

**File of the
Council of the City of Easton, Pa.**

Ordinance No. 4699

SESSION 2005

Bill No. 71

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Introduced by: Pamela Panto – July 13, 2005
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Enacted by Council - August 10, 2005
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AN ORDINANCE: Approving a Local Historic District Ordinance

BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE CITY OF EASTON,
NORTHAMPTON COUNTY, PENNSYLVANIA.

SECTION 1. Council of the City of Easton, Pa., has reviewed and approves a Local historic District Ordinance, (copy attached hereto).

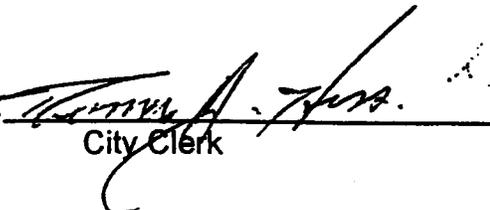
SECTION 2. Council authorizes and directs that the Local Historic District Ordinance be, and it is hereby made part of the Codified Ordinances of the City of Easton, Pa.

SECTION 3. All Ordinances or parts of Ordinances inconsistent herewith be, and they are hereby repealed.

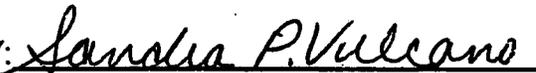
SECTION 4. This Ordinance becomes effective following passage by Council and approval by the Mayor and after the Pennsylvania Historical and Museum Commission has certified, by Resolution, to the Historical significance of the City of Easton, Pa., Historic District; and it has been duly advertised once in the newspaper of general circulation in the City of Easton.

Signed the 10th day of August, 2005

ATTEST:


City Clerk

BY:


President of City Council

This ordinance approved this 11th day of August, 2005


Mayor

CODIFIED ORDINANCES OF EASTON

PART NINETEEN – HISTORIC DISTRICT

TITLE ONE – Historic District

Art. 1901.	Creation of District
Art. 1902.	Definitions Listed
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**ARTICLE 1901
Creation of District**

- 1901.01 Legal Authorization
 - 1901.02 Purposes
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1901.01 – LEGAL AUTHORIZATION

(a) Pursuant to authority contained in the Act of June 13, 1961, Public Law 282, No. 167, as amended there is hereby created a Local Historic District (LHD) within the City of Easton.

(b) This Ordinance shall be known and may be cited as the City of Easton Historic Preservation Ordinance or Historic District Ordinance.

1901.02 - Purposes

It is the purpose and intent of the City of Easton to promote, protect, enhance, perpetuate, and preserve historic districts 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 City of Easton; to safeguard the heritage of the City of Easton by preserving and regulating historic districts which reflect elements of its cultural, social, economic, political, and architectural history; to preserve and enhance the environmental quality of neighborhoods; to strengthen the city'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 City past; and to preserve and protect the cultural, historical, and architectural assets of the City of Easton which the City has determined to be of local, state or national, historical and/or architectural significance

ARTICLE 1902
Definitions

1902.01 Definitions Listed

1902.01 - Definitions - For the purpose of this Ordinance, 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. The word "shall" is mandatory. The word "used" includes "designated, intended, built, or arranged to be used."

- (a) **Alteration-** Any act or process requiring a building permit(s) and any other act or process not requiring a building permit(s) but specifically listed in this article as a reviewable action, including without limitation the repair, replacement, reconstruction, demolition or relocation of any structure or object, or any part of a structure which is visible from the public way.
- (b) **Board –** This refers to the Board of Historical and Architectural Review which shall be the same as the City of Easton Historic District Commission ("HDC") as defined below.
- (c) **Building -** Any enclosed or open structure that is a combination of materials to form a construction for occupancy and/or use for human or animal habitation and is permanently affixed to the land, including manufactured homes.
- (d) **Building and/or Demolition Permit(s) -** An approval statement signed by the Zoning or Code Administrator authorizing the construction, alteration, reconstruction, repair, restoration, demolition or razing of all or part of any building listed within the City of Easton's Historic Resource Inventory. A request for a Demolition Permit must be accompanied with a clear statement of the intended reuse of the property.
- (e) **Building Permit(s) Application -** The request filed by any person with the Code Administrator that seeks authorization to erect, alter, reconstruct, repair, restore, demolish, or raze all or a part of any building or structure listed within a Historic District that requires a certificate of appropriateness.
- (f) **Code Administrator -** Municipal employee(s) or individual(s) retained by the City of Easton, designated by the City as the individual who enforces compliance of building and fire codes and issues the permit for the erection, alteration, reconstruction, repair, restoration, demolition or razing of all or a part of any building or structure within a Historic District.
- (g) **Certificate of Appropriateness -** The approval statement signed by Easton City Council which certifies to the historical appropriateness of a particular request for the erection, alternation, reconstruction, restoration, demolition, or razing of all or a part of any

building or structure within a Historic District and authorizes the issuance of a building permit(s) for said request.

- (h) Completed Application - A completed permit or certificate of appropriateness application is an application which conforms to the submittal criteria for specific historic preservation projects, as determined by the Historic District Commission.
- (i) Demolition - The dismantling or tearing down of all or part of any building and all operations incidental thereto, including neglecting routine maintenance and repairs which can lead to deterioration and decay.
- (j) 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.
- (k) Emergency Demolition - The requirement of whole or partial building demolition on orders from the Code Administrator to ensure the public health and safety. Significant effort should be made to retain, reinforce and preserve the façade of any building considered for demolition.
- (l) Erection - The result of construction such as a building, structure, monument, sign, or object on the ground or on a structure or building.
- (m) Reconstruction - The act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time but not necessarily of original material.
- (n) Sign - Any display, structure, device or object which incorporates lettering, logos, colors, lights, or illuminated gas tubes visible to the public from a building or structure, which either conveys a message to the public, or intends to advertise, direct, invite, announce, or draw attention to goods, products, services, activities, or facilities, excluding window displays, merchandise and temporary signs.
- (o) Structure - Anything constructed or erected, having a permanent or semi-permanent location on another structure or in the ground, including without limitation buildings, sheds, manufactured homes, garages, fences, gazebos, freestanding signs, billboards, antennas, satellite sending or receiving dishes, vending machines, decks, and swimming pools.
- (p) City of Easton Historic District Commission (HDC) - The agency that advises Easton City Council (applicants for certificates of appropriateness) on any request for authorization to erect, alter, reconstruct, repair, restore, demolish all or part of any building within a Historic District.

ARTICLE 1903
Delineation of Historic District

1903.01 Delineation of Local Historic District

1903.02 Local Historic District Map.

1903.01 - Delineation of Local Historic District

The City of Easton, Local Historic District is designated to be bounded by the Delaware River on the east, the Lehigh River on the south, the Bushkill Creek on the north, and Sixth Street on the west. Properties on both sides Sixth Street will be included as part of the district.

1903.02 Historic District Map

The City of Easton Local Historic District shall be set forth in a map and shall be located in the office of the Code Department made available for public inspection, and contained herein. (Exhibit A).

ARTICLE 1904
Historic District Commission

- 1904.01 Creation and membership of the Historic District Commission
 - 1904.02 Powers and Duties of the Historic District Commission
 - 1904.03 Additional Powers and Duties of the Historic District Commission
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1904.01 - The Creation and Membership of the Historic District Commission

The Historic District Commission, hereafter referred to as the HDC, is hereby established to be composed of seven (7) members appointed by Easton City Council 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 code administrator
- Four (4) Members "At Large" appointed as follows
 - One (1) At Large Member
 - Three (3) At Large Members

At Large 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 Historic District(s) and who preferably are property owners who reside in the district.

- (a) The initial terms of the first members shall be so fixed that no more than two (2) members shall be replaced or reappointed during any one calendar year. Vacancies on the HDC shall be filled within one hundred and twenty days (120). However, every member shall continue in office after expiration of the term until a successor has been appointed. Their successors shall serve for a term of three (3) years. The position of any member of the HDC appointed in his capacity such as a registered architect, a licensed real estate broker, building inspector, planning commission member, etc., who ceases to be so engaged shall be automatically considered vacant. An appointment to fill a vacancy shall be only for the unexpired portion of the term.
- (b) It shall be the duty of each HDC 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 or her membership on the board. A member, promptly upon his determining he has a conflict himself relative to any matter brought, shall disqualify himself from participating, in any manner, publicly or privately, in the presentation, discussion, deliberation, or any voting on any such manner, including temporarily absenting himself from the room in which the discussion is being held.

1904.02 - Powers and Duties of the Historic District Commission

The powers and duties of the Historic District Commission are as follows:

- (a) **Advisory Role** - The HDC shall give recommendations to Easton City Council as to the advisability of issuing any Certificate of Appropriateness required to be issued in accordance with the said Act of June 13, 1961, as amended, and this Ordinance.
- (b) **Board Rule Making Power** - The HDC 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 Ordinance.
- (c) **Removal of Members** - Any board member may be removed for misconduct or wrongdoing, unlawful execution of this Ordinance, chronic absenteeism, or failure to perform his or her responsibilities pursuant to this Ordinance, or for other just cause by a majority vote of Council. Said member shall be given notice of when City Council plans to consider such action, and given an opportunity to be heard at such meeting, if the Board member elects, prior to action.
- (d) **Annual Reports** - The members of the HDC shall make an annual report to Easton City Council, which shall include:
 - 1). any recommendations for changes in the Ordinance;
 - 2). the number and types of cases reviewed;
 - 3). the number of cases for which a certificate of appropriateness was either approved or denied;
 - 4). number of HDC meetings which each member attended;
 - 5). historic preservation-related training which each member attended;
 - 6). a narrative summary describing the state of preservation in the City of Easton's Historic District with recommendations in policy, goals, and objectives for Easton City Council; and
 - 7). a summary of any comments and recommendations made relating to public improvement projects
- (e) **Compensation** - The HDC may employ secretarial and professional assistance, and incur other necessary expenses with the approval of Easton City Council.
- (f) **Meetings** - The HDC shall meet publicly at least once a month. Further, the HDC may hold any additional meetings it considers necessary to carry out its powers and duties indicated in this Ordinance. Such meetings shall be opened to the public. A majority of the HDC shall constitute a quorum and action taken at any meeting shall require the affirmative vote of a majority of the members.
- (g) **Training** - HDC members and HDC support staff shall be encouraged to attend a minimum of eight (8) hours annually of seminars, conferences or workshops related to historic preservation and HDC administration.

Section 1904.03 - Additional Powers and Duties of the HDC

In addition to the above, the HDC shall have the following powers and duties:

- (a) To conduct a survey (in conjunction with the County Historical Society and Local Preservation Organizations) of buildings, structures, objects and monuments for the purpose of determining those of historic and/or architectural significance and pertinent facts about them; action in coordination with the City of Easton's Planning Commission, Zoning Hearing Board, and other appropriate groups and to maintain and periodically revise the detailed listings (resource inventories) of 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."
- (b) To propose, from time to time as deemed appropriate, the establishment of additional Historic Districts and revisions to existing Historic Districts.
- (c) To formulate recommendations concerning the establishment of an appropriate system of markers for selected historic and/or architectural sites and buildings including proposals for the installation and care of such historic markers.
- (d) To formulate recommendations concerning the preparation and publication of maps, brochures and descriptive material about the City of Easton historical and/or architectural sites and buildings.
- (e) To cooperate with and advise Easton City Council and the City's agencies in matters involving historically and/or architecturally significant sites and buildings (such as appropriate land usage, parking facilities and signs, as well as adherence to lot dimensional regulations and minimum structural standards). To formulate recommendations concerning changes to the City of Easton Comprehensive Plan as it relates to retention of historic resources.
- (f) To 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, from time to time, concerned with the preservation of historic sites and buildings.
- (g) To advise owners of historic buildings regarding rehabilitation, repairs, maintenance methods and technologies, adaptive use, economic and tax incentives and other historic preservation strategies.
- (h) To promote public support in the purpose of this Ordinance by carrying on educational and public relations programs.

ARTICLE 1905
Design Guidelines and Signage

1905.01 Design Guidelines
1905.02 Signs

1905.01 - Design Guidelines

In determining the recommendations to be made to the Easton City Council concerning the issuance of a Certificate of Appropriateness, the HDC shall consider only those matters that are pertinent to the preservation of the historical and/or architectural aspect and nature of the building, site, area, or district, certified to have historical significance, including the following:

- (a) Broad historical values representing the cultural, political, economic, or social history of the City of Easton.
- .. (b) The relationship of the building or structure to historic personages or events.
- (c) Significant architectural types representative of a certain historical period and a style or method of construction.
- (d) The effect of the proposed change upon the general historical and architectural nature of the District.
- (e) The appropriateness of the exterior architectural features that can be seen from a public street or way.
- (f) The general design, arrangement, texture, and material of a building or structure and the relation of such factors to similar features of buildings or structures in the District. Consideration shall be given but not limited to the following:
 - 1) Proportion of Buildings Front Facades - Preserving the relationship between the width of the front of the building and the height of the front of the building.
 - 2) Proportion of Openings within the Building - Preserving the relationship of width to height of windows and doors.
 - 3) Rhythms of Solid to Voids in the Front Facade - Preserving the relationship between a recurrent alteration of strong and weak architectural elements thereby maintaining a rhythm of solids to voids.
 - 4) Rhythms of Spacing of Buildings on Streets - Preserving the existing rhythm of

recurrent or repeated building masses to spaces between each building.

- 5) Rhythms of Entrance and/or Porch Projections - Preserving the existing rhythm of entrances or porch projections to maintain a pedestrian scale.
 - 6) Relationship of Materials - Preserving the predominant materials of the district such as brick, stone, stucco, wood siding, or other material.
 - 7) Relationship of Textures - Preserving the predominant textures of the district which may be smooth, such as stucco or rough such as brick with tooled joints or horizontal wood siding or other textures.
 - 8) Relationship of Architectural Details - Preserving character defining features of buildings, such as architectural details including but not limited to, cornices, lintels, arches, quoins, balustrades and iron work, chimneys, etc.
 - 9) Relationship of Roof Shapes - Preserving compatible roof shapes such as gable, mansard, hip, flat, gambrel, and/or kinds of roof shapes.
 - 10) Walls of Continuity - Preserving physical elements which comprise streetscapes such as brick walls, wrought iron fences, building facades or combinations of these which form visual continuity and cohesiveness along the street.
 - 11) Directional Expression of Front Elevation - Preserving the orientation of structural shapes, plan of openings and architectural detail that reflect a predominantly vertical or horizontal character to the building's facade.
 - 12) Scale - Preserving the scale of the built environment created by the size of units of construction and architectural detail that relate to the size of persons. In addition, preserving building mass in its relation to open space.
 - 13) Variations - The HDC shall grant variations in a manner that will be in harmony with the character of other buildings or structures on the street and/or districts.
- G. The height of any new building or structure shall be in harmony and scale with the surrounding built environment. This requirement shall also apply to any proposed modifications to existing buildings or structures.
- H. In such rare cases where the HDC recommends and the Easton City Council approves demolition of a historic building or structure, a good faith effort shall be made by the City of Easton and the owner(s) to move said building or structure to a proximate site. If moving a building or structure slated to be demolished is economically or practically infeasible, by the owner is encouraged to salvage architectural features of said building or structure for use within the City of Easton.
- I. In all cases the Code Administrator shall have the authority to issue an Emergency Demolition Order to maintain the public health and safety.

- J. In addition to the above, the City of Easton Zoning Ordinance shall be so amended as to be compatible with the purpose and objectives of the Historic District Ordinance.
- K. All other City of Easton laws and ordinances shall be complied with, including the zoning and subdivision ordinances.
- L. Financial Feasibility - The HDC shall consider the financial feasibility of its recommendations in response to a request for a certificate of appropriateness or building permit for the erection, reconstruction, alteration, and restoration of a building or structure. Financial feasibility shall be determined on the basis of an unreasonable cost for repair or replacement in-kind of whole or part of a building or structure. The HDC will assist the property owner to find and recommend cost effective and appropriate materials.

The applicant shall submit a minimum of three (3) estimates from bona fide contractors and vendors substantiating his or her claim that the financial feasibility or repair in-kind is unreasonable. The board shall determine as to the conditions of said architectural feature based on its inspection, photographs or report from the building inspector or preservation staff or consultant. No substitute material shall be approved which is inappropriate, incompatible, or is destructive or has the potential to be destructive to the original fabric of the building or structure.

No new vinyl or aluminum siding, imitation brick face, imitation stone face or other material shall be allowed on the exterior of any masonry wall of a building or structure. The repointing and repair of masonry is strongly encouraged and the painting of previously unpainted masonry shall be discouraged. No capping with aluminum or vinyl or other material shall be allowed on the exterior of character-defining features of a building or structure.

1905.02 – Signs

All signs in the Local Historic District are subject to the City of Easton Planning and Zoning Code, Title Five, Article 1367. Sign Regulations. In conjunction with this, no sign or advertising display of any kind or for any purpose shall be erected or altered, notwithstanding zoning approval, until an application for permit to make such erection or alteration has been reviewed by the HDC.

- (a) Historical markers may be authorized by the HDC subject to the provisions stipulated, and such markers shall not be considered as signs but are to be erected in accordance with the requirements established for historical markers by the HDC.

ARTICLE 1906
Application Review Procedure

1906.01 Application Review Procedure

1906.01 - Application Review Procedure

The application review procedure is as follows:

- (a) Upon receipt of a completed application for a building permit(s) or a certificate of appropriateness for work to be done in the District, the Code Administrator shall act in accordance with the procedures being followed in that office, except those procedures that are modified by the following requirements.
 - (1) The Code Administrator shall determine whether the work proposed needs to be forwarded to the HDC staff for administrative approval review. If not, he shall forward copies of the completed application for a building permit(s) together with copies of any plot plan and building plans and specifications filed by the applicant to the HDC.
 - (2) The Code Administrator shall not issue a building permit(s) for any erection, alteration, reconstruction, repair, restoration or demolition of all or part of any building in the District until Easton City Council has issued a Certificate of Appropriateness. If the Code Administrator or his or her representative issues a building permit(s) without a COA due to an administrative or clerical error said building permit(s) shall be voided.
 - (3) The Code Administrator shall require applicants to submit a sufficient number of additional copies of material required to be attached to a completed application for a building permit(s) or certificate of appropriateness so that the information needed to make the determination set forth in Section 600 (G) 1-8 will be available.
 - (4) The Code Administrator shall maintain in his office a record of all such applications and final dispositions of the same.
- (b) Board Review of Applications - Upon receipt of a completed building permit(s) or Certificate of Appropriateness application under the jurisdiction of this Ordinance, the HDC shall consider such at its next regularly scheduled meeting or special meeting. The Board may require an applicant to produce supportive materials as it sees fit to render its decisions.
- (c) Notification of Applicant of the HDC Meeting - The owner of record or his or her

representative (s) applying for a Certificate of Appropriateness and/or building permit(s) shall be advised of the time and place of said meeting and be invited to appear to explain his or her reasons at least ten (10) days before the HDC meeting. The HDC may invite such other persons as it desires to attend its meeting.

- (d) **Design Guidelines** - In determining *both oral and written* recommendations to be presented to Easton City Council concerning the issuance of a Certificate of Appropriateness authorizing a permit for the erection, alteration, reconstruction, repair, restoration, demolition, or demolition by neglect of all or part of any building within the Historic District, the HDC shall consider the Design Guidelines set forth in Section 500 and 501, and such design guidelines developed by the HDC pursuant to and congruent with the objectives of this Ordinance.
- (e) **Time Frame for Board Decision** - The HDC shall render a decision and recommendation on any application for a building permit(s) under its review no later than twenty (20) working days after the hearing/meeting provided for in Section 401 of the Ordinance and shall submit, in writing to Easton City Council recommendations concerning the issuance of a Certificate of Appropriateness.
- (f) **Application Disapproval by the HDC** - If the HDC decides to advise against the granting of a Certificate of Appropriateness, it shall so indicate to the applicant for a building permit(s). The disapproval shall indicate to the applicant the changes in plans and specifications, if any, which would protect (1) the distinctive historical character of the historic district and (2) the architectural integrity of the building or structure. The HDC shall withhold its report for five (5) days to allow the applicant to decide whether or not to make the suggested changes in his plans and specifications. If the applicant determines that he or she will make the necessary changes, he or she shall so advise the HDC, which shall in turn advise Easton City Council accordingly.
- (g) **Contents of Written Report** - The written report to Easton City Council concerning the HDC's recommendation on the issuance of a Certificate of Appropriateness shall set out the findings of fact that shall include but not be limited to the following matters:
 - 1) The exact location of the area in which the work is to be done.
 - 2) The exterior changes to be made or the exterior character of the structure to be erected.
 - 3) A list of the surrounding structures with their general exterior characteristics.
 - 4) The effect of the proposed change upon the general historic and architectural nature of the district.
 - 5) The appropriateness of exterior architectural features of the building which can be seen from a public street or way.
 - 6) The general design, arrangement, texture, and material of the building and the structure, and the relation of such factors to similar features of building or structures in the district.

- 7) The opinion of the HDC (including any dissent) as to the appropriateness of the work or project proposed as it will preserve or destroy the historic character and nature of the district.
 - 8). The specific recommendations of the HDC based on findings of fact as to the issuance by Easton City Council or its refusal to issue a Certificate of Appropriateness.
- (h) Notification of Applicant by Easton City Council of their Consideration - Upon receipt of the written report from the HDC as provided in G of this section, the Easton City Council shall consider at the next regular scheduled or special meeting, the question of issuing to the Code Administrator a Certificate of Appropriateness authorizing a permit for work covered by the application. The applicant shall be advised by the City of Easton of the time and place of the meeting at which his application shall be considered. The applicant shall have the right to attend this meeting and be heard as to the reasons for filing this application.
 - (i) Design Guidelines - In determining whether or not to certify to the appropriateness of the proposed erection, alteration, reconstruction, repair, restoration or demolition, of all or a part of any building within the historic district, Easton City Council shall consider the same factors as the HDC set forth in Sections 500 and 501 above. In all cases the Secretary of the Interior's Standards for Rehabilitation should be followed.
 - (j) Approval by Easton City Council - If City Council approves the application, it shall issue a Certificate of Appropriateness authorizing the Code Administrator to issue a building permit(s) for the work covered.
 - (k) Disapproval by Easton City Council - If City Council disapproves; a written reason(s) shall be given to the Code Administrator, 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 Easton City Council, the Code Administrator shall disapprove the application for a building permit(s) and advise the applicant. The applicant may appeal this disapproval to the Northampton County Court of Common Pleas within the time specified by law.

- (l) Final Notification by Easton City Council - In either case of approval or disapproval the City of Easton shall notify the applicant of its decision within five (5) days of its meeting at which the application was considered.

ARTICLE 1907
Relief as a Result of an Economic Hardship

1907.01 Relief as a Result of an Economic Hardship

When a claim of unreasonable economic hardship is made due to the effect of this Ordinance, the owner of record must present evidence sufficient to prove that as a result of the HDC's action, he 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 HDC some or all of the information below at its discretion, which may include but not be limited to the following:

- (a) Date the property was acquired by its current owner.
- (b) 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.
- (c) Current market value of the property.
- (d) Equity in the property.
- (e) Appraisals of the property obtained within the previous two (2) years.
- (f) 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.
- (g) All studies commissioned by the owner as to profitable renovation, rehabilitation utilization of any structures or objects on the property for alternative use, or a statement that none were obtained.
- (h) Form of ownership or operation of the property, whether sole proprietorship, for-profit or nonprofit corporation, limited partnership, joint venture or other.

The HDC may require that an applicant furnish additional information relevant to its determination of unreasonable economic hardship. Should the HDC 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 HDC may choose to recommend to the City of Easton that special 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.

The HDC may seek the assistance of an appropriate local, statewide or national preservation organizations in developing solutions which would relieve the owner's economic hardship. If the HDC chooses to explore such options, the HDC may delay issuing a Certificate of Appropriateness for demolition on the basis of economic hardship for a period of ninety (90) days in addition to time periods otherwise applicable.

Should the applicant satisfy the HDC that he will suffer an unreasonable economic hardship if a Certificate of Appropriateness is not approved, and should the HDC not be able to develop with the City of Easton or appropriate local, statewide and national preservation organization a solution which can relieve the owner's economic hardship, the HDC may recommend a Certificate of Appropriateness for demolition.

ARTICLE 1909
Enforcement Provisions

1909.01 – Notice of Violation

1909.02 – Enforcement

1909.03 – Penalty

1909.04 - Repealer

1909.05 – Severability Clause

1909.06 - Amendments

1909.07 – Effective Date

1909.01 - Notice of Violation

The Code Administrator shall serve a notice of violation on the person in violation of this ordinance which would result in but not be limited to (1) failure to apply for a Certificate of Appropriateness or a building permit required for the erection, reconstruction, alteration, restoration, demolition, demolition by neglect, or razing of any building or structure which can be seen from a public way, and (2) failure to comply with the HDC approved work. Such notice shall direct the abatement of said violation.

1909.02 - Enforcement

The Code Administrator or his designated representative shall have the power to institute any proceedings at law or in equity necessary for the enforcement of this Ordinance.

1909.03 - Penalty

Any person, property owner, occupant, firm or contractor failing to obtain a building permit or Certificate of Appropriateness pursuant to this Ordinance shall be fined the sum of \$300.00 for each day the violation is unabated. If a property owner has demolished a building or structure, or a portion thereof, without obtaining a Certificate of Appropriateness, the Code Administrator can delay a permit for new construction on the site for two years.

1909.04 – Repealer

All ordinances or parts of ordinances inconsistent herewith are repealed.

1909.05 – Severability Clause

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.

1909.06 – Effective Date/Certification by Pennsylvania Historical and Museum Commission

Immediately upon the adoption of the Ordinance, the City of Easton shall forward a copy thereof to the Pennsylvania Historical and Museum Commission. This Ordinance shall not take effect until; (1) the said Commission has certified, by Resolution, to the historical significance of the City of Easton Historic Dist and, (2) it has been duly advertised once in the newspaper of general circulation in the City of Easton as required by law.

ARTICLE 1908

Obligation to Protect against Decay and Deterioration of Structure(s)

1908.01 – Obligation to Protect against Decay and Deterioration of Structure(s)

1908.01 All buildings and structures within the City of Easton historic district shall be maintained in good repair, structurally sound, and reasonably protected against decay and deterioration. Examples of such deterioration include:

- a) Deterioration of exterior walls or other vertical supports.**
- b) Deterioration of roofs or other horizontal members.**
- c) Deterioration of exterior chimneys.**
- d) Deterioration of crumbling of exterior stucco or mortar.**
- e) Ineffective waterproofing of exterior walls, roofs, or foundations, including broken windows or doors.**
- f) Deterioration of any feature so as to create a hazardous condition which could lead to the claim that a demolition is necessary for the public safety.**
- g) Other conditions described by the City Ordinances on this issue.**