

## **CHAPTER 20      HISTORIC PRESERVATION**

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## HISTORIC PRESERVATION 20.01

### 20.01 Purpose and intent of the Historic Preservation Commission

It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of property, improvements, and materials of special architectural character or special historical interest or value is a public necessity and is required in the interest of health, prosperity, safety and welfare of the people. A Historic Preservation Commission is hereby established, the purpose of which will be to:

- A. Effect and accomplish the protection, enhancement, and perpetuation of such improvements and of districts which represent or reflect elements of the City's cultural, social economic, political, engineering and architectural history.
- B. Safeguard the City's historic and cultural heritage, as embodies and reflected in such historic structures, sites and districts.
- C. Stabilize and improve property values.
- D. Foster civic pride in the beauty and noble accomplishments of the past.
- E. Protect and enhance the City's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.
- F. Strengthen the economy of the City.
- G. Promote the use of historic structures, sites and districts for the education, pleasure and welfare of the people of the City.

### 20.02 Definitions. In this section unless the context clearly requires otherwise:

- A. Commission means the Historic Preservation Commission created under this section.
- B. 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.
- C. Improvement parcel is the unit of property which includes a physical betterment constituting an improvement and the land embracing the site thereof, and is treated as a single entity for the purpose of levying real estate taxes. Provided, however, that the term "improvement parcel" shall also include any unimproved area of land which is treated as a single entity for such tax purposes.

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D. Historic District (HD) is an area designated by the Common Council on recommendation of the commission, composed of two or more improvement parcels that together comprise a district of special character or special historic interest or value as part of the development, heritage or cultural characteristics of the City of Sparta, the state or nation, and which has been designated as a historic district pursuant to the provisions of this chapter.

E. 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 of Sparta, the state or nation and which has been designated as a historic structure pursuant to the provisions of this chapter.

F. Historic Site means any parcel of land whose historic significance is due to a substantial value in tracing the history of aboriginal people, 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, used as and constituting part of the premises on which the historic structure is situated.

### 20.03 Historic Preservations Commission Composition (Amended #558, 2000)

A Historic Preservation Commission is hereby created, consisting of seven (7) members. Of the membership, one (1) shall be an Alderman, appointed annually by the Mayor, who shall also be a member of the City Planning Commission, and six (6) qualified persons, whom shall be residents of the City of Sparta. Said persons shall be competent and informed in the historical, architectural and cultural traditions of the community. They shall be appointed by the Mayor, subject to confirmation by the Common Council of the City of Sparta by majority vote. Of the initial members so appointed, one shall serve a term of one year, one shall serve a term of two years, and two shall serve a term of three years. Thereafter, the term for each member shall be three years. A vacancy occurring in the membership for any cause shall be filled by a person appointed by the Mayor and confirmed by the Common Council for the unexpired term. The members of said Commission shall receive no compensation except for necessary expenses sustained in carrying out their duties, which expenses shall be paid by the City of Sparta as may be authorized by the Common Council.

### 20.04 Power and Duties

A. Designation of Historic Structure, Historic Sites, and Historic Districts. The Historic Preservation Commission may designate historic structures, historic sites, and recommend

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historic districts within the City of Sparta. Historic district designations must be approved by the Planning Commission and the Common Council. Such designation shall be based upon criteria established in Section 20.05 A. of this City of Sparta Municipal Code. Appropriate records, including photographs and plans, shall be kept as a part of the City's official zoning file. Once designated by the Commission (or Council), such historic structures, sites, and districts shall be subject to all provisions of this ordinance.

Designations would be made according to the following categories:

1. Historic structures or sites: any physical feature or improvement having significance to the city, state, or nation. This category most often would be used for individual buildings, as well as archaeological sites.
2. Historic District (HD): an area containing physical features or improvements which are of significance to the city, state or nation and cause such area to constitute a distinctive section of the city.

### B. Historic Preservation Commission Review and Recommendation

1. No permit to develop, construct, reconstruct, enlarge, or alter historic structures, historic sites or property in a Historic District shall be issued and no lands shall be removed from the Historic District until the Historic Preservation Commission has reviewed the application or petition and has recommended approval, approval with conditions, or denial of the application or petition.

#### 2. Limitation of Structural or Appearance Changes

- a. Certificate of Appropriateness Required. There shall be no alteration in the architectural appearance of historic structures, historic sites, or any structure within the Historic District without the review and approval of plans for such alterations by the Historic Preservation Commission. For the purpose of this Section, alterations shall include any change, addition to, or demolition of all or any part of a structure. The Historic Preservation Commission shall make its determination within 30 days of the filing of the application for a Certificate of Appropriateness.

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b. Basis for Approval. Any changes or alterations of a historic structure, historic site, or historic district will be permitted as long as they do not destroy, seriously impair, or significantly alter its character in terms of its historical or architectural interest; or particular character and quality of the Historic District.

### 3. Regulation of Construction, Reconstruction and Exterior Alteration

a. Any application for a permit from the Building Inspector involving the exterior of a designated historic site or structure within a historic district shall be filed with the Historic Preservation Commission.

b. No owner or person in charge of a historic site or structure within a designated historic district shall construct, alter, reconstruct or permit all or any improvements on any part of the exterior of such property or properties located within a historic district unless a Certificate of Appropriateness has been granted by the Historic Preservation Commission. Until such certificate has been granted by the Commission, the Building Inspector shall not issue a permit for any such work.

c. Upon filing of any application with the Historic Preservation Commission, the Historic Preservation Commission shall determine:

1. Whether, in the case of a designated historic structure or site, the proposed work would detrimentally change, destroy or adversely affect any exterior architectural feature of the improvement upon which said work is to be done; and

2. Whether, in the case of the construction of a new improvement upon a historic site, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site; and

3. Whether, in the case of any property located in a historic district designated pursuant to the terms of Subsection 20.06 D., hereunder, the proposed construction, reconstruction or exterior alteration does not conform to the objectives and design criteria of the historic preservation plan for said district as duly adopted by the Common Council.

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d. If the Commission determines Subparagraphs a., b., and c., of Paragraph 3 above in the negative, it shall issue the Certificate of Appropriateness. Upon the issuance of such certificate, the building permit shall then be issued by the Building Inspector. The Commission shall make this decision within thirty (30) days of the filing of the application. Should the Commission refuse to issue a Certificate of Appropriateness due to failure of the proposal to conform to the above guidelines, the applicant may appeal such decision to the Common Council, which may grant said Certificate by a 5/8 vote only, and then only upon a clear showing of economic hardship by the applicant to the Common Council. In addition, if the Commission fails to issue a Certificate of Appropriateness, the Commission shall, at the request of the applicant, cooperate and work with the applicant in an attempt to obtain a Certificate of Appropriateness within the guidelines of this ordinance.

4. Regulation of Demolition. No permit to demolish or move all or part of a historic structure, or improvement in a historic district, shall be granted by the Building Inspector except as follows:

a. No person in charge of a historic property, shall be granted a permit to demolish or move such property under any circumstances without first receiving the written approval of the Commission.

b. At such time as such person applies for a permit to demolish or move such property, an application shall be filed with the Historic Preservation Commission. Upon receipt of such application, the Historic Preservation Commission has the right to wait six (6) months from receipt of the application to grant written permission to the application. During the six (6) month period, the Commission and the applicant shall work together in good faith for the purpose of finding a method in which to save the property from demolition. At the end of the six (6) month period, if no agreeable way to save the subject property has been found, and no funding from any source to preserve the property is pending, the Building Inspector may issue the demolition permit for the subject property without the approval of the Commission. If the mutually agreeable method for saving the subject property is not successful or the funding for the preservation of the property is not available within a two (2) month period following the six (6) month period, the Building Inspector may issue the demolition permit without approval of the Commission.

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c. **Repairs or Destruction.** Notwithstanding the provisions of Section 20.04 B.4.d. of this Ordinance, total lifetime structural repairs, restoration or alteration of a preservation structure may exceed 50 percent of the assessed value if the Historic Preservation Commission determines that the structure will be repaired, restored, or altered in such a way as to maintain the character of the structure and the character of the Historic District without significant alteration or change in such character. No person in charge of a landmark or development in a Historic District shall be granted a permit to demolish such property without the review and recommendation of the Historic Preservation Commission. If an order is issued to raze a historic building or the City intends to raze a municipally owned historic building, the City shall notify the State Historical Society of the order, application or intent. No historic building may be razed for 30 days after the notice is given. During the 30-day period, the State Historical Society shall have access to the historic building to create or preserve a historic record.

d. **Standards.** In determining whether to issue a Certificate of Appropriateness for any demolition, the Commission shall consider any may give decisive weight to any or all of the following:

1. Whether the building or structure is of such architectural or historic significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the City of Sparta and the State;
2. Whether the building or structure, although not itself a designated historic structure, contributes to the distinctive architectural or historic character of the historic district as a whole and therefore should be preserved for the benefit of the people of the City of Sparta and the State;
3. Whether demolition of the subject property would be contrary to the purpose and intent of this chapter as set forth in Section 20.01 and to the objectives of the historic preservation plan for the applicable district as duly adopted by the Common Council;
4. Whether the building or structure is of such old and unusual or uncommon design, texture and/or material that it could not be reproduced or be reproduced only with great difficulty and/or expense;

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5. Whether retention of the building or structure would promote the general welfare of the people of the City of Sparta and the State by encouraging study of American history, architecture and design or by developing an understanding of American culture and heritage;

6. Whether the building or structure is in such a deteriorated condition that it is not structurally or economically feasible to preserve or restore it, provided that any hardship or difficulty claimed by the owner which is self-created or which is the result of any failure to maintain the property in good repair cannot qualify as a basis for the issuance of a Certificate of Appropriateness;

7. Whether any new structure proposed to be constructed or a proposed change in use is compatible with the buildings and environment of the district in which the subject property is located.

e. Appeal. An appeal from the decision of the Commission to grant or deny a Certificate of Appropriateness, whether this determination is made upon receipt of the application for the demolition permit or at the end of the eight-month period in a case where action on the application is delayed, may be taken to the Common Council by the applicant for the demolition permit or by the Alderman of the district in which the subject building or structure is located. Such appeal shall be initiated by filing a petition to appeal, specifying the grounds, with the City Clerk within ten (10) days of the date the final decision of the Commission is made. The City Clerk shall file the petition to appeal with the Common Council. After a public hearing, the City Council may by favorable vote of five-eighths (5/8) of its members, reverse or modify the decision of the Commission if, after balancing the interest of the owner in using it for his or her own purposes, the City Council finds that, owing to special conditions pertaining to the specific piece of property, demolition will preclude any and all reasonable use of the property and/or will cause serious hardship for the owner, provided that any self-created hardship shall not be a basis for reversal or modification of the Commission's decision. Self-created hardship shall be determined by the Common Council.

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### C. Sale/Rescission of Historic Structures and Historic Sites

Any party who is listed as the owner of record of a historic structure on site at the time of its designation, who can demonstrate to the Commission that by virtue of such designation he or she is unable to find a buyer willing to preserve such a historic structure or site, even though he or she has made reasonable attempts in good faith to find and attract such a buyer, may petition the Commission for a rescission of its designation.

Following the filing of such petition with the secretary of the Commission:

1. The owner and the Commission shall work together in good faith to locate a buyer for the subject property who is willing to abide by its designation.
2. If, at the end of a period not exceeding six (6) months from the date of such petition, no such buyer can be found, and if the owner still desires to obtain such rescission, the Commission shall rescind its designation of the subject property; provided however if the owner has received any financial or tax benefits from designation as a historic structure or site, the waiting period may not exceed twelve (12) months.
3. In the event of such rescission, the Commission shall notify the City Clerk, the Building Inspector, and the City Assessor of same, and shall cause the same to be recorded, at its own expense, in the office of the Monroe County Register of Deeds.
4. Following any such rescission, the Commission may not redesignate the subject property a historic structure or site for a period of not less than five (5) years following the date of rescission.

### E. Other duties

In addition to those duties already specified in this Section, the Commission shall:

1. Work for the continuing education of the citizens of Sparta about the historic heritage of this City and the historic structures and historic sites designated under the provisions of this Section.

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2. The Commission would assume responsibilities of a Historic Preservation Commission for the municipality and would conduct local preservation planning efforts, often in conjunction with the planning department. The Commission would conduct or supervise an on-going survey to identify and evaluate properties of historical, prehistorical or architectural interest, prepare reports of its findings and sponsor educational activities in the community.

3. The Historic Preservation Commission may designate historic structures and historic sites. The Commission may recommend designation of a historic district to the Planning Commission and on to the City Council. Such designation shall be based upon the criteria established in Section 20.04 of this City of Sparta Municipal Code. Appropriate records, including photographs and plans, shall be kept as a part of the City's official zoning file, in the City Building Inspector's office.

4. Cooperate with the Historic Preservation Officer for the State of Wisconsin, and the State Historic Preservation Review Board, in attempting to include such properties hereunder designated as historic structures, sites, or districts in the National Register of Historic Places.

5. As it deems advisable, the Commission shall receive and solicit funds for the purpose of historic preservation in the City of Sparta. Such funds shall be placed in a special City account for such purposes.

### 20.05 Historic Structures and Sites Designation Criteria

A. For purposes of this ordinance, a historic structure or historic site 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 or cultural significance to the City of Sparta, such as historic structures or sites which:

1. Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or
2. Are identified with historic personages or with important events in national, state or local history; or

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3. 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
4. Are representative of the notable work of a master builder, designer or architect whose individual genius influenced his age.

B. The Commission may adopt specific operating guidelines for historic sites designation providing such are in conformance with the provisions of this paragraph.

### 20.06 Procedures

#### A. Designation of Historic Structures, Historic Sites, and Historic Districts

The Historic Preservation Commission may, after notice and public hearing, establish historic structures and sites and may recommend historic districts, or rescind such designation or recommendation, after application of the criteria in Section 20.04 above. At least ten (10) days prior to such hearing, the Commission 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 two hundred (200) feet of the boundaries of the property affected. These owners shall have the right to confer with the Commission prior to final action by the Commission on the designation. Notice of such hearing shall also be published as a Class 1 Notice, under the Wisconsin Statutes. The Historic Preservation Commission shall also notify the following: Department of Public Works, Park Board, Fire and Police Departments, Health Department, Building Inspection Department, and Planning Commission. Each such department shall respond to the Commission within thirty (30) days of notification with its comments on the proposed designation or rescission. The Commission 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 Commission may conduct an independent investigation into the proposed designation or rescission. Within ten (10) days after the close of the public hearing, the Commission may designate the property as either a historic structure, a historic site, or recommend its inclusion in a historic district, or may rescind the designation. After the designation, recommendation or rescission has been made, notification shall be sent to the property owner or owners and to the persons who appeared at the public hearing. Notification shall also be given to the City

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Clerk, Building Inspector Department, and the City Assessor. The Commission shall cause the designation or rescission to be recorded, at City expense, in the Monroe County Register of Deeds office, or the recommendation to be submitted to the Common Council as provided by subsection 20.06 4.

### B. Recognition of Historic Structures and Historic Sites

At such time as a historic structure or site has been properly designated in accordance with subsections 20.04 and 20.06 hereof, a suitable plaque may be prepared and erected on such property, declaring that such property is a historic structure or site. Information to be included on such a sign must be reviewed by the Historic Preservation Commission; the standard size and specific style of plaque will be determined by the Historic Preservation Commission so that signage throughout the historic district(s) and the City will match. Such plaques shall be placed as to be easily visible to passing pedestrians. In the case of a historic structure, the plaque shall state the accepted name of the structure, the date of its construction, and other information deemed proper by the Commission. In the case of a historic site which is not the site of a historic structure, such plaque shall state the common name of the site, and such other information deemed appropriate by the Commission.

C. Voluntary Restrictive Covenants. The owner of any historic structure or site may, at any time following such designation of his property, enter into a restrictive covenant on the subject property after negotiation with the Commission. The Commission may assist the owner in preparing such covenant in the interest of preserving the historic property. The owner shall record such covenant in the Monroe County Register of Deeds office, and shall notify the City Assessor of such covenant and the conditions thereof.

### D. Creation of a Historic District

1. For preservation purposes, the Historic Preservation Commission shall select geographically defined areas within the City of Sparta to be designated as historic districts and shall, with the assistance of the City Planning Commission, prepare a historic preservation plan in ordinance form for each area. A historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the City of Sparta which:

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- a. exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, or community; or
- b. is identified with historic personage or with important events in national, state, or local history; or
- c. embodies the distinguishing characteristics of architectural type specimens inherently valuable for the study of a period or periods, styles, methods of construction, indigenous materials or craftsmanship; or
- d. is representative of the notable works of master builders, designers, or architects who influenced their age.

Each historic preservation plan prepared for or by the Historic Preservation Commission 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.

### 2. Criteria for the review of alterations in historic districts.

#### a. Height

All additions shall be no higher than the existing building.

#### b. Second exit platforms

Second exit platforms shall not be applied to the front or sides of a building, unless they are not visible from the street.

#### c. Solar apparatus

Passive and active solar apparatus will be allowed only if such devices do not detract from the architectural integrity of the building and are as unobtrusive as possible. Solar apparatus will not be permitted if such devices hides from street view significant architectural features of the building or neighboring buildings, if their installation requires the loss of significant architectural features, or if they are of such a large scale that they become a major feature of the design.

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### d. Repairs

Repairs in materials that exactly duplicate the original in composition, texture, and appearance are encouraged. Repairs in new materials that duplicate the original in texture and appearance are also permitted.

Repairs in materials that do not duplicate the original in appearance will be permitted on an individual basis if the repairs are compatible with the character and materials of the existing building and if repairs that duplicate the original in appearance are prohibitively expensive.

### e. Restoration

Projects that will return the appearance of the building to an earlier appearance are encouraged and will be permitted if such projects are documented by photographs, architectural or archaeological research, or other suitable evidence.

### f. Residing with aluminum or vinyl

Residing with aluminum or vinyl that replaces clapboards or nonoriginal siding on buildings originally sided with clapboards is not recommended, but may be permitted if the new siding imitates the width of the original siding within 1", and provided that all architectural details (such as window trim, wood cornices, and ornament) either remain uncovered or are duplicated exactly in appearance.

Aluminum, vinyl and other materials will be considered on an individual basis.

Siding that imitates wood graining will not be permitted. (T-111)

If more than one layer of siding exists on the building, all layers except the first must be removed before new siding is applied. If insulation is applied under the new siding, all trim must be built up so that it projects from the siding as in the original.

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### g. Storms, screens and storm doors

The repair and retention of original storms, screens and storm doors, or the replacement of same with new units that duplicate the original in materials and appearance is encouraged. Replacements with non-original materials, such as combination metal components may also be permitted. If metal components are used, owners are encouraged to use metal components which have been factory-enameled. Painting of raw aluminum storms after a year of weathering of the finish is encouraged. Storm doors that imitate a specific style shall be permitted only if the style matches the style of the building.

### h. Additions and alterations to street facades

The appearance of all street facades of a building shall not be altered unless the design is sensitive to the historic character of the building. Specifically, the design shall be compatible with the existing building in scale, color, texture, and the proportion of solids to voids. Materials and architectural details used in such alterations and additions shall either match those on the existing building or shall be materials and details used for the original construction of other buildings in the historic district of similar materials, age, and architectural style.

### i. Additions and alterations not visible from the street

Additions and alterations that are not visible from streets contiguous to the lot lines will be permitted if their design is compatible with the scale of the existing building and, in addition, materials used shall be compatible with the existing in texture, color and architectural details. Alterations shall harmonize with the architectural design of the building, rather than contrast with it.

### j. Side additions

Side additions shall be set back from the front wall of the building.

### k. Alterations to the roof

Roof alterations, resulting in an increased building volume, to provide additional windows, headroom, or area are not permitted unless approved as a variance by the Zoning Board of Appeal.

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In addition, the roof shape of the front of the building shall remain the same, unless the owner wishes to restore an earlier, documentable appearance.

Roof alterations on the back and sides of the building shall be compatible with the design of the building.

If the existing roofing material is the same as the original, changes in the appearance of roofing materials (not including color), will not be permitted except when the repair of the existing roof is unfeasible and the cost of replacing it in kind is prohibitive. The new roof shall match the original in appearance (not including color), as closely as is economically possible.

If the existing roofing material is not original to the building, the new roofing materials shall harmonize in color with the building. Thick wood shakes, rolled roofing and hexagonal shingles will not be allowed. Restoration to a documentable earlier appearance is encouraged.

### 3. Criteria for the review of new construction in historic district

#### a. Primary buildings

##### 1. Heights

The maximum height for new buildings in the R zoning districts shall be thirty-five (35) feet. Exceptions may be granted by the Planning Commission for three story buildings of exceptional design in the R zoning districts.

The maximum height for new buildings in the C1 and C2 zoning districts shall be forty (40) feet.

##### 2. Roof

The following roof shapes will be allowed: hipped, gable, gambrel, shed. Other roof shapes will be considered on an individual basis. The shape shall be compatible with the buildings in the visually related area.

3. Materials

Materials for the exterior walls of new buildings shall be the same or similar to the materials prevalent in Sparta. The following materials will be permitted: brick, narrow gauge horizontal clapboards under four inches in exposed width, stone, stucco, smooth shingles or any combination of the above. The following materials will not be permitted: concrete block, asbestos, wide clapboards over four inches in exposed width, diagonal boards, vertical boards, rough sawn wood, rough split shingles, shakes. Other materials, such as aluminum or vinyl, will be considered on an individual basis.

4. Visual size

The gross area of the front facade (all walls facing the street) of a single family, two-unit, or commercial building shall not be greater than 125% of the average gross area of the front facades of all buildings within the visually related area. If this is not possible, changes in the setback should be designed in the front facade of the building to repeat the rhythm and proportions of buildings vs. space between them within the visually related area.

5. Solar panels

Solar panels will be permitted on new buildings, including the front facades. Solar apparatus will not be permitted if such devices hide from street view significant architectural features of neighboring buildings, or if they are of such a large scale that they become a major feature of the design.

6. Parking lots

No new surface parking lots will be allowed in the R district. In the historic district(s) any proposed new parking will need to be reviewed by the Historic Preservation Commission. Each proposal will be considered on an individual basis.

b. Accessory buildings

Accessory buildings shall be compatible with the design of the existing buildings on the zoning lot and shall be as unobtrusive as possible. Exterior wall materials permitted are the same as for

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construction of new primary buildings [3.a. (B.)], but the materials should be the same as the exterior materials of existing buildings on the same zoning lot wherever possible.

### 4. Review and Adoption Procedure

a. Historic Preservation Commission. The Historic Preservation Commission shall hold a public hearing when considering the plan for a Historic District. Notice of the time, place, and purpose of such hearing shall be given by publication as a Class 2 Notice under Wisconsin Statutes in the official City paper. Notice of the time, place and purpose of the public hearing shall also be sent by the City Clerk to the Alderman of the Aldermanic District or Districts in which the historic district is located, and the owners of records, as listed in the office of the City Assessor, who are owners of property situated in whole or in part within two hundred (200) feet of the boundaries of the proposed historic district. Said notice is to be sent at least ten (10) days prior to the date of the public hearing. Following the public hearing, the Historic Preservation Commission shall vote to recommend, reject, or withhold action on the plan. This recommendation shall be forwarded to the City Planning Commission and the City Council.

b. The City Planning Commission. The Planning Commission shall review the Historic District plan and make a recommendation to the City Council. The Planning Commission shall make its recommendation on the Historic District plan within thirty (30) days.

c. The City Council. The City Council, upon receipt of the recommendations from the Historic Preservation Commission and Planning Commission, shall hold 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 in ordinance form prepared for that district and direct the implementation of said plan.

### 20.07 Conformance with Regulations

Every person in charge of any historic structure, historic site or improvement in a historic district shall maintain same or cause or permit it to be maintained in a condition consistent with the provisions of this section.

The City Council may appoint the Building Inspection Department or any other individual or group of individuals to enforce this ordinance. The duties of the inspection officer

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shall include periodic inspection at intervals provided by the City Council of designated historic structures, sites and districts. These inspections may include physical entry upon the property and improvement, with permission of the owner, to insure that interior alterations or maintenance will not jeopardize the exterior appearance or structural stability of the improvement. If an owner refuses permission for the enforcement officer to enter for purposes of inspection, the inspection officer may obtain a warrant of entry pursuant to S.S. 66.112, Wis. Stats., and take any other reasonable measures to further enforcement of this ordinance.

### 20.08 Maintenance of Historic Sites and Historic Districts

A. Every person in charge of an improvement on a historic site or in a historic district shall keep in good repair all of the exterior portions of such improvement and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to fall into a state of disrepair. This provision shall be in addition to all other provisions of law requiring such improvement to be kept in good repair.

B. Insofar as they are applicable to a historic structure, historic site, or improvement in a historic district, designated under this section, any provision of the Plumbing Code, the Minimum Housing and Property Maintenance Code, Building Code, Heating, Ventilating, and Air Conditioning Code, and Outdoor Signs and Outdoor Advertising Structures regulations of the General Ordinances may be varied or waived, on application, by the appropriate board having such jurisdiction over such chapter or, in the absence of such board, by the Building Inspection Department, provided such variance or waiver does not endanger public health or safety.

### 20.09 Conditions Dangerous to Life, Health or Property

Nothing contained in this section shall prohibit the making of necessary construction, reconstruction, alteration or demolition of any historic structure, any improvement on a historic site or in a historic district pursuant to order of any governmental agency or pursuant to any court judgment, for the purpose of remedying emergency conditions determined to be dangerous to life, health or property. In such cases, no approval from the Commission shall be required.

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### 20.10 Penalties for Violations

Any person violating any provisions of this section shall be subject to a forfeiture of not more than two hundred dollars (\$200) for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. In addition, in any instance where work commences as regulated in this Chapter without the owner or agent having secured a Certificate of Appropriateness and where applicable, Planning Commission approval, the Building Inspector shall promptly issue a stop work order which shall take immediate effect and remain in effect until such Certificate and other applicable approaches shall have been secured. Issuance of a Certificate in such instances shall require payment of a \$100 fee. If, in the process, provisions of the Building Code shall also have been violated, the penalties for such violation called for in that Building Code shall be applied.

### 20.11 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.