

ORDINANCE NO. _____

**AN ORDINANCE OF THE TOWNSHIP OF SOLEBURY,
BUCKS COUNTY, PENNSYLVANIA, AMENDING THE
REQUIREMENTS FOR A REGISTERED ARCHITECT AND
BUILDING INSPECTOR ON THE SOLEBURY TOWNSHIP
BOARD OF HISTORICAL ARCHITECTURE REVIEW**

WHEREAS, Section 3 of the Historical Districts Act (HAD), 53 P.S. § 8003, authorizes the Township to appoint a Board of Historical Architectural Review (HARB or Board) upon receipt of the certifying resolution of the Pennsylvania Historical and Museum Commission. The Board shall be composed of not less than five members. One member of the Board shall be a registered architect, one member shall be a licensed real estate broker, one member shall be a building inspector, and the remaining members shall be persons with knowledge of and interest in the preservation of historic districts;

WHEREAS, the HDA imposes no residency requirements on the members of a HARB;

WHEREAS, pursuant to the HDA, Solebury Township established a HARB. See Solebury Township Code of Ordinances Section 11-101.

WHEREAS, pursuant to Section 11-104.1 of the Solebury Township Code of Ordinances, the Solebury Township HARB is to be composed of Solebury Township residents, all of whom shall have demonstrated interest in and knowledge of historic preservation. The requirements for the members of the HARB shall consist of at least five persons appointed by the Township Supervisors who shall have their principal residence in Solebury Township. The membership of the HARB shall consist of a registered architect, a licensed real estate broker, the Building Inspector of Solebury Township, a qualified individual from each historic district, appointed as each district is placed under this Part, and such other qualified individuals as the Board of Supervisors wishes to appoint;

WHEREAS, Solebury Township has found it difficult to find a qualified resident registered architect willing to be a member of the Solebury Township HARB;

WHEREAS, Section 1601 of the Second Class Township Code provides that the Board of Supervisors may adopt Ordinances in which general or specific powers of the Township may be exercised, and, by the enactment of subsequent Ordinances, the Board of Supervisors may amend, repeal, or revise existing Ordinances (53 P.S. Section 66601);

WHEREAS, the Pennsylvania Second Class Township Code authorizes the Board of Supervisors to enact regulations as may be necessary for the health, safety, and general welfare of the Township and its residents (53 P.S. Section 66506);

WHEREAS, the Board of Supervisors finds it to be in the best interests of the health, safety and general welfare of the Township to remove the residency requirements for registered architect members of the Solebury Township HARB;

WHEREAS, the Board of Supervisors also finds that the Township Code of Ordinances should be amended to clarify the HARB requirement for the building inspector and make other clerical changes;

WHEREAS, the proposed amendments have been advertised, considered, and reviewed in accordance with Section 1601 of the Second Class Township Code

NOW THEREFORE, in consideration of the foregoing, be it **ENACTED** and **ORDAINED** by the Board of Supervisors of Solebury Township, Bucks County, Pennsylvania, as follows:

I. Chapter 11 of the Solebury Township Code of Ordinances is hereby **AMENDED** as follows:

A. AMEND Section 11-104 as follows:

1. AMEND Section 11-104.1 to **STRIKE** the existing language and **REPLACE** it with the following:

A Board of Historical Architectural Review is hereby established, to be composed of individuals who shall have demonstrated interest in and knowledge of historic preservation. The Board shall consist of at least five persons appointed by the Township Supervisors. The membership of the Board shall consist of a licensed real estate broker, a building inspector, a qualified individual from each historic district, appointed as each district is placed under this Part, and such other qualified individuals as the Board of Supervisors wishes to appoint, who shall have their principal residence in Solebury Township. The membership of the Board shall also consist of a registered architect, who need not have a principal residence in Solebury Township.

2. AMEND Section 11-104.1.D to **STRIKE** the existing language and **REPLACE** it with the following:

The position of any member of the Board, other than a member of the Board appointed thereto as a registered architect, residing within Solebury Township at the time of his/her appointment who thereafter moves his/her residence from the Township shall automatically become vacant. Likewise, any member of the Board appointed thereto as resident of a historic district who thereafter moves his/her residence from the historic district. If the person appointed to the board as a building inspector is an employee or contracted Building Inspector of Solebury Township, he/she shall cease to be a member of the Board upon ceasing to be an employee or contracted Building Inspector to Solebury Township. An appointment to fill a vacancy shall be only for the unexpired portion of that term.

3. AMEND Section 11-106 to **STRIKE** the existing language and **REPLACE** it with the following:

Any person wishing to erect, reconstruct, alter or restore all or any part of a structure within an historic district which can be seen from a public street or way must secure a certificate of appropriateness from the Board of Supervisors before undertaking any work, whether or not a building permit is required for that work. Any person wishing to demolish or raze all or any part of a structure anywhere within an historic district must secure a certificate of appropriateness from the Board of Supervisors before all or any part of a structure may be demolished or razed. A certificate of appropriateness shall not be required for interior changes. Applications for certificates of appropriateness shall be made to the Building Inspector of Solebury Township, who will forward them to the Board of Historical Architectural Review in accordance with the terms of this Part.

4. AMEND Section 11-107 to **STRIKE** the existing language and **REPLACE** it with the following:

Upon receipt of an application for a certificate of appropriateness, the Building Inspector of Solebury Township shall, within five days of receipt, forward a copy of the application, together with a copy of all material filed by the applicant, to the Board of Historical Architectural Review. The Building Inspector of Solebury Township shall maintain in his/her office a record of all applications together with their final disposition, which shall be in addition to and appropriately cross-referenced to his/her other records.

5. AMEND Section 11-108 to **STRIKE** the existing language and **REPLACE** it with the following:

Upon receipt of an application for a certificate of appropriateness, the Building Inspector of Solebury Township shall, within five days of receipt, forward a copy of the application, together with a copy of all material filed by the applicant, to the Board of Historical Architectural Review. The Building Inspector of Solebury Township shall maintain in his/her office a record of all applications together with their final disposition, which shall be in addition to and appropriately cross-referenced to his/her other records.

6. AMEND Section 11-115 to **STRIKE** the existing language and **REPLACE** it with the following:

The Building Inspector of Solebury Township, with the approval of the Board of Supervisors, shall have the power to institute any proceedings at

law or in equity necessary for the enforcement of this Part or the Act of June 13, 1961, 53 P.S. § 8001 et seq., in the same manner as in his/her enforcement of other building, zoning, or planning ordinances.

II. Partial Repealer

All other provisions of the Ordinances of Solebury Township, as amended, shall remain in full force and effect. All other Ordinances or provisions of the Ordinance inconsistent herewith or in conflict with any of the terms hereof are, to the extent of said inconsistencies or conflicts, hereby specifically repealed.

III. Severability

The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid, or unconstitutional by a court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence or part of a provision had not been included herein.

IV. Effective Date

All provisions of this Ordinance shall be in full force and effect five (5) days after the approval and adoption.

ORDAINED AND ENACTED this ____ day of _____, 2020.

BOARD OF SUPERVISORS OF SOLEBURY
TOWNSHIP, BUCKS COUNTY,
PENNSYLVANIA

Mark Baum Baicker, Chair

Kevin Morrissey, Vice-Chair

Noel Barrett, Member

John Francis, Member

Robert A. McEwan, Member

Attest:

Catherine Cataldi, Township Secretary