

No. 49

AN ACT

HB 49

Amending the act of June 24, 1931 (P. L. 1206), entitled "An act concerning townships of the first class; amending, revising, consolidating, and changing the law relating thereto," further providing for the adoption by reference of standard or nationally recognized codes.

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

Section 1. Clause I of section 1502, act of June 24, 1931 (P. L. 1206), known as "The First Class Township Code," reenacted and amended May 27, 1949 (P. L. 1955) and amended August 11, 1967 (Act No. 78), is 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—

I. Ordinances and Resolutions. (a) To adopt resolutions and ordinances prescribing the manner in which powers of the township shall be carried out, and generally regulating the affairs of the township. All such ordinances, unless otherwise provided by law, shall be published at least once in one newspaper of general circulation in the township. Such ordinance shall not become effective until ten days after the publication aforesaid. In any case in which maps, plans or drawings of any kind are adopted as part of an ordinance, the commissioners may, instead of publishing the same as part of the ordinance, refer, in publishing the ordinance, to the place where such maps, plans or drawings are on file and may be examined. No ordinance, or resolution of a legislative character in the nature of an ordinance, shall be considered in force until the same is recorded in the ordinance book of the township. All township ordinances shall, within one month after their passage, be recorded by the township secretary in a book provided for that purpose, which shall be at all times open to the inspection of citizens. The entry of the township ordinance in the ordinance book by the secretary shall be sufficient without the signature of the president of the board of commissioners or other person. Any and all township ordinances or portions thereof, the text of which prior to the effective date of this amendment shall have been attached to the 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 ordinances or portions thereof were complied with within the time limit prescribed by this act. **[In the adoption of any ordinance setting up a building code, plumbing code, zoning code and such amendments to a zoning**

code as amounts to a complete code in itself or other code complete in itself, for the regulation of any trade, occupation or line of activity, or undertaking, it shall not be required (this or any other law to the contrary notwithstanding) in publishing such ordinance to publish such code in full, but it shall be sufficient compliance with this act in such publication to set forth briefly the substance of such proposed code, and to give notice of the place where such code is on file and may be examined. In cases of zoning additional notice must be given of the place where the zone maps are on file and may be examined.]

(b) Whenever any township shall have caused to be prepared a consolidation, codification or revision of the general body of township ordinances, or the ordinances on a particular subject, the board of township commissioners may adopt such consolidation, codification or revision as an ordinance of the township, in the same manner that is now prescribed by law for the adoption of township ordinances, except as hereinafter provided.

Any such consolidation, codification or revision of township ordinances to be enacted as a single ordinance shall be introduced in the board of township commissioners at least thirty days before its final enactment, and at least fifteen days before its final enactment, notice of the introduction of any consolidation, codification or revision, specifying its general nature and listing its table of contents, shall be given by advertisement in a newspaper of general circulation in said township.

When any such consolidation, codification or revision has been enacted as an ordinance, it shall not be necessary to advertise the entire text thereof, but it shall be sufficient in any such case, to publish a notice stating that such consolidation, codification or revision, notice of the introduction of which had previously been given, was finally enacted.

The procedure set forth in this section for the consolidation, codification or revision of township ordinances as a single ordinance may also be followed in enacting a complete group or body of ordinances, repealing or amending existing ordinances as may be necessary, in the course of preparing a consolidation, codification or revision of the township ordinances, except that in such case the advertisement giving notice of the introduction shall list, in lieu of a table of contents, the titles only of each of the ordinances in such complete group or body of ordinances, and the notice following enactment shall simply state that such group or body of ordinances was passed finally.

(c) Complaint as to the legality of any ordinance or resolution may be made to the court of quarter sessions upon entering into bond with sufficient security to be approved by the court to prosecute the same with effect and for the payment of costs by any person aggrieved, within thirty days after any ordinance or resolution takes effect. The determination and the order of the court thereon shall be conclusive. In cases of the laying out of streets over private property the court shall have jurisdiction to review the propriety as well as the legality of the ordinance.

(d) Any ordinance may be adopted by reference to a standard or

nationally recognized code, or to parts thereof, determined by the board, or the provisions of the ordinance may be supplied by reference to a typed or printed code, prepared under the direction of or accepted by the board, or the provisions may consist of a standard or nationally recognized code, or parts thereof, and also further provisions typed or printed as aforesaid: 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.

Publication of such code, or amendments thereto, in full shall not be required, but it shall be sufficient compliance with this act, in such publication as is required, to set forth briefly the substance of such proposed code and to give notice of the place where such code is on file and may be examined. Not less than three copies of such code, portion, or amendment which is incorporated or adopted by reference, shall be filed with the secretary of the township at least ten days before the board considers the proposed ordinance and upon enactment kept with the ordinance book, and available for public use, inspection and examination.

Any ordinance adopted by reference to any code shall be enacted within sixty days after it is filed with the secretary of the township and, in the case of a standard or nationally recognized code, shall encompass the provisions of the code effective as of the code date stated in the ordinance.

Any township that has adopted any standard or nationally recognized 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.

* * *

APPROVED—The 1st day of July, A. D. 1969.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly No. 49.



Secretary of the Commonwealth.