

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 793 Session of 2015

INTRODUCED BY HUTCHINSON, EICHELBERGER, MCGARRIGLE, WOZNIAK AND BLAKE, MAY 20, 2015

SENATOR HUTCHINSON, LOCAL GOVERNMENT, AS AMENDED, JUNE 10, 2015

AN ACT

1 Amending the act of May 1, 1933 (P.L.103, No.69), entitled, as
2 reenacted and amended, "An act concerning townships of the
3 second class; and amending, revising, consolidating and
4 changing the law relating thereto," in corporate powers,
5 further providing for building and housing regulations and
6 repealing provisions relating to building and housing
7 inspectors; and providing for Uniform Construction Code,
8 property maintenance code and reserved powers.

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

11 Section 1. Section 1517 of the act of May 1, 1933 (P.L.103,
12 No.69), known as The Second Class Township Code, reenacted and
13 amended November 9, 1995 (P.L.350, No.60), is amended to read:

14 Section 1517. Building and Housing Regulations.--The board
15 of supervisors may enact and enforce codes and ordinances to
16 govern and regulate the construction, alteration, repair,
17 occupation, maintenance, sanitation, lighting, ventilation,
18 water supply, toilet facilities, drainage, use and inspection of
19 all buildings and housing constructed, erected, altered,
20 designed or used for any use or occupancy and the sanitation and
21 inspection of land in accordance with Article XVII-A. [If any

1 building and housing or structure is constructed, reconstructed,
2 altered, repaired, converted or maintained or any building,
3 housing or land is used in violation of any ordinance enacted
4 under this section, the board of supervisors, in addition to
5 penalties provided by the ordinances, may institute appropriate
6 actions or proceedings at law or in equity to prevent and
7 restrain the unlawful construction, reconstruction, alteration,
8 repair, conversion, maintenance or use, to restrain, correct or
9 abate the violation and to prevent the use or occupancy of the
10 building, housing or structure.]

11 Section 2. Section 1518 of the act is repealed:

12 [Section 1518. Building and Housing Inspectors.--The board
13 of supervisors may appoint one or more building and housing
14 inspectors to enforce the building and housing regulations of
15 the township and for the inspection of the construction,
16 alteration, repair and sanitation facilities of buildings and
17 housing in the township.]

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

19 ARTICLE XVII-A

20 UNIFORM CONSTRUCTION CODE, PROPERTY MAINTENANCE

21 CODE AND RESERVED POWERS

22 Section 1701-A. Definitions.

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

26 "Uniform Construction Code." The Uniform Construction Code
27 adopted in accordance with the act of November 10, 1999
28 (P.L.491, No.45), known as the Pennsylvania Construction Code
29 Act.

30 Section 1702-A. Primacy of Uniform Construction Code.

1 (a) General rule.--The Uniform Construction Code shall apply
2 to the construction, alteration, repair and occupancy of all
3 buildings and structures within a township.

4 (b) Primacy.--This section and an ordinance, rule or
5 regulation adopted under this section, including an ordinance
6 exceeding the requirements of the Uniform Construction Code,
7 shall not supersede or abrogate the act of November 10, 1999
8 (P.L.491, No.45), known as the Pennsylvania Construction Code
9 Act, and shall conform to, and be construed and read in pari
10 materia with the provisions of that act.

11 Section 1703-A. Public nuisance.

12 A building, housing or property, or part of a building,
13 housing or property erected, altered, extended, reconstructed,
14 removed or maintained, contrary to a provision of an ordinance
15 passed for a purpose specified in this article may be declared,
16 by a court of law, a public nuisance, and may be abatable as
17 such. However, a violation of the Uniform Construction Code or
18 an ordinance that equals or exceeds the Uniform Construction
19 Code shall be subject to the provisions of the Uniform <--
20 Construction Code ACT OF NOVEMBER 10, 1999 (P.L.491, NO.45), <--
21 KNOWN AS THE PENNSYLVANIA CONSTRUCTION CODE ACT, and the
22 regulations adopted thereunder by the Department of Labor and
23 Industry relating to enforcement for noncompliance.

24 Section 1704-A. Property maintenance code.

25 (a) Property maintenance code.--Notwithstanding the primacy
26 of the Uniform Construction Code, the township supervisors may
27 enact a property maintenance ordinance, and they may incorporate
28 a standard or nationally recognized property maintenance code,
29 or a variation or change or part of the code, published and
30 printed in book form, without incorporating the text of the code

1 in the ordinance, or the supervisors may enact a standard or
2 nationally recognized property maintenance code or a change or
3 variation or part, as the ordinance. In either event, the
4 proposed ordinance, or a brief summary of the proposed
5 ordinance, shall be published not more than 60 days nor less
6 than seven days before passage at least once in one newspaper
7 circulating generally in the township. The notice shall state
8 the time and place of the meeting and the particular nature of
9 the ordinance to be considered. The notice shall also state
10 where copies of the proposed ordinance and property maintenance
11 code can be examined or obtained at cost. A property maintenance
12 code adopted by reference need not be recorded in or attached to
13 the ordinance book, but shall be deemed to have been legally
14 recorded if the ordinance by which the code was adopted by
15 reference shall have been recorded, with an accompanying
16 notation stating where the full text of the code has been filed.
17 The ordinance may provide for reasonable property fines and
18 penalties for violations of the ordinance. The procedure under
19 this section relating to the adoption of the ordinance may
20 likewise be utilized in amending, supplementing or repealing a
21 provision of the ordinance.

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

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

5 (d) Construction.--The powers of a township as provided in
6 this section shall be in addition to, but not limited to, the
7 powers provided in the act of November 26, 2008 (P.L.1672,
8 No.135), known as the Abandoned and Blighted Property
9 Conservatorship Act, 53 Pa.C.S. Ch. 61 (relating to neighborhood
10 blight reclamation and revitalization) and 68 Pa.C.S. Ch. 21
11 (relating to land banks).
12 Section 1705-A. Reserved powers.

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

18 (1) Enact and enforce ordinances to govern and regulate
19 the construction, reconstruction, alteration, extension,
20 repair, conversion, maintenance, use or occupation, and
21 provide for the approval, inspection and enforcement of the
22 ordinance as it relates to the property. The codes may be
23 combined or separately enacted or combined with the property
24 maintenance code. The township supervisors may adopt, amend
25 or incorporate by reference any standard or nationally
26 recognized code or any variations or changes or parts of the
27 code as its ordinance in the manner provided in section 1704-
28 A. The ordinance may provide for reasonable fines and
29 penalties for violations of the ordinance.

30 (2) Require that before construction, reconstruction,

1 alteration, extension, repair or conversion of a building has
2 begun, approval of the plans and specifications shall be
3 secured.

4 (3) Appoint building inspectors, housing inspectors,
5 code enforcement officers, fire prevention inspectors,
6 electrical inspectors and plumbing inspectors and fix their
7 compensation. The inspectors shall have the right to enter
8 upon, subject to constitutional standards, and inspect any
9 premises at reasonable hours and in a reasonable manner, for
10 the administration and enforcement of the township's adopted
11 codes or ordinances incorporating standard or nationally
12 recognized codes. A fee payable to an inspector under the
13 ordinance shall be promptly paid by the township supervisors
14 to the township treasurer for the use of the township.

15 (4) In addition to the penalties provided by ordinances,
16 institute appropriate actions or proceedings at law or in
17 equity to prevent or restrain the unlawful construction,
18 reconstruction, alteration, extension, repair, conversion,
19 maintenance, use or occupation of property located within the
20 township, to restrain, correct or abate the violation and to
21 prevent the use or occupancy of the building, housing or
22 structure.

23 Section 4. This act shall not be construed to repeal or
24 modify any township ordinance in effect on the effective date of
25 this act or affect any proceeding or enforcement of any township
26 ordinance instituted prior to the effective date of this act.

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