE OF INDEBTEDNESS OF MUNICIPAL

1 CORPORATIONS. THE BOROUGH SHALL INCUR SUCH DEBT IN ACCORDANCE
2 WITH AND TO THE EXTENT PERMITTED BY THE ACT OF JULY 12, 1972
3 (P.L.781, NO.185), KNOWN AS THE "LOCAL GOVERNMENT UNIT DEBT
4 ACT." NOTHING IN THIS ACT SHALL BE CONSTRUED SO AS TO DISALLOW
5 ANY BOROUGH FROM OPERATING A CABLE TELEVISION SYSTEM.

6 (B) ANY BOROUGH WHICH IS MANUFACTURING OR PURCHASING <—
7 ELECTRICITY FOR THE USE OF ITS INHABITANTS ON JULY 1, 1995,
8 SHALL BE EXEMPT FROM THE PROVISION OF SUBSECTION (A) WHICH
9 REQUIRES THAT BEFORE ANY BOROUGH SHALL CONSTRUCT AN ELECTRIC
10 LIGHT PLANT, OR PURCHASE THE PROPERTY OF ANY PERSON,
11 COPARTNERSHIP OR ELECTRIC LIGHT COMPANY, AND INCUR DEBT FOR ANY
12 OF SUCH PURPOSES, THE QUESTION OF INCREASE OF THE BOROUGH DEBT
13 FOR SUCH PURPOSES SHALL FIRST BE SUBMITTED TO THE QUALIFIED
14 VOTERS OF THE BOROUGH IN THE MANNER PROVIDED BY LAW FOR THE
15 INCREASE OF INDEBTEDNESS OF MUNICIPAL CORPORATIONS. A BOROUGH TO
16 WHICH THE EXEMPTION PROVIDED BY THIS SUBSECTION APPLIES SHALL,
17 HOWEVER, INCUR DEBT FOR THE CONSTRUCTION OF AN ELECTRIC LIGHT
18 PLANT, OR THE PURCHASE OF THE PROPERTY OF ANY PERSON,
19 COPARTNERSHIP OR ELECTRIC LIGHT COMPANY IN ACCORDANCE WITH AND
20 TO THE EXTENT PERMITTED BY THE ACT OF JULY 12, 1972 (P.L.781,
21 NO.185), KNOWN AS THE "LOCAL GOVERNMENT UNIT DEBT ACT."

22 SECTION 3. THE AMENDMENT OF SECTION 2471(A) OF THE ACT SHALL <—
23 APPLY TO ANY CONSTRUCTION THAT IS NOT COMPLETE AND TO ANY
24 PURCHASE OF PROPERTY FOR WHICH TITLE TO THE PROPERTY HAS NOT
25 BEEN TRANSFERRED ON THE EFFECTIVE DATE OF THIS ACT.

26 Section 2 4. This act shall take effect in 60 days. <—