

**BEFORE THE BOROUGH COUNCIL OF THE BOROUGH OF EMMAUS
LEHIGH COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1255

**AN ORDINANCE AMENDING THE PROVISIONS OF CHAPTER 1, PART 3, ASSOCIATIONS AND
COMMISSIONS OF THE BOROUGH OF EMMAUS CONSOLIDATED CODE OF ORDINANCES TO ESTABLISH
SECTION I: HISTORICAL COMMISSION**

WHEREAS, the Borough Council of the Borough of Emmaus has established, through its codified Ordinances, certain volunteer commissions to represent Borough Council and the community; and

WHEREAS, the Borough of Emmaus is a historic community, founded in 1759, and celebrates its rich history through the preservation of three borough-owned historic homes maintained by volunteer organizations, a Historical Society, and through the preservation of multiple properties and structures throughout the community; and

WHEREAS, Article 1, Section 27, of the Constitution of the Commonwealth of Pennsylvania states that: "The people have a right to clean air, pure water, and preservation of the natural, scenic, historic and aesthetic values of the environment"; and

WHEREAS, the Borough Council of the Borough of Emmaus finds that the preservation and protection of buildings, structures, and sites of historic, architectural, cultural, archeological, educational, and aesthetic merit are in the interests of the health, prosperity, and welfare of the people of the Borough of Emmaus; and

WHEREAS, through the collaborative efforts of members representing the Friends of the 1803 House, the Shelter House Society, and the Knauss Homestead Preservation Society, the Borough Council of the Borough of Emmaus desires to adopt an Ordinance to assist with the further preservation of the Borough's historical assets; and

WHEREAS, the Borough Council of the Borough of Emmaus believes it is in the best interest of the residents of the Borough to establish a Borough of Emmaus Historical Commission to further the historical preservation and celebration of the rich history of the community.

NOW, THEREFORE, be it hereby **ORDAINED and ENACTED** that the Council of the Borough of Emmaus hereby amends Chapter 1, Part 3: Associations and Commissions, of the Borough of Emmaus Consolidated Code of Ordinances to establish Section I: Historical Commission, with the following provisions:

I: Historical Commission

§ 1-391: Creation and Composition

The Emmaus Historical Commission shall be established.

§ 1-392: Definitions

in reference to the primary resource; and has been designated as such by the Council pursuant to the provisions of this article.

"National Register of Historic Places" shall mean the official federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, engineering, and culture as authorized by the National Historic Preservation Act of 1966.

"Object" shall mean any construction that is primarily artistic in nature or is relatively small in scale and simply constructed. Although an object may be, by nature or design, movable, it is associated with a specific site or environment, such as fountain or boundary marker.

"Preservation" shall mean the act or process of applying measures to sustain the existing form, integrity, and material of a historic property. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

"Reconstruction" shall mean 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 specified period of time.

"Regulated Permits" shall mean any permit issued for any work on a Historic Resource or within any Historic District.

"Rehabilitation" shall mean the act or process of making 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.

"Restoration" shall mean the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

"Site" shall mean the location of a significant event, a prehistoric or historic occupation or activity where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing structure, including but not limited to a designed landscape or the ruins of a building or structure.

"Stabilization" shall mean the act or process of applying measures designed to reestablish a weather resistant enclosure or the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists at present.

"Structure" shall mean any construction created for purposes other than creating human shelter, including but not limited to a bridge or water tower.

"Survey" shall mean historic resource surveys conducted in accordance with Certified Local Government Program and state standards and procedures.

"Unreasonable Economic Hardship" shall mean facts and circumstances which establish that there are no feasible measures that can be taken which will enable the property owner to make a reasonable

- R. Promoting historic preservation within Emmaus Borough by performing any or all of the following:
- a. Publishing printed material related to historic preservation.
 - b. Adding historic preservation related material and information to the Borough's website.
 - c. Holding events to foster historic preservation in the Borough. These events may include but are not limited to presentations, tours, and the publication of brochures in partnership with the Borough-owned historic homes, the Borough's non-profit historic preservation organizations, and businesses in the community.
 - d. Educating historic resource owners about the potential benefits of having a resource listed on the Historic Resource Inventory including honorary designation, improved development opportunities, grants, tax incentives, and the protection provided by state and federal government historic preservation programs and laws.
 - e. Meeting with owners of historic resources to discuss viable alternatives to altering or demolishing historic structure(s).
 - f. Engaging in activities that would help owners retain and maintain their historic resource(s). These activities could include but are not limited to the following:
 - i. Creating a list of trades people skilled in the maintenance of historic structures.
 - ii. Working with financial institutions to attain low-cost loans for owners of historic properties.
 - iii. Assisting with locating photos and other relative information about the property to assist the owner with understanding the original features of the structure.
 - iv. Working with preservation organizations (e.g., National Trust, Preservation Pennsylvania) to assist owners with their properties.
 - v. Contacting state and national elected officials in the pursuit of tax relief for owners of historic resources.
 - vi. Working with owners of historic structures to seek information regarding the appropriateness of alterations or additions to their structures.
- S. Acting as the recommending body to Emmaus Borough Council for any and all alterations to the historical properties owned by the Borough. No site improvement, alteration, or significant repair shall be made on any Borough-owned historical property without the review of the Commission and approval from Borough Council.
- T. Encouraging historic preservation by:
- a. Establishing a Historic Commission to advise owners regarding historically appropriate alterations to structures identified as historic.
 - b. Educating the community about historic preservation and historic aspects of Emmaus Borough through workshops, presentations, walking/driving tours, etc.
 - c. Assisting owners of historic resources with nomination to the National Register of Historic Places.
 - d. Assisting owners to make ownership of a historic resource more affordable.
 - e. Reviewing plans and making recommendations to the Borough and property owner wishing to demolish properties, assets, or portions of property or assets that are greater than 50 years old. In cases where demolition permits are granted, the Borough shall inform the Historical Commission prior to granting the approval, to allow time for the Commission to properly document the historic resource / structure.

regarding their preferred representatives on the Commission. Borough Council shall interview and appoint according to Borough policy.

- b. Borough Council may request that a current Commissioner be present during interviews with prospective Commission members.

D. Alternate Members

- a. Borough Council may appoint three (3) alternate members of the Commission. The alternates shall be no greater than one (1) member each representing the Friends of the 1803 House, Shelter House Society, and Knauss Homestead Preservation Society. The alternate member is not required to be a board member from any of the aforementioned organizations.
- b. Alternate members may participate in all Commission discussions and votes as a substitute for the organization's primary representative. They may not participate in discussion or vote if the primary representatives are in attendance at the Commission meeting.
- c. The organization using an alternate member for a Commission meeting shall notify the Commission Chair and the alternate no less than 48 hours prior to attendance unless emergency situations are communicated with the Commission Chair prior to the meeting start.
 - i. In the absence of proper communication, the alternate member shall not be permitted to participate or vote.

2. Residency Requirement

- A. Representatives from each of the three (3) historical preservation organizations specified in § 1-395, 1.A above shall not be required to be Borough residents, provided that they are current Board members of the associated organization.
- B. Of the remaining five (5) at-large Commissioners, up to two (2) members are permitted to be non-residents of the Borough of Emmaus.
 - a. The at-large non-residents shall be property owners, business owners, employees, or volunteers in the Borough to be considered as members of the Commission.

3. Qualifications

- A. Commissioners shall not be required to have specific qualifications or certifications. However, members are encouraged to have skillsets, qualifications, and backgrounds in areas beneficial to the advancement of the goals of the commission, such as backgrounds in architecture, engineering, historic preservation, historic restoration, education, real estate, law, finance, construction, marketing, or public relations.

4. Terms

- A. Terms shall be staggered three (3) year terms.
- B. The initial terms, upon creation of the Commission, shall initially include up to five (5) two (2) year terms so as to create staggered terms in the future.
- C. Representatives of the Friends of the 1803 House, Shelter House Society, and Knauss Homestead Preservation Society shall have alternating staggered terms, so as to ensure that both members' terms are not expiring at the same time.
- D. Commission members may serve no longer than up to two (2) consecutive terms. If serving two consecutive terms, at the expiration of the second term, the Commissioner shall be required to wait one (1) year before being eligible to apply for membership to the Commission again.

3. In the instance that the boards of the Friends of the 1803 House, Shelter House Society, and Knauss Homestead Preservation Society, make a funding request to Emmaus Borough Council, the Historical Commission shall review the requests first and make recommendations to Council accordingly.
 - A. Funding for any approved projects shall be filtered through the Historical Commission.
 - B. The Historical Commission shall provide oversight and monitoring for any funds distributed by the Borough to ensure funds are spent according to the approved purpose.

§ 1-398: Annual Report

1. At the conclusion of every calendar year, the Commission shall submit an annual report to Borough Council.
 - A. The report shall include all activities of the Commission, including distribution of funds, significant actions and accomplishments, and other important information relating to the purpose, mission, and actions of the Commission.

BE IT FURTHER ORDAINED AND ENACTED that existing Ordinances of the Borough or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed.

BE IT FURTHER ORDAINED AND ENACTED that if any section or provision of this Ordinance is declared by any Court of competent jurisdiction to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect the constitutionality, legality or validity of this Ordinance as a whole, nor the constitutionality, legality or validity of any other section or provision of this Ordinance other than the one so declared to be unconstitutional, illegal or invalid.

DULY ADOPTED this 18th day of December 2023 by the Emmaus Borough Council in lawful session duly assembled.



SHANE M. PEPE
Borough Manager



BRENT LABENBERG
Council President

AND NOW, this 18th day of December 2023 the above Ordinance is hereby **APPROVED** by the Mayor of the Borough of Emmaus in due course.



LEE ANN GILBERT, Mayor
Borough of Emmaus