

January 6, 2016  
Curtis Hall

A regular meeting of the **BUILDING AND ZONING COMMITTEE** was held tonight, Chairman Morton J. Simon, Jr. presiding. Members present were Commissioners Brockington, Holland, Norris, Pransky, Rappoport, and Sharkey.

Staff present were Alyson Elliott, Assistant Township Manager; Henry Sekawungu, Director of Planning/Zoning; and Bryan T. Havar, Township Manager. Also present was Joseph M. Bagley, Esq., Solicitor. A Public Attendance List is attached.

Mr. Simon called the meeting to order at 9:05 p.m.

1. The Committee reviewed a Revised Proposed Floodplain Conservation District Overlay Ordinance. Mr. Havar reported that Staff met with resident Robert Hyslop after the December 9, 2015 Public Works Committee meeting at which time Mr. Hyslop had issues with the ordinance. Said issues were discussed and are not necessary for inclusion into the ordinance.

Public Comment

Robert Hyslop, 211 Harrison Avenue, reported that he spoke with FEMA after the meeting with Staff and feels that there are changes but questioned if changes to the ordinance would allow it to meet the necessary deadline for adoption.

Mr. Bagley stated that the ordinance must meet the March 2, 2016 deadline so that property owners can qualify for flood insurance but if the ordinance is amended as part of the Zoning Code, it does not have to be reviewed by FEMA.

Recommendation to the Board of Commissioners: Upon motion of Mr. Norris, the Board of Commissioners unanimously authorized the publication of a Legal Notice on Sunday January 31, 2016 and on Sunday, February 7, 2016 indicating that the Commissioners will hold a Public Hearing on February 17, 2016 to consider and possibly adopt an Ordinance establishing a Flood Plain Conservation District Overlay (see attached).

2. The Committee reviewed revisions to a Proposed Off-Premises Advertising Sign Overlay District Ordinance in follow-up to discussions held and suggested revisions made at December 2, 2015 Building and Zoning Committee meeting.

Extensive discussion ensued regarding but not limited to:

Luminance (amount of light coming out of a sign) – Mr. Havar reported that the Township's lighting consultant suggests that another light reading meter is warranted and that the current meter reads numbers too low. Mr. Bagley recommended that the Township wait until a new meter is acquired since it does not want to make the Keystone billboard's luminance non-conforming.

Construction and Maintenance of Sign – Mr. Simon suggested that the notice required to give a property owner when a billboard is not structurally sound or is in poor condition of ‘60-days’ written notice to repair or remove it should be changed to ‘immediate’ removal. He also made suggestions regarding the entire section on this subject due to what he considered contradictions.

Landscaping – Mr. Holland noted that the current Keystone billboard does not have landscaping and questioned non-conforming in this respect. Mr. Bagley responded that landscaping only applies to new billboards.

The Committee unanimously agreed to revisit changes as suggested this evening and discuss the ordinance further at the January 13, 2016 meeting of the Public Works Committee and to reaffirm the recommendation of the Board of Commissioners at its December 16, 2015 meeting to publish a Legal Notice for the advertisement of a Public Hearing on said ordinance on February 17, 2016.

3. The Committee reviewed a Proposed Draft Zoning Ordinance. Present was Montgomery County Planner Brian Olszak and David Cohen, Hal Lichtman, Aimee Farrell, Esq., present and former members of the Ad-Hoc Draft Zoning Code Committee.

Mr. Olszak distributed a spreadsheet of comments and issues compiled from the three (3) workshops that were held to review said ordinance. Extensive discussion ensued regarding on the future procedural course of the ordinance. Messrs. Cohen and Lichtman believed said spreadsheet would facilitate reviewing the ordinance and recap all issues. The Committee agreed and asked that comments/issues raised at all follow-up meetings and by Commissioners also be included in the spreadsheet. Mr. Pransky asked that the spreadsheet include a column with page referencing.

#### Public Comment

Robert Hyslop, 211 Harrison Avenue, had issues regarding the Proposed Floodplain Conservation District Overlay Ordinance with base flood elevations, the determination of the level of increase in the base flood elevation, and the location of equipment/electrical components in regard to said elevations. Mr. Hyslop was directed to attend the Public Works Committee meeting on January 13, 2015 when Township Engineer Amy Montgomery would be present to best respond to his issues.

Earl Stamm, 209 Gribbel Road, asked about the financial impact of the Draft Zoning Code Ordinance on taxpayers, the demographics of the Township, if he would be paying more or less taxes, and how many children would be added to the School District.

Mr. Olszak responded that the theme of the Zoning Code rewrite is to add tax ratables. Mr. Simon responded that the ordinance applies to the entire Township and the practical results are unknown. Mr. Rappoport thought that selecting 10 problematic areas and running multiple scenarios on those areas might present possibilities. Mr. Olszak advised that Fiscal Impact

Studies could be performed. Mr. Simon thought this would be looking at worst case scenarios. It was Mr. Pransky's opinion that the Township does not have any way of knowing how or who will develop a property. Mr. Cohen suggested keeping to the properties that can be readily developed, their current zoning, and the proposed draft zoning for said properties. Mr. Lichtman stated that the Township's Comprehensive Plan contains all of this information. Mr. Pransky questioned the impact of said information. Ms. Rappoport felt a red flag could be raised. The ordinance was not crafted for Cheltenham's specific needs. It is possible the wrong parameters may have been used.

It was Ms. Farrell's opinion that it would be impossible to determine how many students would be added to the School District. If the big picture is the concern, she suggested doing a run of the biggest five (5) or six (6) properties but even with that the questions will not be answered.

Mr. Cohen noted that when the committee was drafting the ordinance, it limited where religious buildings could be located and with mixed-use and commercial, it is less likely that non-profits will purchase them. There is very little control over non-profit entities. Ms. Rappoport felt that properties are being zoned for tax revenue, less density, and increased property values but no numbers have been run to look at this.

The Committee asked Mr. Olzsak to attend the January 13, 2016 meeting of the Public Works Committee and report on what parcels could be selected for a Fiscal Impact Study, how long said study would take, and the cost. Mr. Norris asked Mr. Olzsak what the cost would be and if the County could do such studies at no cost.

#### Public Comment

Edith Cerebi, 300 Maple Avenue, was concerned about Special Exceptions in residential areas. She noted a recent zoning approval for a residential Glenside property to house four (4) Arcadia students. The new Zoning Code should address this situation as it could apply to properties throughout the Township. She was directed to give her concern to Mr. Olzsak to add to his spreadsheet of issues.

Ms. Farrell responded that Special Exception applies to specific standards that must be met and is applicable only to certain districts, i.e. within a certain distance of a university/school.

The Committee agreed that a continued discussion of the Proposed Draft Zoning Code Ordinance would be on the agenda for the January 13, 2016 meeting of the Public Works Committee.

4. There was an update and discussion on a Proposed Local Landmark Ordinance. This was in follow-up to discussions held at the December 2015 meeting of the Building and Zoning Committee.

Mr. Simon noted substantive open questions regarding yet unresolved entire demolition, partial demolition, or less than complete demolition; the major question of how to amend the Cultural Resources Survey that went through a vetting process since property owners are concerned about being on the select list; how the ordinance applies to additions.

Extensive discussion ensued. Regarding Section 175-7(4)(d) – whether the steps necessary for preservation “will create an economic hardship” – Mr. Simon suggested this be changed to “are feasible”. The Committee considered Mr. Simon’s suggestion that posting requirements and the meeting dates be included and Ms. Rappoport’s concern that the distance required by the Township to notify property owners within 500’ of a designated site and all property owners not on the same street but within 150’ of the designated site were inadequate distances. The Committee agreed on the definition of “demolition” and to amending as needed in the future, the Cultural Resources Survey, Exhibit A, by Resolution. Committee members asked Staff for a copy of the properties listed on Exhibit A.

Upon motion of Mr. Norris, the Committee unanimously agreed that said ordinance would be further reviewed by the Building and Zoning Committee at its February 3, 2016 meeting with the changes as agreed upon this evening (see attached).

5. Upon motion of Mr. Norris, the Report of the Building Inspector for December, 2015 was unanimously received.

6. Under Old Business: None.

7. Under New Business: None.

8. Under Citizens’ Forum: None.

There being no further business, upon motion of Mr. Norris, and unanimously approved by the Committee, the meeting was adjourned at 11:15 p.m.



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Bryan T. Havir  
Township Manager

as per Anna Marie Felix

**CHELTENHAM TOWNSHIP**

**ORDINANCE NO. \_\_\_\_\_**

**LOCAL LANDMARK ORDINANCE**

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF CHELTENHAM, ESTABLISHING CHAPTER 175, ENTITLED "LOCAL LANDMARKS;" PROVIDING CRITERIA FOR QUALIFICATION AS LOCAL LANDMARKS; PROVIDING FOR CERTIFICATES OF APPROPRIATENESS; AND PROVIDING FOR PENALTIES FOR VIOLATION OF THE ORDINANCE**

**SECTION 1.** The Board of Commissioners hereby adopts the following as Chapter 175, entitled "Local Landmarks."

**§ 175-1. Purpose.**

It is the purpose and intent of this ordinance to protect and enhance the special character and historic interest of the Local Landmarks in Cheltenham Township in the interest of the health, prosperity, safety, and welfare of the people. The additional purposes of this Chapter are to:

- (1) Protect and enhance designated Local Landmarks which reflect the Township's cultural, social, economic, political, or architectural history;
- (2) Safeguard the Township's historic and cultural heritage as embodied within the Local Landmarks;
- (3) Promote appreciation of Local Landmarks for the education and enjoyment of local residents;
- (4) Encourage beautification and private investment in the Township's Local Landmarks to enhance the visual character of the community;
- (5) Stabilize and improve property values; and
- (6) Foster civic pride in the history and architectural integrity of the Township.

**§ 175-2. Definitions.**

For the purposes of this Chapter, the following terms shall have the meanings indicated:

**BOARD OF COMMISSIONERS** – The governing body of the Township.

**CERTIFICATE OF APPROPRIATENESS (COA)** - Document issued by the Board of Commissioners, following a prescribed review procedure, certifying that the proposed actions by an applicant related to Demolition or Relocation are found to be acceptable in terms of criteria relating to the individual Local Landmark, pursuant to the criteria enumerated in this Chapter.

**BUILDING** – A construction that is a man-made piece of work, regardless of its state or condition of disrepair, built for the purpose of occupancy or use in the past, present or future, having a fixed location on, above or below the surface of land.

**DEMOLITION** - Either or both of the following: (1) the razing, removal, or demolition of fifty (50) percent or more of the roof area or exterior walls of a building; or (2) the razing, removal, or demolition of any portion of any exterior wall substantially visible from a public street; or (3) the razing, removal or demolition of a structure which is not a building or of an object, if any such case in clause (2), in the determination of the Board of Commissioners, such razing, removal, or demolition will negatively and materially impair the structural, historic or architectural integrity or quality of the Local Landmark.

**DEMOLITION BY NEGLECT** - The absence of routine maintenance and repair to such a degree that, in the opinion of the Township Zoning Officer, there is a reasonably significant possibility that it will lead to a Local Landmark's inability to be rehabilitated and/or reused, or a Local Landmark's structural weakness, decay, and/or deterioration, whether or not by negligence and whether or not willful neglect, purpose or design, by the owner or any party in possession thereof. Demolition by neglect shall also include leaving a Local Landmark open to decay by the elements or vulnerable to vandalism which may be enforced hereunder or under all applicable property maintenance ordinances including, the International Property Maintenance Code, International Fire Code, International Building Code, Nuisances, and the Vacant Property Registration Ordinance, whichever is stricter.

**DENIAL** - The written rejection of an application for work that is determined to be inappropriate due to the fact that the work would adversely impact a Local Landmark.

**DEPARTMENT** – The Cheltenham Township Department of Planning and Zoning or the department from time-to-time fulfilling the same functions.

**LOCAL LANDMARK** - Any Building, Structure, Site, or Object which possesses integrity of location, design, setting, materials, and workmanship reflecting the cultural, social, economic, political or architectural history, and which has been included in the Cheltenham Township Cultural Resources Survey. The initial Cheltenham Township Cultural Resources Survey is attached hereto as Exhibit A. The survey may be updated and amended from time to time and the current form will be available at the Township Administration Building. Local Landmark also includes any Building, Structure, Site, or Object listed or eligible for listing on the National Register of Historic Places. Local Landmarks may be located within designated Historical Districts (defined in and also regulated by Chapter 295, Article XX) if they are listed or eligible for listing on the National Register of Historic Places, or they may be on Sites located outside of the designated Historical Districts.

**OBJECT** – Any personal property not attached to a structure but having independent standalone structural, historic or architectural quality or integrity, including, but not limited to fountains, sculpture, freestanding signs, arborways and trellises, garages and accessory buildings, as defined in the Cheltenham Township Code.

**PRESERVATION** - The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a Local Landmark. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction.

**RECONSTRUCTION** - The act or process of reproducing, by means of new construction, the form, features, and detailing of a non-surviving Site, Building, Structure, or Object for the purpose of replicating its appearance at a specific period of time and/or in its historic location. Materials and design elements should be compatible with the style of the Local Landmark.

**REHABILITATION** - The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values. Materials and design elements should be of a compatible style to the Local Landmark.

**RELOCATION** – Movement of a Local Landmark, or any part thereof from one Site to another location. The Local Landmark shall remain a Local Landmark, unless determined otherwise during the COA review process.

**REPAIR** – The act or process of restoring a decayed or damaged resource to a sound condition. Materials and design elements should be compatible with the style of the Local Landmark.

**REPLACEMENT** - The act of replicating any exterior architectural feature in order to substitute for an existing deteriorated or extensively damaged architectural feature. Materials and design elements should be of a compatible style to the Local Landmark.

**RESTORATION** - The act or process of accurately reproducing the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period that is selected. Materials and design elements should be of a compatible style to the Local Landmark.

**SITE** - The place where a significant event or pattern of events occurred. It may be the location of prehistoric or historic occupations or activities that may be marked by physical remains; or it may be the symbolic focus of a significant event or pattern of events that may not have been actively occupied. A Site may also be the location of a ruined Building, Structure, or Object, or the location itself possesses historic, cultural, architectural or archeological significance.

**STRUCTURE** – A construction, regardless of its state or condition of disrepair, for the purposes of occupancy, use, or ornamentation, having a fixed location on, above, or below the surface of land. Structures include, but are not limited to, Buildings, flagpoles, fences, gazebos, pergolas, canopies, permanent signs, walls, paved parking areas, and driveways.

**TOWNSHIP** – Cheltenham Township, Montgomery County, Pennsylvania.

### **§ 175-3. Designation of Local Landmarks.**

For the purpose of this Chapter, any Building, Structure, Site or Object, located outside of the Historical Districts, meeting at least one of the following criteria shall be designated a Local Landmark:

- 1) it is identified in the Cheltenham Township Cultural Resources Survey (Exhibit A hereto, on file with the Township of Cheltenham), as updated and amended from time to time;
- 2) it is listed in the National Register of Historic Places;
- 3) it is determined to be eligible for listing in the National Register of Historic Places.

**§ 175-4. Certificate of Appropriateness Required.**

No permit for the Demolition or Relocation of any Local Landmark shall be issued without the applicant for such permit first obtaining a Certificate of Appropriateness under the review procedure required by this Chapter.

**§ 175-5. Planning Commission.**

The Cheltenham Township Planning Commission shall be responsible for reviewing and recommending to the Public Works Committee of the Board of Commissioners actions to take regarding applications for Demolition or Relocation of Local Landmarks.

The Board of Commissioners shall designate a member of the Historical Commission to serve as an ex officio, non-voting participant at the Planning Commission meetings at which applications for Demolition or Relocation of Local Landmarks will be discussed.

**§ 175-6. Public Works Committee of the Board of Commissioners.**

The Public Works Committee of the Board of Commissioners shall be responsible for reviewing and recommending to the Board of Commissioners actions to take regarding applications for Demolition or Relocation of Local Landmarks.

**§ 175-7. Certificate of Appropriateness review procedure for Demolition or Relocation of Local Landmarks:**

- (1) Prior to submission of a permit application for the Demolition or Relocation of a Local Landmark, the applicant shall provide to the Department the following information, plans, photographs, and other supporting materials:
  - a) Certificate of Appropriateness Application in the form from time to time in effect.
  - b) Copy of deed showing ownership of property.
  - c) 4" x 6" (or larger) labeled photographs showing:
    - (i) All sides of existing Structures and/or Objects.
    - (ii) Site surrounding existing Structures and/or Objects.
    - (iii) Adjacent Sites and Structures including adjacent properties and across streets and rights-of-way.

- d) Scaled drawings indicating all proposed changes, as applicable:
    - (i) Site plan, including adjacent Sites and buildings.
    - (ii) Floor plans.
    - (iii) All elevations (unless Demolition is applied for).
    - (iv) Details of all proposed work and new exterior elements (the latter, if applicable).
  - e) Samples or catalog cuts of any new materials to be used.
  - f) Any additional information deemed necessary by the Planning Commission, in order to make a sound decision, after an initial consultation or review.
  - g) A signed letter of authorization permitting a designated representative to present the project on behalf of the applicant, if applicable.
- (2) The Department shall notify the Board of Commissioners and Planning Commission that a complete application for a Certificate of Appropriateness for a Local Landmark has been filed. The Township shall notify the applicant of the time and place of the next Planning Commission meeting when the application will be discussed, which shall occur no less than 40 days after the Department has determined that the application is complete.
- (3) The applicant, or designated representative, must appear to explain and present the application to the Planning Commission. If the applicant, or designated representative, does not attend the scheduled meeting, the application shall be tabled and will be heard at the next regularly scheduled meeting of the Planning Commission. If the applicant, or designated representative, does not attend the second scheduled meeting, without prior consent and approval from the Director of the Department, the Planning Commission can take action on the application.
- (4) In determining whether Preservation is feasible, the Planning Commission and the Public Works Committee may recommend and the Board of Commissioners may disapprove the application upon finding Preservation of the Local Landmark is feasible. The following factors, among such others as the Planning Commission, Public Works Committee and/or Board of Commissioners deem appropriate, shall be considered:
- a) Whether the Local Landmark is representative of a specific period of significance or is of a design or is of cultural or historic significance that is integral to the Township's history.
  - b) Whether the Structure(s) can be Preserved by protecting its location from disturbance.

- c) Whether measures, such as Rehabilitation, Reuse, or Restoration, can result in Preservation of the Structure or Structures.
  - d) Whether the steps necessary for Preservation of the Structure or Structures will create an economic hardship.
  - e) Whether the measures taken to Preserve the Structure(s) are long-term in nature.
- (5) In determining whether Preservation of the Structure(s) at another location is feasible, the following factors, among such others as the Planning Commission, Public Works Committee and/or Board of Commissioners deem appropriate, shall be considered:
- a) Whether the Structure or Structures can be moved and still retain its historic significance.
  - b) Whether the Structure(s) are stable enough to permit Relocation.
  - c) Whether it is feasible and practical to relocate the Structure(s) without creating an economic hardship.
  - d) Whether Relocation would result in the long-term preservation of the Structure or Structures.
- (6) The Planning Commission will review the application and evaluate the probable impact of the Demolition or Relocation of a Local Landmark. The Demolition or Relocation will be considered based on the factors in subparagraph (5) above and the integrity of the Structure(s), the impact on the Sites immediately adjacent to the proposed Demolition or Relocation Site(s) and the impacts throughout the immediate neighborhood or area. The Planning Commission shall first consider whether Preservation of the Structure(s) in place is feasible, or failing that option, whether Preservation is feasible at another location.
- (7) Only in the case of Demolition which is not the razing, removal or demolition of the entire Local Landmark, this subparagraph shall apply. The Planning Commission, on the basis of the information received at the meeting and from its general background and knowledge, shall indicate to the applicant the changes in plans and specifications, if any, which, in the opinion of the Planning Commission, would protect the distinctive character of the Local Landmark. The applicant shall be granted the opportunity to work with the Planning Commission to find an appropriate use for the property, to help find a buyer for the property, or to obtain grant or loan funding to complete rehabilitation work.
- (8) Upon recommendation for approval or disapproval of the application by the Planning Commission, the application will be forwarded to the Publics Work Committee of the Board of Commissioners for review at its next regularly scheduled meeting. The Public Works Committee shall then submit to the Board of Commissioners, in writing, its recommendation concerning the issuance of a Certificate of Appropriateness authorizing a permit for the Demolition or Relocation.

- (9) If the Board of Commissioners disapproves the application for Certificate of Appropriateness, it shall do so in writing, and copies shall be given to the applicant and to the Pennsylvania Historical and Museum Commission. Only in the case of demolition of less than the entire Local Landmark, the disapproval shall indicate what changes in the plans and specifications would meet the conditions for protecting the distinctive historical character of the Local Landmark. Upon receipt of the written disapproval of the Board of Commissioners, the Director of the Department shall disapprove the application for a building permit and so advise the applicant. The applicant may appeal the disapproval as provided by law.
- (10) The above required procedures pursuant to the granting of a permit for Demolition or Relocation of a Local Landmark may be suspended in cases where the property has been determined to be imminently dangerous, as determined by the Department and the Fire Marshal. In the case of an imminently dangerous Local Landmark, the Department and the Fire Marshal shall first consider the use of barriers, bracing and/or other alternatives to razing the Structure. If time permits, the Department and the Fire Marshal shall consult with the Township Manager and, if feasible, the Board of Commissioners, in an emergency meeting. The Township shall be responsible for notifying all property owners on the same street within 500 feet of the designated site of the Demolition/Relocation application and all property owners not on the same street but within 150 feet of the designated site.
- (11) The Township will be responsible for notifying the Township Historical Commission at least 30 days prior to public review of the application by the Planning Commission, so that the Commission may provide advisory comments regarding the application.

**§ 175-8. Time limitations.**

The Township shall have 120 calendar days to act on a complete application for a Certificate of Appropriateness, from the date the application is deemed complete by the Township including notification in writing of the pendency of the application to both the Board of Commissioners and the Planning Commission. If no action has been taken after 120 days, such application shall be deemed to have been approved; and the issuance of any permit dependent upon the Certification of Appropriateness shall be so authorized by the Township. This time limit may be waived or extended at any time by mutual consent of the applicant and the Board of Commissioners.

**§ 175-9. Expiration.**

Any Certificate of Appropriateness issued pursuant to the provisions of this Chapter shall expire one (1) year from the date of issuance, except that under the following circumstances the Certificate of Appropriateness shall continue to be in effect:

- (1) the authorized work is commenced within said one year time period and is continuing with reasonable diligence, and
- (2) an active building permit for the authorized work is on file with the Township.

**§ 175-10. Exceptions to Certificate of Appropriateness Procedure.**

A Certificate of Appropriateness is not required for the routine repair, maintenance or replacement in kind of any exterior elements or features of any Building or Structure of any Local Landmark. If the Director of the Department determines that the proposed work is routine repair or maintenance or replacement in kind, the applicant may then make application for a building permit where applicable.

**§ 175-11. Documentation of Local Landmark Prior to Demolition or Relocation.**

If the Township issues a permit for the Demolition or Relocation, the Board of Commissioners shall require the applicant to provide documentation of the Local Landmark proposed for Demolition or Relocation. Such documentation may include photographs, floor plans, copies of deeds, scaled site plans, archeological survey, summary descriptions, maps, and any other comparable form of documentation stipulated by the Board of Commissioners, in order to provide a record of the property for future generations. Copies of documentation shall be provided to the Department, the Cheltenham Township Historical Commission, and to any other research institution or document repository deemed appropriate by the Board of Commissioners, prior to the approved Demolition or Relocation.

**§ 175-12. Demolition by Neglect.**

Demolition by neglect shall be a violation of the provisions of this Chapter and shall not be grounds for issuance of a Certificate of Appropriateness and/or permit for Demolition or Relocation, and shall be subject to the violation provisions and penalties provided for in this Chapter. In addition, unoccupied Buildings constructed for the purposes of occupancy or storage regardless of their state or condition shall be tightly sealed, weatherproofed, fenced or otherwise protected, and their utilities shall be shut off for safety, violation of which shall be subject to the violation provisions and penalties provided for in this Chapter. Local Landmarks are also subject to all applicable property maintenance ordinances including, the International Property Maintenance Code, International Fire Code, International Building Code, Nuisances, and the Vacant Property Registration Ordinance.

**§ 295-13. Violations and Penalties.**

Any person, partnership, corporation, unincorporated association or other entity who or which shall violate any of the provisions of this Chapter shall upon adjudication thereof in a civil enforcement proceeding commenced by the Township be subject to a civil penalty not to exceed \$1,000 per violation, plus costs of prosecution. Each day that such violation shall occur shall constitute a separate violation.

**SECTION 2. Disclaimer.** Nothing in this Ordinance or in the Code of the Township of Cheltenham shall be construed to affect any suit or proceedings in any Court, any rights acquired or liability incurred, any permit issued or any cause or causes of action existing under the said Code prior to the adoption of this amendment.

**SECTION 3. Ratification.** In all other respects, the Code of the Township of Cheltenham, Chapter 295, entitled "Zoning," is hereby ratified and reaffirmed except where the same is inconsistent with the provisions contained in this Ordinance.

**SECTION 4. Severability.** The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision thereof shall be held illegal, invalid or unconstitutional by any Court of competent jurisdiction, such decision of this court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Cheltenham Township Board of Commissioners that this Ordinance would have been adopted if such legal, invalid or unconstitutional section, sentence, clause, part or provisions had not been included herein.

**SECTION 5. Failure to Enforce Not a Waiver.** The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

**SECTION 6. Repealer.** Except as otherwise expressly provided herein, any Ordinance or any part of any Ordinance conflicting with the provisions of this Ordinance shall be deemed and the same are hereby repealed to the extent of such conflict.

**SECTION 7. Effective Date.** This Ordinance shall take effect and be in force from and after it is approved as required by law.

**ENACTED** into an **ORDINANCE** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**TOWNSHIP OF CHELTENHAM  
BOARD OF COMMISSIONERS**

**ATTEST:** \_\_\_\_\_  
Bryan T. Havir,  
Township Manager & Secretary

**BY:** \_\_\_\_\_, President



**PUBLIC ATTENDANCE LIST**  
**PUBLIC SAFETY COMMITTEE – 7:30 P.M.**  
**PUBLIC AFFAIRS COMMITTEE – 7:45 P.M.**  
**BUILDING AND ZONING COMMITTEE – 8:00 P.M.**  
**Wednesday, January 6, 2016**  
**Township Building**

<b>NAME</b> <i>(Please Print Clearly)</i>	<b>ADDRESS</b> <i>(Please Print Clearly)</i>	<b>E-MAIL and/or TELEPHONE</b> <i>(Please Print Clearly)</i>
Lisa Chirico Mike Chirico	7807 Spring Avenue Elkins Park, PA 19027	MChirico@gmail.com
DAVID KRATZER	7913 PINK AVE	ON #D+ F
David C. Cohen	321 GERARD AVE ELKINS PARK	
E. Cerebi	Maple Ln	
Jon Musselman	TTF	
ROBERT Hyslop	211 HARRISON 19038	215-886-0813