

No. 2015-51

AN ACT

HB 904

Amending the act of June 24, 1931 (P.L.1206, No.331), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," in corporate powers, further providing for powers of the board of township commissioners as to building and housing regulations and inspectors; and providing for Uniform Construction Code, property maintenance code and reserved powers.

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

Section 1. Clauses XIX and XX of section 1502 of the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, reenacted and amended May 27, 1949 (P.L.1955, No.569) and amended July 31, 1963 (P.L.384, No.204) and July 10, 1975 (P.L.48, No.28), are amended to read:

Section 1502. The corporate power of a township of the first class shall be vested in the board of township commissioners. The board shall have power—

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XIX. Building and Housing Sanitation Regulations. In addition to other remedies provided by law, and in order to promote the public health, safety, morals, and the general welfare, to enact and enforce suitable ordinances to govern and regulate the construction, alteration, repairs, occupation, maintenance, sanitation, lighting, ventilation, water supply, toilet facilities, drainage, use, and inspection of all buildings and housing, or parts of buildings and housing, constructed, erected, altered, designed or used, in whole or in part, for human habitation or occupancy, and of the sanitation and inspection of land appurtenant thereto *in accordance with Article XXXI-A*. **[In case any building, housing or structure is constructed, reconstructed, altered, repaired, converted, or maintained, or any building, housing or land is used, in violation of any ordinance enacted under authority conferred hereby, the board of township commissioners, in addition to penalties provided by ordinances enacted hereunder, may institute appropriate actions or proceedings, at law or in equity, to prevent and restrain such unlawful construction, reconstruction, alteration, repairs, conversion, maintenance or use, and to restrain, correct, or abate such violation and to prevent the occupancy of said building, housing or structure. The ordinances enacted pursuant to this clause shall not be inconsistent with the provisions of any statute governing the same matter, but all regulations prescribed by such ordinances, which are additional or supplementary to the statute law and not inconsistent therewith, or enacted for the purpose of carrying into effect the provisions of the statute law, shall be valid and binding. Such ordinances may adopt any standard building code and any standard housing code, published and printed in book**

form, covering any or all of the above items, without incorporating such building code and such housing code in the ordinance; or any township may enact such building code and such housing code as its ordinance authorized under the provisions of this clause. In either event, such building code and such housing code shall not be published or advertised in full, as provided by this section in the case of the adoption of ordinances: Provided, That notice of the adoption of such standard building code and such housing code as the building ordinance and the housing ordinance of the township, together with a brief summary thereof setting forth the principal provisions of said 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 Labor and Industry, and a reference to the place or places, within the township, where copies of the building code and the housing code adopted are deposited and may be examined, shall be published in the manner provided by this section for the publication of ordinances. Not less than three such copies shall be made available to public inspection and use, during business hours, for a period of not less than three months after the adoption of such building code and such housing code.

XX. Building and Housing Inspectors. To provide for the inspection of the construction and repair of buildings and housing, including the appointment of one or more building inspectors and housing inspectors; to prescribe limits wherein none but buildings and housing of noncombustible material and fireproof roofs shall be erected or substantially reconstructed or removed thereinto; to provide penalties for the violation of such regulations. Any building and housing erected, reconstructed, or removed, contrary to the provisions of any ordinance passed for any of the purposes herein specified, is declared to be a public nuisance and abatable as such.]

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Section 2. The act is amended by adding an article to read:

ARTICLE XXXI-A
UNIFORM CONSTRUCTION CODE, PROPERTY MAINTENANCE
CODE AND RESERVED POWERS

Section 3101-A. Definitions.

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

"Pennsylvania Construction Code Act." The act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act.

"Uniform Construction Code." The Uniform Construction Code adopted under section 301 of the Pennsylvania Construction Code Act.

Section 3102-A. Primacy of Uniform Construction Code.

(a) General rule.—The Pennsylvania Construction Code Act and the Uniform Construction Code shall apply to the construction, alteration, repair and occupancy of the buildings and structures within a township.

(b) Primacy.—This section and an ordinance, rule or regulation adopted under this section shall not supersede or abrogate the Pennsylvania Construction Code Act or the Uniform Construction Code and shall be construed and read in pari materia with both.

Section 3103-A. Changes in Uniform Construction Code.

The township commissioners may propose and enact an ordinance to equal or exceed the minimum requirements of the Uniform Construction Code in accordance with and subject to the requirements of section 503 of the Pennsylvania Construction Code Act. An ordinance exceeding the provisions of the Uniform Construction Code shall be required to meet the standards provided in section 503(j)(2) of the Pennsylvania Construction Code Act.

Section 3104-A. Public nuisance.

A building, housing or property, or part of a building, housing or property erected, altered, extended, reconstructed, removed or maintained, contrary to the provisions of an ordinance passed for a purpose specified in this article may be declared, by a court of law, a public nuisance, and may be abatable as such. However, a violation of the Uniform Construction Code or an ordinance that equals or exceeds the Uniform Construction Code shall be subject to the provisions of the Pennsylvania Construction Code Act and the regulations adopted thereunder by the Department of Labor and Industry relating to enforcement for noncompliance.

Section 3105-A. Property maintenance code.

(a) Property maintenance code.—Notwithstanding the primacy of the Uniform Construction Code, the township commissioners may enact a property maintenance ordinance, and they may incorporate a standard or nationally recognized property maintenance code, or a variation or change or part of the code, published and printed in book form, without incorporating the text of the code in the ordinance, or the commissioners may enact a standard or nationally recognized property maintenance code or a change or variation or part, as the ordinance. In either event, the ordinance, or a change or variation or part, need not be advertised after passage, but notice of its consideration, in reasonable detail, shall be published as will give adequate notice of its contents and a reference to the place or places within the township where copies of the proposed property maintenance code may be examined or obtained. The notice required by this subsection shall be published once in one newspaper of general circulation at least one week and not more than three weeks prior to the presentation of the proposed property maintenance code to the commissioners. No fewer than three copies of the ordinance adopted by the commissioners shall be made available for public inspection and use during business hours or be made available to an interested party at the cost of the copies or may be furnished or lent without charge. A property maintenance code adopted by reference need not be recorded in or attached to the ordinance book but shall be deemed to have been legally recorded if the ordinance by which the code was adopted by reference shall have been recorded, with an accompanying notation stating where the full text of the code shall have been filed. The ordinance may provide for

reasonable property fines and penalties for violations of the ordinance. The procedure under this section relating to the adoption of the ordinance may likewise be utilized in amending, supplementing or repealing a provision of the ordinance.

(b) Property maintenance inspectors.—The township commissioners may appoint property maintenance inspectors who shall have the right to enter upon and inspect any premises, subject to constitutional standards, at reasonable hours and in a reasonable manner for the administration and enforcement of the township's property maintenance code or ordinance incorporating a standard or nationally recognized property maintenance code. A fee payable to property maintenance inspectors under the ordinance shall be promptly paid by them to the township treasurer for the use of the township.

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

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

Section 3106-A. Reserved powers.

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

(1) Enact and enforce ordinances to govern and regulate the construction, reconstruction, alteration, extension, repair, conversion, maintenance, occupation, sanitation, ventilation, heating, egress, lighting, electrical wiring, water supply, toilet facilities, drainage, plumbing, fire prevention, fireproofing, including prescribing limitations wherein only buildings of noncombustible material and fireproofed roofs are used in construction, erection or substantial reconstruction, use and inspection of all buildings and housing or parts of buildings and housing and the roofs, walls and foundations of buildings and housing, and all facilities and services in or about the buildings or housing constructed, erected, altered, designed or used, in whole or in part, for use or occupancy, and the sanitation and inspection of land appurtenant to the buildings or housing. The codes may be combined or separately enacted or combined with the property maintenance code. The township commissioners may adopt, amend or incorporate by reference a standard or nationally recognized code or a variation or change or part of the code as its ordinance in the manner provided in section 3105-A. The ordinance may provide for reasonable fines and penalties for violations of the ordinance.

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

(3) Appoint building inspectors, housing inspectors, property maintenance inspectors, fire prevention inspectors, electrical inspectors and plumbing inspectors and fix their compensation. The inspectors shall have the right to enter upon, subject to constitutional standards, and inspect a premises at reasonable hours and in a reasonable manner, for the administration and enforcement of the township's adopted codes or ordinances incorporating standard or nationally recognized codes. A fee payable to inspectors under the ordinances shall be paid by them to the township treasurer for the use of the township as promptly as may be.

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

Section 3. Nothing in this act shall be construed to repeal or modify any township ordinance in effect on the effective date of this act or affect any proceeding or enforcement of any township ordinance instituted prior to the effective date of this act.

Section 4. This act shall take effect in 60 days.

APPROVED—The 30th day of October, A.D. 2015

TOM WOLF