

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 904 Session of 2015

INTRODUCED BY GINGRICH, ROSS, HARPER, FREEMAN AND M. DALEY,
APRIL 8, 2015

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, APRIL 8, 2015

AN ACT

1 Amending the act of June 24, 1931 (P.L.1206, No.331), entitled
2 "An act concerning townships of the first class; amending,
3 revising, consolidating, and changing the law relating
4 thereto," in corporate powers, further providing for powers
5 of the board of township commissioners as to building and
6 housing regulations and inspectors; and providing for Uniform
7 Construction Code, property maintenance code and reserved
8 powers.

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

11 Section 1. Clauses XIX and XX of section 1502 of the act of
12 June 24, 1931 (P.L.1206, No.331), known as The First Class
13 Township Code, reenacted and amended May 27, 1949 (P.L.1955,
14 No.569) and amended July 31, 1963 (P.L.384, No.204) and July 10,
15 1975 (P.L.48, No.28), are amended to read:

16 Section 1502. The corporate power of a township of the first
17 class shall be vested in the board of township commissioners.

18 The board shall have power--

19 * * *

20 XIX. Building and Housing Sanitation Regulations. In
21 addition to other remedies provided by law, and in order to

1 promote the public health, safety, morals, and the general
2 welfare, to enact and enforce suitable ordinances to govern and
3 regulate the construction, alteration, repairs, occupation,
4 maintenance, sanitation, lighting, ventilation, water supply,
5 toilet facilities, drainage, use, and inspection of all
6 buildings and housing, or parts of buildings and housing,
7 constructed, erected, altered, designed or used, in whole or in
8 part, for human habitation or occupancy, and of the sanitation
9 and inspection of land appurtenant thereto in accordance with
10 Article XXXI-A. [In case any building, housing or structure is
11 constructed, reconstructed, altered, repaired, converted, or
12 maintained, or any building, housing or land is used, in
13 violation of any ordinance enacted under authority conferred
14 hereby, the board of township commissioners, in addition to
15 penalties provided by ordinances enacted hereunder, may
16 institute appropriate actions or proceedings, at law or in
17 equity, to prevent and restrain such unlawful construction,
18 reconstruction, alteration, repairs, conversion, maintenance or
19 use, and to restrain, correct, or abate such violation and to
20 prevent the occupancy of said building, housing or structure.
21 The ordinances enacted pursuant to this clause shall not be
22 inconsistent with the provisions of any statute governing the
23 same matter, but all regulations prescribed by such ordinances,
24 which are additional or supplementary to the statute law and not
25 inconsistent therewith, or enacted for the purpose of carrying
26 into effect the provisions of the statute law, shall be valid
27 and binding. Such ordinances may adopt any standard building
28 code and any standard housing code, published and printed in
29 book form, covering any or all of the above items, without
30 incorporating such building code and such housing code in the

1 ordinance; or any township may enact such building code and such
2 housing code as its ordinance authorized under the provisions of
3 this clause. In either event, such building code and such
4 housing code shall not be published or advertised in full, as
5 provided by this section in the case of the adoption of
6 ordinances: Provided, That notice of the adoption of such
7 standard building code and such housing code as the building
8 ordinance and the housing ordinance of the township, together
9 with a brief summary thereof setting forth the principal
10 provisions of said ordinance in such reasonable detail as will
11 give adequate notice of its contents pursuant to a uniform form
12 which shall be prepared or approved by the Department of Labor
13 and Industry, and a reference to the place or places, within the
14 township, where copies of the building code and the housing code
15 adopted are deposited and may be examined, shall be published in
16 the manner provided by this section for the publication of
17 ordinances. Not less than three such copies shall be made
18 available to public inspection and use, during business hours,
19 for a period of not less than three months after the adoption of
20 such building code and such housing code.

21 XX. Building and Housing Inspectors. To provide for the
22 inspection of the construction and repair of buildings and
23 housing, including the appointment of one or more building
24 inspectors and housing inspectors; to prescribe limits wherein
25 none but buildings and housing of noncombustible material and
26 fireproof roofs shall be erected or substantially reconstructed
27 or removed thereinto; to provide penalties for the violation of
28 such regulations. Any building and housing erected,
29 reconstructed, or removed, contrary to the provisions of any
30 ordinance passed for any of the purposes herein specified, is

1 declared to be a public nuisance and abatable as such.]

2 * * *

3 Section 2. The act is amended by adding an article to read:

4 ARTICLE XXXI-A

5 UNIFORM CONSTRUCTION CODE, PROPERTY MAINTENANCE CODE AND

6 RESERVED POWERS

7 Section 3101-A. Definitions.

8 The following words and phrases when used in this article
9 shall have the meanings given to them in this section unless the
10 context clearly indicates otherwise:

11 "Pennsylvania Construction Code Act." The act of November
12 10, 1999 (P.L.491, No.45), known as the Pennsylvania
13 Construction Code Act.

14 "Uniform Construction Code." The Uniform Construction Code
15 adopted under section 301 of the Pennsylvania Construction Code
16 Act.

17 Section 3102-A. Primacy of Uniform Construction Code.

18 (a) General rule.--The Pennsylvania Construction Code Act
19 and the Uniform Construction Code shall apply to the
20 construction, alteration, repair and occupancy of the buildings
21 and structures within a township.

22 (b) Primacy.--This section and an ordinance, rule or
23 regulation adopted under this section shall not supersede or
24 abrogate the Pennsylvania Construction Code Act or the Uniform
25 Construction Code and shall be construed and read in pari
26 materia with both.

27 Section 3103-A. Changes in Uniform Construction Code.

28 The township commissioners may propose and enact an ordinance
29 to equal or exceed the minimum requirements of the Uniform
30 Construction Code in accordance with and subject to the

1 requirements of section 503 of the Pennsylvania Construction
2 Code Act. An ordinance exceeding the provisions of the Uniform
3 Construction Code shall be required to meet the standards
4 provided in section 503(j)(2) of the Pennsylvania Construction
5 Code Act.

6 Section 3104-A. Public nuisance.

7 A building, housing or property, or part of a building,
8 housing or property erected, altered, extended, reconstructed,
9 removed or maintained, contrary to the provisions of an
10 ordinance passed for a purpose specified in this article may be
11 declared, by a court of law, a public nuisance, and may be
12 abatable as such. However, a violation of the Uniform
13 Construction Code or an ordinance that equals or exceeds the
14 Uniform Construction Code shall be subject to the provisions of
15 the Pennsylvania Construction Code Act and the regulations
16 adopted thereunder by the Department of Labor and Industry
17 relating to enforcement for noncompliance.

18 Section 3105-A. Property maintenance code.

19 (a) Property maintenance code.--Notwithstanding the primacy
20 of the Uniform Construction Code, the township commissioners may
21 enact a property maintenance ordinance, and they may incorporate
22 a standard or nationally recognized property maintenance code,
23 or a variation or change or part of the code, published and
24 printed in book form, without incorporating the text of the code
25 in the ordinance, or the commissioners may enact a standard or
26 nationally recognized property maintenance code or a change or
27 variation or part, as the ordinance. In either event, the
28 ordinance, or a change or variation or part, need not be
29 advertised after passage, but notice of its consideration, in
30 reasonable detail, shall be published as will give adequate

1 notice of its contents and a reference to the place or places
2 within the township where copies of the proposed property
3 maintenance code may be examined or obtained. The notice
4 required by this subsection shall be published once in one
5 newspaper of general circulation at least one week and not more
6 than three weeks prior to the presentation of the proposed
7 property maintenance code to the commissioners. No fewer than
8 three copies of the ordinance adopted by the commissioners shall
9 be made available for public inspection and use during business
10 hours or be made available to an interested party at the cost of
11 the copies, or may be furnished or lent without charge. A
12 property maintenance code adopted by reference need not be
13 recorded in or attached to the ordinance book, but shall be
14 deemed to have been legally recorded if the ordinance by which
15 the code was adopted by reference shall have been recorded, with
16 an accompanying notation stating where the full text of the code
17 shall have been filed. The ordinance may provide for reasonable
18 property fines and penalties for violations of the ordinance.
19 The procedure under this section relating to the adoption of the
20 ordinance may likewise be utilized in amending, supplementing or
21 repealing a provision of the ordinance.

22 (b) Property maintenance inspectors.--The township
23 commissioners may appoint property maintenance inspectors who
24 shall have the right to enter upon and inspect any premises,
25 subject to constitutional standards, at reasonable hours and in
26 a reasonable manner for the administration and enforcement of
27 the township's property maintenance code or ordinance
28 incorporating a standard or nationally recognized property
29 maintenance code. A fee payable to property maintenance
30 inspectors under the ordinance shall be promptly paid by them to

1 the township treasurer for the use of the township.

2 (c) Legal actions.--In addition to the penalties provided by
3 the property maintenance ordinance, the township may institute
4 appropriate actions or proceedings at law or in equity to
5 prevent or restrain property maintenance violations.

6 (d) Construction.--The powers of a township as provided in
7 this section shall be in addition to, but not limited to, the
8 powers provided in the act of November 26, 2008 (P.L.1672,
9 No.135), known as the Abandoned and Blighted Property
10 Conservatorship Act, 53 Pa.C.S. Ch. 61 (relating to neighborhood
11 blight reclamation and revitalization) and 68 Pa.C.S. Ch. 21
12 (relating to land banks).

13 Section 3106-A. Reserved powers.

14 If, as a result of legislative action or final order of court
15 for which the time for appeal has expired and no appeal has been
16 taken or from which there is no pending appeal, the Uniform
17 Construction Code or a replacement code is no longer applicable
18 in townships, the township commissioners may:

19 (1) Enact and enforce ordinances to govern and regulate
20 the construction, reconstruction, alteration, extension,
21 repair, conversion, maintenance, occupation, sanitation,
22 ventilation, heating, egress, lighting, electrical wiring,
23 water supply, toilet facilities, drainage, plumbing, fire
24 prevention, fireproofing, including prescribing limitations
25 wherein only buildings of noncombustible material and
26 fireproofed roofs are used in construction, erection or
27 substantial reconstruction, use and inspection of all
28 buildings and housing or parts of buildings and housing and
29 the roofs, walls and foundations of buildings and housing,
30 and all facilities and services in or about the buildings or

1 housing constructed, erected, altered, designed or used, in
2 whole or in part, for use or occupancy, and the sanitation
3 and inspection of land appurtenant to the buildings or
4 housing. The codes may be combined or separately enacted or
5 combined with the property maintenance code. The township
6 commissioners may adopt, amend or incorporate by reference a
7 standard or nationally recognized code or a variation or
8 change or part of the code as its ordinance in the manner
9 provided in section 3105-A. The ordinance may provide for
10 reasonable fines and penalties for violations of the
11 ordinance.

12 (2) Require that before work of construction,
13 reconstruction, alteration, extension, repair or conversion
14 of a building has begun, approval of the plans and
15 specifications be secured.

16 (3) Appoint building inspectors, housing inspectors,
17 property maintenance inspectors, fire prevention inspectors,
18 electrical inspectors and plumbing inspectors, and fix their
19 compensation. The inspectors shall have the right to enter
20 upon, subject to constitutional standards, and inspect a
21 premises at reasonable hours and in a reasonable manner, for
22 the administration and enforcement of the township's adopted
23 codes or ordinances incorporating standard or nationally
24 recognized codes. A fee payable to inspectors under the
25 ordinances shall be paid by them to the township treasurer
26 for the use of the township as promptly as may be.

27 (4) In addition to the penalties provided by ordinances,
28 institute appropriate actions or proceedings at law or in
29 equity to prevent or restrain the unlawful construction,
30 reconstruction, alteration, extension, repair, conversion,

1 maintenance, use or occupation of property located within the
2 township, to restrain, correct or abate the violation and to
3 prevent the use or occupancy of the building, housing or
4 structure.

5 Section 3. Nothing in this act shall be construed to repeal
6 or modify any township ordinance in effect on the effective date
7 of this act or affect any proceeding or enforcement of any
8 township ordinance instituted prior to the effective date of
9 this act.

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