

Preservation and Nature Conservation: Law against the Deformation of Villages and Regions with Exceptional Landscapes (July 15, 1907)

Abstract

Historic preservation and nature conservation were two powerful forces that went hand-in-hand in Wilhelmine Germany. During this period, a number of associations and clubs were founded to protect nature, especially in areas frequented by tourists and hikers. The Prussian Law of 1907 against the Deformation of Villages and Regions with Exceptional Landscapes underscores civil society's role in influencing the politics of protecting natural landscapes and vernacular architecture.

Source

We, Wilhelm, by the grace of God, King of Prussia, etc., do hereby enact, with the approval of both houses of the Parliament of the Monarchy, the following:

§ 1. The approval of the building inspection authority for buildings and building modifications will not be granted if the streets or squares of the village in question or the overall appearance of the village would be grossly deformed.

§ 2. By means of a local ordinance, it can be prescribed that, for certain streets and squares with historical or artistic significance, the approval of the building inspection authority for buildings and building modifications will not be granted if the character of the village's appearance or that of the streets would be adversely affected. Furthermore, it can be prescribed by means of a local ordinance that the approval of the building inspection authority for structural modifications to individual buildings of historical or artistic significance, and for the construction of buildings and architectural modifications in the vicinity of such buildings, will not be granted if their character or the impression they create would be adversely affected by this construction.

If the construction, according to the architectural plan, would largely conform to the appearance of the surroundings of the construction site, and if the costs of the modifications demanded by the local ordinance, nonetheless, stood in no reasonable relationship to the costs carried by the builder for the proposed construction, then the local ordinance can be set aside.

§3. By means of a local ordinance, it can be prescribed that the placement of advertising signs, inscriptions, and illustrations requires the approval of the building inspection authority. This approval can be denied under the same conditions whereby, according to §§ 1 and 2, approval [for buildings and building modifications] is denied.

§4. By means of a local ordinance, construction in certain areas, like country house districts, bathing areas, and boulevards, can be regulated by special requirements, which may exceed the standard norms set by the building inspection authority.

§5. In the case of §§ 2 and 4, an expert witness will be called before a judgment is reached regarding the local ordinance in question.

§6. As far as no further regulations are enacted according to §2 of the local ordinance, then the expert

witness and the town council are to be heard before the approval is granted or denied. If the building inspection authority decides to grant approval in opposition to a motion from the town council, then it must convey this approval to the council through a judgment. The town council is entitled to raise an objection to the judgment to the regulatory authority within two weeks.

In towns in which the town council does not decide according to a majority of persons, and the town manager [mayor] is also the local police authority, then, insofar as no other measures have been determined in the local ordinance, the town council is replaced by the town clerk, who represents the mayor in cases where the mayor cannot be present.

§7. For self-governing estates, the regulations subject to the local ordinance can be enacted by the communal authority after the estate manager has been heard. The judgment of the communal authority must be confirmed by the district authority. The conditions stated in §2, paragraph 2, and in §5 and §6 can be applied according to their meaning.

§8. The president of the local government has the authority, with the approval of the district authority, to determine that the approval of the building inspection authority for the construction of buildings and architectural modifications outside the town limits can be denied in those parts of the jurisdiction with especially significant landscape features, [that is] if the landscape would be grossly deformed through such construction, and if this effect could not be avoided by the choice of a different building site, or a different architectural plan, or through the use of a different building material.

Expert witnesses and the town council are to be heard before the approval is denied. In towns in which the town council does not make decisions according to a majority of persons, and the town manager [mayor] is also the local police authority, then, insofar as no other measures have been determined in the local ordinance, the town council is replaced by the town clerk, who represents the mayor in cases where the mayor cannot be present.

Documented with our most authentic personal signature and the accompanying stamp of the royal seal.
Signed in Tromsö, on board the M.Y. "Hohenzollern," July 15, 1907

(L.S) Wilhelm

Prince von Bülow. von Bethmann Hollweg. Baron von Rheinhaben. von Einem. Beseler. Breitenbach. von Arnim. von Moltke. Holle, signed also for the Minister of Public Works

Source: "Gesetz gegen die Verunstaltung von Ortschaften und landschaftlich hervorragenden Gegenden" (July 15, 1907), reprinted in Adolf Weißler, *Preußisches Archiv: Sammlung der Gesetze und der das Rechtswesen betreffenden Verordnungen und Verfügungen Preußens und des Rechts*. Leipzig, 1907, pp. 575–77.

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