

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

# SENATE BILL

No. **172** Session of  
1961

---

MESSRS. STEVENSON, LANE, MALLERY, HAYS AND  
HALUSKA, IN PLACE, FEBRUARY 8, 1961.

---

REPORTED FROM COMMITTEE ON STATE GOVERNMENT,  
AS AMENDED IN HOUSE OF REPRESENTATIVES,  
MAY 2, 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 Architec-  
tural Review empowering governing bodies of political subdivi-  
sions to protect the distinctive historical character of these dis-  
tricts 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 EXCEPT CITIES OF THE FIRST CLASS THE COUNCIL OF  
4 ANY BOROUGH or incorporated town the board of commissioners of  
5 any township of the first class and the board of supervisors of any  
6 township of the second class

7 The term "executive authority" as used in this act shall mean the  
8 chairman of the board of commissioners of any county the mayor of  
9 any city EXCEPT CITIES OF THE FIRST CLASS the ~~burgess of any~~  
10 ~~borough~~ the president of council of any BOROUGH OR incorporated  
11 town the president of the board of commissioners of any township of  
12 the first class and the chairman of the board of supervisors of any  
13 township of the second class

14 Section 2 For the purpose of protecting those historical areas with-  
15 in our great Commonwealth which have a distinctive character recalling  
16 the rich architectural and historical heritage of Pennsylvania and of

1 making them a source of inspiration to our people by awakening in-  
2 terest in our historic past and to promote the general welfare educa-  
3 tion and culture of the communities in which these distinctive historical  
4 areas are located all counties cities EXCEPT CITIES OF THE FIRST  
5 CLASS boroughs incorporated towns and townships are hereby author-  
6 ized to create and define by ordinance a historic district or districts  
7 within the geographic limits of such political subdivisions No such  
8 ordinance shall take effect until the Pennsylvania Historical and Museum  
9 Commission has been notified in writing of the ordinance and has certi-  
10 fied by resolution to the historical significance of the district or districts  
11 within the limits defined in the ordinance which resolution shall be  
12 transmitted to the executive authority of the political subdivision

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

1 knowledge of and interest in the preservation of historic districts A  
2 majority of the board shall constitute a quorum and action taken at  
3 any meeting shall require the affirmative vote of a majority of the  
4 board The board shall give counsel to the governing body of the county  
5 city borough town or township regarding the advisability of issuing  
6 any certificate which the governing body may issue pursuant to this act

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

16 (b) Any governing body in determining whether or not to certify  
17 to the appropriateness of the erection reconstruction alteration restor-  
18 ation demolition or razing of a building in whole or in part shall con-  
19 sider the effect which the proposed change will have upon the general

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

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

1 failure to recommend the board and in the event of its disapproval  
2 the governing body shall also indicate what changes in his plans and  
3 specifications would meet its conditions for protecting the distinctive  
4 historical character of the historic district

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

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

18 Section 6 The provisions of this act are severable and if any of  
19 its provisions shall be held unconstitutional the decision of the court  
20 shall not affect or impair any of the remaining provisions of this act

1 It is hereby declared to be the legislative intent that this act would  
 2 have been adopted had such unconstitutional provisions not been in-  
 3 cluded herein The provisions of this act shall not be construed to limit  
 4 the powers and duties assigned to the Pennsylvania Historical and  
 5 Museum Commission

6 Section 7 This act shall take effect immediately

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

.....  
 Chief Clerk, Senate

.....  
 President pro tempore, Senate

.....  
 Speaker, House of Representatives

Approved The ..... day of ..... A. D. 1961.

.....  
 Governor