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SENATE FILE 1231

By ORR

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to establishment of historical preservation  
2 districts.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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1 Section 1. NEW SECTION. DEFINITIONS. As used in this  
2 Act, unless the context otherwise requires:

3 1. "Area of historical significance" means contiguous  
4 pieces of property of no greater area than one hundred sixty  
5 acres under diverse ownership which:

6 a. Are significant in American history, architecture,  
7 archaeology and culture, and

8 b. Possess integrity of location, design, setting,  
9 materials, workmanship, feeling and association, and

10 c. Are associated with events that have been a significant  
11 contribution to the broad patterns of our history, or

12 d. Are associated with the lives of persons significant  
13 in our past, or

14 e. Embody the distinctive characteristics of a type;  
15 period; method of construction; represent the work of a mas-  
16 ter; possess high artistic values; represent a significant  
17 and distinguishable entity whose components may lack in-  
18 dividual distinction.

19 f. Have yielded, or may be likely to yield, information  
20 important in prehistory or history.

21 2. "Commission" is the five-person body, elected by the  
22 qualified electors in the historical preservation district  
23 from persons living in the district for the purpose of adminis-  
24 tering this Act.

25 3. "District" means a historical preservation district  
26 established under this Act.

27 4. "Division" means the division of historical preser-  
28 vation, Iowa state historical department.

29 5. "Exterior features" means the architectural style,  
30 general design and general arrangement of the exterior of  
31 a building or other structure, including the kind and tex-  
32 ture of the building material and the type and style of all  
33 windows, doors, light fixtures, signs and other appurtenant  
34 fixtures. In the case of an outdoor advertising sign,  
35 "exterior features" means the style, material, size and

1 location of the sign.

2 6. "Property owner" means an individual or corporation  
3 who is the owner of real estate for taxation purposes.

4 Sec. 2. NEW SECTION. PETITION. Not less than ten percent  
5 of the eligible voters in an area of asserted historical sig-  
6 nificance may petition the division for a referendum for the  
7 establishment of a district.

8 The petition shall contain a description of the property  
9 suggested for inclusion in the district, the reasons justifying  
10 the creation of the district.

11 Sec. 3. NEW SECTION. ACTION BY DIVISION. The division  
12 shall hold a hearing not less than thirty days or more than  
13 sixty days after the petition is received. The division shall  
14 publish notice of the hearing, at a reasonable time before  
15 the hearing is to take place, and shall post notice of the  
16 hearing in a reasonable number of places within the suggested  
17 district. The cost of notification shall be paid by the  
18 persons who petition for the establishment of a district.

19 At the hearing the division shall hear interested persons,  
20 accept written presentations, and shall determine whether  
21 the suggested district is an area of historical significance  
22 which may properly be established as a historical preservation  
23 district pursuant to the provisions of this Act. The division  
24 may determine the boundaries which shall be established for  
25 the district. The division shall not include property which  
26 is not included in the suggested district unless the owner  
27 of such property is given an opportunity to be heard.

28 The division, if it determines that the suggested district  
29 meets the criteria for establishment as a historical preser-  
30 vation district, shall indicate the owners of the property  
31 and residents included and shall forward a list of such owners  
32 and residents to the county commissioner of elections.

33 If the division determines that the suggested district  
34 does not meet the criteria for establishment as a historical  
35 preservation district, it shall so notify the petitioners.

1       Sec. 4. NEW SECTION. REFERENDUM. Within thirty days  
2 after the receipt of the list of owners of property and  
3 residents within the suggested historical preservation  
4 district, the county commissioner of elections shall fix a  
5 date not more than forty-five days from the receipt of the  
6 petition seeking a referendum on the question of establishment  
7 of a historical preservation district. The county commissioner  
8 of elections shall specify the polling place within the  
9 suggested district that will best serve the convenience of  
10 the voters and shall appoint from residents of the proposed  
11 district three judges and two clerks of election.

12       Sec. 5. NEW SECTION. NOTICE. The county commissioner  
13 of elections shall post notice of the referendum in a  
14 reasonable number of places within the suggested district  
15 a reasonable time before it is to take place. The notice  
16 shall state the purpose of the referendum, a description of  
17 the district, the date of the referendum, the location of  
18 the polling place, and the hours when the polls will open  
19 and close.

20       Sec. 6. NEW SECTION. VOTING. A person shall be qualified  
21 to vote at the referendum if such person is a qualified elector  
22 of the area embraced by the proposed historic district.

23       An historic preservation district is established if a  
24 majority of the persons voting at the referendum votes in  
25 favor of its establishment.

26       Sec. 7. NEW SECTION. COMMISSION. At the same time the  
27 referendum is held, an election shall be held for the commis-  
28 sion. Each voter at the referendum may write upon the ballot  
29 the names of not more than five persons who are eligible  
30 voters within the district to be members of the commission.

31       The five persons receiving the highest number of votes  
32 shall constitute the commission. In the event one of the  
33 five receiving the highest number of votes elects not to serve  
34 on the commission, the person receiving the next highest  
35 number of votes shall serve.

1 Of the initial commission the person receiving the highest  
2 number of votes shall receive a five-year term of office,  
3 the next highest a four-year term, the next highest a three-  
4 year term, the next highest a two-year term, and the fifth  
5 highest a one-year term. Thereafter, an election shall be  
6 held annually in the district to elect a member to a five-  
7 year term as each term expires.

8 Vacancies in the commission occurring between elections  
9 shall be filled by the remaining members of the commission  
10 by majority vote. Should a majority of those voting vote  
11 not to establish the district, the election shall be void.

12 Sec. 8. NEW SECTION. CONTROLS. After the establishment  
13 of a district, an exterior portion of any building, exterior  
14 fixture, or other exterior structure, or any above-ground  
15 utility structure or any type of outdoor advertising sign  
16 shall not be erected, altered, restored, moved or demolished  
17 within such district until after an application for a  
18 certificate of appropriateness as to exterior features has  
19 been submitted to and approved by the commission.

20 Sec. 9. NEW SECTION. INTERIOR. The commission shall  
21 not consider or attempt to control the interior arrangement  
22 of any building in the district.

23 Sec. 10. NEW SECTION. USE OF STRUCTURES. No change in  
24 the use of any structure or property within a designated his-  
25 torical district shall be permitted until after an application  
26 for a certificate of appropriateness has been submitted to  
27 and approved by the commission. For purposes of this section  
28 "use" means the legal enjoyment of property that consists  
29 in its employment, exercise, or practice.

30 Sec. 11. NEW SECTION. PROCEDURES. Prior to issuance  
31 or denial of a certificate of appropriateness the commission  
32 shall take such action as may reasonably be required to inform  
33 persons likely to be materially affected by the application,  
34 and shall give the applicant and such persons an opportunity  
35 to be heard. In cases where the commission deems it necessary,

1 it may hold a public hearing concerning the application.  
2 The commission shall vote upon any application for a  
3 certificate of appropriateness within sixty days after its  
4 submission to the commission.

5 If the commission determines that the proposed construction,  
6 reconstruction, alteration, restoration, moving, demolition,  
7 or the change in use is appropriate, it shall forthwith approve  
8 such application and shall issue to the applicant a cer-  
9 tificate of appropriateness.

10 If the commission determines that the proposed construction,  
11 reconstruction, alteration, restoration, moving or demolition  
12 of buildings, structures, appurtenant fixtures, outdoor adver-  
13 tising signs or natural features, or the proposed change in  
14 use would be incongruous with the historical, architectural,  
15 archaeological or cultural aspects of the district, a  
16 certificate of appropriateness shall not be issued, and the  
17 commission shall place upon its records the reasons for such  
18 determination and shall notify the applicant of such  
19 determination, furnishing the applicant an attested copy of  
20 its reasons and its recommendations, if any, as appearing  
21 in the records of the commission.

22 The commission may approve the application in any case  
23 where a person would suffer extreme hardship, not including  
24 loss of profit, unless the certificate of appropriateness  
25 was issued. Any applicant aggrieved by a determination of  
26 the commission may appeal to the district court for the county  
27 in which the land concerned is located within sixty days of  
28 the commission's action.

29 Sec. 12. NEW SECTION. ACTION BY COMMISSION. The  
30 commission shall take action to enjoin any attempts to  
31 construct, reconstruct, alter, restore, move, or demolish  
32 any exterior feature, or to change the use of the property  
33 within the district without a certificate of appropriateness.

34 Sec. 13. NEW SECTION. ORDINARY MAINTENANCE AND REPAIR.  
35 Nothing in this Act shall be construed to prevent the ordinary

1 maintenance or repair of any exterior feature in a district  
2 which does not involve a change in design, material or outer  
3 appearance, nor to prevent the construction, reconstruction,  
4 alteration, restoration or demolition of any such feature  
5 which is required by public safety because of an unsafe or  
6 dangerous condition.

7 Sec. 14. NEW SECTION. TERMINATION OF DISTRICT. Two years  
8 after the establishment of a district, a referendum for the  
9 termination of the district shall be held if ten percent of  
10 the eligible voters in the district so request. If the  
11 qualified electors, by a majority of those voting, favor  
12 termination, this Act will no longer have any effect on the  
13 property formerly included in the district.

14 If an election is held to terminate a district under this  
15 section and such attempt fails, another referendum for  
16 termination of the district in question shall not take place  
17 for a period of two years.

18 EXPLANATION

19 This bill provides that areas of historical significance  
20 may be incorporated into districts to be commonly referred  
21 to as historical preservation districts.

22 An historical preservation district is established if a  
23 majority of qualified voters voting at a referendum vote in  
24 favor of its establishment. Each resident within the district  
25 shall have the right to vote for the referendum within the  
26 proposed district.

27 An historical preservation district once established shall  
28 be regulated by a five-member commission which will be selected  
29 by referendum vote by a majority of qualified voters vot-  
30 ing.

31 The commission shall approve all exterior additions, struc-  
32 tural and other changes, of any building or other structure  
33 within an established historical preservation district after  
34 an application for a certificate of appropriateness is  
35 submitted and approved by the commission, and after the

1 commission has given notice to those parties that may be  
2 affected by denial or approval of a certificate of  
3 appropriateness.

4 The termination of a historical preservation district shall  
5 take effect if ten percent of the property owners in the  
6 district so request two years after the initial establish-  
7 ment of the historical preservation district and a majority  
8 of those voting vote in favor of termination.

9 An election to terminate a district pursuant to this Act,  
10 which fails, the district in question shall not be subject  
11 to another election to terminate for a period of two years.

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