

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 774

Session of
1987

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SALOOM, FLICK AND E. Z. TAYLOR, MARCH 10, 1987

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MAY 12, 1987

AN ACT

1 Providing for the preservation of certain historic structures;
2 authorizing the establishment of municipal historic
3 preservation committees; and imposing powers and duties on
4 the Pennsylvania Historical and Museum Commission.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Municipal
9 Historic Preservation Committees Act.

10 Section 2. Legislative intent.

11 It is hereby determined and declared as a matter of
12 legislative finding and intent that this Commonwealth has an
13 interest in the historical values of the environment and in the
14 preservation of the irreplaceable historical, architectural,
15 archaeological and cultural heritage of this Commonwealth for
16 the benefit of all people, including generations to come. It is

1 therefore in the public interest for political subdivisions of
2 this Commonwealth to engage in comprehensive programs of
3 historic preservation to protect those historic districts or
4 historic landmarks within their jurisdiction that are
5 significant in our history, architecture, engineering,
6 archaeology or culture, making them a source of inspiration to
7 our people by awakening interest in the historical heritage of
8 Pennsylvania and promoting the general welfare, education and
9 culture of the community.

10 Section 3. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 "Committee." A Municipal Historic Preservation Committee
15 created by a governing body pursuant to the provisions of this
16 act.

17 "Governing body." The council in cities, boroughs and
18 incorporated towns; the board of commissioners in townships of
19 the first class; the board of supervisors in townships of the
20 second class; the board of commissioners in counties of the
21 second through eighth class; or any elected legislative body in
22 a home rule municipality.

23 "Historic district." Any district or area that has been
24 determined to be significant in the history, architecture,
25 engineering, archaeology or culture of the United States, this
26 Commonwealth or its municipalities under the provisions of this
27 act.

28 "Historic landmark." Any building, structure, object or site
29 that has been determined to be significant in the history,
30 architecture, engineering, archaeology or culture of the United

1 States, this Commonwealth or its municipalities under the
2 provisions of this act.

3 "Historic preservation." The research, restoration,
4 rehabilitation and other activities furthering the protection,
5 enhancement, continued existence or enjoyment of historic
6 structures.

7 Section 4. Authority to establish a Municipal Historic
8 Preservation Committee.

9 (a) Establishment.--A governing body is authorized to
10 appoint a Municipal Historic Preservation Committee to consist
11 of not less than five members for terms of no longer than four
12 years.

13 (b) Qualification of members.--A majority of the committee
14 shall have demonstrated special interest, experience or
15 education in history, architecture, archaeology or closely
16 related fields and a majority of the members shall reside within
17 the jurisdiction of the governing body establishing the
18 committee.

19 Section 5. Powers and duties of committee.

20 A committee established pursuant to this act shall be
21 authorized, subject to the approval of the governing body, to:

22 (1) Conduct a survey of local historic districts and
23 landmarks of historical, architectural and archaeological
24 significance.

25 (2) Acquire fee and lesser interests in historic
26 properties, including adjacent or associated lands, by
27 purchase, bequest or devise, and preserve, restore, maintain
28 and operate such historic properties under the ownership or
29 control of the governing body.

30 (3) Lease, sell and otherwise transfer or dispose of

1 historic properties subject to rights of public access and
2 other covenants and in a manner that will preserve the
3 property.

4 (4) Contract with the State or Federal government, or
5 any agency of either, or with any other organization.

6 (5) Cooperate with the Federal, State and local
7 governments in the pursuance of the objectives of historic
8 preservation.

9 (6) Participate in an advisory capacity in the conduct
10 of land-use, urban renewal and other planning processes
11 undertaken by the governing body.

12 (7) Recommend to the governing body significant
13 structures, buildings, districts, objects or sites to be
14 designated by ordinance as historic districts or landmarks.

15 (8) Conduct an educational and interpretive program on
16 historic districts or landmarks within its jurisdiction.

17 Section 6. Designation of historic districts and landmarks.

18 (a) Designation.--The governing body may establish, by
19 ordinance, one or more historic districts or historic landmarks
20 within its jurisdiction.

21 (b) Prerequisites.--No historic district or landmark shall
22 be designated until the following requirements are met:

23 (1) With the approval of the governing body, the
24 committee shall conduct or cause to be conducted a survey of
25 the historical, architectural, engineering, archaeological or
26 cultural significance of each district, area, building, site
27 or object proposed for designation as a historic district or
28 landmark. A report of such survey shall be submitted to the
29 Pennsylvania Historical and Museum Commission.

30 (2) The Pennsylvania Historical and Museum Commission

1 shall review the survey report on the proposed historic
2 district or historic landmark and shall certify by resolution
3 as to the historical, architectural, engineering,
4 archaeological or cultural significance of the district or
5 landmark, which resolution shall be transmitted to the
6 committee and to the governing body.

7 (3) The governing body shall hold a public hearing on
8 the proposed ordinance after giving public notice of such
9 hearing, which shall include written notice to the owners of
10 all properties to be included in the proposed ordinance.

11 (4) Following the receipt of the resolution from the
12 Pennsylvania Historical and Museum Commission certifying as
13 to the district's or landmark's significance and after the
14 public hearing, the governing body may adopt the ordinance
15 with any amendments deemed necessary.

16 (5) Upon adoption of the ordinance, the owners and
17 occupants of each property located in a historic district or
18 each historic landmark shall be given written notification of
19 such designation. A copy of the ordinance shall be available
20 at the offices of the governing body for public inspection
21 during normal business hours. A second copy of the ordinance
22 shall be forwarded to the Pennsylvania Historical and Museum
23 Commission.

24 (6) Notwithstanding the above, no ordinance establishing
25 a historic district or historic landmark shall go into effect
26 until the governing body has adopted:

27 (i) Procedures for the review of all requests for
28 certificates of appropriateness, including reasonable
29 notice and appeal procedures.

30 (ii) Guidelines for review of alterations and new

1 construction.

2 (7) NOTWITHSTANDING ANY PROVISIONS OF THIS SECTION, NO <—
3 ORDINANCE ESTABLISHING A HISTORIC LANDMARK SHALL GO INTO
4 EFFECT UNTIL THE GOVERNING BODY HAS RECEIVED WRITTEN CONSENT
5 FROM THE OWNER OF THE PROPERTY PROPOSED FOR SUCH DESIGNATION.

6 Section 7. Certificate of appropriateness required.

7 (a) Requirement.--After the designation of a historic
8 district or historic landmark, no exterior portion of any
9 building or other structure (including walls, fence, light
10 fixtures, steps, pavement or other appurtenant features) nor
11 above-ground utility structure nor any type of outdoor
12 advertising sign shall be erected, altered, restored, moved or
13 demolished within such district or on such landmark until after
14 an application for a certificate of appropriateness as to
15 exterior features has been submitted to and approved by the
16 committee. The governing body shall require such a certification
17 to be issued by the committee prior to the issuance of a
18 building permit or other permit granted for purposes of
19 constructing or altering structures. A certificate of
20 appropriateness shall be required whether or not a building
21 permit is required.

22 (b) Definition.--As used in this section the term "exterior
23 features" shall include the architectural style, general design
24 and general arrangement of the exterior of a building or other
25 structure, including the color, the kind and texture of the
26 building material and the type and style of all windows, doors,
27 light fixtures, signs, other appurtenant fixtures and natural
28 features such as trees and shrubbery.

29 Section 8. Review procedures.

30 (a) Notice to applicant.--Prior to issuing or denying a

1 certificate of appropriateness, the committee shall inform the
2 applicant of its action and give the applicant an opportunity to
3 be heard.

4 (b) Notice to property owners.--Prior to issuance or denial
5 of a certificate of appropriateness, the committee may take such
6 action as may reasonably be required to inform the owners of any
7 property likely to be materially affected by the application and
8 shall give the owners an opportunity to be heard.

9 (c) Public hearing.--In cases where the committee deems it
10 necessary, it may hold a public hearing concerning the
11 application.

12 (d) Approval.--If the committee determines that the proposed
13 construction, reconstruction, alteration, moving or demolition
14 is appropriate, it shall approve such application and shall
15 issue to the applicant a certificate of appropriateness.

16 (e) Rejection.--If the committee determines that a
17 certificate of appropriateness should not be issued, it shall
18 place upon its records the reasons for such determination and
19 shall notify the applicant of such determination and furnish the
20 applicant with an attested copy of its reasons therefor and its
21 recommendations, if any, as appearing in the records of the
22 committee. The committee may approve a rejected application in
23 any case where the owner can show that refusal to grant the
24 certificate of appropriateness would preclude the use of the
25 property for any purpose for which it is reasonably adapted.

26 Section 9. Maintenance and repair.

27 Nothing in this act shall be construed to prevent the
28 ordinary maintenance or repair of any exterior feature in a
29 historic district or on a historic landmark which does not
30 involve a change in design, material, color or outer appearance

1 thereof, nor to prevent the construction, reconstruction,
2 alteration, restoration or demolition of any such feature which
3 the building inspector or similar official shall certify is
4 required for the public safety because of an unsafe or dangerous
5 condition.

6 Section 10. Appeal.

7 Any person aggrieved by failure of the committee to issue a
8 certificate of appropriateness for such building changes shall
9 have the right to appeal under 2 Pa.C.S. § 101 et seq. (relating
10 to administrative law and procedure) to the court vested with
11 jurisdiction of such appeals.

12 Section 11. Enforcement.

13 The governing body shall have the power to institute any
14 proceedings at law or in equity necessary for the enforcement of
15 this act or of any ordinance adopted pursuant thereto, in the
16 same manner as in its enforcement of other building, zoning or
17 planning legislation or regulations.

18 Section 12. Applicability of other laws.

19 Notwithstanding the provisions of this act, any governing
20 body may elect to adopt a historic district ordinance under the
21 provisions of the act of June 13, 1961 (P.L.282, No.167),
22 entitled "An act authorizing counties, cities, boroughs,
23 incorporated towns and townships to create historic districts
24 within their geographic boundaries; providing for the
25 appointment of Boards of Historical Architectural Review;
26 empowering governing bodies of political subdivisions to protect
27 the distinctive historical character of these districts and to
28 regulate the erection, reconstruction, alteration, restoration,
29 demolition or razing of buildings within the historic
30 districts," or to proceed under any other applicable law.

1 Section 13. Effective date.

2 This act shall take effect immediately.