HISTORIC PRESERVATION ORDINANCE AD HOC COMMITTEE
REGULAR MEETING

COUNCIL CHAMBERS, 401 CALIFORNIA AVE.,
BOULDER CITY, NV 89005

MARCH 15, 2022 - 5:00 PM

The public may view the meeting live at the following link:

https://www.bcnv.org/191/City-Council-Meeting-Live-Stream-Video

ITEMS LISTED ON THE AGENDA MAY BE TAKEN OUT OF ORDER; TWO OR MORE AGENDA ITEMS FOR CONSIDERATION MAY BE COMBINED; AND ANY ITEM ON THE AGENDA MAY BE REMOVED OR RELATED DISCUSSION MAY BE DELAYED AT ANY TIME.

CALL TO ORDER
CONFIRMATION OF POSTING AND ROLL CALL
PUBLIC COMMENT

PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS ON THE AGENDA FOR ACTION. EACH PERSON HAS UP TO FIVE MINUTES TO SPEAK ON A SPECIFIC AGENDA ITEM.

MEMBERS OF THE PUBLIC MAY PARTICIPATE IN THE MEETING WITHOUT BEING PHYSICALLY PRESENT BY ONE OF THE FOLLOWING METHODS:

- Written comments may be submitted via the Public Comment Form (https://www.bcnv.org/FormCenter/Contact-Forms-3/City-Council-Comment-Form-111)
- To comment during the meeting, members of the public may call (702) 589-9629 when the public comment period is opened.

AGENDA
1. For possible action: Approval of minutes of the February 15, 2022 regular meeting

2. For possible action: Committee review and recommendation to the City Council regarding the SHPO model ordinance

3. Public Comment

   Each person has up to five minutes to speak at the discretion of the Mayor/Chair. Comments made during the Public Comment period of the agenda may be on any subject. All remarks shall be addressed to the City Council/Board as a whole, not to any individual member of the Council/Board, of the audience, or of the City staff. No person, other than members of the Historic Preservation Ordinance Ad Hoc Committee and the person who has the floor, shall be permitted to enter into any discussion, either directly or through a member of the Historic Preservation Ordinance Ad Hoc Committee without the permission of the Chair or Presiding Officer. No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken.

Supporting material is on file and available for public inspection at the City Clerk's Office, 401 California Avenue, Boulder City, Nevada 89005 and the Boulder City website at www.bcnv.org, as per NRS 241. To request supporting material, please contact the City Clerk Tami McKay at (702) 293-9208 or cityclerk@bcnv.org.

Notice to persons with disabilities: Members of the public who are disabled and require special assistance or accommodations at the meeting are requested to notify the City Clerk by telephoning (702) 293-9208 at least seventy-two hours in advance of the meeting.

This notice and agenda has been posted on or before 9 a.m. on the third working day before the meeting at the following locations:

Boulder City Hall, 401 California Avenue
www.bcnv.org
https://notice.nv.gov/
Approval of February 15, 2022 Minutes

SUBJECT:
For possible action: Approval of minutes of the February 15, 2022 regular meeting

ADDITIONAL INFORMATION:

<table>
<thead>
<tr>
<th>Description</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Draft Minutes</td>
<td>Backup Material</td>
</tr>
</tbody>
</table>
CALL TO ORDER: The regular meeting of the Boulder City Historic Preservation Ordinance Ad Hoc Committee was called to order by Chairman Blair Davenport at 6:00 p.m. Tuesday, February 15, 2022, in the Council Chamber, City Hall, 401 California Avenue, Boulder City, Nevada.

Present: Blair Davenport, Chairman
        Ray Turner
        James Howard Adams
        Sherri Jorgensen

Also, present Brittany Walker, City Attorney
        Michael Mays, Community Development Director

Absent: None

Chairman Blair Davenport opened the meeting.

PUBLIC COMMENT

Chairman Davenport opened the meeting to public comment and announced the number to call.

No comments were received in person or by phone.

APPROVAL OF AGENDA:

1. For possible action: Approval of the minutes of the March 29, 2021 regular meeting.

Motion: Approve the minutes as submitted.

Moved by: Member Turner                      Seconded by: Member Adams
AYE: Davenport, Turner, Adams, Jorgensen (4)
NAY: None (0)
Motion Approved.

2. For possible action: Approval of the minutes of the April 26, 2021 regular meeting.

Motion: Approve the minutes as submitted.

Moved by: Member Turner                      Seconded by: Member Adams
AYE: Davenport, Turner, Adams, Jorgensen (4)
NAY: None (0)
Motion Approved.

3. For possible action: Committee review and direction regarding the State Historic Preservation Office Model Ordinance

Michael Mays, Community Development Director, provided a report stating two objectives to follow up with since the Committee met last year. The first was to reach out to the community to get their input on the Committees’ draft ordinance. This occurred in June 2021. Two open houses were hosted. Every property in the Historic District received notification of those open houses. At those meetings, Committee members and staff were present to answer the public’s questions regarding the proposed ordinance and discuss the next steps. The invitation was included in the packet, and feedback was received for the Committee to review. The second action was to submit the draft ordinance to the State Historic Preservation Office, also included in the packet for review.

Director Mays stated the City undertook a historic preservation plan, which was approved by the City Council last year. Several recommendations were made to look at the City’s Historic Preservation Ordinance. Those recommendations from a consultant from the Nevada Preservation Foundation were included in the packet. One recommendation was that as the community looks at changes to the existing ordinance, the City should consider an administrative matrix that provides different review processes for contributing and noncontributing properties.

Director Mays stated the staff report contained three questions for the Committee:
1. Do you agree with the SHPO recommendations of the changes?
2. Should staff revise the ordinance and treat contributing and noncontributing properties differently? Also, the Committee’s guidance in the matrix guidelines.
3. Seeking direction on next steps regarding the Committee’s recommendations.

Chairman Davenport asked about question number two. She stated a motion should be proposed to dismiss the Committee from addressing it. Instead, she wanted to wait for approval on the other processes through the City Council.

Member Jorgensen asked at what part of the process this gets added and how they would differentiate between contributing and noncontributing?

Chairman Davenport responded that it would be staff and the Historic Preservation Commission. She mentioned that this Committee was not responsible for dealing with the certificate of appropriateness or design guidelines mentioned in the code.

Director Mays asked Brittany Walker, City Attorney, for clarification on the matrix. He asked how the review of the Historic Preservation Ordinance was regulated in the community and if it would need to be contained in the ordinance.
Attorney Walker responded that if the City moved forward with a matrix approach versus how it is currently drafted, it would have to go to the appropriate Committee for approval. The ordinance changes would have to be approved for the matrix to be used.

Chairman Davenport stated there is already a process with the City and the Historic Preservation Committee, but the matrix was just another version of the approval process.

Attorney Walker responded that all certificate of appropriateness applications go through the Historic Preservation Commission under the draft ordinance. Therefore, the matrix cannot be used unless there was a change to the draft ordinance. The matrix proposes a divide in which applications go to the Commission versus going to administrative approval based on property status as a contributing or noncontributing property. She stated the question being discussed was if the city should use a matrix model that would allow different levels of review.

Member Jorgensen stated she is not comfortable adopting all parts of the matrix. She asked who would address it and who would make the matrix.

Attorney Walker clarified that the question was to approve the concept of matrix. The Committee could utilize a matrix similar to what other cities use. The City would develop its own recommendation of a matrix that was tailored toward Boulder City.

Director Mays stated it was the decision of the Committee if they want to include/explore matrix concept in their recommendation to the City Council. He wanted to be sure to present this information to the Committee so that you can choose how to proceed.

Chairman Davenport responded that she would be willing to look at a version of it and consider it, but she did not want to revise the ordinance. Instead, the matrix should be designed to match with the ordinance.

Attorney Walker stated that if the Committee looked at a matrix concept, only some applications would go to the Commission, and others would go to the Historic Preservation Officer for administrative review. The Committee would decide through modifications to the draft ordinance what applications would go to whom. The draft ordinance would have to be changed to allow this.

Section 11-27-5 Section C page 7 was read by Attorney Walker to clarify questions of Member Jorgensen.

Attorney Walker stated that the draft ordinance would only need minor modifications to accommodate the matrix, but that it is up to the Committee to decide if they want to include this concept or not. This is within the Committee’s purview.

Member Adams asked if the matrix would need to be a part of the ordinance or just by reference.
Attorney Walker said it could be done either way, but in most cases by reference.

Member Adams said that if the matrix is outside of the ordinance then it was not the purview of the Committee to discuss. That should be reviewed by staff, Commission and City Council.

Member Turner agreed.

Director Mays asked for Committee clarification for staff. Did the Committee want to treat contributing and non-contributing properties differently.

Member Jorgensen stated there was 520 properties in the district and an equal mix of contributing and noncontributing properties in the City. If everything went before the Commission for review it would clog up the process and not provide enough time to review the big issues. She believed they should be treated differently.

Chairman Davenport agreed they were treated differently currently. She was not sure what the staff recommendations were to make it more clear in the ordinance.

Attorney Walker stated clarifications could be made and brought back to the Committee before being taken to the Council.

Attorney Walker stated currently in the proposed draft ordinance, all applications would go to the Commission for final approval. She asked if a modification should be made to allow applications for noncontributing properties to go through an administrative process for certain types of approvals.

Chairman Davenport said she did not think you could make a blanket rule that all non-contributing properties do not go to the Commission. Some non-contributing properties have an impact on the district.

Attorney Walker said that not all non-contributing properties would be administrative only. It would depend on the type of improvements and would be by reference in the draft ordinance.

Chairman Davenport said that would be fine if you wanted to say that in the draft ordinance.

Director Mays clarified that staff wants to make sure that what is passed on to the City Council is an accurate reflection of this Committee’s recommendation. They want to have a clear understanding of the committee recommendations before taking them to the City Council.

Member Adams asked if the Committee thought the changes were appropriate and matched the recommendations of SHPO. He asked if those changes being made could be brought before the Committee when they are written up and completed, then the
Committee can approve or not at a later date.

Member Turner agreed.

Member Jorgouson asked if Committee members had any concerns with the SHPO recommendations.

Director Mays said that Chairman Davenport’s response to the SHPO comments was provided at the dais for Committee review.

Chairman Davenport reviewed the recommendations from SHPO to the Committee included in the agenda packet. There were fourteen items, including altering wording, deleting words such as "landmark," changing terminology of historic and designated historic properties, as well as ordinary and routine maintenance changes. Other changes and recommendations were also read by Davenport as included in the agenda packet.

Chairman Davenport stated she agreed with the recommendations from SHPO.

Attorney Walker assured the Committee that legal could make the changes in wording and other aspects as recommended.

Member Jorgeouen asked Director Mays if three motions were required to response to staff’s three questions contained in the staff report.

Director Mays said they could be combined into one motion.

Motion: To accept SHPO comments as reviewed in Chair Davenport’s provided document, and to direct staff to consider a matrix type concept as well as reviewing those changes for review in the future as a committee.

Moved by: Member Jorgensen  Seconded by: Member Turner
AYE: Davenport, Adams, Turner, Jorgensen
NAYE: None (0)
Motion Approved.

4. Public Comment

Chairman Davenport opened the final public comment period and announced the phone number to call.

Dustin Wilkinson approached the Committee. He asked what was gained from the Historic Preservation Society. He asked about grants that the Committee used to receive. He had recently moved into the Historic Society boundary and was seeking some more information.

Community Development Director Mays responded that the public comment period was
for the public to comment. He suggested meeting with Mr. Wilkinson to address his questions.

Member Davenport closed the comment period.

There being no further business to discuss, the meeting adjourned at 6:57 p.m.

____________________________________
Blair Davenport, Chairman

ATTEST:

____________________________________
Michael Mays, Community Development Director
Review and Recommendation Regarding SHPO Model Ordinance

SUBJECT:
For possible action: Committee review and recommendation to the City Council regarding the SHPO model ordinance

ADDITIONAL INFORMATION:

ATTACHMENTS:

<table>
<thead>
<tr>
<th>Description</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Item 2 Staff Report</td>
<td>Backup Material</td>
</tr>
<tr>
<td>Attachment 1</td>
<td>Backup Material</td>
</tr>
<tr>
<td>Attachment 2</td>
<td>Backup Material</td>
</tr>
</tbody>
</table>
Agenda Item No. 2
Historic Preservation Ordinance
Ad Hoc Committee Meeting
March 15, 2022

Staff Report

TO: Historic Preservation Ordinance Ad Hoc Committee
FROM: Michael Mays, Community Development Director
DATE: March 15, 2022
SUBJECT: For possible action: Committee review and recommendation to the City Council regarding the SHPO model ordinance

Background:
Following Committee feedback from the February 15, 2022 meeting, staff has updated the draft ordinance to reflect Nevada State Historic Preservation Office (SHPO) and Committee comments regarding the draft ordinance.

The updated draft ordinance (Attachment 1) also reflects the February 15 discussion regarding incorporation of a decision matrix regarding the review process for properties that contribute to the historic district and those that do not. Also, with staff proposed changes which provides consistency in city notice and appeal requirements, the updated draft ordinance is ready for Committee review.

The purpose of the Committee was to provide a recommendation to the City Council on possible changes to the city’s existing Historic Preservation Ordinance. The Committee made that recommendation at this meeting subject to and further changes made by the Committee regarding the draft ordinance. Staff has also provided a clean copy version for Committee review (Attachment 2).

Action Requested:
That the committee discuss and review the material provided and make a motion recommending the draft ordinance to the City Council for consideration.

Attachments:
1. Nevada SHPO model ordinance as modified by the committee
2. Clean Copy of the draft ordinance
ORDINANCE NO. XXXXX AN ORDINANCE FOR THE CITY OF BOULDER CITY, IN THE STATE OF NEVADA, PROVIDING FOR THE REPEAL OF THE CURRENT CHAPTER REGARDING HISTORIC RESOURCES; ENACTING A NEW CHAPTER GOVERNING HISTORIC RESOURCES TO BE KNOWN AS TITLE 11, CHAPTER 27, “HISTORIC PRESERVATION ORDINANCE”; THE ESTABLISHMENT OF THE HISTORIC PRESERVATION COMMISSION IN TITLE 3; PROVIDING FOR DUTIES AND FUNDING FOR THE SAID COMMISSION; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, Chapters 278 and 384 of the Nevada Revised Statutes empowers cities and counties to make provisions for the identification and preservation of historic sites; and,

WHEREAS, the City Council of the City of Boulder City deems it in the best interest of the community to establish a historic preservation ordinance;

NOW THEREFORE, THE CITY COUNCIL OF BOULDER CITY DO ORDAIN:

Section 1. Boulder City, Nevada, does by this Ordinance hereby repeal current Boulder City Municipal Code, Title 11, “Zoning and Subdivisions,” Chapter 27, “Historic Resources,” and replace with a new Chapter 27 to be known and cited as the “Boulder City Historic Preservation Ordinance,” and Title 3, “Boards and Commissions” to be amended to add a new Chapter 7 “Historic Preservation Commission” as shown on Exhibit A.

Section 2. VALIDITY. Each section and each provision or requirement of any section of this Ordinance shall be considered separable and the invalidity of any portion shall not affect the validity or enforceability of any other portion.

Section 3. PUBLICATION. The City Clerk shall cause this Ordinance to be published in summary on ______ in the Las Vegas Review Journal, a daily newspaper published in Las Vegas, Nevada.

Section 4. EFFECTIVE. This Ordinance shall become effective the _____ day of ____________, 20__.

DATED and APPROVED this ___ day of ____________, 20__.
NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BOULDER CITY THAT A NEW CHAPTER BE, AND THE SAME HEREBY IS, ENACTED TO BE DESIGNATED AS CHAPTER 27 OF THE HISTORIC PRESERVATION CODE, OF THE ORDINANCES OF THE CITY OF BOULDER CITY, AND TITLE 3 “BOARDS AND COMMISSIONS” TO BE AMENDED TO ADD A NEW CHAPTER 7 “HISTORIC PRESERVATION COMMISSION” WHICH SHALL READ AS FOLLOWS:

11-27-1 SHORT TITLE
11-27-2 PURPOSE
11-27-3 DEFINITIONS
11-27-4 ORGANIZATION, OFFICERS, RULES, MEETINGS
11-27-5 PROCEDURES FOR LANDMARK OR HISTORIC DISTRICT RECOMMENDATIONS CERTIFICATES OF APPROPRIATENESS OR ALTERATIONS OR NEW CONSTRUCTION AFFECTING LANDMARKS OR HISTORIC DISTRICTS PROPERTIES
11-27-6 DEMOLITION OF LANDMARKS AND CONTRIBUTING PROPERTIES IN HISTORIC DISTRICTS PROPERTIES
11-27-7 MINIMUM MAINTENANCE STANDARDS
11-27-8 ENFORCEMENT
11-27-9 SPECIAL RESTRICTIONS:
11-27-10 SEPARABILITY:
11-27-11 EFFECTIVE DATE
3-7-1 HISTORIC PRESERVATION COMMISSION
3-7-2 ORGANIZATION, OFFICERS, RULES, MEETINGS
3-7-3 POWERS, DUTIES, AND RESPONSIBILITIES OF THE COMMISSION

11-27-1 SHORT TITLE
This Chapter shall be known and may be cited as the Boulder City Historic Preservation Ordinance

11-27-2 PURPOSE
The purpose of this article Ordinance is to establish historic areas districts and landmarks properties for the educational, cultural, and economic benefit of City inhabitants, to raise public awareness of the benefits of historic preservation, and to encourage civic pride in Boulder City's history. Due to the pressures resulting from population growth and development, which may result in the destruction, impairment, or alteration of historic resources that reflect elements of the City's cultural and architectural heritage, the following policies and responsibilities are established:

A. protect and enhance the landmarks and districts historic properties which represent distinctive elements of Boulder City’s historic, architectural, and cultural heritage; preserve, protect, enhance, regulate, and use buildings, structures, sites, and areas which are unique or irreplaceable assets to the City and its neighborhoods, which provide examples of the physical surroundings in which past generations lived, or which are archaeologically significant for present and future generations;

B. protect and enhance Boulder City’s attractiveness to visitors and the support and stimulus to the economy thereby provided;

C. ensure the harmonious, orderly, and efficient growth and development of the City that is sensitive to its historic resources;
DRAFT HISTORIC PRESERVATION ORDINANCE

HPO Historic Preservation Officer

D. promote economic prosperity and welfare of the community by encouraging the most appropriate use of historic properties within the City;

E. encourage stabilization, restoration, and improvements of such properties and their values by offering incentives for rehabilitation;

F. provide a mechanism for identifying and preserving the historic and architectural resources of the City; and

G. enhance the character of the community by taking the preservation of historic resources into account during development, and to assist property owners in the preservation and restoration of historic properties.

11-27-3 DEFINITIONS

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

**Adverse Effect.** Any *Alteration* or *Demolition* that results in the loss or diminution of the very characteristics that made the property eligible as a historic resource in the first place.

**Alteration.** Any construction, *addition*, replacement, erection, *addition*, or change of the exterior features of a Historic Property. For buildings, sites or structures, alteration includes without limitation the changing of roofing or siding materials; changing, eliminating, or adding doors, door frames, windows, window frames, shutters, fences, railings, porches, balconies, signs, or other ornamentation; the changing of paint color that is historically significant; regrading; *fillsitework*; implosion or other use of dynamite. The term does not include ordinary maintenance.

**Appropriate.** A determination of conformity with the adopted Design Guidelines and the Secretary of the Interior's Standards for Rehabilitation.

**Boulder City Historic Register.** The official record of all historic landmarks and districts maintained by the Community Development Department.

**Certificate of Appropriateness.** The document issued by the Historic Preservation Commission City approving alteration of any historic property designated under the authority of this article Ordinance as appropriate.

**Certificate of Appropriateness Approval Matrix.** The document adopted by the City Council that sets forth a matrix outlining whether a Certificate of Appropriateness requires review by the Historic Preservation Officer only or requires full Commission review based upon the extent of the *Alteration*.

**City.** The City of Boulder City.

**Commission.** The Historic Preservation Commission of the City of Boulder City.

**Contributing Property.** A property or resource in a historic district that contributes to a historic district’s historical significance through location, design, setting, materials, workmanship and association, and which shall be afforded the same considerations as landmarks.

**Demolition.** Any act or process that destroys or razes in whole or in part a building, site, or structure, or permanently impairs its structural integrity.

**Demolition by Neglect.** Intentional acts or omissions that allow a historic property to suffer severe deterioration, potentially beyond the point of repair.

**Design Guidelines.** Standards recommended by the Commission, adopted by the City Council, and intended for use by the Commission, the Historic Preservation Officer, property owners and tenants to ensure that rehabilitation and new construction respect the character of designated historic properties.

**Historic District.** A geographically definable area, urban or rural, designated as such by ordinance which includes or encompasses such historic properties including without limitation buildings, sites, structures, or objects, or landmarks as the Commission may determine to be appropriate for
DRAFT HISTORIC PRESERVATION ORDINANCE

Historic Preservation Officer

DRAFT HISTORIC PRESERVATION ORDINANCE

historic preservation and designated as such as a result of formal adoption by City Council under the terms of this Ordinance. Such designated district or districts need not be a single enclosed area nor do the areas or sites have to be contiguous to constitute a historic district. A historic district may include contributing, non-contributing or undeveloped properties.

**Historic Property.** Any building, structure, district, object, landscape, area or site that is significant in the history, architecture, archaeology or culture of this community, the state or the nation and designed as such as a result of formal adoption by the Boulder City Council under the terms of this Ordinance as either part of a historic district or individually.

**Designated Historic Property.** Any individual property or resource that contributes to a historic district, which has been designated historic as a result of formal adoption by City Council under the terms of this Ordinance.

**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 other significant in the history, architecture, archaeology or culture of this state, its communities or the Nation and conservation of historic properties.

**Historic Preservation Officer.** An independent preservation professional who must have a demonstrated interest in historic preservation, meets the Secretary of the Interior’s Professional Qualification Standards (SOI-PQS), and/or is a qualified professional in one or more pertinent fields such as historic preservation, historic architecture, urban design, archaeology, cultural geography, landscape architecture or land use planning.

**Landmark.** A prominent building, structure, area, site, object, or landscape officially designated as having special status and protection as a result of formal adoption by City Council under the terms of this Ordinance.

**Historic Property Register for Boulder City.** The Boulder City Historic Property Register is established for the purpose of listing the historic properties designated under the provisions of this Ordinance. The official record of all historic properties and districts are maintained by the Community Development Department.

**National Register of Historic Places.** The National Register of Historic Places (NRHP) is the United States federal government’s official list established by the National Historic Preservation Act of 1966 (as amended) and codified in 36 CFR 60 (as amended) of historically designated districts, sites, buildings, structures and objects deemed worthy of preservation for their local, state, or national historical, architectural, or cultural significance.

**Non-Contributing Property.** A building, site, structure, or object located within a historic district which does not add to a historic district’s sense of time, place, and historic development but may contribute in other aspects. A noncontributing property or resource may possess characteristics that make it important to the overall historic character of the historic district such as, but not limited to, mass, scale, streetscape features, setbacks or proximity to contributing structures. A building, site, structure or object within a historic district may be noncontributing because (a) it was not present during the period of significance, or (b) due to alterations, disturbances, additions, or other changes, it no longer possesses historic integrity reflecting its character at that time or is incapable of yielding important information about the period, or (c) it does not individually meet the National Register eligibility criteria. A noncontributing building, site, structure or object that is within an historic district remains subject to the Historic Preservation Ordinance. This classification has been designated through a survey and or a formal hearing process.

**Ordinary Maintenance.** Regular, cyclical, or seasonal care, upkeep, repair, or replacement of any portion of designated historic property or landmark in order to maintain a safe, sanitary, and stable condition. This type of work does not alter the exterior of the property, building, structure and does not require a Certificate of Appropriateness or building permit.

**Secretary of the Interior’s Standards for Rehabilitation.** Standards developed and adopted, as amended, by the Secretary of the Interior of the United States to guide work funded by, or otherwise conducted under the auspices of, the federal government on historic properties and archeological sites. Specific guidelines are given for preservation, rehabilitation, restoration and reconstruction. For further information refer to the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring &
11-27-4 PROCEDURES FOR LANDMARK OR HISTORIC DISTRICT PROPERTY RECOMMENDATIONS

A. Generally—Designation. The City Council may designate landmarks, historic districts, and properties or resources that contribute to historic districts in the City to accomplish the purposes of this article. In making such designations, the Council shall consider the recommendation of the Historic Preservation Commission.

B. Public Hearing. The Council shall conduct a public hearing on such historic designations according to public hearing procedures described in this chapter, and NRS 278 and 384.

C. Recommendation by the Historic Preservation Commission. In general, the Council will not schedule a public hearing for historic designation until the nomination for such designation is reviewed and approved by the Commission.

1. Public Hearing. The Commission shall conduct a public hearing on all historic designation recommendations of landmarks, landmark sites, historic districts, or designated historic properties.

2. Initiation of Process. A Commission member, the owner of the subject property, or any Council member may initiate consideration by the Commission of the recommendation of any site as a landmark, designated historic property, or historic district designation in writing. The decision to conduct a public hearing on the request shall be approved or denied by a majority of the Commission present.

   a. If a request for the recommendation is approved for a public hearing upon the recommendation of any site, notice of the proposed recommendation shall be mailed by certified mail to the owner of the property. Such notice shall describe the property affected and provide notice of the date, time, and place at which a hearing before the Commission shall be conducted.

   b. The hearing shall be not less than 30 days following the mailing of notice to the owner.

3. Recommendations on Landmarks and Historic Districts or Properties. At the conclusion of the public hearing, the Commission shall recommend to the Council the designation of a landmark, historic district, or historic property if such resource or collection of resources under the following guidelines:

   a. An individual landmark or historic property may be designated if it is at least fifty (50) years old and it substantially complies with two or more of the following:

      i. Possesses significance in history, architecture, archeology, and culture.

      ii. Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history.

      iii. Is associated with persons or events that have made a significant impact in our past.
iv. Represents the work of a master designer, builder, or craftsman.

v. Embodies the distinctive characteristics of a type, period, or method of construction.

vi. Represents an established and familiar visual feature of the City.

b. A historic district may be designated if it substantially complies with both of the following:

   - Contains properties and an environmental setting which meet two or more of the criteria for designation of a landmark or historic property, and;
   - Constitutes a distinct section of the City.

4. Recommended Waivers. The Commission's recommendation to the Council may include recommendations for exceptions from provisions of this Ordinance. The Commission in its recommendation shall describe the reasons for the decision and provide written notice of the decision to the property owner within ten days of the hearing. The Commission shall forward its recommendation to the Council.

5. National Register Designation. Inclusion of any area or property within the City in the National Register of Historic Places, as provided in the National Historic Preservation Act of 1966, shall not be construed as a local historic designation, and shall not automatically subject a property owner to the provisions of this chapter.

D. Economic Incentives. The Council, at its discretion, may make available economic incentives to enhance the possibility of designation as an historic landmark or district. The Council is further empowered to receive private or public grants that would enhance historic preservation property or district.

E. Community Significance Waivers. The Council shall also be empowered to designate items for "community significance waivers." Upon the recommendation of the Commission and subject to the requirements set forth in NRS Chapter 278, waivers to provisions of this Ordinance may be granted by the Council, including but not limited to setback and height restrictions that would otherwise require the removal of historic landmarks or structures within historic districts to be altered. Such a waiver may also exempt square footage, animation, and prohibitions or any other Code provision as indicated by the City Council. At Council's discretion, designation of community significance waivers may occur any time after the Commission has recommended landmark or historic district status for any item. The Council may award such designation without further review by the Commission.

1. Community Significance Waiver Criteria. The criteria for such designation shall be that the waiver is necessary to preserve the historic character or significance of the affected site. The protections and guidelines emanating from such designation shall be identical to those for historic landmarks or districts; and shall expire at the time the use that created the historical character of the item changes or ceases. Owners or managers of property containing items with community significance waivers shall paint, repair, and otherwise refurbish the items to keep them in good repair and working order. Failure to maintain the item may cause a rescission of the waiver designation.

F. Amendments. The Council may also amend or rescind its designation of any historic landmark, property, district, or community significance waiver. The Commission's
recommendation for such amendment or rescission of historic designation shall be effected
in the same manner and procedure as was followed in the original designation, including a
public hearing.

11-27-5 CERTIFICATES OF APPROPRIATENESS FOR ALTERATIONS OR NEW CONSTRUCTION
AFFECTING LANDMARKS OR HISTORIC DISTRICTS PROPERTIES

A. Applicability. No, except for ordinary or routine maintenance, no person shall carry out any
alteration of any landmark or any property within a historic district property making any
material change to the character-defining features of the property, or other exterior
elements visible from a public right-of-way which affect the appearance and cohesiveness
of the landmark or any property within a historic district without a Certificate of
Appropriateness. The application for a Certificate of Appropriateness must be reviewed
and approved by the Historic Preservation Officer or the Historic Preservation
Commission, pursuant to the provisions of this Ordinance prior to the issuance of any
building permit involving any property located within a historic district. The application
shall be required in addition to, and not in lieu of, any required building permit.

B. Review Criteria. In considering an application for a Certificate of Appropriateness, the Historic
Preservation Officer and the Historic Preservation Commission, City shall review the
application for compliance with the Secretary of the Interior’s Standards for Treatment of
Historic Properties and any applicable adopted Design Guidelines previously ratified by the City Council. The Secretary of the Interior’s Standards for Treatment of Historic Properties and any applicable adopted Design Guidelines shall apply to all historic properties designated as an historic district or historic landmark by the Council. All review criteria shall be made available to the applicant, and property owners of landmarks and properties located within historic districts, the public. The Historic Preservation Commission shall promulgate and make recommendations to update the adopted Design Guidelines as necessary, provided that the changes do not pose a conflict
with underlying land-use zoning and the changes do not take effect until ratified by
Council.

C. Procedure for Review. The procedure for obtaining a Certificate of Appropriateness may
be initiated by the City for all City-owned landmarks or proposed work within a historic
district, or by the individual property owner(s) of the subject landmark or for a property
located within a District. The owner shall submit a complete application to the Community Development Department for review and initial approval, approved by the Historic Preservation Officer, and final approval by the Commission prior to the commencement. Depending on the type of any work, an alteration(s) described in the
application for and pursuant to the Certificate of Appropriateness shall be made on
forms Approval Matrix, as prescribed by the City and shall be filed with the amended from
time to time, the Community Development Department along with fees in accordance with
the municipal fee schedule, if applicable, will either forward the application to the Historic
Preservation Officer to be reviewed as set forth in subsection 2, of this Section or to the
Commission as set forth in subsection 3 of this Section.

1. The Certificate of Appropriateness application shall contain:

a. Name, address, and contact information of applicant, and physical address of the
individual property.

b. Site plan of the individual property or map indicating the area of the proposed
work showing all affected buildings and/or structures on the site.
c. Photographs of the existing conditions of the property, adjacent properties, as well as any historical photographs, if available.

d. A written statement explaining alteration or new construction request.

e. Any other information which the Commission may deem necessary pursuant to this section.

1.2. Administrative design review affecting landmarks and properties located in districts pursuant to the Certificate of Appropriateness Approval Matrix.

a. Upon receipt of a completed Certificate of Appropriateness application as determined by the Certificate of Appropriateness Approval Matrix, the Historic Preservation Officer shall review the application for a preliminary determination of compliance with the Secretary of the Interior’s Standards for Rehabilitation and the adopted Design Guidelines. The applicant is encouraged to schedule a meeting with the Historic Preservation Officer prior to the submittal of an application to discuss the proposed work and get initial design direction. The Historic Preservation Officer reserves the right to forward any Certificate of Appropriateness application to the Historic Preservation Commission for preliminary review and approval when design policy is needed or if unable to determine compliance with the Secretary of the Interior’s Standards for Rehabilitation or the Design Guidelines. Proposed work to all City-owned landmarks, designated historic properties, all proposed work within a historic district, and for all City preservation related incentive programs or federal projects must be reviewed by the Historic Preservation Commission as set forth in paragraph (C)(2) of this section.

b. Within five (5) days of receipt of a completed Certificate of Appropriateness application and a preliminary determination of compliance, notice of the pending Commission action shall be mailed to the property owner(s), to all property owner(s) within three hundred (300) feet of the exterior boundary of the applicant property, and posted on the property by the City establishing a fourteen (14) day period in which written comments may be submitted to the Historic Preservation Commission.

At the end of the notice period, the Historic Preservation Officer shall schedule the application for the Commission to review the application and any comments received for design compliance consensus.

c. The Historic Preservation Officer shall prepare a preliminary recommendation of approval or denial consisting of written findings of fact, conclusions of law, and any specific conditions of approval (if any), supporting the recommendation within 30 days. The Historic Preservation Officer shall also provide anyone who submitted written comments with a copy and forward its recommendation to the Community Development Department for building permit review. Any specific conditions of approval as identified by the Historic Preservation Officer shall be attached to the construction documents.

c. The Historic Preservation Officer reserves the right to forward any Certificate of Appropriateness application to the Commission for review and approval when direction on design policy is needed or if unable to determine compliance with the Secretary of the Interior’s Standards for Rehabilitation or the Design Guidelines.

d. If the Historic Preservation Officer finds the proposed work will have an adverse effect on the landmark, historic property located within an historic district, or if the proposed work is inconsistent with the Secretary of the Interior’s Standards for Rehabilitation or adopted Design Guidelines, the Historic Commission may deem necessary pursuant to this section.
Preservation Officers shall prepare written reasoning for recommending disapproval of the application and specify any changes to the application which are necessary for approval of same.

3. Commission design review affecting landmarkspursuant to the Certificate of Appropriateness Approval Matrix.

   a. Upon receipt of a completed Certificate of Appropriateness application as determined by the Certificate of Appropriateness Approval Matrix, the Historic Preservation Officer shall review the application for a preliminary determination of compliance with the Secretary of the Interior’s Standards for Rehabilitation and properties located in districts—the Design Guidelines. The applicant is encouraged to schedule a meeting with the Historic Preservation Officer prior to the submittal of an application to discuss the proposed work and get initial design direction.

   b. Proposed work to all City-owned Historic Properties and for all City preservation related incentive programs or federal projects must be reviewed by the Historic Preservation Officer.

   c. Within five (5) business days of receipt of a completed Certificate of Appropriateness application and a preliminary determination of compliance, the Community Development Department shall schedule a public hearing at the next available regularly scheduled Historic Preservation Commission meeting. Notice of the pending Commission hearing for compliance with the Secretary of the Interior’s Standards for Rehabilitation and any adopted Design Guidelines must be mailed to the property owner(s), posted on within 300 feet of the subject property, and provided to all parties who provided written comments for the Commission hearing. A published notice of the scheduled hearing shall also be made in accordance with Nevada Open Meeting Law. All review criteria shall be made available to the applicant prior to the hearing.

   d. The Historic Preservation Commission shall review the application at a regularly scheduled meeting. At that time, the applicant shall have an opportunity to be heard, present testimony and evidence to demonstrate that the proposed work is in compliance with the Secretary of the Interior’s Standards for Rehabilitation and any adopted Design Guidelines. Other interested parties and technical experts may also present testimony or documentary evidence which will become part of a record. The burden of proof shall be upon the applicant. In the event a hearing is not scheduled within ninety (90) days of receipt of the application, a Certificate of Appropriateness shall be considered be granted.

   e. The Historic Preservation Commission may take action to approve, postpone requesting additional information, or deny the application. If no hearing has been scheduled within ninety (90) days of the original receipt of the application by the Community Development Department, a Certificate of Appropriateness shall be deemed issued and the Historic Preservation Officer shall so advise the applicant in writing.

   f. If the Commission approves the application, the Historic Preservation Officer shall issue a Certificate of Appropriateness to the applicant with the written findings of fact, conclusions of law and any specific conditions of approval (if any) supporting the decision. The Historic Preservation Officer shall also provide...
anyone who submitted written comments with a copy and forward the Historic Preservation Commission’s decision to the Community Development Department. Any specific conditions of approval made by the Commission shall be attached to the construction documents prior to the issuance of any building permit. No subsequent changes shall be made to the approved design without the prior review and approval of the Historic Preservation Commission. An applicant shall have one (1) year from the date of issuance of a Certificate of Appropriateness to secure a building permit for the specified improvements or the Certificate of Appropriateness shall become null and void.

If the Commission finds the proposed work will have an adverse effect on the landmark or historic property located within or the historic district, or if the proposed work is inconsistent with the Secretary of the Interior’s Standards for Rehabilitation or any applicable adopted Design Guidelines, the Commission shall advise the applicant at the hearing of the disapproval of the application and of any changes to the application which are necessary to approval of the same. Within five (5) days following the meeting, the Historic Preservation Officer shall provide the applicant and any written commenter noticing in writing of the disapproval of the application and of any changes to the application which are necessary for approval of the same. Within five (5) days following the meeting, the City shall provide the applicant in writing the Commission decision. A Certificate of Appropriateness application that has been denied may not be resubmitted for one (1) year without incorporating changes to the application which are necessary for approval of the same.

The applicant or any persons adversely affected by any decision by the action of the Commission may appeal the decision to the City Council. Appeal requests shall be filed in writing to the Historic Preservation Officer within ten (10) days of receipt of the decision or within fourteen (14) calendar days of the decision. The Historic Preservation Officer shall schedule the appeal for a public hearing at the next available regularly scheduled Council meeting. Notice of the appeal shall be posted on the property for a period of fourteen (14) days upon receipt of a formal appeal request. A written notice of the public hearing for the appeal request shall also be provided to all parties who received mailed notice for the Commission hearing.

The City Council shall give notice, follow publication procedure, and hold a public hearing on the appeal in the manner set forth in Title 11, Chapter 34. Appeals to the City Council shall be considered only on the record made before the Commission, and may only allege that the Commission’s decision was arbitrary, capricious, or illegal.

D.C. Ordinary Maintenance. Nothing in this Ordinance shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district which does not involve a change in design, material, or outward appearance that require the issuance of a building permit. In-kind repair, replacement and repainting is included in the definition of ordinary maintenance unless painting involves an exterior masonry surface that was not previously painted.

11-27-6 DEMOLITION OF LANDMARKS AND CONTRIBUTING HISTORIC PROPERTIES IN HISTORIC DISTRICTS

It is the intent of this chapter to preserve the historic and architectural resources of the City through
limitations on demolition and removal of landmarks and contributing resources in historic districts to the extent it is economically feasible practical and necessary. The demolition or removal of historic buildings, structures, and sites in the City diminishes the character of the City’s historic districts and it is strongly discouraged. Instead the City recommends and supports preservation rehabilitation or relocation within the historic district. It is recognized however that structural deterioration, economic hardship and other factors not entirely within the control of the property owner may result in the necessary demolition or removal of a historic building structure or site.

A. Removal or repair of hazardous or dangerous landmarks or property within a historic district.  
1. If the building official determines a landmark or property within a historic district to be structurally unsound and a hazardous or dangerous building pursuant to the provisions found in the City’s adopted building code, the building official shall be required to provide written notice to the Commission of the ordered removal or repair of the property prior to taking such action.
2. The property owner(s) of the demolished landmark or property located within a historic district removed under this procedure is subject to the penalties found in Section 11-27-8, if the Commission finds demolition by neglect.

B. Certificates of Appropriateness for demolition affecting landmarks or historic districts.  

No person shall carry out the demolition of a landmark or property within a historic district, including secondary buildings and landscape features that are not previously deemed a hazardous or dangerous building by the building official, without the review and approval of a Certificate of Appropriateness for Demolition application by the Commission. The application shall be required in addition to, and not in lieu of, any required building permit.

1. In the absence of a determination by the building official of the subject property as a hazardous or dangerous building, the Commission may consider an application for a Certificate of Appropriateness for demolition of a landmark or property within a historic district, only if it meets compliance with one of the following:
   a. The subject building, structure or object is an accessory building and/or landscape feature that is not integral to the historic interpretation or integrity of the landmark.
   b. The applicant is requesting a Certificate of Appropriateness for demolition of a landmark on the basis of economic hardship pursuant to paragraph (C)(3) of this section.
   c. The subject building, structure or object has lost its architectural significance and integrity over time for reasons not entirely within the control of the current or previous property owner(s).

C. Procedure for Certificates of Appropriateness for demolition affecting landmarks or historic districts.

The procedure for obtaining a Certificate of Appropriateness for demolition may be initiated by the City for all City-owned landmarks or proposed work within a historic district or by the individual property owner(s) of the subject landmark or property within a historic district. The application must be submitted to the Historic Preservation Officer for review and approval by the Commission prior to any demolition or removal.
to the commencement of any work. An application for Certificate of Appropriateness for demolition shall be made on forms as prescribed by the City and shall be filed with the Community Development Department.

1. **The application shall contain:**
   a. Name, address, and contact information of applicant, and physical address of the individual property.
   b. Site plan of the individual property or map indicating the area of the proposed demolition showing all affected buildings and/or structures on the site.
   c. Photographs of the existing conditions of the property, adjacent properties, as well as any historical photographs, if available.
   d. A written statement explaining justification for demolition.
   e. All future development plans for the property, if available.
   f. Any other information which the Commission may deem necessary pursuant to this section.

2. An individual property that is under review by the City for a Certificate of Appropriateness for demolition shall be protected by and subject to all of the provisions of this Article Ordinance governing demolition, minimum maintenance standards and penalties until a final decision by the Commission becomes effective.

3. The procedure for a Certificate of Appropriateness for Demolition application shall be the same as provided for in subsection C(3) of Section 11-27-65.

4. **The procedure for a Certificate of Appropriateness for demolition application involving a claim of economic hardship shall be as follows:**
   a. No Certificate of Appropriateness for Demolition involving a claim of economic hardship may be approved, nor shall a building permit for demolition be issued by the City unless the owner proves compliance with the following standards for economic hardship:
      i. The property is incapable of earning a reasonable return in its current or rehabilitated state, regardless of whether that return represents the most profitable return possible.
      ii. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return.
      iii. Earnest and reasonable efforts to find a purchaser interested in acquiring the property and preserving it have failed.
      iv. The property cannot be moved or relocated to another, similar site or, for contributing properties within a historic district, to a new location within the historic district.
   b. The City Council shall adopt by resolution separate criteria for review in considering claims of economic hardship for investment for income producing
and non-income producing properties, as recommended by the Commission. Non-income properties shall consist of owner occupied single family dwellings and non-income producing institutional properties. All standards for review shall be made available to the owner prior to the hearing. The information to be considered by the City may include but not be limited to the following:

- Purchase date price and financing arrangements
- Current market value
- Form of ownership
- Type of occupancy
- Cost estimates of demolition and post demolition plans for development
- Maintenance and operating costs
- Inspection report by licensed architect or structural engineer having experience working with historic properties
- Costs and engineering feasibility for rehabilitation
- Property tax information
- Rental rates and gross income from the property
- Other additional information as deemed appropriate

Claims of economic hardship by the owner shall not be based on conditions resulting from:

- Evidence of demolition by neglect or other willful and negligent acts by the owner
- Purchasing the property for substantially more than market value at the time of purchase
- Failure to perform normal maintenance and repairs
- Failure to diligently solicit and retain tenants
- Failure to provide normal tenant improvements

Throughout the process, the applicant shall consult in good faith with the Historic Preservation Officer, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property. Such efforts must be demonstrated to the Commission at the hearing.

c. Upon receipt of a completed Certificate of Appropriateness for demolition application, the Historic Preservation Officer shall review the application for a preliminary determination of compliance with the standards for economic hardship and the criteria for review found in this section. The applicant is encouraged to schedule a meeting with the Historic Preservation Officer prior...
Draft Historic Preservation Ordinance

HPO Historic Preservation Officer

to the submittal of an application to discuss the application and receive initial direction.

f. Within five (5) days of receipt of a completed Certificate of Appropriateness involving a claim of Economic Hardship and a preliminary determination of compliance by the Historic Preservation Officer, the Community Development Department shall schedule a public hearing at the next available regularly scheduled Commission meeting. Notice of the pending Commission hearing for compliance with the standards for economic hardship and the criteria for review. Notice of the hearing shall be mailed to the property owner(s), to property owner(s) within three hundred (300) feet of the exterior boundary of the applicant property, and posted on the property by the City. The owner shall be required to stabilize and secure the property subject to the penalties of this Article Ordinance until a final decision by the Commission becomes effective. A published notice of the scheduled hearing shall also be made in accordance with Nevada Open Meeting Law (NRS 241). All review criteria and the formal written report to the Historic Preservation Officer shall be made available to the applicant prior to the hearing.

g.i. The Commission shall conduct its initial review of the application at a regularly scheduled meeting. At that time, the applicant shall have an opportunity to be heard, present testimony and evidence to demonstrate that standards for economic hardship and the criteria for review have been met. Other interested parties and technical experts may also present testimony or documentary evidence which will become part of the record. The burden of proof shall be upon the applicant. In the event the Commission does not act within ninety (90) days of receipt of the application, a Certificate of Appropriateness for demolition may be considered granted.

h.ii. In considering the application, the Commission shall take action to postpone the application in order to establish a stay of demolition period, during which time the owner shall allow the city to post a sign stating that the property is subject to demolition. Said sign shall be readable from a point of public access and state that more information may be obtained from the Historic Preservation Officer for the duration of the stay. The owner shall conduct in good faith with the City, local preservation organizations, and interested parties a diligent effort to seek an alternative that will result in the rehabilitation of the landmark or contributing resource in a historic district or property. Negotiations may include, but are not limited to, such actions to utilize various preservation incentive programs, sell or lease the property, or facilitate proceedings for the City to acquire the property under its power of eminent domain, if appropriate and financially possible. If negotiations are successful, the Certificate for Appropriateness for demolition application shall be considered withdrawn and all associated applications closed.

i.iii. If approved, the Historic Preservation Officer shall issue a Certificate of Appropriateness to the applicant with the written findings of fact, conclusions of law and any specific conditions of approval (if any) supporting the decision. The Historic Preservation Officer shall also provide anyone who submitted written comments with a copy and forward of the Commission’s decision to the Community Development Department's written findings. The approval shall be valid for one (1) year from the hearing date of the Commission’s final decision. The historic property shall immediately be removed from the Boulder City’s Historic Register, any official public records of real property of Clark County, and the official zoning maps of the City.

4.5 Prior to demolition, the City may, as a condition of approval, require the owner to provide
5.6 Approval for the demolition of a structure may be conditioned upon the construction of an acceptable replacement structure, or landscape or park plan. A bond or other financial guaranty in the amount of the cost of the replacement structure may be required in order to assure the construction of the replacement structure, or park, or landscape plan.

6.7 Denial of a Certificate of Appropriateness application for demolition involving economic hardship shall prevent the owner from demolishing the property or reapplying for another Certificate of Appropriateness application for demolition for a period of three (3) years from the hearing date of the Commission’s final decision, unless substantial changes in circumstances have occurred other than resale of the property or those caused by acts beyond the control of the owner. It shall be the responsibility of the owner to stabilize and maintain the minimum maintenance standards for the property so as not to create a hazardous or dangerous building, as outlined in Section 11-27-7 herein.

a. The City may continue to provide the owner with information regarding financial assistance for the necessary rehabilitation or repair work as it becomes available.

b. The owner may appeal the decision of the Commission to the City Council. Appeal requests shall be filed in writing to the Historic Preservation Officer within ten seven (7) calendar days of the Commission’s decision. The City Council shall give notice, follow publication procedure, hold a public hearing on the appeal in the manner set forth in accordance with the provisions of NRS 278.3195 and Title 11, Chapter 34, of the City Code. Appeals to the City Council shall be considered only on the record made before the Commission, and may only allege that the Commission’s decision was arbitrary, capricious, or illegal.

11-27-7 MINIMUM MAINTENANCE STANDARDS

No owner or person with an interest in real property designated as a landmark or a property located within a historic district shall permit the property to fall into a serious state of disrepair so as to result in the significant deterioration of any exterior architectural feature which would, in the judgment of the Commission, create a detrimental effect upon the historic character of the landmark or historic district.

A. Examples of serious disrepair or significant deterioration:

1. Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.

2. Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling.

3. Deterioration or crumbling of exterior plaster finishes, surfaces or mortars.

4. Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.

5. Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
6. Rotting, holes, and other forms of material decay.

7. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling.

8. Deterioration that has a detrimental effect upon the special character of a historic district as a whole or the unique attributes and character of the contributing structure.

9. Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.

B. Procedure to mitigate demolition by neglect.

Demolition by neglect refers to the gradual deterioration of a property when routine or minimum maintenance is not performed. The Historic Preservation Officer and other City staff shall work together in an effort to reduce demolition by neglect involving landmarks or properties located within historic districts within the City. A demolition by neglect citation as determined by the Commission may be issued against the owner of the property for failure to comply with the minimum maintenance standards by permitting the subject property to exhibit serious disrepair or significant deterioration as outlined in paragraph (A) of this section.

1. While the Historic Preservation Officer will act as the point of contact, the Community Development Department staff shall, when needed, assist with inspections. If there is a dispute between the Historic Preservation Officer and City staff, the City Manager may be consulted as a mitigating party.

2. The procedure for citing a property for demolition by neglect shall be as follows:

   a. Initial identification is made by visual inspection of the area by the Historic Preservation Officer, a Commission member, or by referral from someone in the area. Any referrals shall be made in writing and shall be submitted to the Historic Preservation Officer or Community Development Department.

      i. Once the initial identification is made, followed by a preliminary determination by the Historic Preservation Officer, the property owner shall be notified by US mail of the defects of the building and informed of various incentive programs that may be available for repair. The owner is given thirty (30) days in which to respond to the preliminary determination by submitting a stabilization proposal to Historic Preservation Officer. If the property owner is cited for the condition of demolition by neglect of the property, the property owner has fourteen (14) days to submit a stabilization proposal to the Historic Preservation Officer, and one (1) year to correct the defects.

      ii. If the property owner does respond with a stabilization proposal, the owner may be cited pursuant to Section 11-27-8.

 iv. The stabilization proposal will be presented to the Commission at the next available meeting. If the Commission approves the proposal, a Certificate of Appropriateness (if necessary) may be issued administratively by the Historic Preservation Officer. The approval will detail the specific work which is necessary to correct the demolition by neglect conditions, as well as a time period to begin and complete the work. The Historic Preservation Officer shall update
the Commission on the status of the property every thirty (30) days once work begins on the property.

iii. If the property owner receives the letter regarding the preliminary determination, but fails to respond, a second notice shall be sent in the same manner as described above.

iv. If the property owner fails to receive and/or respond to the letter regarding the preliminary determination after two (2) attempts, the matter returns to the Commission for a citation hearing. The Historic Preservation Officer shall send a third notice via certified mail informing the owner of the hearing, the property is posted with a notice of the violation in accordance with the provisions of this chapter, and a public hearing on the citation is scheduled.

v. At the public hearing the owner is invited to address the Commission’s concerns and to show cause why a citation should not be issued. The Commission may take action to approve any proposed work, defer the matter to give the owner more time either to correct the deficiencies or make a proposal for stabilization, or issue a citation to the owner of the property for failure to correct the demolition by neglect conditions.

vi. If the owner is cited for the condition of demolition by neglect of the property, he is given fourteen (14) days to submit a stabilization proposal to the Historic Preservation Officer, and at the discretion of the Commission, up to one (1) year to correct the defects. The Historic Preservation Officer shall update the Commission on the status of the property every thirty (30) days once work begins on the property.

vii. If the owner does respond with a stabilization proposal, the matter is turned over to the City Attorney’s office for appropriate action.

11-27-8 ENFORCEMENT

All work performed pursuant to a Certificate of Appropriateness issued under this Ordinance shall conform to any requirements included therein. It shall be the duty of the building inspector to inspect periodically any such work to assure compliance. In the event work is not being performed in accordance with the Certificate of Appropriateness, or upon notification of such fact by the Commission and verification by the Historic Preservation Officer, the building inspector shall issue a stop work order and all work shall immediately cease. The property owner shall then be required to apply for a hearing before the Commission to explain the non-compliance. No further work shall be undertaken on the project as long as a stop work is in effect until a decision is rendered by the Commission on the application.

A. Penalties. It shall be unlawful to construct, reconstruct, significantly alter, restore, or demolish any building or structure designated as a landmark or in a historic district property in violation of the provisions of this Article Ordinance. The City, in addition to other remedies, may institute any appropriate action or proceeding to prevent such unlawful construction, reconstruction, significant alteration, or demolition to restrain correct or abate such violation or to prevent any illegal act business or maintenance in and about such premises including acquisition of the property.

1. Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor. Every calendar day of the violation of this chapter exists constitutes a separate offense.

2. Any person making any alteration without a building permit may be fined a civil fine not to exceed $500 for each offense. Each calendar day the violation
continues shall be considered a separate offense.

3. The removal or demolition of any structure listed on the Historic Register without a Certificate of Appropriateness shall result in a five-year stay in the issuance of a building permit for any construction at the site previously occupied by the historic structure.

4. The removal or demolition of any structure listed on the historic inventory without an approved Certificate of Appropriateness or building permit shall result in a two-year stay in the issuance of a building permit for any construction at the site previously occupied by the historic structure.

5. Any person who partially or completely demolishes a structure listed on the Historic Register or may be subject to an administrative penalty of not to exceed (Sx,XXX) for each violation. The determination of the application of this provision and the amount of the penalty fee shall be determined at a public hearing by the City Council upon recommendation from the Commission. The determination shall be based on the extent of the partial demolition and the benefits received, including setback and parking incentives.

6. In the event a landmark or structure within a historic district is demolished, the City may also file an action in a court of competent jurisdiction to seek mandatory reconstruction of the structure.

7. Remedies under this section are in addition all other available remedies at law including injunctive relief.

11-27-9 SPECIAL RESTRICTIONS:

Under the provisions of Nevada Revised Statutes, Chapters 278 and 384, the City of Boulder City may provide by ordinances, special conditions or restrictions for the protection, enhancement and preservation of locally designated historic properties.

[Note: title and paragraph are required for CLG status]

11-27-10 SEPARABILITY:

If any section, subsection, sentence, clause or phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

[Note: title and paragraph are required for CLG status]

11-27-11 EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law. PASSED AND APPROVED this_______ day of __________, 2022. City of Boulder City, a municipal corporation of the State of Nevada.

[Note: title and paragraph are required for CLG status]

3-7-1 HISTORIC PRESERVATION COMMISSION

A. There is hereby created a Historic Preservation Commission which shall consist of 5 members who shall be appointed by the City Council.

B. All members of the Commission shall have a demonstrated interest, competence, or knowledge in history or historic preservation. The Council shall appoint at least one (1) member with professional training or experience in the disciplines of architecture, history, architectural
DRAFT HISTORIC PRESERVATION ORDINANCE

HPO Historic Preservation Officer

history, urban planning, archaeology, engineering, conservation, landscape architecture, law, or other historic preservation related disciplines.

[Note: The title and sections A & B are required for CLG status]

C. Initial appointments to the Commission shall be made as follows: Half of appointed Commissioners shall serve for one-year terms and half for two-year terms, except as otherwise established by Council. All subsequent appointments shall be made for two-year terms. Commission members may be reappointed to serve additional terms. Vacancies shall be filled in the same manner as original appointments and the appointee shall serve for the remainder of the unexpired term.

D. The members of the Commission may be reimbursed by the City for expenses incurred in connection with their duties.

3-7-2 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 Section 3-7-3. Rules of procedure and bylaws adopted by the Commission shall be available for public inspection.

B. The Commission shall elect officers from among the Commission members. The chairperson shall preside at meetings of the Commission. The vice-chairperson shall, lacking the chairperson, perform the duties of the chairperson.

C. The Commission shall meet as needed to accomplish its business, but not less than once per month. All meetings of the Commission shall be open to the public, and follow the requirements of Nevada's open meeting laws (NRS 241). The Commission shall keep minutes and other appropriate written records of its resolutions, proceedings, and actions.

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

[Note: The title, cover sentence & section A are required for CLG status]

3-7-3 POWERS, DUTIES, AND RESPONSIBILITIES OF THE COMMISSION

In general, the Commission shall be advisory to the City Council and shall be authorized to:

A. Conduct a survey of local historic properties, maintain and record a detailed inventory of historic properties, and record an inventory of landmarks and designated historic properties in historic districts in the Boulder City Historic Register.

[Note: The title, cover sentence & section A are required for CLG status]

B. Establish bylaws, rules, and procedures as necessary to conduct Commission business.

C. Recommend the acquisition of fee and lesser interests in historic properties, including adjacent or associated lands, by purchase, bequest, or donation.

D. Recommend methods and procedures necessary to preserve, restore, maintain and operate historic properties under the ownership or control of the City as set forth in the Design Guidelines recommended by the Commission, and adopted by the City Council.

E. 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.
F. Contract, with the approval of the Council, with the state or federal government, or any agency of either, or with any other organization.

G. Cooperate with the federal, state, and local governments in the pursuance of the objectives of historic preservation.

H. Make recommendations in the planning processes undertaken by the county, the City, the state, or the federal government and the agencies of these entities.

I. Recommend ordinances and otherwise provide information for the purposes of historic preservation in the City.


[Note: sections E, F, G & H are required for CLG status]

J. Promote and conduct an educational and interpretive program on historic preservation and historic properties in the City.

K. Commission members, employees or agents of the Commission may enter private property, buildings, or structures in the performance of its official duties only with the express consent of the owner or occupant thereof.

L. Review nominations of properties to the National Register of Historic Places for properties within the City’s jurisdiction.

[Note: sections J and L are required for CLG status]
ORDINANCE NO. XXXXX AN ORDINANCE FOR THE CITY OF BOULDER CITY, IN THE STATE OF NEVADA, PROVIDING FOR THE REPEAL OF THE CURRENT CHAPTER REGARDING HISTORIC RESOURCES; ENACTING A NEW CHAPTER GOVERNING HISTORIC RESOURCES TO BE KNOWN AS TITLE 11, CHAPTER 27, “HISTORIC PRESERVATION ORDINANCE”; THE ESTABLISHMENT OF THE HISTORIC PRESERVATION COMMISSION IN TITLE 3; PROVIDING FOR DUTIES AND FUNDING FOR THE SAID COMMISSION; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, Chapters 278 and 384 of the Nevada Revised Statutes empowers cities and counties to make provisions for the identification and preservation of historic sites; and,

WHEREAS, the City Council of the City of Boulder City deems it in the best interest of the community to establish a historic preservation ordinance;

NOW THEREFORE, THE CITY COUNCIL OF BOULDER CITY DO ORDAIN:

Section 1. Boulder City, Nevada, does by this Ordinance hereby repeal current Boulder City Municipal Code, Title 11, “Zoning and Subdivisions,” Chapter 27, “Historic Resources,” and replace with a new Chapter 27 to be known and cited as the “Boulder City Historic Preservation Ordinance,” and Title 3, “Boards and Commissions” to be amended to add a new Chapter 7 “Historic Preservation Commission” as shown on Exhibit A.

Section 2. VALIDITY. Each section and each provision or requirement of any section of this Ordinance shall be considered separable and the invalidity of any portion shall not affect the validity or enforceability of any other portion.

Section 3. PUBLICATION. The City Clerk shall cause this Ordinance to be published in summary on ________________ in the Las Vegas Review Journal, a daily newspaper published in Las Vegas, Nevada.

Section 4. EFFECTIVE. This Ordinance shall become effective the _____ day of ____________, 20__.

DATED and APPROVED this ___ day of ___________, 20__.
NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BOULDER CITY THAT A NEW CHAPTER BE, AND THE SAME HEREBY IS, ENACTED TO BE DESIGNATED AS CHAPTER 27 OF THE HISTORIC PRESERVATION CODE, OF THE ORDINANCES OF THE CITY OF BOULDER CITY, AND TITLE 3 "BOARDS AND COMMISSIONS" TO BE AMENDED TO ADD A NEW CHAPTER 7 “HISTORIC PRESERVATION COMMISSION” WHICH SHALL READ AS FOLLOWS:

11-27-1 SHORT TITLE
11-27-2 PURPOSE
11-27-3 DEFINITIONS
11-27-4 ORGANIZATION, OFFICERS, RULES, MEETINGS
11-27-5 PROCEDURES FOR HISTORIC RECOMMENDATIONS CERTIFICATES OF APPROPRIATENESS OR ALTERATIONS OR NEW CONSTRUCTION AFFECTING HISTORIC PROPERTIES
11-27-6 DEMOLITION OF HISTORIC PROPERTIES
11-27-7 MINIMUM MAINTENANCE STANDARDS
11-27-8 ENFORCEMENT
11-27-9 SPECIAL RESTRICTIONS:
11-27-10 SEPARABILITY:
11-27-11 EFFECTIVE DATE
3-7-1 HISTORIC PRESERVATION COMMISSION
3-7-2 ORGANIZATION, OFFICERS, RULES, MEETINGS
3-7-3 POWERS, DUTIES, AND RESPONSIBILITIES OF THE COMMISSION

11-27-1 SHORT TITLE

This Chapter shall be known and may be cited as the Boulder City Historic Preservation Ordinance

11-27-2 PURPOSE

The purpose of this Ordinance is to establish historic districts and properties for the educational, cultural, and economic benefit of City inhabitants, to raise public awareness of the benefits of historic preservation, and to encourage civic pride in Boulder City's history. Due to the pressures resulting from population growth and development, which may result in the destruction, impairment, or alteration of historic resources that reflect elements of the City's cultural and architectural heritage, the following policies and responsibilities are established:

A. protect and enhance historic properties which represent distinctive elements of Boulder City’s historic, architectural, and cultural heritage; preserve, protect, enhance, regulate, and use buildings, structures, sites, and areas which are unique or irreplaceable assets to the City and its neighborhoods, which provide examples of the physical surroundings in which past generations lived, or which are archaeologically significant for present and future generations;

B. protect and enhance Boulder City’s attractiveness to visitors and the support and stimulus to the economy thereby provided;

C. ensure the harmonious, orderly, and efficient growth and development of the City that is sensitive to its historic resources;

D. promote economic prosperity and welfare of the community by encouraging the most
DRAFT HISTORIC PRESERVATION ORDINANCE

appropriate use of historic properties within the City;

E. encourage stabilization, restoration, and improvements of such properties and their values by offering incentives for rehabilitation;

F. provide a mechanism for identifying and preserving the historic resources of the City; and

G. enhance the character of the community by taking the preservation of historic resources into account during development, and to assist property owners in the preservation and restoration of historic properties.

11-27-3 DEFINITIONS

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

**Adverse Effect.** Any Alteration or Demolition that results in the loss or diminution of the very characteristics that made the property eligible as a historic resource in the first place.

**Alteration.** Any construction, addition, replacement, erection, addition, or change of the exterior features of a historic property. For buildings, sites or structures, alteration includes without limitation the changing of roofing or siding materials; changing, eliminating, or adding doors, door frames, windows, window frames, shutters, fences, railings, porches, balconies, signs, or other ornamentation; regrading; sitework; imploding or other use of dynamite. The term does not include ordinary maintenance.

**Appropriate.** A determination of conformity with the adopted Design Guidelines and the Secretary of the Interior's Standards for Rehabilitation.

**Certificate of Appropriateness.** The document issued by the City approving alteration of any historic property designated under the authority of this Ordinance as appropriate.

**Certificate of Appropriateness Approval Matrix.** The document adopted by the City Council that sets forth a matrix outlining whether a Certificate of Appropriateness requires review by the Historic Preservation Officer only or requires full Commission review based upon the extent of the Alteration.

**City.** The City of Boulder City.

**Commission.** The Historic Preservation Commission of the City of Boulder City.

**Contributing Property.** A property or resource in a historic district that contributes to a historic district’s historical significance through location, design, setting, materials, workmanship and association.

**Demolition.** Any act or process that destroys or razes in whole or in part a building, site, or structure, or permanently impairs its structural integrity.

**Demolition by Neglect.** Intentional acts or omissions that allow a historic property to suffer severe deterioration, potentially beyond the point of repair.

**Design Guidelines.** Standards recommended by the Commission, adopted by the City Council, and intended for use by the Commission, the Historic Preservation Officer, property owners and tenants to ensure that rehabilitation and new construction respect the character of designated historic properties.

**Historic District.** A geographically definable area, urban or rural, designated as such by ordinance which includes or encompasses such historic properties including without limitation buildings, sites, structures, or objects as the Commission may determine to be appropriate for historic preservation and designated as such as a result of formal adoption by City Council under the terms of this Ordinance. Such designated district or districts need not be a single enclosed area nor do the areas or sites have to be contiguous to constitute a historic district. A historic district may include contributing, non-contributing or undeveloped properties.

**Historic Property.** Any building, structure, object, landscape, area or site that is significant in the history, architecture, archaeology or culture of this community, the state or the nation and designed as such as a result of formal adoption by the Boulder City Council under the terms of
this Ordinance as either part of a historic district or individually.

**Historic Preservation.** The identification, evaluation, recordation, documentation, curation, acquisition, management, protection, restoration, rehabilitation, stabilization, maintenance, interpretation and conservation of historic properties.

**Historic Preservation Officer.** An independent preservation professional who must have a demonstrated interest in historic preservation, meets the Secretary of the Interior’s Professional Qualification Standards (SOI-PQS), and/or is a qualified professional in one or more pertinent fields such as historic preservation, historic architecture, urban design, archaeology, cultural geography, landscape architecture or land use planning.

**Historic Property Register for Boulder City.** The Boulder City Historic Property Register is established for the purpose of listing the historic properties designated under the provisions of this Ordinance. The official record of all historic properties and districts are maintained by the Community Development Department.

**National Register of Historic Places.** The National Register of Historic Places (NRHP) is the United States federal government's official list established by the National Historic Preservation Act of 1966 (as amended) and codified in 36 CFR 60 (as amended) of historically designated districts, sites, buildings, structures and objects deemed worthy of preservation for their local, state, or national historical, architectural, or cultural significance.

**Non-Contributing Property.** A building, site, structure, or object located within a historic district which does not add to a historic district’s sense of time, place, and historic development but may contribute in other aspects. A noncontributing property or resource may possess characteristics that make it important to the overall historic character of the historic district such as, but not limited to, mass, scale, streetscape features, setbacks or proximity to contributing structures. A building, site, structure or object within a historic district may be noncontributing because (a) it was not present during the period of significance, or (b) due to alterations, disturbances, additions, or other changes, it no longer possesses historic integrity reflecting its character at that time or is incapable of yielding important information about the period. A noncontributing building, site, structure or object that is within an historic district remains subject to the Historic Preservation Ordinance. This classification has been designated through a survey or a formal hearing process.

**Ordinary Maintenance.** Regular, cyclical, or seasonal care, upkeep, repair, or replacement of any portion of a historic property in order to maintain a safe, sanitary, and stable condition. This type of work does not alter the exterior of the property, building, structure and does not require a Certificate of Appropriateness or building permit.

**Secretary of the Interior’s Standards for Rehabilitation.** Standards developed and adopted, as amended, by the Secretary of the Interior of the United States to guide work funded by, or otherwise conducted under the auspices of, the federal government on historic properties and archeological sites. Specific guidelines are given for preservation, rehabilitation, restoration and reconstruction. For further information refer to the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings and the City’s Design Guidelines both available in the Community Development Department.

11-27-4 PROCEDURES FOR HISTORIC PROPERTY RECOMMENDATIONS

A. **Designation.** The City Council may designate historic properties or districts to accomplish the purposes of this Ordinance. In making such designations, the Council shall consider the recommendation of the Historic Preservation Commission.

B. **Public Hearing.** The Council shall conduct a public hearing on such historic designations according to public hearing procedures described in this chapter, and NRS 278 and 384.

C. **Recommendation by the Historic Preservation Commission.** In general, the Council will not schedule a public hearing for historic designation until the nomination for such designation is reviewed and approved by the Commission.
DRAFT HISTORIC PRESERVATION ORDINANCE

1. Public Hearing. The Commission shall conduct a public hearing on all historic designation recommendations.

2. Initiation of Process. The owner of the subject property, or any Council member may recommend a historic property designation in writing. The decision to consider the request shall be approved or denied by a majority of the Commission present.
   a. If the recommendation is not originated by the property owner, notice of the proposed recommendation shall be mailed by certified mail to the owner of the property. Such notice shall describe the property affected and provide notice of the date, time, and place at which a hearing before the Commission shall be conducted.
   b. The hearing shall be not less than 30 days following the mailing of notice to the owner.

3. Recommendations for Historic Districts or Properties. At the conclusion of the public hearing, the Commission shall recommend to the Council the designation of a historic property under the following guidelines:
   a. An individual historic property may be designated if it is at least fifty (50) years old and it substantially complies with two or more of the following:
      i. Possesses significance in history, architecture, archeology, and culture.
      ii. Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history.
      iii. Is associated with persons or events that have made a significant impact in our past.
      iv. Represents the work of a master designer, builder, or craftsman.
      v. Embodies the distinctive characteristics of a type, period, or method of construction.
      vi. Represents an established and familiar visual feature of the City.
   b. A historic district may be designated if it substantially complies with both of the following:
      i. Contains properties and an environmental setting which meet two or more of the criteria for designation of a historic property, and;
      ii. Constitutes a distinct section of the City.

4. Recommended Waivers. The Commission's recommendation to the Council may include recommendations for exceptions from provisions of this Ordinance. The Commission in its recommendation shall describe the reasons for the decision and provide written notice of the decision to the property owner within ten days of the hearing. The Commission shall forward its recommendation to the Council.

5. National Register Designation. Inclusion of any area or property within the City in the National Register of Historic Places, as provided in the National Historic Preservation Act of 1966, shall not be construed as a local historic designation, and shall not automatically subject a property owner to the provisions of this chapter.
D. **Economic Incentives.** The Council, at its discretion, may make available economic incentives to enhance the possibility of designation as an historic property or district.

E. **Community Significance Waivers.** The Council shall also be empowered to designate items for "community significance waivers." Upon the recommendation of the Commission and subject to the requirements set forth in NRS Chapter 278, waivers to provisions of this Ordinance may be granted by the Council, including but not limited to setback and height restrictions that would otherwise require the historic properties or structures within historic districts to be altered. Such a waiver may also exempt square footage, animation, and prohibitions or any other Code provision as indicated by the City Council. At Council's discretion, designation of community significance waivers may occur any time after the Commission has recommended historic status for any item. The Council may award such designation without further review by the Commission.

1. **Community Significance Waiver Criteria.** The criteria for such designation shall be that the waiver is necessary to preserve the historic character or significance of the affected site. The protections and guidelines emanating from such designation shall be identical to those for historic or districts and shall expire at the time the use that created the historical character of the item changes or ceases. Owners or managers of property containing items with community significance waivers shall paint, repair, and otherwise refurbish the items to keep them in good repair and working order. Failure to maintain the item may cause a rescission of the waiver designation.

F. **Amendments.** The Council may also amend or rescind its designation of any historic property, district, or community significance waiver. The Commission's recommendation for such amendment or rescission of historic designation shall be effected in the same manner and procedure as was followed in the original designation, including a public hearing.

11-27-5 CERTIFICATES OF APPROPRIATENESS FOR ALTERATIONS OR NEW CONSTRUCTION AFFECTING HISTORIC PROPERTIES

A. **Applicability.** Except for ordinary or routine maintenance, no person shall carry out any alteration of any historic property making any material change to the character-defining features of the property, or other exterior elements visible from a public right-of-way which affect the appearance and cohesiveness of the property without a Certificate of Appropriateness. The application for a Certificate of Appropriateness must be reviewed and approved by the City pursuant to the provisions of this Ordinance prior to the issuance of any building permit involving any property located within a historic district. The application shall be required in addition to, and not in lieu of, any required building permit.

B. **Review Criteria.** In considering an application for a Certificate of Appropriateness, the City shall review the application for compliance with the Secretary of the Interior’s Standards for Treatment of Historic Properties and the Design Guidelines adopted by the City Council. The Secretary of the Interior’s Standards for Treatment of Historic Properties and any applicable Design Guidelines shall apply to all historic properties. All review criteria shall be made available to the applicant, and the public. The Historic Preservation Commission shall promulgate and make recommendations to update the Design Guidelines as necessary, provided that the changes do not pose a conflict with underlying land-use zoning and the changes do not take effect until adopted by Council.

C. **Procedure for Review.** The procedure for obtaining a Certificate of Appropriateness begins with the submission of a complete application to the Community Development Department. Depending on the type of alteration(s) described in the application and pursuant to the
Certificate of Appropriateness Approval Matrix, as amended from time to time, the Community Development Department will either forward the application to the Historic Preservation Officer to be reviewed as set forth in subsection 2, of this Section or to the Commission as set forth in subsection 3 of this Section.

1. The Certificate of Appropriateness application shall contain:
   a. Name, address, and contact information of applicant, and physical address of the individual property.
   b. Site plan of the individual property or map indicating the area of the proposed work showing all affected buildings and/or structures on the site.
   c. Photographs of the existing conditions of the property, adjacent properties, as well as any historical photographs, if available.
   d. A written statement explaining alteration or new construction request.
   e. Any other information which the Commission may deem necessary pursuant to this section.

2. Administrative review pursuant to the Certificate of Appropriateness Approval Matrix.
   a. Upon receipt of a completed Certificate of Appropriateness application as determined by the Certificate of Appropriateness Approval Matrix, the Historic Preservation Officer shall review the application for compliance with the Standards for Rehabilitation and the Design Guidelines. The applicant is encouraged to schedule a meeting with the Historic Preservation Officer prior to the submittal of an application to discuss the proposed work and get initial design direction.
   b. The Historic Preservation Officer shall prepare a recommendation of approval or denial consisting of written findings of fact, conclusions of law, and specific conditions of approval (if any), supporting the recommendation within 30 days. The Historic Preservation Officer shall also provide anyone who submitted written comments with a copy and forward its recommendation to the Community Development Department for building permit review. Any specific conditions of approval as identified by the Historic Preservation Officer shall be attached to the construction documents.
   c. The Historic Preservation Officer reserves the right to forward any Certificate of Appropriateness application to the Commission for review and approval when direction on design policy is needed or if unable to determine compliance with the Secretary of the Interior’s Standards for Rehabilitation or the Design Guidelines.
   d. If the Historic Preservation Officer finds the proposed work will have an adverse effect on the historic property or the historic district, or if the proposed work is inconsistent with the Secretary of the Interior’s Standards for Rehabilitation or Design Guidelines, the Historic Preservation Officer shall prepare written reasoning for recommending disapproval of the application and specify any changes to the application which are necessary for approval of same.

3. Commission review pursuant to the Certificate of Appropriateness Approval Matrix.
a. Upon receipt of a completed Certificate of Appropriateness application as determined by the Certificate of Appropriateness Approval Matrix, the Historic Preservation Officer shall review the application for a preliminary determination of compliance with the Secretary of the Interior’s Standards for Rehabilitation and the Design Guidelines. The applicant is encouraged to schedule a meeting with the Historic Preservation Officer prior to the submittal of an application to discuss the proposed work and get initial design direction.

b. Proposed work to all City-owned Historic Properties and for all City preservation related incentive programs or federal projects must be reviewed by the Historic Preservation Commission.

c. Within five (5) business days of receipt of a completed Certificate of Appropriateness application and a preliminary determination of compliance by the Historic Preservation Officer, the Community Development Department shall schedule a public hearing at the next available regularly scheduled Historic Preservation Commission meeting. Notice of the pending Commission hearing for compliance with the Secretary of the Interior’s Standards for Rehabilitation and Design Guidelines must be mailed to the property owner(s), within 300 feet of the subject property no less than ten (10) days prior to the scheduled hearing. A published notice of the scheduled hearing shall also be made in accordance with Nevada Open Meeting Law. All review criteria shall be made available to the applicant prior to the hearing.

d. The Historic Preservation Commission shall review the application at a regularly scheduled meeting. At that time, the applicant shall have an opportunity to be heard, present testimony and evidence to demonstrate that the proposed work is in compliance with the Secretary of the Interior’s Standards for Rehabilitation and any adopted Design Guidelines. Other interested parties and technical experts may also present testimony or documentary evidence which will become part of a record. The burden of proof shall be upon the applicant.

e. The Historic Preservation Commission may take action to approve, postpone requesting additional information, or deny the application. If no hearing has been scheduled within ninety (90) days of the original receipt of the application by the Community Development Department, a Certificate of Appropriateness shall be deemed issued and the City shall so advise the applicant in writing.

f. If the Commission approves the application, the City shall issue a Certificate of Appropriateness to the applicant with the written findings of fact, conclusions of law and any specific conditions of approval (if any) supporting the decision. An applicant shall have one (1) year from the date of issuance of a Certificate of Appropriateness to secure a building permit for the specified improvements or the Certificate of Appropriateness shall become null and void.

g. If the Commission finds the proposed work will have an adverse effect on the historic property or the historic district, or if the proposed work is inconsistent with the Secretary of the Interior’s Standards for Rehabilitation or any applicable adopted Design Guidelines, the City shall advise the applicant at the hearing of the disapproval of the application and of any changes to the application which are necessary for approval of the same. Within five (5) days following the meeting, the City shall provide the applicant in writing the Commission decision. A Certificate of Appropriateness application that has been denied may not be resubmitted for one (1) year without incorporating changes to the application which are necessary for approval.
approval of the same.

h. Any decision by the Commission may be appealed to the City Council within seven (7) calendar days in accordance with the provisions of NRS 278.3195 and Title 11, Chapter 34 of the City Code. A written notice of the public hearing for the appeal request shall also be provided to all parties who received mailed notice for the Commission hearing.

i. The City Council shall give notice, and hold a public hearing on the appeal in the manner set forth in Title 11, Chapter 34. Appeals to the City Council shall be considered only on the record made before the Commission, and may only allege that the Commission’s decision was arbitrary, capricious, or illegal.

D. Ordinary Maintenance. Nothing in this Ordinance shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a property within a historic district which does not involve a change in design, material, or outward appearance that require the issuance of a building permit. In-kind repair, replacement and repainting is included in the definition of ordinary maintenance unless painting involves an exterior masonry surface that was not previously painted.

11-27-6 DEMOLITION OF HISTORIC PROPERTIES

It is the intent of this chapter to preserve the historic and architectural resources of the City through limitations on demolition and removal of properties in historic districts to the extent it is economically feasible practical and necessary. The demolition or removal of historic buildings, structures, and sites in the City diminishes the character of the City’s historic districts and it is strongly discouraged. Instead the City recommends and supports preservation rehabilitation within the historic district. It is recognized however that structural deterioration, economic hardship and other factors not entirely within the control of the property owner may result in the necessary demolition or removal of a historic building structure or site.

A. Removal or repair of hazardous or dangerous historic properties.

1. If the building official determines a historic property to be structurally unsound and a hazardous or dangerous building pursuant to the provisions found in the City’s adopted building code, the building official shall be required to provide written notice to the Commission of the ordered removal or repair of the property prior to taking such action.

2. The property owner(s) of the demolished historic property removed under this procedure is subject to the penalties found in Section 11-27-8, if the Commission finds demolition by neglect.

B. Certificates of Appropriateness for demolition affecting historic properties.

No person shall carry out the demolition of a historic property, including secondary buildings and landscape features that are not previously deemed a hazardous or dangerous building by the building official, without the review and approval of a Certificate of Appropriateness for Demolition application by the Commission. The application shall be required in addition to, and not in lieu of, any required building permit.

1. In the absence of a determination by the building official of the subject property as a hazardous or dangerous building, the Commission may consider an application for a Certificate of Appropriateness for demolition of a historic property, only if it meets compliance with one of the following:
DRAFT HISTORIC PRESERVATION ORDINANCE

a. The subject building, structure or object is an accessory building and/or landscape feature that is not integral to the historic interpretation or integrity of the historic property.

b. The applicant is requesting a Certificate of Appropriateness for demolition of a historic property on the basis of economic hardship pursuant to paragraph (C)(3) of this section.

c. The subject building, structure or object has lost its architectural significance and integrity over time for reasons not entirely within the control of the current or previous property owner(s).

C. Procedure for Certificates of Appropriateness for demolition affecting historic properties.

The procedure for obtaining a Certificate of Appropriateness for demolition may be initiated by the City for all City-owned historic properties, or by the individual property owner(s) of the subject historic property. The application must be submitted to the Community Development Department for review and approval by the Commission prior to the commencement of any work. An application for Certificate of Appropriateness for demolition shall be made on forms as prescribed by the City.

1. The application shall contain:

   a. Name, address, and contact information of applicant, and physical address of the individual property.

   b. Site plan of the individual property or map indicating the area of the proposed demolition showing all affected buildings and/or structures on the site.

   c. Photographs of the existing conditions of the property, adjacent properties, as well as any historical photographs, if available.

   d. A written statement explaining justification for demolition.

   e. All future development plans for the property, if available.

   f. Any other information which the Commission may deem necessary pursuant to this section.

2. An individual property that is under review by the City for a Certificate of Appropriateness for demolition shall be protected by and subject to all of the provisions of this Ordinance governing demolition, minimum maintenance standards and penalties until a final decision by the Commission becomes effective.

3. The procedure for a Certificate of Appropriateness for Demolition application shall be the same as provided for in subsection C(3) of Section 11-27-5.

4. The procedure for a Certificate of Appropriateness for demolition application involving a claim of economic hardship shall be as follows:

   a. No Certificate of Appropriateness for Demolition involving a claim of economic hardship may be approved, nor shall a building permit for demolition be issued by the City unless the owner proves compliance with
the following standards for economic hardship:

i. The property is incapable of earning a reasonable return in its current or rehabilitated state, regardless of whether that return represents the most profitable return possible.

ii. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return.

iii. Earnest and reasonable efforts to find a purchaser interested in acquiring the property and preserving it have failed.

iv. The property cannot be moved or relocated to another location within the historic district.

b. The City Council shall adopt by resolution separate criteria for review in considering claims of economic hardship for investment for income producing and non-income producing properties, as recommended by the Commission. Non-income properties shall consist of owner-occupied single-family dwellings and non-income producing institutional properties. All standards for review shall be made available to the owner prior to the hearing. The information to be considered by the City may include but not be limited to the following:

i. Purchase date price and financing arrangements

ii. Current market value

iii. Form of ownership

iv. Type of occupancy

v. Cost estimates of demolition and post demolition plans for development

vi. Maintenance and operating costs

vii. Inspection report by licensed architect or structural engineer having experience working with historic properties

viii. Costs and engineering feasibility for rehabilitation

ix. Property tax information

x. Rental rates and gross income from the property

xi. Other additional information as deemed appropriate

c. Claims of economic hardship by the owner shall not be based on conditions resulting from:

i. Evidence of demolition by neglect or other willful and negligent acts by the owner

ii. Purchasing the property for substantially more than market value at the time of purchase
iii. Failure to perform normal maintenance and repairs

iv. Failure to diligently solicit and retain tenants

v. Failure to provide normal tenant improvements

d. Throughout the process, the applicant shall consult in good faith with the Historic Preservation Officer, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property. Such efforts must be demonstrated to the Commission at the hearing.

e. Upon receipt of a completed Certificate of Appropriateness for demolition application, the Historic Preservation Officer shall review the application for a preliminary determination of compliance with the standards for economic hardship and the criteria for review found in this section. The applicant is encouraged to schedule a meeting with the Historic Preservation Officer prior to the submittal of an application to discuss the application and receive initial direction.

f. Within five (5) days of receipt of a completed Certificate of Appropriateness involving a claim of Economic Hardship and a preliminary determination of compliance by the Historic Preservation Officer, the Community Development Department shall schedule a public hearing at the next available regularly scheduled Commission meeting. Notice of the pending Commission hearing for compliance with the standards for economic hardship and the criteria for review. Notice of the hearing shall be mailed to the property owner(s), to property owner(s) within three hundred (300) feet of the exterior boundary of the applicant property, and posted on the property by the City. The owner shall be required to stabilize and secure the property subject to the penalties of this Ordinance until a final decision by the Commission becomes effective. A published notice of the scheduled hearing shall also be made in accordance with Nevada Open Meeting Law (NRS 241). All review criteria and the formal written report to the Historic Preservation Officer shall be made available to the applicant prior to the hearing.

i. The Commission shall conduct its initial review of the application at a regularly scheduled meeting. At that time, the applicant shall have an opportunity to be heard, present testimony and evidence to demonstrate that standards for economic hardship and the criteria for review have been met. Other interested parties and technical experts may also present testimony or documentary evidence which will become part of the record. The burden of proof shall be upon the applicant. In the event the Commission does not act within ninety (90) days of receipt of the application, a Certificate of Appropriateness for demolition will be considered be granted.

ii. In considering the application, the Commission shall take action to postpone the application in order to establish a stay of demolition period, during which time the owner shall allow the city to post a sign stating that the property is subject to demolition. Said sign shall be readable from a point of public access and state that more information may be obtained from the City for the duration of the stay. The owner shall conduct in good faith with the City, local preservation organizations, and interested parties a diligent effort to seek an alternative that will result in the rehabilitation
of the historic property. Negotiations may include, but are not limited to, such actions to utilize various preservation incentive programs, sell or lease the property, or facilitate proceedings for the City to acquire the property under its power of eminent domain, if appropriate and financially possible. If negotiations are successful, the Certificate for Appropriateness for demolition application shall be considered withdrawn and all associated applications closed.

iii. If approved, the City shall issue a Certificate of Appropriateness to the applicant with the written findings of fact, conclusions of law and any specific conditions of approval (if any) supporting the decision. The City shall also provide anyone who submitted written comments with a copy of the written findings. The approval shall be valid for one (1) year from the hearing date of the Commission’s final decision. The historic property shall immediately be removed from the Boulder City’s Historic Register, any official public records of real property of Clark County, and the official zoning maps of the City.

5. Prior to demolition, the City may, as a condition of approval, require the owner to provide documentation of the historic property at the owner’s expense in accordance with the standards of the Historic American Building Survey (HABS). Such documentation may include photographs, floor plans, measured drawings, an archeological survey, and/or other information as specified.

6. Approval for the demolition of a structure may be conditioned upon the construction of an acceptable replacement structure, or landscape or park plan. A bond or other financial guaranty in the amount of the cost of the replacement structure may be required in order to assure the construction of the replacement structure, or park, or landscape plan.

7. Denial of a Certificate of Appropriateness application for demolition involving economic hardship shall prevent the owner from demolishing the property or reapplying for another Certificate of Appropriateness application for demolition for a period of three (3) years from the hearing date of the Commission’s final decision, unless substantial changes in circumstances have occurred other than resale of the property or those caused by acts beyond the control of the owner. It shall be the responsibility of the owner to stabilize and maintain the minimum maintenance standards for the property so as not to create a hazardous or dangerous building, as outlined in Section 11-27-7 herein.

a. The City may continue to provide the owner with information regarding financial assistance for the necessary rehabilitation or repair work as it becomes available.

b. The owner may appeal the decision of the Commission to the City Council within seven (7) calendar days in accordance with the provisions of NRS 278.3195 and Title 11, Chapter 34 of the City Code. Appeals to the City Council shall be considered only on the record made before the Commission, and may only allege that the Commission’s decision was arbitrary, capricious, or illegal.

11-27-7 MINIMUM MAINTENANCE STANDARDS

No owner or person with an interest in real property designated as a historic property shall permit the property to fall into a serious state of disrepair so as to result in the significant deterioration of any exterior architectural feature which would, in the judgment of the Commission, create a detrimental effect upon the historic character of the historic property or historic district.
A. Examples of serious disrepair or significant deterioration:
   1. Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.
   2. Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling.
   3. Deterioration or crumbling of exterior plaster finishes, surfaces or mortars.
   4. Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.
   5. Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
   6. Rotting, holes, and other forms of material decay.
   7. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling.
   8. Deterioration that has a detrimental effect upon the special character of a historic district as a whole or the unique attributes and character of the contributing structure.
   9. Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.

B. Procedure to mitigate demolition by neglect.

Demolition by neglect refers to the gradual deterioration of a property when minimum maintenance is not performed. The Historic Preservation Officer and other City staff shall work together in an effort to reduce demolition by neglect involving historic property. A demolition by neglect citation as determined by the Commission may be issued against the owner of the property for failure to comply with the minimum maintenance standards by permitting the subject property to exhibit serious disrepair or significant deterioration as outlined in paragraph (A) of this section.

1. While the Historic Preservation Officer will act as the point of contact, the Community Development Department staff shall, when needed, assist with inspections. If there is a dispute between the Historic Preservation Officer and City staff, the City Manager may be consulted as a mitigating party.

2. The procedure for citing a property for demolition by neglect shall be as follows:

   a. Initial identification is made by visual inspection of the area by the City. Any referrals shall be made in writing and shall be submitted to the Community Development Department.

      i. Once the initial identification is made, followed by a preliminary determination by the Historic Preservation Officer, the property owner shall be notified by US mail of the defects of the building and informed of various incentive programs that may be available for repair. The owner is given thirty (30) days in which to respond to the preliminary determination by submitting a stabilization proposal to Historic Preservation Officer.
Preservation Officer. If the property owner is cited for the condition of demolition by neglect of the property, the property owner has fourteen (14) days to submit a stabilization proposal to the Historic Preservation Officer, and one (1) year to correct the defects.

ii. If the property owner does respond with a stabilization proposal, the owner may be cited pursuant to Section 11-27-8.

iii. The stabilization proposal will be presented to the Commission at the next available meeting. If the Commission approves the proposal, a Certificate of Appropriateness (if necessary) may be issued administratively by the Historic Preservation Officer. The approval will detail the specific work which is necessary to correct the demolition by neglect conditions, as well as a time period to begin and complete the work. The Historic Preservation Officer shall update the Commission on the status of the property every thirty (30) days once work begins on the property.

iv. If the property owner receives the letter regarding the preliminary determination, but fails to respond, a second notice shall be sent in the same manner as described above.

v. If the property owner fails to receive and/or respond to the letter regarding the preliminary determination after two (2) attempts, the matter returns to the Commission for a citation hearing. The Historic Preservation Officer shall send a third notice via certified mail informing the owner of the hearing, the property is posted with a notice of the violation in accordance with the provisions of this chapter, and a public hearing on the citation is scheduled.

vi. At the public hearing the owner is invited to address the Commission’s concerns and to show cause why a citation should not be issued. The Commission may take action to approve any proposed work, defer the matter to give the owner more time either to correct the deficiencies or make a proposal for stabilization, or issue a citation to the owner of the property for failure to correct the demolition by neglect conditions.

11-27-8 ENFORCEMENT

All work performed pursuant to a Certificate of Appropriateness issued under this Ordinance shall conform to any requirements included therein. It shall be the duty of the building inspector to inspect periodically any such work to assure compliance. In the event work is not being performed in accordance with the Certificate of Appropriateness, or upon notification of such fact by the Commission and verification by the Historic Preservation Officer, the building inspector shall issue a stop work order and all work shall immediately cease. The property owner shall then be required to apply for a hearing before the Commission to explain the non-compliance. No further work shall be undertaken on the project as long as a stop work is in effect until a decision is rendered by the Commission on the application.

A. Penalties. It shall be unlawful to construct, reconstruct, significantly alter, restore, or demolish any building or structure designated as a historic property in violation of the provisions of this Ordinance. The City, in addition to other remedies, may institute any appropriate action or proceeding to prevent such unlawful construction, reconstruction, significant alteration, or demolition to restrain correct or abate such violation or to prevent any illegal act business or maintenance in and about such premises including acquisition of the property.
1. Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor. Every calendar day the violation of this chapter exists constitutes a separate offense.

2. Any person making any alteration without a building permit may be fined a civil fine not to exceed $500 for each offense. Each calendar day the violation continues shall be considered a separate offense.

3. The removal or demolition of any structure listed on the Historic Register without a Certificate of Appropriateness shall result in a five-year stay in the issuance of a building permit for any construction at the site previously occupied by the historic structure.

4. The removal or demolition of any structure listed on the historic inventory without an approved Certificate of Appropriateness or building permit shall result in a two-year stay in the issuance of a building permit for any construction at the site previously occupied by the historic structure.

5. Any person who partially or completely demolishes a structure listed on the Historic Register or may be subject to an administrative penalty of not to exceed ($X,XXX) for each violation. The determination of the application of this provision and the amount of the penalty fee shall be determined at a public hearing by the City Council upon recommendation from the Commission. The determination shall be based on the extent of the demolition.

6. In the event a historic property is demolished, the City may also file an action in a court of competent jurisdiction to seek mandatory reconstruction of the structure.

7. Remedies under this section are in addition all other available remedies at law including injunctive relief.

11-27-9 SPECIAL RESTRICTIONS:

Under the provisions of Nevada Revised Statutes, Chapters 278 and 384, the City of Boulder City may provide by ordinances, special conditions or restrictions for the protection, enhancement and preservation of locally designated historic properties.

11-27-10 SEPARABILITY:

If any section, subsection, sentence, clause or phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

11-27-11 EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law. PASSED AND APPROVED this ________ day of __________, 2022. City of Boulder City, a municipal corporation of the State of Nevada.

3-7-1 HISTORIC PRESERVATION COMMISSION

A. There is hereby created a Historic Preservation Commission which shall consist of 5 members who shall be appointed by the City Council.

B. All members of the Commission shall have a demonstrated interest, competence, or knowledge in history or historic preservation. The Council shall appoint at least one (1) member with professional training or experience in the disciplines of architecture, history, architectural
DRAFT HISTORIC PRESERVATION ORDINANCE

history, urban planning, archaeology, engineering, conservation, landscape architecture, law, or other historic preservation related disciplines.

C. Initial appointments to the Commission shall be made as follows: Half of appointed Commissioners shall serve for one-year terms and half for two-year terms, except as otherwise established by Council. All subsequent appointments shall be made for two-year terms. Commission members may be reappointed to serve additional terms. Vacancies shall be filled in the same manner as original appointments and the appointee shall serve for the remainder of the unexpired term.

D. The members of the Commission may be reimbursed by the City for expenses incurred in connection with their duties.

3-7-2 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 Section 3-7-3. Rules of procedure and bylaws adopted by the Commission shall be available for public inspection.

B. The Commission shall elect officers from among the Commission members. The chairperson shall preside at meetings of the Commission. The vice-chairperson shall, lacking the chairperson, perform the duties of the chairperson.

C. The Commission shall meet as needed to accomplish its business, but not less than once per month. All meetings of the Commission shall be open to the public, and follow the requirements of Nevada’s open meeting laws (NRS 241). The Commission shall keep minutes and other appropriate written records of its resolutions, proceedings, and actions.

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

3-7-3 POWERS, DUTIES, AND RESPONSIBILITIES OF THE COMMISSION

In general, the Commission shall be advisory to the City Council and shall be authorized to:

A. Conduct a survey of local historic properties, maintain and record a detailed inventory of historic properties, and historic districts in the Boulder City Historic Register.

B. Establish bylaws, rules, and procedures as necessary to conduct Commission business.

C. Recommend the acquisition of fee and lesser interests in historic properties, including adjacent or associated lands, by purchase, bequest, or donation.

D. Recommend methods and procedures necessary to preserve, restore, maintain and operate historic properties under the ownership or control of the City as set forth in the Design Guidelines recommended by the Commission, and adopted by the City Council.

E. 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.

F. Contract, with the approval of the Council, with the state or federal government, or any agency of either, or with any other organization.
DRAFT HISTORIC PRESERVATION ORDINANCE

G. Cooperate with the federal, state, and local governments in the pursuance of the objectives of historic preservation.

H. Make recommendations in the planning processes undertaken by the county, the City, the state, or the federal government and the agencies of these entities.

I. Recommend ordinances and otherwise provide information for the purposes of historic preservation in the City.

J. Promote and conduct an educational and interpretive program on historic preservation and historic properties in the City.

K. Commission members, employees or agents of the Commission may enter private property, buildings, or structures in the performance of its official duties only with the express consent of the owner or occupant thereof.

L. Review nominations of properties to the National Register of Historic Places for properties within the City’s jurisdiction.