

CHAPTER 33

HISTORIC PRESERVATION

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33.01 PURPOSE

This ordinance shall be known as, referred to, or cited as the “HISTORIC PRESERVATION, CITY OF REEDSBURG, WISCONSIN.”

33.02 INTRODUCTION

- (1) **AUTHORITY.** These regulations are adopted under authority granted by Section 62.23(7)(em) of the Wisconsin Statutes. Therefore, the Common Council of the City of Reedsburg, Wisconsin ordains these historic preservation regulations.
- (2) **PURPOSE.** The purpose of this Ordinance is to promote the health, safety, and general welfare of this community.
- (3) **INTENT.** The intent of this Ordinance is to:
 - (a) Effect and accomplish the protection, enhancement, and preservation of such improvements, sites and districts that represent or reflect elements of cultural, social, economic, political and architectural history.
 - (b) Safeguard historic and cultural heritage as embodied and reflected in such historic structures, sites and districts.
 - (c) Stabilize and improve property values, and enhance the visual and aesthetic character of the City of Reedsburg.
 - (d) Protect and enhance the City of Reedsburg’s attractions to residents, tourists and visitors and serve as a support and stimulus to business and industry.
 - (e) Educate the public regarding the need and desirability of the national, state and municipal historic preservation program.
 - (f) Foster civic pride in the City of Reedsburg’s notable accomplishments.
- (4) **INTERPRETATION.** These regulations shall be interpreted and applied to accomplish the purpose and intent stated above, provided such interpretation and application does not unreasonably restrict or limit the right of any person to own, sell, lease to another, enjoy, improve or otherwise use any real or personal property in which he or she has an equitable or legal interest.
- (5) **JURISDICTION.** The jurisdiction of this ordinance shall include all lands, waters within the territorial boundaries of the City of Reedsburg. The jurisdiction of this ordinance shall not include any lands or waters within the extraterritorial district of the City of Reedsburg as set forth in Section 17.10 of the Zoning Ordinance, City of Reedsburg, Wisconsin.
- (6) **SEVERABILITY.** If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- (7) **REPEAL.** Ordinance No. 1321-95 is hereby repealed in its entirety. All other ordinances or parts of ordinances of the City of Reedsburg inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.
- (8) **EFFECTIVE DATE.** This Ordinance shall be in effect after a public hearing, adoption by the City of Reedsburg Common Council and publication or posting as provided by law.

33.03 DEFINITIONS

“City Council” shall mean the Common Council of the City of Reedsburg, Wisconsin.

“Commission” shall mean the Historic Preservation Commission as created by Section 33.04

33.03 Definitions

“Historic District” shall mean an area designated by the City Council pursuant to Section 33.07 that contains two or more sites or improvements which have been determined to meet the criteria set forth in Section 33.05.

“Historic Property” shall mean a Historic Site, a Historic Structure, or a Historic District.

“Historic Site” shall mean any parcel of land designated by the City Council pursuant to Section 33.07 that meets the criteria set forth in Section 33.05.

“Historic Structure” shall mean any improvement which has been designated by the City Council pursuant to Section 33.07 that meets the criteria set forth in Section 33.05

“Improvement” shall mean any building, structure, place, work of art or any fixture or appurtenance to the real property, including streets, alleys, sidewalks, curbs, lighting fixtures or signs.

“Person” shall mean any individual, corporation, partnership, or limited liability company, trust, estate, association or any other legal entity.

33.04 ADMINISTRATION

(1) HISTORIC PRESERVATION COMMISSION.

- (a) Creation, Composition. The Historic Preservation Commission is hereby created and shall consist of seven (7) members appointed by the Mayor, subject to confirmation by the City Council. The members of the Commission shall serve without compensation and may be removable by the Mayor and the City Council without cause. The Mayor shall designate one (1) of the members to be the Chairman of the Commission. The Mayor shall appoint one (1) alternate member who shall act with full power only when a member of the Commission is absent or is unable to vote because of a conflict interest. One (1) of the principal members of the Commission shall be a member of the City Council. The remaining principal members and the alternate member of the Commission shall be adult residents of the City of Reedsburg with an interest in historical and cultural preservation.
- (b) Term. The members of the Commission, including the Chairman and the designated alternate member, shall serve for a three (3) year term. Those terms shall be staggered as two three-year terms, two two-year terms and three one-year terms at the time of initial appointment.
- (c) Powers and Duties. The Commission shall have the following powers and duties.
 1. Pursuant to Section 33.06, the Commission shall review and issue its recommendation with respect to nominations to designate a site, improvement or area as a historic Property.
 2. Pursuant to Section 33.08, the Commission shall review applications for Certificate of Review and shall issue its Certificate of Review.
 3. The Commission shall assist persons applying to have property listed on the state register of historic places or the national register of historic places with the application process.
 4. The Commission shall provide information to interested persons regarding investment tax credit programs, grants or loans that may be available with respect to historic rehabilitation efforts. The Commission shall assist interested individuals in understanding and meeting the eligibility requirements for such programs.
 5. The Commission shall educate the public regarding the benefits to the community, businesses and property owners from historic preservation.

- (d) Prohibited Conduct.
 - 1. No member of the Commission may use his or her position to obtain financial gain or anything of substantial value for the private benefit of himself, or his or her immediate family, or for an organization with which he or she is associated.
 - 2. A member of the Commission shall reclude himself or herself from the discussion, the vote or the preparation of the Commission's written recommendation with respect to any nomination of real or personal property in which the member owns or has a material financial interest.
- (2) CITY COUNCIL. The City Council shall have the responsibility of designating Historic Property pursuant to Section 33.07.

33.05 CRITERIA FOR HISTORIC DESIGNATION

- (1) A site, improvement or district shall be designated as a Historic Property only if it is significant in national, state or local history, architecture, archaeology, engineering and culture.
- (2) The quality of significance required to be designated as a Historic Property is present in districts, sites, buildings, structures and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association and that satisfy any of the following conditions:
 - (a) Association with events that have made a significant contribution to the broad patterns of history.
 - (b) Association with the lives of persons significant in the past.
 - (c) Embodiment of the distinctive characteristics of a type, period or method of construction or that represent the work of a master or that possess high artistic values.
 - (d) Representation of a significant and distinguishable entity whose components may lack individual distinction.
 - (e) Yielding, or likely to yield, information important to prehistory or history.
- (3) Notwithstanding Section 33.05(2), no cemetery, birthplace or grave of a historical figure, property owned by a religious institution or used for religious purposes, reconstructed historic building, property primarily commemorative in nature or property that has achieved significance within the past fifty (50) years may be considered eligible for designation as a Historic Property unless it is an integral part of a district that meets the criteria of significance under Section 33.05(2) or unless it falls within at least one or the following categories:
 - (a) A religious property deriving primary significance from architectural or artistic distinction or historical importance.
 - (b) A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his or her productive life in the vicinity of that birthplace or grave.
 - (c) A cemetery which derives its primary significance from the grave of a person of transcendent importance, age, distinctive design features or association with historic events.
 - (d) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan and when no other building or structure with the same association has survived.
 - (e) A property primarily commemorative in intent if design, age, tradition or symbolic value has invested it with its own exceptional significance.
 - (f) A property achieving significance within the past fifty (50) years if it is of exceptional importance.

33.06 PROCEDURE FOR HISTORIC DESIGNATION

- (1) **NOMINATION PROCESS**
 - (a) Any resident of the City of Reedsburg may nominate a site, improvement or area for designation as a Historic Property. The nomination shall be made on a form prepared by the Commission. The nomination shall be delivered to the Chairman of the Commission.
 - (b) A nomination under this Ordinance does not constitute a nomination to the state register of historic places or the national register of historic places.
 - (c) The nomination form prescribed by the Commission shall require the following information:
 1. The name and address of the individual submitting the nomination.
 2. The location of the site, improvement or area being nominated for designation as a Historic Property.
 3. The names and addresses of any person or persons who own all or part of the site, improvement or area being nominated for designation as a Historic Property.
 4. A statement and explanation that the site, improvement or area being nominated for designation as a Historic Property is eligible for designation under Section 33.05
- (2) **WRITTEN RECOMMENDATION.** The Commission shall make a written recommendation to the City Council with respect to whether the site, improvement or area nominated should be designated a Historic Property.

33.07 DESIGNATION OF A HISTORIC PROPERTY

- (1) Upon receipt of a recommendation, the City shall fix a time and place of a public hearing before the City Council within thirty (30) days on the Historic Preservation Commission's recommendation and cause notice to be given as follows: (a) by publishing a Class II notice under Chapter 985 of the Wisconsin Statutes and (b) by mailing a notice thereof to any person having an interest in the property described by the nomination.
- (2) Following the public hearing, the City Council shall decide whether to approve the Commission's recommendation, modify and approve the Commission's recommendations to disapprove the Commission's recommendation. Except as set forth in Section 33.07(3), the decision of the City Council shall be by a majority vote.

33.08 REGULATION OF A HISTORIC PROPERTY

- (1) After a site, improvement or area has been designated as a Historic Property pursuant to the procedures set forth in Section 33.06 and Section 33.07, the owner or person responsible for such Historic Property shall not reconstruct, alter or demolish all or any part of the exterior of the Historic Property or construct any improvement upon the Historic Property (such actions are collectively referred to herein as "Alterations") or cause or permit any Alterations to be performed upon the Historic Property unless a Certificate of Review has been issued by the Commission.
- (2) The Commission shall consider any application for a Certificate of Review in light of the following factors:
 - (a) Whether the proposed Alteration would detrimentally change, destroy or adversely affect any exterior feature of the Historic Property.
 - (b) In the case of a site or improvement located within a Historic District, whether the proposed Alteration conforms to the purpose and intent of this Ordinance and to the objectives and design criteria of the historic preservation plan, if any, for that Historic District.

33.08 Regulation of a Historic Property

- (c) Whether the Historic Property that would be subjected to the proposed Alteration is of such architectural or historic significance that its demolition or change would be detrimental to the public interest and contrary to the general welfare of the residents of the City of Reedsburg.
- (3) Within fourteen (14) days of receiving the application for the Certificate of Review, the Commission shall issue its Certificate of Review. The Certificate of Review shall include the following information:
 - (a) The Commission's finding with respect to the proposed Alteration and the factors set forth in Section 33.08(1).
 - (b) The Commission's suggestions as to how the proposed Alterations could be completed so as to minimize any adverse affect to the Historic Property.
 - (c) Advice to the applicant as to whether any tax credits, grants or loans are available to the applicant for purposes of completing the proposed Alterations and whether the proposed Alterations could be completed so as to make such tax credits, grants or loans available to the applicant.
 - (4) A Certificate of Review shall be advisory only and shall not prohibit in any manner the Alterations that may be made by the owner of the Historic Property or restrict how the Alterations shall be completed by the owner of the Historic Property.
 - (5) The issuance of a Certificate of Review shall not relieve the applicant from obtaining other permits and approvals required by the City of Reedsburg for the proposed Alterations.
 - (6) Notwithstanding Section 33.08(1), ordinary maintenance and repairs may be undertaken without a Certificate of Review provided that the work involves repairs to existing features of a Historic Property or the replacement of elements of a Historic Property with pieces identical in appearance and provided that the work does not change the exterior appearance of the Historic Property.

33.09 RESERVED FOR FUTURE USE

33.10 RESCISSION OF HISTORIC PROPERTY DESIGNATION

- (1) The designation that a site, improvement or area is a Historic Property may be rescinded by either of the following procedures:
 - (a) In the event that the Commission determines that the site, improvement or area was improperly designated as a Historic Property or that the site, improvement or area no longer satisfies the criteria set forth in Section 33.05, then the Commission shall publish a Class II Notice under Chapter 985 of the Wisconsin Statutes that the Commission will be considering a rescission of the designation with respect to that site, improvement or area. A notice thereof shall also be mailed to any person or persons owning all or part of the site, improvement or area. Following a public hearing, the Commission may recommend to the City Council that the Historic Property designation for that site, improvement or area be rescinded. Such a recommendation shall be in writing and supported with the Commission's rationale. Following the procedure set forth in Section 33.07, the City Council shall approve, approve and modify or disapprove the Commission's recommendation to rescind the Historic Property designation.