

Chapter 42

HISTORIC PRESERVATION

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ARTICLE I.

IN GENERAL

Secs. 42-1--42-18. Reserved.

ARTICLE II.

HISTORIC LANDMARKS COMMISSION*

* **State Law References:** Historic landmarks commission, W. Va. Code, § 8-26A-4 et seq.

Sec. 42-19. Established.

The historic landmarks commission shall:

- (1) Be composed of nine members appointed by the town council in the following manner:
 - a. The nine members shall have a demonstrated interest in or background in, historic preservation or history related disciplines (e.g., history, architecture, archaeology, architectural history, geography, real estate, art history, etc.);
 - b. No fewer than five members shall be appointed from town/residents and/or property owners. The remainder of the members may be drawn from residents and/or property owners of Morgan County for a term of three years.
- (2) Notify the town of any vacancy in the membership of the historic landmarks commission and the vacancy shall be filled in the same manner as the original appointment for the balance of the unexpired term.

- (3) Not receive any salary for their services as commissioners, but may be reimbursed for all reasonable expenses actually incurred in the performance of their duties, which have the prior approval of the commission.
- (4) Select one of their members as chairperson and one of their members as secretary, who shall keep accurate records of the proceedings of the commission.
- (5) Fix a time and place for holding regular meetings, and unless changed by a unanimous vote of the commission shall meet at least a minimum of four times per year. Special meetings of the commission may be called by the chairperson or by at least two members upon written request to the secretary. The secretary shall send notice of any special meeting, including the time, date and meeting location, at least two days in advance of such special meeting. However, written notice shall not be required if the date, time and meeting location has been fixed at a regular meeting or if all members are in attendance at the special meeting.
- (6) Not take any action unless authorized by a majority of the members at a properly constituted regular or special meeting. A majority of the members shall constitute a quorum.
- (7) Count the vote of each member thereof equally in all matters which come before the commission.
- (8) File for public record with the clerk of the town, minutes of all meetings, within 60 days of the date such meeting was held.
- (9) Be authorized and empowered, within the limits of funds available thereof to employ assistants, technical personnel, consultants, and such other employees as are necessary to discharge duties and responsibilities as hereafter set forth.

(Ord. No. 000-10, art. I, 9-15-2000)

Sec. 42-20. Powers and authority.

The historic landmarks commission shall have plenary power and authority within the jurisdictional limits of the town, and within the limits of available funds to:

- (1) Make a survey of, and designate as historic landmarks, buildings, structures, sites, objects, and districts which constitute the principle historical and architectural sites which are of local, regional, state or national significance. No building, structure, site or object shall be deemed to be historic unless it has been prominently identified with or best represents some major aspect of or ideals related to the history of the locality, region, state or nation. In the case of buildings or structures which are designated, they shall embody the principal or unique features of an architectural type, demonstrate the style of a period of our history or method of construction, serve as an illustration of the work of a master builder, designer or architect whose genius influenced the period in which he worked, or has significance in current times;
- (2) Prepare a register of buildings, structures, sites, objects or districts which meet the requirement

of subsection (1) of this section, publish lists of such properties and, with the consent of the property owner, inspect such properties from time to time and publish a register thereof from time to time setting forth appropriate information concerning the registered buildings, structures, sites, and objects;

- (3) With the consent of the property owner, certify and mark with appropriately designated markers, buildings, structures, sites, objects, and districts which it has registered;
- (4) Establish standards for the care and management of certified landmarks and withdraw such certification for failure to maintain the standards so prescribed;
- (5) Acquire by purchase, gift or lease, and administer registered landmarks and easements and interest therein, both real and personal;
- (6) Lease or sell property so acquired under terms and conditions designed to ensure the proper preservation of the landmark in question;
- (7) Establish historic districts for registered landmarks, utilizing the same guidelines set forth in subsection (1) of this section, and designate the area thereof by appropriate markers;
- (8) Identify historic districts for registered landmarks, and aid and encourage the county or municipality in which the district or landmark is located to adopt rules and regulations for the preservation of architectural values;
- (9) Prepare and place historical markers on or along the highway or street closest to the location which is intended to be identified by such marker;
- (10) Seek the advice and assistance of individuals, groups, and departments or agencies of government who are conducting historic preservation programs and coordinate the same insofar as possible;
- (11) Seek and accept gifts, bequests, endowments, and funds from any and all sources for the accomplishment of the functions of the commission;
- (12) Adopt rules and regulations concerning the operation of the commission, the functions and responsibilities of its officers, employees, assistants, and other personnel, and such other matters as may be necessary to carry out the purpose of this article; and
- (13) Adopt such other rules and regulations as may be deemed necessary to effectuate the purpose of this article, but no such rules and regulations shall be inconsistent with the provisions of any plan or any planning commission of a municipality or county.

(Ord. No. 000-10, art. II, 9-15-2000)

Sec. 42-21. Agreements between commission and owners of registered landmarks.

Whenever the historic landmarks commission, with the consent of the property owner, certifies property

commission finds are reasonable and are calculated to perpetuate and preserve the features which led it to designate such property as an historical landmark. All such agreements between the commission and the property owners shall be in writing, and when duly signed and acknowledged, shall be recorded in the office of the clerk of the county commission, and when so recorded shall be notification to the assessor of the restrictions therein set forth.

(Ord. No. 000-10, art. III, 9-15-2000)

Sec. 42-22. Commission notification of assessor.

When the historic landmarks commission establishes an historic district, it shall notify the assessor of the fact of such establishment and the boundaries of the district, together with the restrictions which are applicable to the properties located in such districts which have been mutually agreed upon between the commission and the owners of property within the district. The agreement shall be recorded in the same manner as the recordation of agreements between the commission and owners of designated landmarks. The assessor shall take such factors into consideration in assessing the properties therein.

(Ord. No. 000-10, art. IV, 9-15-2000)

Sec. 42-23. Coordination with other entities.

The state historical society and the state division of culture and history shall cooperate and coordinate its activities with the historic landmarks commission, with the view of developing a unified program for the identification, study, preservation, and protection of all historic buildings, structures, sites and objects in the town.

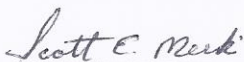
(Ord. No. 000-10, art. V, 9-15-2000)

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Scott E. Merki, Mayor



James V. Kidwell, Recorder