

Sample Ordinance to create a Certified Local Government Historic Preservation Commission in accordance with the *Regulations for the Vermont Certified Local Government Program*

Prior to requesting designation as a Certified Local Government, a community must complete the following tasks:

- Agree to enforce, within its jurisdiction, the provisions of the [Vermont Municipal and Regional Planning and Development Act \(24 V.S.A. chapter 117\)](#), the [Vermont Historic Preservation Act \(22 V.S.A. chapter 14\)](#), and any other state or local legislation which may be enacted for the designation and protection of historic properties; and
- Establish, by action appropriate to its procedures, a Historic Preservation Review Commission of not less than three (3) nor more than nine (9) members appointed by the legislative body of the local government.

The following sample ordinance has been developed by the Vermont Division for Historic Preservation to help communities meet the necessary requirements to become a Certified Local Government. Communities are advised to contact the Division for review of the proposed ordinance prior to starting the local ordinance adoption process.

After passage of the local ordinance, please contact the Division for information on how to request certification.

Contact:

Devin Colman
State Architectural Historian
802-828-3043
devin.colman@vermont.gov

ORDINANCE

*For Establishment of a Historic Preservation Commission in the
Town/City of [insert name of municipality]*

WHEREAS, the **Town/City** of **[insert name of municipality]** contains historic buildings, structures, objects, sites and districts of local, state and national significance and the **Board of Selectors/City Council** has determined that a Historic Preservation Commission would be beneficial to the cultural enrichment and general well-being of the community,

NOW, THEREFORE, pursuant to authority granted them by Title 24, Vermont Statutes Annotated, and Section **XXX** of the Charter of the **Town/City** of **[insert name of municipality]**, the Board of Selectors hereby ordains and enacts as follows:

1. The **Town/City** of **[insert name of municipality]** has agreed to enforce, within its jurisdiction, the provisions of the Vermont Municipal and Regional Planning and Development Act (24 V.S.A. Chapter 117), the Vermont Historic Preservation Act (22 V.S.A. Chapter 14), and any other state or local legislation which may be enacted for the designation and protection of historic properties.
2. The **Town/City** of **[insert name of municipality]** hereby establishes a Historic Preservation Commission of **XXX [between 3 and 9]** members appointed by the **Board of Selectors/City Council**. The structure and responsibilities of the Historic Preservation Commission shall be as follows:
 - a. The commission shall be composed of professional and lay members, a majority whom reside within the jurisdiction of the **Town/City** of **[insert name of municipality]**.
 - b. All members of the commission shall have a demonstrated interest, competence or knowledge in historic preservation.
 - c. To the extent available within the jurisdiction of the **Town/City** of **[insert name of municipality]**, at least a majority of the members shall be professionals who meet the "Professional Qualifications Standards" published by the National Park Service in 36 CFR Part 61 including those from the disciplines of history, pre-contact or historic archaeology, architectural history, architecture and historical architecture who meet the requirements outlined in Appendix A of the *Regulations for the Vermont Certified Local Government Program*. Members representing other historic preservation related disciplines, such as urban planning, American studies, American civilization, cultural geography, or cultural anthropology, and lay members are encouraged. When a discipline is not represented on the commission, the commission shall seek the assistance of the Vermont Division for Historic Preservation in obtaining the necessary expertise when considering National Register nominations and other actions that will impact properties which are normally evaluated by a professional in such discipline.

- d. All activities of the commission shall be in accord with the terms of the Vermont Open Meeting Law (1 V.S.A. Chapter 5, Subchapter 3), and the commission shall take additional steps as it deems appropriate to stimulate public participation in commission activities, such as, publishing its minutes, publishing the procedures by which assessments of potential National Register nominations will be carried out or using public service announcements to publicize commission activities.
- e. The commission shall meet no less than four times each year, and maintain an attendance rule for commission members.
- f. The commission shall have written rules of procedure, including conflict of interest provisions in compliance with the Historic Preservation Fund Grants Manual.
- g. The commission shall have the following responsibilities, to be carried out in coordination with and in accord with format and standards established by the Division:
 - i. Creation and maintenance of a system for the survey and inventory of historic properties within its jurisdiction that is coordinated with the *Vermont Historic Sites and Structures Survey* and the *Vermont Archaeological Inventory*.
 - ii. Preparation, for submission to the Division by the **Board of Selectors/City Council**, of a report concerning properties within its jurisdiction that are under consideration for nomination to the National Register of Historic Places. The report shall be prepared in cooperation with the Division and shall be prepared in a manner consistent with the requirements of the National Historic Preservation Act as described in the *Regulations for the Vermont Certified Local Government Program*.
 - iii. When determined to be appropriate in the discretion of the commission, preparation and submission for approval by the **Board of Selectors/City Council** of grant applications to the Division for funds from the CLG share of the state's annual Historic Preservation Fund (HPF) grant award.
 - iv. Advising and assisting the **Board of Selectors/City Council**, Planning Commission, and other appropriate persons on matters related to historic preservation.
 - v. Performance of additional responsibilities in accordance with a mutual written agreement between the Division and the Certified Local Government.