

## ORDINANCE NO. 799

### AN ORDINANCE ESTABLISHING A HISTORIC PRESERVATION COMMISSION FOR THE CITY OF WEST BRANCH, IOWA; PROVIDING FOR THE RECOGNITION AND PROMOTION OF HISTORIC SITES AND DEFINING POWERS AND DUTIES OF THE COMMISSION.

BE IT ORDAINED by the City Council of the City of West Branch, Iowa:

Section 1. Amendment. The Code of Ordinances of the City of West Branch, Iowa, is hereby amended by adding and incorporating Chapter 25 entitled "Historic Preservation," which reads as follows:

#### **"25.01. PURPOSE AND INTENT.**

The purpose of this ordinance is to:

- a. Promote the educational, cultural, economic and general welfare of the public through the recognition, enhancement, and perpetuation of sites and districts of historical and cultural significance;
- b. Safeguard the City's historic, aesthetic, and cultural heritage by preserving sites and districts of historic and cultural significance;
- c. Stabilize and improve property values;
- d. Foster pride in the legacy of beauty and achievements of the past;
- e. Protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business thereby provided;
- f. Strengthen the economy of the City;
- g. Promote the use of sites and districts of historic and cultural significance as places for the education, pleasure, and welfare of the people of the City.

#### **25.02. DEFINITIONS.**

- a. Commission. The City of West Branch Historic Preservation Commission, as established by this ordinance.
- b. Historic District. An area which contains a significant portion of sites including archaeological sites, buildings, structures, objects and/or other improvements which, considered as a whole, possesses integrity of location, design, setting, materials, workmanship, feeling, and association, and
  1. embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or
  2. that represents a significant and distinguishable entity whose components may lack individual distinction; or

3. is associated with events that have made significant contributions to the broad patterns of our local, state or national history; or
4. possesses a coherent and distinctive visual character or integrity based upon similarity of scale, design, color, setting, workmanship, materials, or combinations thereof, which is deemed to add significantly to the value and attractiveness of properties within such area.
5. is associated with the lives of persons significant in our past; or
6. has yielded, or may be likely to yield, information important in prehistory or history.

c. Historic Landmark. A site including archaeological sites, object, structure or building which,

1. is associated with events that have made a significant contribution to the broad patterns of our history; or
2. is associated with the lives of persons significant in our past; or
3. embodies the distinctive characteristics of a type, period, or method of construction, or that represents a work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
4. has yielded, or may be likely to yield, information important in prehistory or history.

d. Districts

1. "West Branch Historic District" consists of any building in West Branch that is listed on the National Register of Historic Places. All of the terms of this chapter apply to property located within the West Branch Historic District. (See Map included in the Appendix to this Code of Ordinances.)

2. "West Branch Preservation District" consists of all of those properties located within the West Branch Historic District, together with all of those properties in the West Branch Preservation District, as shown on the map included in the Appendix to this Code of Ordinances. The provisions of this chapter relating to signs apply to property located within the West Branch Preservation District. Any properties adjacent to a district, may be included in the West Branch Preservation District upon application of the property owner to the City Office. (See form of application in the Appendix to this Code of Ordinances.)

3. "West Branch Underground Railroad Preservation District" consist of any building or site in West Branch known to be affiliated with the underground railroad; or is a nearby property or site affiliated with the West Branch Underground Railroad. (See Map included in the Appendix to this Code of Ordinances.)

### **25.03. WEST BRANCH HISTORIC PRESERVATION COMMISSION.**

- a. The Commission shall initially consist of (not less than three, 3) members who shall be residents of the City.

- b. Members of the Commission shall be appointed by the Mayor with the advice and consent of the City Council. Members shall demonstrate a positive interest in historic preservation, possessing interest or expertise in architecture, architectural history, historic preservation, city planning, building rehabilitation, conservation in general or real estate.
- c. The original appointment of the members of the Commission shall be, three for two years, and two for three years, from January 1 following the year of such appointment or until their successor is appointed to serve for a term of three years.
- d. Vacancies occurring in the Commission, other than expiration of term of office, shall be only for the unexpired portion of the term of the member replaced.
- e. Members may serve for more than one term and each member shall serve until the appointment of a successor.
- f. Vacancies shall be filled by the City according to the original selection as aforesaid.
- g. Members shall serve without compensation.
- h. A simple majority of the commission shall constitute a quorum for the transaction of business.
- i. The Commission shall elect a Chairman who shall preside over all Commission meetings and elect a Secretary who shall be responsible for maintaining written records of the commission's proceedings.
- j. The Commission shall meet at least three (3) times a year.

Because the West Branch Historic Preservation Commission has a strong interest in liaison with organizations that have a special affinity with local history, the Commission may recommend to the Mayor and Council that up to three Ex. Officio (non-voting) honorary members be appointed to the Commission by the Mayor with the advice and consent of the City Council. These Ex. Officio (non-voting) honorary members may be representatives of the Herbert Hoover National Historic Site, the Herbert Hoover Presidential Library-Museum and the Hoover Presidential Foundation.

#### **25.04. POWERS OF THE COMMISSION.**

- a. The Commission may conduct studies for the identification and designation of historic districts and landmarks meeting the definitions established by this ordinance. The commission may proceed at its own initiative or upon a petition from any person, group, or association. The Commission shall maintain records of all studies and inventories for public use.
- b. The Commission may make a recommendation to the State Historic Preservation Office for the listing of a historic district or landmark in the National Register of Historic Places and may conduct a public hearing thereon.
- c. The Commission may investigate and recommend to the City Council the adoption of ordinances designating historic landmarks and historic districts if they qualify as defined herein; and
- d. Provide information for the purpose of historic preservation to the governing body.

- e. Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.
- f. Other Powers. In addition to those duties and powers specified above, the Commission may, with City Council approval:
  - i. Accept unconditional gifts and donations of real and personal property, including money, for the purpose of historic preservation.
  - ii. Acquire by purchase, bequest, or donation, fee and lesser interests in historic properties, including properties adjacent to or associated with historic properties.
  - iii. Preserve, restore, maintain and operate historic properties, under the ownership or control of the Commission.
  - iv. Lease, sell, and otherwise transfer or dispose of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property.
  - v. Contract, with the approval of the governing body, with the state or the federal government or other organizations. Cooperate with the federal, state and local governments in the pursuance of the objectives of historic preservation.

**25.05. PERMIT REQUIRED.** It is unlawful for any person to begin new construction or to make any external alteration or repairs, including signs, in any manner whatsoever to any building within the confines of the Historic District, or to install or change a sign within the Preservation District, without first obtaining a permit as provided herein. Permits may be found and turned in at the City Office.

**25.06. APPLICATION.** Applicants for permit under this chapter must file with the City Administrator an application in writing on a form furnished for such purpose, which shall give the following information:

1. Name of applicant and property owner.
2. Permanent address of applicant and full address of property owner.
3. A detailed description of the nature of the proposed construction, external alteration and/or repair to the building.
4. A drawing or sketch of proposed construction or external alteration.
5. The intended start and finish dates for alteration and/or repair.

*(See the Appendix to this Code of Ordinances for Permit Application Form.)*

**25.07. ADMINISTRATIVE REVIEW AUTHORITY.** The City Administrator or designee and the Historic Preservation Commission Chair, will have authoritative review rights on window decals that meet design standards. The Historic Preservation Commission will be the appeal board on window decal administrative review.

**25.08. INVESTIGATION AND ISSUANCE.**

1. Upon receipt of application for permit under this chapter by the City Administrator or designated alternate, the application shall be checked for compliance with the City of West Branch Building Codes within five (5) days. It shall also be referred upon receipt to the Chairperson of the West Branch Preservation Commission.
2. Applications for construction, alterations and/or repairs not in compliance with City of West Branch Building Codes will be returned to the applicant with a complete explanation of changes necessary for compliance.
3. Upon receipt of application, the Chairperson of the West Branch Preservation Commission shall call a meeting of said Commission. The Commission shall approve or disapprove the application by majority vote based on the *Basic Standards for the Restoration and Rehabilitation of Historic Structures, Standards for Signage Design and Display, Checklist and Example of Prohibited Signs. (See Appendix to this Code of Ordinances.)* The application and a report of Commission action shall be returned to the Mayor within ten (10) calendar days from date of receipt.
4. Upon receipt of the application and report from the West Branch Preservation Commission, the City Administrator or designated agent will issue a permit to authorize construction, alterations and repairs receiving approval of the Commission. The permit shall be issued within twelve (12) calendar days from the date of the application. The permit fee shall be \$10.00.
5. Upon receipt of an unfavorable report from the West Branch Preservation Commission, the City Administrator or his or her assigned agent will notify applicant of the rejection and the reason therefor. The applicant will also be informed in the same notification that the rejection can be appealed through the Council at the following regular meeting, or that a revised application may be submitted to the Commission for review.
6. The Council shall serve as an arbitrator on all appeals. The Council shall decide within 30 days of an appeal. An appeal of the decision of Council, if any, must be made with the Clerk of District Court within 60 days of the decision of Council.

**25.09. VIOLATION.** Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor; if such violation continues, each day's violation shall be considered a separate offense.

**25.10. NONCONFORMING SIGNS.** All signs installed or displayed on September 9, 1991, are allowed to remain. All signs installed or displayed subsequent to September 9, 1991, and all future signs, including replacements or modifications, must fully comply with this chapter. Variances may be granted upon showing of undue hardship. Before any variance is granted the following conditions must be shown to be present: the sign must be located outside a building and must display a trademark or symbol recognized State-wide or nationally.

**25.11. AMENDATORY PROVISIONS.**

The City may amend this ordinance to meet any unforeseen circumstances which may affect the duties and responsibilities of the Commission.”

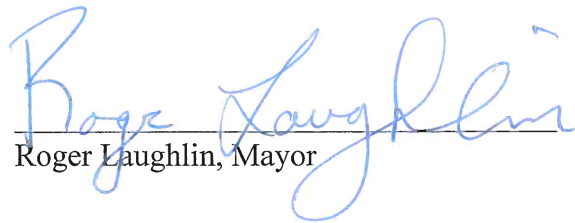
Section 2. This ordinance shall be in full force and effect from and after its publication as by law provided.

Section 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. If any section, provision or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any part, section, or provision thereof not adjudged invalid or unconstitutional.

Passed and approved this 7th day of November, 2022.

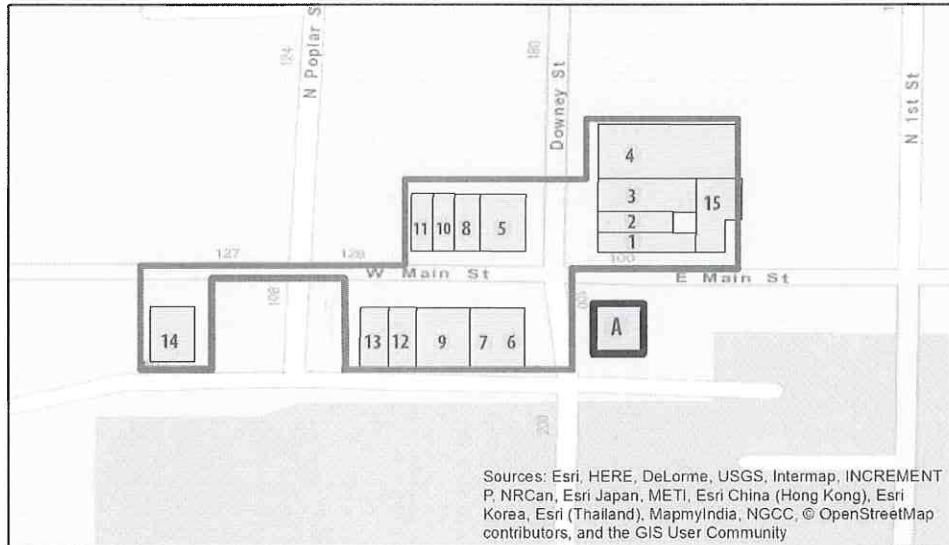
First Reading:           October 3, 2022  
Second Reading:       October 17, 2022  
Third Reading:         November 7, 2022

  
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Roger Laughlin, Mayor

ATTEST:

  
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Leslie Brick, City Clerk

# West Branch Preserved Historic Buildings



## Legend

-  Preserved Buildings
-  Historic District
-  Preservation District

0 0.025 0.05 0.1 Miles



## Building Legend

1. Citizen's Savings Bank (1908)
2. Leech Building (1912)
3. Leech-Gruwell Garage (1911)
4. Opera Block (1895)

5. Old West Branch State Bank (1916)
6. Crook's Hotel/Hoover House (1870)
7. West Branch Bank (1875)
8. Veterans Memorial Building (1947)
9. Union Block (1895)
10. Patterson-Leech Building (1890)

11. Gruwell-Crew Building (1894)
12. Earliest Citizen's Savings Bank (1898)
13. Grinnell Building (1869)
14. Enlow Building (1904)
15. Rich and Bailey Block (1895)
- A- Albin-Douglass Building



Red: West Branch Underground Railroad Preservation District, selected property is known as Townsend's Traveler's Rest.