

CHAPTER 11
HISTORIC DISTRICTS

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Historic District and 1999 district Extensions

Part 1

General Regulations

§101. Legal Authorization.

1. In accordance with the provisions of Act 167, P.L. 252, No. 167 entitled: “An Act authorizing counties, cities, boroughs, incorporated towns and townships to create historic districts within their geographic boundaries; providing for the appointment of Boards of Historical Architectural Review; empowering governing bodies of political subdivisions to protect the distinctive historical character of these districts and to regulate the erection, reconstruction, alteration, restoration, demolition, or razing of buildings within the historic districts,” adopted by the General Assembly of the Commonwealth of Pennsylvania and approved by the Governor of the Commonwealth of Pennsylvania on the 13th day of June, 1961, and as amended, there is hereby created in the Borough an historic district to be known as “Gettysburg Historic District”.
2. This Part shall be known and may be cited as the “Gettysburg Historic District Ordinance.”

(Ord. 1118-91, 8/12/1991, §101)

§102. Purposes.

1. To safeguard Gettysburg’s historic identity as it is represented in structures, streetscapes and sites of historical, architectural and archeological value within the Historic District.
2. To awaken in residents an interest in Gettysburg’s cultural, economic, social, political and architectural history, and consequently an understanding that the appearance of the Historic District is a valuable but fragile resource which must be protected and preserved.
3. To stabilize and improve property values in the Historic District.
4. To strengthen the Borough’s economy through recognition that visitors are interested in Gettysburg’s historic buildings and streetscapes as a part of the context of the Gettysburg National Military Park.
5. To encourage proper enforcement of the Borough’s building, housing and property maintenance codes, particularly as they apply to properties in the Historic District.

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6. To discourage demolition and other inappropriate changes to historic structures by providing advice or other assistance for their stabilization, preservation, rehabilitation or restoration so as to perpetuate their usefulness.
7. To ensure that size, scale and design of new construction within the Historic District is in harmony with the old.
8. To discourage excavations which could disturb potentially important archaeological sites.

(Ord. 1118-91, 8/12/1991, §102)

§103. Limits of the Historic District.

1. For purposes of this Part, the Gettysburg Historic District shall consist of the area shown on the attached map, entitled “Borough of Gettysburg Historic District and 1999 District Extensions, “prepared by E. W. Christ, Historical Consultant, dated March 22, 1999, plus the list of individual properties hereinafter set forth which are located outside the areas designated on the attached map. The attached map shall be referred to as the “Official Historic District Map” and is incorporated herein by reference.
2. Regardless of the existence of purported copies of the Official Historic District Map and List which, from time to time, may be made or published, the Official Historic District Map and Individual Properties List shall be located in the Office of the Historic Preservation Officer of the Borough. Such Official Historic District Map shall be the final authority as to the current historic status of buildings and other structures in the Borough.
3. Where uncertainty exists as to the boundaries of the Historic District as shown on the Official Historic District Map, the following rules of construction shall apply:
 - A. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.
 - B. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
 - C. Boundaries indicated as parallel to or extensions of features indicated above, shall be so construed.
 - D. Where physical or cultural features existing on the ground are at variance with those shown on the Official Historic District Map or in other circumstances not covered by the above, the Borough Council shall interpret the Historic District boundaries.

4. In addition to the area shown on the Official Historic District Map, the following list of individual properties are included in the Gettysburg Historic District and are therefore under the jurisdiction of this Part:

Assess. Map No.	Parcel Number	Location	Notes	When Built
---	---	159 West Broadway	Doersom-Livers-Clutz House	CA. 1850
---	---	Confederate Avenue (Lutheran Seminary Campus)	"Krauth Residence"	1834
---	---	Confederate Avenue (Lutheran Seminary Campus)	"Old Dorm"	1832
---	---	Confederate Avenue (Lutheran Seminary Campus)	"Schmucker Residence"	1833
9	15	West Confederate Avenue and West Middle Street	"Shultz House"	1831
7	113	402 Hanover Street	General Ewell's Headquarters	Pre-1863
4	68	444 Old Harrisburg Road and Broadway East		Pre-1863
---	---	N. Washington Street (Gettysburg College Campus)	"White House"	1860
---	---	N. Washington Street (Gettysburg College Campus)	"Pennsylvania Hall" or "Old Dorm"	1837

(Ord. 1118-91, 8/12/1991, §103; as amended by Ord. 1222-99, 4/12/1999, §1)

§104. Definitions.

1. Administrative Definitions.
 - A. Borough Council – the governing body of the Borough of Gettysburg.
 - B. Borough Planning Commission – the agency which advises Borough Council on planning and planning related matters.
 - C. Building – any combination of construction materials that form an enclosed or open structure.
 - D. Historic District Building Permit – an approval statement signed by the Historic Preservation Officer authorizing the construction, alteration, stabilization, preservation, rehabilitation, restoration, reconstruction or demolition of all or a part of any building in the Historic District.
 - E. Historic District Building Permit Application – information about project plans supplied on a standard form to be filed with the Historic Preservation Officer by any person who seeks authorization to construct, alter, stabilize,

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preserve, rehabilitate, restore, reconstruct or demolish all or part of any building within the Historic District.

- F. Certificate of Appropriateness – the statement signed by the Borough Secretary certifying Borough Council’s approval of the appropriateness of a particular request for the construction, alteration, stabilization, preservation, rehabilitation, restoration, reconstruction or demolition of all or part of a building within the Historic District, and authorizes issuing a building permit for. said request.
- G. Code Enforcement Officer – an officer of the Borough designated by Borough Council to ensure that applicants follow procedures mandated by this Part, and to investigate and enforce compliance with said Part.

2. Project Treatment Definitions.

- A. Alteration – any change, modification or addition to a part of or all of the exterior of any building or structure.
- B. Construction – any or all work necessary for the erection of any building or structure from a combination of materials that form a safe and stable structure.
- C. Demolition – the dismantling or tearing down of all or part of any building and all operations incidental thereto.
- D. Preservation – the act or process of applying measures to sustain the existing form, style, integrity, and material of a building or structure. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.
- E. Protection – the act or process of applying measures designed to affect the physical condition of a property by defending or guarding it from deterioration, loss or attack, or to cover or shield the property from danger or injury. In the case of buildings and structures, such treatment is generally of a temporary nature and anticipates future historic preservation treatment; in the case of archaeological sites, the protective measures may be temporary or permanent.
- F. Reconstruction – the act or process of reproduction 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.
- G. Rehabilitation – the act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

- H. Restoration – the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.
 - I. Stabilization – the act or process of applying measures designed to reestablish a weather-resistant enclosure and the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists at present.
3. Definition of Project Categories.
- J. Critical Project – a project involving demolition of all or part of any building, or change of configuration and rhythm of any building as a whole, or any alteration to a sensitive building, as defined in subsection (3)(13).
 - K. Major Project – a project proposed for a non-sensitive building involving replacement with other than original materials or design of existing building components such as windows, doors, soffits, rain channels, roofs, siding, porches, fencing, shutters, and awnings in a manner that does not change the configuration and rhythm of the building as a whole, and is proposed for a non-sensitive building.
 - L. Minor Project – a project that does not result in a change in appearance of a building, such as replacing deteriorated wood with identical wooden pieces.
 - M. Sensitive Building – any building that has been standing for at least 50 years at time of application, even though it has been considerably modified, and certain sites of later historic significance or buildings that the Board has determined to be exemplary of later architectural styles. Other buildings in the Historic District are considered non-sensitive.
4. Definitions Pertaining to Signs.
- A. Animated Sign – a sign with action or motion, flashing lights or color changes requiring electrical energy, electronic or manufactured sources of supply, but not including wind-actuated elements such as flags, banners or pennants.
 - B. Business Sign – a sign which announces or directs attention to a business, product, service or activity sold or conducted on the premises where such sign is located.
 - C. Illuminated Sign – a sign incorporating a source of light in order to make the message readable. Included are internally and externally lighted signs.
 - D. Minor Sign Change – a change in wording of a sign that does not affect color, style of lettering, symbols, shape, size, lighting or suspension; reloca-

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tion of a sign that will not affect the historical character of a building or streetscape, as determined by the Code Enforcement Officer.

- E. Reviewable Sign – any new sign, or proposed change to an existing sign affecting color, style of lettering, symbols, shape, size, lighting or suspension; relocation of a sign that the Code Enforcement Officer has determined might affect the historic character of a building or streetscape.
- F. Sign – a lettered board, structure or other surface, or any other device used to visually announce, advertise or convey information to the public for any purpose.
- G. Temporary Sign – a sign conveying information of current and temporary interest.

(Ord. 1118-91, 8/12/1991, §104)

§105. The Composition of the Historic Architectural Review Board.

The Historic Architectural Review Board is hereby established to be composed of seven members appointed by Borough Council. If possible, appointees should be residents of the Borough; only if well-qualified residents cannot be located should non-residents be appointed. Council may give favorable consideration to non-residents who own property in the Borough. The membership of the Board shall be as follows:

- A. Four members shall be persons with knowledge of, and interest in, matters pertaining to preservation of the Historic District, such as historic architecture, history and, in particular, local history, archaeology, or techniques of building preservation; one shall be a registered architect; one shall be a licensed real estate broker; one shall be the Borough Code Enforcement Officer/Building Inspector.
- B. Board members shall serve for a term of five years. The terms of the members shall be fixed so that no more than two members whose terms have expired shall be replaced or reappointed during any one calendar year. The position of any member of the Board appointed in the capacity of registered architect, licensed real estate broker or Code Enforcement Officer, should the member cease to be engaged, shall be considered vacant. An appointment to fill a vacancy shall be only for an unexpired portion of the term. There shall be no limit as to the number of terms that Board members may serve.” [Ord. 1230-99]

(Ord. 1118-91, 8/12/1991, §105; as amended by Ord. 1230-99, 8/9/1999, §1)

§106. Powers and Duties of the Board.

1. The Board shall give recommendations to Gettysburg Borough Council regarding the advisability of issuing any certificates of appropriateness required to be issued in accordance with the said Act of June 13, 1961, as amended, and this Part. For this purpose the Board should devise written rules and regulations for its own organization and procedures, consistent with this Part and the laws of the Commonwealth. A majority of the Board shall constitute a quorum and action taken at any meeting shall require the affirmative vote of a majority (four members) of the Board. Board members are required to disqualify themselves from voting on any project in which their own financial interests are those of their immediate families are directly or indirectly involved.
2. The Board shall furnish Borough Council with minutes of its meeting each month at least five days before Council's regular meeting and shall submit an annual summary report of Board transactions. The Board may request approval from Borough Council to employ secretarial or other staff, their salaries and wages to be paid by the Borough Treasurer, and to incur other necessary expenses.

(Ord. 1118-91, 8/12/1991, §106)

§107. Additional Power and Duties of the Board.

The Board shall have, in addition to the aforementioned powers and duties, the following powers and duties which may be delegated, with concurrence of Borough Council, to other Boards or Commissions appointed by Council, or to individuals or committees recruited by this Board, Work done by Board-recruited entities should be reviewed by the Board before it takes any action on such work:

- A. To conduct a survey of buildings within the Borough for the purpose of determining those of historic and/or architectural significance and pertinent facts about them, and to permanently maintain and periodically revise the detailed listing of historic sites and buildings and data about them, appropriately classified with respect to National, State or local significance, to period or field of interest, or otherwise.
- B. To propose, from time to time as deemed appropriate, the establishment of additional historic districts and revisions to existing historic districts.
- C. To prepare a list that should be updated as needed, or at least annually, of buildings built in the last 50 years that are exemplary of various architectural styles and/or that are sites of later historic significance.
- D. To formulate recommendations concerning the establishment of an appropriate system of markers for selected historic, architectural, and archaeological sites and buildings, and to formulate proposals for the installation and care of such historic markers.

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- E. To formulate recommendations concerning the preparation and publication of maps, brochures, and descriptive material about the Borough's historic, architectural, and archaeological sites and buildings.
- F. To cooperate with and advise the Borough Council, the Borough Planning Commission, and other Borough agencies in matters involving historically, architecturally, and archaeologically 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).
- G. To cooperate with the enlist assistance from the National Park Service, the National Trust for Historic Preservation, the Pennsylvania Historical and Museum Commission and other agencies, public and private, from time to time concerned with historic buildings and sites and buildings.
- H. To advise owners of historic buildings and sites on issues of preservation.
- I. To advise applicants and citizens on eligibility requirements for rehabilitation tax credit certification.
- J. To provide information on interior preservation to those who request it.
- K. To identify persons with expertise whom it may call upon to provide special information and advice.
- L. To promote public interest in the purposes of this Part by carrying on a public relations program.

(Ord. 1118-91, 8/12/1991, §107)

§108. Duties and Responsibilities of the Code Enforcement Officer, Staff or Members of the Board.

- 1. Responsibilities of the Code Enforcement Officer.
 - A. The Code Enforcement Officer shall receive applications for projects involving signs or alterations to Historic District buildings and determine the category under which the project falls. He/she may approve without referring to the Board any application for a minor sign change or minor project.
 - B. For all other applications he/she shall give written notification to the applicant of the date, time and place of the Board meeting at which the application will be considered. This notification shall be made by filling in the information on a form in duplicate, including dated signatures of the Code Enforcement Officer and the applicant, one copy to be given to the applicant and one kept by the Code Enforcement Officer. In addition, the form shall

include a recommendation that approval is likely to be facilitated by appearance of the applicant or a designated representative at the Board meeting for the reason that questions may thus be promptly resolved. If the Code Enforcement Officer is unavailable when an application is submitted, other members of the Borough Office staff shall be authorized to supply and sign this notification.

- C. After determining the category of a project, he/she shall advise applicants on materials needed for the Board's deliberations in that category, request additional copies if appropriate, inspect applications for completeness, and supply completed applications at Board meetings. Applications should be assembled at least five days before the next Board meeting, and should be available for examination by Board members in the interim. Project categories and required materials are as follows:
 - (1) Application for a minor project must include description of work to be done and one or more color photographs of sufficient quality to show the building as a whole and details of the part or parts to be repaired.
 - (2) Application for a major or critical project must include a narrative description and drawings to scale of the proposed work, quality color photographs of the building in all relevant perspectives, a plot plan, name of contractor if known, and estimated cost.
- D. The Code Enforcement Officer shall be responsible for preparing a meeting agenda to be mailed to Board members at least five days before each meeting. The agenda shall include a list of projects and signs to be considered, stating for each the applicant's name, address of building or sign, name of the business in the case of signs, the project category, and description of proposed alterations or sign.
- E. The Code Enforcement Officer shall not issue a building or sign permit for any project, except a minor sign change or minor project, until Borough Council has issued a certificate of appropriateness.
- F. Prior to each Board meeting the Code Enforcement Officer shall inspect all sites for which he/she has issued permits for minor projects, minor sign changes, and reviewable signs since the previous Board meeting, and shall submit to the Board a written certification of compliance in the case of completed work. If work is not complete, he/she shall continue monthly inspections until it is.
- G. He/she shall monitor progress of any major or critical project or erection of a reviewable sign by making visits to the site. If he/she finds noncompliance with terms of the building or sign permit he/she shall immediately notify the Chair or other designated Board or staff member and notify the applicant, issuing a stop-work order until agreement is reached on correcting the problem.

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- H. He/she shall maintain in his/here office, available for public inspection, a record of applications and of his handling, inspections and final disposition of the same, which shall be in addition to, and appropriately cross-referenced with his other records.
2. Other Responsibilities. The following responsibilities may be assigned by the Board to an additional staff member, a Board member, or to the Code Enforcement Officer.
- A. To keep indexed files containing historical and architectural information on buildings and neighborhoods in the Historic District.
 - B. To assemble information on architectural styles and techniques of preservation for use by Board members, applicants and other interested people. This includes devising an indexing system and a loan system.
 - C. To consult with applicants before or after submission of their applications, informing them of appropriate preservation techniques and of conditions stated in this Part. He/she shall present to the applicant whatever historical information about the building is on file, and may supply him/her with a copy of the documentation. However, he/she shall refrain from giving predictions about the Board's decision on the project.
 - D. To educate the public, including specialized sectors such as real estate agents or building contractors, on matters pertaining to the Historic District through informational meetings, displays, and dissemination of written materials.
 - E. To promote continuing education of Board members by supplying pertinent publications and facilitating their attendance at meetings and seminars.
 - F. To recruit members of the public for work furthering any of the goals listed among powers and duties in §107 of this Part.
 - G. To inform the Board of available grants and apply for them after obtaining concurrence of the Board and Borough Council.
 - H. To inform new property owners in the Historic District of regulations regarding the district and, when an expansion of the Historic District becomes effective, to so inform all residents in any added section.
 - I. Preliminary to each meeting of the Board to assemble available historical data on each building for which an application has been filed.

(Ord. 1118-91, 8/12/1991, §108)

§109. Meetings of the Historic Architectural Review Board.

1. The Board shall meet publicly at least one each month at regularly scheduled and advertised meetings. The Board may hold additional meetings which must be advertised in order to carry out responsibilities indicated in §107 and §108 of this Part.
2. On considering applications for all projects, including signs, the Board shall begin by briefly stating the architectural style of the building and noting its distinctive features, including degree of architectural integrity it possesses. When appropriate, information about neighboring buildings or streetscape may be included. The Board shall present to the applicant whatever newly obtained historical information it has about the building and may supply him/her with a copy of the documentation. These statements and presentations shall be done in a manner to awaken applicants' interest in their buildings.
3. The Board shall invite applicants or their representatives to explain their projects and their reasons for applying and may question them in regard to details. The Board may invite other persons with appropriate expertise to attend its meetings to observe or advise.

(Ord. 1118-91, 8/12/1991, §109)

§110. Matters to be Considered by the Board in Reviewing Applications.

1. Alterations that can be seen from a public street, alley or other public space are to be considered essential in determining the recommendations to be presented to Borough Council concerning the issuing of a certificate of appropriateness for an application. In making their determinations the Board shall consider the following matters:
 - A. The effect of the proposed change upon the general historic and architectural nature of the district.
 - B. The effect of the proposed change upon the overall appearance of the street on which it is located, including continuity of the building line.
 - C. The following architectural features of the building and/or site under consideration along with the compatibility with those of neighboring buildings shall be taken unto account:
 - (1) Modifications to its architectural style that have been made over time. In consultation with the applicant a decision should be made whether a return to its original style is appropriate, or whether style or characteristics that the building possessed at some later period should be preferred.

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- (2) Appropriate proportions in the height and width of facades and of the doors and windows therein.
- (3) Rhythm of spacing of buildings on the street including placement of windows or doors on exposed side elevations which help to achieve the appearance of an intact line of buildings and uniformity in their relationship to the street.
- (4) Historic authenticity of entrance and/or porch projections and rhythm of such elements on the street as a whole.
- (5) Compatibility of textures of building materials as combined on the building and in relation to textures of neighboring buildings.
- (6) Historic authenticity and/or compatibility of architectural details including, but not limited to, siding, arches, balustrades, brackets, cornices, cupolas, doors, ironwork, lintels, quoins, shutters, storm windows, window design, etc., in relation to the structure under consideration and to adjacent ones.
- (7) Compatibility of roof shapes on parts of the building under consideration and in relation to neighboring buildings.
- (8) The importance of fences and walls to the cohesiveness of the building line, and historic appropriateness of the materials from which these are made, such as brick or stone walls, wrought iron or wooden picket or plank fencing. The function of fences and walls in concealing parking spaces from street view may also be considered.
- (9) Location of air conditioner, ventilation and heating systems and broadcast reception devices, so as to be as inconspicuous as possible. Applicants shall be encouraged to remove non-functional reception devices.
- (10) Scale of buildings and architectural detail as relates to human size, bearing in mind that the streets of the Historic District were developed at a time when walking was the primary means of moving about and buildings were intended to be viewed from this perspective.
- (11) In addition, the Board may offer advice on colors, paving materials or living landscaping features, but approval may not be denied on these grounds. Such advice might include discussion of historically authentic paint colors along with compatibility of color combinations on the building and in relation to colors of neighboring buildings and placement of screening hedges or appropriateness of paving materials with use of brick for public walkways and brick cobblestone or flagstone for walkways within yards and pebblestone for driveways and parking spaces encouraged in preference to concrete or asphalt.

- D. The effect of the proposed change upon the future condition of the building and possibility of restoration in the future.
 - (1) The removal, alteration or covering of any historic material or distinctive architectural features should be avoided when possible. If any such items are removed, they shall be properly recorded and, if possible, stored for future study or reuse. If historic material is covered, precautions should be taken that such features not be damaged.
 - (2) Whenever possible, additions or alterations to buildings shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
 - (3) The surface cleaning of masonry shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken. When brick has been painted in the past, repainting rather than paint removal shall be recommended.
 - E. Contemporary design for additions to existing buildings that differentiate between old and new parts shall not be discouraged when such additions do not destroy significant historic, architectural or cultural material and such design is compatible with the size, scale, color, material, aesthetics and character of the building.
 - F. Contemporary design for new buildings shall be encouraged, provided the design is compatible with existing neighboring structures in scale, size, color, building materials and other considerations listed in subsection (C) of this Section.
2. The height of any new buildings or structures shall not exceed the height of the tallest adjacent building or structure by more than 10%. This requirement shall also apply to any proposed modifications to existing buildings or structures. However, the Board may recommend grant of a variance from this height limitation where it determines that an unnecessary hardship is caused thereby and that grant of the recommended variance will not have an inappropriate effect on either the building or structure involved or on the general historic and architectural nature of the district; provided, that if the building or structure is constructed to a height taller than any adjacent building or structure, no building or structure adjacent to it shall thereafter be constructed to a still greater height without the grant of variance as herein provided.
3. A. When an application for demolition is presented, the Board, having considered factors stated in subsection (1) of this Section, may deny demolition if it determines that the building contributes to the historic character of the district or if the building is of significant historic value, and if it finds the

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demolition unnecessary for reasons of safety or other significant or overriding considerations in the public interest. Even if a building, or part thereof, that is proposed for demolition has no useful purpose, lacks adaptability, and creates some maintenance costs for the owner, the Board may recommend denial of demolition, provided the Board determines the building, or part thereof, to be of significant historical value.

- B. When the Board deems a proposed demolition undesirable, it may recommend that the demolition be postponed for a period not exceeding nine months from the date of Borough Council's decision. During this period, so as to render demolition unnecessary, the Board or members of its staff shall make all reasonable efforts to advise or assist the application in resolving problems that caused him/her to propose demolition. In the event that the Board is persuaded that the building cannot remain on its site, then the moving of the building shall be encouraged as an alternative to demolition.
- C. If the owner claims that the structure cannot be used for any purpose for which it is or may be reasonably adapted or when the stated reason for demolition is based in whole or in part on financial hardship the Board may require the owner to submit by affidavit the following information which must be kept confidential.
 - (1) Amount paid for the property, date of purchase and party from whom purchased including a description of the relationship, whether business or familial, if any, between the owner and the person from whom the property was purchased.
 - (2) Assessed value of the land and improvements thereon according to the most recent assessment.
 - (3) Financial information for the previous two years which shall include, as a minimum, annual gross income from the property, itemized operating and maintenance expenses, real estate taxes, annual debt service, annual cash flow, the amount of depreciation taken for federal income tax purposes, and other federal income tax deductions produced.
 - (4) All appraisals obtained by the owner in connection with his purchase or financing of the property, or during his ownership of the property.
 - (5) All listings of the property for sale or rent, price asked, and offers received, if any.
 - (6) Any consideration by the owner as to uses and adaptive reuses for the property.

Bases on this information, the Board must consider an attempt by the owner to demonstrate that the sale of the property is impracticable that commercial rental

cannot provide a reasonable rate of return and that other potential uses of the property are foreclosed. In rendering its decision at the end of the delay period, the Board may recommend demolition if it finds that the building cannot be used for any purpose for which it is or may be reasonable adapted.

4. In cases where applications include substantial excavation under or adjacent to an existing building or to an area of the lot previously undisturbed, thus creating the potential to disturb or destroy archaeologically important cultural resources, the Board shall, where deemed necessary, recommend to Borough Council that the proposed excavation be postponed for at least 30 days from the date of Borough Council's decision. During this period, the Board or members of its staff shall consult with a State Historic Preservation Office qualified archaeologist to advise and assist the Board on an appropriate course of action that will mitigate the potential damage to the archaeological resource. In instances where the archaeological resource appears substantial, the Board may seek technical and financial assistance from the Pennsylvania Historical and Museum Commission and/or other preservation organizations to conduct a Phase I and/or Phase II archaeological investigation of the site. In this instance, the Board may recommend to Borough Council that the application be delayed for a period not to exceed 75 days from the date of Borough Council's decision. If this is the case, the Board will make every effort to work closely with the applicant to minimize the inconvenience and delays this may cause.

(Ord. 1118-91, 8/12/1991, §110)

§111. Signs.

1. Procedures.
 - A. No sign or permanent external advertising display of any kind or for an purpose shall be erected or altered in the Historic District until an application for permit to make such erection or alteration has been reviewed by the Historic Architectural Review Board, a certificate of appropriateness issued and a sign permit granted, except that the Code Enforcement Officer may issue permits for minor sign changes as defined in §104(4)(D) without referral to the full Board. However, he/she shall keep records of any permits issued for minor sign changes and shall report these to the Board at their next meeting for inclusion in the minutes.
 - B. 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 service, business, occupation or profession carried on, in or about the property on which such sign or permanent external advertising display appears.
2. Standards.

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- A. In considering appropriateness of proposed signs, the Board shall take the following into account: appropriateness to the architectural style and period of the building at which it will be located, material composition, shape, colors, overall design, type of lettering, illustrative material or logo, spacing, lighting, suspension, accuracy or statements on the sign pertaining to historical or architectural matters, and compatibility of these factors with other signs in the Historic District. In addition, the Board may advise on matters of grammar, spelling and punctuation, but approval may not be denied on these grounds.
 - B. No animated, revolving, or moving signs shall be permitted.
 - C. Illumination of any sign shall be indirect, fully shielded, or otherwise arranged so that illumination of the sign, rather than the source of light, is visible from the public right-of-way. Internally lighted signs are prohibited.
 - D. No free-standing sign shall be more than nine feet high.
 - E. Projecting signs extending more than two feet over any public walk or right-of-way shall be at least eight feet above the walk grade and at least 14 feet above any vehicular right-of-way.
 - F. No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of its position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.
 - G. No sign shall be located so as to prevent or hinder free ingress to or egress from any door, window or fire escape. No sign shall be attached to a stand-pipe or fire escape.
 - H. No sign shall be attached to, or placed on, any public utility pole or tree located within any public right-of-way.
 - I. Should the Code Enforcement Officer deem the design of a temporary sign inappropriate for placement in the Historic District, he/she may refer the matter to the Board for review and recommendation to Borough Council. A time limit for a temporary sign may be recommended by the Board.
 - J. All other requirements of any Borough sign ordinance must be adhered to except that projecting signs in the Historic District, regardless of area, may be made of combustible materials so long as they are not illuminated from the inside.
3. Historic Markers. Historic markers must be reviewed for approval by the Board. Such markers shall not be considered as signs, but rather must conform to uniform requirements established for historic markers by the Board.

(Ord. 1118-91, 8/12/1991, §111)

§112. Application for Review Procedure.

1. The Board shall render a decision on any application for a building or sign permit under its review no later than one month after the hearing/meeting provided for in §109 of this Part, provided that sufficient information to render an informed decision has been supplied by the applicant or otherwise made available. After a waiting period of five days, the Board shall submit in writing to Borough Council recommendations concerning the issuance of a certificate of appropriateness. In no instance shall the Board take longer than 10 days to notify Borough Council of its decision.
2. At least five days before the Borough Council meeting at which the Board's recommendation concerning an application will be considered, the applicant must be supplied with written notice of the date, time and place of the Council meeting.
3. If the Board decides to advise against the granting of a certificate of appropriateness for all or part of an application, it shall indicate to the applicant in writing the changes in plans and specifications, if any, which in the opinion of the Board, would protect the distinctive historical character of the District. If the applicant decides to make the specified changes, he/she shall so notify the Board in writing within five days following the rendering of its decision. The Board, in turn, shall advise Borough Council accordingly. If the applicant is unable to make the decision in the time allowed, he/she may submit an application with the specified changes for consideration at a subsequent Board meeting.

(Ord. 1118-91, 8/12/1991, §112)

§113. Written Report to Borough Council Concerning Certificate of Appropriateness.

The written report to Borough Council, which may be the minutes of the Board's meeting, concerning the Board's recommendations on the issuance of a certificate of appropriateness shall set out the following matters:

- A. Name of applicant and address or location of the area in which the work is to be done. In the case of signs the name of the business shall be stated.
- B. A brief statement of the building's architectural style, outstanding architectural features, period or date of erection if known, and current degree of modification.
- C. A description of the proposed exterior changes or the exterior characteristics of the structure to be erected. When the Board deems appropriate, as in the

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case of new buildings or extensive changes to sensitive buildings, drawings, photographs or other illustrative material may be presented.

- D. A statement of factors from §110 or §111 that the Board considered to be relevant in rendering its decision.
- E. A summary of the Board's deliberations, including any dissent, as to the appropriateness of the work proposed as it will preserve or diminish the historic character of the district.
- F. The specific recommendations of the Board as to the issuance by Borough Council or its refusal to issue a certificate of appropriateness.

(Ord. 1118-91, 8/12/1991, §113)

§114. Actions of Borough Council Concerning Applications for Certificate of Appropriateness.

1. Upon receipt of the written report from the Board as provided in §113 of this Part, the Borough Council shall consider at the next regularly scheduled or special meeting the question of issuing to the Code Enforcement Officer a Certificate of Appropriateness authorizing a permit for work covered by the application. The applicant shall be advised by the Code Enforcement Officer of the time and place of the meeting at which his/her application shall be considered. The applicant shall have the right to attend this meeting and be heard as to the reasons for filing the said application. In determining whether or not to certify to the appropriateness of the proposal, Borough Council shall consider the same factors that the Board is authorized to consider, which are set forth in §110 and §111 of this Part, and shall give weight to the Board's recommendations.
2. If Council approves the application, it shall issue its Certificate of Appropriateness authorizing the Code Enforcement Officer to issue a permit for the work covered. Appended to the permit shall be a statement, including drawings or other appropriate materials, specifying what is being authorized. The Code, Enforcement Officer shall keep a copy of this statement in his/her files.
3. If Borough Council disapproves all or part of any application, it shall do so in writing, and copies shall be given 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 the historical character of the District.
4. Borough Council must notify the Board of all actions it takes on the Board's recommendations.

(Ord. 1118-91, 8/12/1991, §114)

§115. Disapproval of an Application for a Building Permit by Code Enforcement Officer.

Upon receipt of a written disapproval of the Borough Council, the Code Enforcement Officer shall disapprove the application for a sign or building permit and so advise the applicant. The applicant may appeal from the disapproval as provided by law. (Ord. 1118-91, 8/12/1991, §115)

§116. Enforcement.

The Code Enforcement Officer shall have the power to institute any proceedings at law or in equity necessary for the enforcement of this Part. (Ord. 1118-91, 8/12/1991, §116)

§117. Penalties.

For any and every violation of the provisions of this Part, the owner, general agent, or contractor of a building or structure where such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire structure where such violation has been committed or shall exist, and the owner, general agent, contractor, lessee, or tenant of any part of a building or structure in which part such violation has been committed or shall exist, and the general agent, architect, builder, contractor, or any person who knowingly commits, takes part, or assists in any such violation shall exist, shall be liable on conviction thereof to a fine or penalty not exceeding \$600 for each and every offense. Whenever such person shall have been officially notified by the Code Enforcement Officer or by service of a summons in a prosecution, or in any other official manner, that he/she is committing a violation of this Part, each day's continuance of such violation after such notification shall constitute a separate offense punishable by a like fine or penalty. Such fines and penalties shall be in addition to any other fines, penalties and remedies provided by law for such cases and shall be collected in the same manner as is provided in the Borough Code. (Ord. 1118-91, 8/12/1991, §117; as amended by Ord. 1236-99, 12/13/1999, §2)

§118. Conflict with Other Laws.

Should any provision set forth in this Part be found to conflict with any law of the United States or of the Commonwealth of Pennsylvania, such Federal and/or State laws shall govern and this Part shall be construed accordingly. Such conflict shall not affect the validity of this Part. (Ord. 1118-91, 8/12/1991, §118)