

## **Review Procedure For Building Permit Requests within the Marion Township Historic District**

1. A completed application as determined by a submittal criteria developed by the Historical Architectural Review Board is submitted to the Building Inspector (Refer to Section 600 (A) Marion Township Historic District Ordinance.)
2. The building inspector sends a completed application either for staff administrative review or to the Historical Architectural Review Board (HARB). (Refer to Section 600 (A) of the above Ordinance).
3. The Historical Architectural Review Board reviews the application at its next regularly scheduled or special meeting. (Refer to Section 600 (B) of the above Ordinance).
4. The Historical Architectural Review Board makes a decision within 30 working days if it is satisfied that it has all the information that it requires to review the proposed project. It then notifies the Marion Township Board of Supervisors of its recommendations. (Refer to Section 600 (E) and (F) of the above Ordinance).
5. The Marion Township Board of Supervisors considers the application and the HARB's recommendations at its next regularly scheduled meeting or it schedules a special meeting. (Refer to Section 500 (H) of the above Ordinance).
6. The Marion Township Board of Supervisors makes a decision and then notifies the applicant within five (5) days after its meeting. (Refer to Sections 600 (J), (K), and (L) of the above proposed Ordinance).

*MARION TOWNSHIP HISTORICAL  
ARCHITECTURAL REVIEW BOARD ORDINANCE*

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ORDINANCE NO. 2001 - 201

AN ORDINANCE OF MARION TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, CREATING A HISTORIC DISTRICT, DEFINING ITS LIMITS, PROVIDING FOR THE APPOINTMENT OF A HISTORICAL ARCHITECTURAL REVIEW BOARD (HARB) TO GIVE RECOMMENDATIONS TO THE MARION TOWNSHIP BOARD OF SUPERVISORS REGARDING THE ISSUANCE OF CERTIFICATES OF APPROPRIATENESS IN CONNECTION WITH THE GRANTING OR REFUSAL OF PERMITS FOR THE ERECTION, ALTERATION, RESTORATION, RECONSTRUCTION, DEMOLITION OR RAZING OF ANY BUILDING WITHIN THE HISTORIC DISTRICT AND FOR APPEALS FROM SUCH REFUSALS AND PROVIDING FOR THE NOTIFICATION TO THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION (PHMC) OF THE ADOPTION OF THIS ORDINANCE AND OBTAINING FROM THE COMMISSION A CERTIFICATE AS TO THE HISTORICAL SIGNIFICANCE OF THE DISTRICT.

ARTICLE I

Section 100 - Legal Authorization

Pursuant to authority contained in the Act of June 13, 1961, Public Law 282, No. 167, as amended there is hereby created a historic district within the Township of Marion.

This Ordinance shall be known and may be cited as the Marion Township Historic Preservation Ordinance or Historic District Ordinance.

Section 101 - Purposes

This District is created for the following purposes:

1. 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.

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

## ARTICLE II

Section 200 - Definitions - For the purpose of this ordinance, 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."

### Section 201 - Definitions

A. Alteration - Any act or process requiring a building permit and any other act or process not requiring a building permit but specifically listed in this article as a reviewable action, including without limitation the repair, replacement, reconstruction, demolition or relocation of any structure or object, or any part of a structure which is visible from the public way.

B. Building - Any enclosed or open structure which is a combination of materials to form a construction for occupancy and/or use for human or animal habitation and is permanently affixed to the land, including manufactured homes.

C. Building Permit - An approval statement signed by the Building Inspector or Codes Administrator authorizing the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or a part of any building (within a historic district).

D. Building Permit Application - The request filed by any person with the Building Inspector or Codes Administrator that seeks authorization to erect, alter, reconstruct, repair, restore, demolish, or raze all or a part of any building or structure within a historic district that requires a Certificate of Appropriateness.

E. Building Inspector or Codes Administrator - A municipal employee of or individual retained by the Township of Marion designated by Marion Township as the individual who enforces compliance of building and/or fire codes and issues the permit for the erection, alternation, reconstruction, repair, restoration, demolition or razing of all or a part of any building or structure within a historic district.

F. Certificate of Appropriateness - The approval statement signed by the Marion Township Board of Supervisors which certifies to the historical appropriateness of a particular request for the erection, alteration, reconstruction, restoration, demolition, or razing of all or a part of any building or structure within a historic district and authorizes the issuance of a building permit for said request.

G. Completed Application - A completed permit or Certificate of Appropriateness application is an application which conforms to the submittal criteria for specific historic preservation projects, as determined by the Historical Architectural Review Board.

H. 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.

I. 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.

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

K. Marion Township Historic District or historic district - the area delineated as such in Section 300 hereinafter.

L. Marion Township Historical Architectural Review Board - (HARB) The agency that advises the Marion Township Board of Supervisors on any request for authorization to erect, alter, reconstruct, repair, restore or demolish all or part of any building within a historic district.

M. Reconstruction - The act or process of reproducing by new construction the 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.

N. 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.

O. Structure - Anything constructed or erected, having a permanent or semipermanent location on another structure or on the ground, including, without limitation, buildings, sheds, manufactured homes, garages, fences, gazebos, freestanding signs, billboards, antennas, satellite sending or receiving dishes, vending machines, decks, and swimming pools.

### ARTICLE III

#### Section 300 - Delineation of Historic Districts

A. The Marion Township Historic District shall be described in writing in this section and delineated on a map designated as the Historic District Map of the Township of Marion.

B. The Historic District Map of the Township of Marion shall be located in the Marion Township office and made available for public inspection.

C. The Marion Township Historic District ("historic district") is described as follows:

All of the land located within the Marion Township portion of the subdivision known as "Charming Forge" as shown on the Final Plan dated November 15, 1994, prepared by Thomas R. Gibbons & Associates, Inc., being plan number TRG-D-7109-2, all or a portion of which is already located within a portion of the TUPLEHOCKEN CREEK HISTORIC DISTRICT which is listed in the National Register of Historic Places.

### ARTICLE IV

#### Section 400 - The Creation and Membership of the Historical Architectural Review Board.

A. The Marion Township Historical Architectural Review Board, hereafter referred to as HARB, is hereby established to be composed of five members appointed by the Marion Township Board of Supervisors. The membership of HARB shall be as follows:

One (1) member shall be a registered architect;  
One (1) member shall be a licensed real estate broker;  
One (1) member shall be the building inspector; and  
Two (2) members 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 district and are property owners who reside in Marion Township.

B. The initial term of the first members of HARB shall be fixed so that no more than one member shall be replaced or reappointed during any one subsequent calendar year. Vacancies on the HARB shall be filled within one hundred and twenty (120) days, however, every member shall continue in office after the expiration of his or her term until a successor has been appointed. An appointed successor shall serve for a term of five (5) years. The position of any member of HARB appointed in his capacity such as a registered architect, a licensed real estate broker or building inspector, 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. 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 or her membership on the board. A member, promptly upon the determination that he or she has a conflict relative to any matter brought before HARB, shall disqualify himself or herself from participating, in any manner, publicly or privately, in the presentation, discussion or deliberation of and the voting on any such matter, including temporarily absenting himself or herself from the room in which the discussion is being held.

#### Section 401 - Powers and Duties of HARB

A. Advisory Role - HARB shall give recommendations to the Marion Township Board of Supervisors regarding the advisability of issuing any Certificate of Appropriateness required to be issued in accordance with the said Act of June 13, 1961, as amended and this Ordinance.

B. Board Rule Making Power - 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 Ordinance.

C. Removal of Members - Any board member may be removed for misconduct or wrongdoing, unlawful execution of this Act, or failure to perform his or her responsibilities pursuant to this Act, or for other just cause by a majority vote of the Marion Township Board of Supervisors, but not before he or she has been given the opportunity of a hearing to defend to any alleged infractions of said Act.

D. Annual Reports - The members of HARB shall make an annual report to the Marion Township Board of Supervisors which shall include:

1. any recommendations for changes in the Ordinance;
2. the number and types of cases reviewed;
3. the number of cases for which a Certificate of Appropriateness was either approved or denied;

4. number of HARB meetings which each member attended;
5. historic preservation related training which each member attended; and
6. a narrative summary describing the state of preservation in the Marion Township Historic District with recommendations in policy, goals, and objectives for the Marion Township Board of Supervisors to consider.

E. Compensation - HARB may employ secretarial and professional assistance, and incur other necessary expenses but only with the approval of the Marion Township Board of Supervisors.

F. Meeting - HARB shall meet publicly as and when needed to carry out its powers and duties indicated in this Ordinance. Such meetings shall be opened 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 members present.

G. Training - HARB members shall endeavor to attend seminars, conferences or workshops related to historic preservation and HARB administration.

#### Section 402 - Additionally Powers and Duties of HARB

In addition to Section 401, HARB shall have the following powers and duties:

A. To conduct a survey of buildings, structures, objects and monuments for the purpose of determining those of historic and/or architectural significance and pertinent facts about them; and to take action in coordination with the Marion Township Planning Commission, the Marion Township Zoning Hearing Board, and other appropriate groups to maintain and periodically revise the detailed listings (resource inventories) of historic resources and data about them, appropriately classified with respect to national, state and local significance in accordance or consistent with the Pennsylvania Historical and Museum Commission's "Cultural Resource Management in Pennsylvania: Guidelines for Historic Resource Surveys."

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 site 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 Marion Township historical and/or architectural sites and buildings.



E. To cooperate with and advise the Marion Township Board of Supervisors, and Marion Township 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, 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.

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 Ordinance by carrying on educational and public relations programs.

## ARTICLE V

### Section 500 - Design Guidelines

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

- A. Broad historical values representing the cultural, political, economic, or social history of Marion Township.
- 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 historical and architectural nature of the historic district.
- E. The appropriateness of the exterior architectural features which can be seen from a public street or way.
- F. The general design, arrangement, texture, and material of the building or structure and the relation of such factors to similar features of buildings or structures in the historic district. Consideration shall be given but not limited to the following:

1. Proportion of Building Front Facades - Preserving 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 - Preserving the relationship of width to height of windows and doors.
3. Rhythms of Solids to Voids in the Front Facade - Preserving the relationship between a recurrent alteration of strong and weak architectural elements thereby maintaining a rhythm of solids to voids.
4. Rhythm of Spacing of Buildings on Streets - Preserving the existing rhythm of recurrent or repeated building masses to spaces between each building.
5. Rhythm of Entrance and/or Porch Projections - Preserving the existing rhythm of entrances or porch projections to maintain a pedestrian scale.
6. Relationship of Materials - Preserving the predominant materials of the historic district such as brick, stone, stucco, wood siding, or other material.
7. Relationship of Textures - Preserving the predominant textures of the historic district which may be smooth, such as stucco, or rough, such as brick, with tooled joints or horizontal wood siding or other textures.
8. Relationship of Architectural details - Preserving character defining features of buildings, such as architectural details including but not limited to, cornices, lintels, arches, quoins, balustrades and iron work, chimneys, etc.
9. Relationship of Roof shapes - Preserving compatible roof shapes such as gable, mansard, hip, flat, gambrel, and/or other kinds of roof shapes.
10. Walls of Continuity - Preserving physical elements which comprise streetscapes such as brick walls, wrought iron fences, building facades or combinations of these which form visual continuity and cohesiveness along the street.

11. 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 buildings facade.

12. Scale - Preserving the scale of the built environment created by the size of units of construction and architectural detail that relate to the size of persons. In addition, preserving building mass to its relation to open space.

G. 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 historic district.

H. The height of any new building or structure shall not exceed the height of the tallest adjacent building or structure by ten (10) percent. This requirement shall also apply to any proposed modifications to existing buildings or structures.

I. In such rare cases where the HARB recommends and the Marion Township Board of Supervisors approves demolition of a historic building or structure, a good faith effort shall be made by Marion Township 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 Marion Township.

J. All other Marion Township laws and ordinances shall be complied with, including the zoning, subdivision and flood plain ordinances.

K. 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 (3) estimates from bona fide contractors and or vendors substantiating his or her claim that the financial feasibility of repair in-kind is unreasonable. The HARB shall make a determination 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.

L. No vinyl or aluminum siding or other material shall be allowed on the exterior of any masonry wall of a building or structure.

M. No capping with aluminum or vinyl or other material shall be allowed on the exterior of character defining features of a building or structure.

#### Section 501 - Signs

A. No sign or permanent external advertising display of any kind shall be erected, altered or used in the historic district except for advertising informing the public of a service, business, occupation or professional 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 notwithstanding zoning sign approval, until an application for a 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 sign requirements of any other Marion Township 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 historic markets by HARB.

### ARTICLE VI

#### Section 600 - Application Review Procedure

A. Upon receipt of a completed application for a building permit or a Certificate of Appropriateness for work to be done in the historic district, the Building Inspector shall act in accordance with the procedures being followed in that office, except those procedures that are modified by the following requirements:

1. The Building Inspector shall determine whether the proposed work should be forwarded to HARB staff for administrative approval review. If not, the Building Inspector shall forward copies of the completed application for a building permit together with copies of any plot plan and building plans and specifications filed by the applicant to HARB.

2. The Building Inspector shall not issue a building permit for any erection, alteration, reconstruction, repair, restoration or demolition of all or part of any building in the historic district until the Marion Township Board of Supervisors has issued a Certificate of Appropriateness. **If the Building Inspector or his or her representative issues a building permit without a Certificate of**

**Appropriateness due to an administrative or clerical error said building permit shall be voided.**

3. The Building Inspector shall require applicants to submit a sufficient number of additional copies of material required to be attached to a completed application for a building permit or Certificate of Appropriateness so that the information needed to make the determination set forth in Section 600 (G) 1-8 will be available.

4. 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 a completed building permit or Certificate of Appropriateness application under the jurisdiction of this Ordinance, HARB shall consider such at its next regularly scheduled meeting or special meeting.

C. Notification of HARB Meeting - The owner of record or his or her representative(s) applying for a Certificate of Appropriateness and/or a building permit shall, at least ten (10) days before the HARB meeting, be advised of the time and place of the HARB review meeting and be invited to appear to explain his or her reasons for the application. HARB may invite such other persons as it desires to attend its meeting.

D. Design Guidelines - In determining *both oral* and *written* recommendations to be permitted to the Marion Township Board of Supervisors concerning the issuance of a Certificate of Appropriateness authorizing a permit for the erection, alteration, reconstruction, repair, restoration, demolition, or demolition by neglect of all or a part of any building within the historic district, HARB shall consider the design guidelines set forth in Sections 500 and 501, and such design guidelines developed by the HARB pursuant to and congruent with the objectives of this Ordinance.

E. Time Frame for Board Decision - HARB shall render a decision and recommendation on any application for a building permit under its review no later than thirty (30) working days after the hearing/meeting provided for in Section 401 C. of this Ordinance, and shall submit in writing to the Marion Township Board of Supervisors 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 so indicate to the applicant for a building permit. The disapproval shall indicate to the applicant the changes in plans and specifications, if any, which would protect (1) the distinctive historical character of the historic district and (2) the architectural integrity of the building or structure. The HARB shall withhold its report for five (5) days to allow the applicant to decide whether or not to make the suggested changes in his plans and specifications. If the applicant determines that he or she will make the necessary

changes, he or she shall so advise the HARB, which shall in turn advise the Marion Township Board of Supervisors accordingly.

G. Contents of Written Report - The written report to the Marion Township Board of Supervisors concerning HARB's recommendations on the issuance of a Certificate of Appropriateness shall set out the findings of a fact which shall include, but not be limited to, 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 character 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 historic district.
5. The appropriateness of exterior architectural features of the building which can be seen from a public street or way.
6. The general design, arrangement, texture, and material of the building and the structure and the relation of such factors to similar features of building or structures in the historic district.
7. The opinion of HARB (including any dissent) as to the appropriateness of the work or project proposed as to whether it will preserve or destroy the historic character and nature of the historic district.
8. The specific recommendations of HARB based on findings of fact as to the issuance or refusal to issue a Certificate of Appropriateness.

H. Notification to Applicant by the Township Board of Supervisors - Upon receipt of the written report from HARB as provided in G of this Section, the Marion Township Board of Supervisors shall consider, at its next regularly scheduled or special meeting, whether to issue to the Building Inspector a Certificate of Appropriateness authorizing a permit for work covered by the application. The applicant shall be advised by the Township Secretary of the time and place of the meeting at which the application shall be considered. The applicant shall have the right to attend this meeting and be heard as to the reasons for the filing of the application.

I. Design Guidelines - In determining whether or not to certify to the appropriateness of the proposed erection, alteration, reconstruction, repair, restoration or demolition of all or a part of any building within the historic district, the Marion Township Board of Supervisors shall consider the same factors as did HARB as set forth in Sections 500 and 501 of this Ordinance and shall also consider the report of HARB.

J. Approval by the Township Board of Supervisors - If the Marion Township Board of Supervisors approves the application, it shall issue a Certificate of Appropriateness authorizing the Building Inspector to issue a (building ) permit for the work covered.

K. Disapproval by the Township Board of Supervisors - If the Marion Township Board of Supervisors disapproves the application, the reasons, in writing, shall be transmitted to the Building Inspector, to 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 (1) the distinctive historical character of the historic district and (2) the architectural integrity of the building or structure. Upon receipt of a written disapproval from the Marion Township Board of Supervisors, the Building Inspector shall disapprove the application for a building permit and shall so advise the applicant. The applicant may appeal any such disapproval to the Berks County Court of Common Pleas within the time specified by law.

L. Final Notification by the Marion Township Board of Supervisors – Upon the making of a decision on an application, either for approval or disapproval, the Marion Township Board of Supervisors shall notify the applicant of its decision within five (5) days of the meeting at which the action was taken.

## ARTICLE VII

### Section 700 - Unreasonable Economic Hardship

A. When a claim of unreasonable economic hardship is made due to the effect of this Ordinance, the owner of record must present evidence sufficient to prove that as a result of the HARB's action, he or she is unable to obtain a reasonable return or a reasonable beneficial use from a resource. The owner of record shall submit by affidavit to some or all of the information below, at the discretion of the HARB, 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 a description of the relationship, if any, between the buyer and the seller of the property.
3. Mortgage history of the property, including current mortgage and the annual debt service, if any, for the previous two (2) years.
4. Current market value of the property.

5. Equity in the property.
6. Past and current income and expense statements for the past two (2) years.
7. Past capital expenditures during ownership of current owner.
8. Appraisals of the property obtained within the previous two (2) years.
9. Income and property tax factors affecting the property.
10. All appraisals obtained within the previous two (2) 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 or any structures or object 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 HARB for changes necessary for it to approve a Certificate of Appropriateness.
13. Form of ownership or operation of the property, whether sole proprietorship, profit or nonprofit corporation, limited partnership, joint venture or other.

B. HARB may require that an applicant furnish additional information relevant to the determination of unreasonable economic hardship.

C. HARB may receive and consider studies and economic analyses from other agencies and from private organizations relating to the property in question.

D. Should 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. HARB may choose to recommend to the Marion Township Board of Supervisors 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. 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 HARB chooses to explore such options, HARB may delay issuing a Certificate of Appropriateness for demolition on the basis of economic hardship for a period of ninety (90) days in addition to time periods otherwise applicable.



F. Should the applicant satisfy HARB that he or she will suffer an unreasonable economic hardship if a Certificate of Appropriateness is not approved, and should HARB be unable to develop with the Marion Township Board of Supervisors or appropriate local, statewide and national preservation organization a solution which can relieve the owner's economic hardship, HARB must recommend a Certificate of Appropriateness for demolition.

## ARTICLE VIII

### Section 800 - Demolition by Neglect

All buildings and structures within the Marion Township Historic 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 window 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.

## ARTICLE IX

### Section 900 - Notice of Violation

The Building Inspector shall serve a notice of violation on any persons determined to be in violation of this Ordinance for any reason, including but not be limited to (1) failure to apply for a Certificate of Appropriateness or a building permit required for the erection, reconstruction, alteration, restoration, demolition, demolition by neglect, or razing of any building or structure located in the Marion Township Historic District which can be seen from a public way, and (2) failure to comply with HARB approved work. Such notice shall direct the abatement of said violation.

### Section 901 - Enforcement

Marion Township or its Building Inspector shall have the power to institute any proceeding at law or in equity necessary for the enforcement of this Ordinance.

Section 902 - Penalty

Any person, property owner, occupant, firm or contractor failing to obtain a building permit or Certificate of Appropriateness pursuant to this Ordinance shall be fined the sum of \$300.00 for each day the violation is unabated.

Section 903 - Repealer

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

Section 904 - Severability Clause

In any section, paragraph, subsection, clause or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as whole, or any other part thereof.

Section 905 - Amendments

The provisions of the Ordinance may be amended in the future by the Marion Township Board of Supervisors after notice and hearing as provided by law.

Section 906 - Effective Date/Certification by Pennsylvania Historical and Museum Commission

Prior to or immediately upon the adoption of this Ordinance, the Marion Township Secretary shall forward a copy of this Ordinance to the Pennsylvania Historical and Museum Commission. This Ordinance shall not take effect until: (1) the said Commission has certified, by resolution, to the historical significance of the Marion Township Historical District and, (2) until this Ordinance has been duly advertised once in the newspaper of general circulation in Marion Township as required by law. In any event, this Ordinance shall not become effective until at least five days after its adoption.

Section 907 - Enactment

Enacted and ordained as an Ordinance of the Township of Marion this 29<sup>th</sup> day of March, 2001.

Harold E. Zedman Jr.  
Lyell B. B. B.  
Harold E. Zedman

Attest:

Asia A. Bumballer  
Secretary