

AMENDMENTS TO HOUSE BILL NO. 255

Sponsor: REPRESENTATIVE STURLA

Printer's No. 218

1 Amend Bill, page 1, lines 3 through 5, by striking out
2 "municipal property maintenance" in line 3 and all of lines 4
3 and 5 and inserting
4 Municipal Codes Enforcement Grant Program; providing for county
5 property maintenance code; imposing penalties; and making an
6 appropriation.

7 Amend Bill, page 1, line 9, by striking out "a subchapter"
8 and inserting
9 subchapters

10 Amend Bill, page 1, line 11, by striking out "PROPERTY
11 MAINTENANCE CODE ASSISTANCE" and inserting
12 Codes Enforcement Grant Program and Municipal Neighborhood
13 Mitigation Fund

14 Amend Bill, page 1, lines 14 and 15, by striking out all of
15 line 14 and "6123" in line 15 and inserting
16 6122

17 Amend Bill, page 1, line 16, by striking out all of said line
18 and inserting
19 6123. Municipal Codes Enforcement Grant Program.

20 Amend Bill, page 1, lines 17 and 18, by striking out all of
21 said lines and inserting
22 6124. Municipal neighborhood mitigation fund.
23 6125. Penalty.

24 Amend Bill, page 1, line 19, by striking out "6127" and
25 inserting
26 6126

1 Amend Bill, page 2, line 1, by striking out "6128" and
2 inserting
3 6127

4 Amend Bill, page 2, lines 5 through 12, by striking out all
5 of said lines

6 Amend Bill, page 2, line 13, by striking out "6123" and
7 inserting
8 6122

9 Amend Bill, page 2, lines 19 through 21, by striking out "The
10 Municipal Property Maintenance Code Assistance" in line 19 and
11 all of lines 20 and 21 and inserting

12 A municipal neighborhood mitigation fund established under
13 section 6124 (relating to municipal neighborhood mitigation
14 fund).

15 Amend Bill, page 2, line 28, by inserting after "A"
16 county,

17 Amend Bill, page 3, by inserting between lines 2 and 3

18 "Program." The Codes Enforcement Grant Program established
19 under section 6123 (relating to Municipal Codes Enforcement
20 Grant Program).

21 Amend Bill, page 3, line 6, by striking out "6124. Code
22 enforcement grant program" and inserting
23 6123. Municipal Codes Enforcement Grant Program

24 Amend Bill, page 3, line 7, by striking out "department" and
25 inserting

26 Municipal Codes Enforcement Grant Program is established in
27 the department. The program

28 Amend Bill, page 3, line 8, by inserting after
29 "municipalities"

30 with no current codes enforcement program

31 Amend Bill, page 3, line 9, by inserting after "through"
32 the establishment of

1 Amend Bill, page 3, lines 10 through 13, by striking out all
2 of lines 10 through 12 and "(2) the establishment of" in line
3 13 and inserting

4 (1)

5 Amend Bill, page 3, lines 14 through 16, by striking out "in"
6 in line 14 and all of lines 15 and 16 and inserting

7 to acquire relevant certification in code enforcement;
8 and
9 (2) county property maintenance code enforcement
10 programs.

11 Amend Bill, page 3, lines 18 through 29, by striking out
12 "this section to municipalities on a competitive basis" in line
13 18 and all of lines 19 through 29 and inserting

14 the program on a competitive basis according to the
15 following criteria:

16 (1) Whether the municipality demonstrates a financial
17 need for the grants.

18 (2) The overall condition of the real property within
19 the municipality.

20 (3) Whether the municipality has an intergovernmental
21 cooperation agreement with another jurisdiction for joint
22 codes enforcement.

23 Amend Bill, page 4, lines 6 and 7, by striking out "under
24 section 6128 (relating to guidelines)"

25 Amend Bill, page 4, line 16, by striking out "property
26 maintenance" and inserting

27 codes enforcement

28 Amend Bill, page 4, lines 17 through 30; page 5, lines 1
29 through 25; by striking out all of said lines on said pages and
30 inserting

31 § 6124. Municipal neighborhood mitigation fund.

32 (a) Ordinance authorized.--A municipality with an
33 established code enforcement program may enact an ordinance to
34 establish a municipal neighborhood mitigation fund. The fund
35 shall comply with the provisions of this section.

36 (b) Source of revenue.--The penalty collected under this
37 chapter by the municipality shall be deposited into the fund.

1 (c) Use of fund.--The fund shall be used to mitigate code
2 violations, including, but not limited to, demolition, cleanup,
3 cleaning and sealing and making repairs to blighted property.
4 § 6125. Penalty.

5 (a) Imposition.--Upon conviction for a violation of any code
6 of the municipality, the municipality shall impose a
7 neighborhood mitigation penalty:

8 (1) for a first violation, in the amount of at least \$25
9 and not more than \$250;

10 (2) for a second violation, in the amount of at least
11 \$250 and not more than \$500; and

12 (3) for a third or subsequent violation, in the amount
13 of at least \$500 and not more than \$1,000.

14 (b) Collection.--The penalty imposed under this section
15 shall be payable to the municipality and the municipality shall
16 deposit the penalty collected into the fund.

17 Amend Bill, page 5, line 26, by striking out "6127" and
18 inserting
19 6126

20 Amend Bill, page 5, lines 28 and 29, by striking out "Urban
21 Affairs" and inserting
22 Housing and Community Development

23 Amend Bill, page 6, lines 1 and 2, by striking out "money
24 collected and deposited into the fund as well as the number of"

25 Amend Bill, page 6, line 4, by striking out "6128" and
26 inserting
27 6127

28 Amend Bill, page 6, lines 7 through 14, by striking out "The
29 guidelines to implement" in line 7 and all of lines 8 through 14
30 and inserting

31 SUBCHAPTER B.2
32 COUNTY PROPERTY MAINTENANCE CODE

33 Sec.

34 6131. County property maintenance code.

35 6132. Enforcement of municipal property maintenance ordinances.

36 § 6131. County property maintenance code.

37 (a) General rule.--A county may enact one of the following:

38 (1) A property maintenance ordinance that incorporates a
39 standard or nationally recognized property maintenance code
40 or a variation, change or part of such code, published and

1 printed in book form, without incorporating the text of the
2 code in the ordinance.

3 (2) A standard or nationally recognized property
4 maintenance code or a variation, change or part of such code
5 as the county's property maintenance ordinance.

6 (b) Publication of notice.--

7 (1) An ordinance under subsection (a) need not be
8 advertised after being adopted. Notice of the consideration
9 of the ordinance shall be published in a manner that gives
10 adequate notice of its contents and a reference to the place
11 within the county where copies of the proposed property
12 maintenance code may be examined or obtained.

13 (2) The notice required under paragraph (1) shall be
14 published once in one newspaper of general circulation at
15 least one week and not more than three weeks prior to the
16 presentation of the proposed property maintenance code to the
17 governing body.

18 (3) A property maintenance ordinance that incorporates a
19 standard or nationally recognized property maintenance code
20 or variation shall adopt a specific edition and may not
21 incorporate future editions automatically.

22 (c) Copies of ordinance.--At least three copies of the
23 ordinance adopted by the governing body:

24 (1) shall be made available for public inspection and
25 use during business hours or to an interested party that pays
26 the cost of copying; or

27 (2) may be furnished or lent without charge.

28 (d) Adoption by reference.--A property maintenance code
29 adopted by reference:

30 (1) need not be recorded in or attached to an ordinance
31 book; and

32 (2) shall be deemed to have been legally recorded if the
33 ordinance by which the code was adopted by reference has been
34 recorded with an accompanying notation stating where the full
35 text of the code has been filed.

36 (e) Fines and penalties.--An ordinance under this section
37 may provide for reasonable property fines and penalties for
38 violations of the ordinance.

39 (f) Changes to ordinance.--The procedure described in this
40 section relating to the adoption of an ordinance under this
41 section may be used in amending, supplementing or repealing a
42 provision of the ordinance.

43 (g) Appointment of property maintenance inspectors.--

44 (1) The governing body may appoint property maintenance
45 inspectors who may enter and inspect a premises at reasonable
46 hours and in a reasonable manner for the administration and
47 enforcement of the county's property maintenance code or
48 ordinance under subsection (a).

49 (2) A fee payable to a property maintenance inspector
50 under the ordinance shall, after being collected by the
51 property maintenance inspector, be transmitted to the county

1 treasurer for use of the county.

2 (h) Enforcement action.--In addition to the penalties
3 provided by a property maintenance ordinance, a county may
4 institute an appropriate action or proceeding at law or in
5 equity to prevent or restrain a property maintenance violation.

6 (i) Relationship to other law.--The powers and duties of a
7 county under this section shall be in addition to the powers and
8 duties provided under the following:

9 (1) The act of November 26, 2008 (P.L.1672, No.135),
10 known as the Abandoned and Blighted Property Conservatorship
11 Act.

12 (2) 68 Pa.C.S. Ch. 21 (relating to land banks).

13 (j) Limitation.--

14 (1) Except as provided in section 6132 (relating to
15 enforcement of municipal property maintenance ordinances),
16 the powers of the governing body of a county to enact, amend
17 and repeal ordinances under this subchapter shall be limited
18 to land in those municipalities, wholly or partly within the
19 county, that have no property maintenance ordinance, based in
20 whole or in part on a standard or nationally recognized
21 property maintenance code, in effect at the time a property
22 maintenance ordinance is introduced before the governing body
23 of the county and until the municipality's property
24 maintenance ordinance is in effect.

25 (2) The enactment or revision of the property
26 maintenance ordinance by a municipality, other than the
27 county, whose land is subject to a county property
28 maintenance code shall act as a repeal pro tanto of the
29 county property maintenance code ordinance within the
30 municipality adopting the ordinance, except as provided in
31 section 6132.

32 § 6132. Enforcement of municipal property maintenance
33 ordinances.

34 (a) General rule.--Except as provided in subsection (b), a
35 county may not enforce a property maintenance ordinance adopted
36 by a municipality within the county unless the county enters
37 into an intergovernmental cooperation agreement with the
38 municipality.

39 (b) Payment to county.--Except as otherwise provided in an
40 intergovernmental cooperation agreement, a fine, forfeited
41 recognizance or other forfeiture imposed, lost or forfeited for
42 violation of a property maintenance ordinance subject to county
43 enforcement under this section, shall be payable to the county.

44 Section 2. The sum of \$10,000,000 is appropriated to the
45 Department of Community and Economic Development for the purpose
46 of implementing the Municipal Codes Enforcement Grant Program,
47 including administrative costs.

48 Amend Bill, page 6, line 15, by striking out "2" and
49 inserting

1 3

2 Amend Bill, page 6, line 15, by striking out "90" and

3 inserting

4 180