

ARTICLE 131
Historic Landmarks Commission

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CROSS REFERENCES

- Historic landmark commission – see W. Va. Code Art. 8-26A
Planning Commission – see Adm. Art. 133
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131.01 ESTABLISHED.

(a) There is hereby established, in the Town of Harpers Ferry, the Harpers Ferry Historic Landmarks Commission, hereafter referred to as the Commission, in order to preserve, protect and foster the rehabilitation and maintenance of its historic edifices and to insure that the growth of the community is commensurate with its historic significance and for such other objectives as set forth in West Virginia Code Article 8-26A.

(b) In accomplishing these foregoing objectives, the Commission shall, to the extent authorized by the foregoing Code provisions, function as a regulatory agency with respect to construction, alteration, repair, enlargement, restoration or relocation of buildings or structures identified and classified by the Federal, State or local government as historic buildings or located within a historic district. The Commission shall be independent of the Planning Commission; provided that no rule or regulation of the commission shall conflict with any plan of such Planning Commission. Prior to the approval of a building permit by the Town Council for the construction, alteration, repair, enlargement, restoration or relocation of buildings designated by proper authority as historical buildings or located within a historic district, the Town Council shall obtain from the Historic Landmarks Commission its recommendation with respect to the proposed project. (Ord. 80-1. Passed 2-21-80. Revised 7-9-2012.)

131.02 MEMBERSHIP AND TERM OF SERVICE

The Commission shall have five members, all of whom shall be residents of Harpers Ferry. The members of the Commission first selected shall serve respectively for one year, two years, three years, four years and five years. Thereafter, the members shall be selected for terms of five years each, with one new member being selected each year, commencing at the first regular meeting in calendar year 1981, and in like manner at the first regular meeting in each subsequent calendar year. Vacancies shall be filled for the unexpired term only, in the same manner as original selections are made. All members shall be residents of the Town of Harpers Ferry and shall be nominated and confirmed by Council. Members shall serve without compensation, but shall be reimbursed for all reasonable and necessary expenses actually incurred in the performance of their official duties. (Ord. 80-1. Passed 2-21-80. Revised 7-9-2012.)

131.03 REGULAR AND SPECIAL MEETINGS.

(a) The Commission may fix the time for holding regular meetings but until same is accomplished by unanimous vote of the Commission it shall meet at least once a month commencing in May, 1980.

(b) Special meetings of the Commission may be called by the Chairman or by at least two members upon written request to the Secretary-Treasurer. Whether called by the chairman or by two or more members, the Secretary-Treasurer shall send to all of the members, at least two days in advance of a special meeting, written notice fixing the date, time and place of a the meeting, but written notice of a special meeting is not required if the date, time and place of a special meeting have been fixed in a regular meeting, or if all the members are present at a special meeting. (Ord. 80-1. Passed 2-21-80. Revised 7-9-2012.)

131.04 QUORUM.

A majority of the members of the Commission shall constitute a quorum. No action of the Commission shall be official, unless authorized by a majority of all members of the Commission at a properly constituted regular or special meeting. (Ord. 80-1. Passed 2-21-80. Revised 7-9-2012.)

131.05 OFFICES AND EXPENSES; OTHER APPROPRIATIONS.

The Town Council shall provide the Commission with suitable offices for the holding of meetings and the preservation of plans, maps, documents and accounts, and shall provide for the operating expenses of the Commission by appropriating a sum sufficient to defray such expenses. Council shall have plenary power and authority to appropriate funds for expenditure by the Commission to accomplish the purposes of this article. (Ord. 80-1. Passed 2-21-80. Revised 7-9-2012.)

131.06 ELECTION OF OFFICERS.

At its first regular meeting in each year, the Commission shall elect from its members a chairman, vice-chairman and secretary-treasurer. The vice-chairman

shall have the power and authority to act as the chairman of the Commission during the absence or disability of the chairman. (Ord. 80-1. Passed 2-21-80. Revised 7-9-2012.)

131.07 ASSISTANTS; PROFESSIONAL SERVICES.

(a) The Commission may appoint and prescribe the duties and fix the compensation of a secretary and such employees as are necessary for the discharge of the duties and responsibilities of the Commission.

(b) The Commission may make contracts for special or temporary services, within the limits of funds available therefore, such employees, assistants, technical personnel and consultants as are necessary to discharge the duties and responsibilities of the Commission. (Ord. 80-1. Passed 2-21-80. Revised 7-9-2012.)

131.08 POWERS AND AUTHORITY.

The commission shall have the power and duty to:

(a) Make a survey of, and designate as historic landmarks, buildings, structures and sites which constitute the principal historical and architectural sites of local, regional, statewide or national, significance. No building, structure, or site shall be designated a historic one unless it has been prominently identified with, or best represents, some major aspect of cultural, political, economic, military or social history of the locality, region, State or nation, or has had a major relationship with the life of a historic personage, or event representing some major aspect of, or ideals related to, history of the locality, region, State or nation. In the case of buildings or structures which are to be so designated, they shall embody the principal or unique features of an architectural type or demonstrate the style of a period of our history or method of construction, or serve as an illustration of the work of a master builder, designer or architect whose genius influenced the period in which he worked or has significant and current time;

(b) Prepare a register of buildings, structures and sites which meet the requirements of subsection (a) hereof, publish lists of such properties and, with the consent of the property owners, inspect such properties from time to time and publish a register thereof from time to time, setting forth the appropriate information concerning the registered buildings, structures and sites;

(c) With the consent of the property owners, certify and mark the appropriately designated markers, buildings, structures and sites which it has registered;

(d) Established standards for care and management of certified landmarks and withdraws such certification for failure to maintain the standards so prescribed;

(e) Acquire by purchase, gift, or lease and administer registered landmarks and easements and interests therein, both real and personal;

(f) Lease or sell property so acquired under terms and conditions designated to insure the proper preservation of the landmark in question.

(g) Establish historic districts for registered landmarks utilizing the same guidelines set forth in subsection (a) hereof, and designate the area thereof by appropriate markers;

(h) Identify a historic district or districts for registered landmarks and aid and encourage the Town of Harpers Ferry to adopt rules and regulations for the preservation of historical and architectural value;

(i) Prepare and place historical markers on or along a highway or street closest to the location which is intended to be identified by such marker;

(j) Seek the advice and assistance of individuals, groups and departments and agencies of government who or which are conducting historical preservation programs and coordinate the same insofar as possible;

(k) Seek and accept gifts, bequest, endowments and funds from any and all sources for the accomplishments of the functions of the Commission:

(l) Adopt rules and regulations concerning the operation of the Commission, the functions and responsibilities of its officers, employees, assistants and other personnel and such other matters as may be necessary to carry out the purposes of this article; and

(m) Adopt such other rules and regulations as are necessary to effectuate the purposes of this article, but no such rules and regulations shall be inconsistent with the provisions of this article or with any plan of the Planning Commission, or with the provisions of West Virginia Code Article 8-26A. (Ord. 80-1. Passed 2-21-80. Revised 7-9-2012.)

131.09 RESTRICTIONS ON THE USE OF PROPERTY DESIGNATED A HISTORIC LANDMARK.

Whenever the Commission, with the consent of the property owner, certifies property as being a registered landmark, it may obtain from such property owner an agreement as to the restrictions upon the use of property as the Commission finds reasonable and are calculated to perpetuate and preserve the features which lead it to designate such property as a historic landmark. All such agreements between such Commission and property owner shall be in writing, and acknowledged shall be recorded in the Office of the Clerk of the County Commission of Jefferson County, and when so recorded shall be notification to the Assessor of Jefferson County of the restrictions therein set forth. (Ord. 80-1. Passed 2-21-80. Revised 7-9-2012.)

131.10 NOTICE TO COUNTY ASSESSOR OF DESIGNATION OF

HISTORIC DISTRICT.

When the Commission establishes a Historic District, it shall notify the Jefferson County Assessor of the fact of such establishment and the boundaries of the district, together with the restrictions which are applicable to the properties located in such district. The agreement shall be recorded in the same manner as the recordation of agreements between the Commission and the owners of designated landmarks entered into pursuant to the provisions of Section 131.09. (Ord. 80-1. Passed 2-21-80. Revised 7-9-2012.)

131.11 COORDINATION.

The Commission shall cooperate and coordinate its activities with the West Virginia Department of Archives and History, the West Virginia Historical Society and the Historic Preservation Unit of the Department of Culture and History, with a view toward enhancing its ability to identify, study, preserve and protect all historic buildings, structures and sites within the Town of Harpers Ferry. (Ord. 80-1 Passed 2-21-80. Revised 7-9-2012.)

131.12 NOTICE AND PUBLIC HEARING.

Prior to the designation of a historic district or landmark, the Commission shall give notice, as hereinafter in this section specified, and hold a public meeting on the matter.

At least thirty days prior to the date set for the hearing, the Commission shall publish a notice of the date, time and place of the hearing as a class of one legal advertisement in compliance with the applicable provisions of the West Virginia Code. (Ord. 80-1. Passed 2-21-80. Revised 7-9-2012.)

131.13 PRIORITIES.

In addition to such other matters as may be from time to time hereafter specifically requested by the Town Council, the Commission shall make and recommend to Council a comprehensive plan to protect and foster the preservation and rehabilitation of historic edifices, and to insure the growth of the community commensurate with its historic significance. (Ord. 80-1. Passed 2-21-80. Revised 7-9-2012.)

131.14 PROPOSED ALTERATION, REPAIR, CONSTRUCTION, ENLARGEMENT, RESTORATION OR RELOCATION OF STRUCTURES.

Application for proposed construction, alteration, repair, enlargement, restoration or relocation of historical buildings, structures or sites or buildings, structures or sites located within a historic district, or in instances where the property owner seeks to register with the Commission as a historic landmark, complete architectural and engineering plans and specifications shall be submitted to the Commission. The applicant shall not proceed with the construction, alteration, repair, enlargement, restoration, relocation or registration without having a recommendation from the Commission and a building permit issued by the Town Council. (Ord. 80-1. Passed 2-21-80. Revised 7-9-2012.)