

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 313 Session of 1989

INTRODUCED BY WENGER, SALVATORE, REIBMAN, ANDREZESKI AND
SHAFFER, JANUARY 26, 1989

REFERRED TO LOCAL GOVERNMENT, JANUARY 26, 1989

AN ACT

1 Amending the act of May 1, 1933 (P.L.103, No.69), entitled "An
2 act concerning townships of the second class; and amending,
3 revising, consolidating, and changing the law relating
4 thereto," authorizing the establishment of boards of health;
5 providing for their powers and duties; and making repeals.

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

8 Section 1. Section 1901-A of the act of May 1, 1933
9 (P.L.103, No.69), known as The Second Class Township Code,
10 reenacted and amended July 10, 1947 (P.L.1481, No.567), is
11 repealed.

12 Section 2. The act is amended by adding a section to read:

13 Section 1901-A.1. Establishment of Board of Health.--The
14 board of supervisors may appoint a township board of health and
15 township health officer for the purpose of administration and
16 enforcement of the health and sanitation laws of the township.
17 Where a board of health is appointed, such board may appoint a
18 health officer or inspector whose duties shall be to implement
19 and enforce the health and sanitation laws of the township and

1 actions of the board of health. Such health officer or
2 inspector, whether appointed by the board of supervisors or by
3 the board of health, shall not enter upon the performance of the
4 duties of office until certified as a qualified health officer
5 or inspector by the State Department of Health.

6 Section 3. Sections 1902-A, 1903-A, 1904-A, 1905-A, 1906-A
7 and 1907-A of the act, added March 22, 1956 (P.L.1323, No.419),
8 are amended to read:

9 Section 1902-A. Members of [Sanitary] Board of Health.--
10 [Where the township supervisors decide to appoint a sanitary
11 board, said board] A board of health appointed under the
12 provisions of this article shall be composed of five members at
13 least one of whom shall be a [reputable] licensed physician of
14 not less than two years experience in the practice of his
15 profession. The members of the board of health shall be
16 appointed by the [township] board of supervisors. [At the first
17 appointment] Upon the creation of a board of health one member
18 shall be appointed to serve for one year, one for two years, one
19 for three years, one for four years, and one for five years, and
20 thereafter one member shall in like manner be appointed each
21 year to serve for five years. Upon the creation of a board of
22 health in a township which has an existing sanitary board, the
23 township supervisors may continue the incumbent members of the
24 sanitary board as members of the board of health. The members of
25 the [sanitary] board of health shall serve without compensation,
26 but [if any member of the board shall be elected to the office
27 of secretary he] shall be reimbursed for actual and necessary
28 expenses incurred in the performance of their duties. The
29 secretary of the board of health shall be entitled to receive a
30 salary fixed by the board of supervisors for that office.

1 Section 1903-A. Oaths of Members, Secretary and [Sanitary
2 Officer] Health Officer and Inspectors.--The members of the
3 board of health shall, severally, take and subscribe to the oath
4 prescribed by section five hundred one of this act, and shall,
5 annually, organize by electing a [president] chairman from among
6 the members of the board, a secretary who may or may not be a
7 member of the board, and a [sanitary officer] health officer and
8 inspectors who shall not be [a member] members of the board. The
9 secretary and the [sanitary officer] health officer and
10 inspectors shall receive such salary as may be fixed by the
11 board [and ratified by the township] of supervisors, and shall
12 serve for a period of one year or until such time thereafter as
13 their successors may be [elected] appointed and qualified. [They
14 shall, severally, give bond to the township in such sums as may
15 be fixed by ordinance for the faithful discharge of their
16 duties, and shall also take and subscribe to the oath required
17 by members of the board.]

18 Section 1904-A. Duties of Secretary.--The secretary of the
19 board of health shall keep the minutes of the proceedings of the
20 board of health, shall keep accurate accounts of the
21 expenditures of the board of health, shall draw all requisitions
22 for the payment of moneys on account of the [sanitary] board of
23 health from appropriations made by the board of supervisors to
24 the board of health and shall present [the same] them to the
25 [president] chairman of the board of health for his approval,
26 shall render statements of the expenditures to the board of
27 health at each stated meeting or as frequently as the board of
28 health may require, shall prepare under the directions of the
29 board of health the annual report to the [township] board of
30 supervisors together with the estimate of appropriation needed

1 for the ensuing year, and shall make such other reports and
2 perform such other duties as the board of health may require.

3 Section 1905-A. Powers and Duties of [Sanitary Officer]
4 Health Officers and Inspectors.--It shall be the duty of the
5 [sanitary officer] health officer and inspectors to attend all
6 stated and special meetings of the [sanitary] board of health
7 and at all times be ready and available for the prompt
8 performance of [his] their official duties. [He] They shall make
9 [sanitary] inspections, and shall execute the orders of the
10 [sanitary] board of health [and shall, in the performance of his
11 duties, have the power and authority of a policeman].

12 Section 1906-A. Powers of Board of Health.--The [sanitary]
13 board of health shall [have the power, and it shall be its duty,
14 to] enforce the health and sanitation laws of the Commonwealth[,
15 the] and any regulations promulgated thereunder [of the State
16 Department of Health,] and [to make and enforce such additional
17 rules and regulations for abating and removing all nuisances
18 which the board shall deem prejudicial to the public health, to
19 mark infected houses or places, to prescribe rules for the
20 construction and maintenance of house-drains, wash-pipes, soil-
21 pipes and cesspools, and to make all such other rules and
22 regulations as shall be deemed necessary for the preservation of
23 the public health] the health and sanitation laws and
24 regulations of the township.

25 [The board shall also have the power to make, enforce and
26 cause to be published all necessary rules and regulations not
27 inconsistent with law for carrying into effect the powers and
28 functions with which they are invested by law and the power and
29 authority relating to the public health conferred on the
30 townships.] Such [rules and] regulations, when [approved by]

1 authorized by ordinance of the township [supervisors] and when
2 advertised in [the same manner as ordinances] accordance with
3 appropriate law, shall have the force of ordinances of the
4 township [and all]. All penalties [or punishment] prescribed for
5 the violation thereof as well as the expenses actually and
6 necessarily incurred in carrying such [rules] ordinances and
7 regulations into effect shall be recoverable [for the use of the
8 township in the same manner as penalties for violation of the
9 ordinances of the township and subject to like limitations as to
10 the amount thereof] in enforcement proceedings and paid into the
11 general township fund. Townships may establish and revise as
12 necessary, such fees as are deemed appropriate for licenses or
13 permits issued by the township.

14 Section 1907-A. Entry Upon Premises.--[The sanitary board
15 shall have the power as a body or by committee as well as the
16 sanitary officer, together with their assistants, subordinates
17 and workmen, under and by order of the said board to enter at
18 any time upon any premises in the township upon which there is
19 suspected to be any nuisance detrimental to the public health
20 for the purpose of examining and abating the same.] The board of
21 health, health officer or inspectors, may enter upon any
22 premises within the township where there is reasonably suspected
23 to exist any health hazard or violation of health or sanitation
24 laws or regulations, or which are of a type that may give rise
25 to a health hazard. Such entry may be made with or without prior
26 notice to the owner or occupant.

27 Section 4. Section 1908-A of the act is repealed.

28 Section 5. The act is amended by adding a section to read:

29 Section 1908-A.1. Written Order for Violation.--Where the
30 board of health or health officer or inspectors determine that a

1 health or sanitation hazard or violation exists, a written order
2 shall be directed to the owner or occupant of the premises
3 involved, ordering an abatement of the hazard or violation and
4 the taking of such corrective action as the board of health or
5 health officer or inspectors may deem necessary under the
6 circumstances. Such order shall set forth a specific time in
7 which the abatement and corrective action shall be accomplished.
8 In the event the order is not complied with within the time
9 provided, the board of health or health officer or inspectors
10 may enter upon the premises and issue orders for the immediate
11 termination of activities creating the violation, the potential
12 violation and all acts of commerce conducted in, on or at the
13 premises in question. In addition, the board of health, health
14 officer, or inspectors may proceed to enforce the law or
15 regulation being violated in the same manner as ordinances of
16 the township.

17 Section 6. Section 1909-A of the act is repealed.

18 Section 7. The act is amended by adding a section to read:

19 Section 1909-A.1. Appropriations and Annual Report.--The
20 board of supervisors shall make an annual appropriation to the
21 board of health or health officer in such amounts as the board
22 of supervisors shall deem appropriate. The board of health or
23 health officer shall, before the preparation of the annual
24 budget of the township, submit to the board of supervisors the
25 estimated expenses of the board of health or health officer for
26 the ensuing year. The board of health or health officer shall by
27 the first day of February of each year prepare and submit to the
28 board of supervisors and the regional office of the State
29 Department of Health an annual report, in writing, setting forth
30 the activities and expenditures of the board of health or health

1 officer during the prior calendar year.

2 Section 8. Section 1910-A of the act, added March 22, 1956
3 (P.L.1323, No.419), is amended to read:

4 Section 1910-A. Cooperation With Other [Units] Governmental
5 Agencies.--(a) Any township may cooperate [with the county or
6 with any city, borough or township as well as with the State
7 Department of Health] and enter into agreements with any other
8 governmental agency in the administration and enforcement of
9 health and sanitation laws.

10 (b) If the board of supervisors abolishes the board of
11 health or positions of health officer or inspectors and
12 discontinues services under this article, the State Department
13 of Health shall be notified. An official copy of such action of
14 the board of supervisors shall be transmitted to the regional
15 office of the State Department of Health.

16 (c) The township may request assistance from the State
17 Department of Health where the township feels such assistance is
18 necessary for the health and safety of its citizens.

19 Section 9. Sections 1911-A, 1912-A, 1913-A and 1914-A of the
20 act are repealed.

21 Section 10. This act shall take effect immediately.