

TOWNSHIP OF NEWTOWN
DELAWARE COUNTY, PENNSYLVANIA



HISTORIC PRESERVATION ORDINANCE

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TABLE OF CONTENTS

ARTICLE 1	PURPOSES.....	1
ARTICLE 2	DEFINITIONS.....	2
2.1	Definitions.....	2
ARTICLE 3	ESTABLISHMENT OF HISTORICAL COMMISSION.....	4
3.1	Establishment, Membership and Qualifications.....	4
3.2	Terms and Vacancies.....	5
3.3	Payment of Expenses.....	5
3.4	Removal of Historical Commission Member.....	5
3.5	Organization.....	5
3.6	Meetings.....	5
3.7	Expenditures for Services.....	5
3.8	Functions and Duties.....	6
ARTICLE 4	HISTORIC RESOURCES MAP AND INVENTORY.....	7
4.1	Designation of Historic Resources on Map.....	7
4.2	Official Inventory.....	7
4.3	Classification of Historic Resources.....	7
4.4	Revisions to Historic Resource Inventory and Map.....	8
ARTICLE 5	PRESERVATION INCENTIVES AND REGULATED ACTIVITIES.....	9
5.1	Lawful Use.....	9
5.2	Change of Use of a Historical Resource.....	10
5.3	Criteria for Addition or Alteration.....	10
5.4	Demolition and Demolition by Neglect.....	13
5.5	Administrative Application Process.....	13
5.6	Public Meetings.....	13
5.7	Time Extension.....	13
ARTICLE 6	OTHER DUTIES AND RIGHTS OF HISTORICAL COMMISSION AND TOWNSHIP.....	14
6.1	Information on Historic Preservation.....	14
6.2	Preservation Fund.....	14
6.3	Purchase of Property by Eminent Domain.....	15
6.4	Purchase and Resale of Historic Resource.....	15
6.5	Accept Qualified Conservation Easements.....	15
ARTICLE 7	ENFORCEMENT.....	15
7.1	Enforcement.....	15
7.2	Permits Required.....	15
7.3	Fines & Penalties.....	15
7.4	Fines for Participating Parties.....	15
7.6	Reimbursement of Fees and Costs.....	16

TOWNSHIP OF NEWTOWN HISTORIC PRESERVATION ORDINANCE

ARTICLE 1 PURPOSES

The Township has adopted this Ordinance because the community places a high value on the preservation of the remaining Historic Resources in the Township. The people of Newtown Township have adopted this Historic Preservation Ordinance for the following purposes:

1.1 To implement the goals of the Pennsylvania Constitution at Article I, Section 27, which establishes the State policy of encouraging the preservation of historic and aesthetic resources.

1.2 To advance the legitimate public interests of the Township and its citizens through the protection of its historic resources.

1.3 To implement the goals of the Pennsylvania Municipalities Planning Code which require that each Township provide in its comprehensive plan for the protection of its natural and historic resources, and permits the regulation, restriction and prohibition of uses and structures at, along or near places having unique historical, architectural or patriotic interest or value.

1.4 To identify as Historic Resources and protect those historic buildings, farms, and Historic Settings in our Township which represent our heritage as one of the oldest planned settlements in Pennsylvania, in order to preserve them for the education, use and enjoyment of future generations.

1.5 To balance the rights of the community to its heritage in the Historic Resource with the property rights of the landowner.

1.6 To promote the continued use and adaptive re-use of the Historic Resources by private individuals, and in certain cases as public buildings, by granting to these owners additional rights to use the Historic Resources, additional incentives for preserving them, and expertise to assist them in finding available sources of funds, credits and grants for their preservation efforts.

1.7 To establish the Historical Commission as a resource to assist property owners to find historical information about their property, information concerning expertise in historic preservation, stabilization, rehabilitation and reconstruction, and information concerning funding that may be available for preservation projects.

1.8 To preserve the exterior appearance of the Historic Resources and their Historic Setting by creating a process by which the expertise of the Historical Commission is made available for the review of proposed alterations to the Historic Resource.

1.9 To recognize that Historic Resources that have been maintained for more than one hundred years are generally well designed and well constructed, have usually been well

maintained by their previous owners, have found new and economic uses through a series of generations, and that their proposed Demolition generally represents a failure to consider the historic value to the Township of these resources, and a failure to consider other economic uses that may be made of the Historic Resource. Recognizing that each generation holds our heritage in trust for future generations, we seek to preserve this heritage by seeking all possible means to preserve our Historic Resources from Demolition.

ARTICLE 2 DEFINITIONS

2.1 Definitions.

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this Ordinance to have the meanings indicated below:

“Alteration” means any act or process requiring a building permit, and which additionally involves:

- (i) The repair, replacement, reconstruction, demolition or relocation of the exterior of any structure or object, or any part of a structure which is visible from the public way; or
- (ii) Any proposed alteration, rehabilitation or addition to a Historic Resource that involves a change in any exterior architectural feature of the Historic Resource; or
- (iii) The addition of a structure connected to the existing Historic Resource; or
- (iv) A change in the materials, design, dimensions or configuration of any architectural features that currently exist on the exterior structure of the Historic Resource, as further described in [Section 5.3](#) of this Ordinance.

The purpose of reviewing Alterations to Historic Resources is not to review items of ordinary maintenance and repair, paint colors, general landscaping, or temporary holiday decorations. These items are not Alterations under this Ordinance, and therefore no application needs to be filed for these matters. However, Alterations not falling within these exceptions shall be subject to review and approval.

“Board” means the Board of Supervisors of Newtown Township.

“Building Inspector” shall be the officer or officers appointed by the Township to perform inspection and approval work in connection with the operation of the Township’s building code.

“Cultural studio/facility” A studio used for artistic instruction or education used by artists, photographers, dancers, craftsmen, artisans and/or used by artists to produce artistic objects and/or a facility for public viewing of artistic, educational or historic objects that would allow the selling of the objects on view, such as museums, galleries, as well as antique shops, provided that it includes only the display and sale of objects and does not include the repair, finish, or refinish of objects

“Demolition” means the purposeful destruction of a Historic Resource or any material part of a Historic Resource, or the removal of any material part of a Historic Resource from its location on the property to a different location. The term includes the removal or stripping of any architecturally significant exterior features from the Historic Resource. The term also includes any “Demolition by neglect”, which is 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 (except with respect to ruins existing at the time of adoption of this Ordinance), whether by ordinary negligence or willful neglect, purpose or design, by the owner or any party *in possession thereof.

“Educational/Conference Center” A facility for educational and business conferences, including teleconferencing, as well as private parties and gatherings, to include the preparation and serving of food and beverage to the guests, but does not include a public restaurant.

“Educational farm” A facility making use of its farming facilities and usage to provide instruction in farming history, methods, techniques and/or farm animals.

“Historical Commission” means the Historical Commission of Newtown Township.

“Historic Resource” means those buildings, structures, archeological sites, ruins, natural objects, Historic Settings and other resources that have been designated as protected under this Ordinance and located on the Historic Resources Map identified in [Section 4.1](#), or any future amendments or additions to this Ordinance or the Historic Resources Map.

“Historic Resource Impact Study” means the study of a historic resource and impacts of proposed changes using professionally accepted means and standards for research and report preparation.

“Historic Setting” means the principal structure or structures constituting the Historic Resource, and any other significant architectural and historic (and, if applicable, historic engineering) elements of a property and its associated Landscape Features that should be preserved to respect the historic pattern of use of the Historic Resource; to respect the interrelationship of the historic features of the property; and to provide for an adequate visual buffer for the principal structure or structures and, where appropriate, for an adequate visual buffer for the other historic features of the site by use of open areas and appropriate plantings, so that in implementation of these standards, a historic protection area is created around the historic features on the property.

“Home Occupations” home occupations may be located in any Historic Resource on a particular property in conjunction with the residential use of the property, in accordance with applicable Township ordinances governing such home occupation uses.

“House Museum” A museum to showcase the Historic Resource which may include period furnishings.

“Inventory” means the Historic Resource inventory to be prepared and maintained as provided in [Section 4.2](#).

“Landscape Feature” means and includes natural elements such as landforms, hillsides, streams, ponds, forests, and meadows that influence the location and organization of an Historic Resource or other Landscape Features; boundary demarcations (e.g. fences, walls, planted tree lines, hedgerows, drainage ditches, or even natural features such as the use of a river or hill to form a property line); vegetation, including functional and ornamental trees, shrubs, crops in fields, tree lines along walls and roads, orchards, groves, wood lots, pastures, gardens, shelter belts and grasslands; structures other than buildings may include cemeteries, canals, bridges, dams, earthworks, tunnels, silos, and monuments; archeological sites, such as road traces, reforested fields, ruins of early or pre-history settlements, farmsteads, mills, mines, irrigation systems, piers, wharves and quarries. The sites of prehistoric or historic activities or occupation may be marked by foundations, ruins, changes in vegetation and surface remains.

“Ordinance” means this Historic Preservation Ordinance, as it may from time to time be amended, as well as any regulations, orders or ordinances relating to Historic Resources subsequently adopted or enacted pursuant to any authority given in this Ordinance or by law.

“Planning Commission” means the Planning Commission of Newtown Township.

“Public Garden” A garden open to the public.

“Society” means the Newtown Square Historical Society.

“Standards and Guidelines” means the most recent edition of the Secretary of the United States Department of the Interior’s Standards for Rehabilitation and the most recent edition of the Secretary of the Interior’s Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings. Copies of the current Standards and Guidelines are attached to this Ordinance, identified as Exhibit C, and incorporated herein by this reference.

“Township” means Newtown Township, Delaware County, Pennsylvania, acting through its Township Supervisors, Township Manager, Building Inspector, Township Secretary or other agents as appropriate.

“Zoning Hearing Board” means the Zoning Hearing Board of Newtown Township.

“Zoning Officer” shall be the officer or officers appointed by the Township to perform inspection and approval work in connection with the operation of the Township’s zoning code.

ARTICLE 3 ESTABLISHMENT OF HISTORICAL COMMISSION.

3.1 Establishment, Membership and Qualifications.

There is hereby established a Historical Commission that will function as an advisory entity to the Board of Supervisors, Planning Commission and Building Inspector. This Historical Commission will consist of seven members. Each member must be a resident of the Township, and must have knowledge of and a genuine interest in historic preservation. At least three

members of the Historical Commission shall be the Building Inspector, a registered architect or engineer, and a licensed real estate broker. The Society shall provide the Board with a list of qualified individuals who may be willing to serve on the Historical Commission. The Board will appoint seven qualified individuals in its sole discretion.

3.2 Terms and Vacancies.

Each Historical Commission member shall serve for a term of four years. The terms shall be fixed so that no more than two terms shall expire each year (except in one year out of four when only one term expires). The Historical Commission shall notify the Board of any vacancies in the Historical Commission. Appointments to fill vacancies for unexpired terms shall be only for the unexpired portion of the term.

3.3 Payment of Expenses.

Members of the Historical Commission shall serve without pay, but shall be reimbursed for any personal expenditures in the conduct of Historical Commission business within budget guidelines previously approved by the Board.

3.4 Removal of Historical Commission Member.

The Board may in its discretion remove any member of the Historical Commission from office for inefficiency, neglect of duty, misfeasance or malfeasance in office or conflict of interest.

3.5 Organization.

The Historical Commission shall annually elect from its own membership a Chairman, who will direct the activities of the Historical Commission, and such other officers as may be required for the conduct of its business. A quorum shall be not less than a majority of the current membership. The Historical Commission may make, alter and rescind rules and forms for its procedures consistent with the ordinances of the Township and the laws and regulations of the Commonwealth. The Historical Commission shall keep full public records of its business and shall submit a monthly report of its activities to the Board of Supervisors.

3.6 Meetings.

The Historical Commission may hold public meetings at least once every three months. The Historical Commission have regularly scheduled meetings (e.g. the 2nd Wednesday of every month). The Historical Commission shall meet as provided in to consider the requested action described in the application. If no applications are presented for review, the purposes of the meetings shall be for education of the Historical Commission members and the public on the aspects of historic preservation.

3.7 Expenditures for Services.

The Historical Commission may employ staff or contract for clerical, consulting, or other technical services, within the budget guidelines previously imposed by the Board.

3.8 Functions and Duties.

The Historical Commission's primary purpose is to advise the Planning Commission and the Board of Supervisors on matters concerning the Historic Resources of the Township. The Historical Commission shall have the following functions and duties:

- A. To gather documentary evidence, illustrations, photographs and other appropriate materials to establish historic sites worthy of listing as Historic Resources, and to maintain a system for the continued survey and inventory of historic buildings, sites, structures, objects and potential historic districts in the Township.
- B. To conduct research on and nominate significant Historic Resources to the National Register of Historic Places and to suggest Class II resources, sites and structures.
- C. To review applications and offer recommendation for any modifications to any Class I or Class II historical resource. Modifications should include demolition, alterations, addition, or changes in use..
- D. To review and offer a recommendation on any subdivision or land development applications that falls within a 250ft boundary of a Historic Resource.,
- E. To maintain an updated inventory that clearly identifies buildings, sites, structures, objects and potential historic districts and their respective classifications on the Historic Resources Map.
- F. To classify Historic Resources, and make recommendations concerning additions, deletions, updates and corrections to the Historic Resources Map.
- G. To consider, promote and apply for technical and financial assistance, through the Township, from appropriate local, county, state, federal and other agencies/organizations in the preservation of significant historical and architectural sites within the Township, and to report all related actions to the Board.
- H. To prepare and submit a proposed yearly budget to the Board for sums deemed necessary to carry out the objectives of the Historical Commission, subject always to Board approval of any such budget.
- I. To assist individual property owners with decisions concerning their use and maintenance of Historic Resources.
- J. To identify Historic Resources suffering from neglect and confer with and advise property owners on steps that should be taken to alleviate and correct neglect situations.
- K. To advise the Township on all requests for special exceptions, conditional uses or variances affecting Historic Resources.

- L. To perform any other activities as might be requested by the Board of Supervisors, Planning Commission or other Township authority.

ARTICLE 4 HISTORIC RESOURCES MAP AND INVENTORY

4.1 Designation of Historic Resources on Map.

Historic Resources in the Township shall be shown on the map attached as Exhibit A and made part of this Ordinance, which shall be designated the “Historic Resources Map”. The Historic Resources Map has initially been prepared as of April 16, 2000. The Historic Resources Map and all the notations, references and other data shown thereon, and the Inventory dated October 8, 2003 attached as Exhibit B hereto that has been compiled by the Society, are hereby incorporated herein by reference, and shall be as much a part of this Ordinance as if all were fully described herein.

4.2 Official Inventory.

The Historical Commission shall maintain an updated Inventory of Historic Resources shown on the Historic Resources Map and their respective classifications for all designated Historic Resources in the Township. The Inventory should identify the Historic Resource(s) on the parcel and identify the parcel by the Delaware County real estate tax identification number.

4.3 Classification of Historic Resources.

The Historic Resources Map delineates Historic Resources in the Township by classification. The two classifications of Historic Resources are defined as follows:

A. Class I Historic Resources:

1. **National Register.** Historic Resources and contributing resources on the National Register of Historic Places.
2. **Determination of Eligibility (“DOE”).** Historic Resources and contributing resources that have received a determination of eligibility (“DOE”) for listing on the National Register of Historic Places.

B. Class II Historic Resources.

A Historic Resource not qualifying as Class I, but determined by the Historical Commission or its historic preservation consultant to meet one or more of the following criteria:

1. Is of significant character, interest or value as part of the development, heritage or cultural characteristics of the Township, County, Region, Commonwealth or Nation, or is associated with the life of a person significant in the past; or

2. Is associated with an event of importance to the history of the Township, County, Region, Commonwealth or Nation, or
3. Embodies an icon associated with an era characterized by a distinctive architectural style; or
4. Embodies distinguishing characteristics of an architectural style or engineering specimen; or
5. Is the noteworthy work of a designer, architect, landscape architect or designer, or engineer whose work has significantly influenced the historical, architectural, economic, social, or cultural development of the Township, County, Region, Commonwealth or Nation; or
6. Contains elements of design, detail, materials or craftsmanship which represent a significant innovation; or
7. Is part of or related to a commercial center, park, community or other distinctive area which should be preserved according to a historic, cultural or architectural motif; or
8. Owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community or Township; or
9. Has yielded, or may be likely to yield, information important in prehistory or history; or
10. Exemplifies the cultural, political, economic, social or historical heritage of the community

4.4 Revisions to Historic Resource Inventory and Map:

- A. **Review:** The Historical Commission shall review the Historic Resources Map and Inventory as needed, but at least once each calendar year, and may recommend the addition to and/or removal of a site as a Historic Resource from the Historic Resources Map and Inventory, based on the criteria identified in Section 4.3 above. The Historic Resource Map and Inventory may be revised, if needed, by the Board of Supervisors based upon recommendations from the Historical Commission after a public hearing.
- B. **Proposed Change:** The Historical Commission, the Board of Supervisors, the Society, or any owner of the existing or proposed Historic Resource can initiate the proposed addition of a property to the Historic Resource Map and Inventory or removal from the Historic Resources Map and Inventory, by written application to the Township explaining the request and the justification for the proposed change.
- C. **Recommendation of Historical Commission:** The Historical Commission shall consider the proposed change at its next regularly scheduled meeting, and may

thereafter conduct such research as may be necessary to support its recommendation concerning the proposed action. Once it has gathered all necessary research (but no later than ninety (90) days following the receipt of the original application proposing such change, unless this time period is extended or waived by the property owner), the Historical Commission shall then make a written recommendation concerning the application.

- D. **Hearing of Board of Supervisors:** The Board of Supervisors shall set a hearing date within sixty (60) days of receipt of the Historical Commission's recommendation, and shall give to the owners of any property that is proposed to be removed from or added to the Historic Resources Map, a written notice of the Historical Commission's recommendation to the Board of Supervisors and a notice of hearing date at least thirty (30) days prior to the public hearing at which the proposed action will be discussed. At the hearing, the Board shall hear from all interested parties, and shall thereafter make a written decision on the proposed action within ten days of the date of the last such hearing.
- E. **Burden of Proof:** In the proceedings to either add, remove or reclassify a property as an Historic Resource, the burden of proof shall be on the applicant proposing such change to show that the property either meets or does not meet any one of the applicable criteria for the classification being proposed.
- F. **Changes Reflected on Map:** The Historic Resources Map and Inventory shall be deemed amended as of the date of the Board's decision to reflect the addition or removal that may have been approved by the Board. A Class II Historic Resource that subsequently qualifies as a Class I Historic Resource shall be deemed reclassified as such upon receipt by the Township of written evidence of the qualifying event, and the Historic Resources Map and Inventory shall be deemed amended as of the date of the qualifying event.
- G. **Right of Appeal:** Any person aggrieved by a final decision of the Board shall have the right of appeal with the Court of Common Pleas of Delaware County in accordance with the applicable provisions of the Municipalities Planning Code.

ARTICLE 5 REGULATED ACTIVITIES

5.1 The lawful use of an existing historic resource may continue as long as it remains otherwise lawful.

5.2 Change in Use of a Historical Resource. The following uses are permitted by Conditional Use. These uses supersede the uses in the underlying zoning district when they apply to Class I or Class II identified Historic Resources.

- **Cultural studio/facility.**
- **Educational/Conference Center.**
- **Public Garden.**

- **House Museum.**
- **Educational farm.**
- **Home Occupations.**

A. Change in Use. In determining whether to approve or reject the proposed Change in Use, the Historic Commission and the Board of Supervisors shall therefore consider the following:

1. Provide a Site Plan showing all buildings and structures and all Historic Resources on the property
2. The use conforms to applicable fire and safety regulations.
3. There is sufficient off-street parking to accommodate the use.
4. Lighting is limited to provide sufficient lighting for safety and security of customers of the establishment, but does not impinge on the neighboring residential character, as determined by the Township, or a lighting consultant designated by the Township.
5. Conditional uses open to the public have hours of operation limited to 9:00 a.m. to 5:00 p.m., unless the owner seeks and is granted permission from the Board of Supervisors.
6. The applicant shall provide evidence that the change will provide minimal impact to the historical resource or the immediate neighborhood.
7. At any conditional use hearing, a representative from the Historical Commission, when requested by the hearing body, may be present and offer testimony and evidence on behalf of the Historical Commission.
8. Adequate sewer capacity
9. A Historic Resource Impact Study or Archaeological Study may be requested
10. Significant improvements that qualify as Land Development shall be approved in accordance with normal planning procedures at outlined in Chapter 148 of the Newtown Township General Code.

5.3 Addition or Alteration of a Historic Resource.

A. Addition or Alteration. In determining whether to approve or reject the proposed alteration or addition, the Historic Commission and the Board of Supervisors shall therefore consider the following:

1. Provide a Site Plan showing all buildings and structures and all Historic Resources on the property

2. provide evidence that the proposed alterations or additions do not change the character of the historic resource
3. provide architectural plans showing the method of construction used in the alteration or addition proving that it will retain the historical character of the structure
4. photographic evidence of current condition of structure
5. Secretary of the Interior's Standards and Guidelines (exhibit C). Any proposed exterior alteration of a Historic Resource must be consistent with the Standards and Guidelines
6. Significant improvements that qualify as Land Development shall be approved in accordance with normal planning procedures as outlined in Chapter 148 of the Newtown Township General Code.
7. A Historic Resource Impact Study or Archaeological Study may be requested

5.4 Demolition & Demolition by Neglect of a Historic Resource.

A. Demolition In determining whether to approve or reject the proposed Demolition, the Historical Commission and the Board of Supervisors shall therefore consider the following:

1. Provide a Site Plan showing all buildings and structures and all Historic Resources on the property
2. To what extent the Historic Resource embodies the broad historical values representing the cultural, political, economic, or social history of the Township.
3. The relationship of the Historic Resource with historic personages or events of the Township, Delaware County, the Commonwealth of Pennsylvania or the United States.
4. Whether the Historic Resource contains notable architectural types representative of a certain period and a style or method of construction.
5. The effect of the proposed Demolition upon the general historic and architectural nature of the Township.
6. The effect of Demolition on the historical significance and architectural integrity of neighboring Historic Resources.
7. The Applicant shall explore all financial options including the economic feasibility of adaptively reusing the resource proposed for Demolition, including without limitation the additional uses permitted in Section 5.2.
8. Other alternatives to Demolition of the Historic Resource considered by the applicant.

9. To what extent the denial of the application would deny the owner of all economically viable use of his property.

10. The application shall provide evidence establishing the project or structure is not salvageable

11. Photographic evidence of current condition of structure

12. A Historic Resource Impact Study or Archaeological Study may be requested

B. Other considerations for Demolition The Historical Commission will also ensure that the homeowner is fully aware of the following options prior to the demolition permit being issued:

1. **Special Incentives:** Special incentives that may be available to encourage the owner to maintain the structure, such as including the Historic Resource as part of the open space contribution, including it as part of a homeowners' association or permitting additional uses of the Historic Resource as provided under [Section 5.1](#), or granting a qualified conservation easement to obtain tax benefits while preserving the Historic Resource.

2. **Other Financial Resources:** The applicant's consideration and availability of tax incentives, grants, and low interest loans that may be available from conservation societies, or federal, state and local government agencies that would make preservation of the Historic Resource more economically feasible.

3. **Willing Buyer:** Whether there is a proposed buyer of the property who is willing and able to purchase the property, or a part of the property containing the Historic Resource, to preserve, and/or adaptively re-use the Historic Resource.

C. Neglect. No owner of a Historic Resource shall permit the demolition of the Historic Resource by neglect.

5.5 Administrative Application Process

A. The owner of a Historic Resource seeking approval for Change in Use, Additions, Alterations, or Demolition shall make application with the Township on forms promulgated by the Township. Each application that is submitted hereunder shall contain the specific information required by the applicable Section of the Ordinance, and shall be submitted in the number of copies as the Township may reasonably require. The Township may from time to time establish a schedule of filing fees for such applications, to permit it to recover all or a portion of the costs incurred in

processing and hearing such applications. Upon receipt of an administratively complete application, the application shall be placed on the agenda of the next regularly scheduled meeting .

B. Consideration by Building Inspector. The Building Inspector shall perform a review of the application prior to turning the completed application over to the Historical Commission and provide comments as deemed pertinent to the application.

C. Notices.

1. The Historical Commission shall be responsible for notifying the Planning Commission, the Society, the Delaware County Historical Society, the Pennsylvania Historical and Museum Commission, and such other non-profit groups as may have registered with the Township and requested to receive written notices with regard to any applications made pursuant to this Ordinance.
2. The Township shall also cause to be published at least once in a local newspaper of general circulation in the Township a notice identifying at least the applicant, the type of application made, the street address of the Historic Resource that is the subject of the application, and a summary of the action proposed under the application.

5.6 Public Meetings

H. Consideration by Historical Commission. The Applicant shall present evidence and testimony to support their request at a regularly scheduled meeting of the Historical Commission. The Historical Commission shall also hear any other testimony from professionals or the public at the public meeting.

I. Findings and Recommendations of the Historical Commission. At the public meeting, the Historical Commission, acting in an advisory capacity to the Board of Supervisors, may either recommend the approval of the application, or suggest to the applicant such steps they may take to comply with the requirements of the ordinance. The Historical Commission shall forward its written recommendation to the Board of Supervisors and the applicant, within ten days after the last hearing held on the matter. If the Historical Commission is denying a recommendation, they shall provide the reasons for such denial.

J. Consideration by Board. The Board of Supervisors shall consider the application and the recommendation of the Historical Commission at a regularly scheduled meeting not to exceed 90 days from the recommendation date of the Historical Commission. The Board of Supervisors will give the applicant notice of the meeting date promptly after the date is determined. At the public meeting, the Board of Supervisors may either approve the application, or suggest to the applicant such steps that may be taken to comply with the requirements of this Ordinance. If the Board of Supervisors denies the application, or if the applicant does not accept the conditions or recommendations of the Board of Supervisors, then the applicant shall have his or her appeal to the Court of Common Pleas. In cases of denial, the Board shall make a

written report of the findings and the evidence considered within thirty (30) days of its decision.

- K. **Board of Supervisors Approval or Rejection.** If any application is approved after a public meeting, then the Board of Supervisors may simply note in its written decision that the application was approved. In cases of denial, the Board shall make a written report of the findings and the evidence considered within thirty (30) days of its decision.
- L. **Right of Appeal.** Any person aggrieved by a final decision of the Board shall have the right of appeal with the Court of Common Pleas of Delaware County in accordance with the applicable provisions of the Municipalities Planning Code.

5.7 Time Extension. The Historical Commission or the Board of Supervisors may grant a reasonable extension of the review period, either at the request of the applicant or upon its own motion, not to exceed sixty (60) days in any one instance, in order to resolve the issues. In each instance at which an extension is requested, the applicant must agree, as a condition to the extension, to waive any rights he may have to require the Historical Commission or Board of Supervisors to make a decision on the application within the review period. Any such postponements shall not be considered to have resulted in a “deemed approval” under any applicable law. Recommendations of the Historical Commission and decisions of the Board of Supervisors and Board shall be made in writing, shall be filed with the Township, and shall be public records open for public inspection.

ARTICLE 6 OTHER DUTIES AND RIGHTS OF HISTORICAL COMMISSION AND TOWNSHIP

In addition to the other duties provided in this Ordinance, the Historical Commission and/or the Township (as provided herein) shall have and exercise the following duties:

6.1 Information on Historic Preservation.

The Historical Commission shall maintain contacts with other municipalities, state and federal agencies, preservation trusts and private groups who are interested in historic preservation. The Historical Commission shall answer inquiries from Township citizens regarding historic preservation, and shall act as a clearinghouse for information on methods and tools of historic preservation, including tax incentives, conservation easements, facade easements, funding sources for historic rehabilitation, and other matters of interest and concern in the area of historic preservation.

6.2 Preservation Fund.

The Township may maintain in a separate account or accounts in its name a special purpose fund of money (the “Preservation Fund”) to be dedicated to the preservation of Historic Resources in the Township. The Township may adopt rules and regulations regarding loans, grants (including matching grants) and other uses of the Preservation Fund to encourage historic preservation in

the Township. The Township may take any steps that may be necessary so that gifts and donations to the Preservation Fund may be tax deductible under applicable federal law.

6.3 Purchase of Property by Eminent Domain.

The Township shall have the power to purchase Historic Resources, or preservation easements related to such Historic Resources, for the purposes of preserving the historic aspects of any such Historic Resources. The Township may use funds from the Preservation Fund for these purposes. The Township may exercise its eminent domain powers to purchase any such interests in a Historic Resource, as otherwise permitted by law.

6.4 Purchase and Resale of Historic Resource.

The rights granted herein to the Township are intended to permit the Township or its designee to preserve the historic aspects of the Historic Resource. The Township may acquire the Historic Resource and hold same subject to the terms of this Ordinance, or may impose a conservation easement on the Historic Resource to preserve its historic features, and then re-sell the Historic Resource with the conservation easement in place. The net proceeds of any such sale would be added to the Preservation Fund.

6.5 Accept Qualified Conservation Easements.

The Township may accept and hold qualified conservation easements under federal law, by action of the Board of Supervisors. Provided that the Historical Commission is so qualified, the Township may request the Historical Commission to assist in administering the applicable provisions of any such easements. The Township may require endowments from grantors for purposes of managing such easement interests. Any such endowments or monies collected specifically for the purpose of enforcing qualified conservation easements shall be maintained in a separate fund or funds from the Preservation Fund.

ARTICLE 7 ENFORCEMENT.

7.1 Enforcement. The provisions of this Ordinance, and all regulations and orders issued pursuant to the Ordinance, shall be enforced by the Zoning Officer or Building Inspector or by any other person as may be designated by the Township or permitted by any applicable ordinance, who may be authorized to inspect and examine any building, structure, place or premises and to require in writing the remedying of any condition found to exist therein or thereon in violation of any provision of this Ordinance.

7.2 Permits required. Any Change in Use, Addition, Alteration, or Demolition shall require permits in accordance with the currently adopted Building Code as recognized in Chapter 79 of the Newtown Township General Code.

7.3 Fines and penalties.

Any person who violates the requirements of this Ordinance shall be subject to a Notice of Violation. Failure to comply with the Notice of Violation shall result in being subject to fines

and penalties, as determined by the Township, not to exceed \$1,000 per day for each day the violation remains unabated, in addition to court costs and reasonable attorneys fees, as well as those fines and penalties imposed under the Township building code and fire codes.

7.4 Fines for Participating Parties.

The owner or owner’s agent of any Historic Resource where a violation of any provision of this Ordinance has been committed or exists; or the lessee or tenant of an entire building, entire structure or place where such violation has been committed or exists; or the owner, agent, lessee or tenant of any part of the building, structure or place in which such violation has been committed or exists; or the agent, builder, contractor, or any other person who knowingly commits, takes part or assists in any such violation or who knowingly maintains any building, structure or place in which any such violation exists, shall be fined not less than one hundred dollars nor more than one thousand dollars for each day that such violation continues.

7.5 Reimbursement of Fees and Costs.

All fees and expenses in connection with actions under this Article shall be assessed as damages against the violator, which, together with reasonable attorney's fees, shall be payable to the Township. Any funds collected as fines pursuant to this Section may be used by the Township to restore the affected buildings, structures, or places to their condition before the violation wherever possible, and any excess shall be paid to the Preservation Fund.

7.6 Appeal Appeals for all NOV for this ordinance shall be appealed to the district court judge.

EXHIBIT A
MAP OF HISTORIC RESOURCES

To Be Provided

DRAFT

EXHIBIT B
HISTORIC RESOURCES INVENTORY

To Be Provided

DRAFT

EXHIBIT C

U.S. DEPARTMENT OF THE INTERIOR STANDARDS FOR REHABILITATION

(For updates, go to: <https://www.nps.gov/tps/standards/rehabilitation/rehab/stand.htm>)

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.