

TOWN OF BATH SPECIAL ORDINANCE

2022-08-02

Amending in part Chapter 42

Historic Preservation

Article II Historic Landmarks Commission.

Whereas, the Town of Bath in its plenary power and authority as a Class IV Municipality in the State of West Virginia in the year 2000 ordered the establishment of the Town of Bath Historic Landmarks Commission through Ordinance #000-10 in accordance with West Virginia Code 8-26A-4; and

Whereas, the Town of Bath Council amended the order establishing the Historic Landmarks Commission in 2016 under Ordinance #2016-01 changing the number of members to be appointed to the Commission and their residency requirements; and,

Whereas, it has been discovered that the amendments to the original Ordinance #000-10 do not comply with West Virginia Code 8-26A-4 along with other provisions of the current Chapter 42, Article II, of the Town of Bath Ordinances and current concerns of the Town of Bath Council; and,

Whereas, the Town of Bath Council desires to comply with West Virginia Code 8-26A-4 and satisfy membership residency concerns of the Historic Landmark Commission as expressed to the Council by citizens of Bath; and,

Accordingly, it is therefore ordered that the Town of Bath Council hereby amends in part Chapter 42 Historic Preservation Article II as follows:

Section 42-19

Remove the opening clause and subsection (1) and replace them as follows:

"The historic landmarks commission shall:

(1) Be composed of five members appointed by the Town of Bath Council in the following manner:

a. The five members shall have demonstrated interest in or background in, historic preservation or history related disciplines (e.g., history, architecture, architecture, archaeology, architectural history, geography, real estate, art history, etc.);

b. The five members shall be appointed at a minimum of three-fifths from Town of Bath residents with any remaining members being property owners of Bath whose principal residence is in Morgan County."

All remaining provisions of Section 42-19 remain the same as enacted under Ordinance #2016-01.

Section 42-20

Remove the opening clause and replace it as follows:

“The historic landmarks commission shall be authorized, but is not required, within the jurisdictional limits of the town and within the limits of available funds to:”

Remove subsection (7) and renumber subsections (8) to (13) as subsections (7) to (12).

All remaining provisions of Section 42-20 remain the same as enacted under Ordinance #2016-01.

Section 42-21

Remove all language following the section number and replace it with the following:

“Report justifying proposed designations of historic landmarks or historic districts

- (1) Prior to designation of an historic landmark or historic district, the commission shall make or cause to be made a report on the historical, cultural, architectural significance of each building, structure, site, and district proposed for designation.
- (2) The commission shall submit such report, including maps and photographs as necessary, to the West Virginia department of culture and history. In the case of a report for a proposed historic district, the commission shall submit with the report a map showing boundaries of the proposed district. The West Virginia department of culture and history may prepare written comments within forty-five days on the report.
- (3) The survey report may be adopted by the commission, with any recommended amendments or changes by the state agency, and the historic landmark or historic district shall be designated as historic.
- (4) Any such designated historic landmark or district designated by this article shall be shown on a map of the town and kept by the town as a public record to provide notice of such designation in addition to other such notification requirements of this article.”

Section 42-23

Remove all language following the section title and replace it with the following:

- “(1) The historic landmarks commission shall cooperate and coordinate its activities with the West Virginia historical society and the West Virginia department of culture and history with the view of developing a unified program for the identification, study, preservation, and protection of all historic buildings, structures, and sites in the town.
- (2) The commission shall submit a brief annual report to the Bath Town Council and the West Virginia department of culture and history summarizing commission activities.

(3) In addition, the commission shall submit reports as required in other sections of this article and any other reports required by rule, regulation, or agreement.”

First Reading July 29, 2022

Second Reading _____

Scott Merki, Mayor

Susan J. Webster, Recorder