

No. 61

AN ACT

HB 540

Amending the act of June 23, 1931 (P.L.932), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," authorizing the regulation of electric wiring and plumbing, and the adoption of standard or nationally recognized building, housing, fire prevention, electrical and plumbing codes, or changes or variations or parts thereof, and for the adoption of other standard or nationally recognized codes, or changes or variations or parts thereof, and providing for the enforcement thereof.

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

Section 1. Section 1014, act of June 23, 1931 (P.L.932), known as "The Third Class City Code," reenacted and amended June 28, 1951 (P.L.662), and amended October 5, 1967 (P.L.327), is amended to read:

Section 1014. Time of Taking Effect of Ordinances; Publication; Recording; Proof and Evidence; Notice of Building, *Housing, Fire Prevention, Electrical, Plumbing* and Zoning Ordinances *and Other Standard or Nationally Recognized Codes*, Maps and Plans.—All ordinances shall, unless otherwise provided therein or by law, take effect in ten days after their passage, upon their being signed by the mayor and attested by the city clerk. Every ordinance, except as otherwise herein provided, prescribing a penalty for the violation thereof shall be forthwith published at least three times, each publication on a different day, in at least one and not more than two newspapers printed or circulated within the city, in the manner provided by section one hundred and nine of this act. All ordinances shall, within one month after their passage, be certified and recorded by the city clerk, in a book provided by the city for that purpose, which shall be at all times open to the inspection of citizens. Any and all city ordinances, or portions thereof, the text of which, prior to the effective date of this amending act, shall have been attached to the city ordinance book, shall be considered in force just as if such ordinances, or portions thereof, had been recorded directly upon the pages of such ordinance book: Provided, That all other requirements of this act applicable to the enactment, approval, advertising and recording of such ordinance, or portions thereof, were complied with within the time prescribed by this act. All ordinances, resolutions, motions or other proceedings of council may be proved by the certificate of the city clerk under the corporate seal, and when printed or published in book or pamphlet form by authority of the city, shall be read and received as evidence in all courts and elsewhere without further proof. At least one week and not more than three weeks prior to the first reading of any proposed building code, ordinance, *housing code, ordinance*, fire

prevention code, ordinance, *electrical code, ordinance, plumbing code, ordinance*, or zoning ordinance, or any standard or nationally recognized code, ordinance, or any changes or variations of any standard or nationally recognized code, or parts thereof, by council, an informative notice of intention to consider such ordinance and a brief summary setting forth the principal provisions of the proposed ordinance in such reasonable detail as will give adequate notice of its contents, [pursuant to a uniform form, which shall be prepared or approved by the Department of Community Affairs in the case of a zoning ordinance, the Department of Labor and Industry in the case of a building code, or the Pennsylvania State Police in the case of a fire prevention code,] and a reference to the place or places within the city where copies of the proposed building code, *housing code*, fire prevention code, *electrical code, plumbing code*, or zoning ordinance or any standard or nationally recognized code may be examined or obtained, shall be published in the manner herein provided for the publication of ordinances. Such building code, ordinance, *housing code, ordinance*, fire prevention code, ordinance, *electrical code, ordinance, plumbing code, ordinance*, or zoning ordinance or any standard or nationally recognized code, ordinance, shall not be published after adoption, but not less than three copies thereof shall be made available for public inspection, and use during business hours for at least three months after adoption, and printed copies thereof shall be supplied upon demand, at cost. In any case in which maps, plans or drawings of any kind are to be adopted as part of an ordinance, council may, instead of publishing the same as part of the ordinance, refer, in publishing the ordinance or a summary thereof, to the place where such maps, plans or drawings are on file and may be examined.

Section 2. Section 2403 of the act, reenacted and amended June 28, 1951 (P.L.662), is amended by adding a new clause to read:

Section 2403. Specific Powers.—In addition to other powers granted by this act, the council of each city shall have power, by ordinance:

* * *

67. *Adoption and Amendment of Codes by Reference.*—To incorporate by reference the provisions of any code or portions of any code, or any amendment thereof, properly identified as to date and source, without setting forth in full the provisions to be adopted: Provided, however, That no portion of any code which limits the work to be performed to any type of construction contractor, or labor or mechanic classification shall be adopted. Not less than three copies of such code, portion, or amendment which is incorporated or adopted by reference, shall be filed with the clerk of the city and kept with the city ordinance book, and available for public use, inspection and examination. The filing requirements herein prescribed shall not be deemed to be complied with unless the required copies of such codes, portion, or amendment or public record are filed with the clerk of such

city at least ten days before council considers the proposed ordinance.

Any ordinance adopted by reference to any code shall be enacted within sixty days after it is filed with the clerk of the city, and shall only encompass the provisions of the code effective as of the code date stated in the ordinance. Any subsequent changes in the code shall be adopted by the city before they may become effective as an ordinance of the city.

Any city that has adopted any code by reference may adopt subsequent ordinances which incorporate by reference any subsequent changes thereof, properly identified as to date and source, as may be adopted by the agency or association which promulgated the code.

Any ordinances which incorporate code amendments by reference shall become effective after the same procedure and in the same manner as is herein specified for original adoption of any such code.

Section 3. The article heading of Article XLI, the subdivision heading of subdivision (d) of Article XLI, and sections 4130, 4131, 4132 and 4133 of the act, reenacted and amended June 28, 1951 (P.L.662) and amended July 30, 1963 (P.L.354), are amended to read:

ARTICLE XLI.
ZONING, BUILDING, [AND] HOUSING, *FIRE
PREVENTION, PLUMBING AND ELECTRICAL
ORDINANCES, AND PUBLIC NUISANCES*

* * *

(d) Building, [and] Housing, *Fire Prevention,
Plumbing and Electrical Ordinances*

Section 4130. Building Ordinance and Housing Ordinance.—Each city may enact a building ordinance, [and] a housing ordinance, *a fire prevention ordinance, an electrical ordinance, and a plumbing ordinance*, which may provide for the following matters:

(a) A system of specifications and regulations to insure the structural safety and the incombustibility of buildings and housing constructed, reconstructed, altered, enlarged, repaired or maintained within the city.

(b) A system of specifications and regulations for the setting out, construction, alteration, repair, maintenance, occupation, sanitation, ventilation, lighting, *electric wiring*, water supply, toilet facilities, drainage, *plumbing*, use and inspection of all buildings and housing or parts of buildings and housing, and the walls and foundations thereof, constructed, erected, altered, designed, or used, in whole or in part, for human habitation, and for the sanitation and inspection of land appurtenant thereto.

Section 4131. Form of Building Ordinance, [and] Housing Ordinance; Passage; Penalties.—The building ordinance, [and] the housing ordinance, *the fire prevention ordinance, the electrical ordinance and the plumbing ordinance* may adopt any standard or *nationally recognized* building code, [and] any *standard or nationally recognized* housing code, *any*

standard or nationally recognized fire prevention code, or any standard or nationally recognized electrical code, or any standard or nationally recognized plumbing code, or any variations or changes or parts thereof, published and printed in book form, covering any or all of the above items, without incorporating such code in the ordinance, or any city may enact any such building code, [and] housing code, *fire prevention code, electrical code, or plumbing code, or any changes or variations or parts thereof*, as its building ordinance, [and] as its housing ordinance, *as its fire prevention code, as its electrical code or as its plumbing code*. In either event, the building ordinance or code, [and] the housing ordinance or code, *the fire prevention ordinance or code, the electrical ordinance or code, and the plumbing ordinance or code, or any changes or variations or parts thereof*, need not be advertised after passage, but notice of its consideration, in [such] reasonable detail [as shall be in conformity with a uniform form to be prepared or approved by the Department of Labor and Industry,] shall be published as required by section one thousand fourteen of this act. Not less than three copies of the building ordinance, [and] the housing ordinance, *the fire prevention ordinance, the electrical ordinance or the plumbing ordinance* adopted by council shall be made available to public inspection and use during business hours for at least three months after its adoption. The building ordinance [and] the housing ordinance, *the fire prevention ordinance, the electrical ordinance, and the plumbing ordinance* may provide proper fines and penalties not exceeding three hundred dollars for violations thereof. *The procedure herein set forth relating to the adoption of such building ordinances, housing ordinances, fire prevention ordinances, electrical ordinances and plumbing ordinances may likewise be adopted in amending, supplementing or repealing any of the provisions of such ordinances.*

Section 4132. Building Inspectors, [and] Housing Inspectors, *Fire Prevention Inspectors, Electrical Inspectors, and Plumbing Inspectors*.—Council may appoint building inspectors, [and] housing inspectors, *fire prevention inspectors, electrical inspectors and plumbing inspectors* and fix their compensation. Such inspectors shall have the right to enter upon and inspect any and all premises at all reasonable hours for the administration and enforcement of the building ordinance, [and] the housing ordinance, *the fire prevention ordinance, the electrical ordinance and the plumbing ordinance*. Any fees payable to them under the building ordinance, [and] the housing ordinance, *the fire prevention ordinance, the electrical ordinance and the plumbing ordinance* shall be paid by them to the city treasurer for the use of the city as promptly as may be.

Section 4133. Actions to Restrain Violations.—The city may, in addition to the penalties provided by its building ordinance, [and] its housing ordinance, *its fire prevention ordinance, its electrical ordinance and its plumbing ordinance*, bring actions at law or in equity to prevent

or restrain, correct or abate any violations of its building ordinance, [and] its housing ordinance, *its fire prevention ordinance, its electrical ordinance and its plumbing ordinance.*

Section 4. This act shall take effect immediately.

APPROVED—The 29th day of July, A. D. 1971

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 61.

A handwritten signature in cursive script, reading "C. McLaughlin Tucker".

Secretary of the Commonwealth.