

No. 2015-69

AN ACT

SB 793

Amending the act of May 1, 1933 (P.L.103, No.69), entitled, as reenacted and amended, "An act concerning townships of the second class; and amending, revising, consolidating and changing the law relating thereto," in corporate powers, further providing for building and housing regulations and repealing provisions relating to building and housing 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. Section 1517 of the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, reenacted and amended November 9, 1995 (P.L.350, No.60), is amended to read:

Section 1517. Building and Housing Regulations.—The board of supervisors may enact and enforce *codes and* ordinances to govern and regulate the construction, alteration, repair, occupation, maintenance, sanitation, lighting, ventilation, water supply, toilet facilities, drainage, use and inspection of all buildings and housing constructed, erected, altered, designed or used for any use or occupancy and the sanitation and inspection of land *in accordance with Article XVII-A. [If any building and 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 this section, the board of supervisors, in addition to penalties provided by the ordinances, may institute appropriate actions or proceedings at law or in equity to prevent and restrain the unlawful construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate the violation and to prevent the use or occupancy of the building, housing or structure.]*

Section 2. Section 1518 of the act is repealed:

[Section 1518. Building and Housing Inspectors.—The board of supervisors may appoint one or more building and housing inspectors to enforce the building and housing regulations of the township and for the inspection of the construction, alteration, repair and sanitation facilities of buildings and housing in the township.]

Section 3. The act is amended by adding an article to read:

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

Section 1701-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:

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

Section 1702-A. Primacy of Uniform Construction Code.

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

(b) Primacy.—This section and an ordinance, rule or regulation adopted under this section, including an ordinance exceeding the requirements of the Uniform Construction Code, shall not supersede or abrogate the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, and shall conform to and be construed and read in pari materia with the provisions of that act.

Section 1703-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 a provision 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 act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, and the regulations adopted thereunder by the Department of Labor and Industry relating to enforcement for noncompliance.

Section 1704-A. Property maintenance code.

(a) Property maintenance code.—Notwithstanding the primacy of the Uniform Construction Code, the township supervisors 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 supervisors may enact a standard or nationally recognized property maintenance code or a change or variation or part, as the ordinance. In either event, the proposed ordinance, or a brief summary of the proposed ordinance, shall be published not more than 60 days nor less than seven days before passage at least once in one newspaper circulating generally in the township. The notice shall state the time and place of the meeting and the particular nature of the ordinance to be considered. The notice shall also state where copies of the proposed ordinance and property maintenance code can be examined or obtained at cost. 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 has 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) Code enforcement officers.—The township supervisors may appoint code enforcement officers 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. A fee payable to code enforcement officers under the ordinance shall be promptly paid by the township supervisors 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 1705-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 supervisors may:

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

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

(3) Appoint building inspectors, housing inspectors, code enforcement officers, 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 any 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 an inspector under the ordinance shall be promptly paid by the township supervisors to the township treasurer for the use of the township.

(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 4. This act shall not 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 5. This act shall take effect in 60 days.

APPROVED—The 24th day of November, A.D. 2015

TOM WOLF