1150.01 Heritage Preservation Ordinance Adopted.

THE CITY COUNCIL OF THE CITY OF NEWPORT ORDAINS:

Subdivision 1 STATUTORY AUTHORIZATION: The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 471.93 and Minnesota Statutes Chapter 138.17 authorized local government units to adopt regulations establishing a heritage preservation ordinance.

Subdivision 2 HERITAGE PRESERVATION COMMITTEE

1. **Declaration of Public Policy and Purpose**

The Council of the City of Newport hereby declares as a matter of public policy that the preservation, protection, perpetuation and use of areas, places, buildings, structures and other objects having a special historical, community or aesthetic interest or

Value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the community. The purposes of this Ordinance are to:

(a) Safeguard the heritage of the City of Newport by preserving sites and structures which reflect elements of the City's cultural, social, economic, political, visual or architectural history;

(b) Protect and enhance the City of Newport's appeal and attraction to residents, visitors and tourists and serve as a support and stimulus to business and industry;

(c) Enhance the visual and aesthetic character, diversity and interest of the character, diversity and interest of the City of Newport;

(d) Foster civic pride in the beauty and notable accomplishments of the past, and

(e) Promote the preservation and continued use of historic sites and structures for the education and general welfare of the people of the City of Newport.

1. **Definitions.**

The following shall have the meanings shown:

(a) "Heritage Preservation Commission" shall mean the Newport Heritage Preservation Commission appointed by the City Council as delineated in this Ordinance. Council as delineated in this Ordinance. Voting members shall be adult residents of the City with a demonstrated interest in historic preservation, history, anthropology, architecture, archeology, or art history. One member of the Historical Preservation Committee shall be a designated representative of the Washington County Historical Society.

(b) "Newport Heritage Landmark" shall mean any area, place, building, structure, lands, districts, or other objects which have been designated Newport Heritage Landmark pursuant to Subdivision 4, Section F of this Ordinance.

(c) "Survey" shall mean identification and evaluation of historic properties.

2. **Heritage Preservation Commission Established.**

(a) **Members.** There is hereby created and established a City of Newport Heritage Preservation Commission, hereinafter the “Commission," which shall consist of seven (7) voting members and three (3) non-voting ex-officio members to be appointed by the Mayor, by and with the advice and consent of the City Council. Commission and the City Planner and the Chairperson of the Nonrepresentative of the Washington County Historical Society shall be ex-officio non-voting members of the Commission.

(b) **Term.** The Mayor and Council shall initially designate two appointees to serve a term of one year, two appointees to serve a term of two years, and three appointees to serve terms of three years. All subsequent appointments shall be for a term of three years. Members may be reappointed for consecutive terms. In the event of a vacancy, the vacancy of the unexpired term shall be filled in the same manner as the appointment is made. Non-voting members shall be appointed annually by the Mayor and Council at the annual City Council Meeting. Members shall serve without compensation and shall continue to hold office until their successors have been appointed.

(c) **Organization.** The Heritage Preservation Commission when formed shall elect from its members, such officers as it may deem necessary. The Heritage Preservation Commission shall have the power to designate and appoint from its members various committees. The Heritage Preservation Commission shall make such bylaws as it may deem advisable and necessary for the conduct of its affairs, for the purpose of carrying out the intent of this Ordinance, which are not inconsistent with the laws of the City of Newport and the State of Minnesota. The Commission shall make an annual report, containing a statement of its activities and plans to the City Council.

(d) **Program Assistance.** To accomplish the intent and purpose of this Ordinance, the City of Newport's Administrator may provide the Heritage Preservation Commission with staff support, as staffing becomes available.

3. Designation of Newport Heritage Landmarks.

(a) **Reports.** The City Council, upon the request of the Heritage Preservation Commission, may direct the City Administrator to schedule staff to prepare studies which inventory buildings, land, areas, districts, or other objects to be considered for designation as a Newport Heritage Landmark.

(b) **Criteria.** The Heritage Preservation Commission shall recommend to the City Council areas, buildings, districts, or objects to be permanently designated Newport Heritage Landmarks. In considering the designation of Newport Heritage Landmarks, the Heritage Preservation Commission shall apply the following criteria:

(1) The express willingness of the property owner to have his or her property designated, with the understanding that the process shall be discontinued if the property owner wants to decline historical designation for his or her property.

(2) Its character, interest of value as part of the development heritage or cultural characteristics of the City of Newport, State of Minnesota, or the United States.

(3) Its location as a site of significant historic event.

(4) Its identification with a person or persons who significantly contributed to the culture and development of the City of Newport.

(5) Its embodiment of distinguishing characteristics of an architectural style, form or treatment.

(6) Its identification as work of an architect or master builder whose individual work has influenced the development of the City of Newport.

(7) Its embodiment of elements of architectural design, detail, materials, or craftsmanship which represent a significant architectural innovation.

(8) Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood, community, or the City of Newport.

(9) Its scientific value or research potential as an archaeological site.

(c) **Heritage Preservation Commission Review.** The Heritage Preservation Commission shall advise the City Council of the proposed designation of a Newport Heritage Landmark, including boundaries.

(d) **Communications with State Historical Society.** A copy of the Heritage Preservation Commission's proposed designation of a Newport Heritage Landmark, including boundaries, and a program for the preservation of a Newport Heritage Landmark shall be sent to the state Historical Society in accordance with Minnesota Statutes.

(e) **Hearings.** Prior to the Heritage Preservation Commission recommending to the City Council any building, district, or object for designation as a Newport Heritage Landmark, the Heritage Preservation Commission shall hold a public hearing and seek the recommendations of all concerned citizens. Prior to such hearing the Heritage Preservation Commission shall cause to be published in a newspaper of general circulation notice of the hearing at least thirty (30) days prior to the date of the hearing, and notice of the hearing shall be sent to all owners of the property proposed to be designated a Newport Heritage Landmark and to all property owners within three hundred (300) feet of the boundary of the area to be designated a Newport Heritage Landmark.

(f) **Findings and Recommendations.** The Heritage Preservation Commission shall determine if the proposed Newport Heritage Landmark is eligible for designation as determined by the criteria specified in part 4B, Numbers 1 through 9 of this subdivision, and if the Heritage Preservation Commission recommends to the City Preservation site, the Heritage Preservation Commission shall transmit to the City Council with its recommendation its proposed program for the preservation of the site.

(g) **Council Designation, Hearings.** The City Council, upon the request of the Heritage Preservation Commission, may by resolution designate a Newport Heritage Landmark.

4. Additional Powers and Duties of the Heritage Preservation Commission. The Heritage Preservation Commission shall have the following powers and duties in addition to those otherwise specified in this Ordinance:

(a) The Heritage Preservation Commission shall conduct a continuing survey of all areas, places, buildings, structures, or objects in the City of Newport which the Heritage Preservation Commission, on the basis of information available or presented to it, has reason to believe are significant to the culture, social, economic, political, or architectural history of the City of Newport.

(b) (b) The Heritage Preservation Commission shall continually survey all of the areas to determine needed and desirable improvements of older buildings throughout the City of Newport, acting in a resource and advisory capacity to owners of historically significant sites regarding their preservation, restoration, and rehabilitation.

(c) The Heritage Preservation Commission shall work for the continuing education of the citizens of the City of Newport with respect to the history, archeology, architectural, and cultural heritage of the City. It shall keep current a public register of designated and proposed Newport Heritage Landmarks and areas along with the plans and programs that pertain to them.

(d) The Heritage Preservation Commission may recommend to the City Council the acceptance of gifts and contributions to be made to the City and to assist the City Staff in the preparation of applications for grant funds to be made through the City or the purpose of Heritage Preservation. Any contributions or gifts will be expended in the manner provided through the fiscal policy of the City of Newport.

(e) The Heritage Preservation Commission may on a continuing basis collect and review certain City planning and development records, documents, studies, models, maps, plans, and drawings to be entered into the Public Library Historical Archives as a permanent record of City of Newport history and development.

(f) The Heritage Preservation Commission shall make no application to the National Register or to the State of Minnesota for the designation of a historic site or district without the consent of the City Council.

5. Review of Permits.

a. **City Activity.** The Heritage Preservation Commission shall review and make recommendations to the City Council concerning City activity that could change the nature or appearance of a Heritage Preservation Site.

b. **Review of Permits.** The Heritage Preservation Commission shall review and make recommendations to the City Council concerning applications for city permits that may result in changes in the nature or appearance of a designated Newport Heritage Landmark. No city permit will be issued for demolition, moving a building, or new construction in relation to a Newport Heritage Landmark without a Certificate of Appropriateness from the Heritage Preservation Commission.

c. **Permit Review Guidelines**. The Secretary of Interiors standards and guidelines for archeology and historic preservation shall be the authoritative guide for permit review decisions.

6. **Appeal to the City Council.** The permit applicant or any party aggrieved by the decision of the Heritage Preservation Commission shall, within ten (10) days of the date of the Heritage

Preservation Commission's order and decision, have a right to appeal such order and decision to the City Council. The appeal shall be deemed perfected upon receipt by the City Administrator of two copies of a notice of appeal and statement setting forth the grounds for the appeal. The City Administrator shall transmit one copy of the notice of appeal and statement to the City Council and one copy to the Heritage Preservation Commission. The Heritage Preservation Commission, in recommending denial of a permit, shall advise the applicant of his/her right to appeal to the City Council and include this paragraph in all such orders.

7. **Repository for Documents.** The Office of the City Administrator is designated as the repository for at least one copy of all studies, reports, recommendations and programs required under this Ordinance.

8. **Recording of Newport Heritage Landmark.** The Office of the City Administrator shall record with the Washington County Recorder or the Washington County Registrar of Titles the legal description of all buildings, lands or areas designated as Newport Heritage Landmark by the Newport City Council and shall transmit a copy of said legal descriptions to the Building Inspection Department.

Subdivision 3 This Ordinance shall be in full force and effect beginning March 17, 2005.