

FRANKLIN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 2020-01

**AN ORDINANCE AMENDING CHAPTER 11 OF THE CODE OF
FRANKLIN TOWNSHIP, "HISTORIC DISTRICT"**

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Franklin Township, the Code of Ordinances of Franklin Township is hereby amended as follows:

Section 1. Chapter 11 [Historic District] Section 201 [Definitions] of the Code of Ordinances of Franklin Township, is hereby amended so that the definition of "Demolition by Neglect" reads as follows:

DEMOLITION BY NEGLECT

The failure to provide ordinary and necessary maintenance and repair to a building or structure within a certified historic district, whether by ordinary negligence or willful neglect, purpose or design by the owner or any party in possession thereof, which results in one or more of the following conditions:

- (1) The deterioration of the building or structure so as to create or permit a hazardous or unsafe condition to exist.
- (2) The deterioration or destruction of exterior walls, roofs, chimneys, porches, or windows; the lack of adequate waterproofing; or deterioration of the structural system or foundations which will or could result in permanent damage or loss of exterior features.

Demolition by Neglect shall include having a building or structure open or vulnerable to vandalism or decay by the elements.

Section 2. Chapter 11 [Historic District] Section 801 [Demolition By Neglect] of the Code of Ordinances of Franklin Township, is hereby amended to read:

All buildings and structures within a Township certified historic district shall be maintained in good repair, shall be structurally sound, and shall be protected from demolition by neglect. Where a building or structure within a Township certified historic district has experienced or undergone demolition by neglect, the person, entity, or corporation responsible for the building or structure shall have an affirmative obligation to restore the building or structure so that it no longer violates the provisions of this chapter. Any and all repair or restoration of a building or structure within a Township certified historic district shall be approved and performed in accordance with this chapter.

Section 3. Chapter 11 [Historic District] Section 901 [Notice of Violation] of the Code of Ordinances of Franklin Township, is hereby amended to read:

The appropriate officer or agent of the Township shall serve a notice of violation on the person, corporation, or entity in violation of this chapter. Such notice shall provide the nature of the violation(s) of the chapter, the measures that must be taken to correct the violation(s), and the period of time in which the violation(s) shall be corrected.

Section 4. Chapter 11 [Historic District] Section 902 [Enforcement] of the Code of Ordinances of Franklin Township is deleted in its entirety and replaced with the following Section 902:

§11 -902. Violations and Penalties

Any person, entity, or corporation who shall violate any provision of this chapter, including the failure to obtain a building permit or certificate of appropriateness as required by this chapter, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this chapter continues shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to seek any other available relief at law or equity, including injunction, to enforce compliance with this chapter.

Section 5. Chapter 11 [Historic District] Section 903 [Penalty] of the Code of Ordinances of Franklin Township is deleted in its entirety and all remaining sections of Chapter 11 [Historic District], Part 9 are renumbered accordingly.

ENACTED and ORDAINED by the Board of Supervisors of Franklin Township, Chester County, Pennsylvania, this 19th day of February, 2020.

**FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS**

Nancy Morris, Chairman

Mary McVeigh

Mary McVeigh, Vice Chairman

John Auerbach

John Auerbach, Member

Donna Dea

Donna Dea, Member

David Gerstenhaber

David Gerstenhaber, Member

ATTEST:

Sharon Morris