

CHAPTER 5

CODE ENFORCEMENT

Part 1

Uniform Construction Code

- §101. Election to Enforce Pennsylvania Construction Act
- §102. Uniform Construction Code Adopted
- §103. Administration and Enforcement
- §104. Board of Appeals
- §105. Savings and Repeals
- §106. Fees
- §107. UCC Accessory Structures Building Area Exclusion and Exemption
- §108. UCC Requirements for Geothermal Heating

Part 2

Property Maintenance Code

- §201. Adoption of Property Maintenance Code
- §202. Deletions, Additions and Insertions
- §203. Effective Date



Part 1

Uniform Construction Code

§101. Election to Enforce Pennsylvania Construction Act. This Borough of New Holland hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, as amended from time to time, and the regulations promulgated pursuant to the authority as set forth in the Act. (Ord. 502, 5/4/2004, §1)

§102. Uniform Construction Code Adopted. The Pennsylvania Construction Code Act and the International Fuel Gas Code, as amended from time to time, and all regulations promulgated thereunder, are hereby adopted and incorporated herein by reference as the municipal building code of the Borough of New Holland. (Ord. 502, 5/4/2004, §2)

§103. Administration and Enforcement. Administration and enforcement of the Pennsylvania Construction Code Act and its regulations within the Borough of New Holland shall be undertaken in any of the following ways as determined by the governing body of this Borough of New Holland from time to time:

- A. By the designation of an employee of the Borough of New Holland to serve as the municipal code official to act on behalf of the Borough of New Holland.
- B. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Borough of New Holland.
- C. By agreement with one or more other municipalities for the joint administration and enforcement of the Act through an inter-municipal agreement.
- D. By entering into a contract with another municipality for the administration and enforcement of the Act on behalf of the Borough of New Holland.
- E. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections and enforcement of structures other than one (1) family or two (2) family dwelling units and utility and miscellaneous use structures.

(Ord. 502, 5/4/2004, §3)

§104. Board of Appeals.

1. A Board of Appeals shall be established by resolution of the governing body of the Borough of New Holland, in conformity with the requirements of the relevant provisions of the Pennsylvania Construction Code Act, as amended from time to time, and the regulations promulgated thereunder, for the purpose of hearing appeals from decisions of the code administrator. If at any time enforcement and administration is undertaken jointly with one or more other municipalities, said Board of Appeals shall be established by joint action of the participating municipalities.

2. Appeals pertaining to the accessibility requirements of the Code shall not be heard by the Board of Appeals, but shall be filed with and considered by the Pennsylvania Department of Labor and Industry for project modification approval.

(Ord. 502, 5/4/2004, §4)

§105. Savings and Repeals.

1. All building code ordinances or portions of ordinances which were adopted by the Borough of New Holland on or before July 1, 1999, and which equal or exceed the requirements of the Code and its regulations, shall continue in full force and effect until such time as such provisions fail to equal or exceed the minimum requirements of the Code and its regulations, as amended from time to time.

2. All building codes or portions of building codes which are in effect as of the effective date of this Part, and whose requirements are less than the minimum requirements of the Pennsylvania Construction Code Act and its regulations, are hereby amended to conform with the comparable provisions and regulations of the Pennsylvania Construction Code Act.

3. All relevant ordinances, regulations and policies of the Borough of New Holland, not governed by the Pennsylvania Construction Code Act and its regulations, shall remain in full force and effect.

(Ord. 502, 5/4/2004, §5)

§106. Fees. Fees assessable by the Borough of New Holland for the administration and enforcement undertaken pursuant to this Part and the Pennsylvania Construction Code Act shall be established from time to time by resolution adopted by the Council for the Borough of New Holland. (Ord. 502, 5/4/2004, §6)

§107. UCC Accessory Structures Building Area Exclusion and Exemption.

1. The Borough hereby adopts the following amendments, alterations, and deletions to Chapter 403, Administration, of Part XIV of the UCC regulations, 34 Pa.Code §403.1:

A. The following specific subsections of UCC regulations Section 403.1(b) (entitled "Exclusions and Exemptions"), 34 Pa.Code §403.1, as adopted by the Borough are amended and altered to read as follows:

"(3) The following structures if the structure has a building area of 160 square feet or less, and is accessory to a detached one-family dwelling except as might otherwise be required by an ordinance adopted under section 503 of the act (35 P.S. §7210.503):

- (i) Carports.
- (ii) Detached private garages.
- (iii) Greenhouses.
- (iv) Sheds."

2. Undefined Terms. Undefined terms in this Part shall have the meanings ascribed to them in the UCC as adopted by the Borough.

3. Effective Date. Per UCC §7210.503(c), 35 P.S. §7210.503(c), this Part shall become effective and enforceable on the thirty-sixth (36<sup>th</sup>) day after its enactment.

(Ord. 502, 5/4/2004; as added by Ord. 554, 2/7/2012, §§1, 2, and 6)

§108. UCC Requirements for Geothermal Heating.

1. The Borough hereby adopts the following amendments, alterations, and deletions to Chapter 403 (Administration), Part XIV of the UCC regulations, to add a new Section 403.29, entitled "Geothermal Systems," as follows:

"§ 403.29 Geothermal Systems.

1. Definitions.

a. CLOSED LOOP GEOTHERMAL SYSTEM - a geothermal system in which the same liquid is continuously running through piping in a closed circuit, and during its operation, no new liquid is introduced to the system or used liquid discharged from the system.

b. GEOTHERMAL WELL - a drilled hole used in connection with a geothermal system.

c. OPEN LOOP GEOTHERMAL SYSTEM - a geothermal system in which liquid is run through piping after being drawn from a source and is then discharged to that source or an alternate location.

2. Permits.

a. No person shall (1) construct or install a geothermal system, (2) dig, bore, drill, replace, modify, repair, and/or destroy a well that is, is intended to be, or was part of a geothermal system, or (3) make any other excavation that may intersect groundwater without first obtaining a permit from the Borough. A permit is required for any geothermal system within New Holland Borough. Application for a permit for the drilling of a well shall be made to the Borough. No permit for such a well shall be issued until the plans, specifications, and site plans have been approved by the Borough for compliance with this Part. A site plan shall be submitted with the application and shall include at least the following:

i. Type of ground loop proposed for the geothermal system;

ii. Type of piping and fluid proposed for the geothermal system;

iii. Type of grouting used for any geothermal wells;

iv. Location and type of all underground utilities, and all above ground utilities, with clearance to overhead obstructions within 25 feet of the proposed geothermal well;

v. Location of all other existing and proposed geothermal wells, and distances to buildings being served; and

vi. Location of any surface water body including, wetland, watercourse, or pond within 100 feet of the proposed geothermal well.

b. No person shall construct or install an Open Loop Geothermal System.

c. The Borough may revoke a permit if any action or any geothermal system violates a provision of this Part or if there are factual inaccuracies in a permit application and/or the documents supporting it.

d. The Borough shall notify the property owner and occupant in writing of a permit revocation.

3. Requirements and Standards.

a. Prior to the activation of the geothermal system, the property owner shall provide the Borough with the following:

i. As-built plans and related documentation for each system and well location; and

ii. Drillers log containing rock description, depth of water-bearing zones, and total depth of the geothermal well(s).

b. A geothermal well shall be set back at least 25 feet from all lot lines.

c. No geothermal well shall be located within 100 feet of any existing drinking water wells or any planned drinking water wells, or 100 feet of any septic system.

d. No geothermal system shall be connected in any way to any sanitary sewer or stormwater disposal system.

e. Only food grade or USP-grade propylene glycol may be used as a Geothermal Fluid. No other materials or additives may be used except for potable water. A permanent sticker must be attached to the geothermal system and any heat pump specifying that only approved heat transfer fluids may be used in the system.

f. No well shall be permitted within 25 feet of a cartway.

g. All geothermal systems shall be properly maintained in accordance with the manufacturer's specifications, the installer's specifications, and any applicable Federal, State, and local laws.

h. A geothermal system shall be abandoned in a manner acceptable to the Borough and shall comply with the laws, rules, and regulations applicable to the abandonment of water wells. Any and all heat transfer fluids must be removed by displacement with grout in a manner acceptable to the Borough. The top of the borehole must be uncovered and capped with grout in a manner acceptable to the Borough.

2. Undefined Terms. Undefined terms in this Part shall have the meanings ascribed to them in the UCC as adopted by the Borough.

3. Effective Date. Per UCC §7210.503(c), 35 P.S. §7210.503(c), this Part shall become effective and enforceable on the thirty-sixth (36<sup>th</sup>) day after its enactment.

(Ord. 502, 5/4/2004; as added by Ord. 566, 3/4/2014, §§1, 2, and 6)

## Part 2

## Property Maintenance Code

§201. Adoption of Property Maintenance Code. A certain document, copies of which have been and are presently on file in the office of the Secretary of the Borough of New Holland, Lancaster County, Pennsylvania, being marked and designated as "International Code Council, Inc., International Property Maintenance Code/2003," be and is hereby adopted as the Property Maintenance Code of the Borough of New Holland, creating a code of property maintenance regulations for the protection of public health, safety and welfare as herein provided. Each and all of the regulations of the International Property Maintenance Code/2003, Third Edition, except as provided in §202 of this Part, are hereby referred to, adopted and made a part hereof as if fully set out in this Part, with the additions, insertions, deletions and changes, if any, enumerated in §202. (Ord. 512, 10/4/2005, §1)

§202. Deletions, Additions and Insertions. Changes from the International Property Maintenance Code/2003, Third Edition, to the Property Maintenance Code of the Borough of New Holland, are as follows:

A. Section 101.1 shall be amended by inserting "Borough of New Holland, Lancaster County, Pennsylvania."

B. Section 103.5 shall provide as follows:

§103.5 Fees. The fees for activities and services preformed by the Code Official in carrying out his responsibilities under this Code shall be established by resolution or ordinance of Borough Council.

C. Section 106.4 shall provide as follows:

§106.4 Penalty. Any person who shall violate a provision of this Code, or who shall fail to comply with any of the requirements thereof, or who shall use, maintain or alter a lot, building or structure in violation of any approved plan or directive of the Code Official or of any order, permit or certificate issued under the provisions of this Code, or who shall violate any order of the Code Official, or who shall fail to remedy or who shall negligently or improperly remedy any health hazard or who shall fail to completely implement a plan to remedy a health hazard which has been reviewed and approved by the Code Official, shall be liable upon summary conviction therefore for fines and penalties of not more than one thousand dollars (\$1,000.00). Each day that a violation continues and each Section of this Code which is violated shall be deemed a separate offense. This Code may also be enforced by an action in equity brought in the Lancaster County Court of Common Pleas.

D. Section 107.3 shall provide as follows:

§107.3 Method of Service. Service of said notice shall be made upon the owners or occupant of said premises in any of the following manners: (i) by delivering the same to such owner or occupant personally, or (ii) or by delivering the same to and leaving it with any adult person in charge of the said premises,

or (iii) by affixing the same in a conspicuous position upon said premises, or (iv) by sending said notice by certified or registered mail address to the owner at the owner's last know address with return receipt requested. Such procedures shall be deemed the equivalent of personal notice.

E. Insert new §§107.6 through 107.6.2, which shall provide as follows:

§107.6 Notice to Abate Health Hazard or Public Nuisance. It shall be the duty of the Code Official to cause a notice to be served upon the owner or occupant of any premises whenever such premises is maintained so as to constitute a health hazard or a public nuisance and to require abatement of the health hazard or public nuisance within ten (10) days from the date of service of such notice or such other time period as may be set forth in the notice. Service of such notice shall be as provided in §107.3.

§107.6.1. Performance of Work Upon Noncompliance with Notice. In the event that the owner or occupant shall refuse or neglect to abate such health hazard or public nuisance within the time period as required by such notice, or in the event that the owner or occupant shall perform action necessary to eliminate the health hazard in a negligent or incomplete fashion, the Code Official may cause such condition to be eradicated and/or removed, or take action necessary to eliminate such health hazard or nuisance of which the owner or occupant has been notified, keeping an account of the expenses of inspecting the premises, service of notice and abating the health hazard and nuisance. All such cost and expenses shall be charged to and paid by the owner or occupant.

§107.6.2. Collection of Costs. All costs and expenses the Borough incurs in the abatement of such health hazards and public nuisances shall be a lien upon the premises. Whenever a bill therefore remains unpaid after it has been rendered, the Borough Solicitor shall file a municipal claim and/or civil action for such costs and expenses incurred by the Borough, including allowable attorney's fees, in the manner provided by law for the collection of municipal claims and/or the filing of civil actions.

F. Section 110.3 shall provide as follows:

§110.3 Failure to Comply. Whenever the owner of a premises fails to comply with a demolition order within the time period prescribed, the Code Official shall request the Borough Solicitor to institute an action at law or in equity against the owner of the premises, to obtain an order authorizing the Code Official to raze and remove such structure, or contract for the razing and removal of such structure, at the expense of the owner of the premises. At the completion of such razing and removal, the Borough Solicitor shall file a municipal claim as a lien against the premises in the amount of the Borough's cost plus a penalty of ten percent (10%) of such costs, and for allowable attorney's fees. The Borough Solicitor may also institute any proceedings at law or in equity to provide for the collection of the Borough's costs and expenses.

G. Section 110.4 shall be deleted in its entirety.



H. Section 111, Means of Appeal, shall be deleted in its entirety. A new §111, Appeals, shall be inserted which shall provide as follows:

§111.1 Appeals. An appeal from any decision of the Code Official may be taken to Borough Council. Such appeal shall be made, in writing, within ten (10) days after any such decision of the Code Official. The appeal shall be verified by an affidavit, shall state therein the grounds therefore, and shall be filed with the Borough Secretary. The appeal shall be accompanied by the appeal fee as established by resolution of Borough Council. The appellant, or his representative, shall have the right to appear and be heard, if such right is requested in the written appeal. Borough Council may vary or modify any provision of this Code where there are practical difficulties in the way of executing the strict letter of the law so that the spirit of the law shall be observed, public safety secured and substantial justice done. Such variation or modification shall be the minimum necessary in order to grant relief. Borough Council shall render a written decision, copies of which shall be provided to the Code Official and the appellant.

I. Section 202, General Definitions, shall be amended by inserting the following definitions:

ABATE/ABATEMENT - when used in connection with lead-based coating, the reduction of, removal of or encapsulation of lead, followed by through cleanup and post-cleanup treatment, from the surfaces and sources that promote exposure resulting in the possibility of lead toxicity or poisoning, which abatement shall be in a matter approved or determined to be appropriate by the Code Official. The methods of abatement and subsequent disposal of lead shall not present a hazard to health from fumes, dust or vapors by inhalation, ingestion or absorption through the skin and mucous membranes and shall be in accordance with all applicable laws, ordinances, regulations and safety standards of the Borough, the State and Federal agencies.

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

BOROUGH COUNCIL - the governing body of the Borough.

EXPOSED SURFACE - when used in connection with lead-based coating, all interior surfaces of a dwelling or other structures which may be occupied by children, and those exterior surfaces of such dwelling or structures which are readily accessible to children under six (6) years of age, such as stairs, decks, porches, railings, windows, doors and sidings. Any yard or other area in the vicinity of a dwelling or structure including, without limitation, any soil, yard or other area which may be subject to contamination from flaking or peeling lead-based coatings or any other source of lead is also considered an exposed surface.

LEAD-BASED COATING - any paint, varnish, glaze or other applied liquid surface coating and putty or plaster which contains a quantity of lead in excess of six-tenths (0.6) milligrams per square centimeter of surface.

RECOGNIZED METHOD OF ANALYSIS - any recognized method of lead detection and analysis which results in measurement of lead in milligrams in a square centimeter of a particular area including, without limitation, a radio isotope x-ray fluorescent analyzer for in-place determination of lead content.

VEHICLE, HAZARDOUS - a vehicle including, but not limited to, an automobile, bus, van, truck, recreational vehicle or trailer, which:

(1) Contains one (1) or more broken windows, or one (1) or more missing doors, or a missing trunk or hood, which allow entry into the vehicle by children or vermin; or

(2) Is structurally unstable or supported by blocks, jacks or other devices which may slip or move, presenting a danger to passersby; or

(3) Is parked upon premises in such a manner as to obstruct the vision of drivers, or interfere with the free movement of pedestrians or traffic, or create a fire hazard.

J. Insert a new §301.4, which shall provide as follows:

§301.4 Interference with Compliance. No person shall take or cause any person to take any action which creates a condition which results in a premises violating any requirement of this Code including, but not limited to, the tampering with water service or sewer service or facilities, depositing of rubbish or garbage or any other discarded materials on a premises, removal of fire extinguishers and blocking exits. Notwithstanding the foregoing, it shall not be a violation of this Code for the Borough of New Holland, as the supplier of public water service in the Borough, to cease service for non-payment of water or sewer rates or changes in accordance with applicable laws and procedures.

K. Section 302.4 shall provide as follows:

§302.4 Weeds. All premises shall be maintained free from weeds or plant growth in excess of twelve (12) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; provided, however, this term shall not include cultivated flowers and gardens, protected wild flowers and wetlands.

Borough Council, the Code Official or any officer or employee of the Borough designated for this purpose is hereby authorized to give notice, by personal service, by United States mail, or by posting the premises, to the owner of any premises whereon grass, weeds or other vegetation is growing or remaining in violation of the provisions of this Code, directing and requiring such owner to remove, trim or cut such grass, weeds or vegetation, so as to conform to the requirements of this Code, within five (5) business days after the issuance of such notice. In case any person shall neglect, fail or refuse to comply with such notice, within five (5) business days after the issuance of such notice, Borough authorities may remove, trim or cut such grass, weeds or vegetation and the cost thereof, together with a penalty of ten percent (10%)

of such cost, and allowable attorney's fees, may be collected by the Borough from such person in the manner provided by law, including the filing of a municipal claim and/or civil action for such costs and expenses incurred by the Borough.

If Borough Council, the Code Official or any officer or employee of the Borough has given notice under this Section in the calendar year and the owner did not comply with the notice within the required five (5) business days, the Borough shall not be required to give additional notice to the owner before the Borough removes, trims or cuts grass, weeds or vegetation on the premises in that same calendar year and the Borough may collect the cost thereof, together with a penalty of ten percent (10%) of such cost and allowable attorney's fees from such person in the manner provided by law, including the filing of a municipal claim and/or civil action for such costs and expenses incurred by the Borough.

L. Section 302.8, shall be amended to provide as follows:

§302.8. Vehicles. Except as provided in other regulations, the parking and storage of motor vehicles including, but not limited to, automobiles, buses, vans, trucks, recreational vehicles and trailers shall be limited as provided herein:

§302.8.1 Licensed and Inspected Vehicles. Vehicles which have a current license and inspection may be stored upon a premises in accordance with the requirements of the Borough Zoning Ordinance and other applicable ordinances and regulations, unless such vehicles are hazardous vehicles as defined herein.

302.8.2 Unlicensed or Uninspected Vehicles. Vehicles which do not have both a current license and a current inspection may be stored within a completely enclosed structure on any premises. Unlicensed or uninspected vehicles shall not be stored outside of a completely enclosed structure on a premises if such storage constitutes a nuisance or if such vehicle is a hazardous vehicle as defined in this Part. Except as provided below, prior to the unenclosed storage of any unlicensed or uninspected motor vehicle on any premises, the owner of the premises shall obtain a permit from the Code Official for the storage of such vehicle. The Code Official shall determine that the motor vehicle is not a hazardous vehicle and that the proposed storage shall not constitute a nuisance prior to the issuance of a permit. Such permit shall authorize the storage of the motor vehicle for a period of ninety (90) days. The owner shall have the right to appeal a denial of a permit by the Code Official as provided in §111 herein. Storage of an unlicensed or uninspected vehicle without obtaining a permit as required herein shall constitute a violation of this Code. The Code Official and/or the Police Department may order the removal of an unlicensed or uninspected vehicle for which a permit has not been obtained using the procedure set forth in §302.8.3. No permit shall

be required by the operator of a motor vehicle towing or repair establishment. Such establishment shall be permitted to store unlicensed or uninspected motor vehicles for a period of not more than ninety (90) days.

§302.8.3 Hazardous Vehicles. No person who owns a hazardous vehicle as defined in this Part shall park, place, deposit or permit the parking, placement or depositing of the hazardous vehicle on any premises. No premises owner shall permit any hazardous vehicle to remain on a premises. If any hazardous vehicle is parked or placed upon a premises, the Code Official and/or the Police Department shall notify the owner or occupant of the premises of the duty to remove the hazardous vehicle. The Code Official and/or the Police Department shall post upon the hazardous vehicle in a conspicuous place a notice directing the removal of the hazardous vehicle within ten (10) days. Should the vehicle not be removed, the Code Official and/or the Police Department shall serve a second notice which shall be in writing and shall provide a time limit not to exceed five (5) days within which the hazardous vehicle has to be removed. Said notice shall be served as provided in §107.3 herein and shall additionally be posted upon the hazardous vehicle. If the owner of the premises fails to remove the hazardous vehicle, the Borough may take action to abate the health and/or safety hazard resulting from the hazardous vehicle.

M. A new §302.10 shall be added which shall provide as follows:

§302.10. Used Vehicle Parts and Tires. No person shall place, deposit or permit the placement or depositing of used vehicle parts or tires outside of an enclosed structure on any premises, unless such vehicle parts or tires are secured to prevent removal, and unless such used vehicle tires are wrapped or covered in a manner sufficient to prevent the accumulation of any standing water, to eliminate all breeding grounds for insects, and to eliminate all areas which could be used as harborage for rodents or other animals.

N. Section 304.7.2, shall be amended to provide as follows:

§304.7.2. Abatement of Health Hazard. If it is determined that there exists a health hazard under §304.7, the owner shall be responsible to abate the hazard within such time as specified by the Code Official. The owner and/or occupant of the premises shall bear the cost of abatement and shall present a written plan of abatement to the Code Official for review and approval prior to initiating said abatement. The owner and/or occupant of the premises shall abate the health hazard in accordance with the approved plan, shall completely perform all steps of such approved plan and shall perform the work set forth in the approved plan in a good and workmanlike fashion. The owner and/or occupant of the premises shall submit proof satisfactory to the Code Official of abatement promptly upon completion.

O. Section 304.14, Insect Screens, shall be amended by inserting "April 15" and "October 1" into the appropriate places.

P. Section 602.3, Heat Supply, shall be amended by inserting "October 1" and "April 15" into the appropriate places.

Q. Section 602.4, Occupiable Work Spaces, shall be amended by inserting "October 1" and "April 15" into the appropriate places.

(Ord. 512, 10/4/2005, §2)

§203. Effective Date. This Part shall be effective ninety (90) days after the date of enactment of this Part. (Ord. 512, 10/4/2005, §3)

