

AN ORDINANCE TO RECODIFY ESTABLISHMENT AND ORGANIZATION OF THE HISTORIC PRESERVATION COMMISSION BY REMOVING SECTION 17.54.010E. AND ADDING CHAPTER 2.62 TO THE RAPID CITY MUNICIPAL CODE

WHEREAS, the City has established the Rapid City Historic Preservation Commission pursuant to SDCL 1-19B-2; and

WHEREAS, the establishment and organization of the Commission is currently contained in the City's zoning code; and

WHEREAS, the membership, organization, and powers of the Commission are not matters of zoning but are related to the corporate powers of the City; and

WHEREAS, the Commission plays a role in zoning matters, which role is appropriately set forth in the zoning code.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Section 17.54.010E. of the Rapid City Municipal Code be and is hereby deleted.

BE IT FURTHER ORDAINED by the City of Rapid City, that Chapter 2.62 be added to the Rapid City Municipal Code to read in its entirety as follows:

CHAPTER 2.62: HISTORIC PRESERVATION COMMISSION

Section

- 2.62.010 Established.
- 2.62.020 Members–Appointment–Qualifications.
- 2.62.030 Members–Terms.
- 2.62.040 Vacancies.
- 2.62.050 Compensation.
- 2.62.060 Organization.
- 2.62.070 Contracts.
- 2.62.080 Quorum.
- 2.62.090 Powers of the Commission.
- 2.62.100 Annual Report.

2.62.010 Established.

The Rapid City Historic Preservation Commission, as previously created, is hereby continued and authorized in accordance with SDCL 1-19B-2.

2.62.020 Members–Appointment–Qualifications.

A. *Regular members.* The Commission shall consist of 5 members appointed by the Mayor, subject to the approval of the Common Council.

B. *Alternate members.* There shall also be appointed 2 alternate members to the Commission. The alternate members shall be appointed in the same manner as the regular members and shall have the same qualifications. The alternate members should attend every meeting as though they were regular members of the Commission. The alternate members can participate and vote at the meeting only when there is an absence or recusal at the meeting that results in less than 5 members being present or voting on a particular matter. Each alternate member shall be designated as either the first or second alternate, with the first alternate participating to fill the first seat that is vacant and the second alternate participating if there is a second vacancy. If a regular member should leave during a meeting and the alternate members are not already participating, then the alternates may fill the seat in the same manner as previously described.

C. *Qualifications.* Members and alternates shall be appointed with due regard for proper representation by professionals in the disciplines of history, architectural history, architecture, archaeology, planning, urban planning, American Studies, American civilization, paleontology, law, cultural geography, and cultural anthropology to the extent that such professionals are available in the community and have a demonstrated interest, experience, or knowledge in historic preservation. Additionally, due regard shall be given to suitable representation of stakeholders from within historic districts, including but not limited to the following: property owners, residents, merchants, business owners, developers, investors, active members of a downtown organization, active members of a neighborhood association, and others with a direct stake in the conservation of historic neighborhoods.

2.62.030 Members–Terms.

Each member appointed to the Commission, including alternate members, shall be appointed for a term of 3 years to expire October 1 of the third year; provided, nonetheless, that the Mayor shall make such appointments for shorter terms as shall be appropriate to establish a pattern whereby the terms of not more than 2 members of the Commission expire on October 1 of each year.

2.62.040 Vacancies.

Any vacancy in a membership on the Commission shall be filled for the unexpired term in the same manner as for initial appointment.

2.62.050 Compensation.

All members of the Commission shall serve as such without compensation, except for actual expenses, which shall be subject to approval of the Common Council.

2.62.060 Organization.

The Commission may adopt its own bylaws and rules of procedures, consistent with this code and the laws of the State of South Dakota. At the Commission’s first meeting following October 1 of each year, it shall organize itself by electing a Chairperson from among its members for a term of 1 year, with eligibility for reelection, and may fill such other of its offices as it may create in a manner prescribed by the bylaws of such Commission.

2.62.070 Contracts.

All contracts and agreements relating to the work of the Commission and for services or materials required by it shall be made by the Common Council or by the Community Development Director in accordance with Chapter 3.04.

2.62.080 Quorum.

A quorum of the Commission consists of 4 or more members. A motion shall pass upon majority vote of the Commission members in attendance at the meeting. In the event of tie vote, the motion fails.

2.62.090 Powers of the Commission.

The Commission shall take actions necessary and appropriate in order to accomplish a comprehensive program of historic preservation that promotes the use and conservation of historic properties for the education, inspiration, pleasure, and enrichment of citizens of Rapid City and the state, consistent with SDCL Chapters 1-19A and 1-19B. These actions include, but are not limited to, the following responsibilities:

- A. To conduct surveys of local historic properties;
- B. To participate in planning and land use processes undertaken by the city that affect historic properties and historic areas;
- C. To participate in historic preservation review as provided in this code;
- D. To cooperate and contract with local, state or federal governments with the approval of the Common Council to further the objectives of historic preservation;
- E. To promote and conduct an educational and interpretive program on historic properties and issues within the city;
- F. To provide information for the purposes of historic preservation to the Common Council;
- G. To notify the Director of Equalization of the designation of any historic property by the city or by the U.S. Department of the Interior;
- H. With consent of the owner, to assist owners of historic property and buildings and structures in Historic Districts in preserving their buildings;
- I. When requested, to assist in the review of projects on which review by the State Historic Preservation Office is required under SDCL 1-19A-11.1;
- J. To attend informational and educational programs covering the duties of the Commission and current developments in historic preservation;
- K. To preserve, restore, maintain and operate historic properties under the ownership or control of the Commission, including historical easements, and to lease, sell, or otherwise dispose of such historic properties; and
- L. To further the objectives of historic preservation as allowed under these ordinances and state law.

2.62.100 Annual Report.

The Commission shall make an annual report to the Common Council on or before July 1 of each year, and at such other times as the Council may direct.

CITY OF RAPID CITY

Mayor

Attest

Finance Officer

(seal)