

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 572 Session of 2023

INTRODUCED BY ZIMMERMAN, T. DAVIS, GREINER, BURGOS AND M. JONES,  
MARCH 20, 2023

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 20, 2023

AN ACT

1 Amending Title 11 (Cities) of the Pennsylvania Consolidated  
2 Statutes, in city engineer, further providing for appointment  
3 of city engineer, providing for waiver and further providing  
4 for control of engineering matters, for duties, for  
5 certifying commencement and completion of municipal  
6 improvements and for entering upon property for surveys; in  
7 surveys and surface support in coal mining areas, further  
8 providing for survey of mines and for operators to furnish  
9 maps and contents; and, in corporate powers, further  
10 providing for regulation of division fences, party walls and  
11 foundations.

12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 Section 1. Section 11501 of Title 11 of the Pennsylvania  
15 Consolidated Statutes is amended to read:

16 § 11501. Appointment of city [engineer] engineers.

17 [Council shall provide for the manner of appointment and  
18 compensation of the city engineer. The] Subject to section  
19 11501.1 (relating to waiver), council shall appoint, through a  
20 competitive bid process, and determine the compensation of at  
21 least two city engineers. A city engineer shall be a registered  
22 professional engineer in this Commonwealth and shall serve at

1 the pleasure of council. Nothing in this section shall be  
2 construed to prohibit council from designating an engineering  
3 firm of registered professional engineers from performing the  
4 duties and functions of [the] a city engineer.

5 Section 2. Title 11 is amended by adding a section to read:  
6 § 11501.1. Waiver.

7 (a) Waiver of requirement and certification form.--If  
8 council cannot obtain offers from qualified registered  
9 professional engineers to fulfill the requirement under section  
10 11501 (relating to appointment of city engineers) to appoint at  
11 least two city engineers, council may be relieved from the  
12 requirement by completing a certification form, subject to the  
13 following:

14 (1) Council must complete the certification form before  
15 the contract with the selected city engineer is executed and  
16 must maintain the form throughout the life of the contract  
17 with the city engineer.

18 (2) The certification form must be completed annually.

19 (3) A copy of the certification form must be filed with  
20 the department.

21 (4) The department shall furnish the certification form,  
22 which must:

23 (i) Require council to disclose the methods and  
24 dates of the public solicitation. For purposes of meeting  
25 this requirement, council shall advertise requests for  
26 proposals and announce the solicitation at a public  
27 meeting.

28 (ii) Require council to disclose the number of  
29 qualified bids received to the public solicitation.

30 (iii) Contain a statement that the information

1 provided by council is in compliance with 18 Pa.C.S. §  
2 4904 (relating to unsworn falsification to authorities).

3 (iv) Contain a statement that the department does  
4 not have the discretion to deny waiver requests.

5 (b) Definitions.--As used in this section, the following  
6 words and phrases shall have the meanings given to them in this  
7 subsection unless the context clearly indicates otherwise:

8 "Department." The Department of Labor and Industry of the  
9 Commonwealth.

10 Section 3. Sections 11502, 11503 introductory paragraph and  
11 (7), 11504(a) introductory paragraph, 11505, 12203(a)  
12 introductory paragraph, 12204 and 12413(a)(1) of Title 11 are  
13 amended to read:

14 § 11502. Control of engineering matters.

15 [The] A city engineer shall have the supervision, direction  
16 and control of the engineering matters of the city. Unless  
17 authorized by council, a department of the city may not employ  
18 or retain any additional engineers.

19 § 11503. Duties.

20 As authorized by council, engineering work undertaken by the  
21 city shall be performed or supervised by [the] a city engineer  
22 or by another registered professional engineer employed by the  
23 city for a particular purpose. The duties of [the] a city  
24 engineer may include all of the following:

25 \* \* \*

26 (7) Making reports, as deemed expedient by [the] a city  
27 engineer or as council shall direct, of the surveys and plans  
28 of city streets in convenient locations without awaiting the  
29 completion of the entire survey.

30 \* \* \*

1 § 11504. Certifying commencement and completion of municipal  
2 improvements.

3 (a) Certification.--Within a reasonable time after the  
4 completion of any municipal improvement, the cost and expense of  
5 which, in whole or in part, is to be paid by the abutting  
6 property owner, [the] a city engineer or employees designated by  
7 [the] a city engineer shall:

8 \* \* \*

9 § 11505. Entering upon property for surveys.

10 For the purposes of carrying out authorized surveys, laying  
11 out streets or other engineering work of the city, [the] a city  
12 engineer or other persons engaged in city engineering work may  
13 enter upon any property occupied by any person within the city.

14 § 12203. Survey of mines.

15 (a) General rule.--For the purpose of conducting a survey as  
16 may be required by council, [the] a city engineer or other  
17 registered professional engineer employed by the city may:

18 \* \* \*

19 § 12204. Operators to furnish maps and contents.

20 The owner, operator or superintendent of a coal mine or  
21 colliery within the limits of the city, in whole or in part,  
22 shall, at the request of council, make or cause to be made and  
23 furnished to [the] a city engineer an accurate map or plan of  
24 the workings or excavations of each coal mine or colliery within  
25 the limits of the city.

26 § 12413. Regulation of division fences, party walls and  
27 foundations.

28 (a) Authority.--

29 (1) Subject to the provisions of and regulations adopted  
30 pursuant to the Pennsylvania Construction Code Act and other

1 applicable law, council may provide regulations for party  
2 walls and division fences, the foundations of buildings and  
3 entering upon the land or lands, lot or lots, of any person  
4 within the city at all reasonable hours by [its] a duly  
5 appointed city engineer or building inspectors in order to  
6 enforce the regulations and set out foundations.

7 \* \* \*

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