

CHAPTER 49

HISTORIC PRESERVATION COMMISSION

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Section 49.1 Appointment. The Mayor, with the approval of the City Council shall appoint seven (7) members to the Waverly Historic Preservation Commission. Members shall demonstrate a positive interest in historic preservation and possess interest or expertise in architecture, architectural history, historic preservation, city planning, building rehabilitation, conservation in general or real estate.

Section 49.2 Term. Following appointment of the initial Commission four (4) members shall be appointed for two years and three (3) members for three years. Each member thereafter shall be appointed to serve a term of three years. Terms expire in June.

Section 49.3 Qualifications.

1. General. The Commissioners must be eligible electors and residents of the City.
2. Other Office. No person while on the Commission shall hold any other City Office or be an employee of the City.

Section 49.4 Compensation. The Historic Preservation Commissioners shall serve without compensation, but may be reimbursed for actual expenses, including travel

expenses, incurred in the performance of any duty described in this chapter, subject to approval of the City Council.

Section 49.5 Commission Officers.

1. Selection. Members will elect, by majority, a chairperson, assistant-chairperson, and secretary, in June of each year.
2. Duties.
 - a. The member chairing the Commission shall be the presiding officer and rule on all points of order and procedure.
 - b. The member serving as vice-chair shall have all rights and duties of the member chairing the Commission when the chair is absent or otherwise unable to act.
 - c. The member serving as secretary to the Commission shall:
 1. Provide a notice to the public of each Commission meeting or hearing as required by law.
 2. Record and maintain minutes of the Commission's proceedings including the vote of each member upon each question or if absent or failing to vote, indicating such fact. Copies of the agenda, minutes or other records of each meeting shall be filed in the City Clerk's Office.

Section 49.6 Meetings. The Commission shall hold meetings on a monthly basis or as deemed necessary to meet the State Historic Preservation Office requirement of 3 per year and called by Commission resolution or by the member serving as the chair. Meetings shall be open to the public as required by Chapter 21 of the Code of Iowa.

Section 49.7 Purpose.

The purpose of this ordinance is 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.

Section 49.8 Definitions.

1. Commission. The Waverly Historic Preservation Commission.
2. Historic District. An area which contains a significant portion of archaeological sites, buildings, structures or other improvements which, considered as a whole, possesses integrity of location, design, setting, materials, workmanship, feeling, and association, and
 - a. Embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possess 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 Landmark. 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 that represents a work of a master, or that possesses high artistic values, or that 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.
 - e. Possesses integrity of location, design, setting, materials, skill, feeling and association.

Section 49.9 Powers and Duties Generally. The powers and duties of the Commission shall include the following:

- 1. Conduct studies for the identification and designation of historic districts and historic sites meeting the definitions established by this ordinance.
- 2. Maintain records of all studies and inventories of historic districts or sites for public use.
- 3. Proceed at its own initiative or upon a petition from person, group, or association.
- 4. Make recommendations to the City Council for the listing of a historic district or site in the National Register of Historic Places including written analysis of advantages of such designation and any impact on future development and make recommendation to conduct a joint public hearing thereon.

5. Recommend to the City Council the adoption of ordinances designating historic sites and historic districts if they qualify as defined herein; and
6. The Commission may appoint three (3) members to a local design review committee, which committee shall have the power to review applications for the Main Street Linked Investments for Tomorrow program. Projects receiving preliminary design review approval from this committee will be submitted to the State Main Street LIFT design Review Board.
7. Cooperate with the federal, state and local governments in the pursuance of the objectives of historic preservation.
8. Provide information for the purpose of historic preservation to the governing body.
9. Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.
10. In addition to those duties and powers specified above, the Commission may, with specific City 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.
 - 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 approval of the Council, with the state or the federal government or other organizations.
 - f. To recommend to the Council a budget providing for the operations of the Commission.

All such contracts, leases, gifts, property or funds referred to at paragraphs a. through f. above shall be maintained in the name of the City of Waverly and segregated for the purposes of this ordinance and subject to disposition as directed by the Council.

Section 1: Severability

Should any section or provision of this ordinance be decided by a court of this state to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Section 2: Amendatory Provisions

The City may amend this ordinance to meet any unforeseen circumstances which may affect the duties and responsibilities of the Commission.

Section 3: Effective Date

This ordinance shall take effect immediately upon passage and publication as required by law.

(Ord. 987 11-03-14)