



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 070014

Introduced January 23, 2007

Councilmember Reynolds Brown

**Referred to the
Committee on Parks, Recreation and Cultural Affairs**

AN ORDINANCE

Amending Section 14-2007 of The Philadelphia Code, entitled "Historic Buildings, Structures, Sites, Objects and Districts," by providing for designation of City Treasures, prohibiting removal of City Treasures without first obtaining a Removal Permit, and providing for opportunities for fair compensation to prevent removals that would constitute a material loss to the historic, cultural or artistic fabric of the City, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Legislative Findings.

(1) The City of Philadelphia is fortunate to have a veritable treasure chest of historic, cultural and artistic structures and objects that, collectively and individually, contribute to the unique heritage of this great City. It is imperative that City government do everything within its power to maintain and promote that heritage.

(2) The Historical Commission currently has substantial power to designate structures and objects as historic and therefore inappropriate for alteration, demolition or removal from their sites.

(3) Certain historically, culturally or artistically significant structures or objects, however, may properly be removed from their current locations so long as they are maintained for public viewing or benefit within the boundaries of the City. The Commission currently has limited ability to enforce such requirements.

(4) The Commission also has limited ability to promote the procurement of public or private matching funds to remove any financial incentive the owner of such significant treasures might currently have to remove them from the City.

City of Philadelphia

BILL NO. 070014 continued

(5) The Commission should, no later than 180 days after this Ordinance become law, conduct and complete a survey of all historically, culturally or artistically significant structures or objects that meet the criteria set forth in this Ordinance, and consider same for designation hereunder.

SECTION 2. Section 14-2007 of The Philadelphia Code is amended to read as follows:

§ 14-2007. Historic Buildings, Structures, Sites, Objects and Districts.

* * *

(9) *City Treasures.* Pursuant to the procedures set forth in subsection (6) with respect to designation for preservation, the Commission may designate as a City Treasure any structure or object that, in the judgment of the Commission:

(a) *Is uniquely or particularly associated with the City's historic, cultural or artistic heritage. In making such judgment, the Commission shall consider the criteria set forth in subsection (5) above, with particular emphasis on whether the structure or object:*

(.1) *Has significant character, interest or value as part of the development, heritage or cultural characteristics of the City, or is associated with the life of a person significant in the City's history.*

(.2) *Is associated with an event of importance to the history of the City.*

(.3) *Is the work of a designer, architect, landscape architect or designer, or engineer whose work has significantly influenced the historical, architectural, economic, social, or cultural development of the City.*

(b) *Either historically has been available for public viewing or otherwise intended for the benefit of the public; or with respect to which public resources were contributed for its construction, placement or establishment;*

(c) *The removal of which from the City would constitute a material loss to the historic, cultural or artistic fabric of the City;*

(d) *The removal of which from its site to an alternative location within the City would not irreparably harm either the structure or object or the City's heritage and therefore designation for preservation under subsection (5) would be inappropriate.*

City of Philadelphia

BILL NO. 070014 continued

(10) Permits for Alteration or Demolition of City Treasures.

(a) No person shall alter or demolish a City Treasure without first complying with the requirements of subsection (7) relating to "Permits," as if such subsection applied directly to City Treasures; provided that the provisions of subsection (7) shall not apply to the removal of a City Treasure from its site if such removal does not otherwise constitute an alteration or demolition under this Section.

(b) No person shall remove a City Treasure from its site to an alternative location without first obtaining a Removal Permit from the Department. The Department shall proceed as set forth in subsection (7) with respect to Permits, except that the Commission shall apply the following standards:

(.1) The Commission shall approve a Removal Permit for purposes of relocating a City Treasure to an alternative site within the City if the Commission determines that the proposed alternative site is consistent with maintenance of the City's historic, cultural or artistic heritage based on the criteria set forth in subsection (9)(a).

(.2) Upon application, the Commission shall approve a Removal Permit for purposes of relocating a City Treasure to an alternative site outside the City if, after first providing for adequate public notice of the proposed removal, no bona fide offer of private or public resources has been presented to provide fair compensation to the owner of the City Treasure to maintain the structure or object in the City, including by purchase or otherwise.

(c) The provisions of this subsection (10) relating to Permits shall apply to structures and objects nominated for consideration by the Commission as a City Treasure; provided that such nomination shall expire after ninety (90) days unless the Commission shall take some action on the nomination prior thereto. A structure or object shall be considered under nomination if either:

(.1) The Chair of a committee of the Commission designated by the Commission to make recommendations regarding designation proposals determines, after consideration by the committee, that a rational basis exists for the proposed designation and that the proposal should be referred to the full Commission; or

(.2) The Chair of the Commission determines that there is a significant possibility of irreparable harm to the historic, cultural or artistic heritage of the City absent immediate consideration of the structure or object for designation.

*[(9)] (10) Enforcement: * * **

City of Philadelphia

BILL NO. 070014 continued

[(10)] (11) Appeals. * * *