

# THREE TOOLS FOR CITIZENS TO ADVANCE MUNICIPAL & STATE GOVERNMENT PROTECTION AND PRESERVATION OF HISTORIC AND NATURAL RESOURCES IN PENNSYLVANIA

By Randolph J. Harris  
Consulting in Neighborhood Preservation/Community Development  
8/2008 Rev. 8/2009

The Pennsylvania Constitution clearly describes the rights of citizens of the Commonwealth relative to our relationship with the environment. Similar to the federal government's primary environmental policy statement, Pennsylvania's Constitutional reference is all inclusive; it is not limited to the natural environment.

## **1) Article I, Section 27 of the Pennsylvania Constitution – the Environmental Rights Amendment (1972), states:**

"The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people."

This Amendment places broad responsibility for conserving historic and natural resources into the administration of programs and procedures of all agencies of the Commonwealth. Two key Commonwealth Statutes have been enacted and amended over the years that aid in ensuring these Constitutional rights and responsibilities: The Pennsylvania Municipalities Planning Code (MPC), Act 247 of 1968, as reenacted and amended, August 2000; and Title 37, known as the Pennsylvania History Code of 1978 and amended in 1995:

**Continued**

**2) Municipalities Planning Code, Act 247 of 1968, as reenacted and amended, August 2000:**

**Article VI, Section 603(g)(2)** reads: "Zoning ordinances shall provide for protection of natural and historic features and resources."

**Section 603(b)(5)** reads: "Zoning ordinances...may permit, prohibit, regulate, restrict and determine protection and preservation of natural and historic resources and prime agricultural land and activities."

**Section 605(2)(vi)** allows: "...regulation of uses and structures "at, along, or near places having unique historical, architectural, or patriotic interest or value."

**3) Title 37 - Pennsylvania History Code, § 508- Interagency Co-operation,** describes the responsibilities of all Commonwealth agencies:

Commonwealth agencies shall: (4) Institute procedures and policies to assure that their plans, programs, codes, regulations and activities contribute to the preservation and enhancement of all historic resources in this Commonwealth.

In addition, citizens have to right to bring these matters to the attention of any court or administrative tribunal, based on the above statutes, as well as the following provision of Title 37-the Pennsylvania History Code:

**§ 512. Enforcement of historic preservation laws and policies.**

The Attorney General, the commission, any political subdivision, person or other legal entity may maintain an action in an administrative tribunal or court for the protection or preservation of any historic resources in this Commonwealth.

---

Randolph J. Harris  
Consulting in Neighborhood Preservation/Community Development  
314 West Chestnut Street \* Lancaster, Pennsylvania 17603  
Office/home 717-291-2110 \* Cell 717-808-2941