

CHAPTER 29

HISTORIC PRESERVATION COMMISSION

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29.01 PURPOSE AND INTENT. The purposes of this chapter are to:

1. Promote the educational, cultural, economic and general welfare of the public through the recognition, enhancement and perpetuation of sites and districts of historical and cultural significance;
2. Safeguard the City's historic, aesthetic and cultural heritage by preserving sites and districts of historic and cultural significance;
3. Stabilize and improve property values;
4. Foster pride in the legacy of beauty and achievements of the past;
5. Protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business thereby provided;
6. Strengthen the economy of the City;
7. Promote the use of sites and districts of historic and cultural significance as places for the education, pleasure, and welfare of the people of the City.

29.02 DEFINITIONS. For use in this chapter, the following terms are defined:

1. "Commission" means the Le Mars Historic Preservation Commission, as established by this chapter.
2. "Historic district" means an area which contains a significant portion of buildings, structures or other improvements which, considered as a whole, possess integrity of location, design, setting, materials, workmanship, feeling and association, and which area as a whole:
 - A. Embodies the distinctive characteristics of a type, period or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
 - B. Is associated with events that have made significant contributions to the broad patterns of our local, state or national history; or
 - C. Possesses a coherent and distinctive visual character or integrity based upon similarity of scale, design, color, setting, workmanship, materials or combinations thereof which is deemed to add significantly to the value and attractiveness of properties within such area; or
 - D. Is associated with the lives of persons significant in our past; or

- E. Has yielded, or may be likely to yield, information important in prehistory or history.
- 3. “Historic site” means an archaeological site, structure or building which:
 - A. Is associated with events that have made a significant contribution to the broad patterns of our history; or
 - B. Is associated with the lives of persons significant in our past; or
 - C. Embodies the distinctive characteristics of a type, period or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
 - D. Has yielded, or may be likely to yield, information important in prehistory or history.
- 4. “Design guideline” means regulations based upon the current U.S. Secretary of the Interiors Standards for Rehabilitation, intended to preserve the historic and architectural character of an historic district.

29.03 STRUCTURE OF THE COMMISSION.

- 1. The Commission shall consist of no less than five (5) members who shall be residents of the City, and the Le Mars Main Street Manager.
- 2. Members of the Commission shall be appointed by the Mayor with Council approval. Members shall demonstrate a positive interest in historic preservation, possessing interest or expertise in architecture, architectural history, historic preservation, city planning, building rehabilitation, conservation in general or real estate.
- 3. The Commission members are appointed for staggered terms of three (3) years. Members may serve for more than one term. Each member shall serve until the appointment of a successor.
- 4. Vacancies occurring in the Commission, other than expiration of term of office, shall be filled only for the unexpired portion of the term of the member replaced.
- 5. Members shall serve without compensation.
- 6. A simple majority of the Commission shall constitute a quorum for the transaction of business.
- 7. The Commission shall elect a Chairperson who shall preside over all Commission meetings and elect a Secretary who shall be responsible for maintaining written records of the Commission’s proceedings.
- 8. The Commission shall meet at least four (4) times a year.

29.04 POWERS OF THE COMMISSION. All powers and duties of the Commission shall be contingent upon prior Council approval, as follows:

- 1. The Commission may conduct studies for the identification and designation of historic districts and sites meeting the definitions established by this chapter. The

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Commission may proceed at its own initiative or upon a petition from any person, group or association. The Commission shall maintain records of all studies and inventories for public use.

2. The Commission may make a recommendation to the State Historic Preservation Officer for the listing of an historic district or site in the National Register of Historic Places and may conduct a public hearing thereon.

3. The Commission may investigate and recommend to the Council the adoption of ordinances designating historic sites and historic districts if they qualify as defined herein.

4. The Commission shall further the efforts of historic preservation in the City by making recommendations to the Council and City commissions and boards on preservation issues when requested, thus encouraging the protection and enhancement of structures with historical, architectural or cultural value, and by encouraging persons and organizations to become involved in preservation activities.

5. The Commission shall provide assistance and guidance in restoration efforts within designated Historic Districts and Sites. The Commission shall utilize the Iowa State Historic Preservation Office's Standard for Rehabilitation as a design guideline.

6. In addition to those duties and powers specified above, the Commission may, with Council approval,

- A. Accept unconditional gifts and donations of real and personal property, including money, for the purpose of historic preservation;
- B. Acquire, by purchase, bequest or donation, fee and lesser interests in historic properties, including properties adjacent to or associated with historic properties;
- C. Preserve, restore, maintain and operate historic properties under the ownership or control of the Commission;
- D. Lease, sell and otherwise transfer or dispose of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property;
- E. Contract with the State or Federal government or other organizations;
- F. Cooperate with Federal, State and local governments in the pursuance of the objectives of historic preservation;
- G. Provide information for the purpose of historic preservation to the Council; and
- H. Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.

The Commission shall obtain approval of the Council prior to taking any action allowed under this chapter which may create an obligation of the City and which may be binding in any way to the City. It is the express intention of this chapter that the Council shall have the final authority on all matters of expense, revenue or legal effect created by this chapter.