

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 541 Session of
1997

INTRODUCED BY PICCOLA, BRIGHTBILL, ULIANA, JUBELIRER, MELLOW,
AFFLERBACH, GERLACH, HELFRICK, O'PAKE, ROBBINS, MADIGAN,
WOZNIAK, THOMPSON AND DELP, FEBRUARY 25, 1997

AS AMENDED ON THIRD CONSIDERATION, JUNE 16, 1997

AN ACT

1 Amending the act of June 23, 1931 (P.L.932, No.317), entitled
2 "An act relating to cities of the third class; and amending,
3 revising, and consolidating the law relating thereto,"
4 authorizing the adoption of property maintenance ordinances;
5 and further providing for fines and penalties.

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

8 Section 1. The heading of subdivision (d) of Article XLI of
9 the act of June 23, 1931 (P.L.932, No.317), known as The Third
10 Class City Code, reenacted and amended June 28, 1951 (P.L.662,
11 No.164) and amended July 29, 1971 (P.L.250, No.61), is amended
12 to read:

13 (d) Building, Housing, Property Maintenance,

14 Fire Prevention, Plumbing and Electrical Ordinances

15 Section 2. Sections 4130 and 4131 of the act, amended July
16 29, 1971 (P.L.250, No.61), are amended to read:

17 Section 4130. Building Ordinance [and], Housing Ordinance,
18 Property Maintenance Ordinance, Fire Prevention Ordinance,
19 Electrical Ordinance and Plumbing Ordinance.--Each city may

1 enact a building ordinance, a housing ordinance, a property
2 maintenance ordinance, a fire prevention ordinance, an
3 electrical ordinance, and a plumbing ordinance, which may
4 provide for the following matters:

5 (a) A system of specifications and regulations to insure the
6 structural safety and the incombustibility of buildings and
7 housing constructed, reconstructed, altered, enlarged, repaired
8 or maintained within the city.

9 (b) A system of specifications and regulations for the
10 setting out, construction, alteration, repair, maintenance,
11 occupation, sanitation, ventilation, lighting, electric wiring,
12 water supply, toilet facilities, drainage, plumbing, use and
13 inspection of all buildings and housing or parts of buildings
14 and housing, and the walls and foundations thereof, constructed,
15 erected, altered, designated, or used, in whole or in part, for
16 human habitation, and for the sanitation and inspection of land
17 appurtenant thereto.

18 Section 4131. Form of Building Ordinance, Housing Ordinance,
19 Property Maintenance Ordinance, Fire Prevention Ordinance, and
20 Plumbing Ordinance; Passage[; Penalties].--The building
21 ordinance, the housing ordinance, the property maintenance
22 ordinance, the fire prevention ordinance, the electrical
23 ordinance and the plumbing ordinance may adopt any standard or
24 nationally recognized building code, any standard or nationally
25 recognized housing code, any standard or nationally recognized
26 property maintenance code, any standard or nationally recognized
27 fire prevention code, [or] any standard or nationally recognized
28 electrical code, or any standard or nationally recognized
29 plumbing code, or any variations or changes or parts thereof,
30 published and printed in book form, covering any or all of the

1 above items, without incorporating such code in the ordinance,
2 or any city may enact any such building code, housing code,
3 property maintenance code, fire prevention code, electrical
4 code, or plumbing code, or any changes or variations or parts
5 thereof, as its building ordinance, as its housing ordinance, as
6 its property maintenance ordinance, as its fire prevention code,
7 as its electrical code or as its plumbing code. In either event,
8 the building ordinance or code, the housing ordinance or code,
9 the property maintenance ordinance or code, the fire prevention
10 ordinance or code, the electrical ordinance or code, and the
11 plumbing ordinance or code, or any changes or variations or
12 parts thereof, need not be advertised after passage, but notice
13 of its consideration, in reasonable detail shall be published as
14 required by section one thousand fourteen of this act. Not less
15 than three copies of the building ordinance, the housing
16 ordinance, the property maintenance ordinance, the fire
17 prevention ordinance, the electrical ordinance or the plumbing
18 ordinance adopted by council shall be made available to public
19 inspection and use during business hours for at least three
20 months after its adoption. [The building ordinance, the housing
21 ordinance, the fire prevention ordinance, the electrical
22 ordinance, and the plumbing ordinance may provide proper fines
23 and penalties not exceeding three hundred dollars for violations
24 thereof.] The procedure herein set forth relating to the
25 adoption of such building ordinances, housing ordinances,
26 property maintenance ordinances, fire prevention ordinances,
27 electrical ordinances and plumbing ordinances may likewise be
28 adopted in amending, supplementing or repealing any of the
29 provisions of such ordinances.

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

1 Section 4131.1. Penalties.--(a) Except as provided for in
2 subsection (b), the building ordinance, the housing ordinance,
3 the property maintenance ordinance, the fire prevention
4 ordinance, the electrical ordinance and the plumbing ordinance
5 may provide penalties of fine not exceeding one per month on a
6 property and limited to no more than one thousand dollars for
7 the first two continual and uncorrected violations of the same
8 subsection of such ordinance on the same property and not
9 exceeding five thousand dollars for the third and any subsequent
10 continual and uncorrected violation of the same subsection of
11 such ordinance on the same property.

12 (b) If a violation of the building ordinance, the housing
13 ordinance, the property maintenance ordinance, the fire
14 prevention ordinance, the electrical ordinance or the plumbing
15 ordinance is found to pose a threat to the public's health,
16 safety or property, then penalties of fine may be provided for
17 as follows:

18 (i) not exceeding one ~~violation~~ CITATION per five calendar <—
19 days for a continual and uncorrected violation of the same
20 subsection of such ordinance on the same property;

21 (ii) limited to no less than five hundred dollars and no
22 more than one thousand dollars for the first two continual and
23 uncorrected violations of the same subsection of such ordinance
24 on the same property and no less than one thousand dollars and
25 not exceeding ten thousand dollars for the third and any
26 subsequent continual and uncorrected violation of the same
27 subsection of such ordinance on the same property, or
28 imprisonment for any term not exceeding ninety days, or both.

29 Section 4. Sections 4132 and 4133 of the act, amended July
30 29, 1971 (P.L.250, No.61), are amended to read:

1 Section 4132. Building Inspectors, Housing Inspectors,
2 Property Maintenance Inspectors, Fire Prevention Inspectors,
3 Electrical Inspectors, and Plumbing Inspectors.--Council may
4 appoint building inspectors, housing inspectors, property
5 maintenance inspectors, fire prevention inspectors, electrical
6 inspectors and plumbing inspectors and fix their compensation.
7 Such inspectors shall have the right to enter upon and inspect
8 any and all premises at all reasonable hours for the
9 administration and enforcement of the building ordinance, the
10 housing ordinance, the property maintenance ordinance, the fire
11 prevention ordinance, the electrical ordinance and the plumbing
12 ordinance. Any fees payable to them under the building
13 ordinance, the housing ordinance, the property maintenance
14 ordinance, the fire prevention ordinance, the electrical
15 ordinance and the plumbing ordinance shall be paid by them to
16 the city treasurer for the use of the city as promptly as may
17 be.

18 Section 4133. Actions to Restrain Violations.--The city may,
19 in addition to the penalties provided by its building ordinance,
20 its housing ordinance, its property maintenance ordinance, its
21 fire prevention ordinance, its electrical ordinance and its
22 plumbing ordinance, bring actions at law or in equity to prevent
23 or restrain, correct or abate any violations of its building
24 ordinance, its housing ordinance, its property maintenance
25 ordinance, its fire prevention ordinance, its electrical
26 ordinance and its plumbing ordinance.

27 Section 5. This act shall take effect in 60 days.