

## No. 1998-105

## AN ACT

SB 542

Amending the act of July 15, 1957 (P.L.901, No.399), entitled "An act giving cities of the third class the right and power to adopt one of several plans of optional charters and to exercise the powers and authority of local self-government subject to certain restrictions and limitations; providing procedures for such adoption and defining the effect thereof," providing for fines and penalties.

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

Section 1. Section 303 of the act of July 15, 1957 (P.L.901, No.399), known as the Optional Third Class City Charter Law, amended October 3, 1988 (P.L.736, No.105), is amended to read:

Section 303. Each city governed by an optional form of government pursuant to this act shall, subject to the provisions of and limitations prescribed by this act, have full power to:

(1) Organize and regulate its internal affairs, and to establish, alter, and abolish offices, positions and employments and to define the functions, powers and duties thereof and fix their term, tenure and compensation;

(2) Adopt and enforce local [police] ordinances [of all kinds and impose penalties of fine not exceeding one thousand dollars (\$1,000) for a violation of a building, housing, property maintenance, health, fire or public safety code or ordinance, and for water, air and noise pollution violations, and not exceeding six hundred dollars (\$600) for a violation of any other ordinance, or imprisonment for any term not exceeding ninety days, or both; to construct];

*(2.1) Impose penalties of fine not exceeding one per month on a property and limited to no more than one thousand dollars (\$1,000) for the first two continual and uncorrected violations and not exceeding five thousand dollars (\$5,000) for the third and any subsequent continual and uncorrected violation of the same subsection of a building ordinance, housing ordinance, property maintenance ordinance, fire prevention ordinance, electrical ordinance or plumbing ordinance on the same property, unless the violation is found to pose a threat to the public's health, safety or property; then penalties of fine may be provided for as follows:*

*(i) not exceeding one citation per five calendar days for a continual and uncorrected violation of the same subsection of such ordinance on the same property;*

*(ii) limited to no less than five hundred dollars (\$500) and no more than one thousand dollars (\$1,000) for the first two continual and*

*uncorrected violations of the same subsection of such ordinance on the same property and no less than one thousand dollars (\$1,000) and not exceeding ten thousand dollars (\$10,000) for the third and any subsequent continual and uncorrected violation of the same subsection of such ordinance on the same property, or imprisonment for any term not exceeding ninety days, or both;*

*(2.2) Impose penalties of fine not exceeding one thousand dollars (\$1,000), or a term of imprisonment not exceeding ninety days, or both, for violations of any section of any other ordinance;*

*(2.3) Construct, acquire, operate or maintain any and all public improvements, projects or enterprises for any public purpose, subject to referendum requirements otherwise imposed by law, and to exercise all powers of local government in such manner as its governing body may determine;*

*(3) Sue and be sued, to have a corporate seal, to contract and be contracted with, to buy, sell, lease, hold and dispose of real and personal property, to appropriate and expend moneys, and to adopt, amend and repeal such ordinances and resolutions as may be required for the good government thereof;*

*(4) Exercise powers of condemnation, borrowing and taxation in the manner provided by general law applicable to cities of the third class.*

Section 2. This act shall take effect in 60 days.

APPROVED—The 24th day of November, A.D. 1998.

THOMAS J. RIDGE