

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 903 Session of 2015

INTRODUCED BY GINGRICH, ROSS, HARPER, FREEMAN AND M. DALEY, APRIL 8, 2015

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 16, 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

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

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 Section 1518 of the act is repealed:

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

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

20 ARTICLE XVII-A

21 UNIFORM CONSTRUCTION CODE, PROPERTY MAINTENANCE

22 CODE AND RESERVED POWERS

23 Section 1701-A. Definitions.

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

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

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

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

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

12 Section 1703-A. Public nuisance.

13 A building, housing or property, or part of a building,
14 housing or property erected, altered, extended, reconstructed,
15 removed or maintained, contrary to a provision of an ordinance
16 passed for a purpose specified in this article may be declared,
17 by a court of law, a public nuisance, and may be abatable as
18 such. However, a violation of the Uniform Construction Code or
19 an ordinance that equals or exceeds the Uniform Construction
20 Code shall be subject to the provisions of the ~~Uniform~~ <--

21 ~~Construction Code~~ ACT OF NOVEMBER 10, 1999 (P.L.491, NO.45), <--
22 KNOWN AS THE PENNSYLVANIA CONSTRUCTION CODE ACT, and the
23 regulations adopted thereunder by the Department of Labor and
24 Industry relating to enforcement for noncompliance.

25 Section 1704-A. Property maintenance code.

26 (a) Property maintenance code.--Notwithstanding the primacy
27 of the Uniform Construction Code, the township supervisors may
28 enact a property maintenance ordinance, and they may incorporate
29 a standard or nationally recognized property maintenance code,
30 or a variation or change or part of the code, published and

1 printed in book form, without incorporating the text of the code
2 in the ordinance, or the supervisors may enact a standard or
3 nationally recognized property maintenance code or a change or
4 variation or part, as the ordinance. In either event, the
5 proposed ordinance, or a brief summary of the proposed
6 ordinance, shall be published not more than 60 days nor less
7 than seven days before passage at least once in one newspaper
8 circulating generally in the township. The notice shall state
9 the time and place of the meeting and the particular nature of
10 the ordinance to be considered. The notice shall also state
11 where copies of the proposed ordinance and property maintenance
12 code can be examined or obtained at cost. A property maintenance
13 code adopted by reference need not be recorded in or attached to
14 the ordinance book, but shall be deemed to have been legally
15 recorded if the ordinance by which the code was adopted by
16 reference shall have been recorded, with an accompanying
17 notation stating where the full text of the code has been filed.
18 The ordinance may provide for reasonable property fines and
19 penalties for violations of the ordinance. The procedure under
20 this section relating to the adoption of the ordinance may
21 likewise be utilized in amending, supplementing or repealing a
22 provision of the ordinance.

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

1 township.

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

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

13 Section 1705-A. Reserved powers.

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

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

1 (2) Require that before construction, reconstruction,
2 alteration, extension, repair or conversion of a building has
3 begun, approval of the plans and specifications shall be
4 secured.

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

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

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

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