

SUPPLEMENTING ACT, SECOND CLASS CITIES
Act of May 12, 1911, P.L. 291, No. 183
A SUPPLEMENT

Cl. 11

To an act, entitled "An act for the government of cities of the second class," approved the seventh day of March, Anno Domini one thousand nine hundred and one; creating and regulating an Art Commission, and extending the police power in relation to things placed in streets or public places by public service corporations.

Section 1. Be it enacted, &c., That an additional executive department is hereby created in and for cities of the second class, to be known as the Art Commission, the members of which shall be appointed by the mayor, by and with the advice and consent of the select council, and who shall hold office during the term for which the mayor shall have been elected and until their successors shall be respectively appointed and qualified. In addition to the mayor and the director of the Department of Public Works, who shall be members ex officio the Art Commission shall consist of one painter, one sculptor, three architects, all of whom shall be eminent in their respective professions, and two others, neither of whom shall be a painter, a sculptor, or architect, and all of such appointed members shall serve without compensation; and, in case any vacancy shall happen among them, such vacancy shall be filled by the mayor, for the unexpired term. The Art Commission shall elect a president and secretary, whose term of office shall be for one year. They may employ clerks and other persons, whose salaries and wages, together with the other necessary expenses of the commission, shall be provided for, in the discretion of councils, by the proper appropriations and ordinances. A majority of the seven appointed members shall constitute a quorum for the transaction of any business or the decision of any matters within the competence or jurisdiction of the commission, and the majority of such quorum may decide; and the commission shall have the power to adopt its own rules of procedure, not inconsistent with any law or ordinance, and so that in proper cases reasonable notice and full opportunity to be heard shall be afforded according to the principles of the common law.

Section 2. The term "work of art," as used in this act shall apply to and include all paintings, mural decorations, statues, bas-reliefs, sculptures, monuments, fountains, arches, ornamental gateways, and other structures of a permanent character, intended for ornament or commemoration. Hereafter no work of art shall become the property of the city, by purchase, gift, or otherwise, unless such work of art, or the design of the same, together with a statement of the proposed location of the same, shall first have been submitted to and approved by said Art Commission, acting by a majority of all its appointed members; nor shall any work of art, until so approved, be erected or placed in, over or upon, or allowed to extend in, over or upon, any street, avenue, square, place, common, park,

municipal building, or other public place, under the control of the city or any department or officer thereof. And the said commission shall act in a similar capacity, with similar powers, in respect to the design of any municipal building, bridge, approach, lamp, ornamental gate, or fence, or other structure erected or to be erected upon land belonging to the city, or other public place under its control: Provided, That this section shall not apply to bridges costing less than twenty-five thousand dollars, nor to buildings costing less than fifty thousand dollars. No existing work of art in the possession of the city shall be removed, relocated or altered, in any way, without the similar approval of said commission; and any such work of art shall be removed, relocated or altered, in any way that may be ordered, by a vote passed, and approved in writing, by two-thirds of all the members of said commission, unless such work of art is attached to a portion of a building or other structure in process of demolition. In case the immediate removal or relocation of any existing work of art shall be deemed necessary by the proper authorities, the commission shall, within forty-eight hours after notice from them, approve or disapprove of such removal or relocation, and, in case of their failure to act within such forty-eight hours, they shall be deemed to have approved the action proposed.

In all other cases, if the commission shall fail to decide upon any matter submitted to them, within sixty days after its submission, their decision shall be deemed unnecessary.

Section 3. The Art Commission, acting by a quorum of appointed members, shall have the like power and jurisdiction over any arch, bridge, building, fence, or approach which is to be the property of, and is proposed to be erected or placed by, any public service corporation in any street, highway, or public place, for any purpose of such corporation, and within the lines of any street, avenue, park, or public place, and visible to the eye. It is among the purposes of this act to secure, so far as may be reasonably practicable, the free light, air and prospect of the streets and open spaces of the city, and to prevent the obstruction of the same by unsightly structures, though lawfully erected, and for that purpose the Art Commission is authorized to devise, and recommend for adoption by ordinance of councils, such designs and regulations as may tend to prevent the unsightly occupation of such streets and open spaces, and, so far as may be practicable, to promote the beautification of such streets and open spaces.

The commission may volunteer advice or suggestion to the owners of private property in relation to the beautification of the same; and any citizen or person, who may be about to erect any building or make any improvement, may submit the plans and designs thereof to the Art Commission for advice and suggestion. And the Art Commission may receive and act upon the complaints and suggestions of citizens or voluntary associations having such objects and purposes in view as are aforesaid; and in acting upon the recommendations of the Art Commission the councils of the city may make full exercise of the police power, by ordinance.