

BOROUGH OF NEW HOLLAND

Lancaster County, Pennsylvania

ORDINANCE NO. 605

AN ORDINANCE OF THE NEW HOLLAND BOROUGH PROHIBITING DANGEROUS STRUCTURES WITHIN THE BOROUGH, AND PROVIDING RELATED ADMINISTRATIVE REGULATIONS & PROCEDURES

NOW, THEREFORE. BE IT HEREBY ORDAINED AND ENACTED by the New Holland Borough Council (herein also “**Council**”), Lancaster County, Pennsylvania, that the New Holland Borough (herein also “**Borough**”) Code of Ordinances (herein also “**Code**”) is hereby amended as follows:

Section 1. Amendment. Code Chapter 4 (*Buildings*), Part 1 (*Dangerous Structures*), is amended by deleting said Part 1 in its entirety and replacing same with the following new Part 1 (*Dangerous Structures*):

§101. Short Title. This Ordinance shall be known and may be cited as the “*New Holland Borough Dangerous Structures Ordinance*”.

§102. Dangerous Structures Declared a Nuisance. All dangerous structures, as herein defined, are hereby declared to be public nuisances and shall be repaired, removed or demolished. It is hereby declared to be unlawful for any person to permit any such dangerous structure to remain in place.

§103. Definitions. As used in this Ordinance, the following terms shall have the meanings indicated:

BOROUGH—The New Holland Borough, in Lancaster County, Pennsylvania.

COUNCIL or **BOROUGH COUNCIL**—The governing body of the New Holland Borough.

DANGEROUS STRUCTURE—Any structure including, without limitation, any building, that has any one or more of the following defects (thus deeming such structure a dangerous structure):

- A. A structure whose interior walls or other vertical structure members list, lean, buckle or are dangerously cracked so as not to safely support the structure.
- B. A structure that, exclusive of the foundation, shows 25 percent or more of damage or deterioration of the supporting members, or 40 percent or more of damage or deterioration of the non-supporting interior or roof or outside walls or covering.
- C. A structure that has improperly distributed loads upon the floors or roofs, or that has overloaded floors or roofs, or that has insufficient strength to be reasonably safe for the proposed use.
- D. A structure that has been damaged by fire, wind, moisture or other causes so as to have become dangerous to life, safety or health to the current or potential future occupant(s), if any, or to others in the vicinity.

- E. A structure that has become or is so dilapidated, decayed, unsanitary or unsafe that it is unfit for human habitation or is likely to cause injury to occupant(s) or others in the vicinity.
- F. A structure that has inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, fire escapes or other means of access and egress.
- G. A structure with parts that are so attached or unstable that they may fall and injure members of the public or cause damage to property.
- H. A structure that, because of its general condition, is unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of the Borough.

ENFORCEMENT OFFICER—The Borough Manager, Zoning or Assistant Zoning Officer, or any other designated Borough employee(s) or independent person(s) or firm(s) appointed by the Borough Manager or Assistant Manager, or by Borough Council.

INDEPENDENT PROFESSIONAL—A professional person educated and/or licensed in the construction and structural integrity of structures.

OWNER—The person holding record title to the real estate on which a suspected dangerous structure or structure determined to be a dangerous structure is located.

PERSON—A natural person, corporation, partnership, joint venture, sole proprietorship, firm, association, or any other entity of whatever type.

SECURE—To render inaccessibility safely to the public.

STRUCTURE—Any assembly of materials above or below the surface of the land, and whether or not affixed to the land, including, without limitation, buildings, mobile homes, fences, walkways, man-made objects, ponds, pools, embankments, or other fixtures or objects.

§104. Procedure. Whenever it shall be reported or come to the attention of any Borough official or employee that any structure or any portion thereof constitutes a dangerous structure, such person shall report same to the Borough Manager, or the Zoning or Assistant Zoning Officer. The Borough shall make an investigation and examination of such structure. The Manager, Enforcement Officer, and/or any engineer or other independent professional designated by the Borough is hereby empowered to enter upon any property for purpose of such inspection. The Enforcement Officer and/or any engineer or other independent professional are hereby authorized to investigate the condition of the structure and make a determination as to its safety. The designated Enforcement Officer shall provide a report to the Borough Manager. The Manager shall present the report to Council if any recommendation for any active enforcement measures is recommended.

§105. Standards for Repair, Vacation or Demolition. The following standards shall be followed in substance by Council in ordering the Manager to repair, remove or demolish the dangerous structure:

1. If the dangerous structure can be repaired, as determined by the enforcement report or an independent professional, in such a way that it would no longer violate this Ordinance, Council shall order the dangerous structure be repaired.
2. If the dangerous structure is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, or potential future occupants, the Council shall order the dangerous structure to be vacated and demolished.
3. If the dangerous structure cannot reasonably be repaired, as determined by the Borough and/or the Borough's designated Engineer or independent professional, Council shall order the dangerous structure be vacated and demolished.
4. If the dangerous structure is a fire hazard, or is existing or erected in violation of the terms of this Ordinance, any other Borough Ordinance, or any Pennsylvania statute requiring it to be vacated and demolished, Council shall order the dangerous structure be vacated and demolished.

§106. Enforcement Procedures. If any structure is deemed to be a dangerous structure within the terms of this Ordinance, the Borough Manager or Assistant Manager, or the designated Enforcement Officer shall serve Notice upon the owner of the property on which such dangerous structure is located or, failing to find any owner, then such occupant, mortgagee, lessee, agent or other person with an interest in said dangerous structure who may be located.

1. The Notice required by this Section shall be served personally or by certified mail upon the owner (or failing to find any owner, then upon such occupant, mortgagee, lessee, agent or other person with an interest in said dangerous structure who may be located); and by regular United States Postal Service first class mail. Notice by mail shall be sent by certified mail and regular mail to the last known address according to the records available in the Lancaster County Tax Assessment Office.

2. The Notice shall identify the structure deemed dangerous, contain a statement of the particulars that make this structure a dangerous structure and include an order requiring the same to be put in such condition as to conform with the terms of this Ordinance; provided, further, that in any case where the Notice prescribes the repair of any dangerous structure, the owner thereof shall have the option to remove and demolish such dangerous structure in lieu of making the repairs thereto within the time period provided.

- A. The owner of such property (or failing to find any owner, then such occupant, mortgagee, lessee, agent or other person with an interest in said dangerous structure who may be located), after having said Notice mailed to them, shall have ten (10) days after the mailing date to secure the dangerous structure in accordance with the definitions in this Ordinance to ensure that no unauthorized person has access to it.
- B. The Notice shall require any person notified to repair, remove or demolish any dangerous structure to commence the work or act required by the Notice within 10 days of such notice and to comply with such repair, removal or demolition within sixty (60) days from the receipt of such Notice.

3. If the owner shall submit specific plans showing an intent to repair the dangerous structure and a proposed schedule identifying when such repairs shall be completed, then said time may be extended by the Borough Manager or the Borough so long as the Manager sees timely progress consistent with the submitted plans.

4. The Borough Manager shall direct that a notice be posted on all dangerous structures reading substantially as follows:

DANGEROUS STRUCTURE NOTICE

This building or structure has been found to be a Dangerous Structure by New Holland Borough. This notice shall remain on this building or structure until it is vacated, repaired, removed and/or demolished in accordance with the notice that has been given to the owner (or agent thereof), occupant, lessee, and/or mortgagee regarding the Dangerous Structure. It is unlawful to remove this notice until full compliance is made with all the terms contained in the notice given to the above-named persons. Failure to comply with this notice can result in the violator having to pay fines of not less than \$100 nor more than \$1000, plus any and all of the costs and expenses of prosecuting the violator including, without limitation, any and all of the Borough's professional, engineer, and attorney fees incurred by the Borough. Each day a violation continues is a separate violation.

§107. Violations and Penalties.

- 1. Any person who violates or permits the violation of any provision of this ordinance shall, upon conviction thereof before a Magisterial District Judge, be sentenced to pay a fine of not less than \$100 nor more than \$1000, plus any and all the costs and expenses of prosecution including, without limitation, any and all of the Borough's professional, engineer, and attorney fees incurred by the Borough to enforce this ordinance. Each day a violation continues is a separate violation.
- 2. It shall be a violation of this ordinance for any person to remove or cause to be removed any posted notices provided for in Section 106, and upon conviction thereof before a Magisterial District Judge, such person shall be sentenced to pay a fine of not less than \$100 nor more than \$1,000, plus any and all of the costs and expenses of prosecution including, without limitation, any and all of the Borough's professional, engineer, and attorney fees incurred by the Borough to enforce this ordinance. Each day a violation continues is a separate violation.

3. If any person fails to comply with any notice or order provided for in Section 106 within thirty (30) days after the date of such notice or order, then the Council may, but is not required, to cause such dangerous structure to be vacated, repaired, removed or demolished by the Borough, in which case the violator shall be responsible for reimbursing and paying all of the Borough's costs and expenses for taking such actions and otherwise enforcing this ordinance (regardless of whether the Borough outsources any of such services or provides the services itself) including, without limitation, any and all professional, engineer, and attorney fees incurred by the Borough to enforce this ordinance with or without taking formal legal action. And all such costs, expenses, and fees shall constitute a charge and lien against the land upon which the dangerous building or structure exists, for which the Borough also may file a municipal lien, and/or recover and collect in a civil legal action at law against the owner such costs, expenses, fees, and the maximum applicable penalties described above in Sections 107.1 or 107.2. This subsection is separate from and in addition to the fines, penalties, fees, expenses, and costs that may be imposed by any other section of this Ordinance.
4. The Borough also may file any and all types or kinds of legal actions in equity in order to enforce this ordinance.
5. All of the enforcement remedies described in this ordinance shall be in addition to and may be enforced concurrently, simultaneously, or in any other order with any one or more remedies provided in this ordinance or any other applicable law.

§108. Emergency Repair, Vacation or Demolition. In cases where it reasonably appears that there exists an immediate danger to the life or safety of any person caused or created by a dangerous structure, the Borough has the authority, but not the obligation, to immediately enter the premises and effect (by its Borough's Manager or Assistant Manager, employees, staff, or agents, or through contractors or other persons designated by the Council or the Borough's Manager or Assistant Manager) any and all immediate vacating of persons or properties, repairs, removals, or demolition of the dangerous structure. The costs of such emergency vacations, repairs, removals or demolition of such dangerous structures shall be recovered and collected as provided for in Section 107 of this Ordinance or any other applicable law.

Section 2. Severability. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Borough that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

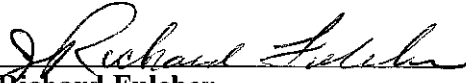
Section 3. Repealer. All other Borough ordinances, resolutions, rules, regulations, or parts of any of the foregoing, that are in conflict with this Ordinance are hereby repealed only to the extent of such conflict.


Section 4. Continuing Validity. Except as specifically described or provided herein, all relevant codes, ordinances, resolutions, regulations, rules, plans, and policies of the Borough shall remain in full force and effect as previously enacted and amended.

Section 5. Effective Date. This Ordinance shall be effective on the date of enactment.

DULY ORDAINED AND ENACTED on November 4, 2025 by the Borough Council in lawful session duly assembled.

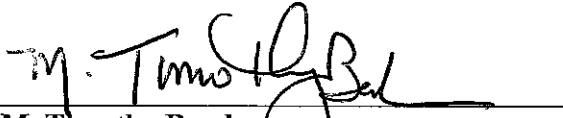
ATTEST:


J. Richard Fulcher
Borough Secretary

BOROUGH OF NEW HOLLAND
Lancaster County, Pennsylvania
By: 
Patrick K. Morgan
Borough Council President

APPROVED on November 4, 2025 by:

[Borough Seal]


M. Timothy Bender
New Holland Borough Mayor