
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. **172** Session of
1961

INTRODUCED BY MESSRS. STEVENSON, LANE, MALLERY,
HAYS AND HALUSKA, FEBRUARY 8, 1961.

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT,
FEBRUARY 8, 1961.

AN ACT

Authorizing counties cities boroughs incorporated towns and townships
to create historic districts within their geographic boundaries
providing for the appointment of Boards of Historical Architectural
Review empowering governing bodies of political subdivisions
to protect the distinctive historical character of these districts
and to regulate the erection reconstruction alteration res-

EXPLANATION—CAPITAL LETTERS indicate new matter added to bill. Matter ~~stricken through~~
is to be omitted from bill.
Underscoring indicates new matter added to existing law. [Brackets] indicate matter
stricken from existing law.

toration demolition or razing of buildings within the historic districts

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

1 Section 1 The term "governing body" as used in this act shall
2 mean the board of commissioners of any county the council of any
3 city or incorporated town the board of commissioners of any township
4 of the first class and the board of supervisors of any township of the
5 second class

6 The term "executive authority" as used in this act shall mean the
7 chairman of the board of commissioners of any county the mayor of
8 any city the burgess of any borough the president of council of any
9 incorporated town the president of the board of commissioners of any
10 township of the first class and the chairman of the board of supervisors
11 of any township of the second class

12 Section 2 For the purpose of protecting those historical areas with-
13 in our great Commonwealth which have a distinctive character recalling
14 the rich architectural and historical heritage of Pennsylvania and of
15 making them a source of inspiration to our people by awakening in-
16 terest in our historic past and to promote the general welfare educa-

1 tion and culture of the communities in which these distinctive historical
2 areas are located all counties cities boroughs incorporated towns and
3 townships are hereby authorized to create and define by ordinance a
4 historic district or districts within the geographic limits of such political
5 subdivisions No such ordinance shall take effect until the Pennsylvania
6 Historical and Museum Commission has been notified in writing of
7 the ordinance and has certified by resolution to the historical significance
8 of the district or districts within the limits defined in the ordinance
9 which resolution shall be transmitted to the executive authority of the
10 political subdivision

11 Section 3 The governing body of the political subdivision is au-
12 thorized to appoint a Board of Historical Architectural Review upon
13 receipt of the certifying resolution of the Pennsylvania Historical and
14 Museum Commission The board shall be composed of not less than
15 five members of whom a majority shall be residents of the historic
16 district One member of the board shall be a registered architect one
17 member shall be a licensed real estate broker one member shall be a
18 building inspector and the remaining members shall be persons with
19 knowledge of and interest in the preservation of historic districts A
20 majority of the board shall constitute a quorum and action taken at

1 any meeting shall require the affirmative vote of a majority of the
2 board The board shall give counsel to the governing body of the county
3 city borough town or township regarding the advisability of issuing
4 any certificate which the governing body may issue pursuant to this act

5 Section 4 (a) Any governing body shall have the power and duty
6 to certify to the appropriateness of the erection reconstruction alter-
7 ation restoration demolition or razing of any building in whole or in
8 part within the historic district or districts within the political subdivis-
9 ion Any agency charged by law or by local ordinance with the issuance
10 of permits for the erection demolition or alteration of buildings within
11 the historic district shall issue no permit for any such building changes
12 until a certificate of appropriateness has been received from the gov-
13 erning body

14 (b) Any governing body in determining whether or not to certify
15 to the appropriateness of the erection reconstruction alteration restor-
16 ation demolition or razing of a building in whole or in part shall con-
17 sider the effect which the proposed change will have upon the general
18 historic and architectural nature of the district The governing body
19 shall pass upon the appropriateness of exterior architectural features

1 which can be seen from a public street or way only and shall consider
2 the general design arrangement texture material and color of the
3 building or structure and the relation of such factors to similar features
4 of buildings and structures in the district The governing body shall
5 not consider any matters not pertinent to the preservation of the his-
6 toric aspect and nature of the district Upon giving approval the gov-
7 erning body shall issue a certificate of appropriateness authorizing a
8 permit for the erection reconstruction alteration restoration demolition
9 or razing of a building in whole or in part Disapproval of the governing
10 body shall be in writing giving reasons therefor and a copy thereof
11 shall be given to the applicant to the agency issuing permits and to
12 the Pennsylvania Historical and Museum Commission

13 (c) Any person applying for a building permit within a historic
14 district shall be given notice of the meeting of the Board of Historical
15 Architectural Review which is to counsel the governing body and of
16 meeting of the governing body which is to consider the granting of a
17 certificate of appropriateness for the said permit and may appear before
18 the said meetings to explain his reasons therefor In the event of a
19 failure to recommend the board and in the event of its disapproval
20 the governing body shall also indicate what changes in his plans and

1 specifications would meet its conditions for protecting the distinctive
2 historical character of the historic district

3 (d) Any person aggrieved by failure of the agency charged by law
4 or by local ordinance to issue a permit for such building changes by
5 reason of the disapproval of the governing body may appeal therefrom
6 in the same manner as appeals from decisions of the agency charged
7 by law or by local ordinance with the issuance of permits for such
8 building changes

9 Section 5 The agency charged by law or by local ordinance with
10 the issuance of permits for the erection demolition or alteration of
11 buildings within the historic district shall have power to institute any
12 proceedings at law or in equity necessary for the enforcement of this
13 act or of any ordinance adopted pursuant thereto in the same manner
14 as in its enforcement of other building zoning or planning legislation
15 or regulations

16 Section 6 The provisions of this act are severable and if any of
17 its provisions shall be held unconstitutional the decision of the court
18 shall not affect or impair any of the remaining provisions of this act
19 It is hereby declared to be the legislative intent that this act would
20 have been adopted had such unconstitutional provisions not been in-

1 eluded herein The provisions of this act shall not be construed to limit
 2 the powers and duties assigned to the Pennsylvania Historical and
 3 Museum Commission

4 Section 7 This act shall take effect immediately

We certify that this bill has passed the Senate and the House of
 Representatives

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 Chief Clerk, Senate

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 President pro tempore, Senate

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 Speaker, House of Representatives

Approved The day of A. D. 1961.

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 Governor