

No. 1998-135

AN ACT

SB 541

Amending the act of June 23, 1931 (P.L.932, No.317), entitled "An act relating to cities of the third class; and amending, revising, and consolidating the law relating thereto," authorizing the adoption of property maintenance ordinances; and further providing for fines and penalties.

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

Section 1. Clause 60 of section 2403 of the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, reenacted and amended June 28, 1951 (P.L.662, No.164) and amended December 3, 1987 (P.L.411, No.85), is amended 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:

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60. Local Self-Government.—In addition to the powers and authority vested in each city by the provisions of this act, to make and adopt all such ordinances, by-laws, rules and regulations, not inconsistent with or restrained by the Constitution and laws of this Commonwealth, as may be expedient or necessary for the proper management, care and control of the city and its finances, and the maintenance of the peace, good government, safety and welfare of the city, and its trade, commerce and manufactures; and also all such ordinances, by-laws, rules and regulations as may be necessary in and to the exercise of the powers and authority of local self-government in all municipal affairs; and the said ordinances, by-laws, rules and regulations to alter, modify, and repeal at pleasure; and to enforce all ordinances inflicting penalties upon inhabitants or other persons for violations thereof, **[not exceeding one thousand dollars 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 for a violation of any other ordinance, recoverable with costs, together with judgment of imprisonment, not exceeding ninety days, if the amount of said judgment and costs shall not be paid] and impose penalties in accordance with section 4131.1:** Provided, however, That no ordinance, by-law, rule or regulation shall be made or passed which contravenes or violates any of the provisions of the Constitution of the United States or of this Commonwealth, or of any act of Assembly heretofore or that may be hereafter passed and in force in said city.

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Section 2. The heading of subdivision (d) of Article XLI of the act, amended July 29, 1971 (P.L.250, No.61), is amended to read:

(d) Building, Housing, ***Property Maintenance***,
Fire Prevention, Plumbing and Electrical Ordinances

Section 3. Sections 4130 and 4131 of the act, amended July 29, 1971 (P.L.250, No.61), are amended to read:

Section 4130. Building Ordinance [and], Housing Ordinance, ***Property Maintenance Ordinance, Fire Prevention Ordinance, Electrical Ordinance, and Plumbing Ordinance***.—Each city may enact a building ordinance, a housing ordinance, ***a property maintenance 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, designated, 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, Housing Ordinance, ***Property Maintenance Ordinance, Fire Prevention Ordinance, and Plumbing Ordinance***; Passage[; ***Penalties***].—The building ordinance, the housing ordinance, ***the property maintenance ordinance***, the fire prevention ordinance, the electrical ordinance and the plumbing ordinance may adopt any standard or nationally recognized building code, any standard or nationally recognized housing code, ***any standard or nationally recognized property maintenance 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, housing code, ***property maintenance code***, fire prevention code, electrical code, or plumbing code, or any changes or variations or parts thereof, as its building ordinance, as its housing ordinance, ***as its property maintenance ordinance***, as its fire prevention code, as its electrical code or as its plumbing code. In either event, the building ordinance or code, the housing ordinance or code, ***the property maintenance 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 reasonable detail shall be published as required by section one thousand fourteen of this act. Not less than three copies of the building

ordinance, the housing ordinance, *the property maintenance 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, 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, *property maintenance 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 4. The act is amended by adding a section to read:

Section 4131.1. Penalties.—(a) Except as provided for in subsection (b), the building ordinance, the housing ordinance, the property maintenance ordinance, the fire prevention ordinance, the electrical ordinance and the plumbing ordinance may provide penalties of fine not exceeding one per month on a property and limited to no more than one thousand dollars for the first two continual and uncorrected violations of the same subsection of such ordinance on the same property and not exceeding five thousand dollars for the third and any subsequent continual and uncorrected violation of the same subsection of such ordinance on the same property.

(b) If a violation of the building ordinance, the housing ordinance, the property maintenance ordinance, the fire prevention ordinance, the electrical ordinance or the plumbing ordinance 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 and no more than one thousand dollars 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 and not exceeding ten thousand dollars 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.

(c) For violations of any ordinance not specified in subsection (a) or (b), a penalty may be imposed on any person who violated such ordinance which shall include a fine of not more than one thousand dollars, or a term of imprisonment of not more than ninety days, or both.

Section 5. Sections 4132 and 4133 of the act, amended July 29, 1971 (P.L.250, No.61), are amended to read:

Section 4132. Building Inspectors, Housing Inspectors, *Property Maintenance Inspectors*, Fire Prevention Inspectors, Electrical Inspectors,

and Plumbing Inspectors.—Council may appoint building inspectors, housing inspectors, *property maintenance 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, the housing ordinance, *the property maintenance ordinance*, the fire prevention ordinance, the electrical ordinance and the plumbing ordinance. Any fees payable to them under the building ordinance, the housing ordinance, *the property maintenance 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, its housing ordinance, *its property maintenance 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, its housing ordinance, *its property maintenance ordinance*, its fire prevention ordinance, its electrical ordinance and its plumbing ordinance.

Section 6. This act shall take effect in 60 days.

APPROVED—The 21st day of December, A.D. 1998.

THOMAS J. RIDGE