

CHAPTER 4

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## Part 1

## Dangerous Structures

§101. Legislative Findings. The Borough Code, Act of February 1, 1966, P.L. (1965) ----, No. 581, §1202(5), 53 P.S. §46202(5), grants a borough, the power to require the owner or occupier of premises to remove or repair any dangerous structures, and in default thereof to have such premises removed or repaired by the Borough. The Borough of New Holland currently lacks a comprehensive building code, nor does the Council for the Borough of New Holland deem it appropriate to enact such a comprehensive building code. However, circumstances may arise regarding structures within the Borough of New Holland which constitute a public nuisance or a danger. Council for the Borough of New Holland deems it to be in the best interest of the health, safety and welfare of the residents of the Borough of New Holland to enact an ordinance in furtherance of the powers granted by the aforesaid Section of the Borough Code so as to enable the Borough of New Holland to require the abatement of any nuisance, or the repair or removal of any such nuisance or dangerous structure. (Ord. 395, 5/1/1990, §1)

§102. Definitions. The following words and phrases, when used in this Part, shall have the meaning ascribed to them in this Section, except in those instances where the context indicates otherwise:

BOROUGH - the Borough of New Holland, Lancaster County, Pennsylvania.

DANGEROUS STRUCTURE - any building or structure which is unsafe for life, limb and/or health, and/or which is offensive to the public health, safety, and welfare of the community; and any building or structure which is structurally unsafe, damaged, decayed, dilapidated, dangerous, unsanitary, deficient in adequate exitway facility, or vermin infested; any building or structure which constitutes a fire hazard; or any building or structure which is otherwise dangerous to human life or the public welfare, or which by reason of illegal or improper use, occupancy, or maintenance is deemed an unsafe building or structure.

PERSON - shall mean any individual, group of individuals, firm, partnership, separation, association, cooperative enterprise, trust, Federal institution or agency, State institution or agency, other governmental agency, or any other entity or any group of such persons which is recognized by law as subject to rights and duties.

PROPERTY OWNER - any person possessing or claiming any legal or equitable title or interest of record in the Lancaster County Recorder of Deeds Office in and to any real property situate within the Borough on which there is erected a dangerous structure, or an alleged dangerous structure.

(Ord. 395, 5/1/1990, §2)

§103. Maintenance of Dangerous Structure. No property owner shall maintain any dangerous structure, if the same is determined to constitute a nuisance in fact. (Ord. 395, 5/1/1990, §3)

§104. Right of Entry. The property owner or occupant or other person

in charge of any building or structure shall permit the Zoning Officer of the Borough of New Holland, or any agent of the Borough of New Holland, to enter any building or structure erected on any premises, and conduct an inspection thereof, for the purpose of determining if such structure constitutes a dangerous structure within the meaning of this Part. (Ord. 395, 5/1/1990, §4)

§105. Remedial Action by Property Owner. In the event Borough Council enacts a resolution determining that any structure or building is a dangerous structure, the property owner shall take such steps in the repair of the building or structure as may be required to remedy all conditions found by Borough Council as contained in the resolution adopted by Borough Council and the notice as provided to the property owner. The notice from Borough Council shall establish a time limit within which necessary repairs must be completed, which time limit shall not be less than thirty (30) days after the date of such notification. The property owner shall have the option, in lieu of repair of the building or structure, to have the building or structure removed within the time limit period as set forth in the aforesaid notice. (Ord. 395, 5/1/1990, §5)

§106. Extension of Time. Council for the Borough shall have the power to grant an extension or extensions to the time limit as set forth in §105, and in the notice to the property owner, upon written request by the property owner setting forth all steps which have been taken in compliance with the notice from Council, and the reasons why the required action as set forth in the notice cannot be completed within the time period specified. Time extensions shall be granted only upon a showing by the property owner of good faith in attempting to comply with the requirements of the notice and resolution, and impossibility of performance of the requirements of the notice and resolution within the time period set forth therein. Any extension of time shall be granted at the sole discretion of Borough Council. Any such extension shall be for such time period as Borough Council deems necessary and appropriate. (Ord. 395, 5/1/1990, §6)

§107. Remedies for Violation.

1. After resolution by Borough Council, if the property owner to whom a resolution of Council requiring repair or removal of such structure shall be sent under the provisions of this Part, fails to commence or to complete such repair or removal within the time period as prescribed by such resolution and this Part, such owner shall be guilty of a violation of this Part, and, upon conviction thereof, shall be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day that a violation of this Part continues shall be deemed a separate offense. [Ord. 427]

2. If the property owner to whom a resolution of Borough Council to repair such structure shall be sent under the provision of this Part, fails to commence or to complete such repair or removal within the time limit prescribed by the resolution and this Part, and by such notice, the Borough Council shall be empowered to cause such work of repair or removal to be commenced and/or completed by the Borough, or by its agent or contractors, and the costs and expenses thereof, together with a penalty in the amount of ten (10%) percent, shall be collected from the property owner in the

manner provided by law. The recovery of costs and expenses, together with the penalty, may be in addition to the fine and penalty as provided for in subsection (1) of this Section of this Part, the remedies of the Borough to be cumulative.

3. In addition to all other remedies provided in this Part, the Borough shall have the right to seek enforcement of the provisions of this Part by a judicial determination by the filing of an action in equity as provided by §1202(5) of the Borough Code, 53 P.S. §46202(5).

(Ord. 395, 5/1/1990, §7; as amended by Ord. 427, 12/28/1993)



## Part 2

## Building Permits

§201. Building Permits Required. It shall be unlawful for any person, partnership, firm or corporation to erect, construct, rebuild, enlarge, alter or move any building or structure within the limits of the Borough of New Holland without having first obtained a building permit in accordance with the terms of this Part. (Ord. 279, 1/7/1975, §1)

§202. Issuance of Building Permits; Fees. The Borough Manager shall have authority to issue a building permit to the person submitting the application provided for in §203 of this Part, upon payment by the applicant of a fee as established from time to time by resolution of Borough Council; provided, however, that no permit shall be issued until the Borough Manager shall be satisfied that the proposed construction or alteration will conform to all lines and grades of abutting streets, and all laws, ordinances, and regulations pertaining to fire prevention, water, sewerage, building construction, health, safety and zoning, and to any other applicable law, ordinance or regulation. (Ord. 279, 1/7/1975, §2; as amended by Ord. 375, 12/8/1987, §1; and by A.O.)

§203. Application for Permit. All applications for permits under this Part shall be in writing and shall contain such information and details of the proposed construction or alteration as the Council and/or the Borough Manager shall deem necessary for the proper consideration of the application. Permits shall be valid for a period of twelve (12) consecutive months with the Borough Manager authorized to provide six (6) month extensions upon request with cause. (Ord. 279, 1/7/1975, §3; as amended by A.O.)

§204. Content of Permit; Conditions Thereof. All building permits shall briefly describe the location, nature and extent of the proposed construction or alteration. Permits to obstruct or excavate sidewalks or streets shall be limited to specific times and shall define the space to be occupied by any such obstruction and the nature and extent of passageway which must be kept clear as well as the necessary safety guards and lights. All permits shall be subject to all the terms and conditions of this Part and to all laws, ordinances and regulations pertinent thereto as though specifically included in the permit. (Ord. 279, 1/7/1975, §4)

§205. Furnishing of Lines and Grades. Upon application of any person or persons, partnership, firm or corporation who has applied or is about to apply for a permit hereunder, or who shall have other reasonable grounds for requesting the same, the Borough Manager shall furnish proper grades and lines of streets, curbs and sidewalks as established on the Borough plan. (Ord. 279, 1/7/1975, §5)

§206. Conformity to Lines and Grades; Safety Precautions. All new construction, alterations, or rebuilding shall conform to street and curb lines and grades. All obstructions on or excavations in the streets or sidewalks shall be safely guarded so as to prevent injury to persons or property and shall be lighted by torches, red lanterns or flashing amber lights during all periods of darkness or low visibility. These lighting

devices shall be placed at each end of every such obstruction or excavation and at intervals of not more than fifty (50) feet along the length thereof. (Ord. 279, 1/7/1975, §6)

§207. Enforcement and Remedies. The Borough Council and Borough Manager shall each have authority to see that all terms and conditions, permits, laws, ordinances, and regulations with respect to any such operation are complied with and to require that any work be stopped which shall be in violation thereof. (Ord. 279, 1/7/1975, §7)

§208. Penalties. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00) plus costs and, in default of payment of such fine and costs, to a term of imprisonment not to exceed thirty (30) days. Every day that a violation of this Part continues shall constitute a separate offense. (Ord. 279, 1/7/1975, §8; as amended by Ord. 427, 12/28/1993)

§209. Repairs. Repairs of a maintenance nature such as, but not limited to, caulking and painting, or repairs of a replacement nature wherein new materials are used that are reasonably of the same type, grade and quality as those being replaced, shall not require the issuance of a building permit as specified in this Part unless said repairs require the obstruction or excavation of portions of any streets, curb or sidewalk. No fee shall be required for a building permit issued for repairs of the nature described in this Section. (Ord. 279, 1/7/1975, §9)



Part 3  
Building Numbers

§301. Duty to Number Buildings. It shall be the duty of the owner of every dwelling or other building facing upon any street or alley in the Borough of New Holland to cause such building to be numbered in conformity with the requirements of this Part, and, thereafter, to maintain such number in complete and legible condition, capable of being identified from the adjacent street. Provided, upon request from the owner or occupant of any premises, the Borough Manager shall inform such owner or occupant of the correct number of his property. (Ord. 24, 11/4/1907, §1; as amended by Ord. 182, 8/7/1962, §1; as amended by Ord. 427, 12/28/1993)

§302. Numbering System. In causing the numbers to be placed upon buildings, Main Street shall be the line of beginning for all streets or avenues extending north or south therefrom and that Roberts Avenue shall be the line of beginning for all streets or avenues extending east and west therefrom; the even numbers to be placed on the south and west sides of the streets and avenues and the odd numbers to be placed on the north and east sides of the same. (Ord. 24, 11/4/1907, §2)

§303. Time Limit for Numbering Buildings. The placement of numbers, as herein required, shall be completed within ten (10) days after notice from the Borough Manager to the property owner. (Ord. 24, 11/4/1907, §3; as amended by Ord. 182, 8/7/1962, §2)

§304. Frequency of Numbers. The numbering shall be by blocks or squares and the basis for each number shall be twenty-five (25) feet, more or less, as is required. (Ord. 24, 11/4/1907, §4)

§305. Penalty for Violation. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 24, 11/4/1907, §4; as amended by Ord. 182, 8/7/1962, §3; and by Ord. 427, 12/28/1993)

