

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2091 Session of
2014

INTRODUCED BY HARPER, ROSS, GINGRICH, M. DALEY AND FREEMAN,
MARCH 13, 2014

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 13, 2014

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," further providing for
5 building and housing regulations; repealing provisions
6 relating to building and housing inspectors; and providing
7 for Uniform Construction Code, property maintenance code and
8 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 Section 1518 of the act is repealed: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 any ordinance, rule or
5 regulation adopted pursuant to this section, including any
6 ordinance exceeding the requirements of the Uniform Construction
7 Code, shall not supersede or abrogate the act of November 10,
8 1999 (P.L.491, No.45), known as the Pennsylvania Construction
9 Code Act, and shall conform to, and be construed and read in
10 pari materia with the provisions of that act.

11 Section 1703-A. Public nuisance.

12 Any building, housing or property, or part of any building,
13 housing or property erected, altered, extended, reconstructed,
14 removed or maintained, contrary to any of the provisions of any
15 ordinance passed for any of the purposes specified in this
16 article may be declared, by a court of law, a public nuisance,
17 and may be abatable as such. However, a violation of the Uniform
18 Construction Code or any ordinance that equals or exceeds the
19 Uniform Construction Code shall be subject to the provisions of
20 the Uniform Construction Code and the regulations adopted
21 thereunder by the Department of Labor and Industry relating to
22 enforcement for noncompliance.

23 Section 1704-A. Property maintenance code.

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

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

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

29 (c) Legal actions.--In addition to the penalties provided by
30 the property maintenance ordinance, the township may institute

1 appropriate actions or proceedings at law or in equity to
2 prevent or restrain property maintenance violations.

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

10 Section 1705-A. Reserved powers.

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

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

28 (2) Require that before any construction,
29 reconstruction, alteration, extension, repair or conversion
30 of any building has begun, approval of the plans and

1 specifications shall be secured.

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

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

22 Section 4. Nothing in this act shall be construed to repeal
23 or modify any township ordinance in effect on the effective date
24 of this act or affect any proceeding or enforcement of any
25 township ordinance instituted prior to the effective date of
26 this act.

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