



maintenance, interpretation, conservation, and education of buildings, structures, objects, districts, areas, and sites significant in the history, architecture, archaeology or culture of this state, its communities or the nation.

(Ord. 65A, 4/20/04)

2-2-3: CREATION OF HISTORIC PRESERVATION COMMISSION:

- (A) There is hereby created a Historic Preservation Commission which shall consist of three (3) members who shall be appointed by the Mayor with the advice and consent of the Council.
- (B) All members of the Commission shall have a demonstrated interest, competence, or knowledge in history or historic preservation. The Council shall endeavor to appoint at least one (1) member with professional training or experience in the disciplines of architecture, history, architectural history, urban planning, archaeology, engineering, conservation, landscape architecture, law, or other historic preservation related disciplines.
- (C) Initial appointments to the commission shall be made as follows: One (1) one-year term; one (1) two-year term; one (1) three-year term. All subsequent appointments shall be made for three-year terms. Commission members may be reappointed to serve additional terms. Vacancies shall be filled in the same manner as original appointments and the appointee shall serve for the remainder of the unexpired term of his or her predecessor.
- (D) The members of the Commission may be reimbursed by the City for expenses incurred in connection with their duties. (Ord. 65A, 4/20/04)

2-2-4: ORGANIZATION, OFFICERS, RULES AND MEETINGS:

- (A) The Commission shall have the power to make reasonable rules as necessary for the execution of its duties as set forth in this Chapter. At least one (1) copy of the rules of procedure and bylaws adopted by the Commission shall be kept at the office of the City Clerk and shall be available for public inspection during regular business hours.
- (B) The Commission shall elect officers from among the Commission members. The chairperson shall preside at all meetings of the Commission. The vice-chairperson shall, in the absence of the chairperson, upon his or her resignation or inability to act for any reason, perform the duties of the chairperson.
- (C) All meetings of the Commission shall be open to the public, and follow the requirements of Idaho's open meeting laws. The Commission shall keep minutes and other appropriate written records of its resolutions, proceedings, and actions.

- (D) The Commission may recommend to the City Council, the employment of or the contracting with other parties for the services of technical experts or other persons as it deems necessary to carry on the functions of the Commission. (Ord. 65A, 4/20/04)

2-2-5: POWERS, DUTIES AND RESPONSIBILITIES: The Commission shall be advisory to the City Council and shall be authorized to:

- (A) Conduct a survey of local Historic Properties.
- (B) Recommend the acquisition of fee and lesser interests in Historic Properties, including adjacent or associated lands, by purchase, bequest, or donation.
- (C) Recommend methods and procedure necessary to preserve, restore, maintain and operate Historic Properties under the ownership or control of the City.
- (D) Recommend the lease, sale, or other transfer or disposition of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property.
- (E) Review and recommend grants or contracts with any state or federal government, or any agency of either, or any other organization created for the purpose of the furthering objectives of Historical Preservation.
- (F) Cooperate with the federal, state, and local governments in the pursuance of the objectives of Historic Preservation.
- (G) Make recommendations to the City, Bonneville County, the State, or the United States government, and the agencies of these entities, with respect to any planning or zoning matter undertaken or proposed to be undertaken and which affects any Historical Property.
- (H) Recommend ordinances and otherwise provide information for the purposes of encouraging Historic Preservation in the City.
- (I) Promote and conduct an educational and interpretive program on Historic Preservation and Historic Properties in the City.
- (J) Commission members, employees or agents of the Commission may enter private property, buildings, or structures in the performance of its official cities only with the express consent of the owner or occupant thereof.
- (K) Review nominations of Historic Property within the City for designation within the National Register of Historic Places. (Ord. 65A, 4/20/04)

2-2-6: DESIGNATION OF HISTORIC PROPERTY: The City Council may adopt an ordinance designating one (1) or more Historic Properties, based upon the consideration of the following criteria: The historical, architectural, archeological and cultural significance of the property; its suitability for preservation or restoration; its educational value; the cost of acquisition, restoration, maintenance, operation or repair of such property; the possibilities for adaptive or alternative use of the property; its appraised value; and the administrative and financial responsibility of any person or organization willing to underwrite all or a portion of such costs. In order to make such designation, the City Council shall ensure that it meets the criteria established for inclusion of the property in the National Register of Historic Places, as required under Title 67, Chapter 46, Idaho Code and further the Council shall require the observance of the waiting period set forth in § 67-4615, Idaho Code, prior to its demolition, material alteration, remodeling or removal. The Ordinance shall also provide for a suitable sign or marker on or near the property indicating that the property has been so designated. (Ord. 65A, 4/20/04)

2-2-7: DESIGNATION OF STATE OWNED PROPERTY PROHIBITED: Nothing in this Chapter shall authorize or be construed to allow the designation, regulation, conditioning or restriction upon the use of any Historic Property or facility owned by the State of Idaho. (Ord. 65A, 4/20/04)

2-2-8 PROCEDURE FOR DESIGNATION. No property may be designated as historic property until the following procedural steps have been taken:

- (A) The Commission shall make an investigation and report to the City Council on the historical, architectural, archeological or cultural significance of the property in question.
- (B) A public hearing has been conducted before the City Council on the proposed designation, after giving sufficient written notice to the owners and occupants of the property and posting public notice in a prominent location on or immediately adjacent to the property proposed for designation.
- (C) The City Council has adopted an ordinance making such designation, and specifically describing the property encompassed within such designation.
- (D) Upon adoption of the ordinance, the owners and occupants of each designated historic property shall be given written notification of such designation by the local governing body. One (1) copy of the ordinance shall be filed by the Commission in the office of the Bonneville County Recorder.
- (E) The Commission shall give written notice of such designation to the Bonneville County tax assessor. The designation and any recorded restrictions upon the property limiting its use for preservation purposes shall be considered by the tax assessor in appraising it for tax purposes. (Ord. 65A, 4/20/04)

2-2-9 CHANGE IN USE OF HISTORIC PROPERTY.

- (A) A historic property designated by ordinance as herein provided may be demolished, materially altered, remodeled, relocated or put to a different use only after one hundred eighty (180) days' written notice of the owner's proposed action has been given to the Commission. During this period, the commission may negotiate with the owner and with any other parties in an effort to find a means of preserving the property. During this period, or at any time prior thereto following notice of designation to the owner as provided in section 67-4615 d, Idaho Code, and where such action is reasonably necessary or appropriate for the continued preservation of the property, the Commission may enter into negotiations with the owner for the acquisition by gift, purchase, or exchange of the property or any interest therein. The Commission may reduce the waiting period required by this section in any case where the owner would suffer extreme hardship, unless a reduction in the required period were allowed. The Commission shall have the discretionary authority to waive all or any portion of the required waiting period, provided that the alteration, remodeling, relocation or change of use is undertaken subject to conditions agreed to by the Commission insuring the continued maintenance of the historical, architectural, archeological or cultural integrity and character of the property.
- (B) Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior feature in or on a historic property that does not involve a change in design, material, or outer appearance thereof, nor to prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the commission that such action is required for the public safety because of an unsafe or dangerous condition.
- (C) Nothing in this act shall authorize or be construed to allow the designation, regulation, conditioning or restriction by ordinance or other means of any property or facility owned by the state of Idaho. (Ord. 65A, 4/20/04)

2-2-10 EXEMPTION FROM HEALTH OR BUILDING CODES. The City Council, in order to promote the preservation and restoration of any historic property may, by resolution, exempt a historic property from the application of any city, health or building code, following a recommendation of such exemption by the Commission, provided however before adopting such resolution the City Council shall make a finding that the application of such health or building codes would prevent or seriously hinder the preservation or restoration of said historic property and is necessary to accomplish the objectives of this chapter. (Ord. 65A, 4/20/04)

2-2-11 PENALTY. Any owner or lessee of property designated as a historic property under the terms of this chapter, who by willful neglect allows such property to deteriorate in any manner which materially detracts or diminishes the historic nature of such property shall be guilty of a misdemeanor. (Ord. 65A, 4/20/04)