

**UPPER MORELAND TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1718

AN ORDINANCE OF UPPER MORELAND TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING PART I: ADMINISTRATIVE LEGISLATION, TO THE UPPER MORELAND TOWNSHIP CODE OF ORDINANCES BY REPEALING CHAPTER 23 (HISTORICAL ADVISORY COMMITTEE) IN ITS ENTIRETY AND REPLACING WITH A NEW CHAPTER 23 FOR THE ESTABLISHMENT OF THE UPPER MORELAND TOWNSHIP HISTORICAL COMMISSION; REPEALING ALL INCONSISTENT ORDINANCES, OR PARTS THEREOF IN CONFLICT THEREWITH; AND PROVIDING FOR A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, Upper Moreland Township, Montgomery County, (hereinafter “the Township”) is a Township of the First Class, organized and existing under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the First Class Township Code and the Pennsylvania Municipalities Planning Code (“MPC”) empower the Board of Commissioners of Upper Moreland Township to enact ordinances and amendments governing land use in the Township, and to make such regulations as deemed necessary and appropriate relating to the public health, safety, cleanliness, convenience, comfort and general welfare of the citizens of the Township; and

WHEREAS, Part I, Administrative Legislation, Chapter 23 of the Upper Moreland Township Code of Ordinances establishes a seven-person Historical Advisory Committee for the purpose of “gathering, obtaining, outlining, describing and cataloging historical places, artifacts, articles and data relative to the Township of Upper Moreland”; and

WHEREAS, the Upper Moreland Township Board of Commissioners has determined that the Historical Advisory Committee’s duties and purpose for existing are duplicative of the Upper Moreland Township Historical Commission’s administrative functions currently codified in Section 350-190 of the Township’s Zoning Ordinance; and

WHEREAS, Sections 603(b)(5) and 603(g)(2) of the MPC, 53 P.S. 10603(b)(5) & 10603(g)(2), provide that zoning ordinances shall provide for the “protection of natural and historic features and resources”, and also provides for the “regulation of places having unique historical, architectural or patriotic interest or value” through the creation of specific zoning classifications; and

WHEREAS, the Upper Moreland Township Zoning Ordinance provides for such protection of historic features, resources and places having unique historical significance in Article XXV “Historic Perseveration Overlay”; and

WHEREAS, the Pennsylvania First Class Township Code, 53 Pa. C.S. § 1502(1), grants the Board of Commissioners the authority to adopt ordinances prescribing the manner in which powers of the Township shall be carried out; and

WHEREAS, the Upper Moreland Township Board of Commissioners has determined that it is in the best interest of the public convenience, comfort and general welfare to dissolve the Historical Advisory Committee and repeal the current Part I, Administrative Legislation, Chapter 23 of the Upper Moreland Township Code of Ordinances governing the same to replace with a new Chapter 23 codifying the Upper Moreland Township Historic Commission and its administrative powers to oversee the preservation of the Township's historic resources and administration of the Township's Historic Preservation Overlay Zoning District contained in Chapter 350, Article XXV of the Upper Moreland Township Code of Ordinances.

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the Upper Moreland Township Board of Commissioners, and it is hereby **ENACTED** and **ORDAINED** by authority of same that Part I: Administrative Legislation, Chapter 23 Historical Advisory Committee of the Upper Moreland Township Code of Ordinances is hereby repealed in its entirety and is replaced with the following:

SECTION I: Amendment of the Code.

The Upper Moreland Township Code of Ordinances, Part I: Administrative Legislation, Chapter 23 Historical Advisory Committee is hereby repealed amended to create a new Chapter 23 which establishes the Upper Moreland Township Historical Commission as follows:

§ 23-1 Title, Legal Authorization, Purpose and Intent.

- A.** This Chapter shall be referred to as the "Upper Moreland Township Historical Commission".
- B.** Pursuant to authority contained in the Act of 1968, Public Law 805, No. 247, as enacted and amended, known as the Pennsylvania Municipalities Planning Code (Sections 603, 604 and 605), and Article I, Section 27 of the Pennsylvania Constitution which states that: "The people have a right to clean air, pure water and the preservation of the natural, scenic and historic and aesthetic values of the environment"; Upper Moreland Township hereby establishes the Upper Moreland Township Historical Commission to promote, protect and facilitate the preservation of areas of historic significance and to preserve the historic values in the environment at, along or near places having unique historical, architectural or patriotic interest or value within the Township's Historic Preservation Overlay and to preserve and protect buildings, structures, sites, objects and districts of historic value that exist within the Township.
- C.** Upper Moreland Township has many historic resources worthy of preservation from the colonial period, Victorian era, and early suburban development. Preservation of these historic resources is in the best interest of the health, prosperity and welfare of the people of Upper Moreland Township by enhancing property values, improving aesthetics of the built and natural environment, and creating the potential for heritage tourism.

§ 23-2 Definitions.

For purposes of this Chapter, the following definitions shall apply:

ALTERATION

The act of putting an addition onto, repairing, renovating or replacing materials on the exterior of an historic resource.

BUILDING

Any construction having a minimum of three enclosed walls and a roof. Examples include, but are not limited to, house, garage, barn, shed, school, train station, or privy.

CLASS I HISTORIC RESOURCE

An historic resource that is designated a national historic landmark, listed on the National Register of Historic Places, or a contributing resource to a National Register Historic District.

CLASS II HISTORIC RESOURCE

An historic resource that is not a Class I historic resource, but is considered eligible for the National Register of Historic Places, or a contributing resource to an eligible National Register Historic District. National Register eligibility being determined by inclusion on the Pennsylvania Historical and Museum Commission List of National Register Eligible Resources.

CLASS III HISTORIC RESOURCE

An historic resource that is not a Class I or Class II historic resource but has been accepted for listing on the Upper Moreland Township Historic Resources Inventory by the Upper Moreland Township Historical Commission.

CONTRIBUTING HISTORIC RESOURCE

An historic resource in a district that adds to the historic significance of the district.

DEMOLITION

The complete dismantling, removal or destruction of an historic resource.

DEMOLITION BY NEGLECT

The deliberate disregard of routine maintenance causing weakness, decay and deterioration of an historic resource for purposes of avoiding the provisions of this chapter. Also, the intentional act of disregarding the security of an historic resource resulting in degradation by criminal activity for purposes of avoiding the provisions of this chapter.

HISTORIC DISTRICT

A significant concentration, linkage or continuity of buildings, structures, sites or objects joined by plan or physical development. Examples include but are not limited to business districts and industrial areas, residential neighborhoods, college campuses, villages or transportation systems.

HISTORIC RESOURCE

A building, structure, object, site or a contributing resource to an historic district that is historically significant to the nation, state or to Upper Moreland Township. Historic resources may be significant for association with historically important events or people or significant for architecture or building technique.

OBJECT

An item that is primarily artistic or decorative in nature. Examples include but are not limited to monuments, sculptures, fountains or statues.

PRESERVE

The act of altering an historic resource by maintaining and repairing the existing materials and current form of an historic resource for purposes of displaying it as it has evolved through time.

RECONSTRUCTION

The act of rebuilding an historic resource by recreating vanished or nonsurviving elements of an historic resource.

REHABILITATE

The act of making alterations to an historic resource for the purpose of changing its use while also preserving the historic resource.

RESTORE

The act of altering an historic resource by returning it to a particular time period by removing elements of other time periods.

SITE

A location that, with or without the existence of buildings, structures or objects, has commemorative or cultural significance. Examples include but are not limited to battlefields, cemeteries, parks, ruins, scenic views, or natural features.

STRUCTURE

A construction that does not have enclosed walls. Examples include but are not limited to bridges, gazebos, bandstands, carousels, fences, walls or dams.

§ 23-3. The Upper Moreland Township Historical Commission.

- A.** The Upper Moreland Township Historical Commission shall be composed of 15 members. It is recommended that the Historical Commission be composed of members with the following backgrounds or qualifications:
 - (1) One registered architect;
 - (2) One licensed real estate agent;
 - (3) One member of the Upper Moreland Township Advisory Planning Agency;
 - (4) One member of the Upper Moreland Township Commissioners;
 - (5) One attorney; and
 - (6) Two shall be members of the Upper Moreland Historical Association, and two members shall be any persons with demonstrated interest in architectural history, history, historic preservation, or community revitalization.
- B.** Members of the Historical Commission shall be appointed by the Upper Moreland Township Board of Commissioners for a term of three years commencing on January 1 and ending on December 31 three years hence. Five members of the Historical Commission shall be appointed or reappointed each year. Any member of the Historical Commission appointed to fill an existing vacancy on the Commission shall serve until the expiration of the term that he or she was appointed to complete.
- C.** The Board of Commissioners may appoint at least two residents of the Township, to serve as alternate members of the Historical Commission. The term of office of an alternate member shall be three years. When seated, an alternate shall be entitled to participate in all proceedings and discussions of the Historical Commission to the same and full extent as provided by law for members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the powers and duties set forth in this chapter and as otherwise provided by law. When not seated in replacement of an Commissioner any alternate may still participate in any proceeding or discussion of the Historical Commission but shall not be entitled to vote as a member of the Commission.
- D.** Members of the Historical Commission shall select a President, Vice President, Secretary and Treasurer from among its members, and their terms of office shall be one year commencing on January 1 and ending December 31 of that year. It shall be the President's responsibility to conduct meetings of the Historical Commission and to act as a liaison between the Historical Commission and the Code Enforcement Officer, Advisory Planning Agency, and Board of Commissioners. The Vice President shall assist the President and assume the role of President when the President is absent. The Secretary shall have duties related to keeping records and handling correspondence. The Treasurer shall have duties related to the finances of the Historical Commission.
- E.** A vacancy on the Historical Commission shall be filled by an appointment by the Board of Commissioners preferably within 60 days from the date that the vacancy is evident. Historical Commission members must attend all meetings. A member who is absent for

four consecutive regular monthly meetings shall be considered inactive and will be replaced by appointment of a new member.

- F. A quorum, required to conduct business at Historical Commission meetings, shall be a majority of the then appointed members. Members shall not be compensated but may be reimbursed for expenses approved by the Board of Commissioners and directly related to the duties of the Historical Commission.
- G. An Historical Commission member shall not nominate, vote on, or participate in any discussion concerning an historic resource that is owned by the member or a family member.

§ 23-4. Duties.

- A. The Historical Commission shall hold meetings monthly or more often as necessary.
- B. The Historical Commission shall be responsible for establishing procedures at meetings, keeping records, and establishing rules for nominating, electing, replacing and removing the President, Vice President, Secretary and Treasurer.
- C. The Historical Commission shall be responsible for evaluating, compiling, maintaining and publishing the Upper Moreland Township Historic Resources Inventory. The Historical Commission shall periodically review the historic resources on the inventory and add or delete historic resources as needed, subject to Board of Commissioners' approval of changes to the Historic Resources Inventory.
- D. The Historical Commission shall be responsible for monitoring projects in Upper Moreland Township that may have an impact on historic resources.
- E. The Historical Commission shall maintain regular communication with the Pennsylvania Historical and Museum Commission and the National Park Service to obtain lists of historic resources in the Township that are national historic landmarks or listed or eligible for the National Register of Historic Places, and for advice on matters of historic preservation in Upper Moreland Township.
- F. The Historical Commission shall aid, assist, promote and perform the nomination of resources in Upper Moreland Township to the National Register of Historic Places.
- G. The Historical Commission shall have the general responsibility to promote historic preservation within Upper Moreland Township by performing any or all of the following:
 - (1) Publishing printed material related to historic preservation.
 - (2) Adding historic preservation related material to the Township's website.
 - (3) Holding events to promote and educate Township residents about historic preservation.

- (4) Educating historic resource owners about grants, tax incentives, and the benefits of protection provided by state and federal government historic preservation programs and laws.
- (5) Educating historic resource owners about the potential benefits of having a resource listed on the Upper Moreland Township Historic Resources Inventory including honorary designation, improved development opportunities, and protection.
- (6) Advising the Board of Commissioners concerning acquiring, restoring, preserving, reconstructing or rehabilitating historic resources in Upper Moreland Township.

§ 23-5. Powers.

The Upper Moreland Township Historical Commission shall have an advisory role on issues related to the change of use, alteration, demolition, or demolition by neglect of historic resources in Upper Moreland Township. In addition, all actions regarding the Upper Moreland Township Historic Resources Inventory taken by the Historical Commission shall be subject to Board of Commissioners' approval of changes to the Historic Resources Inventory.

§ 23-6. Historic Resources Inventory.

- A.** Criteria for listing an historic resource to the Upper Moreland Township Historic Resources Inventory:
 - (1) These criteria shall be applied with the consideration that the historic resource may be significant to the nation, state or to Upper Moreland Township.
 - (2) An historic resource must be at least 100 years old or older.
 - (3) The historic resource must also have retained its historic integrity by remaining identifiable in terms of its location, setting, materials, design or workmanship, and shall meet any one of the following areas of significance:
 - (a) Associated with events that have made a significant contribution to the broad patterns of our history;
 - (b) Associated with the lives of persons significant in our past; or
 - (c) Architecturally significant in that the historic resource embodies the distinctive characteristics of a type, period or method of construction, or represents the work of a master, or possesses high artistic values.
- B.** Criteria considerations. The Upper Moreland Township Historical Commission may consider an historic resource for the inventory that is less than 100 years old, provided that the historic resource is deemed to be highly significant by the Historical Commission.

- C. **Contents.** The Upper Moreland Township Historic Resources Inventory shall contain the owner's name and address, the address or location of the historic resource, the approximate year built, recent photographs, an architectural description, a brief history of the resource, its status as a Class I, Class II, or Class III historic resource, and the date the historic resource was added, changed or deleted from the inventory.
- D. **Publication.** The Upper Moreland Township Historic Resources Inventory shall be made available to the public for inspection at the Upper Moreland Township Building during regular business hours. The inventory, or parts thereof, may also be made public through other means, including but not limited to publishing it on the Township's website, at a local library, or at the Upper Moreland Historical Association.

§ 23-7. Historical Commission adoption of existing historic resources inventory or survey.

- A. The Historical Commission may adopt an existing inventory or survey of historic resources conducted in Upper Moreland Township to serve as the Upper Moreland Township Historic Resources Inventory. The adopted inventory or survey can include, but is not limited to, an inventory or survey of historic resources that currently exists or any historic resources inventory or survey that may be conducted in the Township in the future. The Historical Commission shall review the survey and inventory to determine if it contains accurate information and will meet the needs of the Historical Commission. The Historical Commission will then vote to either accept or reject the adopted inventory.
- B. If the adopted inventory is accepted, the Historical Commission shall determine which resources on the inventory or survey meet the criteria for listing an historic resource (§ 23-6) to the Upper Moreland Township Historic Resources Inventory.
- C. The survey or inventory must also be examined by the Upper Moreland Township Historical Commission to determine if any resources on the inventory are Class I historic resources. Any historic resources on the adopted inventory or survey that are found to be Class I historic resources will be listed in the Upper Moreland Township Historic Resources Inventory as Class I historic resources.
- D. Of the remaining resources on the adopted inventory or survey that are not Class I historic resources, the Upper Moreland Township Historical Commission shall classify the resources into either Class II or Class III historic resources and send to the owners of those historic resources, by certified mail with return receipt requested and a return envelope and postage, a request to concur or object to the listing of the historic resource in the Upper Moreland Township Historic Resources Inventory.
- E. Those owners that concur shall have the resource listed to the Township Historic Resources Inventory either as Class II or Class III historic resource, as applicable. Those owners that object, in writing, shall not have the resource listed to the Inventory of Historic Resources. The Historical Commission shall have the discretion to treat a failure

to respond as an objection to the listing of the resource or to make such additional requests of the owner as the Historical Commission may deem appropriate with respect to the resource in question. An owner who has objected may withdraw the objection at any time by notifying the Historical Commission in writing that the owner withdraws the objection and concurs to the listing, in which event, the resource shall be listed to the Township Historic Resources Inventory either as Class II or Class III historic resource, as applicable, provided that the resource continues to meet the criteria for listing an historic resources (§ 23-6.A.) to the Historic Resources Inventory and meets the definition of a Class II or Class III resource.

- F. Any subsequent owner of a Class II or Class III resource, the previous owner of which objected to the listing in the inventory, shall also be permitted to have the resource listed to the inventory by appearing at a meeting of the Historical Commission and requesting the resource be listed. The resource shall be listed at the meeting, provided that it continues to meet the criteria for listing an historic resource (§ 23-6.A.) to the Upper Moreland Township Historic Resources Inventory and meets the definition of a Class II or Class III resource. If the Historical Commission determines that the resource should not be listed, the owner shall be provided with a written explanation for the determination.
- G. If the Historical Commission votes not to adopt an historic resources inventory or survey, the Upper Moreland Township Historic Resources Inventory may be compiled using the procedure for listing historic resources to the Upper Moreland Township Historic Resources Inventory described in § 23-8.
- H. Nothing in this § 23-7 shall prevent a resource from being listed or nominated for listing in the inventory pursuant to § 23-8 at any time.

§ 23-8. Listing Historic Resources to the Upper Moreland Township Historic Resources Inventory.

The following procedure shall be used to compile or add resources to the Upper Moreland Township Historic Resources Inventory.

- A. Class I historic resources. All historic resources in the Township that meet the definition of a Class I historic resource shall be listed in the Upper Moreland Township Historic Resources Inventory as Class I historic resources.
- B. Class II historic resources.
 - (1) Historic resources that meet the definition of a Class II historic resource shall be listed as a Class II historic resource on the Upper Moreland Township Historic Resources Inventory, provided that the Upper Moreland Township Historical Commission first sends to the owner of the historic resource, by certified mail with return receipt requested and a return envelope and postage, a request to concur or object to the listing of its resource in the inventory.

(2) Those owners that concur shall have their resource listed to the Township Historic Resources Inventory as a Class II historic resource.

(3) Those owners that object in writing shall not have the resource listed to the Inventory of Historic Resources. The Historical Commission shall have the discretion to treat a failure to respond as an objection to the listing of the resource or to make such additional requests of the owner as the Historical Commission may deem appropriate with respect to the resource in question. An owner who has objected may withdraw the objection at any time by notifying the Historical Commission in writing that the owner withdraws the objection and concurs to the listing, in which event, the resource shall be listed to the Township Historic Resources Inventory either as Class II or Class III historic resource, as applicable, provided that the resource continues to meet the criteria for listing an historic resources (§ 23-6) to the Historic Resources Inventory and meets the definition of a Class II or Class III resource.

(4) A subsequent owner of a Class II resource, the previous owner of which objected to listing in the inventory, shall be permitted to apply to have the resource listed to the inventory, provided that it continues to meet the criteria for listing an historic resource (§ 23-6.A) to the Upper Moreland Township Historic Resources Inventory and meets the definition of a Class II historic resource, as defined in this chapter.

C. Class III historic resources. Class III historic resources are listed on the Upper Moreland Township Historic Resources Inventory by either of the following procedures:

(1) Owner nomination of Class III historic resource.

(a) Any resource owner in Upper Moreland Township who wants its resource listed in the Upper Moreland Township Historic Resources Inventory as a Class III historic resource may submit in writing or appear at a meeting of the Historical Commission and provide the address or location of the historic resource, the approximate year built, recent photographs, a brief architectural description, and a brief history of the resource.

(b) The Historical Commission will review the material and vote at the meeting to either accept or reject the historic resource based on the criteria for listing a resource (§ 23-6) in the Upper Moreland Township Historic Resources Inventory.

(c) If the resource is accepted by the Historical Commission, it will be listed to the Upper Moreland Township Historic Resources Inventory as a Class III historic resource. If the resource is rejected by the Historical Commission, the resource owner shall be provided a written explanation for the rejection which may include a request for additional information so that the Historical Commission can reevaluate the request for listing at a later date.

(d) Nothing in this Subsection C(1) shall prevent a resource from being listed or nominated for listing in the inventory pursuant to Subsection C(2) at any time.

(2) Historical Commission nomination of Class III historic resource.

(a) Members of the Historical Commission may nominate historic resources to the Township Historic Resources Inventory by providing at a regular meeting of the Historical Commission, the resource owner's name and address, the address or location of the historic resource, the approximate year built, recent photographs, a brief architectural description, and a brief history of the resource.

(b) The Historical Commission shall review the material and vote within 45 days to accept or reject the resource based on the criteria for listing a resource (§ 23-6.A) in the Upper Moreland Township Historic Resources Inventory.

(c) If the historic resource is accepted for listing in the Upper Moreland Township Historic Resources Inventory, the Historical Commission will send the resource owner or owners a request by certified mail with return receipt requested and return envelope and postage, to concur or object to the listing of the resource to the inventory. If a resource owner concurs, it shall be listed on the Upper Moreland Township Historic Resources Inventory as a Class III historic resource.

(d) If the owner objects, the resource shall not be placed on the Upper Moreland Historic Resources Inventory. The Historical Commission shall have the discretion to treat a failure to respond as an objection to the listing of the resource or to make such additional requests of the owner as the Historical Commission may deem appropriate with respect to the resource in question. An owner who has objected may withdraw the objection at any time by notifying the Historical Commission in writing that the owner withdraws the objection and concurs to the listing, in which event, the resource shall be listed to the Township Historic Resources Inventory as a Class III historic resource, provided that the resource continues to meet the criteria for listing an historic resource (§23-6.A) to the Historic Resources Inventory and meets the definition of a Class III resource.

(e) A subsequent owner of a Class III resource, the previous owner of which objected to the listing of the resource in the inventory, shall be permitted to have the resource listed to the inventory by appearing at a meeting of the Historical Commission and requesting the resource be listed. The resource shall be listed at the meeting, provided that it continues to meet the criteria for listing an historic resource (§ 23-6.A) to the Upper Moreland Township Historic Resources Inventory and meets the definition of a Class III resource.

(f) If the resource is rejected by the Historical Commission, the resource owner shall be provided a written explanation for the rejection, which may include a request for additional information so that the Historical Commission can reevaluate the request for listing at a later date.

(g) Nothing in this Subsection C(2) shall prevent a resource from being listed or nominated for listing in the inventory pursuant to Subsection C(1) at any time.

§ 23-9. Deleting Resources to the Upper Moreland Township Historic Resources Inventory.

A. Class I historic resources. A Class I historic resource shall be deleted from the Upper Moreland Township Historic Resources Inventory when it has been removed as a national historic landmark and/or deleted from the National Register by the National Park Service. The Historical Commission shall delete the resource from the inventory within 90 days from the date of receipt of written confirmation of the removal noted in the preceding sentence. The Historical Commission shall consider whether such resources should be relisted as Class II or Class III resources and, if so, shall take appropriate steps to so list the resources in accordance with § 23-8.

B. Class II historic resources.

(1) A Class II historic resource shall be deleted from the Upper Moreland Township Historic Resources Inventory when it is removed from the Pennsylvania Historical and Museum Commission List of National Register Eligible Resources, except if the historic resource was removed because it was listed to the National Register of Historic Places or achieved national historic landmark status. The Historical Commission shall delete the resource from the inventory within 90 days from the date of receipt of written confirmation of the removal noted in the preceding sentence. The Historical Commission shall consider whether such resource should be relisted as a Class III resource and, if so, shall take appropriate steps to so list the resource in accordance with § 23-8. A Class II historic resource shall be deleted from the Upper Moreland Township Historic Resources Inventory if the owner sends a written notification to the Historical Commission directing that the historic resource be deleted from the inventory. The Historical Commission shall delete the resource from the inventory within 90 days from the date of receipt of written notification.

(2) Owners of Class II resources that request deletion of their resources from the Upper Moreland Township Historic Resources Inventory shall be permitted to have the resource subsequently relisted to the inventory by appearing at a meeting of the Historical Commission and requesting the resource be relisted. The resource shall be relisted at the meeting, provided that it continues to meet the criteria for listing an historic resource (§ 23-6.A) to the Upper Moreland Township Historic Resources Inventory and meets the definition of a Class II historic resource. If the Historical Commission determines that the resource should not be relisted, the owner shall be provided with a written explanation for the determination. A subsequent owner of a Class II resource, the previous owner of which has requested deletion of the resource from the inventory, shall also be permitted to have the resource relisted by following the same procedure.

(3) An owner or any subsequent owner of a Class II historic resource on the Upper Moreland Township Historic Resources Inventory shall not be permitted to request deletion of the resource after a conditional use permit has been approved by the Board of Commissioners under the provisions of this chapter.

(4) An owner or any subsequent owner of a Class II historic resource on the Upper Moreland Township Historic Resources Inventory shall not be permitted to request deletion of the resource after an application for a building permit or demolition permit has been received by Upper Moreland Township.

C. Class III historic resource.

(1) A Class III historic resource shall be deleted from the Upper Moreland Township Historic Resources Inventory when the Historical Commission has determined that the resource no longer meets the criteria for listing a resource (§ 23-6) in the Upper Moreland Township Historic Resources Inventory. The Historical Commission shall delete the resource from the inventory within 90 days from the date of determination noted in the preceding sentence. The owner of the Class III historic resource will be notified by the Upper Moreland Township Historical Commission in writing with the reasons for the removal of the resource from the inventory.

(2) A Class III historic resource shall be deleted from the Upper Moreland Township Historic Resources Inventory if the owner sends a written notification to the Historical Commission directing that the historic resource be deleted from the inventory. The Historical Commission shall delete the resource from the inventory within 90 days from the date of receipt of the written notification.

(3) An owner of a Class III resource that requests deletion of the resource from the Upper Moreland Historic Resources Inventory shall be permitted to have the resource subsequently relisted to the inventory by appearing at a meeting of the Historical Commission and requesting the resource be relisted. The resource shall be relisted at the meeting, provided that it continues to meet the criteria for listing an historic resource (§ 23-6.A) to the Upper Moreland Township Historic Resources Inventory and meets the definition of a Class III resource. If the Historical Commission determines that the resource should not be relisted, the owner shall be provided with a written explanation for the determination. A subsequent owner of a Class III resource, the previous owner of which has requested deletion of the resource from the inventory, shall also be permitted to have the resource relisted by following the same procedure.

(4) An owner or any subsequent owner of a Class III historic resource on the Upper Moreland Township Historic Resources Inventory shall not be permitted to request deletion of the resource after a conditional use permit has been approved by the Board of Commissioners under the provisions of this chapter.

(5) An owner or any subsequent owner of a Class III historic resource on the Upper Moreland Township Historic Resources Inventory shall not be permitted to request

deletion of the resource after an application for a building permit or demolition permit has been received by Upper Moreland Township.

§ 23-10. Changing the status of a historic resource.

- A. Class II or Class III to Class I. If any historic resource with Class II or Class III status is subsequently listed to the National Register of Historic Places or designated a national historic landmark, its status will be changed in the Upper Moreland Township Historic Resources Inventory to Class I.
- B. Class III to Class II. If any Class III historic resource is placed on the Pennsylvania Historical and Museum Commission List of National Register Eligible Properties, it shall be changed to Class II status in the Upper Moreland Township Historic Resources Inventory.

§ 23-11. Board of Commissioners' changes to the Historic Resources Inventory.

- A. Upon the approval, denial, determination, adoption, addition, deletion, or change of status regarding historic resources on the Upper Moreland Township Historic Resources Inventory, the Historical Commission shall promptly provide a copy or record of the action to the Upper Moreland Township Board of Commissioners. The Historical Commission shall provide to the Board of Commissioners all pertinent information regarding the action and information concerning the historic resource, including, but not limited to, the historic significance of the resource, written decisions given to the owner, and evidence of the owner's consent, non-consent, or objection to adding or deleting the historic resource.
- B. The Board of Commissioners shall at a public meeting vote to approve or not approve the changes or actions as recommended by the Historical Commission. The historic resource will be considered to be added to, deleted from, or changed in the Upper Moreland Township Historic Resources Inventory only upon the approval of the Board of Commissioners. The effective date of the approval, denial, determination, adoption, addition, deletion or change of status to the historic resource shall be the date on which the Board of Commissioners voted to approve or not approve the change.
- C. If the Board of Commissioners does not approve the change, the Board of Commissioners shall provide a written explanation for the disapproval to the Historical Commission and to the owner of the historic resource.

SECTION II. Severability.

The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and, should any portion, part or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, the Upper Moreland Township Board of Commissioners hereby declares its intent that the Ordinance shall have been enacted without

regard to the invalid, unenforceable, or unconstitutional portion, part or provision of this Ordinance.

SECTION III. Repealer.

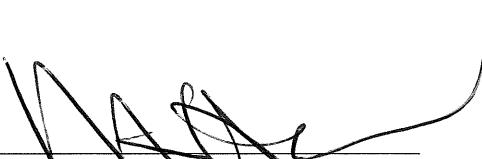
Any and all other Ordinances or parts of Ordinances in conflict with the terms, conditions and provisions of this Ordinance are hereby repealed to the extent of such irreconcilable conflict.

SECTION IV. Effective Date.

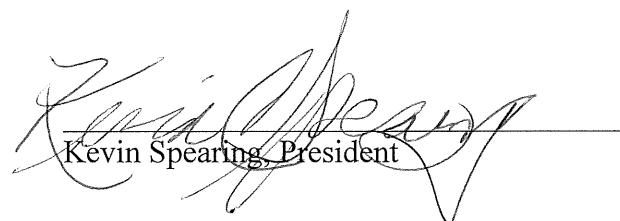
This Ordinance shall be effective five (5) days after enactment.

ORDAINED AND ENACTED by the Board of Commissioners of Upper Moreland Township, Montgomery County, Pennsylvania, this 12th day of July, 2021.

Attest:


Matthew H. Candalan, Secretary

**UPPER MORELAND TOWNSHIP
BOARD OF COMMISSIONERS**


Kevin Spearin, President