

Ordinance amending and supplementing the Pittsburgh Code, Title Eleven – Historic Preservation, Chapter 1101, Historic Structures, Districts, Sites and Objects, sub-section 1101.03(i)(4), so as to extend time frame of designation requirements and add new language.

Whereas, Chapter 1101.03(i)(4) states that “Council shall vote on the designation of a nominated district, structure, site or object within 90 days of the receipt of the Historic Review Commission and the City Planning Commission.”; and

Whereas, there currently exists no statutory remedy or consequence contained within this statute for the failure of Council to act on historic designation legislation; and

Whereas, this could potentially lead to the infringement of due process; and

Whereas, Council has an obligation to ensure that its laws, either through commission or omission, do not result in a deprivation of rights guaranteed through the Constitutions of the United States or this Commonwealth.

The Council of the City of Pittsburgh hereby enacts as follows:

Section 1. Title Eleven: Historic Preservation; Chapter 1101 Designation of Historic Structures, Districts, Sites and Objects, sub-section 1103(i)(4) as amended:

1101.03(i)(4) City Council shall vote on the designation of a nominated district, structure, site or object within [ninety (90)] one hundred twenty (120) days of the receipt of the recommendations of the Historic Review Commission and the Pittsburgh Planning Commission. Where Council fails to render its decision within the period required by this subsection, or fails to hold the required public hearing within one hundred twenty (120) days from the date of the transmission of the Historic Review Commission and the Planning Commission's recommendations to Council, where said nomination has received affirmative recommendations from both Commissions, the failure of Council to act shall be considered a deemed approval. Where said nomination fails to receive an affirmative recommendation from either the Historic Review Commission or the City Planning Commission, the Historic Review Commission shall immediately notify the petitioner(s), all members of Council and the Mayor, in writing, of the failure of Council to act within the prescribed time limit, and upon receipt of this notification, Council shall immediately schedule the public hearing. In all cases, the City shall give public notice of said decision within ten (10) days.