

**TOWNSHIP OF EAST WHITELAND
CHESTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

**AN ORDINANCE OF THE TOWNSHIP OF EAST WHITELAND, CHESTER COUNTY,
PENNSYLVANIA, AMENDING THE ZONING ORDINANCE OF EAST WHITELAND
TOWNSHIP, AS AMENDED, BY AMENDING SECTION 200-58 TO ADD A
SUBSECTION L PROVIDING FOR DEMOLITION BY NEGLECT OF HISTORIC
RESOURCES AND A SUBSECTION M PROVIDING FOR ENFORCEMENT**

BE IT ORDAINED AND ENACTED by the Board of Supervisors of East Whiteland Township, Chester County, and it is hereby ordained and enacted by the authority of same, as follows:

SECTION I. ZONING TEXT AMENDMENTS. The Zoning Ordinance of East Whiteland Township, as heretofore amended, is hereby amended as follows:

A. The Zoning Ordinance of East Whiteland Township, as heretofore amended, Section 200-58, is hereby amended by inserting the following subsections L and M:

L. *Demolition by neglect.*

(1) Demolition by neglect shall be considered to be the readily observable deterioration of a structure due to lack of routine maintenance, which has a detrimental effect upon the character, stability or structural integrity of the historic resource, thereby constraining or negating the structure's ability for rehabilitation or reuse. Lack of maintenance includes but is not limited to:

(a) The deterioration of exterior walls or other vertical supports.

(b) The deterioration of roofs or other horizontal members.

(c) The deterioration of external chimneys.

(d) The deterioration or crumbling of exterior plasters or mortar.

(e) The ineffective waterproofing of exterior walls, roofs, foundations, windows and doors.

(f) The lack of effective paint or other covering thereby promoting rot or other decay.

(g) The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition.

(2) Demolition by neglect shall not be used as an automatic excuse by an applicant as justification for an active demolition application.

(3) When it can be shown that an owner has held an identified Class I, II or III historic resource property for at least five years and allowed that property to fall into the category of demolition by neglect due to lack of routine maintenance, and

cannot prove that the negligence has occurred as a result of lack of financial ability to provide maintenance, the owner may be subject to fines or prosecution for violation of this and other ordinances of East Whiteland Township. In determining financial ability, the Commission and the Board will consider the financial resources and nature of the property owner, cost of repairs, current value of the property and the potential value and uses of the property.

M. Enforcement.

(1) Fines and penalties. Any person who violates the requirements of this section shall be subject to the penalty provisions imposed under this Chapter in accordance with §200-8, as well as those penalties imposed under Township Building and Fire Codes.

(2) No building permit will be issued for a minimum of one year for a property which was occupied by a Class I or II historic resource which subsequently is demolished in violation of this section.

SECTION II. APPLICABILITY. The provisions hereof shall supersede any ordinances or parts of ordinances which are inconsistent herewith.

SECTION III. SEVERABILITY. If any provision, sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part thereof not been included herein.

SECTION IV. EFFECTIVE DATE. This Ordinance shall become effective five (5) days after enactment as provided by law.

ENACTED AND ORDAINED this _____ day of _____, 2016 by the Board of Supervisors of East Whiteland Township.

BOARD OF SUPERVISORS
EAST WHITELAND TOWNSHIP

William Holmes, Chairman

Richard Orlow, Vice Chairman

ATTEST:

By: _____
Maureen Turley, Township Secretary

Susan Drummond, Member