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**PART 1****LEGAL AUTHORIZATION****§28-101. Legal Authorization.**

Pursuant to authority contained in the Act of June 13, 1961, Public Law 282, No. 167, as amended, there is hereby created an Historic District within the Township of Oley. This Ordinance shall be known and may be cited as the “Township of Oley Historic Preservation Ordinance” or “Historic District Ordinance”.

**§28-102. Purposes.**

The Historic District is created for the following purposes:

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

“The people have a right to clean air, pure water and to the preservation of the natural, scenic, historic and aesthetic values of the environment. Pennsylvania’s public natural resources are the common property of all the people, including generations yet to come. As trustees of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.”

- B. Now, therefore, it is the purpose and intent of the Township of Oley 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 Oley; to safeguard the heritage of the Township of Oley 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 Township’s economic base by the stimulation of the tourist industry; to establish and improve property values; to foster economic development; to foster civic pride in the beauty and accomplishments of the Township of Oley’s past; and to preserve and protect the cultural, historical and architectural assets of the Township of Oley for which the Township of Oley has been determined to be of local, state or national, historical and/or architectural significance.

*(Ord. 320, 05/09/2005, §1)*

**PART 2****DEFINITIONS****§28-201. General 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”.

**§28-202. Definitions.**

Unless otherwise expressly stated, the following words shall be construed throughout this Chapter to have the meanings indicated in this Section below:

**ALTERATION** – Any act or process requiring a building permit or 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, including roofing, which is visible from the public way. Re-roofing with like or like kind materials that does not involve any structural changes to the roof line shall not be considered an “alteration” requiring HARB review. (*Ord. 329, 07/19/2007, §1*)

**BOARD OF SUPERVISORS** – The Board of Supervisors of the Township of Oley, Berks County, Pennsylvania.

**BUILDING** - Any enclosed or open structure that 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.

**BUILDING INSPECTOR OR CODES ADMINISTRATOR** - A municipal employee of or individual retained by the Township of Oley designated by the Township of Oley as the individual who enforces compliance of building and/or fire codes 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 an historic district.

**BUILDING PERMIT OR DEMOLITION 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 in the Township of Oley’s Historic District.

**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 part of any building or structure in the Township of Oley's Historic District.

**CERTIFICATE OF APPROPRIATENESS** - The approval statement signed by the Board of Supervisors which certifies 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 an historic district, and authorizes the issuance of a building permit for said request.

**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.

**DEMOLITION** - The dismantling or tearing down of all or part of any building, and all operations incidental thereto, including neglecting routine maintenance and repairs which can lead to deterioration and decay.

**DEMOLITION BY NEGLIGENCE** - The absence of routine maintenance and repair which can lead to a building's or structure's structural weakness, decay and deterioration resulting in its demolition.

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

**FARMING** - The commercial production of agricultural crops, livestock or livestock products, poultry products, milk or dairy products or fruits and other horticultural products.

**FARMLAND** - Land in the Township of Oley that is capable of supporting the commercial production of agricultural crops, livestock or livestock products, poultry products, milk or dairy products, fruit or other horticultural products.

**HARB** - Oley Township Historical Architectural Review Board.

**OLEY TOWNSHIP HISTORICAL ARCHITECTURAL REVIEW BOARD** - The agency that advises the Board of Supervisors of the Township of Oley on any requests for authorization to erect, alter, reconstruct, repair, restore or demolish all or part of any building within an historic district.

**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.

**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.

**STRUCTURE** - Anything constructed or erected, having a permanent or semi-permanent location on another structure or in 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.

**WORKING FARM** – Farming where the owner or the occupant of the farm derives its principal source of income from the operation of the farm.

*(Ord. 320, 05/09/2005, §1)*

**PART 3**

**DELINEATION OF HISTORIC DISTRICT**

**§28-301. Delineation of Historic District.**

The Township of Oley Historic District shall comprise the entire Township of Oley, Berks County, Pennsylvania.

*(Ord. 320, 05/09/2005, §1)*

## PART 4

## HISTORICAL ARCHITECTURAL REVIEW BOARD

**§28-401. Historical Architectural Review Board.**

The creation and membership of the Historical Architectural Review Board shall be as follows:

- A. An Historical Architectural Review Board (HARB) is hereby established to be composed of seven (7) members appointed by the Board of Supervisors. The membership of the HARB shall be as follows:
- (1) One (1) member shall be a registered architect;
  - (2) One (1) member shall be a licensed real estate broker;
  - (3) One (1) member shall be a building inspector; (*Ord. 329, 07/19/2007, §2*)
  - (4) One (1) member may be a Planning Commission member;
  - (5) One (1) member shall be a person with demonstrated interest, knowledge, ability, experience or expertise in restoration, historic rehabilitation or neighborhood conservation or revitalization who has interest in the preservation of the Historic District and is a property owner who resides in the Historic District.
  - (6) One (1) alternate, who shall be a resident of Oley Township. (*Ord. 329, 07/19/2007, §3*)
- B. The initial terms of the first members shall be so fixed that no more than two (2) members shall be replaced or reappointed during any one (1) calendar year. Vacancies on the HARB shall be filled within one hundred twenty (120) days. However, every member shall continue in office after expiration of the term until a successor has been appointed. Their successors shall serve for a term of five (5) years. The position of any member of the HARB appointed in his or her capacity, such as a registered architect, a licensed real estate broker, building inspector, Planning Commission member, etc., who ceases to be so engaged shall be automatically considered vacant. An appointment to fill a vacancy shall be only for the unexpired portion of the term.
- C. 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) that may arise by virtue of his or her membership on the Board. A member, promptly upon his or her determining he/she has a conflict himself/herself relative to any matter brought, shall disqualify

himself/herself from participating, in any manner, publicly or privately, in the presentation, discussion or deliberation of and the voting on any such manner, including temporarily absenting himself/herself from the room in which the discussion is being held.

**§28-402. Powers and Duties of the HARB.**

- A. **Advisory Role** - The HARB shall give recommendations to the 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** - The HARB may make and alter rules and regulations for its own organization and procedure, provided that they are consistent with the laws of the Commonwealth and all provisions of this Ordinance. (*Ord. 329, 07/19/2007, §4*)
- C. **Removal of Members** - Any board member may be removed for misconduct or wrongdoing, unlawful execution of this Ordinance, or failure to perform his or her responsibilities pursuant to this Ordinance, or for other just cause by a majority vote of the 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 Ordinance.
- D. **Annual Reports** - The members of the HARB shall make an annual report to the 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 the HARB members and which meetings each member attended;
  - (5) Historic preservation related training which each member attended;
  - (6) A narrative summary describing the state of preservation in the Oley Township Historic District with recommendations in policy, goals and objectives for consideration by the Board of Supervisors.
- E. **Compensation** - The HARB may employ secretarial and professional assistance, and incur other necessary expenses with the approval of the Board of Supervisors.
- F. **Meetings** - The HARB shall meet publicly at least once at regularly scheduled intervals. Further, the HARB may hold any additional meetings it considers necessary to carry out its powers and duties indicated in this Ordinance. Such

meetings shall be open to the public. A majority of the 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** - The HARB members and the HARB support staff shall be required to attend a minimum of eight (8) hours annually of seminars, conferences or workshops related to historic preservation and HARB administration.

**§28-403. Additional Powers and Duties of HARB.**

In addition to the above, the 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; action in coordination with the Oley Township Planning Commission, Zoning Hearing Board and other appropriate groups, and 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 sites and buildings, including proposals for the installation and care of such historic markers.
- D. To formulate recommendations concerning the preparation and publication of maps, brochures and descriptive material about the Township of Oley historical and/or architectural sites and buildings.
- E. To cooperate with and advise the Board of Supervisors and Oley 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.

*(Ord. 320, 05/09/2005, §1)*

**PART 5**  
**DESIGN GUIDELINES**

**§28-501. Design Guidelines.**

In determining the recommendations to be made to the Board of Supervisors concerning the issuance of a Certificate of Appropriateness, the 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 significance, including the following:

- A. Broad historical values representing the cultural, political, economic or social history of the Township of Oley.
- 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 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 a building or structure, and the relation of such factors to similar features of buildings or structures in the District. Consideration shall be given, but not limited to, the following:
  - (1) Proportion of Building's 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 District such as brick, stone, stucco, wood siding or other material.
  - (7) Relationship of Textures - Preserving the predominant textures of the 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 building's 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 in relation to open space.
  - (13) Variations - The HARB shall grant variations in a manner that will be in harmony with the character of other buildings or structures on the street and/or in the District.
- G. The height of any new building or structure shall not exceed ten percent (10%) of the height of the tallest building or structure within two hundred (200) feet, to be measured from the building. This requirement shall also apply to any proposed modifications to existing buildings or structures. (*Ord. 329, 07/19/2007, §5*)
- H. In such rare cases where the HARB recommends and the Board of Supervisors approves demolition of an historic building or structure, a good faith effort shall be made by the Township of Oley 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 the Township of Oley.

- I. In addition to the above, the Zoning Ordinance of the Township of Oley shall be so amended as to be compatible with the purpose of and objectives of the Historic District Ordinance.
- J. All other laws and Ordinances of the Township of Oley shall be complied with, including the Zoning and Subdivision Ordinances.
- K. Financial Feasibility - 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.
- L. 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 determine as to the condition of said architectural feature based on its inspection, photographs or report from the Building Inspector or preservation staff or consultant. No substitute material shall be approved which is inappropriate, incompatible or is destructive or has the potential to be destructive to the original fabric of the building or structure.
- M. No vinyl or aluminum siding or other material shall be allowed on the exterior of any masonry wall of a building or structure. No capping with aluminum or vinyl or other material shall be allowed on the exterior of character-defining features of a building or structure.
- N. Unless modified herein, the Board shall utilize the most recent version of the Secretary of the Interior's Standards For The Treatment of Historic Properties With Guidelines on Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, and the Guide For Architectural Design, Oley Township Historic District, Berks County, Pennsylvania, as prepared by the Brandywine Conservancy, and dated August, 2012, in making its decision relative to the appropriateness of the proposal. (*Ord. 329, 07/19/2007, §6; as amended by Ord. 359, 02/11/2013, §1*)

#### **§28-502. 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 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 permit to make such erection or alteration has been reviewed by the 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 Historic District and a permit granted thereon. *(Ord. 329, 07/19/2007, §7)*

- B. All other requirements of any Ordinance of the Township of Oley must be fulfilled. Historical markers may be authorized by the 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 markers by the HARB.

*(Ord. 320, 05/09/2005, §1)*

**PART 6****APPLICATION REVIEW PROCEDURE****§28-601. 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 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 work proposed needs to be forwarded to the HARB staff for administrative approval review. If so, he 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 the 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 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 void.
  - (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 or her 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, the HARB shall consider such at its next regularly scheduled meeting or special meeting.
- C. Notification of Application of the HARB Meeting - The owner of record or his or her representative(s) applying for a Certificate of Appropriateness and/or a Building Permit shall be advised of the time and place of said meeting and be invited to appear to explain his or her reasons at least ten (10) days before the HARB meeting. The HARB may invite such other persons as it desires to attend its meeting.
- D. Should the Board fail to notify the applicant of its decision within thirty (30) to forty-five (45) working days of its review of the Application, it shall be assumed, as a

matter of law, that the Application is deemed approved, unless the applicant waives the time limit in writing.

- E. Design Guidelines - In determining both oral and written recommendations to be presented to the 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, the 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.
- F. Time Frame for Board Decision - The HARB shall render a decision and recommendation on any Application for a Building Permit under its review no later than thirty (30) to forty-five (45) working days after the hearing/meeting provided for in Section 401 of the Ordinance, and shall submit, in writing, to the Board of Supervisors recommendations concerning the issuance of a Certificate of Appropriateness.
- G. Application Disapproval By the 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 or her 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 governing body accordingly.
- H. Contents of Written Report - The written report to the Board of Supervisors concerning the HARB's recommendations on the issuance of a Certificate of Appropriateness shall set out the findings of fact that 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 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 District.
  - (7) The opinion of the HARB (including any dissent) as to the appropriateness of the work or project proposed as it will preserve or destroy the historic character and nature of the District.
  - (8) The specific recommendations of the HARB based on findings of fact as to the issuance by the Board of Supervisors or its refusal to issue a Certificate of Appropriateness.
- I. Notification of Applicant By the Board of Supervisors of Their Consideration - Upon receipt of the written report from the HARB, as provided in subparagraph (g) of this Section, the Board of Supervisors shall consider, at the next regularly scheduled or special meeting, the question of issuing to the Building Inspector a Certificate of Appropriateness authorizing a permit for work covered by the Application. The applicant shall be advised by the Secretary of the Township of Oley of the time and place of the meeting at which his or her Application shall be considered. The applicant shall have the right to attend this meeting and be heard as to the reasons for filing this said Application.
  - J. 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 Board of Supervisors shall consider the same factors as the HARB set forth in Sections 500 and 501 of this Ordinance and the report of the Board.
  - K. Approval By the Board of Supervisors - If the Board of Supervisors approves the Application, it shall issue a Certificate of Appropriateness authorizing the Building Inspector to issue a permit for the work covered.
  - L. Disapproval By the Board of Supervisors - If the Board of Supervisors disapproves, written reason(s) shall be given to the Building Inspector, 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 District; and, (2) the architectural integrity of the building or structure.  
  
Upon receipt of a written disapproval of the Board of Supervisors, the Building Inspector shall disapprove the Application for a Building Permit and so advise the applicant. The applicant may appeal this disapproval to the Berks County Court of Common Pleas within the time specified by law.
  - M. Final Notification by Board of Supervisors - In either case of approval or disapproval, the Board of Supervisors shall notify the applicant of its decision within five (5) days of its meeting at which the Application was considered.

- N. Should the governing body fail to notify the applicant of its decision within thirty (30) to forty-five (45) working days of its review of the Application, it shall be assumed, as a matter of law, that the Application is deemed approved, unless the applicant waives the time limit in writing.

*(Ord. 320, 05/09/2005, §1)*

## PART 7

## UNREASONABLE ECONOMIC HARDSHIP

**§28-701. Unreasonable Economic Hardship.**

1. 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 the HARB, some or all of the information below at the discretion of the HARB, which shall include but not be limited to the following:
  - A. Date the property was acquired by its current owner.
  - B. 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.
  - C. Mortgage history of the property, including current mortgage and the annual debt service, if any, for the previous two (2) years.
  - D. Current market value of the property.
  - E. Equity in the property.
  - F. Past and current income and expense statements for the past two (2) years.
  - G. Past capital expenditures during ownership of current owner.
  - H. Appraisals of the property obtained within the previous two (2) years.
  - I. Income and property tax factors affecting the property.
  - J. 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.
  - K. All studies commissioned by the owner as to profitable renovation, rehabilitation or utilization of any structures or objects on the property for alternative use, or a statement that none were obtained.
  - L. Estimate(s) of the cost of the proposed erection, reconstruction, alteration, restoration, demolition or razing and estimate(s) of any additional cost(s) that would be incurred to comply with the recommendations of the Board of Supervisors for changes necessary for it to approve a Certificate of Appropriateness.

- M. Form of ownership or operation of the property, whether sole proprietorship, for-profit or nonprofit corporation, limited partnership, joint venture or other.
  - N. The HARB may require that an applicant furnish additional information relevant to its determination of unreasonable economic hardship.
2. Should the HARB determine that the owner's present use is not reasonable, it must consider whether there are other uses currently allowed that would provide a reasonable return, and whether such a return could be obtained through investment in the property for rehabilitation purposes. The HARB may choose to recommend to the Township of Oley 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.
  3. The HARB may seek the assistance of appropriate local, statewide or national preservation organizations in developing solutions which would relieve the owner's economic hardship. If the HARB chooses to explore such options, the HARB may delay issuing a Certificate of Appropriateness for demolition on the basis of economic hardship for a period of ninety (90) days in addition to time periods otherwise applicable.
  4. Should the applicant satisfy the HARB that he or she will suffer an unreasonable economic hardship if a Certificate of Appropriateness is not approved, and should the HARB be unable to develop with the Township of Oley or appropriate local, statewide or national preservation organization, a solution which can relieve the owner's economic hardship, the HARB must recommend a Certificate of Appropriateness for demolition.

*(Ord. 320, 05/09/2005, §1)*

**PART 8**

**DEMOLITION BY NEGLECT**

**§28-801. Demolition By Neglect.**

All buildings and structures within the Township of Oley 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.

*(Ord. 320, 05/09/2005, §1)*

**PART 9**  
**EXCEPTIONS**

**§28-901. Exceptions.**

This Ordinance shall not apply to the following:

- A. Any existing or proposed non-residential building or structure used or to be used for a working farm.
- B. Any addition or alteration to a residential or non-residential building in existence at the time of the adoption of this Ordinance and constructed after 1940.

*(Ord. 320, 05/09/2005, §1)*

**PART 10**  
**ENFORCEMENT**

**§28-1001. Notice of Violation.**

The Building Inspector shall serve a notice of violation on the person in violation of this Ordinance which would result in, but not be limited to: (a) 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 which can be seen from a public way; and, (b) failure to comply with the HARB approved work. Such notice shall direct the abatement of said violation.

**§28-1002. Enforcement.**

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

**§28-1003. 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 an amount not to exceed One Thousand Dollars (\$1,000.00) per day for each day the violation is unabated. *(Ord. 329, 07/19/2007, §8)*

*(Ord. 320, 05/09/2005, §1)*