

## **ORDINANCE NO. 2008-4**

**AN ORDINANCE RESTATING AND AMENDING ORDINANCE 87-7 FOR THE COUNTY OF ELMORE, A POLITICAL SUBDIVISION OF IDAHO, KNOWN AS "HISTORIC PRESERVATION CODE"; PROVIDING DEFINITIONS; PROVIDING FOR AND AMENDING THE ESTABLISHMENT OF THE HISTORIC PRESERVATION COMMISSION; 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**, Chapter 46 of Title 67 of the Idaho Code empowers counties to make provisions for the identification and preservation of historic sites; and,

**WHEREAS**, The Elmore County Board of County Commissioners hereinafter referred to as "Board", deems it in the best interest of the community to establish a historic preservation ordinance;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD THAT THE HISTORIC PRESERVATION CODE, OF THE ORDINANCES OF THE COUNTY OF ELMORE, WHICH SHALL READ AS FOLLOWS:**

### **SECTION I: PURPOSE:**

The purpose of this ordinance is to promote the educational, cultural, economic and general welfare of the public of the County of Elmore through the identification, evaluation, designation, and protection of those buildings, sites, areas, structures, and objects which reflect significant elements of the County's, the State's, and the Nation's historic, architectural, archaeological, and cultural heritage.

### **SECTION II: DEFINITIONS:**

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

County: The County of Elmore.

County Commission: The Historic Preservation Commission of the County of Elmore.

Historic property: Any building, structure, area or site that is significant in the history, architecture, archaeology or culture of this county, the state, or the nation.


Historic preservation: The research, documentation, protection, restoration and rehabilitation of buildings, structures, objects, districts, areas, and sites significant in the history, architecture, archaeology or culture of this state, its communities or the nation.



**SECTION III: HISTORIC PRESERVATION COMMISSION:**


- (1) There is hereby created a Historic Preservation Commission which shall consist of ten (10) members who shall be appointed by the Board.
- (2) All members of the Commission shall have a demonstrated interest, competence, or knowledge in history or historic preservation. The Board shall endeavor to appoint at least two (2) members with professional training or experience in the disciplines of architecture, history, architectural history, urban planning, archaeology, engineering, law, or other historic preservation related disciplines.
- (3) Appointments to the Commission shall be made as follows: All appointments shall be made for three (3)-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.
- (4) The members of the Commission may be reimbursed by the County for expenses incurred in connection with their duties.

**SECTION IV: ORGANIZATION, OFFICERS, ROLES, MEETINGS:**

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- (1) The Commission shall have the power to make whatever rules are necessary for the execution of its duties as set forth in this Ordinance. Rules of procedure and bylaws adopted by the Commission shall be available for public inspection.
  - (2) The Commission shall elect officers from among the Commission members. The chairman shall preside at meetings of the Commission. The vice chairman shall, in the absence of the chairman, perform the duties of the chairman.
  - (3) All meetings of the Commission shall be open to the public, and follow the requirements of Idaho's open meeting laws. The Commission shall keep minutes and other appropriate written records of its resolutions, proceedings, and actions.
  - (4) The Commission may recommend to the Board, 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.

**SECTION V: POWERS, DUTIES, AND RESPONSIBILITIES:**

The Commission shall be advisory to the Board and shall be authorized to:

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- (1) Conduct a survey of local historic properties.

- (2) Recommend the acquisition of fee and lesser interests in historic properties, including adjacent or associated lands, by purchase, bequests, or donation.
- (3) Recommend methods and procedures necessary to preserve, restore, maintain and operate historic properties under the ownership or control of the County.
- (4) Recommend the lease, sale, other transfer or disposition of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property.
- (5) Contract, with the approval of the Board, with the state or federal government, or any agency of either, or with any other organization.
- (6) Cooperate with the federal, state, and local governments in the pursuance of the objectives of historic preservation.
- (7) Make recommendations in the planning processes undertaken by the county, the city, the state, or the federal government and the agencies of these entities.
- (8) Recommend ordinances and otherwise provide information for the purposes of historic preservation in the County.
- (9) Promote and conduct an educational and interpretive program on historic preservation and historic properties in the County.
- (10) 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.
- (11) Review nominations of properties to the National Register of Historic Places for properties within the County's jurisdiction.

#### **SECTION VI: SPECIAL RESTRICTIONS:**

Under the provisions of Idaho Code §67-4612, the County of Elmore may provide by ordinances, special conditions or restrictions for the protection, enhancement and preservation of historic properties.

#### **SECTION VII: SEVERABILITY:**

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.

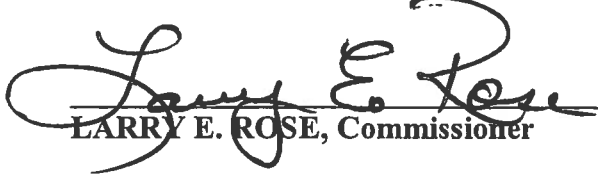
**SECTION VIII: EFFECTIVE DATE:**

Effective Date. This ordinance shall be effective upon its passage and publication as provided by law. Dated the 4<sup>th</sup> of August, 2008.

**ELMORE COUNTY COMMISSIONERS**

  
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**ARLIE SHAW, Chairman**

  
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**CONNIE CRUSER, Commissioner**

  
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**LARRY E. ROSE, Commissioner**



**ATTEST:**

  
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**MARSA GRIMMETT, Clerk of the Court and the  
Elmore County Board of Commissioners**