

Historic District Ordinance
Newtown Borough, Bucks County, PA
ATTACHMENT A Historic District Ordinance and Map Ordinance #594

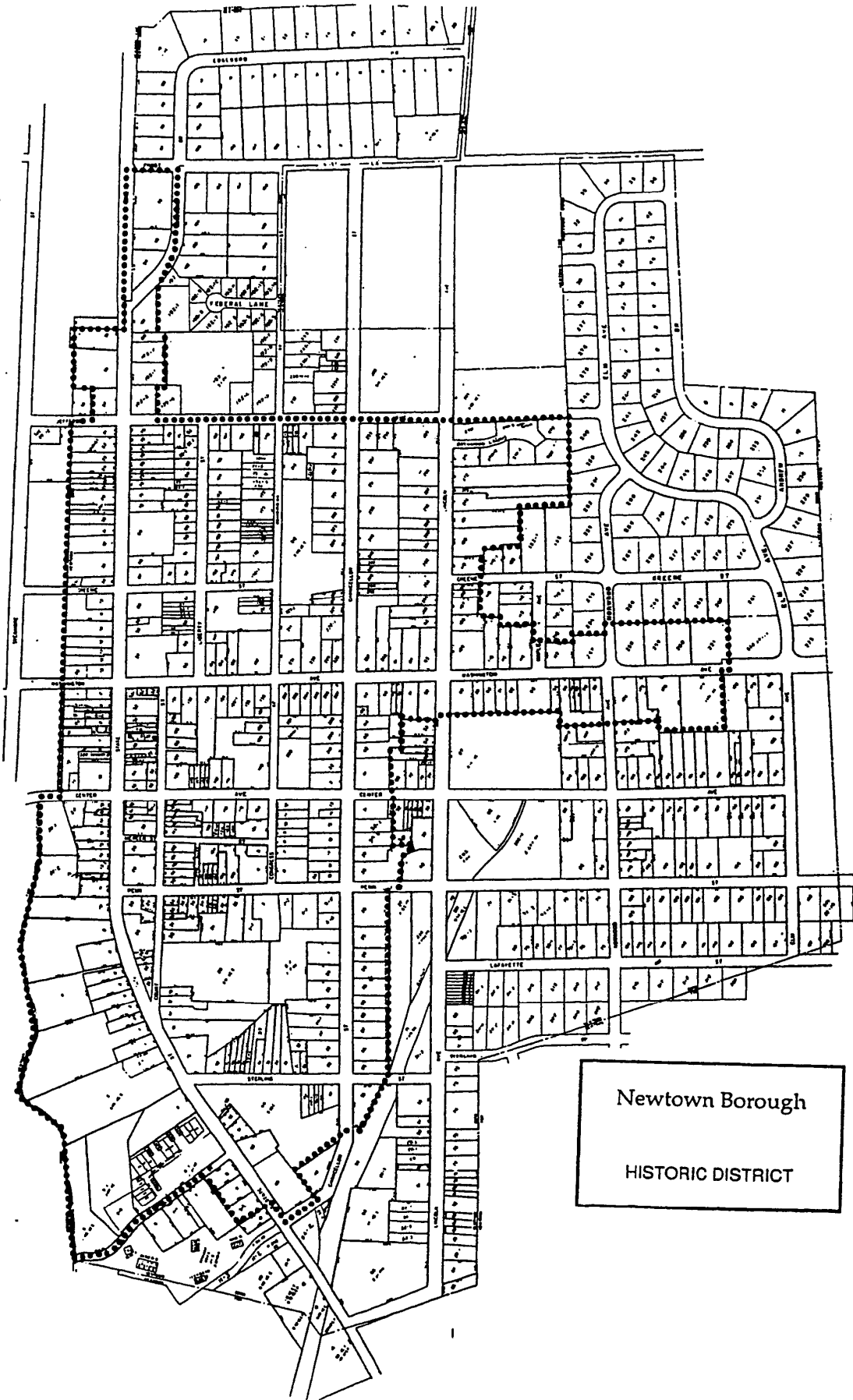
AN ORDINANCE OF THE BOROUGH OF NEWTOWN AFFIRMING THE CREATION OF A HISTORIC DISTRICT, DEFINING ITS LIMITS, PROVIDING FOR THE APPOINTMENT OF A HISTORICAL ARCHITECTURAL REVIEW BOARD (HARB) TO GIVE RECOMMENDATIONS TO THE NEWTOWN BOROUGH COUNCIL REGARDING THE APPROVAL OR DENIAL OF CERTIFICATES OF APPROPRIATENESS, FOR EVALUATION CRITERIA IN CONNECTION THEREWITH FOR ANY BUILDING, STRUCTURE AND SIGN WITHIN THE HISTORIC DISTRICT, PROVIDING ENFORCEMENT PROVISIONS AND FOR APPEALS

WHEREAS, since 1969, Newtown Borough has sought to preserve its historic resources through various ordinances and enactments;

WHEREAS, the most recent enactment governing historic districts, Ordinance No. 507, was enacted in 1992, and the Pennsylvania Historical and Museum Commission has certified the historical significance of the Newtown Borough Historic District for many years; and

WHEREAS, the current Newtown Borough Council wishes to enact a comprehensive ordinance revising the procedures that apply to proposed work in the Historic District and how those proposals are reviewed

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED by the Council of the Borough of Newtown, Bucks County, -Pennsylvania, and it is hereby ENACTED AND ORDAINED by authority of same as follows:



Newtown Borough
HISTORIC DISTRICT

ARTICLE I - TITLE, AUTHORITY AND PURPOSE

Section 1-1: Short Title.

This chapter shall be known and may be cited as the "Newtown Borough [Historic District](#) Ordinance."

Section 1-2: Legislative Authority

Pursuant to authority contained in the [Act](#) of June 13, 1961, Public Law 282, No. 167, as amended, it is hereby affirmed the creation of a [historic district](#) within the Borough of Newtown.

Section 1-3: Purpose

The Newtown Borough [Historic District](#) is created for the following purposes:

1. To promote 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;"
2. To promote, protect, enhance, perpetuate, and preserve the Newtown Borough [Historic District](#) 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 with Newtown Borough,
3. To safeguard the heritage of Newtown Borough by preserving and regulating the Newtown Borough [Historic District](#) which reflects elements of Newtown Borough's cultural, social, economic, political, and architectural history;
4. To preserve and enhance the environmental quality of neighborhoods in Newtown Borough;
5. To advocate an interest in civic beauty through the encouragement of appropriate settings and continued construction of buildings in general harmony with respect to style, form, color, proportion, texture and material between buildings of historic design. and those of more modern design;
6. To foster civic pride in the beauty and accomplishments of Newtown Borough's past; and
7. To preserve and protect the cultural, historical and architectural assets of Newtown Borough for which Newtown Borough has been determined to be of local, state or national, historical and/or architectural significance.

ARTICLE II - DEFINITIONS

Section 2-1: Definitions

The following terms shall have the meanings indicated herein. For the purpose of this chapter, all words used in the present tense include the future tense. All words in the plural number include the singular number, all words in the singular number include the plural number, and all masculine references include the feminine and neutral, unless the natural construction of the word clearly indicates otherwise. The word "shall" is mandatory.

1. **ALTERATION** - Any change or proposed work which is visible from a public [street](#) or [way](#) to or on a [building](#) or [structure](#), in whole or in part.
2. **APPLICANT** - An owner, whether the legal or beneficial owner, of land, [building](#) or [structure](#); a lessee if he is authorized under the lease to exercise the rights of an owner; or a developer or [agent](#) thereof who causes to be made or filed an application for a [certificate of appropriateness](#).
3. **BUILDING** - Any enclosed or open [structure](#) used or intended to be used for occupancy and/or used for human or animal habitation and/or storage of property, including manufactured homes.
4. **BUILDING INSPECTOR** - A Newtown Borough [employee](#) or individual retained by Newtown Borough and designated by Newtown Borough as the individual who enforces compliance with the [building](#) codes of Newtown Borough and issues the permit for the erection, [alteration](#), reconstruction, repair, restoration, demolition or razing of all or a part of any [building](#) or [structure](#) within Newtown Borough.
5. **CERTIFICATE OF APPROPRIATENESS** - The approval statement signed by the Newtown Borough [Council](#) President which certifies to the historical appropriateness of a particular request for the [erection](#), reconstruction, [alteration](#), restoration, [demolition](#) (whether affirmatively or by neglect), or razing of all or a part of any [building](#), [structure](#) or [sign](#) within the Newtown Borough historic district.
6. **COAH ADMINISTRATOR** - A Newtown Borough [employee](#) or individual retained by Newtown Borough and designated by Newtown Borough as the individual who enforces compliance with this chapter, issues the [certificate of appropriateness](#) approved by the Newtown Borough [Council](#), and notifies the [applicant](#) of any [certificate of appropriateness](#) denied by the Newtown Borough [Council](#).
7. **COMPLETED APPLICATION** - A [certificate of appropriateness](#) application which contains all the necessary information to process the proposal and conforms to the submittal criteria of this chapter. A completed application includes the following items, with sufficient number of copies of each, as identified by the [COAH Administrator](#) in his discretion:
 - a. For buildings or other structures: [completed application](#) form; fee if any, as set by Resolution of [Council](#); drawings to scale, showing elevations from the public [street](#) or [way](#); photographs; manufacturers brochure for items included in the project plan such as [building](#) materials, windows, external fixtures, etc.; plot plan for all additions, decks, etc.; any other

items as determined necessary by the [COAH Administrator](#).

b. For signs: [completed application](#) form; fee if any, as set by Resolution of [Council](#); rendering of the [sign](#), to scale, with color samples; photographs of [sign](#) and showing location on [building](#) or [structure](#); any fixtures for any illumination along with a manufacturer's brochure; any other items as determined necessary by the [COAH Administrator](#).

8. **CONTRIBUTING RESOURCE** - A [building](#), [structure](#), or [sign](#), or any part thereof in the Newtown Borough [Historic District](#) which supports the Newtown Borough [Historic District](#)'s historical significance through location, design, setting, materials, workmanship, feeling and/or association.

9. **COUNCIL** - The governing body of Newtown Borough.

10. **DEMOLITION** - The dismantling or tearing down of all or part of any [building](#) and all operations incidental thereto. The word also includes the absence of routine maintenance and/or repairs which can lead to a [building](#)'s or [structure](#)'s structural weakness, decay and deterioration resulting in its deterioration, decay, and/or demolition.

11. **ERECTION** - The result of construction such as a [building](#), [structure](#), monument, [sign](#), or object on the ground or on a [structure](#) or [building](#).

12. **HISTORIC DISTRICT** - Any area or district in Newtown Borough which has been designated by ordinance of the Borough of Newtown and certified for historical significance by the Pennsylvania Historical and Museum Commission in accordance with Pennsylvania [Act](#) No. 167.

13. **HISTORICAL ARCHITECTURAL REVIEW BOARD (HARB)** - The board that advises the Newtown Borough [Council](#) on any requests for a [certificate of appropriateness](#), and performs other duties as set forth in this chapter.

14. **NATIONAL REGISTER** - The National Register of Historic Places, a list maintained by the United States Secretary of the Interior composed of buildings, sites, structures, objects and districts of national, state or local significance in American history, architecture, archaeology, engineering and culture.

15. **PUBLIC HEARING AND/OR MEETING** - Any prearranged gathering of [Council](#) and/or the HARB, as the case may be, which is conducted and advertised pursuant to public notice under [Act](#) 84 of 1986, as amended, P.L. 388, July 3, 1986, also referred to as "The Sunshine [Act](#)" (65 P. S. § 271 et seq.)

16. **PUBLIC STREET OR WAY** - Any land dedicated to public [use](#) or passage, including but not limited to streets, alleys, parks and pedestrian rights-of-way whether constructed, dedicated or proposed.

17. **RECONSTRUCTION** - The [act](#) or process of reproducing by [new construction](#) the exact or near exact form and detail of a vanished [building](#), [structure](#), or object, or a part

thereof, as it appeared at a specific period of time but not necessarily of original material.

18. **RESTORATION** - The process of returning a property to a state of utility, which provides for a contemporary [use](#) while preserving those portions and features of the property which are significant to its historical, architectural and cultural values. The term also includes "rehabilitation."

19. **SIGN** - Any display, [structure](#), device or object which incorporates lettering, logos, colors, lights, or illuminated inert gas tubes visible to the public -from a [building](#) or [structure](#), which either conveys a message to the public, or intends to advertise, direct, invite, announce, or draw attention to goods, products, services, activities, or facilities, excluding window displays, merchandise and temporary signs.

20. **SECRETARY OF THE INTERIOR STANDARDS FOR REHABILITATION** - Standards used by the United States Secretary of the Interior, as administered by the National Park Service.

21. **STRUCTURE** - Anything constructed or erected, having a permanent or semi-permanent location on another [structure](#) or in the ground, including by [way](#) of example and without limitation buildings, sheds, manufactured homes, garages, fences, gazebos, freestanding signs, billboards, awnings, antennas, satellite sending or receiving dishes, and decks. A "[structure](#)" does not include, however, poles- with basketball backboards and hoop, swing sets with two (2) or fewer seats and one (1) or fewer slides, poles with clotheslines (including umbrella types), poles with birdfeeders, flagpoles, and mail box posts only.

ARTICLE III - DELINEATION AND INTERPRETATION OF HISTORIC DISTRICTS

Section 3-1: Delineation of Historic Districts.

A. The [Historic District](#) is shown on the Newtown Borough [Historic District](#) Map, which is attached hereto as Exhibit "A", hereby adopted by reference and declared to be a part of this chapter. This provisions of this chapter apply to all land, buildings, structures and signs within boundaries of the [Historic District](#).

B. The [Historic District](#) Map of the Borough of Newtown shall be located in the office of the [COAH Administrator](#) and Newtown Borough Secretary and made available for public inspection.

Section 3-2: Interpretation of Boundaries.

A. The boundaries of the [Historic District](#) are set forth upon the map attached hereto and incorporated herein by reference by the outlined area.

B. Boundaries indicated as approximately following the center lines of streets or alleys shall be construed to follow such center fines.

C. Boundaries indicated as approximately following [lot](#) lines shall be construed

as following such lines.

D. Boundaries indicated as parallel to or extensions of features indicated above shall be so construed. Distances not specifically indicated on the map shall be determined by the scale of the map.

E. Where topographical or man-made features existing on the ground are at variance with those shown on the map or in other circumstances not covered by the above, the [Council](#) shall interpret the boundaries of the [Historic District](#).

ARTICLE IV - APPLICABILITY OF CHAPTER

Section 4-1: General Applicability.

It is the intent of this chapter that the requirements contained herein shall apply only to the [erection](#), [reconstruction](#), [alteration](#), [restoration](#), [demolition](#) or razing, which is visible from a public [street](#) or [way](#), of or to buildings, structures and/or signs located, in whole or in part, within the [Historic District](#).

Section 4-2: Certificate of Appropriateness Required.

A. Except as provided in section 4-3 of this chapter, if the proposed work is visible from a public [street](#) or way, no [sign](#), [building](#) or other [structure](#) within the [Historic District](#) may be erected, reconstructed, altered, restored, demolished, razed or otherwise changed, in whole or part until after a [completed application](#) for a [certificate of appropriateness](#) has been reviewed according to the procedures set forth in this chapter and approved or conditionally approved by the [Council](#).

Section 4-3: Exception.

A. Nothing in this chapter shall be construed to prevent the routine repair or maintenance or replacement in kind of any exterior elements or features of any [building](#) or [structure](#), in whole or in part, within the [Historic District](#).

B. Nothing in this chapter shall be construed to prevent the immediate and necessary construction, reconstruction, or [alteration](#) of any exterior features or elements, or interior elements which affect exterior features or elements -visible from a public [street](#) or way, of any [building](#) or [structure](#), in whole or in part, which the COAH Administrator and [Building](#) Inspector shall certify as required for health or safety reasons; provided, however, that the review procedures of this chapter as applied to any such work shall commence no later than thirty (30) days following the date the COA Administrator and [Building](#) Inspector certify the need for such work.

ARTICLE V - HISTORICAL ARCHITECTURAL REVIEW BOARD

Section 5-1: Establishment, Composition; Appointment, Terms of Members.

A. A Historical and Architectural [Review](#) Board (HARB) is hereby established and

confirmed, to be composed of not less than five (5) nor more than seven (7) members appointed by the [Council](#). The members of the HARB shall serve without compensation, but may be reimbursed for direct and authorized expenses incurred.

The membership of the HARB shall be as follows: one (1) shall be a registered architect, one (1) a licensed real estate broker, one (1) the [Building](#) Inspector, and the remaining members shall be individuals with a demonstrated interest, knowledge, ability, experience or expertise in preservation of the [Historic District](#). Except for the positions held by the [Building](#) Inspector and the registered architect, all members shall be residents of Newtown Borough.

C. Upon enactment of this chapter, the [Council](#) shall ratify and confirm the terms of the existing HARB members. Thereafter, except for the position held by the [Building](#) Inspector, the Council shall appoint an appropriate successor on the expiration of their respective term to serve for a term of three (3) years. In making appointments of members, the Council shall, if feasible, give preference to residents within the Historic District. The term of the [Building](#) Inspector shall follow his official term of office or as appointed by the Council. Except for the position held by the [Building](#) Inspector, no individual may serve more than three (3) consecutive terms as a member of the HARB.

Section 5-2: Vacancies, Removal...

A. The position of any member of the HARB appointed in his capacity as a registered architect, a licensed real estate broker, or the [Building](#) Inspector who ceases to be so engaged shall be automatically considered vacant.

B. An appointment to fill any vacancy shall be made according to law only for the unexpired portion of the term.

C. Any member of the HARB may be removed from the HARB for cause upon a majority vote of the [Council](#) after notice and an opportunity for a public [hearing](#) if requested within fifteen (15) days of the vote. "Cause" includes, but is not limited to, misconduct, consistent absence from meetings, failure to disclose a conflict of interest and/or recuse oneself where appropriate or other reasons which, in the opinion of [Council](#), infringe upon the ability of the HARB to perform its duties and obligations.

Section 5-3: Conflicts of Interest.

It shall be the duty of each HARB member to remain conscious of and sensitive to any possible conflict of interest (including but not limited to financial considerations) which may arise by virtue of his membership on the HARB. A member, promptly upon determining a conflict exists relative to any matter brought before the HARB, shall disqualify himself from participating, in any manner, publicly or privately, in the presentation, discussion or deliberation of and the voting on any such manner.

Section 5-4: Organization: Meeting

- A. The HARB shall elect its own Chair, Vice Chair and Secretary and create and fill such other offices as it may determine. Officers shall serve annual terms and may succeed themselves.
- B. The HARB, by a majority vote, may make and alter rules and regulations for its own organization and procedure, provided that they are consistent with the laws of the Commonwealth of Pennsylvania, all provisions of this chapter, and all ordinances of the Borough of Newtown.
- C. The HARB shall hold a regularly scheduled monthly [public meeting](#), provided that there is business to conduct, and shall record minutes of such meetings and transmit them to the [Council](#).
- D. The HARB shall hold any additional public meetings and hearings as are necessary to execute its powers and duties as required by this chapter or the laws of the Commonwealth of Pennsylvania.
- E. A majority of the HARB shall constitute a quorum, and action taken at any meeting shall require the majority vote of a quorum.
- F. The HARB may employ secretarial and professional assistance and incur- other necessary expenses only upon the express prior approval of the [Council](#).

Section 5-5: Duties, Obligations and Powers of The HARB.

The HARB shall have the following affirmative duties, obligations and powers:

- A. Give recommendations and counsel to the [Council](#) regarding the advisability of issuing any [certificate of appropriateness](#) required to be discussed and approved or denied at a [public meeting](#) of [Council](#). For each [completed application](#), the HARB's recommendation to the [Council](#) shall be in the form required by this chapter.
- B. Keep on file up-to-date maps of the location of historic buildings, structures, sites and Historic Districts established by this chapter and amendments as may be adopted by Newtown Borough.
- C. Make an annual [report](#) on or before the second Tuesday of February to the [Council](#) which shall include but not be limited to the following:
1. any recommendations for changes in this chapter;
 2. the number and types of cases reviewed from the prior year;
 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. narrative summary describing the state of preservation in the [Historic District](#) with recommendations in policy, goals and objectives for [Council](#)'s consideration;
7. an accounting of expenditures for the prior year, and a justification for the requested appropriation of funds for the upcoming year; and
8. any other information the HARB desires to convey to [Council](#) relevant to the [discharge](#) of its duties.

D. Upon the express prior approval of [Council](#), attend seminars, conferences or workshops related to historic preservation and HARB administration.

E. At the direction of [Council](#), conduct a survey of buildings, structures, objects and monuments for the purpose of determining those contributing resources of historic and/or architectural significance and pertinent facts about them; and to maintain and periodically revise the detailed listings and resource inventories of historic resources and data about them.

F. At the direction of [Council](#), [act](#) in coordination with the Newtown Borough PI Commission, Newtown Joint Historic Commission, and other appropriate groups to advance the principles of this chapter.

Section 5-6: HARB Activities Requiring Prior Borough Council Authorization.

In addition to the powers conferred upon it in Section 5-5, upon specific prior authorization by the [Council](#), the HARB and its members may engage in the following activities:

- A. To propose, from time to time as deemed appropriate, the establishment of additional historic districts and revisions to existing historic districts.
- B. To formulate recommendations concerning the establishment of an appropriate system of markers for selected historic and/or architectural site and buildings including proposals for the installation and care of such historic markers.
- C. To formulate recommendations concerning the preparation and publication of maps, brochures and descriptive material about historical and/or architectural sites and buildings in Newtown Borough.
- D. To cooperate with and advise the [Council](#) and other appropriate Newtown 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.

E. 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.

F. In addition to recommendations made for specific applications, to advise owners of structures, buildings and signs regarding rehabilitation, repairs, maintenance methods and technologies, adaptive [use](#), economic and tax incentives and other historic preservation strategies.

G. To promote public interest in the purpose of this chapter by carrying on educational and public relations programs.

H. With the assistance of any other authorized Newtown Borough committee or agency, to propose architectural design guidelines for [Council](#)'s consideration which advise and assist owners of buildings, structures or signs in the [Historic District](#) regarding appropriate designs, arrangements, textures, materials, repairs, maintenance, rehabilitation and [alteration](#) of such buildings, structures or signs.

ARTICLE VI - COA ADMINISTRATOR

Section 6-1: Office of the COA Administrator.

There is hereby created the office of the COA Administrator charged with the administration and enforcement of this chapter. The COA Administrator shall serve at the discretion of the [Council](#), and may hold additional non-elective Newtown Borough positions in accordance with applicable law.

Section 6-2: Powers and Duties of the COA Administrator.

A. The COA Administrator shall receive all applications for a [certificate of appropriateness](#). Upon receipt of a [completed application](#) for a [certificate of appropriateness](#), the COA Administrator shall: inform the [applicant](#) of the specific requirements for the issuance of a [certificate of appropriateness](#), including application procedures and materials to be submitted as set forth herein, within the [Historic District](#) and of the time and place of the [public meeting](#) of the HARB at which the [applicant](#) may appear to explain the application;

1. determine whether the work proposed needs to be forwarded to any HARB staff for [review](#). If yes, the COA Administrator shall forward to the appropriate individual a copy of the [completed application](#), together with copies of all documents and materials filed by the [applicant](#);

2. maintain a record of all applications and final dispositions of the same, which shall be in addition to and appropriately cross-referenced to other records; and

3. 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 determinations required under this chapter will be available.

B. The COA Administrator shall issue a [certificate of appropriateness](#) for the construction, [alteration](#), restoration, demolition or razing of a [building](#), [structure](#) or [sign](#) in the Historic District only after the Council has approved or conditionally approved a [certificate of appropriateness](#). Upon receipt of a written denial by the Council, COA Administrator shall deny the application for [certificate of appropriateness](#) and so advise the [applicant](#) in the manner required in this chapter.

C. The COA Administrator shall have the power to enforce this chapter according to the provisions of Article X of this chapter.

D. The COA Administrator, shall, from time to time, inspect the work approved by a [certificate of appropriateness](#). All work not in accordance with such [certificate of appropriateness](#) shall be subject to the enforcement provisions of Article X of this chapter.

E. If the [Building](#) Inspector issues a [building](#) permit without a [certificate of appropriateness](#) due to an administrative or clerical error, the [building](#) permit shall be void. The COA Administrator shall have the power to withdraw any such [building](#) permit.

ARTICLE VII - EVALUATION CRITERIA

Section 7-1: General Recommendation Criteria.

A. The HARB, in determining the recommendations to be made to [Council](#) concerning any [certificate of appropriateness](#), and [Council](#), in determining whether to approve or deny a [certificate of appropriateness](#), shall consider all of the following:

1. only those matters that are pertinent to the preservation of the historical and/or architectural aspect and nature of the [building](#), [structure](#), [sign](#), site, area or [Historic District](#);
2. the effect which the proposed change will have upon the general historic and architectural nature of the [Historic District](#);
3. the financial feasibility criteria of this chapter;
4. the general design, arrangement, texture and material of the [building](#), [structure](#) or proposal in relation to such factors to similar features of buildings and structures in the [Historic District](#);
5. the historical and/or architectural appropriateness of the exterior architectural features which can be seen from a public [street](#) or [way](#);
6. broad historical values representing the cultural, political, economic or

social history of Newtown Borough;

7. the relationship of the [structure](#), [building](#) or [sign](#) with historic personages or events of Newtown Borough;

8. the extent to which the proposal is harmonious with the exterior architectural features of other structures, buildings and/or signs in the immediate surroundings;

9. the extent to which the proposal is complementary to the traditional architectural character and style of the [Historic District](#); and

10. specimen architectural types representative of a certain period and a style or method of construction within Newtown Borough.:

B. The HARB may recommend that a [certificate of appropriateness](#) be issued for the erection, reconstruction, [alteration](#), restoration, demolition or razing of any [building](#), [structure](#) or [sign](#), in whole or in part, within the Historic District, and [Council](#) may approve same, only if the proposal satisfies and meets the evaluation criteria of this chapter. The HARB and Council shall make findings of fact in the [report](#) required by this chapter which support its recommendation and [decision](#), and are based upon the evaluation criteria of this chapter.

C. The HARB shall and [Council](#) may consider, in addition to the evaluation criteria of this chapter, the most current version of the Secretary of the Interior Standards for Rehabilitation and accompanying Guidelines for Rehabilitating Historic Buildings in making its recommendation and [decision](#).

Section 7-2: Architectural Design Guidelines.

A. In addition to the evaluation criteria of this chapter, for any proposed work, the HARB shall, and [Council](#) may, consider the extent to which the proposal adheres to the architectural design guidelines for construction. Such guidelines shall be adopted by Resolution of [Council](#) provided the same are consistent with this chapter and the laws of the Commonwealth of Pennsylvania. Such guidelines as revised, amended and updated shall be attached to this chapter as Exhibit "B" hereto. Such guidelines are intended to be advisory in nature.

It is the intent of this chapter that all architectural design guidelines shall advance the principles of this chapter and be consistent with and supplemental to the evaluation criteria of this chapter; provided, however, that such guidelines are educational and exemplary of the architectural and historical styles and material of the [Historic District](#). All architectural design guidelines shall consider but not be limited to the following:

1. Preserving the character defining features of buildings and structures, such as architectural details including but not limited to, cornices, siding, lintels, arches, quoins, balustrades and iron work, chimneys, etc., within the [Historic](#)

[District](#); and

2. Preserving the predominant architectural style(s) and/or material(s) of buildings and structures in the [Historic District](#).

Section 7-3: Demolition.

A. In the case of the proposed [demolition](#) of any [building](#) or [structure](#), in whole or in part, within the [Historic District](#), the HARB shall delegate its obligation to give a recommendation to [Council](#) on the application for a [certificate of appropriateness](#) to the Newtown Joint Historic Commission for as long as that commission is in existence and [Council](#) so directs. The Newtown Joint Historic Commission shall fully investigate the appropriateness of the requested [demolition](#) by applying, in addition to the evaluation criteria of this chapter, the following:

1. The extent to which the [building](#) or [structure](#) constitutes an immediate threat to the public health, safety and welfare;
2. The significance of the [building](#) or [structure](#) to the historic and architectural integrity of the [Historic District](#) and Newtown Borough;
3. The extent to which the [applicant](#) demonstrates that the [building](#) or [structure](#) has no economic [use](#);
4. The efforts made by the [applicant](#) to successfully market the [building](#) or [structure](#); and
5. The proposed construction after [demolition](#) and its impact on the integrity of the [Historic District](#).

B. The HARB shall [review](#) the findings and conclusions of the Newtown Joint Historic Commission and forward those to [Council](#) as the [report](#) required under this chapter. The HARB may make its own independent recommendation to [Council](#), and forward same to [Council](#) with its supporting reasons. In making its [determination](#), [Council](#) shall consider the general evaluation criteria of this chapter, the specific criteria of this section, and the reports of the Newtown Joint Historic Commission and the HARB, if different.

In such cases where Council approves a certificate of appropriateness for the demolition of a [building](#) or [structure](#), consideration should be given by Newtown Borough and the owner(s) as to whether the [building](#) or [structure](#) can be moved -to a proximate site. If moving a C. [building](#) or [structure](#) slated to be demolished is economically or practically infeasible, efforts should be made to salvage prominent architectural features of the [building](#) or [structure](#).

D. Demolition by Neglect. All buildings and structures, and all character defining features of same, within the Historic District shall be maintained in good repair, structurally sound, and reasonably protected against exterior decay and deterioration. If the [Building Inspector](#) or COA Administrator determines that a [building](#) or [structure](#) or any character

defining feature of same within the Historic District has deteriorated to the point that it constitutes a threat to the public health, safety or welfare, or has deteriorated to the point that its historical or architectural significance is substantially compromised, the [Building Inspector](#) or COA Administrator is authorized to take any action permitted under Article X of this chapter to correct the deteriorating condition. The [Building Inspector](#) is authorized to consult with the HARB, and/or the Newtown Joint Historic Commission if authorized by Council, to suggest a course of action to preserve the historical and architectural aspects of the [building](#) or [structure](#) at issue. Actionable deterioration includes but is not limited to the following:

1. Failure to maintain the exterior in good repair so as not to pose a threat to the public health, safety or welfare;
2. Failure to maintain structural members so as to be capable of safely supporting the imposed dead and live loads;
3. Failure to keep foundation walls free from open cracks and breaks,
4. Failure to keep exterior walls free from holes, breaks, loose or rotting materials;
5. Failure to maintain the roof flashing gutters and downspouts, including pole gutters, so as to be sound, tight and not have defects that admit rain;
6. Failure to maintain all cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features in a safe condition;
7. Failure to properly anchor and safely maintain all canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and other similar overhangs;
8. Failure to maintain all chimneys, cooling towers, smoke stacks and similar appurtenances in a structurally safe and sound condition; and
9. Failure to keep all windows, doors and related frames in a weather tight and sound condition.

Section 7-4: Signs.

A. No [sign](#) or permanent regulated advertising display of any kind or for any purpose shall be erected or altered until a [certificate of appropriateness](#) to make such [erection](#) or [alteration](#) has been issued 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 [Historic District](#) and any applicable portion thereof In addition to the foregoing, [Council](#) and the HARB shall apply the evaluation criteria of this chapter when reviewing a [certificate of appropriateness](#) for a [sign](#).

B. The COA Administrator may, in his absolute discretion, permit temporary signage for

a limited duration, and order that the same be removed, while a [completed application](#) is being reviewed.

C. Historical markers may be authorized by [Council](#) 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 historic markers by [Council](#).

Section 7-5: Wireless Facilities.

In addition to the evaluation criteria of this chapter permitted by applicable law, in the case of a request for a [certificate of appropriateness](#) for any wireless facility as identified in this subsection within the [Historic District](#), the following regulations shall apply:

A. Any request to site "personal wireless services," "personal wireless service facilities," or "unlicensed wireless services" as defined in 47 USCS §332(c), as amended, shall be subject to all of the following:

1. The [applicant](#) shall demonstrate its compliance with Section 106 of the National Historic Preservation [Act](#), as amended;
2. The [applicant](#) shall demonstrate its compliance with the Advisory [Council](#) on Historic Preservation's regulations under the National Historic Preservation [Act](#);
3. The [applicant](#) shall provide the HARB and [Council](#) with a copy of the environmental assessment filed with the Federal Communications Commission;
4. The [applicant](#) shall provide the HARB and [Council](#) with the Advisory [Council](#)'s comments to the Federal Communications Commission;
5. The [applicant](#) shall demonstrate that it made a good faith effort to obtain the concurrence of the Pennsylvania Historical Museum Commission regarding its efforts to mitigate any adverse historical effects;
6. If an agreement is reached as a result of the Section 106 [review](#) process, all requirements contained therein shall be considered conditions of approval of the requested [certificate of appropriateness](#), if granted; and
7. The [applicant](#) shall hold at least one [public meeting](#) to discuss the proposal with residents of Newtown Borough and notify in advance, by regular mail, all property owners within two hundred fifty (250) feet of the proposed site.

B. Any request to install and/or site direct broadcast satellites, multi-channel multipoint distribution (wireless cable) providers, and television broadcast stations as defined in 47 USCS 151, et seq., as amended (collectively "antenna"), is reviewed only to ensure compliance with 47 CFR § 1.4000 and 47 CFR § 25.104, as amended, and that the request is congruent with the [Historic District](#)'s listing on the [National Register](#). Such requests

shall be subject to only the following:

1. The [applicant](#) shall demonstrate that the antenna will be placed in a position where reception and an acceptable signal will be possible and is the least visual from the public [street](#) or [way](#);
2. The [applicant](#) shall consider reasonable landscaping of any antenna that is, in the opinion of the HARB, obtrusive;
3. The [applicant](#) shall consider painting or otherwise concealing the antenna so as not to interfere with reception but so that it blends into the background against which it is mounted; and
4. The [applicant](#) shall demonstrate a good faith attempt to site the antenna without attaching it to any [building](#) or [structure](#). If, in order to obtain an acceptable signal, the antenna must be attached to a [building](#) or [structure](#), the applicant shall demonstrate that -it proposes no adverse affects to the structural, historical or architectural integrity of any contributing resources or character defining features of the [building](#) or [structure](#).

ARTICLE VIII - APPLICATION REVIEW PROCEDURE

Section 8-1: Preapplication Review Procedure.

A. Prior to the submission of an application for a [certificate of appropriateness](#), owners or agents may prepare preliminary scale drawings and outline specifications for [review](#) and informal discussion with the HARB. The purpose of this [review](#) shall be to acquaint the [applicant](#) and/or any [agent](#) thereof with standards of appropriateness of design that are required of the proposed work.

B. The preapplication [review](#) shall not require a [completed application](#) but does require notice to be given to the COA Administrator and subsequent notification of the Chair of the HARB at least seven (7) working days before the date of the meeting at which the preliminary drawings are to be discussed.

Section 8-2. Review by the Historical and Architectural Review Board.

A. To consider the recommendation it will give to [Council](#), the HARB shall [review](#), at its regularly scheduled meeting, any [completed application](#) received by the COA Administrator no less than fifteen (15) days in advance of the meeting date. All other completed applications shall be considered by the HARB at its next subsequent regularly scheduled meeting. Additional meetings, if necessary in the discretion of the HARB, to consider an application, shall be scheduled within thirty (30) days of each other. All meetings may be changed upon request by the [applicant](#).

B. The [applicant](#) and/or his representative(s) applying for a [certificate of appropriateness](#) shall be advised no less that fifteen (15) days in advance of the time and place of the meeting at which the application will be reviewed by the HARB, and be invited to appear

to explain his reasons in support of the application at the HARB meeting.

Within thirty (30) days of the final [public meeting](#) upon an application for a [certificate of appropriateness](#) by the HARB, the HARB shall recommend to the [Council](#) the approval or denial of the [certificate of appropriateness](#) in the following manner:

1. In cases where the issuance of a [certificate of appropriateness](#) is recommended for the work in the form submitted by the [applicant](#), the HARB shall transmit the written [report](#) set forth in section 8-2(D) of this chapter to the [Council](#) stating the basis upon which such a recommendation for approval was made.
2. In cases where minor changes in the [applicant's](#) plans and specifications will meet the HARB's conditions for recommendation for approval, the HARB may recommend conditional approval for the issuance of a [certificate of appropriateness](#). The HARB shall transmit the written [report](#) set forth in section 8-2(D) of this chapter, which shall clearly state the conditions. If the [applicant](#) agrees to make these changes, he shall so notify the COA Administrator in writing. Any such agreement shall be noted on the approval.
3. In cases of a recommendation to deny a [certificate of appropriateness](#), the HARB shall transmit the written [report](#) set forth in section 8-2(D) of this chapter to [Council](#) clearly stating the reasons for such recommendation of denial, as well as what changes in the application are necessary to meet the conditions for protecting the distinct historical character of the [Historic District](#).

D. The written [report](#) to [Council](#) concerning the HARB's recommendations on the approval or denial of a [certificate of appropriateness](#) shall set out findings of fact in separate paragraphs which shall include but not be limited to the following:

1. The nature of the proposed work;
2. The location of the area in which the work is to be done;
3. The history of the [building](#) and/or [structure](#) at issue, if any, as surveyed by the appropriate Newtown Borough agency;
4. The exterior changes to be made or the exterior character of the [structure](#) to be erected;
5. A list of the adjacent and surrounding buildings and structures, stating their general exterior characteristics;
6. Proposed landscape work, such as tree removal, additional 'Plantings, grading and access roads;

7. The finished height and width of any proposed construction or [alterations](#);
8. The extent to which the proposed work meets with the various evaluation criteria of Article VII of this chapter;
9. The effect of the proposed change upon the general historic and architectural nature of the [Historic District](#);
10. The general design, arrangement, texture, and material of the [building](#) and the [structure](#) and the relation of such factors to similar features of buildings or structures in the [Historic District](#);
11. The vote of the HARB (including any dissent) as to the appropriateness of the proposed work as it will preserve or destroy the historic character and nature of the [Historic District](#); and
12. If the recommendation of the HARB is for denial or conditional approval, the reasons for denial or conditional approval and changes in the [applicant's](#) plans which are necessary to meet the conditions for protecting the distinct historical character of the [Historic District](#).

E. If the [applicant](#) intends to submit revised plans to remedy the defects which led to the recommendation for denial, the same [review](#) period and procedure set forth above shall apply.

Section 8-3: Review by-the Newtown Borough Council.

A. Upon receipt of the written [report](#), counsel and recommendations from the HARB, the [Council](#) shall consider at its next regularly scheduled meeting the application for a [certificate of appropriateness](#) unless otherwise requested by the [applicant](#). The [applicant](#) shall be advised by the COA Administrator of the time and place of the meeting of [Council](#) at which the application shall be considered. The [applicant](#) shall have the right to attend this meeting and comment on the application..

B. In determining whether or not to approve or deny a request for a [certificate of appropriateness](#), the [Council](#) shall consider the HARB [report](#) and the evaluation criteria as set forth in this chapter. The [Council](#) may elect to make no [decision](#) on any request for a [certificate of appropriateness](#) if it has not received a recommendation from the HARB.

C. If the [Council](#) approves the application as submitted, it shall approve the issuance of a [certificate of appropriateness](#) for such application and authorize the COA Administrator to issue a [certificate of appropriateness](#) for the work as set forth in the application.

D. If the [Council](#) conditionally approves the application, it shall approve the issuance of a [certificate of appropriateness](#) subject to the imposed and agreed upon conditions and authorize the COA Administrator to issue a [certificate of appropriateness](#) upon receipt of assurances from the [applicant](#) that all conditions will be met. All such conditions shall be

clearly stated on the approval.

E. If the [Council](#) denies the application, it shall do so by vote of [Council](#) which recites the reasons therefor and the changes in the [applicant's](#) plans which are necessary to meet the conditions for protecting the distinct historical character of the [Historic District](#) and to secure approval of the requested [certificate of appropriateness](#). The COA Administrator shall thereafter inform the [applicant](#) of the denial, along with the reasons therefore and suggested changes, in writing of the [decision](#) by [Council](#), and copies shall be given to the Pennsylvania Historical and Museum Commission.

F. The COA Administrator shall notify the [applicant](#) of the [Council's](#) [decision](#) in writing within ten (10) days of its meeting at which the application was voted upon, unless mutually agreed otherwise.

G. Unless the application is also part of a subdivision, land [development](#) or zoning application, any [certificate of appropriateness](#) approved under this chapter shall be valid for a period of six (6) months from the date of issuance by the COA Administrator. Except as provided below, all proposed work under such an approved [certificate of appropriateness](#) shall be completed within six (6) months from the date of issuance, unless an extension of time is, upon request of the [applicant](#) granted by [Council](#). If the application is also part of a subdivision, land [development](#) or zoning application, the approved [certificate of appropriateness](#) shall be valid for a period not to exceed six (6) months from the date the latest approval is received. All proposed work under these scenarios shall be completed within six (6) months of the final approval. Under any scenario, the [Council](#) may grant one (1) extension of time; provided, however, that the extension shall be for no more than six (6) months.

ARTICLE IX - FINANCIAL FEASIBILITY

Section 9-1: Financial Feasibility Review.

A. It is recognized that the ongoing repair and maintenance of buildings and structures within the [Historic District](#) can, on occasion, impose relatively high costs. In reviewing all applications, [Council](#) shall conduct a financial feasibility review if requested by the [applicant](#) in response to a request for a [certificate of appropriateness](#). In all such cases, the HARB shall assemble sufficient documentation to submit for [Council's](#) financial feasibility review. A "financial feasibility review" includes an [applicant's](#) claim of an unreasonable cost for repair, maintenance or replacement in-kind of all or part of a [building](#) or [structure](#), an unreasonable economic return, as well as the cost of the work as recommended by the HARB.

B. The [applicant](#) shall submit a minimum of three (3) estimates from bona fide contractors and/or vendors for any financial feasibility [review](#). The HARB shall determine the condition of the architectural feature(s) based on its inspection, photographs or [report](#) from the COA Administrator, [Building](#) Inspector, Newtown Joint Historic Commission, Borough Engineer, preservation staff or other consultant.

Section 9-2: Financial Feasibility Criteria.

A. For any -financial feasibility [review](#), the [applicant](#) must demonstrate that the cost of ongoing repair, maintenance or replacement in-kind is unreasonable or works an unreasonable economic hardship; that he and the [owner](#) of record, if different are unable to obtain a reasonable economic return or a reasonable beneficial [use](#) from a [contributing resource](#); or that the cost of the work recommended by the HARB would impose an unreasonable economic burden.

B. [Council](#), and the HARB if authorized by [Council](#), may receive and consider studies and economic analyses from other Newtown Borough agencies and from private organizations relating to the property in question.

Section 9-3: Financial Feasibility Determination.

A. Should the HARB recommend and/or [Council](#) determine that as a result of the financial feasibility review, the criteria and/or requirements of this chapter result in an unreasonable cost for repair, maintenance or replacement in-kind of all or part of a [building](#) or [structure](#), an unreasonable economic return, or the cost of the work as recommended by the BARB is unreasonable, the [applicant](#) and owner if different, shall consider whether there are other uses or work proposals that would provide a reasonable return or not impose an undue economic burden while still meeting the overall intent of this chapter. The HARB, or the Newtown Joint Historic Commission if relevant, may recommend to [Council](#) that special incentives be offered to the owner of the [contributing resource](#) to encourage the preservation, [restoration](#) and/or rehabilitation of the [contributing resource](#).

B. Upon the prior approval of [Council](#), the HARB may seek the assistance of appropriate local, state, county or national preservation organizations in developing options designed to relieve any financial infeasibility [determination](#).

ARTICLE X - ENFORCEMENT PROVISIONS; APPEALS

Section 10-1: Unlawful Acts.

It shall be unlawful for any person, natural or otherwise, to erect, reconstruct, alter, restore, demolish or raze any [building](#), [structure](#) or [sign](#), in whole or in part regulated by this chapter, or cause same to be done, prior to obtaining a [certificate of appropriateness](#), or in conflict with or in violation of any approved [certificate of appropriateness](#) or of the provisions of this chapter.

Section 10-2: Prosecution of Violations.

The COA Administrator shall have the power to initiate any proceedings at law or in equity necessary for the enforcement of this chapter.

Section 10-3: Notice of Violation.

The COA Administrator shall serve a notice of violation, on a form prescribed by Newtown Borough, on the person responsible for the violation of this chapter and the [owner](#) if different, which results from, (1) commencing any work prior to receipt of any approved [certificate of appropriateness](#) for any work covered by this chapter, (2) failure to comply with approved work

or any conditions of such approval, and (3) any other violation of this chapter: Such notice shall direct the discontinuance of the illegal action or condition, the abatement of the violation, and the time for compliance and/or appeal.

Section 10-4: Penalties.

Any person, [applicant](#), owner, occupant etc. who violates any provision of this chapter or shall fail to comply with any of the requirements of this chapter, or who shall erect, alter, construct, restore, rehabilitate, demolish or raze any [building structure](#) or [sign](#), in whole or in part, in violation of or contrary to the approved [certificate of appropriateness](#) shall be guilty of an offense punishable by a fine of not more than \$1,000. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 10-5: Appeal.

A. Any aggrieved person shall have the right to appeal a [decision](#) of the [Council](#) to deny or conditionally approve a [certificate of appropriateness](#) to the Bucks County Court of Common Pleas in the manner and time provided by law.

B. Any aggrieved person shall have the right to appeal a notice of violation from the COA Administrator to the [Council](#) within thirty (30) days from the issuance thereof. Failure to appeal shall result in a conclusive [determination](#) that a violation exists. An appeal from such action shall be based on a claim that the true intent of this chapter has been incorrectly applied and/or any notice of violation issued hereto has been improperly issued. Any such appeal shall be filed with the COA Administrator on a form prescribed by [Council](#).

1. The [Council](#) shall hold a public [hearing](#) on the appeal within thirty (30) days, or longer if mutually agreed by the [applicant](#). The COA Administrator and the HARB, if it elects, shall appear and defend the notice of violation.

2. Any person who demonstrates a direct, immediate, pecuniary and substantial interest in the subject matter may request to be a party to the appeal. The [Council](#) shall decide all requests for party status.

3. The [Council](#) shall announce a [determination](#) within five (5) days of the final [hearing](#), and shall render a written [decision](#) within fifteen (15) days thereof

4. Any person who was a party to the appeal and is aggrieved by the [decision](#) of [Council](#) shall have the right to appeal an adverse [decision](#) to the Bucks County Court of Common Pleas in the manner and time provided by law.

C. At any Court ordered remand or other [hearing](#) held by [Council](#), other than as described in subsection B hereof, the COA Administrator, the HARB and any consultant shall appear and present evidence on behalf and in support of the HARB's position

ARTICLE XI - MISCELLANEOUS

Section 11-1: Continuation of Prior Ordinances; Repealer

This chapter is deemed to be a continuation and extension of all enactments of [Council](#) heretofore made for the purpose of regulating Historic Districts. All other ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of the inconsistency.

Section 11-2: Severability Clause.

If any section, paragraph, subsection, clause or provision of this chapter shall be declared by a court of competent jurisdiction to be invalid, such [decision](#) shall not affect the validity of this chapter as a whole, or any part thereof

Section 11-3: Amendments.

Except as otherwise provided herein, the provisions of the chapter may be amended in the future by the [Council](#) after notice and [hearing](#) as provided by law.

Section 11-4 : Effective Date/Certification by Pennsylvania Historical and Museum Commission.

Immediately upon the adoption of this chapter, the Newtown Borough Secretary shall forward a copy thereof to the Pennsylvania Historical and Museum Commission. This Ordinance shall be effective immediately; provided I however, that no amendment hereto which proposes an addition to or enlargement of the [Historic District](#) shall take effect until the Pennsylvania Historical and Museum Commission has certified, by resolution, to the historical significance of the proposed [historic district](#), and it has been duly advertised as required by law.