

No. 1995-71

AN ACT

HB 701

Amending the act of February 1, 1966 (1965 P.L.1656, No.581), entitled "An act concerning boroughs, and revising, amending and consolidating the law relating to boroughs," providing for adoption of property maintenance regulations and standard codes; and eliminating provisions for milk inspection.

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

Section 1. Section 1202(24) and (31) of the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, amended October 9, 1967 (P.L.399, No.181), are amended to read:

Section 1202. Specific Powers.—The powers of the borough shall be vested in the corporate authorities. Among the specific powers of the borough shall be the following, and in the exercise of any of such powers involving the enactment of any ordinance or the making of any regulation, restriction or prohibition, the borough may provide for the enforcement thereof and may prescribe penalties for the violation thereof or for the failure to conform thereto:

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(24) Building, housing [**and plumbing**], **property maintenance, plumbing and other** regulations. To enact and enforce ordinances relating to buildings and housing, their construction, alteration, extension, repair and maintenance and all facilities and services in or about such buildings or housing, to require that, before any work of construction, alteration, extension, or repair of any building is begun, approval of the plans and specifications therefor be secured; to provide for the inspection of such work of construction, alteration, extension and repair, including the appointment of one or more building inspectors and/or housing inspectors; to prescribe limits wherein none but buildings of noncombustible material and fireproof roofs shall be erected, or substantially reconstructed, or moved thereinto; to provide for enforcement of such regulations by a reasonable fine, and by instituting appropriate actions or proceedings at law, or in equity, to effect the purposes of this provision and ordinances enacted thereunder. Any building [**or**], housing **or property**, or part thereof erected, altered, extended, reconstructed [**or**], removed[,] **or maintained**, contrary to any of the provisions of any ordinance passed for any of the purposes specified in this clause is declared to be a public nuisance and abatable as such.

Any such ordinance may be adopted by reference to a standard building code [**or**], housing code **or other standard codes**, or to parts thereof, determined by council, or the provisions of the ordinance may be supplied by

reference to a typed or printed building code, [or] housing code *or other standard codes*, prepared under the direction of or accepted by council, or the provisions may consist of a standard building code [or], housing code *or other standard codes*, or parts thereof, and also further provisions typed or printed as aforesaid. Such building code [or], housing code *or other standard codes* shall not be advertised either in advance of or following enactment, by publication of the full text thereof, and, in place of such complete advertisement, an informative notice of intention to consider such proposed building code [or], housing code *or other standard codes*, and a brief summary, setting forth the principal provisions of such proposed building code [or], housing code *or other standard codes* in such reasonable detail as will give adequate notice of its contents and a reference to the place or places within the borough where copies of such proposed building code [or], housing code *or other standard codes* may be examined or obtained shall be published once in one newspaper of general circulation in the borough at least one week and not more than three weeks prior to the presentation of the proposed building code [or], housing code *or other standard codes* to council. No further advertisement or notice need be published following enactment of the building code [or], housing code *or other standard codes*. Copies of the building code [or], housing code *or other standard codes* thus adopted by reference shall be made available to any interested party at the cost thereof, or may be furnished or loaned without charge. Such building code [or], housing code *or other standard codes* need not be recorded in or attached to the ordinance book, but it shall be deemed to have been legally recorded if the ordinance by which such building code [or], housing code [was] *or other standard codes were* adopted by reference shall have been recorded, with an accompanying notation stating where the full text of such building code [or], housing code *or other standard codes* shall have been filed. The procedure set forth relating to the adoption of the building code [or], housing code *or other standard codes*, by reference, may likewise be adopted in amending, supplementing or repealing any of the provisions of the building code [or], housing code *or other standard codes*.

To enact suitable ordinances relating to *property maintenance and plumbing*, in the same manner and to the same effect as herein provided for building [and] codes, housing codes *or other standard codes*. The building code, *the property maintenance code*, the housing code and the plumbing code may be combined or separately enacted *or combined with other standard codes*.

Any [housing] ordinance previously enacted by a borough which provides for the purposes authorized by this clause is hereby validated.

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(31) Markets, market houses[,] *and peddling [and milk inspection]*. To regulate markets and peddling, whether for individual use or for resale[, *and to provide for the inspection of milk*]; and to purchase and own ground for and to erect, establish and maintain market houses and market places, for

which latter purposes, parts of any streets or sidewalks may be temporarily used; to contract with any person or persons, or association of persons, companies, or corporations, for the erection, maintenance and regulation of market houses and market places, on such terms and conditions, and in such manner, as the council may prescribe; to provide and enforce suitable regulations respecting said market houses and market places and to provide for the payment of the cost or expense thereof, either in whole or in part, out of the funds of the borough; and to levy and collect a suitable license fee from every person who may be authorized by council to occupy any portion of said market houses or market places, or any portion of the streets or sidewalks for temporary market purposes.

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

APPROVED—The 14th day of December, A.D. 1995.

THOMAS J. RIDGE