
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 371

Session of
1983

INTRODUCED BY FRYER, SWEET, A. C. FOSTER, JR., LEVI AND STUBAN,
MARCH 15, 1983

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 15, 1983

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 standard codes; and authorizing boards of
5 code appeals.

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

8 Section 1. Section 1202(24) of the act of February 1, 1966
9 (1965 P.L.1656, No.581), known as The Borough Code, amended
10 October 9, 1967 (P.L.399, No.181), is amended to read:

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

19 * * *

1 (24) Building, housing, [and] plumbing and other
2 regulations. To enact and enforce ordinances relating to
3 buildings and housing, their construction, alteration,
4 extension, repair and maintenance and all facilities and
5 services in or about such buildings or housing, to require that,
6 before any work of construction, alteration, extension, or
7 repair of any building is begun, approval of the plans and
8 specifications therefor be secured; to provide for the
9 inspection of such work of construction, alteration, extension
10 and repair, including the appointment of one or more building
11 inspectors and/or housing inspectors; to prescribe limits
12 wherein none but buildings of noncombustible material and
13 fireproof roofs shall be erected, or substantially
14 reconstructed, or moved thereinto; to provide for enforcement of
15 such regulations by a reasonable fine, and by instituting
16 appropriate actions or proceedings at law, or in equity, to
17 effect the purposes of this provision and ordinances enacted
18 thereunder. Any building or housing or part thereof erected,
19 altered, extended, reconstructed or removed, contrary to any of
20 the provisions of any ordinance passed for any of the purposes
21 specified in this clause is declared to be a public nuisance and
22 abatable as such.

23 Any such ordinance may be adopted by reference to a standard
24 building code [or], housing code or other standard codes, or to
25 parts thereof, determined by council, or the provisions of the
26 ordinance may be supplied by reference to a typed or printed
27 building code [or], housing code or other standard codes,
28 prepared under the direction of or accepted by council, or the
29 provisions may consist of a standard building code [or], housing
30 code or other standard codes, or parts thereof, and also further

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

1 code [or], housing code or other standard codes, by reference,
2 may likewise be adopted in amending, supplementing or repealing
3 any of the provisions of the building code [or], housing code or
4 other standard codes.

5 To enact suitable ordinances relating to plumbing, in the
6 same manner and to the same effect as herein provided for
7 building [and] codes, housing codes or other standard codes. The
8 building code, the housing code and the plumbing code may be
9 combined or separately enacted or combined with other standard
10 codes.

11 Any housing ordinance previously enacted by a borough which
12 provides for the purposes authorized by this clause is hereby
13 validated.

14 Every borough which adopts codes under this clause may create
15 a board of code appeals herein called the "board" for each such
16 code or a single board for two or more codes. When a borough is
17 a part of a code enforcement program with another municipality,
18 there may be a joint board of appeals.

19 The board shall consist of at least three members appointed
20 by the council. The terms of office of the members shall be
21 three years and fixed so that the term of office of members
22 shall expire in successive years insofar as possible. In case of
23 a joint board there shall be at least one member from each
24 municipality appointed by the governing body of the
25 municipality. Should the joint board be comprised of more than
26 three municipalities, the board shall consist of at least one
27 member from each municipality.

28 The board shall hear and determine all complaints relating to
29 decisions arising under the codes.

30 Decisions of the board may be appealed within thirty days

1 from the decision of the board to the court of common pleas of
2 the county in which the property involved is located.

3 * * *

4 Section 2. This act shall take effect immediately.