

OFFICIAL

**TOWNSHIP OF MOON
ORDINANCE NO. 579**

AN ORDINANCE OF THE TOWNSHIP OF MOON, ALLEGHENY COUNTY, PENNSYLVANIA, ADOPTING A NEW CHAPTER 117 OF THE MOON TOWNSHIP CODE OF ORDINANCES, HISTORIC DISTRICTS, TO CREATE AND REGULATE HISTORIC DISTRICTS WITHIN THE TOWNSHIP.

WHEREAS, the Pennsylvania Historic District Act, 53 P.S. §8001 *et seq.*, as amended, authorizes the Township of Moon (the "Township") to create and define a historic district within the Township and to establish regulations related thereto; and


WHEREAS, in order to maintain, preserve and protect the public health, safety and welfare, the Board of Supervisors of the Township desires to adopt a new Chapter 117 of the Moon Township Code of Ordinances, Historic Districts to: create a historic district within the Mooncrest neighborhood of the Township; define the district limits; provide for the appointment of a Historical Architectural Review Board (HARB) to give recommendations to the Township Board of Supervisors regarding the issuance of Certificates of Appropriateness in connection with the granting or refusal of permits for the erection, addition, reconstruction, demolition or razing of any building within the historic district and for appeals from such refusals; and provide for notification to the Pennsylvania Historical and Museum Commission (PHMC) of the adoption of this Ordinance and the receipt of a certificate as to the historical significance of the historic district from the PHMC.

NOW, THEREFORE, the Board of Supervisors of the Township of Moon hereby ordains and enacts as follows:

- Section 1:** Chapter 117 of the Moon Township Code of Ordinances, Historic Districts, is hereby adopted in accordance with the attached. Immediately upon the adoption of this Ordinance, the Township Manager shall forward a copy thereof to the Pennsylvania Historical and Museum Commission.
- Section 2:** All prior ordinances are hereby repealed to the extent inconsistent herewith.
- Section 3:** This Ordinance shall take effect in accordance with applicable laws and upon certification by the Pennsylvania Historical and Museum Commission, by resolution, to the historical significance of the historical district referenced in this Ordinance.


ORDAINED and ENACTED this 6th day of October, 2004, by the Board of Supervisors of the Township of Moon in lawful session duly assembled.

ATTEST:



Gregory G. Smith
Township Manager/Secretary
(Seal)

TOWNSHIP OF MOON

By: 

Alexander J. Ropelewski
Chairperson, Board of Supervisors

CHAPTER 117
HISTORIC DISTRICTS

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ARTICLE I
Legal Authorization and Purpose

§117-100. Legal Authorization

Pursuant to authority contained in the Pennsylvania Historic District Act, 53 P.S. §8001 *et seq.*, as amended, this Chapter is hereby established for the creation and regulation of historic districts within the Township of Moon.

§117-101. Purpose and Intent

The historic districts established pursuant to this Chapter are created for the following purposes:

1. As stated in Article I, Section 27 of the Pennsylvania Constitution states: “The people have the right to clean air, pure water, and to the preservation of the natural, scenic, historic and aesthetic values of the environment. Pennsylvania’s public natural resources are the common property of all the people, including generations yet to come. As trustees of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.”

2. The purpose and intent of this Chapter is to promote, protect, enhance, perpetuate, and preserve historic districts for the educational, cultural, economic and general welfare of the public through the preservation, protection and regulation of buildings, structures, and areas of historic interest or importance within the Township; to safeguard the heritage of the Township by preserving and regulating historic districts which reflect elements of its cultural, social, economic, political, and architectural history; to preserve and enhance the environmental quality of neighborhoods; to strengthen the Township's economic base by the stimulation of the tourist industry; to establish and improve property values; to foster economic development; to foster civic pride in the beauty and accomplishments of the Township past; and to preserve and protect the cultural, historical and architectural assets of the Township for which the Township has been determined to be of local, state or national, historical and/or architectural significance.

ARTICLE II

Definitions

§117-200. Definitions and Word Usage

- A. Certain words used in this Chapter are defined below. Words used in the present tense shall include the future. The singular shall include the plural and the plural the singular. The word "shall" is mandatory and not permissive.

- B. For the purpose of this Chapter, the following words or terms shall have the specific meanings indicated:

ALTERATION - Any act or process requiring a building permit under the Township Construction Code [Chapter 72] and any other act or process not requiring a building permit but specifically listed in this Chapter as a reviewable action, including without limitation the repair, replacement, reconstruction, demolition or relocation of any structure or object, or any part of a structure which is visible from the public way.

BUILDING - Any structure used or intended for supporting or sheltering any use or occupancy (human or animal), including manufactured homes.

BUILDING PERMIT - An approval statement signed by the Township Building Code Official authorizing the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or part of any building or structure within a historic district.

BUILDING PERMIT APPLICATION - The request for a building permit filled by any person with the Township Building Code Official that seeks authorization to erect, alter, reconstruct, repair, restore, demolish, or raze all or a part of any building or structure within a historic district that requires a certificate of appropriateness.

CERTIFICATE OF APPROPRIATENESS - The approval statement issued by the Township Board of Supervisors which certifies to the historical appropriateness of a particular request for the erection, addition, reconstruction, demolition or razing of all or a part of any building or structure within a historic district and authorizes the issuance of a building permit for said request.

COMPLETED APPLICATION – An administratively complete permit or certificate of appropriateness application filed with the Township which conforms to the relevant submittal criteria under this Chapter; including the payment of the requisite filing fee.

DEMOLITION - the dismantling or tearing down of all or part of any building and all operations incidental thereto, including neglecting routine maintenance and repairs, which can lead to deterioration and decay.

DEMOLITION BY NEGLECT - The absence of routine maintenance and repair which can lead to a building's or structure's structural weakness, decay and deterioration resulting in its demolition.

ERECTION - The result of construction such as a building, structure, monument, sign or object on the ground or on a structure or building.

HISTORIC DISTRICT - A historic district within the Township established by this Chapter and specifically delineated by Article III hereof.

HISTORIC DISTRICT ACT - The Pennsylvania Historic District Act, 53 P.S. §8001 *et seq.*, as amended.

RECONSTRUCTION - The act or process of reproducing by new construction the exact form and detail of a building, structure, or object, or a part thereof, as it appeared at a specific period of time but not necessarily of original material.

SIGN - Any display, structure or device used to attract attention by work and/or graphic display.

STRUCTURE - Anything constructed or erected, where the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, including buildings, sheds, manufactured homes, carports, garages, fences, gazebos, freestanding signs, billboards, antennas, satellite

sending or receiving dishes, vending machines, decks, porches and swimming pools.

TOWNSHIP - The Township of Moon

TOWNSHIP BOARD OF SUPERVISORS – The Board of Supervisors of the Township of Moon

TOWNSHIP BUILDING CODE OFFICIAL - The individual(s) employed or retained by the Township to administer and enforce this Chapter and/or the Township Construction Code [Chapter 72].

TOWNSHIP HISTORICAL ARCHITECTURAL REVIEW BOARD (HARB) - The Township agency that advises the Township Board of Supervisors on any request (including but not limited to a building permit application or request for certificate of appropriateness) for authorization to erect, alter, reconstruct, repair, restore or demolish all or part of any building within a historic district.

Article III Delineation and Interpretation of Districts

§117-300. Delineation of Historic Districts.

- A. **Mooncrest Heritage Conservation District:** The Mooncrest Heritage Conservation District, as described on the map attached hereto and incorporated herein as Exhibit “A”, is hereby created and established as a historic district pursuant to the Historic District Act and this Chapter.
- B. Reserved.

Article IV Historical Architectural Review Board

§117-400. The Creation and Membership

- A. **Creation.** Pursuant to §8003 of the Historic District Act, a Historical Architectural Review Board (HARB), is hereby established for Moon Township.
- B. **Membership.** The HARB shall consist of five (5) members appointed by the Township Board of Supervisors to hold office at the pleasure of the Township Board of Supervisors. The membership of HARB shall be as follows:
 - 1. One (1) member shall be a registered architect;
 - 2. One (1) member shall be a licensed real estate broker;

3. One (1) member shall be a building inspector;
4. One (1) member shall reside within a historic district and have knowledge of and interest in the preservation of historic districts(s); and
5. One (1) member shall reside within the Township and have knowledge of and interest in the preservation of historic districts.

Each member of the HARB shall be appointed for a term of six (6) years or until his/her successor is appointed and qualified, which term shall expire on the first Monday of January of the year designated for the expiration of his/her term, except that the terms of the members first appointed pursuant to this Chapter shall be so fixed so that the term of office of one (1) member shall expire each year. An appointment to fill a vacancy shall be only for the unexpired term.

- C. **Conflict of Interest.** Each member of the HARB shall comply with the requirements of the Public Official and Employee Ethics Act, 65 Pa.C.S.A. §1101 *et seq.*

§117-401. Organization of HARB; Regulations and Procedures

- A. **Organization.** The HARB shall elect from its own membership a chairperson, vice-chairperson and such other officers as it deems appropriate, who shall serve annual terms as such and may succeed themselves.
- B. **Records.** The HARB shall keep full public records of its business, which records shall be the property of the Township, and shall submit a report of its activities to the Township Board of Supervisors as requested.
- C. **Regulations and Procedures.** The HARB is authorized to establish policies and procedures necessary to carry out its duties as long as any such policies and procedures do not conflict with the provisions of the Historic District Act, this Chapter, the Moon Township Code of Ordinances, or any other ordinance of the Township.
- D. **Secretary of the HARB.** The Township Manager, or his designee, shall act as Secretary to the HARB. The Secretary shall file a detailed record of all proceedings in the Township Manager's office.

§117-402. Powers and Duties of HARB

- A. **Advisory Role.** HARB shall have the following powers and duties:

1. All powers and duties as provided by the Historic District Act, this Chapter and any other ordinances adopted from time to time by the Township Board of Supervisors.
2. To provide recommendations to the Township Board of Supervisors regarding the advisability of issuing any certificate of appropriateness required to be issued pursuant to the Historic District Act and/or this Chapter.
3. To conduct a survey of buildings, structures, objects and monuments for the purpose of determining those of historic and/or architectural significance and pertinent facts about them; action in coordination with the Township's Planning Commission, Zoning Hearing Board, and other appropriate groups and to maintain and periodically revise the detailed listings (resource inventories) of historic resources and data about them, appropriately classified with respect to national, state and local significance in accordance or consistent with the Pennsylvania Historical and Museum Commission's "Cultural Resource Management in Pennsylvania: Guidelines for Historic Resource Surveys."
4. To propose, from time to time as deemed appropriate, the establishment of additional historic districts and revisions to existing districts.
5. To formulate recommendations concerning the establishment of an appropriate system for selected historic and/or architectural sites and buildings including proposals for the installation and care of such historic markers.
6. To formulate recommendations concerning the preparation and publication of maps, brochures and descriptive material about the Township's historical and/or architecturally significant sites and buildings.
7. To cooperate with and advise the Township Board of Supervisors and other Township agencies in matters involving historically and/or architecturally significant sites (such as appropriate land usage, parking facilities and signs, as well as adherence to lot dimensional regulations and minimum structural standards).
8. To cooperate with and enlist assistance from the National Park Service, the National Trust for Historic Preservation, Preservation Pennsylvania, the Pennsylvania Historical and Museum Commission and other agencies, public and private from time to time, concerned with the preservation of historic sites and buildings.

9. To advise owners of historic buildings regarding rehabilitation, repairs, maintenance methods and technologies, adaptive use, economic and tax incentives and other historic preservation strategies.
 10. To promote public interest in the purpose of this Chapter by carrying on educational and public relations programs.
- B. **Annual Reports.** The HARB shall make an annual report to the Township Board of Supervisors which shall include:
1. any recommendations for changes in this Chapter;
 2. the number and types of cases reviewed;
 3. the number of cases for which a certificate of appropriateness was either approved or denied;
 4. number of HARB meetings which each member attended;
 5. historic preservation related training which each member attended; and
 6. a narrative summary describing the state of preservation in the Township's historic districts with recommendations in policy, goals, and objectives for consideration by the Township Board of Supervisors.
- C. **Power to Employ and Contract.** The HARB may employ persons, whose salaries and wages and other necessary expenses of the HARB, are approved by the Township Board of Supervisors. The HARB may contract for professional services, the costs and expenses of which, when approved by the Township Board of Supervisors, shall be provided for through proper appropriation by the Township Board of Supervisors.
- D. **Meetings.** The HARB shall meet publicly at least once at regularly scheduled intervals. Further, HARB may hold any additional meetings it considers necessary to carry out its powers and duties indicated in this Chapter. Such meetings shall be opened to the public and shall otherwise comply with the Pennsylvania Sunshine Act, 65 Pa.C.S.A. §701 *et seq.*, as amended. A majority of HARB shall constitute a quorum and action taken at any meeting shall require the affirmative vote of a majority of the members present.
- E. **Training.** HARB members are encouraged to annually attend seminars, conferences or workshops related to historic preservation and HARB administration.

ARTICLE V
Design Guidelines

§117-500. Design Guidelines

In determining the recommendations to be made to the Township Board of Supervisors concerning the issuance of a Certificate of Appropriateness, HARB shall consider only those matters that are pertinent to the preservation of the historical and/or architectural aspect and nature of the building, site, area, or district, certified to have historical significance, including the following:

1. Broad historical values representing the cultural, political, economic, or social history of the Township.
2. The relationship of the building or structure to historic personages or events.
3. Significant architectural types representative of a certain historical period and a style of method of construction.
4. The effect of the proposed change upon the general historical and architectural nature of the historic district.
5. The appropriateness of the exterior architectural features, which can be seen from a public street or way.
6. The general design, arrangement, texture, and material of a building or structure and the relation of such factors to similar features of buildings or structures in the historic district. Consideration shall be given but not limited to the following:
 - a. Proportion of Buildings Front Facades –Preserving the relationship between the width of the front of the building and the height of the front of the building.
 - b. Proportion of Openings within the Building—Preserving the relationship of width to height of windows and doors.
 - c. Solids to Voids in the Front Façade –Preserving the relationship between a recurrent alteration of strong and weak architectural elements.
 - d. Spacing of Buildings on Streets—Preserving the existing rhythm of recurrent or repeated building masses to spaces between each building.
 - e. Entrance and/or Porch Projections—Preserving the entrances or porch projections to maintain a pedestrian scale.

- f. Relationship of Materials—Preserving the predominant materials of the district such as brick, stone, stucco, wood siding, or other material.
 - g. Relationship of Textures —Preserving the predominant textures of the district which may be smooth, such as stucco or rough such as brick with tooled joints or horizontal wood siding or other textures.
 - h. Relationship of Architectural Details—Preserving character defining features of buildings, such as architectural details including but not limited to, cornices, lintels, arches, quoins, balustrades and iron work, chimneys, etc...
 - i. Relationship of Roof Shapes—Preserving compatible roof shapes such as gable, mansard, hip, flat, gambrel, and/or kinds of roof shapes.
 - j. Walls of continuity—preserving physical elements, which comprise streetscapes such as brick walls, wrought iron fences, building facades or combinations of these that form visual continuity and cohesiveness along the street.
 - k. Directional Expression of Front Elevation—Preserving the orientation of structural shapes, plan of openings and architectural detail that reflect a predominantly vertical, or horizontal character to the building’s façade.
 - l. Scale—Preserving the scale of the built environment created by the size of units of construction and architectural detail that relate to the size of persons. In addition, preserving building mass in its relation to open space.
 - m. Variations—The HARB shall grant variations in a manner that will be in harmony with the character of other buildings or structures on the street and/or historic district.
7. The height of any new building or structure shall not exceed the height of the tallest adjacent building or structure by ten (10) percent. This requirement shall also apply to any proposed modifications to existing buildings or structures.
 8. In such rare cases where there HARB recommends and the governing body approves demolition of a historic building or structure, a good faith effort shall be made by the Township and the subject property owner(s) to move said building or structure to a proximate site. If moving a building or structure slated to be demolished is economically or practically infeasible, efforts shall be made to salvage architectural features of said building or structure for use within the Township.

9. All other Township laws and ordinances shall be complied with, including the Township Zoning Ordinance [Chapter 208] and Township Subdivision and Land Development Ordinance [Chapter 188].

§117-501. Signs

- A. No sign or permanent external advertising display of any kind shall be erected, altered or used in the historic district except to inform the public of a service, business, occupation or profession carried on, in, or about the property on which such sign of permanent external advertising display appears. In conjunction with this, no such sign or advertising display of any kind or for any purpose shall be erected or altered, notwithstanding zoning sign approval, until an application for permit to make such erection or alteration has been reviewed by HARB for its conformity in exterior material composition, exterior structural design, external appearance and size with similar advertising or information media used in the architectural period of the district and a permit granted thereon.
- B. All other requirements of Township Ordinances shall be complied with. Historical markers may be authorized by HARB subject to the provisions stipulated and such markers shall not be considered as signs but are to be erected in accordance with the established requirements.

ARTICLE VI

Administration: Application Review Procedures

§117-600. Application Review Procedure.

- A. **Application.** Upon receipt of a completed application for a building permit or a certificate of appropriateness for work to be done in a historic district, the Township Building Code Official shall act in accordance with the Township Construction Code [Chapter 72] procedures, except as those procedures are modified by the following requirements:
 1. The Township Building Code Official shall forward to the HARB copies of the completed application, together with copies of any plot plan and building plans and specifications filed by the applicant.
 2. The Township Building Code Official shall not issue a building permit for any erection, addition, reconstruction or demolition of all or part of any building in a historic district until the Township Board of Supervisors has issued a certificate of appropriateness. If the Building Code Official issues a building permit without a certificate of appropriateness due to an administrative or clerical error said building permit shall be voided.

3. Anyone proposing to alter, reconstruct, repair or restore all or part of any building in a historic district should come before the HARB for an informal discussion prior to filing a completed application for a building permit or certificate of appropriateness.
4. The Township Building Code Official shall require applicants to submit a sufficient number of additional copies of material required to be attached to a completed application so that the information needed to make the determination set forth in §117-600 (G) 1-8 will be available.
5. The Township Building Code Official shall maintain in his office a record of all such applications and final dispositions of the same.

B. **HARB Review of Applications.** Upon receipt of a completed application for a building permit or certificate of appropriateness under the jurisdiction of this Chapter, HARB shall consider, but need not act upon, such application at its next regularly scheduled meeting.

1. **Notification of Application of HARB Meeting.** The owner of record or his or her representative(s) applying for a certificate of appropriateness and/or a building permit shall be advised of the time and place of said meeting and be invited to appear to explain his or her reasons. HARB may invite such other persons as it desires to attend its meeting.
2. **Design Guidelines.** In determining *both oral and written* recommendations to be presented to the Township Board of Supervisors concerning the issuance of a certificate of appropriateness authorizing a permit for the erection, addition, demolition, or demolition by neglect of all or a part of any building within a Historic District, HARB shall consider the Design Guidelines set forth in §§117-500 and 117-501, and such design guidelines developed by the HARB pursuant to and congruent with the objectives of this Chapter.
3. **Time Frame for HARB Decision.** HARB shall render a written decision and recommendation on any application for a building permit or certificate of appropriateness under its review within (45) working days after the first public meeting of the HARB at which the subject application is reviewed. This written decision and/or recommendation shall be submitted to the Township Board of Supervisors.
4. **Application Disapproval by HARB.** If the HARB decides to advise against the granting of a certificate of appropriateness, it shall so indicate to the applicant for a building permit. The disapproval shall indicate to the applicant the changes in plans and specifications, if any, which would protect (1) the distinctive historical character of the historic district and (2) the architectural integrity of the building or structure. The HARB shall

withhold its report for five (5) days to allow the applicant to decide whether or not to make the suggested changes in his plans and specifications. If the applicant determines that he or she will make the necessary changes, he or she shall so advise the HARB in writing, and the HARB shall so advise the Township Board of Supervisors in writing.

5. **Contents of Written Report.** The written report to the Township Board of Supervisors concerning HARB's recommendations on the issuance of a certificate of appropriateness shall set out the findings of fact and shall include but not be limited to the following matters:

- a. The exact location of the area in which the work is to be done.
- b. The exterior changes to be made or the exterior character of the structure to be erected.
- c. A list of the surrounding structures with their general exterior characteristics.
- d. The effect of the proposed change upon the general historic and architectural nature of the district.
- e. The appropriateness of exterior architectural features of the building, which can be seen from a public street or way.
- f. The general design, arrangement, texture, and material of the building and the structure and the relation of such factors to similar features of building or structures in the district.
- g. The opinion of HARB (including any dissent) as to the appropriateness of the work or project proposed as it will preserve or destroy the historic character and nature of the district.
- h. HARB's specific recommendations, based on findings of fact, to the Township Board of Supervisors for the issuance or denial for a certificate of appropriateness.

C. **Township Board of Supervisors Review of Applications.** Upon receipt of the written report from HARB as provided in Subsection G of this section, the Township Board of Supervisors shall consider, but need not act upon, such application at its next regularly scheduled meeting. The applicant shall be advised by the Township Secretary of the time and place of the meeting at which his/her application shall be considered. The applicant shall have the right to attend this meeting and be heard as to the reasons for filing this said application.

1. **Design Guidelines.** In determining whether or not to certify to the appropriateness of the proposed erection, addition or demolition, of all or a part of any building within a historic district, the Moon Township Board of Supervisors shall consider the same factors as HARB set forth in §§117-500 and 117-501 of this Chapter and the HARB written report.
2. **Written Decision.** A letter indicating approval, approval with conditions or disapproval shall be in writing and shall be communicated to the applicant personally or mailed to the applicant at the applicant's last known address within fifteen (15) calendar days following the Township Board of Supervisors decision. If the Township Board of Supervisors denies the completed application, then the written decision shall include the reasons therefore and indicating what changes in the plans and specifications would meet the conditions for protecting (1) the distinctive historical character of the district and (2) the architectural integrity of the building or structure. A copy of this written decision shall be issued to the applicant, the Township Building Code Official and the Pennsylvania Historical and Museum Commission.
3. **Approval by the Township Board of Supervisors.** If the Township Board of Supervisors approves the completed application, it shall issue a certificate of appropriateness authorizing the Township Building Code Official to issue a building permit for the work covered.
4. **Denial by the Township Board of Supervisors.** Upon receipt of a written decision disapproving the application, the Township Building Code Official shall deny the application for a building permit and so advise the applicant. The applicant may appeal this denial to the Allegheny County Court of Common Pleas within the time specified by law.

ARTICLE VII

Unreasonable Economic Hardship

§117-700. Unreasonable Economic Hardship

- A. When a claim of unreasonable economic hardship is made due to the effect of this Chapter, the property owner of record must present evidence sufficient to prove that as a result of the HARB's action, he/she is unable to obtain a reasonable return or a reasonable beneficial use from a resource. The property owner of record shall submit by affidavit to the review board some or all of the information below at the discretion of the HARB.
 1. Date the property was acquired by its current owner.

2. Price paid for the property (if acquired by purchase) and a description of the relationship, if any between the buyer and the seller of the property.
 3. Mortgage history of the property, including current mortgage and the annual debt service, if any, for the previous two (2) years.
 4. Current market value of the property.
 5. Equity in the property.
 6. Past and current income and expense statements for the past two (2) years.
 7. Past capital expenditures during ownership of current owner.
 8. Appraisals of the property obtained within the previous two years.
 9. Income and property tax factors affecting the property.
 10. All appraisals obtained within the previous two (2) years by the property owner or applicant in connection with purchase, offerings for sale, financing or ownership of the property, or a statement from the property owner that none was obtained.
 11. All studies commissioned by the property owner as to profitable renovation, rehabilitation or utilization of any structures or objects on the property for alternative use, or a statement from the property owner that none was obtained.
 12. Estimate(s) of the cost of the proposed erection, reconstruction, alteration, restoration, demolition or razing and an estimate(s) of any additional cost(s) that would be incurred to comply with the recommendations of the HARB for changes necessary for it to recommend approval of a certificate of appropriateness.
 13. Form of ownership or operation of the property, whether sole proprietorship, for-profit or nonprofit corporation, limited partnership, joint venture or other.
 14. Any other information or documentation deemed relevant by the HARB.
- B. Should the HARB determine that the property owner's present return is not reasonable, it must consider whether there are other uses currently allowed that would provide a reasonable return and whether such a return could be obtained through investment in the property for rehabilitation purposes. The HARB may choose to recommend to the Township Board of Supervisors that special

economic incentives be developed to assist the property owner in maintaining it and obtaining a suitable economic return or achieving a reasonable beneficial use.

- C. The HARB may seek the assistance of appropriate local, statewide or national preservation organizations in developing solutions, which would relieve the property owner's economic hardship. If the HARB chooses to explore such options, the review board may delay issuing a certificate of appropriateness for demolition on the basis of economic hardship for a period of ninety (90) days in addition to time periods otherwise applicable.
- D. Should the applicant satisfy the HARB that he/she will suffer an unreasonable economic hardship if a certificate of appropriateness is not approved, and should the HARB be unable to develop with the Township or appropriate local, statewide and national preservation organization a solution which can relieve the owner's economic hardship, then the HARB shall recommend a certificate of appropriateness for demolition.

ARTICLE VIII

Demolition by Neglect

§117-800. Demolition by Neglect

All buildings and structures within a historic district shall be maintained in good repair, structurally sound, and reasonably projected against decay and deterioration. Examples of such deterioration include:

1. Deterioration of exterior walls or other vertical supports.
2. Deterioration of roofs or other horizontal members.
3. Deterioration of exterior chimneys.
4. Deterioration of crumbling of exterior stucco or mortar.
5. Ineffective waterproofing of exterior walls, roofs, or foundations, including broken window or doors.
6. Deterioration of any feature so as to create a hazardous condition, which could lead to the claim that a demolition is necessary for the public safety.

ARTICLE IX
Enforcement

§117-900. Notice of Violation

- A. **Notice to Person Responsible.** Whenever the Township Building Code Official determines that there has been a violation of this Chapter or has grounds to believe that a violations has occurred (such as through the (1) failure to apply for a certificate of appropriateness or a building permit required for the erection, addition, demolition, demolition by neglect or razing of any building or structure which can be seen from a public way, and (2) failure to comply with HARB approved work) notice shall be given in the manner prescribed in Subsections B and C, below, to the person responsible for the violation and/or the owner of the subject property.
- B. **Form.** Such notice prescribed in Subsection A, above, shall be in accordance with the following:
1. Be in writing.
 2. Include a description of the subject property sufficient for identification.
 3. Include a statement of the violation or violations and why the notice is being issued.
 4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the subject property and/or structure into compliance with the provisions of this Chapter, and/or to abate the violation.
- C. **Method of Service.** Such notice shall be deemed to be properly served if a copy thereof is:
1. Delivered personally;
 2. Sent by certified mail or regular first-class mail to the last known address; and/or
 3. Posted in a conspicuous place on the subject property in or about the structure affected by such notice.

§117-901. Enforcement

The Township Building Code Official or his/her designated representative shall have the power to institute any proceedings at law or in equity necessary for the enforcement of this Ordinance.

§117-902. Penalty

Any person who violates a provision of this code, or fails to comply therewith, or with any of the requirements thereof, shall be, upon conviction thereof in an action brought before the district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, sentenced to pay a fine of not less than \$300.00 nor more than \$1,000.00, plus all court costs including reasonable attorney's fees incurred by the Township, and to imprisonment to the extent permitted by law for the punishment of summary offenses. A separate offense shall arise for each day or portion thereof in which a violation is found to exist or for each section of the code found to have been violated. In addition to any other remedy available under law, the Township may enforce this code by an action in equity. All fines and penalties collected for violation of this code shall be paid to the Township Treasurer. The initial determination of ordinance violation and the service of notice of violation are hereby delegated to the Township Manager, the Police Chief, the Township Building Code Official, the Township Code Enforcement Officer, the Zoning Officer and their designees and to any other officer or agent that the Township Manager or the Board of Supervisors deems appropriate.