

ORDINANCE NO. 3643  
COUNCIL BILL NO. 19-1016

AN ORDINANCE OF THE CITY OF COEUR D'ALENE, ADDING A NEW CHAPTER DESIGNATED AS 2.85, HISTORIC PRESERVATION CODE, TO THE MUNICIPAL CODE OF THE CITY OF COEUR D'ALENE; ESTABLISHING A HISTORIC PRESERVATION COMMISSION; PROVIDING FOR MEMBERSHIP TERMS; PROVIDING FOR ORGANIZATION AND DUTIES; PROVIDING FOR MEETINGS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION OF A SUMMARY OF THIS ORDINANCE AND AN EFFECTIVE DATE HEREOF.

WHEREAS, Chapter 46 of Title 67 of the Idaho Code empowers cities to establish a historic preservation commission and to make provisions for the identification and preservation of historic sites; and

WHEREAS, the City Council of the City of Coeur d'Alene deems it in the best interest of the community to establish a historic preservation ordinance;

NOW, THEREFORE,

BE IT ORDAINED by the Mayor and City Council of the City of Coeur d'Alene:

**SECTION 1.** That a new Chapter, designated 2.85, is hereby added to the Coeur d'Alene Municipal Code, to be titled as follows:

**CHAPTER 2.85  
HISTORIC PRESERVATION CODE**

**SECTION 2.** That a new Chapter, designated 2.85, is hereby added to the Coeur d'Alene Municipal Code to read as follows:

**2.85.010: PURPOSE:**

The purpose of this Chapter is to promote the educational, cultural, economic, and general welfare of the public of the City of Coeur d'Alene through the identification, evaluation, and designation of those buildings, sites, districts, areas, structures, and objects that constitute or contain significant elements of historic, architectural, archaeological, and cultural interest reflecting the heritage of the City, the State, and/or the Nation.

**2.85.020: DEFINITIONS:**

The following words and phrases when used in this Chapter shall have the following meanings, unless the context clearly indicates otherwise:

*City.* The City of Coeur d'Alene.

*Commission.* The Historic Preservation Commission of the City of Coeur d'Alene.

*Historic Property.* Any building, structure, district, area, or site that is significant in the history, architecture, archaeology or culture of this community, the City, the State, or the Nation.

*Designated Historic Property.* Property designated under this Chapter, as well as the National Register of Historic Places, as Historic Property.

*Historic Preservation.* The identification, evaluation, recordation, documentation, curation, acquisition, management, protection, restoration, rehabilitation, stabilization, maintenance, interpretation, conservation, and education of buildings, structures, objects, districts, areas, and sites significant in the history, architecture, archaeology or culture of this community, the City, the State, or the Nation.

### **2.85.030: HISTORIC PRESERVATION COMMISSION:**

A. There is hereby established a Historic Preservation Commission which shall consist of nine (9) members who shall be appointed by the Mayor with the advice and consent of the Council.

B. All members of the Commission shall have a demonstrated interest, competence, or knowledge in history or Historic Preservation. The Commission shall have at least two (2) members who also serve on the historic preservation commission of Kootenai County and at least two (2) members who meet the Secretary of the Interior's Historic Preservation Professional Qualification Standards as set out in the Federal Register, Vol. 62, No. 11, dated Friday, June 20, 1997. The Commission should include a member or members who have professional training or experience in the disciplines of architecture, history, architectural history, urban planning, archaeology, engineering, conservation, landscape architecture, law, or other historic preservation-related disciplines.

C. The terms of the members shall be staggered so that the terms of no more than three (3) members expire in any one year. Initial appointments to the Commission shall be made as follows: Three (3) members shall hold office for a term of one (1) year; three (3) members shall hold office for a term of two (2) years; and three (3) members shall hold office for a term of three (3) years. All subsequent appointments shall be made for three-year terms. Commission members may be reappointed. Vacancies in the Commission shall be filled in the same manner as original appointments and the appointee shall serve for the remainder of the unexpired term of the vacating member.

D. A member may be removed by the Mayor with the consent of a majority of the City Council.

E. A member of the City Council shall be a non-voting member of the Commission and act as liaison between the Council and the Commission.

**2.85.040: ORGANIZATION, OFFICERS, RULES, MEETINGS:**

A. The Commission shall have the power to make whatever rules are necessary for the execution of its duties as set forth in this Ordinance. Rules of procedure and bylaws adopted by the Commission shall be available for public inspection.

B. The Commission shall elect a chairperson and vice-chairperson, and such other officers as it deems expedient, from among the Commission members. The chairperson shall preside at meetings of the Commission. The vice-chairperson shall, in the absence of the chairperson, perform the duties of the chairperson.

C. The Commission shall hold meetings as necessary, at such time and place as may be determined by the majority of the Commission, or when called by chairperson or Mayor of the City. At a minimum, the Commission shall meet quarterly. The Commission shall post agendas in accordance with the requirements of public meetings.

D. A majority of the sitting members of the Commission shall constitute a quorum to conduct business at any meeting.

E. All meetings of the Commission shall be open to the public and comply with the requirements of the Idaho Open Meetings law. The Commission shall keep minutes and other appropriate written records of its resolutions, proceedings, and actions.

F. The Commission may recommend to the City Council, within the limits of its funding, the employment of or the contracting for the services of technical experts or other persons as it deems necessary to carry out its functions.

**2.85.050: POWERS, DUTIES, AND RESPONSIBILITIES:**

A. The Commission shall advise the Mayor and City Council on matters of historic preservation and shall be authorized to:

1. Conduct surveys of local historic properties.
2. Recommend the acquisition of fee and lesser interests in historic properties, including adjacent or associated lands, by purchase, bequest, or donation.
3. Recommend methods and procedures necessary to preserve, restore, maintain, and operate historic properties under the ownership or control of the City.
4. Recommend the lease, sale, or other transfer or disposition of historic properties subject to rights of public access and other covenants, and in a manner that will preserve the property.
5. Recommend designation of properties as historic and recommend the establishment of historic districts.

6. Contract, with the approval of the Council, with the state or federal governments, or any agency of either, or with any other organization on matters of historic preservation.
7. Cooperate with the federal, state, and local governments in the pursuance of the objectives of historic preservation.
8. Make recommendations in the planning processes undertaken by the City.
9. Recommend ordinances or other actions for the purposes of historic preservation in the City.
10. Promote and conduct an educational and interpretive program on historic preservation and historic properties in the City as funding allows.
11. Commission members, employees, or agents of the Commission may enter private property, buildings, or structures in the performance of their official duties only with the express consent of the owner or occupant thereof.
12. Review nominations of properties to the National Register of Historic Places for properties within the City's jurisdiction and make recommendations to the appropriate agency.
13. Take public comment and testimony on issues of historic preservation.

B. The Commission shall comply with all City policies, procedures, and regulations, and any applicable state and federal statutes and regulations.

**2.85.060: RESERVED (SPECIAL RESTRICTIONS)**

**2.85.070: RESERVED (APPEALS)**

**2.85.080: RESERVED (VIOLATIONS; PENALTY)**

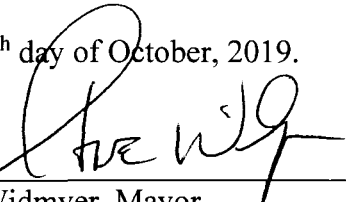
**SECTION 3.** All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 4.** The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

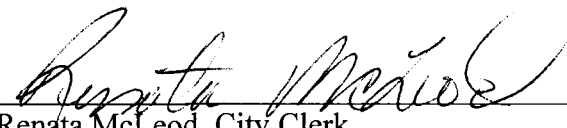
**SECTION 5.** After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Coeur d'Alene, and upon such publication shall be in full force and effect.

*Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an Ordinance of the City of Coeur d'Alene at a regular session of the City Council on October 15, 2019.*

APPROVED, ADOPTED and SIGNED this 15<sup>th</sup> day of October, 2019.

By   
Steve Widmyer, Mayor

ATTEST:

  
Renata McLeod, City Clerk