

CITY OF JEANNETTE  
WESTMORELAND COUNTY, PENNSYLVANIA

BILL NO. 18-23

ORDINANCE NO. 19-01

**AN ORDINANCE OF THE CITY OF JEANNETTE CREATING A LOCAL HISTORIC DISTRICT, DEFINING ITS LIMITS, PROVIDING FOR ELIGIBILITY FOR GRANT AND OTHER PROGRAMS, FUNDING, AND OTHER BENEFITS, REQUIRING THE PLACEMENT OF GAS AND OTHER UTILITY SERVICE FACILITIES IN SPECIFIC LOCATIONS, AND PROMOTING THE HISTORIC AND CULTURAL RESOURCES OF THE CITY.**

WHEREAS, the City recognizes that Article I, Section 27 of the Pennsylvania Constitution states that “people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and aesthetic values of the environment. Pennsylvania’s public natural resources are the common property of all the people, including generations yet to come. As trustees of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.”

WHEREAS, the City recognizes that numerous studies have identified the social, educational, and economic benefits to the preservation of municipal historic and cultural resources;

WHEREAS, the City recognizes that numerous concerns regarding the placement of gas and other utility service facilities have been expressed at public hearings and meetings on both the state and local levels;

WHEREAS, the City seeks to protect the public health and safety with respect to the placement of certain gas and utility service facilities; and

WHEREAS, the City seeks to promote the historic and cultural history of the City of Jeannette;

WHEREAS, the City has the power and authority to take action to protect and preserve its historic and cultural resources under the Municipalities Planning Code and the Historic Districts Act;

WHEREAS, the City has the power and authority to establish criteria for its various programs and initiatives; and

WHEREAS, the Third Class City Code, 53 P.S. 37403(60), affords the City of Jeannette with the power “to make and adopt all such ordinances, by-laws, rules and regulations, not inconsistent with or restrained by the Constitution and laws of this Commonwealth, as may be expedient or necessary for the proper management, care and control of the city and its finances,

and the maintenance of the peace, good government, safety and welfare of the city, and its trade, commerce and manufactures.”

**BE IT ENACTED AND ORDAINED** by the City Council of the City of Jeannette, Westmoreland County, Commonwealth of Pennsylvania, and it is hereby enacted and ordained as follows:

**Section 1. Purpose.**

It is the purpose and intent of the City to promote, protect, enhance, perpetuate, and preserve historic districts for the educational, cultural, economic, and general welfare of the public through the preservation, protection, and regulation of buildings, structures, and areas of historic interest or importance within the City; to safeguard the heritage of the City by preserving and regulating historic districts which reflect elements of its cultural, social, economic, political, and architectural history; to preserve and enhance the environmental quality of neighborhoods; to strengthen the City’s economic base by the stimulation of the tourist industry; to establish and improve property values; to foster economic development; to foster civic pride in the beauty and accomplishments of the City’s past; and to preserve and protect the cultural, historical, and architectural assets of the City for which the City has been determined to be of local, state, or national, historical and/or architectural significance.

**Section 2. Definitions.**

The following words and phrases when used in this Ordinance shall have the meanings given to them in this section unless the context clearly indicates otherwise.

“Historic District,” “City of Jeannette Historic District,” or “Local Historic District” mean that certain area defined in Section 3 of this Ordinance.

**Section 3. Delineation of Local Historic District.**

The City of Jeannette Historic District shall be described in writing in this section and delineated on a map designated as the Historic District map of the City of Jeannette.

The City of Jeannette Historic District Map shall be located in the municipal offices of the City of Jeannette and made available for public inspection.

The City of Jeannette Historic District is described as follows: Beginning at the point of intersection of the easterly right-of-way line of South Eighth Street and New Mexico Lane located between Clay Avenue and Magee Avenue; thence southwardly along the easterly right-of-way line of South Eighth Street to its point of intersection with the southerly right-of-way line of Nebraska Lane, another alley located between Clay Avenue and Bullitt Avenue; thence southeastwardly along the said southerly right-of-way line to its point of intersection with the easterly right-of-way line of South Second Street; thence northeastwardly along the easterly right-of-way line of South Second Street to its point of intersection with the extended northerly right-of-way line of New Mexico Lane between Clay Avenue and Magee Avenue; thence

northwestwardly along the extended right-of-way line of New Mexico Lane and continuing northwestwardly along the northerly right-of-way line of said New Mexico Lane to its point of intersection with the easterly right-of-way line of South Eighth Street, the point of beginning.

#### **Section 4. Use of Local Historic District for Program Eligibility.**

The City of Jeannette may use the City of Jeannette Historic District Map and the Historic District identified therein for the following purposes:

- (1) to be used as a criterion for eligibility or selection for various programs, including, without limitation, grant and other funding programs (e.g., façade, commercial building improvement), and other benefits, at the discretion of the City;
- (2) to identify and coordinate programs for the City with other government and nonprofit entities and agencies, including, without limitation, the Pennsylvania Downtown Center and the Pennsylvania Department of Community and Economic Development;
- (3) to justify the placement of appropriate signage and other guides and designators as determined by the City of Jeannette;
- (4) to provide an area for the placement of events and occasions related to the history and culture of the City of Jeannette; and
- (5) to promote the history and culture of the City of Jeannette.

#### **Section 5. Placement of Gas and Other Utility Service Facilities.**

In order to protect the historic and cultural heritage of the City of Jeannette and protect the health and safety of the public, all gas and other utility service facilities, including, without limitation, gas meters, regulators, and service lines, shall be placed in such a manner that they are installed (i) within buildings and structures located within the City of Jeannette Historic District, (ii) off of main streets and sidewalks located within the City of Jeannette Historic District, or (iii) in alleys located within the City of Jeannette Historic District.

Any utility desiring to place to place gas or other utility service facilities in a manner that does not conform with the requirements of this section may request a variance from such requirements upon submission of a variance petition, on such form or forms as may be provided by the City and with all supporting documentation requested by the City, and payment of a variance appeal fee of Five Hundred and 00/100 (\$500.00), or such other amount established by ordinance or resolution of the City of Jeannette, for each such location.

It is the intent of this section to meet the requirements of 52 Pa. Code § 59.18 requiring gas companies to locate certain gas service facilities inside buildings and structures and to apply those same rule and principles to other utilities with respect to other utility service facilities to the maximum extent permissible by law.

#### **Section 6. Enforcement.**

This Ordinance shall be enforced by the Community Development Coordinator, the Building Inspection, the Code Enforcement Officer, and such other persons or entities authorized by ordinance or resolution of the City of Jeannette.

## **Section 7. Penalties.**

A. Any person, persons, or entity violating the provisions of this Ordinance shall, upon conviction thereof, be subject to a penalty in amount of no less than Three Hundred Dollars (\$300.00) and no more than One Thousand Dollars (\$1,000.00) for each day of such violation, and in lieu thereof imprisonment for a period not to exceed ninety (90) days, and any and all other remedies available in accordance with the laws of the Commonwealth of Pennsylvania.

B. The unlawful activities specified herein shall constitute separate and distinct offenses for each and every day in which said activities are conducted.

C. In the event of any of the unlawful activities specified herein are conducted by or in the name of a corporation, partnership, limited liability company, joint venture, trust, firm, or association, in addition to entity liability, the officers, agents or principals of said corporation, partnership, joint venture, trust, firm or association shall be deemed in violation, as well as the person or persons engaged in the unlawful activity.

## **Section 8. Limitations and Distinctions from Other Historic Districts and Laws.**

The City of Jeannette Historic District is a locally designated historic district established only for the local and limited purposes of the City of Jeannette and not for any purpose or restriction of any state or federal historic district laws or similar legislation. No other person may use the City of Jeannette Historic District for any other purpose without the express authorization of the City of Jeannette. Accordingly, the Historic District does not constitute a historic district under the Pennsylvania Historic District Law, 53 P.S. § 8001, et seq.; the federal Historic Sites Act, 54 U.S.C. § 320101, et seq.; the federal National Trust for Historic Preservation Act, 54 U.S.C. § 312101, et seq.; the federal Archaeological and Historic Preservation Act, 16 U.S.C. § 469, et seq.; or the federal National Historic Preservation Act, 54 U.S.C. § 100101, et seq.

## **Section 9. Severability.**

It is herein declared that the provisions of this Ordinance are severable, and if any provisions, portions, or sections of this Ordinance are declared to be illegal, invalid, or unconstitutional, the decisions of any court, which makes declarations, shall not impair or affect any of the remaining portions of this Ordinance.

## **Section 10. Repealer.**

Any ordinance or part of any ordinance that conflicts with the provisions of this Ordinance is hereby repealed to the extent of any such conflict on the effective date of this Ordinance.

## **Section 11. Effective Date.**

This Ordinance shall become effective ten (10) days after its enactment.

This Ordinance is duly ORDAINED AND ENACTED by a majority of the members of the City Council of the City of Jeannette at a duly advertised public meeting held on the 10<sup>th</sup> day of January, 2019.

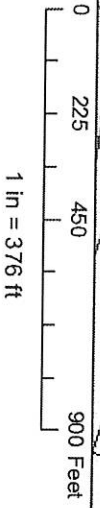


CITY OF JEANNETTE

By: Curtis J. Antoniak  
Curtis J. Antoniak  
Mayor and President of Council

ATTEST: (SEAL)

Michelle Langdon  
Michelle A. Langdon  
City Clerk



Date: 12/13/2018