

Article 4-15

HISTORIC PRESERVATION

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4-1501 **Statement of Purpose and Public Policy.**

(a) This Ordinance may be called "The Historic Preservation Ordinance."

(b) The State of Wyoming and the City of Rock Springs have a wide range of cultural resources that include prehistoric and historic sites which are invaluable relics that remain to illustrate our state's past. The City Council hereby find that the State of Wyoming and the City of Rock Springs are noteworthy for their historic sites and natural beauty. The City of Rock Springs has many residential and commercial structures with architectural significance and some settlement period historic sites. In recent years many significant structures, and historic and archaeological sites have been destroyed without adequate consideration of either the values represented therein or the possibility of preserving the properties for use in economically productive ways. Citizens of the City of Rock Springs share the belief that Wyoming's cultural resources enhance the quality of life for all and promote the City of Rock Springs' general welfare. It is hereby declared a matter of public policy that the protection, enhancement, and perpetuation of

significant historical, archaeological and architectural relics of value is a public necessity and is required in the interest of health, prosperity, safety and welfare of the people. The purpose of this section is to:

(i) Effect and accomplish the protection, enhancement, and perpetuation of such improvements and of districts which represent or reflect elements of the City of Rock Springs' cultural, social, economic, political, engineering and architectural history.

(ii) Safeguard the City of Rock Springs' historic, archaeological and cultural heritage, as embodied and reflected in such historic structures, sites and districts.

(iii) Stabilize and improve property values.

(iv) Foster civic pride in the beauty and noble accomplishments of the past.

(v) Protect and enhance the City of Rock Springs' attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry to strengthen the economy of the City of Rock Springs.

(vi) Promote the use of historic structures, sites and districts for the education, pleasure and welfare of the people of the City of Rock Springs.

(c) The City Council enacts this Ordinance as stated above to help preserve Wyoming's heritage. The City Council also endorse the State of Wyoming's Certified Local Government program and agree to participate in this historic preservation program. The City of Rock Springs has the ability to participate in the CLG program by provisions specified in Wyoming Statutes § 16-1-101, 1977.

4-1502 **Definitions.**

For purposes of clarity, the following definitions will apply throughout this part:

(a) "Local Government" means a city, town, county, or any other political subdivision within the state of Wyoming.

(b) "Historic Preservation Commission" or "Commission" means a board, council or commission, or other similar body established by local legislation or regulation.

(c) "State Historic Preservation Officer" or "SHPO" means the individual appointed by the Governor to administer Wyoming's historic preservation program.

(d) "National Register of Historic Places" means the federal government's official list of properties judged to be worthy of preservation. The National Register program in Wyoming is administered by the Wyoming SHPO.

4-1503 Historic Preservation Commission.

(a) This ordinance hereby authorizes the creation of an historic preservation commission known as the "Historic and Rock Springs Cultural Association."

(b) The Mayor shall appoint board members to the Commission; each appointment will be subject to approval by the City Council. The Mayor shall attempt to draw upon a wide range of backgrounds and interests to represent the City of Rock Springs' diverse heritage.

(c) The Commission shall consist of five members. (Ord. No. 89-10, 4-18-89)

(d) Members of the Commission shall serve without compensation.

(e) At least two members of the Commission must reside within the boundaries of the local jurisdiction.

(f) All Commission members must have a demonstrated interest, knowledge, or experience in the fields related to historic preservation as described below.

(g) To the extent that such professionals are available in the community, at least two (2) members of the Commission shall be professionals in fields related to historic preservation (e.g. history, architectural history, archaeology, historical architecture, planning, or other related disciplines such as: American civilization, cultural geography, or cultural anthropology). If historic preservation professionals do not reside within the county, expertise may be obtained from other Wyoming communities. Information on the credentials of the Commission members must be kept on file and available for public inspection.

(h) When an appropriate discipline is

not represented among the Commission members, the Commission shall be required to seek the appropriate expertise when considering National Register nominations or other actions that will impact properties which are normally evaluated by a professional in such disciplines.

(i) Minutes or records of the proceedings of the Commission shall be transmitted to the City of Rock Springs as well as to members of the Commission. The Commission shall monitor and report to the State Historic Preservation Officer any activity affecting significant property within its jurisdiction.

(j) An annual report of the activities of the Commission shall be submitted to the City of Rock Springs and the State Historic Preservation Officer. Such reports shall include but are not limited to items such as: the number and type of cases reviewed, review decisions, proposed nominations, updated resumes of Commission members, appointments to the Commission, meeting attendance records, progress reports on survey activities, and National Register nominations reviewed.

(k) Commission meetings must be held at least twice a year.

(l) The appointing authority shall act within ninety (90) days to fill a vacancy.

(m) Each Commission member is required to attend at least one informational or educational meeting per year as sponsored by the SHPO that pertains to the work and functions of the Commission or to historic preservation. The SHPO will provide information to all Historic Preservation Commissions.

(n) The Commission, in addition to the appropriations made by the City of Rock Springs, shall have the right to receive, hold, and spend funds which it may legally receive from any and every source both in and out of the State of Wyoming for the purpose of carrying out the provisions of this Ordinance.

(o) The Commission shall adopt Rules of Procedure for the conduct of its business in accordance with the provisions of this Ordinance. Such Rules of Procedures shall

be filed with the City of Rock Springs. Terms of the Commission members and the election of officers shall be discussed within the Commission's Rules of Procedure.

4-1504 Duties and Powers of the Historic Preservation Commission.

The Historic Preservation Commission shall have powers to:

(a) Conduct cultural resource surveys of structures and areas for the purpose of determining those of architectural, historical, cultural and/or archaeological significance; to maintain and revise detailed listings of significant structures and districts.

(b) Propose to the City Council criteria for the evaluation and designation of districts, buildings, structures, sites, or objects located within the City of Rock Springs' jurisdiction. The criteria should be compatible with the Department of Interior's criteria for evaluation of potential entries to the National Register of Historic Places as listed below.

The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

(i) that are associated with events that have made a significant contribution to the broad patterns of our history;

(ii) that are associated with the lives of persons significant in our past; or

(iii) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

(iv) that have yielded, or may be likely to yield, information important in prehistory or history.

(c) Designate districts, sites, building, structures and objects which meet the criteria because they are significant in

American history, architecture, archaeology and culture. This recognition of local districts, sites, buildings, structures and objects shall be entitled locally as specified in Section 1505(a). Ultimately designations by the Historic Preservation Commission shall be submitted to the City Council for ratification.

(d) Act as advisors on historic preservation issues to appropriate local government agencies and the City Council.

(e) Act as advisors to residents and property holders on matters of historic preservation.

(f) Promote historic preservation awareness through a wide range of activities such as walking tours, educational seminars, and published materials.

(g) Retain assistance of staff members or consultants to carry out the duties as listed above.

(h) Request and receive any appropriate information, cooperation, assistance or studies from any government departments, boards, agencies or commissions.

4-1505 Inventory of Significant Cultural Resources.

(a) As stated in Section 1504(a), the Historic Preservation Commission with assistance from local officials and the SHPO shall conduct a cultural resource survey of neighborhoods, commercial and rural areas, for the purpose of evaluating each area's potential for local designation. The inventory shall serve as the data base for preservation decisions and possibly a guide for planning and zoning decisions.

(b) The local inventory shall:

(i) be accessible to the public unless access to archaeological or historic information must be restricted for protective purposes.

(ii) be updated periodically to reflect new information.

(iii) incorporate information about buildings, sites, structures, districts or objects enrolled in, or eligible for, listing in the National Register of Historic Places.

(iv) be supplied to the SHPO through the use of duplicates for use in SHPO inventory

files.

(c) Current historic preservation methodology as established by the Department of the Interior and the SHPO shall serve as a guideline for the cultural resource survey.

(d) Cultural resource consultants may be retained to perform the survey duties of the Commission.

4-1506 Designation of Local Cultural Resources.

(a) Based upon the results of the cultural resource inventory, the Commission shall complete a list of districts, buildings, structures, sites or objects that meet the criteria for eligibility as specified in Section 1405(b), the Department of the Interior's criteria for the National Register of Historic Places. The Commission shall establish an official list of locally significant cultural resources and give this list an appropriate title namely, "City of Rock Springs List of Locally Recognized Historic and Archaeological Sites."

(b) The Commission shall submit the proposed designation of local sites to the City Council for ratification.

(c) The designation shall contain specific boundaries for proposed designations.

(d) A landowner or other interested parties may submit a recommendation to the Commission for consideration of local listing. The Commission must duly process this petition.

(e) Notice of a proposed designation shall be sent by certified mail to the owner of property proposed for designation, describing the property proposed and announcing a public hearing by the Commission to consider said designation.

(f) All property owners shall be notified of public hearing as above in Section 1506(e). The local government shall advertise the meeting once in each daily local newspaper at least 15 days prior to the Commission meeting.

(g) At the public meeting:

(i) The Commission may solicit expert testimony regarding the historical,

architectural, cultural, or archaeological importance of the site, building, structure, district or object under consideration for designation.

(ii) The Commission may present testimony or documentary evidence of its own to establish a record regarding the historical and architectural, cultural, or archaeological importance of the proposed designation.

(iii) The Commission shall afford to the owner of said property reasonable opportunity to present testimony or documentary evidence regarding the importance of the proposed designation.

(iv) The owner of the property proposed for designation shall be afforded the right to representation by counsel and reasonable opportunity to cross-examine witnesses presented by the Commission.

(v) Any interested party may present testimony or documentary evidence regarding the proposed designation at the public hearing.

(vi) The Commission must submit its decision to the City Council within thirty (30) days of the Public Hearing and City Council must act on the resolution for approval within sixty (60) days of the Public Hearing.

(h) Owners must be notified of the designation decision within fourteen (14) days of the Commission meeting. The State Historic Preservation Office and other agencies as appropriate shall be notified of designation by the Commission. Within thirty (30) days of the date on which the City Council ratifies designation of any site, building, structure, district or object as worthy of preservation, the Commission shall cause to be filed with the appropriate legal entity a certificate of notification that such property is designated, and said certificate of notification shall be maintained on the public records until such time as the designation may be withdrawn by the Commission.

(i) The Commission may rescind the designation of a site, building, structure, district or object if, due to professional error, the property was incorrectly designated. The

Commission shall follow the public notification procedures as specified above to rescind a local designation.

4-1507 Participation on the National Register Process.

(a) The Commission shall review each pending National Register nomination that lies within the boundaries of its specified jurisdiction.

(b) The Commission will comply with Section 4 of the "Rules and Regulations Pertaining to the Certification of Local Governments" as written by the SHPO and officially approved by the Department of the Interior. (Ord. No. 88-08, 3-15-88).