

**NORTH WALES BOROUGH  
ORDINANCE #797**

**AN ORDINANCE CREATING CHAPTER 130 OF THE CODE  
OF ORDINANCES TO RECODIFY THE EXISTING HISTORIC PRESERVATION  
DISTRICT LANGUAGE FROM CHAPTER 208**

WHEREAS, as a result of extensive discussions by the Borough Council it was found to be in the best interest of the Borough to separate the existing Historic Preservation District language, as adopted by Ordinance No. 669, from Chapter 208 and create a new Chapter in the Code of Ordinances.

NOW, THEREFORE, it is hereby ORDAINED and ENACTED by the Borough Council of the Borough of North Wales as follows:

**SECTION 1**

**§ 130-1. Legal authorization; title.**

- A. Pursuant to authority contained in the Act of June 13, 1961, P.L. 282, No. 167, as amended, there is hereby created a Historic Preservation District within North Wales Borough.
- B. This Chapter shall be known and may be cited as the "North Wales Borough Historic Preservation Ordinance."

**§ 130-2. Intent.**

The intent of this article is to create an Historic Preservation District, define its limits, provide for the appointment of an Historical Architectural Review Board to give recommendations to the North Wales Borough Council regarding the issuance of a certificate of appropriateness in connection with the granting or refusal of permits for the erection or razing, alteration, restoration, reconstruction or demolition of any building within the district and for appeals from such refusals, and provide for the notification to the Pennsylvania Historical and Museum Commission (PHMC) of the adoption of this article and obtain from the Commission a certificate as to the historical significance of the district.

**§ 130-3. Definitions.**

- A. For the purpose of this article, all words used in the present tense include the future tense. All words in the plural number include the singular number and all words in the singular number include the plural number, unless the natural construction of the word clearly indicates otherwise. The word "shall" is mandatory. The word "used" includes "designated, intended, built or arranged to be used."
- B. As used in this article, the following terms shall have the meanings indicated:  
  
ALTERATION, HISTORIC PRESERVATION DISTRICT - Any act or process requiring a building permit and any other act or process not requiring a building permit but specifically listed in the Historic Preservation District 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 constitutes the principal public street facade visible from the public right-of-way. Corner properties shall have a maximum of two facades considered as a reviewable action.

**BUILDING** - As defined in § 208-8.

**BUILDING PERMIT** - An approval statement signed by the Zoning Officer authorizing the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or a part of any building including doors, porches, patio roofs and new window openings (within the Historic Preservation District).

**BUILDING PERMIT APPLICATION (APPLICATION)** - The request filed by any person with the Zoning Officer that seeks authorization to construct, alter, reconstruct, repair, restore, demolish or raze all or a part of any building including doors, porches, patio roofs and new window openings (within the Historic Preservation District).

**CERTIFICATE OF APPROPRIATENESS** - The approval statement signed by the North Wales Borough Council which certifies the historical appropriateness of a particular request for the construction or erection of a new structure; the alteration, reconstruction, repair or restoration of the principal public street facade visible from the public right-of-way of a contributing structure; and the demolition or razing of all or a part of any contributing building or structure within the Historic Preservation District visible from the public right-of-way and authorizes the issuance of a building permit for said request.

**CONSTRUCTION** - As defined in § 208-8.

**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.

#### **NORTH WALES BOROUGH HISTORICAL ARCHITECTURAL REVIEW BOARD**

**(HARB)** – The agency that advises the North Wales Borough Council on any requests for authorization to construct, alter, reconstruct, repair, restore or demolish all or a part of any building including doors, porches, patio roofs and new window openings (within the Historic Preservation District).

**NORTH WALES BOROUGH PLANNING COMMISSION** - The agency which advises the North Wales Borough Council on planning and planning-related matters.

**RECONSTRUCTION** - Any or all work needed to remake or rebuild all or a part of any building to a sound condition, but not necessarily of original materials.

**RESTORATION** - Any or all work connected with the returning to or restoring a building or a part of any building to its original condition through the use of original or nearly original materials.

**SIGN** - As defined in § 208-8.

#### **§ 130.4. Purposes.**

This District is created for the following purposes:

A. Pursuant to Article I, Section 27, of the Pennsylvania Constitution which states that:

The people have a 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.

B. Now therefore it is the purpose and intent of the North Wales Borough 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 North Wales Borough; to safeguard the heritage of the North Wales Borough 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 Borough'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 North Wales Borough's past; and to preserve and protect the cultural, historical and architectural assets of North Wales Borough for which North Wales Borough has determined to be of local, state or national historical and/or architectural significance.

#### **§ 130-5. Delineation of Historic Preservation Districts.**

- A. The North Wales Borough Historic Preservation District shall be described in writing in this section and delineated on the Land Use Plan element of the North Wales Borough Comprehensive Plan Update: 1998, which shall be considered the official Historic Preservation District Map.<sup>23</sup>
- B. The official Historic Preservation District Map shall be signed by the North Wales Borough Council and located in the office of the Zoning Officer.
- C. The North Wales Borough Historic Preservation District shall be an overlay to the existing or hereafter created underlying districts as shown on the Zoning Map.
- (1) Should the Historic Preservation District be declared inapplicable to any tract by reason of action of the Borough Council in amending this Chapter, or the Zoning Officer, the Zoning Hearing Board or any court of competent jurisdiction in interpreting the same; or the Zoning Hearing Board or any court of competent jurisdiction in determining a legal effect of the same, the zoning applicable to such lot shall be deemed to be the district in which it is located without consideration of this article.
  - (2) Should the zoning of any parcel or any part thereof which the Historic Preservation District is located be changed through any legislative or administrative actions or judicial discretion, such change shall have no effect on the Historic Preservation Overlay District unless such change was included as part of the original application.

#### **§ 130-6. Interpretation of boundaries.**

Where uncertainty and/or discrepancies exist as to the boundaries of the districts as shown on the official North Wales Borough Historic Preservation District Map and/or as described in the

above, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as parallel to or extensions of features indicated in the above shall be so construed. Distances not specifically indicated on the official Historic Preservation District Map shall be determined by the scale of the map.
- D. Where physical or cultural features existing on the ground are at variance with those shown on the official Historic Preservation District Map, or in other circumstances not covered by the above, the Borough Council shall interpret the boundaries of the district.

### **§ 130-7. Creation and membership of Historical Architectural Review Board.**

- A. An Historical Architectural Review Board, hereafter referred to as "HARB," is hereby established to be composed of seven members and two alternates appointed by the North Wales Borough Council. The membership of HARB shall be as follows: **[Amended 2-24-2009 by Ord. No. 767]**
  - (1) One member shall be a registered architect;
  - (2) One member shall be a licensed real estate broker;
  - (3) One member shall be the Building Inspector;
  - (4) One member may be an AICP (American Institute of Certified Planners)-certified planner with knowledge of and interest in the preservation of historic districts;
  - (5) One member may be a Planning Commission member with knowledge of and interest in the preservation of historic districts;
  - (6) One member may be an attorney with knowledge of and interest in the preservation of historic districts; and
  - (7) Two or more member(s) shall be persons with demonstrated interest, knowledge, ability, experience or expertise in restoration, historic rehabilitation or neighborhood conservation or revitalization who have interest in the preservation of the Historic Preservation District(s) and are property owners who reside as follows:
    - (a) At least one member in historic district(s).
    - (b) One or more who reside in the Borough.
- B. The initial terms of the first member shall be so fixed that no more than two members shall be replaced or reappointed during any one calendar year. Their successors shall serve for a term of five years. The position of any member of HARB appointed in his capacity such as a registered architect, a licensed real estate broker, Building Inspector, Planning Commission member, etc., who ceases to be so engaged shall be automatically considered vacant. An appointment to fill a vacancy shall be only for the unexpired portion of the term.
- C. The HARB members are required to disqualify themselves from voting on any project in which their own financial interests are directly or indirectly involved.

**§ 130-8. Powers and duties of HARB.**

- A. Advisory role. The HARB shall give recommendations to the North Wales Borough Council regarding the advisability of issuing any certificate of appropriateness required to be issued in accordance with said Act of June 13, 1961, as amended,<sup>24</sup> and this article.
- B. Board rule-making power. The HARB may make and alter rules and regulations for its own organization and procedure, provided that they are consistent with the laws of the commonwealth and all provisions of this article.
- C. Removal of members. Any Board member may be removed for misconduct or wrongdoing, unlawful execution of this article, or failure to perform his or her responsibilities pursuant to this article, or for other just cause by a majority vote of Borough Council, but not before he or she has been given the opportunity of a hearing to defend to any alleged infractions of said article.
- D. Annual reports. The members of HARB shall make an annual report to the North Wales Borough Council which shall include:
  - (1) Any recommendations for changes in this article.
  - (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.
  - (6) A narrative summary describing the state of preservation in the North Wales Borough Historic Preservation District with recommendations in policy, goals and objectives for North Wales Borough Council consideration.
- E. Compensation. The HARB may, in accordance with appropriations by the North Wales Borough Council, employ secretarial assistants and incur other necessary expenses.
- F. Meetings. The HARB shall meet publicly at least once a year at regularly scheduled intervals. Further, HARB may hold any additional meetings it considers necessary to carry out its powers and duties indicated in this article. Such meetings shall be open to the public. A majority of HARB shall constitute a quorum and action taken at any meeting shall require the affirmative vote of a majority of the seven members of HARB.

**§ 130-9. Additional powers and duties of HARB.**

In addition to the above, HARB shall have the following powers and duties:

- A. To conduct a survey of buildings for the purpose of determining those of historic and/or architectural significance and pertinent facts about them; action in coordination with the North Wales Borough Planning Commission and other appropriate groups and to maintain and periodically revise the detailed listings of historic sites and buildings and data about them, appropriately classified with respect to national, state or local significance, to period or field of interest or otherwise.
- B. To propose, from time to time as deemed appropriate, the establishment of additional historic districts and revisions to existing historic districts.
- C. To formulate recommendations concerning the establishment of an appropriate system of

markers for selected historic and/or architectural sites and buildings, including proposals for the installation and care of such historic markers.

- D. To formulate recommendations concerning the preparation and publication of maps, brochures and descriptive material about the North Wales Borough historic and/or architectural sites and buildings.
- E. To cooperate with and advise the North Wales Borough Council, the North Wales Borough Planning Commission and other North Wales Borough agencies in matters involving historically and/or architecturally significant sites and buildings (such as appropriate land usage, parking facilities and signs, as well as adherence to lot dimensional regulations and minimum structural standards).
- F. To cooperate with and enlist assistance from the National Park Service, the National Trust for Historic Preservation, the Pennsylvania Historical and Museum Commission and other agencies, public and private, from time to time, concerned with historic sites and buildings.
- G. To advise owners of historic buildings regarding rehabilitation, repairs, maintenance methods and technologies, adaptive use, economic and tax incentives and other historic preservation strategies.
- H. To promote public interest in the purpose of this article by carrying on a public relations program.

#### **§ 130-10. Design guidelines.**

In determining the recommendations to be made to the North Wales Borough Council concerning the issuance of a certificate of appropriateness, HARB shall consider only those matters that are pertinent to the preservation of this historic and/or architectural aspect and nature of the building, site, area or district, certified to have historical significance, including the following:

- A. Broad historical values representing the cultural, political, economic or social history of North Wales Borough.
- B. The relationship of the building or structure to historic personages or events.
- C. Significant architectural types representative of a certain historical period and a style of method of construction.
- D. The effect of the proposed change upon the general historic and architectural nature of the district.
- E. The appropriateness of the exterior architectural features which can be seen from a public street.
- F. The general design, arrangement, texture, material and color of the building or structure and the relation of such factors to similar features of buildings of structures in the district. Consideration shall be given but not limited to the following:
  - (1) Proportion of building(s) front facades. The relationship between the width of the front of the building and the height of the front of the building.
  - (2) Proportion of openings within the building. The relationship of width to height of windows and doors.
  - (3) Rhythms of solids to voids in the front facade. Since rhythm is a repeated and recurrent alteration of strong and weak architectural elements, a rhythm of masses to openings in a

building should be maintained.

- (4) Rhythm of spacing of buildings on streets. In moving past a series of buildings, a rhythm of recurrent or repeated building masses to spaces between them should be experienced.
- (5) Rhythm of entrance and/or porch projections. Moving past a series of structures, one experiences a rhythm of entrances or projections at an intimate scale.
- (6) Relationship of materials. Within an area the predominant materials may be brick, stone, stucco, wood siding or other material.
- (7) Relationship of textures. The predominant textures of an area may be smooth, such as stucco, or rough as bricks with tooled joints or horizontal wood siding or other textures.
- (8) Relationship of color. Insofar as the mass and detail such as trim are concerned, a predominant color that may be of a natural material or a patina colored by time. Blending colors of trim is also a factor.
- (9) Relationship of architectural details. Architectural details and their relationship to the structure in question and adjacent ones, including but not limited to cornices, lintels, arches, quoins, balustrades and iron work, chimneys, etc.
- (10) Relationship of roof shapes. Buildings should have compatible roof shapes such as gable, mansard, hip, flat, gambrel and/or other kinds of roof shapes.
- (11) Walls of continuity. Physical ingredients such as brick walls, wrought iron fences, evergreen landscape masses, building facades or combinations of these form continuous, cohesive walls of enclosures along the street.
- (12) 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 facade.
- (13) Scale. Scale is created by the size of units of construction and architectural detail that relate to the size of man. It can also be determined by building mass and how it relates to open space. The major elements of scale may be brick or stone units, window or door openings, porches and balconies, etc.
- (14) In making its recommendation, the HARB shall also consider the specific elements of a property, including such features as traffic gates, fences, railings, windows, doors, porches, balustrades, columns, balconies, facades and roof, whether in the nature of replacements or just repairs, even though these features may not necessarily require formal building permits under other codes of the Borough. **[Added 6-28-2005 by Ord. No. 739]**

#### G. Financial feasibility.

- (1) The HARB shall consider the financial feasibility of its recommendations in response to a request for a certificate of appropriateness or building permit for the erection, reconstruction, alteration and restoration of a building or structure. Financial feasibility shall be determined by the HARB on the basis of an unreasonable cost for repair or replacement in-kind of whole or part of a building or structure.
- (2) The applicant shall submit a minimum of three estimates from bona fide contractors and/or vendors substantiating his or her claim that the financial feasibility of repair in-kind is unreasonable. The Board shall determine as to the condition of said architectural feature based on its inspection, photographs or report from the Building Inspector or preservation staff or

consultant. No substitute material shall be approved which is inappropriate, incompatible or is destructive or has the potential to be destructive to the original fabric of the building or structure.

- H. Variations. The HARB shall grant variations in a manner that will be in harmony with the character of the other buildings or structures on the street and/or districts.
- I. The height of any new building or structure shall not exceed the height of the tallest adjacent building or structure by 10%. This requirement shall also apply to any proposed modifications to existing buildings or structures.
- J. In such rare cases where the HARB recommends and the North Wales Borough Council approves demolition of an historic building or structure a good faith effort shall be made by North Wales Borough and the 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 North Wales Borough.
- K. Upon review by the HARB, structures determined to be noncontributing to the historic value and architectural character of the district will not be required to obtain a certificate of appropriateness.
- L. In addition to the above, all other North Wales Borough laws and ordinances shall be complied with, including the Zoning and Subdivision Ordinances.<sup>25</sup>

#### **§ 130-11. Signs.**

Signs shall comply with the sign regulations of Chapter 208, Zoning , and if in conflict the following additional standards shall apply:

- A. No sign or permanent external advertising display of any kind shall be erected, altered or used in the Historic Preservation District except for advertising informing the public or service, business, occupation or profession carried on, in or about the property on which such sign or 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 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 any Borough ordinance must 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 requirements established for the historic markers by HARB.

#### **§ 130-12. Application review procedures.**

- A. Upon receipt of a completed application for a building permit or a certificate of appropriateness for work to be done in the district, the Building Inspector or Zoning Officer shall act in accordance with the procedures then being followed in that office, except those procedures that are modified by the following requirements:
  - (1) The Building Inspector or Zoning Officer shall determine whether the work proposed needs to be forwarded to HARB staff for administrative approval review.
  - (2) The Building Inspector or Zoning Officer shall not issue a building permit, nor allow for

- any erection, alteration, reconstruction, repair, restoration or demolition of all or part of any building in the district until the North Wales Borough Council has issued a certificate of appropriateness (COA). If the Building Inspector or his or her representative issues a building permit without a COA due to an administrative or clerical error, said building permit shall be voided.
- (3) In those instances where the HARB determines the subject of the application need not obtain a certificate of appropriateness - such as in the case of a noncontributing structure - then the application shall be returned to the Zoning Officer with a reason for why a certificate of appropriateness is not required.
  - (4) The Building Inspector or Zoning Officer shall require applicants to submit 130 adequate information to show the existing features and proposed changes so that HARB and Borough Council have sufficient information to make a decision about the issuance of a COA.
  - (5) The Building Inspector shall maintain in his office a record of all such applications and final dispositions of the same.
- B. Board review of applications. Upon receipt of any application under the jurisdiction of this article, HARB shall consider such at its next regularly scheduled meeting or special meeting.
- C. Notification of applicant of HARB meeting. The person(s) applying for the permit shall be advised of the time and place of said meeting and be invited to appear to explain his reasons therefor at least 7 days prior to the meeting. The HARB may invite such other persons as it desires to attend its meeting.
- D. Design guidelines. In determining the recommendations to be presented to the North Wales Borough Council concerning the issuing of a certificate of appropriateness authorizing a permit for the construction, alteration, reconstruction, repair, restoration or demolition of all or a part of any building within the Historic Preservation District, HARB shall consider the design guidelines set forth in §§ 130.9 and 130.10.
- E. Time frame for Board decision. The HARB shall render a decision and recommendation on any application under its review no later than 30 working days after the hearing/meeting provided for in § 130.7 of this article and submit, in writing, to the North Wales Borough Council recommendations concerning the issuance of a certificate of appropriateness.
- F. Application disapproval by HARB. If the HARB decides to advise against the granting of a certificate of appropriateness, it shall notify the applicant in writing. The disapproval shall indicate to the applicant the changes in plans and specifications, if any, which would protect the distinctive historical character of the Historic Preservation District. The HARB shall withhold its report for a period of five 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 will make the necessary changes, he shall so advise the HARB, which shall in turn advise the North Wales Borough Council accordingly.
- G. Contents of written report. The written report to North Wales Borough Council concerning HARB's recommendations on the issuance of a certificate of appropriateness shall set out the following matters:
- (1) The exact location of the area in which the work is to be done.
  - (2) The exterior changes to be made or the exterior characters of the structure to be erected.

- (3) A list of the surrounding structures with their general exterior characteristics.
- (4) The effect of the proposed change upon the general historic and architectural nature of the district.
- (5) The appropriateness of exterior architectural features of the building principal public street facade visible from the public street right-of-way.
- (6) The general design, arrangement, texture and material of the building or structure and the relation of such factors to similar features of building or structures in the district.
- (7) The opinion of HARB (including any dissent) as to the appropriateness of the work proposed as it will preserve or destroy the historic aspect and nature of the district.
- (8) The specific recommendations to North Wales Borough Council of HARB based on findings of fact as to the issuance or its refusal to issue a certificate of appropriateness.

H. Notification of applicant by the North Wales Borough Council of its consideration. Upon receipt of the written report from HARB as provided in Subsection G of this section, the North Wales Borough Council shall consider, at the next regularly scheduled or special meeting, the question of issuing to the Zoning Officer a certificate of appropriateness authorizing work covered by the application. The applicant shall be advised by the North Wales Borough Secretary of the time and place of the meeting at which his application shall be considered. The applicant shall have the right to attend this meeting and be heard as to the reasons for filing the said application.

I. Design guidelines. In determining whether or not to certify to the appropriateness of the proposed construction, alteration, reconstruction, repair, restoration or demolition of all or a part of any building within the Historic Preservation District, the North Wales Borough Council shall consider the same factors as HARB set forth in § 130.9 and 130.10 of this article and the report of the Board.

J. Approval by the North Wales Borough Council. If the North Wales Borough Council approves the application, it shall issue a certificate of appropriateness authorizing the Zoning Officer to issue a permit for the work covered or where no permit is required notify the applicant that work has been authorized.

K. Disapproval by the North Wales Borough Council.

- (1) If the North Wales Borough disapproves, it shall do so, in writing, and copies shall be given to the Zoning Officer, the applicant and to the Pennsylvania Historical and Museum Commission. The disapproval shall indicate what changes in the plans and specifications would meet the conditions for protecting the distinctive historical character of the district.
- (2) Upon receipt of a written disapproval of the North Wales Borough Council, the Zoning Officer shall disapprove the application for a building permit, or otherwise not permit work to be done, and so advise the applicant. The applicant may appeal from the disapproval as provided by law.

L. Final notification by the North Wales Borough Council. In either case, the North Wales Borough Council shall notify the applicant within five days of its meeting at which the application was considered.

**§ 130-13. Unreasonable economic hardship.**

- A. When a claim of unreasonable economic hardship is made due to the effect of this article, the owner of record must present evidence sufficient to prove that as a result of the HARB's action, he is unable to obtain a reasonable return or a reasonable beneficial use from a resource. The owner of record shall submit by affidavit to the HARB information which shall include but not be limited to the following:
- (1) Date the property was acquired by its current owner.
  - (2) Price paid for the property (if acquired by purchase) and the relationship (if any) between the buyer and the seller of the property.
  - (3) Mortgage history of the property, including current mortgage.
  - (4) Current market value of the property.
  - (5) Equity in the property.
  - (6) Past and current income and expense statements for the past two 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 years by the owner or applicant in connection with purchase, offerings for sale, financing or ownership of the property, or state that none was obtained.
  - (11) All studies commissioned by the owner as to profitable renovation, rehabilitation or utilization of any structures or objects on the property for alternative use, or a statement that none were 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 planning board for changes necessary for it to approve 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.
- B. The HARB may require that an applicant furnish additional information relevant to its determination of unreasonable economic hardship.
- C. The HARB may receive and consider studies and economic analyses from other Borough agencies and from private organizations relating to the property in question.
- D. Should the HARB determine that the 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 Borough that special economic incentives be developed to assist the owner of the resource in maintaining it and obtaining a suitable economic return or achieving a reasonable beneficial use.
- E. The HARB may seek the assistance of appropriate local, statewide or national preservation organizations in developing solutions which would relieve the owner's economic hardship. If

the HARB chooses to explore such options, the HARB may delay issuing a certificate of appropriateness for demolition on the basis of economic hardship for a period of 90 days in addition to time periods otherwise applicable.

- F. Should the applicant satisfy the HARB that he will suffer an unreasonable economic hardship if a certificate of appropriateness is not approved, and should the HARB be unable to develop with the Borough or appropriate local, statewide and national preservation organization a solution which can relieve the owner's economic hardship, the HARB must approve a certificate of appropriateness for demolition.

#### **§ 130-14. Demolition by neglect.**

All buildings and structures within the North Wales Borough Historic Preservation District shall be maintained in good repair, structurally sound and reasonably protected against decay and deterioration. Examples of such deterioration include:

- A. Deterioration of exterior walls or other vertical supports.
- B. Deterioration of roofs or other horizontal members.
- C. Deterioration of exterior chimneys.
- D. Deterioration of crumbling of exterior stucco or mortar.
- E. Ineffective waterproofing of exterior walls, roofs or foundations, including broken windows or doors.
- F. 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.

#### **§ 130-15. Notice of violation.**

The Building Inspector shall serve a notice of violation on the person in violation of this article which would result in but not be limited to failure to apply for a certificate of appropriateness or a building permit required for the erection, reconstruction, alteration, repair, restoration, demolition, demolition by neglect, or razing of any contributing building or structure which can be seen from a public right-of-way; and failure to comply with HARB-approved work. Such notice shall direct the abatement of said violation.

#### **§ 130-16. Enforcement.**

The Building Inspector, Borough Manager or his designated representative shall have the power to institute any proceedings at law or in equity necessary for the enforcement of this article.

#### **§ 130-17. Violations and penalties.**

Any person, property owner, occupant, firm or contractor failing to obtain a building permit or certificate of appropriateness pursuant to this article shall, upon conviction thereof, be punishable by a fine of not more than \$300 plus costs of such proceedings for each day the violation is unabated.

#### **§ 130-18. Amendments.**

The provisions of this article may be amended in the future by the North Wales Borough Council after notice and hearing as provided by law.

**§ 130-19. Effective date; certification by Pennsylvania Historical and Museum Commission.**

Immediately upon the adoption of this article, the North Wales Borough Secretary shall forward a copy thereof to the Pennsylvania Historical and Museum Commission. This article shall not take effect until the said Commission has certified, by resolution, to the historical significance of the North Wales Borough Historic Preservation District; and it has been duly advertised once in the newspaper of general circulation in the North Wales Borough as required by law.

**SECTION 2**

The provisions of this ordinance shall be severable, and if any provision thereof shall be declared unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this ordinance.

**SECTION 3**

This ordinance hereby repeals any and all ordinances or parts of ordinances inconsistent with this ordinance.

**SECTION 4**

This ordinance shall take effect immediately as provided by law.

ORDAINED AND ENACTED this 8<sup>th</sup> day of July, 2014

BOROUGH COUNCIL OF THE  
BOROUGH OF NORTH WALES

BY: \_\_\_\_\_  
Michael McDonald, President

ATTEST:

\_\_\_\_\_  
Nathaniel Dysard, Secretary

APPROVED by the MAYOR this        day of July, 2014

BY: \_\_\_\_\_  
Gregory J. D'Angelo, Mayor