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### 30.01 PURPOSE AND INTENT

It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural, archeological or historic interest or value is in the public interest.

The purpose of this section is to:

- (1) Effect and accomplish the protection, enhancement, and preservation of such improvements, sites and districts which represent or reflect elements of the city's cultural, social, economic, political and architectural history.
- (2) Safeguard the city's historic, prehistoric and cultural heritage, as embodied and reflected in such historic structures, sites and districts.
- (3) Stabilize and improve property values, and enhance the visual and aesthetic character of the city.
- (4) Protect and enhance the city's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.

### 31.02 DEFINITIONS

The definitions shall be as follows:

- (1) Certificate of Appropriateness means the certificate issued by the Common Council approving alteration, rehabilitation, construction, reconstruction or demolition of a historic structure, historic site or any improvement in a historic district.
- (2) Historic district is an area designated by the Common Council that only contains historic improvements or sites.
- (3) Historic site means any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which a historic event has occurred, and which has been designated as a historic site under this section, or an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.
- (4) Historic structure means any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the city, state or nation and which has been designated as a historic structure pursuant to the provisions of this chapter.
- (5) Improvement means any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.

### 31.03 HISTORIC STRUCTURE, HISTORIC SITE AND HISTORIC DISTRICT DESIGNATION CRITERIA

- (1) For purposes of this ordinance, a historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural, archeological or cultural significance to the city such as historic structures, sites, or districts which:
  - (a) Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or
  - (b) Are identified with historic personages or with important events in national, state or local history, or
  - (c) Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or
  - (d) Are representative of the notable work of a master builder, designer or architect who influenced his age; or

- (e) Have yielded, or may be likely to yield, information important to prehistory or history.

#### 31.04 POWERS AND DUTIES

- (1) Designation. The Common Council shall have the power, subject to Section V, to designate historic structures and historic sites, upon the petitioning of the property owner(s), and to recommend designation of historic districts within the city limits. Such designations shall be made based on Section III. Once designated, such historic structures, sites and districts shall be subject to all the provisions of this ordinance.
- (2) Regulation of Construction, Reconstruction, Alteration and Demolition
  - (a) No owner or person in charge of a historic structure, historic site or structure within a historic district shall reconstruct, alter or demolish all or any part of the exterior of such property or construct any improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish such property unless a Certificate of Appropriateness has been granted by the Common Council. Also, unless such certificate has been granted by the common council, the building inspector shall not issue a permit for any such work.
  - (b) Upon filing of any application for a Certificate of Appropriateness with the Planning Commission and the Common Council shall approve the application unless:
    - (1) In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvement or site upon which said work is to be done;
    - (2) In the case of the construction of a new improvement upon a historic site, or within a historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within the district;
    - (3) In the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this section and to the objectives and design criteria of the historic preservation plan for said district;
    - (4) The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the city and state;
    - (5) In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.
  - (c) If the Common Council determines that the application for a Certificate of Appropriateness and the proposed changes are consistent with the character and features of the property or district, it shall issue the Certificate of Appropriateness.
  - (d) The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the city. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the Certificate of Appropriateness required for the proposed work.
  - (e) Ordinary maintenance and repairs may be undertaken without a Certificate of Appropriateness provided that the work involves repairs to existing features of a historic structure or site or the replacement of elements of a structure with pieces identical in appearance and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.
  - (f) Compliance with Certificates of Appropriateness shall be started within 12 months after the issuance of the certificate, and the work shall conform to the provisions of the certificate. The city may inspect the work during and after construction in order to assure compliance. Failure to comply with a Certificate of Appropriateness or failure to obtain a Certificate of Appropriateness shall be a violation of this section. In addition to other penalties and remedies, the city shall issue a stop work order, and all work shall cease on the designated property. No additional work shall be undertaken as long as such stop work order shall continue in effect.
- (3) Recognition of Historic Structures, Sites and Districts. At such time as a historic structure, site or district has been properly designated, the Common Council, in cooperation with the property owner, may cause to be prepared and erected on such property at city expense, a suitable plaque declaring that such property is a historic structure, site or district.

#### 31.05 PROCEDURES

- (1) Designation of Historic Structures and Historic Sites
  - (a) The Common Council may, after notice and public hearing, designate historic structures and historic sites, or rescind such designation or recommendation, after application of the criteria in Section IV

above. At least 10 days prior to such hearing, the city clerk shall notify the owners of record, as listed in the office of the city assessor, who are owners of property in whole or in part situated within 200 feet of the boundaries of the property affected. Notice of such hearing shall also be published as a Class 1 Notice, under the Wisconsin Statutes.

- (b) The common council shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The committee may conduct an independent investigation into the proposed designation or rescission. Within 10 days after the close of the public hearing, the committee shall make a recommendation to the Common Council which, within 10 days thereafter, may designate the property as either a historic structure, or a historic site, or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owner or owners. Notification shall also be given to the building inspector and the city assessor. The city clerk shall cause the designation or rescission to be recorded, at city expense, in the county register of deeds office.

(2) **Creation of Historic District**

- (a) For preservation purposes, the common council may select geographically defined areas within the city to be designated as historic districts and shall prepare a historic preservation plan for each area. A historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the city, after application of the criteria in Section III above. Each historic preservation plan prepared for or by the city shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development, and a statement of preservation objectives.

(b) **Review and Adoption Procedure**

- (1) The common council shall hold a public hearing when considering the plan for a historic district. Notice of the time, place and purpose of the public hearing shall be sent by the city clerk to the alderperson of the aldermanic district or districts in which the historic district is located, and the owners of record, as listed in the office of the city assessor, who are owners of the property within the proposed historic district or are situated in whole or in part within 200 feet of the boundaries of the proposed historic district. Said notice is to be sent at least 10 days prior to the date of the public hearing. Following the public hearing, the common council shall vote to recommend, reject or withhold action on the plan. (MC#920)
- (2) The Planning Commission shall review the historic district plan and make a recommendation to the Common Council. The Planning Commission shall make its recommendation on the historic district plan within 30 days.
- (3) The common council, upon receipt of the recommendations from the Planning Commission shall hold another a public hearing, notice to be given as noted in subparagraph (a) above and shall, following the public hearing, either designate or reject the historic district. Designation of the historic district shall constitute adoption of the plan prepared for that district and direct the implementation of said plan. (MC#920)

**31.06 INTERIM CONTROL**

No building permit shall be issued by the building inspector for alteration, construction, demolition, or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic district from the date when a nomination form is first presented at the city clerk's office until the final disposition of the nomination by the Common Council unless such alteration, removal or demolition is authorized by formal resolution of the Common Council as necessary for public health, welfare or safety. In no event shall the delays be for more than 180 days.

**31.07 PENALTIES FOR VIOLATIONS**

Any person or persons violating any provision of this section shall be fined \$50.00 for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the building inspector.

**31.08 SEPARABILITY**

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of this chapter and the application of such provisions to other persons or circumstances shall not be affected thereby.