

ORDINANCE NO. 1995-20

AN ORDINANCE TO CREATE CHAPTER 450 OF THE MUNICIPAL CODE  
OF THE CITY OF RICHLAND CENTER  
RELATING TO HISTORIC PRESERVATION  
WITHIN THE CITY

THE COMMON COUNCIL OF THE CITY OF RICHLAND CENTER DOES ORDAIN  
AS FOLLOWS:

SECTION I. Chapter 450 of the Municipal Code of the City of  
Richland Center, Wisconsin, Historic Preservation, is hereby  
created pursuant to Section 62.23(7)(em), Wis. Stats., to provide  
as follows:

CHAPTER 450  
Historic Preservation

450.01 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 a  
public necessity and is required in the interest of the health,  
prosperity, safety and welfare of the people. The purpose of this  
chapter 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; and
- (4) Protect and enhance the city's attractions to residents,  
tourists and visitors, and serve as a support and  
stimulus to business and industry.

450.02 DEFINITIONS. The definitions of the following  
terms used in this chapter shall be as follows:

- (1) **"Certificate of Appropriateness"** means the certificate issued by the commission approving alteration, rehabilitation, construction, reconstruction or demolition of a historic structure, historic site or any improvement in a historic district.
- (2) **"Commission"** means the Historic Preservation Commission created under this chapter.
- (3) **"Historic district"** is an area designated by the common council on recommendation of the commission, that contains two or more historic improvements or sites.
- (4) **"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 chapter, or an improved parcel, or part thereof, on which is situated a historic structure and any abutting improved parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.
- (5) **"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 which has been designated as a historic structure pursuant to the provisions of this chapter.
- (6) **"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.

**450.03 HISTORIC PRESERVATION COMMISSION; CREATION, COMPOSITION.** A Historic Preservation Commission is hereby created, consisting of seven (7) members. Of the membership, if available in the community, one shall be a registered architect; one shall be a historian; one shall be a licensed real estate broker; one shall be an alderperson; and three shall be citizen members. Each member shall have, to the highest extent practicable, a known interest in historic preservation. The Mayor shall appoint the commissioners subject to confirmation by common council. Of the initial members so appointed, two shall serve a term of one year, two shall serve a term of two years, and three shall serve a term of three years. Thereafter, the term of each member shall be three years. Provided, however, the terms of the initial members shall end on the third Tuesday of April preceding the expiration of their initial terms; it being the intent of the common council to fill

vacancies on the commission at the statutory organizational meeting of the council.

**450.04 HISTORIC STRUCTURE, HISTORIC SITE AND HISTORIC DISTRICT DESIGNATION CRITERIA.** (1) For purposes of this chapter, 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 or her age; or
- (e) Have yielded, or may be likely to yield, information important to prehistory or history.

(2) The commission shall adopt specific operating guidelines for historic structure, historic site and historic district designation providing such are in conformance with the provisions of this chapter.

**450.05 POWERS AND DUTIES.** (1) **Designation.** The commission shall have the power, subject to Section 450.06, to recommend to the common council that the council designate historic structures, historic sites, and historic districts within city limits. All such designations shall be made by the common council. Such recommendations and designations shall be made in conformance with the provisions of Section 450.06. Once designated, such historic structures, sites and districts shall be subject to all of the provisions of this chapter.

**(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. Further, unless such certificate has been granted by the 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 commission, the commission shall recommend approval and the 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 chapter 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 commission 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 recommend the issuance the Certificate of Appropriateness. The commission shall make this decision within forty-five (45) days of the filing of the application. The common council shall act on the recommendation of the commission within thirty (30) days of receiving the recommendation of the commission. Failure of the council to take action to grant or deny the Certificate within sixty (60) days of the filing of the application shall be deemed a granting of the application as filed, and the certificate shall thereafter be issued forthwith. Provided, however, delays due to the lack of cooperation or responsiveness of the applicant shall not be counted in determining any time periods under this sub-section, and may constitute a basis for denial of such application.
- (d) The issuance of 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 (including color) of the structure or site and does not require the issuance of a building permit.

(3) **Reapplication Following Denial.** Should the common council fail to issue a Certificate of Appropriateness due to the failure of the proposal to conform to the guidelines, the commission shall, if requested by and with the cooperation of the applicant, work with the applicant in an attempt to obtain a Certificate of Appropriateness within the guidelines of this chapter.

(4) **Recognition of Historic Structures, Sites and Districts.** At such time as a historic structure, site or district has been properly designated, the commission, in cooperation with the property owner, may cause to be prepared and erected on such

property, a suitable plaque declaring that such property is a historic structure, site or district.

**450.06 PROCEDURES. (1) Designation of Historic Structures and Historic Sites.**

- (a) The commission may, after notice and public hearing, recommend designation of historic structures, historic sites, or historic districts, or rescind such recommendations, after application of the criteria in Section 450.04 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. The City Clerk shall cause a notice of the public hearing to be published as a Class II Notice.
  - (b) The commission shall then conduct such public hearing and, in addition to the personally 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 a public hearing, the commission may recommend that the council designate the property as either a historic structure, or a historic site, or lying within a historic district, or recommend that the council rescind the designation. After the recommendation for designation or rescission has been made, notification shall be sent to the property owner or owners of the nominated property. Such notice shall include a statement that the recommendation will be taken up for action at a meeting of the common council and shall provide the date of the meeting, if then scheduled.
  - (c) The common council may conduct a public hearing to act upon the nomination and recommendation in the manner provided in sub-sections (a) and (b) above. Notification of final action on the nomination shall also be given to the City Clerk, Building Inspector, Plan Commission, and the City Assessor. The City Clerk shall cause the designation or rescission to be recorded, at city expense, in the Office of the Richland County Register of Deeds.
- (2) Designation of Historic Districts.**
- (a) For preservation purposes, the Historic Preservation Commission shall 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 450.04 above. 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.

(b) **Review and Adoption Procedure.** 1. 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 the public hearing shall be sent by the City Clerk to the Alderpersons 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 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. The Clerk shall also cause a notice of the public hearing to be published as a Class II Notice. Following the public hearing, the Historic Preservation Commission shall vote to recommend, reject or withhold action on the plan.

2. The Common Council. The common council, upon receipt of the recommendations from the Historic Preservation Commission may hold a public hearing, notice to be given as noted in subparagraph 1 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.

**450.07 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 of the meeting of the Historic Preservation Commission at which a nomination form is first presented until the final disposition of the nomination by the City Council unless such alteration, removal or demolition is authorized by formal resolution of the City Council as necessary for public health, welfare or safety. In no event shall the delay be for more than one hundred eighty (180) days).

**450.08 PENALTIES FOR VIOLATIONS.** Any person or persons violating any provision of this chapter shall be fined fifty dollars (\$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.

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

**SECTION II.** This ordinance shall be in full force and effect from and after its passage and publication.

  
Thomas D. McCarthy, Mayor

Attest:

  
Jude Elliott, Clerk

Date Passed 12-18, 1995.

Date Published 12-28, 1995.