



City of Racine

City Hall
730 Washington Ave.
Racine, WI 53403
www.cityofracine.org

Meeting Agenda - Final

Landmarks Preservation Commission

Monday, January 4, 2010

4:30 PM

City Hall, Room 209

Call To Order

Approval of Minutes for the December 7, 2009 Meeting

Correspondence

Buildings Being Razed

New Business

Ord.27-09

Ord.27-09

To create Sec. 58-80 of the Municipal Code of the City of Racine, Wisconsin relating to Historic Preservation - Enforcement.

The Common Council of the City of Racine do ordain as follows:

Part 1:

Section 58-80 of the Municipal Code of the City of Racine is hereby created to read as follows:

"Section 58-80. Preservation of Historical Artifacts

(a) The purpose of this ordinance is to promote the general welfare by providing for the identification, protection, enhancement, perpetuation and use of artifacts that reflect special aspects of the City of Racine's historical, architectural, cultural or aesthetic heritage for the following reasons:

1) To encourage public knowledge, understanding, appreciation and use of the City of Racine's past;

2) To foster civic pride in the beauty and character of the City and the accomplishments of its past;

3) To preserve the visual character of the City by preserving artifacts that reflect its history.

(b) Definitions.

1) "Artifacts" for the purposes of this ordinance are objects located or have been displayed within the City of Racine.

- 2) "Historical Artifact" means an Artifact that is:
- a. At least fifty (50) years old; or
 - b. Associated with a property that meets the criteria for listing on the National Register of Historic Places, State Register of Historic Places or as a Racine Landmark; or,
 - c. Designated a Local Historical Artifact as described below.

3) "Inventory of Historical Artifacts" is the official list of Historical Artifacts subject to the terms of this ordinance. An artifact shall not be included in the Inventory of Historical Artifacts if the owner opposes its listing.

- 4) "Local Historical Artifact" shall be an object that:
- a. Exemplifies or reflects the cultural, archaeological, political, economic, social or religious history; or,
 - b. Is identified with personages, events or periods of history; or,
 - c. Embodies distinguishing characteristics of architecture, an architect or architectural materials, craftsmanship or works of nature; or,
 - d. In its inherent historical nature provides the citizenry with educational or aesthetic enrichment; or,
 - e. Contributes to the character or understanding of an historic district, property, or structure.

5) "Object" (as applied in the context of this chapter) means a construction, such as a statue, monument or milepost that may be by nature of design moveable, yet related to a specific setting or environment.

(c) Procedures for Designation. Official listing on the Inventory of Historical Artifacts, or removal from listing, shall be made by resolution of the Landmarks Preservation Commission and shall be communicated to the Chief Building Inspector, the Director of the Department of City Development, the Commissioner of Public Works, Preservation Racine, Inc. and the Racine Heritage Museum.

(d) Owner Consent. A Historical Artifact shall not be listed in the Inventory of Historical Artifacts without the approval of its owner at the time of first listing. All Historical Artifacts owned or controlled by the City of Racine or the Redevelopment Agency of the City of Racine ("Public Historical Artifacts") shall be deemed approved unless not later than sixty (60) days from first listing, the City of Racine Common Council by majority vote requires the Landmarks Preservation Commission to remove a particular Public Historical Artifact from the Inventory of Historical Artifacts.

(e) Preservation. No person or entity including but not limited to any department or agency of the City of Racine or the Redevelopment Authority of the City of Racine shall permit the transfer, relocation, demolishing, or the alteration of a Historical Artifact listed on the Inventory of Historical Artifacts without first obtaining the concurrence of the Landmarks Preservation Commission. Such consent shall be deemed given unless the Landmarks Preservation Commission objects to such action within forty-five (45) days of receiving written request for approval. At the time consent is first requested, if any activity associated with the Historical Artifact has the potential to adversely impact such Historical Artifact the applicant shall present the Landmarks Preservation Commission an artifact protection plan that shall include barriers to prevent accidental damage to artifacts, protection against dirt and debris, and if necessary, temporary removal and storage of the Historical Artifact. The project shall not commence or continue until and unless the artifact protection plan is approved by the Landmarks Preservation

Commission, and the person responsible for the activity shall assure that the artifacts protection plan, as approved, is properly executed.

(f) Documentation. If the Landmarks Preservation Commission finds that the preservation of a Historical Artifact is not practicable, then the Historical Artifact shall be documented by photographs, mapping, written description or such other means or matter deemed most appropriate by the Landmarks Preservation Commission.

(g) Violation - Enforcement - Remedy.

1) Upon conviction, any person found to be in violation of section (e) shall forfeit an amount as provided in section 1-15.

2) A civil action may be commenced by the City of Racine to abate, enjoin, or otherwise compel the cessation of violation of any provision of this ordinance and may seek damages taking into account damages suffered, both economic and non-economic by the City of Racine and its citizens and the cost of restoring or replacing the Historical Artifact or its equivalent, if possible. In a civil action brought pursuant to this ordinance in which the plaintiff prevails, the court may award to the plaintiff all costs of investigation and preparation for trial, the costs of trial, reasonable expenses including overhead and administrative costs incurred in prosecuting the action and reasonable attorneys' fees.

(h) Cooperation with Other Public Entities. The Landmarks Preservation Commission shall work with other public entities including but not limited to the Racine Unified School District, Gateway Technical College, County of Racine and State of Wisconsin to extend the protection of this ordinance to Historical Objects that they own."

Part 2:

This ordinance shall take effect upon passage and the day after publication.

Passed by the Common Council:

Approved: _____

Mayor

Attest:

City Clerk

Fiscal Note: N/A

Administrative Business

Adjournment

If you are disabled and have accessibility needs or need information interpreted for you, please contact the Department of City Development at (262)636-9152 at least 48 hours prior to this meeting.