

AN ORDINANCE

No. 773

AN ORDINANCE Amending The Code Of The Borough Of Beaver By Creating A New Chapter 11, Entitled Historic Preservation; Providing For The Creation Of The Beaver Historic District; Providing For The Designation Of The Beaver Borough Board Of Historical Architectural Review, And Establishing Membership Criteria, Terms Of Office And Duties Thereof; Providing For The Maintenance Of The Beaver Historic Resource Inventory; Providing A Requirement For A Certificate Of Appropriateness To Be Issued Prior To The Demolition Of An Historic Resource Within The Historic District; Providing Enforcement Powers; And Providing Penalties For The Violation Thereof.

The Borough Council of the Borough of Beaver does hereby enact and ordain:

Section 1. The Code of the Borough of Beaver, Chapter 11, Housing, shall be amended by renaming the Chapter as Historic Preservation, and adding thereto provisions for a Historic District, to read and provide as follows:

CHAPTER 11. HISTORIC PRESERVATION

ARTICLE I - HISTORIC DISTRICT

§ 11-1. Legal Authorization

Pursuant to the authority contained in the Act of June 13, 1961, Public Law 282, No. 167, as amended, there is hereby created within the Borough of Beaver, hereafter also known as the "Borough," a historic district designated as the Beaver Historic District

§ 11-2. Purposes. This District is created for the following purposes:

1. In furtherance of the declaration set forth in Article I, Section 27 of the Pennsylvania Constitution, stating 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."
2. To promote, protect, enhance, perpetuate, and preserve Historic Resources 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 Borough; to safeguard the heritage of the Borough by preserving and regulating historic assets which reflect elements of its cultural, social, economic, political, and architectural history; to preserve and enhance the environmental quality of neighborhoods; to strengthen the Borough'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 Borough's past; and to preserve and protect the cultural, historical and architectural assets of the Borough for which the Borough has been determined to be of local, state or national, historical and/or architectural significance.

§ 11.3 Definitions.

For the purpose of this Chapter, 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. All words used in the male gender include the female gender as well. The word "shall" is mandatory. The word "used" includes "designated, intended, built, or arranged to be used."

Appeal Petition – A process by which applicants seeking a Certificate of Appropriateness for demolition of a listed Historic Resource may file an application to the HARB to determine whether the subject property has retained its integrity to remain or was incorrectly listed as a Historic Resource.

Beaver Borough Board of Historical Architectural Review - (HARB) - The agency that advises the Council on any requests for authorization to demolish all or part of any Historic Resource within the Historic District and which performs those other duties as set forth herein.

Borough Council or Council - Council of the Borough of Beaver, Pennsylvania.

Building - Any enclosed or open structure that is a combination of materials to form a construction for occupancy and/or use.

Certificate of Appropriateness (COA) - The approval statement of the Borough Council which certifies to the historical and/or architectural appropriateness of a particular request for the demolition of all or a part of any listed Historic Resource within the Historic District.

Completed Application - A completed permit or COA application is an application that conforms to the submittal criteria for specific historic preservation projects, as determined solely by the Historical Architectural Review Board.

Demolition - The act of moving or dismantling or tearing down or removing of all or part of the exterior load-bearing portion of any building and all operations incidental thereto, including neglecting routine maintenance and repairs that can lead to deterioration and decay. Not included is the removal of exterior, non-structural architectural elements.

Demolition by neglect - 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.

Demolition Permit - An approval statement signed by the Historic Preservation Officer authorizing the demolition or moving of all or a part of any building or structure in the Borough.

Demolition Permit Application - The request filed by any person with the Historic Preservation Officer that seeks authorization to demolish all or a part of any building or structure in the Borough.

Historic Preservation Officer - A municipal official appointed by the Borough Council who carries out the administrative duties set forth in this ordinance including receiving and properly processing all permit applications involving demolition as defined herein.

Historic Resource – Those buildings and structures noted as such listed on the Beaver Historic District Resource Inventory.

Structure – Any building constructed or erected, having a permanent location on another structure or in the ground.

§ 11.4. Delineation of Historic District Boundaries

The Beaver Historic District shall be delineated on a map designated as the Historic District Map of the Borough. The Historic District Map and Beaver Historic District Resource Inventory shall be located in the Municipal Office and made available for public inspection. The Beaver Historic District is described as follows:

Beginning at a point being the intersection of Wilson Avenue and River Road and continuing to, thence west along the southern Borough boundary line, thence turning north to a point aligned with the western property line of 1200 River Road continuing straight along the centerline of Beaver Alley (aka Sutherland Place) between Orchard and Buffalo Streets, thence turning west along the center line of an alley between Second and Park Place, thence turning north along the centerline of Walnut Street, thence turning west along the centerline line of Euclid Alley until reaching the centerline of Sassafras Street, thence turning north along the centerline of Sassafras Street, thence turning east along the centerline of Maple Street, thence turning north along the centerline of Oak Street, thence turning east along the centerline of Third Street, thence turning south along the centerline of Orchard Street, thence turning east along the centerline of Maple Alley, thence turning north along the centerline of the centerline of Buffalo Street, thence turning east along centerline of an alley between Fifth and Sixth Streets, thence turning north along the center line of Navigation Street, thence turning east along the center line of an alley between Sixth and Seventh Streets, thence turning south along the center line of Dravo Street, thence turning east along the center line of Fifth Street, thence turning north along the center line of Market Street, thence turning east and including properties facing the north side of Sixth Street, thence turning north along the western, northern and eastern boundary of the Borough "Water Lot", thence turning east along the center line of Leopard Lane, thence turning south along the center line of Sharon Road, thence turning east along the center line of Fifth Street to the eastern Borough boundary, thence turning south along said eastern Borough boundary to and including the Borough property known as the "Museum and Log House property", thence turning west along the centerline of Wolf Lane, thence turning south along the centerline of Wilson Avenue, returning to the point of beginning.

§ 11.5. Board of Historical Architectural Review Established.

1. Membership. The Beaver Borough Historical Architectural Review Board, hereafter referred to as HARB, is hereby established to be composed of seven (7) members appointed by the Borough Council. The membership of HARB shall be as follows:

One (1) member shall be a registered architect;

One (1) member shall be a licensed real estate broker;

One (1) member shall be a building inspector;

One (1) member shall be a planning commission member; and

Three (3) members shall be persons with demonstrated interest, knowledge, ability, experience or expertise in restoration, historic rehabilitation, or neighborhood conservation or revitalization who have interest in the preservation of the Beaver Historic District. Not less than four (4) members shall be residents of Beaver Borough.

2. Terms. Of the initial members appointed, three (3) members shall serve for a term of three (3) years, and four (4) members shall serve for a term of four (4) years as determined by lot drawing at the HARB initial meeting. Thereafter, terms of appointed members shall be five (5) years. A member appointed to fill a vacancy occurring prior to the expiration of a term for which a predecessor was appointed shall be appointed for the remainder of such term. Vacancies on the HARB shall be filled within one hundred and twenty (120) days.

3. Conflict of Interest. 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 membership on the board. Promptly upon a member determining that he has a conflict relative to any matter brought, a member shall recuse himself from participating, in any manner, publicly or privately, in the presentation, discussion or deliberation of and the voting on any such matter, including temporarily absenting himself from the room in which the discussion is being held.

§ 11.6. Powers and Duties of HARB

1. Advisory Role – HARB shall give recommendations to the Borough Council regarding the advisability of issuing a Certificate of Appropriateness (COA) required to be issued in accordance with the said Act of June 13, 1961, as amended, and this Chapter in those instances where a building permit is sought for demolition within the Historic District.

2. Board Role Making Power - 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 Chapter. HARB shall elect its Chairman, Vice-Chairman, and Secretary who will record minutes of all meetings and regularly forward same to Council.
3. Removal of Members - Any board member may be removed for misconduct or wrongdoing, unlawful execution of his duties, failure to perform his responsibilities, or for other just cause by a majority vote of the Council, but not before he has been given the opportunity of a hearing to defend against any alleged infractions.
4. Annual Reports - By each January 31st, the members of HARB shall make an annual report to the Council on the previous calendar year activities which shall include: recommendations for changes in the provisions of this Chapter; number and types of cases reviewed; number of cases for which a COA was either approved or denied; number of HARB meetings which each member attended; historic preservation related training which each member attended; and a narrative summary describing the state of preservation in the Historic District with recommendations in policy, goals, and objectives for Borough Council's consideration.
5. Compensation - HARB members shall serve without pay. HARB may employ secretarial and professional assistance, and incur other necessary expenses only with the approval of the Borough Council.
6. Meetings - HARB shall meet publicly at least quarterly at regularly scheduled intervals. Further, HARB may hold any additional meetings it considers necessary to carry out its powers and duties indicated in this Chapter. Such meetings shall be opened to the public. A majority of HARB shall constitute a quorum and action taken at any meeting shall require the affirmative vote of a majority of the members present.
7. Training - HARB members and HARB support staff are encouraged to attend seminars, conferences or workshops related to historic preservation and HARB administration.

§ 11.7. Additional Powers and Duties of HARB.

In addition to the above, HARB shall have the following duties:

1. To conduct or update 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; to act in coordination with other appropriate groups and to maintain and periodically add to and/or revise the detailed information pertaining to 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."
2. To maintain the Beaver Historic Resource Inventory of buildings, structures and sites in the Historic District designated for preservation. An Historic Resource may consist of a building, structure or site, or a complex of the same, and must meet any three or more of the following criteria:
 - A. Has significant character, interest or value as part of the development, heritage or cultural characteristics of the Borough, county, region, commonwealth or nation or is associated with the life of a person significant in the past;
 - B. Is associated with an event of importance to the history of the Borough, county, region, commonwealth or nation;
 - C. Embodies an icon associated with an era characterized by a distinctive architectural style;

- D. Embodies distinguishing characteristics of an architectural style or engineering specimen;
 - E. Is the noteworthy work of a designer, architect, landscape architect or designer or engineer whose work has significantly influenced the historical, architectural, economic, social or cultural development of the Borough, county, region, commonwealth or nation;
 - F. Contains elements of design, detail, materials or craftsmanship which represent a significant innovation;
 - G. Is part of or related to a commercial center, park, community or other distinctive area which should be preserved according to an historic, cultural or architectural motif;
 - H. Owing to its unique location or singular physical characteristic, represents an established and familiar visual feature of the neighborhood, community or Borough;
 - I. Has yielded, or may be likely to yield, information important in prehistory or history;
 - J. Exemplifies the cultural, political, economic, social or historical heritage of the community.
3. To formulate recommendations concerning the establishment of an appropriate system of markers for selected Historic Resources including proposals for the installation and care of such historic markers.
 4. To formulate recommendations concerning the preparation and publication of maps, brochures and descriptive material about the Borough's Historic Resources.
 5. To cooperate with and advise the Council in matters involving the Borough's Historic Resources (such as appropriate land usage, parking facilities and signs, as well as adherence to lot dimensional regulations and minimum structural standards).
 6. From time to time 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, concerned with the preservation of Historic Resources.
 7. To advise owners of Historic Resources regarding rehabilitation, repairs, maintenance methods and technologies, adaptive use, economic and tax incentives and other historic preservation strategies, when requested.
 8. To promote public interest in the purpose of this Chapter and historic preservation by carrying on educational and public relations programs including but not limited to activities related to new construction or renovation of Historic Resources within the Historic District.

§ 11.8. Certificate of Appropriateness Guidelines.

In determining the recommendations to be made to the Borough Council concerning the issuance of a COA where a building permit is sought for demolition within the Historic District, the HARB shall consider:

1. Whether or not the property under consideration for demolition is a Historic Resource or is eligible for inclusion on the Beaver Borough Historic Resource Inventory.
2. In evaluating economic aspects of reviewing an application for a COA, the HARB shall consider, when applicable, the following:

A. No recommendation for a COA allowing demolition shall be made for any Historic District Resource unless at least one of the following three criteria applies:

(i) The condition of the Historic District Resource constitutes a serious and immediate threat to the safety of the public or occupants that cannot be eliminated without repairs required to meet specified safety code standards (Pennsylvania Construction Code Act of November 10, 1999, P.L.491, No.45 35 P.S. 7210.101 et seq. including all amendments through the act of November 29, 2006, P.L. 1440, No. 157, as amended) that would exceed 50% of the appraised value of the structure itself documented as follows:

(a) A certified appraisal by a Member of Appraisal Institute (MAI) appraiser prepared within the previous twelve (12) months prior to the date of application for COA shall be required to determine the value of the Historic Resource.

(b) At least two written cost proposals from qualified contractors shall be required to determine both the cost of the repairs required to bring the Historic Resource into conformity with all applicable codes and the cost to demolish the Historic Resource.

(ii) The property owner has demonstrated that there would be no reasonable, long-term economic benefit from preservation of the Historic Resource. In making a claim of unreasonable economic hardship (see § 11.10 below) all potential uses or adaptive uses for the Historic Resource must have been thoroughly examined and explained in the application. When a claim of unreasonable economic hardship is made in reference to demolition due to the effect of this Chapter, the owner of record must present evidence sufficient to prove that as a result of denial of a demolition permit, he is unable to obtain a reasonable return or a reasonable beneficial use from the property. The owner of record shall submit by affidavit to the HARB all of the information set for the in § 11.10 below. The fact that a greater economic return could result from demolition than preservation, or that adequate funds to pursue potential uses or adaptive reuses are lacking (i.e. selling the Historic Resource is an option that shall be considered) are insufficient reasons to sustain a claim of unreasonable economic hardship.

(iii) That demolition is determined to be in the best interest of the Borough

B. In those cases where HARB recommends and the Council approves demolition of a Historic Resource, a good faith effort shall be made by the owner(s) to move the resource to a proximate site. If moving a Historic Resource slated to be demolished is economically or practically infeasible, best efforts shall be made to salvage architectural features of said resource for use within the Borough.

§ 11.9. Application Review Procedure

1. Upon receipt of a completed application for a COA for demolition of an Historic Resource in the Historic District, the Historic Preservation Officer shall act in accordance with the procedures being followed in that office, which shall include the following:

A. Copies of all completed applications for demolition within the Historic District shall be time-stamped and forwarded to all HARB members for informational purposes. The Historic Preservation Officer shall determine whether the application is for demolition of a Historic Resource, in which case he will notify HARB members that the application requires an administrative recommendation to Borough Council as to whether or not a COA for the demolition should be issued.

- B. The Historic Preservation Officer shall not issue a permit for any demolition of all or part of any building in the Historic District until the Borough Council has issued a COA. If the Historic Preservation Officer or his or her representative issues a demolition permit without a COA due to an administrative or clerical error said demolition permit shall be voided.
- C. If the application for demolition relates to an Historic Resource, the Historic Preservation Officer shall require applicants to submit a sufficient number of additional copies of material required to be attached to a completed application for a COA so that the information needed to make the determination set forth below in § 11.9.7 (A-G) will be available.
- D. Applicants seeking a COA for demolition of a Historic Resource may file an Appeal Petition to the HARB to determine whether the subject property has retained its integrity to remain or was incorrectly determined to be a Historic Resource. The owner shall provide the HARB with sufficient documentation as determined by the HARB. Only then shall HARB be required to evaluate the request pursuant to the provisions of Appendix A – Evaluation Criteria - Integrity of a Contributing Property.
- E. The Historic Preservation Officer shall maintain in his office a record of all such applications and final dispositions of the same.
2. Board Review of Applications – Upon receipt of a completed COA or Appeal Petition application under the jurisdiction of this Chapter, HARB shall schedule a meeting to consider such application.
3. Notification to Applicant of HARB Meeting. The owner of record or representative(s) applying for a COA or Appeal Petition shall be advised of the time and place of said meeting and be invited at least ten (10) days before the HARB meeting to appear to explain the reasons for requesting a demolition permit. HARB may invite such other persons as it desires to attend its meeting.
4. COA Guidelines. In determining both oral and written recommendations to be presented to the Borough Council concerning the issuance of a COA authorizing a permit for the demolition, or demolition by neglect of all or a part of any Historic Resource within the Historic District, the HARB shall consider the COA Guidelines set forth in § 11.8 and such guidelines developed by the HARB pursuant to and congruent with the objectives of this Chapter, and consider the effect which the proposed change will have upon the general historic and architectural nature of the district.
5. Time Frame for Board Decision. HARB shall render a decision and recommendation on any application for a COA or Appeal Petition under its review no later than 30 working days after the meeting provided for in § 11.9.3 and shall submit, in writing to the Borough Council recommendations concerning the issuance of a COA.
6. Application Disapproval by HARB. If the HARB decides to advise against the granting of a COA, it shall so indicate in writing to the applicant and shall issue a written report to Borough Council. The failure of the applicant to provide HARB with sufficient information to enable HARB to evaluate the application shall be a reason for advising against the granting of a COA.
7. Contents of Written Report. The written report to Borough Council concerning HARB's recommendations on the issuance of a COA or Appeal Petition shall set out findings of fact that shall include but not be limited to the following:
- A. The exact location of the Historic Resource proposed for demolition.
 - B. A list of the surrounding structures with their general exterior characteristics.
 - C. The effect of the proposed demolition upon the general historic and architectural nature of the district.

- D. The appropriateness of exterior architectural features of the Historic Resource.
- E. The general design, arrangement, texture, and material of the Historic Resource and the relation of such factors to similar features of other buildings or structures in the district.
- F. The opinion of HARB (including dissent) as to the appropriateness of the proposed demolition with respect to its tendency to degrade or destroy the historic character and nature of the district.
- G. The specific recommendations of the HARB.
8. Notification of Applicant by the Borough Council of their Consideration. Upon receipt of the written report from HARB as provided in § 11.9.7 above, the Borough Council shall schedule a meeting to consider the question of issuing a COA authorizing the Historic Preservation Officer to issue a permit for work covered by the application. The applicant shall be advised by the Borough Council administrative office of the time and place of the meeting at which his application will be considered. The applicant shall have the right to attend this meeting and be heard as to the reasons for filing the subject application.
9. COA Guidelines. In determining whether to certify to the appropriateness of the proposed demolition of all or a part of any Historic Resource within the Historic District, the Borough Council shall consider the same factors as HARB set forth in § 11.8 of this Chapter as well as the report of the Board. Borough Council shall only consider matters pertinent to the preservation of the historic aspect and nature of the district.
10. Approval by the Borough Council. If the Borough Council approves the application, it shall issue a COA authorizing the Historic Preservation Officer to issue a demolition permit for the work covered.
11. Disapproval by the Borough Council. If the Borough Council disapproves, written reason(s) shall be given to the Historic Preservation Officer, 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 Borough Council the Historic Preservation Officer shall disapprove the application for a COA or Appeal Petition and so advise the applicant. The applicant may appeal this disapproval to the County Court of Common Pleas within the time specified by law.
12. Final Notification by Borough Council. In case of either approval or disapproval the Borough Council shall notify the applicant of its decision, or need for further review.

§ 11.10. Unreasonable Economic Hardship.

When a claim of unreasonable economic hardship is made due to the effect of this Chapter, the owner of record must present evidence sufficient to prove that because of disapproval of a COA, the owner 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:

1. Date the property was acquired by its current owner.
2. 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.
3. Mortgage history of the property, including current mortgage and the annual debt service, if any, for the previous two (2) years.
4. Current market value of the property.

5. Equity in the property.
6. Past and current income and expense statements for the past two (2) years.
7. Past capital expenditures during ownership of current owner.
8. Appraisals of the property obtained within the previous two years.
9. Income and property tax factors affecting the property.
10. 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.
11. 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.
12. Estimate(s) of the cost of the proposed demolition and an estimate(s) of any additional cost(s) that would be incurred to comply with the recommendations of the HARB for changes necessary for it to approve a COA.
13. Form of ownership or operation of the property, whether sole proprietorship, for-profit or nonprofit corporation, limited partnership, joint venture or other.
14. The HARB may require that an applicant furnish additional information relevant to its determination of unreasonable economic hardship.
15. Should the HARB determine that the owner's present return 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 that special local, state or federal 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.
16. The HARB may seek the assistance of appropriate local, statewide or national preservation organizations and/or economic development agencies for solutions, which may relieve the owner's economic hardship. If the HARB chooses to explore such options, the HARB may delay issuing a COA for demolition based on economic hardship for a period of ninety (90) days in addition to time periods otherwise applicable.
17. Should the applicant satisfy the HARB that he will suffer an unreasonable economic hardship if a COA is not approved, and should the HARB be unable to develop with the Borough or appropriate local, statewide and national preservation organization and/or economic development agencies a solution which can relieve the owner's economic hardship, the HARB must recommend a COA for demolition.

§ 11.11. Demolition by Neglect.

All buildings and structures within the Historic District shall be maintained in good repair, structurally sound, and reasonably protected against decay and deterioration. Examples of such deterioration due to deferred maintenance include:

1. Deterioration of exterior walls or other vertical supports, deterioration of roofs, or other horizontal members, deterioration of exterior chimneys, deterioration of crumbling of exterior stucco or mortar,
2. Ineffective, deteriorated gutters, downspouts, surface drainage waterproofing of exterior walls, roofs, or foundations, including broken window or doors, or

3. Deterioration of any feature to create a hazardous condition that could lead to the claim that a demolition is necessary for the public safety including environmental or infestation issues.

§ 11.12. Enforcement.

1. The Historic Preservation Officer, or any duly designated representative, shall serve a notice of violation on the person in violation of this Chapter. Such notice shall direct the abatement of said violation.
2. The Historic Preservation Officer or any duly designated representative shall have the power to institute any proceedings at law or in equity necessary for the enforcement of this Chapter which may include any one or more of the following:
 - a. Filing a complaint before a Magisterial District Judge seeking a civil fine or penalty as set forth herein below.
 - b. Filing a complaint before any court having jurisdiction to enjoin activity, including demolition, conducted in violation of this Chapter in order to preserve and protect any and all Historic Resources within the Historic District.
 - c. Filing a complaint before any court having jurisdiction seeking an order to compel the reconstruction of any Historic Resource within the Historic District or seeking monetary damages to facilitate the reconstruction thereof.

§ 11.13. Penalty

Any person, property owner, occupant, firm or contractor failing to obtain a COA pursuant to this Chapter or who effects or attempts to effect the demolition of an Historic Resource within the Historic District, or who permits the demolition of an Historic Resource by neglect shall, upon complaint filed with a Magisterial District Judge, be subject to a civil fine or penalty in an amount of up to One Thousand Dollars (\$1000.00). Each day that the violation continues after notice to cease and desist or to abate the same shall constitute an additional offense.

Section 2. Repealer. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 3. Severability. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as whole, or any part thereof.

Section 4. Effective Date/Certification by Pennsylvania Historical and Museum Commission. Immediately upon the adoption of this Ordinance, the Borough Secretary shall forward a copy thereof to the Pennsylvania Historical and Museum Commission. This Ordinance shall not take effect until the said Commission has certified, by resolution, to the

historical significance of the Beaver Historic District as described herein.

Ordained and enacted on June 14, 2011.

BOROUGH OF BEAVER

Attested:

Anna A. Taylor
Borough Secretary

By J. Joann Carrozzello
Vice President of Council

Examined and approved on June 14, 2011

Tom T. Junt
Mayor

Appendix A

Evaluation Criteria – The Integrity Of A Contributing Property

Integrity is the ability of a property to convey its significance. To be listed in the National Register of Historic Places, a property must not only be shown to be significant under the National Register criteria, but it also must have integrity. The evaluation of integrity is sometimes a subjective judgment, but it must always be grounded in an understanding of a property's physical features and how they relate to its significance.

Historic properties either retain integrity (this is, convey their significance) or they do not. Within the concept of integrity, the National Register criteria recognizes seven aspects or qualities that, in various combinations, define integrity.

To retain historic integrity a property will always possess several, and usually most, of the aspects. The retention of specific aspects of integrity is paramount for a property to convey its significance. Determining which of these aspects are most important to a particular property requires knowing why, where, and when the property is significant. The following sections define the seven aspects and explain how they combine to produce integrity.

SEVEN ASPECTS OF INTEGRITY

- Location
- Design
- Setting
- Materials
- Workmanship
- Feeling
- Association

Location

Location is the place where the historic property was constructed or the place where the historic event occurred. The relationship between the property and its location is often important to understanding why the property was created or why something happened. The actual location of a historic property, complemented by its setting, is particularly important in recapturing the sense of historic events and persons. Except in rare cases, the relationship between a property and its historic associations is destroyed if the property is moved.

Design

Design is the combination of elements that create the form, plan, space, structure, and style of a property. It results from conscious decisions made during the original conception and planning of a property (or its significant alteration) and applies to activities as diverse as community planning, engineering, architecture, and landscape architecture. Design includes such elements as organization of space, proportion, scale, technology, ornamentation, and materials.

A property's design reflects historic functions and technologies as well as aesthetics. It includes such considerations as the structural system; massing; arrangement of spaces; pattern of fenestration; textures and colors of surface materials; type, amount, and style of ornamental detailing; and arrangement and type of plantings in a designed landscape.

Design can also apply to districts, whether they are important primarily for historic association, architectural value, information potential, or a combination thereof. For districts significant primarily for historic association or architectural value, design concerns more than just the individual buildings or structures located within the boundaries. It also applies to the way in which buildings, sites, or structures are related: for example, spatial relationships between major features; visual rhythms in a streetscape or landscape plantings; the layout and materials of walkways and roads; and the relationship of other features, such as statues, water fountains, and archeological sites.

Setting

Setting is the physical environment of a historic property. Whereas location refers to the specific place where a property was built or an event occurred, setting refers to the *character* of the place in which the property played its historical role. It involves *how*, not just where, the property is situated and its relationship to surrounding features and open space.

Setting often reflects the basic physical conditions under which a property was built and the functions it was intended to serve. In addition, the way in which a property is positioned in its environment can reflect the designer's concept of nature and aesthetic preferences.

The physical features that constitute the setting of a historic property can be either natural or manmade, including such elements as:

- Topographic features (a gorge or the crest of a hill);
- Vegetation;
- Simple manmade features (paths or fences); and
- Relationships between buildings and other features or open space.

These features and their relationships should be examined not only within the exact boundaries of the property, but also between the property and its *surroundings*. This is particularly important for districts.

Materials

Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property. The choice and combination of materials reveal the preferences of those who created the property and indicate the availability of particular types of materials and technologies. Indigenous materials are often the focus of regional building traditions and thereby help define an area's sense of time and place.

A property must retain the key exterior materials dating from the period of its historic significance. If the property has been rehabilitated, the historic materials and significant features must have been preserved. The property must also be an actual Historic Resource, not a recreation; a recent structure fabricated to look historic is not eligible. Likewise, a property whose historic features and materials have been lost and then reconstructed is usually not eligible.

Workmanship

Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory. It is the evidence of artisans' labor and skill in constructing or altering a building, structure, object, or site. Workmanship can apply to the property as a whole or to its individual components. It can be expressed in vernacular methods of construction and plain finishes or in highly sophisticated configurations and ornamental detailing. It can be based on common traditions or innovative period techniques.

Workmanship is important because it can furnish evidence of the technology of a craft, illustrate the aesthetic principles of a historic or prehistoric period, and reveal individual, local, regional, or national applications of both technological practices and aesthetic principles. Examples of workmanship in historic buildings include tooling, carving, painting, graining, turning, and joinery.

Feeling

Feeling is a property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character. For example, a rural historic district retaining original design, materials, workmanship, and setting will relate the feeling of agricultural life in the 19th century.

Association

Association is the direct link between an important historic event or person and a historic property. A property retains association if it is the place where the event or activity occurred and is sufficiently intact to convey that relationship to an observer. Like feeling, association requires the presence of physical features that convey a property's historic character. For example, a Revolutionary War battlefield whose natural and manmade elements have remained intact since the 18th century will retain its quality of association with the battle. Because feeling and association depend on individual perceptions, their retention *alone* is never sufficient to support eligibility of a property for the National Register.

ASSESSING INTEGRITY IN PROPERTIES

Integrity is based on significance: why, where, and when a property is important. Only after significance is fully established can you proceed to the issue of integrity.

The steps in assessing integrity are:

- Define the **essential physical features** that must be present for a property to represent its significance.
- Determine whether the **essential physical features are visible enough to convey their** significance.
- Determine whether the property needs to be **compared with similar properties**. And,
- Determine, based on the significance and essential physical features, **which aspects of integrity** are particularly vital to the property being nominated and if they are present.

Ultimately, the question of integrity is answered by whether or not the property retains the **identity** for which it is significant.

DEFINING THE ESSENTIAL PHYSICAL FEATURES

All properties change over time. It is not necessary for a property to retain all its historic physical features or characteristics. The property must retain, however, the **essential physical features** that enable it to convey its historic identity. The **essential physical features** are those features that define both *why* a property is significant and *when* it was significant. They are the features without which a property can no longer be identified as, for instance, a 19th century barn or an early 20th century commercial district.

Criteria A and B

A property significant for its historic association must retain the **essential physical features** that made up its character or appearance during the period of its association with the important event, historical pattern, or person(s).

Criterion C

A property important for illustrating a particular architectural style or construction technique must retain most of the physical features that constitute that style or technique. A property that has lost some historic materials or details can be eligible *if* it retains the majority of the features that illustrate its style in terms of the massing, spatial relationships, proportion, pattern of windows and doors, texture of materials, and ornamentation. The property is not eligible, however, if it retains some basic features conveying massing but has lost the majority of the features that once characterized its style.

Historic Districts

For a district to retain integrity as a whole, the majority of the components that make up the district's historic character must possess integrity even if they are individually undistinguished. In addition, the relationships among the district's components must be substantially unchanged since the period of significance.

When evaluating the impact of intrusions upon the district's integrity, take into consideration the relative number, size, scale, design, and location of the components that do not contribute to the significance. A district is not eligible if it contains so many alterations or new intrusions that it no longer conveys the sense of a historic environment.

A component of a district cannot contribute to the significance if:

- it has been substantially altered since the period of the district's significance or
- it does not share the historic associations of the district.

VISIBILITY OF PHYSICAL FEATURES

Properties eligible under Criteria A, B, and C must not only retain their essential physical features, but the features must be visible enough to convey their significance. This means that even if a property is physically intact, its integrity is questionable if its significant features are concealed under modern construction. Archeological properties are often the exception to this; by nature they usually do not require visible features to convey their significance.

Non-Historic Exteriors

If the historic *exterior* building material is covered by non-historic material (such as modern siding), the property can still be eligible if the significant form, features, and detailing are not obscured. If a property's exterior is covered by a non-historic false-front or curtain wall, the property will not qualify under Criteria A, B, or C, because it does not retain the visual quality necessary to convey historic or architectural significance. Such a property also cannot be considered a contributing element in a historic district, because it does not add to the district's sense of time and place. If the false front, curtain wall, or non-historic siding is removed and the original building materials are intact, then the property's integrity can be re-evaluated.