

ORDINANCE NO. 81

AN ORDINANCE PROVIDING PRESERVATION PROGRAMS
TO INSURE ENJOYMENT AND BENEFIT FROM OUR
CULTURAL HISTORY AND HERITAGE PURSUANT TO
IDAHO CODE SECTION 67-4603.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
KOOTENAI COUNTY, IDAHO:

I.

PURPOSE

IS HEREBY DECLARED TO BE the intent and purpose of Kootenai
County to provide for the safekeeping of its historical,
archeological, architectural and cultural heritage;

NOW, THEREFORE, this Ordinance establishes a program of
historic preservation to promote the use and conservation of the
County's cultural resources for the education, inspiration,
pleasure and enrichment of the citizens of this County;

1) To designate, preserve, promote and perpetuate those
sites, areas, buildings, districts, structures and objects which
reflect significant elements of the County's, State's and
Nation's cultural, architectural, archeological, historic and
other heritage;

2) To foster civic pride in the beauty and accomplishments of the past;

3) To protect and enhance the County's tourist industry; to stabilize and improve the economic vitality and values of landmarks, sites, districts, buildings, structures and objects;

4) To promote the continued use of outstanding sites, districts, buildings, structures and objects for the education, inspiration and welfare of the people of Kootenai County;

5) To promote and continue private incentive for ownership and utilization of landmark buildings, sites, districts, structures and objects; and

6) To assist, encourage and provide incentives to private owners for preservation, restoration, redevelopment and use of landmark buildings, sites, districts, structures and objects.

II.

HISTORIC PRESERVATION COMMISSION

1) This Ordinance shall hereby create a Historic Preservation Advisory Commission which shall consist of seven (7) members appointed by the Board of County Commissioners of Kootenai County and shall act as follows:

2) All Commission members shall have a demonstrated interest, competence, or knowledge in historic preservation. The Board shall endeavor to appoint Commission members with

professional training or experience in the disciplines of architecture, history, architectural history, planning, archeology or other historic preservation related fields.

2) Initial appointments to the Commission shall be made as follows: Two (2), one (1) year terms; two (2), two (2) year terms; three (3), three (3) year terms. All subsequent appointments shall be made for three (3) year terms. Any Commission members may be reappointed to serve additional terms.

4) In the event of a vacancy, the Board shall appoint a person to fill in the remainder of the unexpired term according to the criteria specified in Section 3(2) of this Ordinance.

5) The Commission shall elect its own officers from among the Commission members. Within nine (9) months of its first meeting, the Commission shall adopt bylaws, including procedures consistent with this Ordinance and provisions for public participation in the historic preservation program.

6) A majority of the currently appointed members of the Commission shall constitute a quorum for the transaction of business. All official actions of the Commission shall require a majority of votes cast. No member shall be eligible to vote upon any matter required by this Ordinance to be determined after a hearing unless that member has attended the hearing or familiarized him or herself with the record.

7) The Commission may recommend to the Board of County Commissioners, within the limits of its funding, the employment

or the contracting for the services of a qualified person to act as Kootenai County Historic Preservation Officer. The Commission may also recommend to the Board of County Commissioners, within the limits of its funding, the employment or contracting with technical experts or other persons as it deems necessary to carry on the functions of the Commission.

III.

POWERS, DUTIES AND RESPONSIBILITIES

Subject to State law and the procedures described hereunder, the Kootenai County Historic Preservation Commission shall have and may exercise, in addition to the powers specifically enumerated in this Ordinance, the following powers, duties and responsibilities:

- 1) To function as the County agency responsible for developing and coordinating the County's historic preservation activities.
- 2) To conduct a survey of County historic properties;
- 3) To advise and assist owners of historic property on physical and financial aspects of historic preservation and on procedures for inclusion in the National Register of Historic Places;
- 4) To recommend ordinances to the Board and otherwise provide information for the purposes of historic preservation to the County;

5) To promote and conduct an educational and interpretive program regarding historic properties within the County's jurisdiction;

6) To assist in the conduct of land use and other planning processes undertaken by the County or municipalities in the County;

7) To adopt its own procedural rules and regulations subject to the approval of the Kootenai County Board of Commissioners;

8) To offer advice to the Kootenai County Board of Commissioners in the administration of gifts, grants and money as may be appropriate for the purposes of this Ordinance;

9) To cooperate with the federal, state and local governments in the pursuance of the objectives of historic preservation; and

10) To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties, to the implementation of the purpose of this Ordinance, or to any other functions which may be designated by the Board.

IV.

SPECIAL RESTRICTIONS

In addition to any power or authority of the County to regulate by planning or zoning laws and regulations or by any other laws and regulations, the Board shall be empowered, pursuant to Idaho Code §67-4612, to provide by ordinances,

special conditions or restrictions for the protection, enhancement and preservation of historic properties.

V.

EXEMPTIONS

The Board, in order to promote the preservation and restoration of historic properties within its jurisdiction, and pursuant to Idaho Code Section 67-4618, may exempt a historic property from the application of such standards contained in the County health or building codes, or both, as the Board, upon recommendation of the Commission, shall determine would otherwise prevent or seriously hinder the preservation or restoration of said historic property.

VI.

DEFINITIONS

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

- 1) "Board" is the Board of Kootenai County Commissioners
- 2) "Commission" is the Historic Preservation Advisory Commission created by this Ordinance.
- 3) "County" is Kootenai County, State of Idaho.
- 4) "Historic Preservation" is the research, protection restoration, and rehabilitation of buildings, structures, objects, districts, areas and sites significant in the history, architecture, archeology or culture of this County, its communities, the State or the Nation.

- 5) "Historic Preservation Officer" is the Kootenai County Historic Preservation Officer or his or her designee.
- 6) "Historic Property" is a building, structure, area or site that is significant in the history, architecture, archeology or culture of this County, its communities, the State or the Nation.

VII.

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.

VIII.

ORDINANCES REPEALED

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

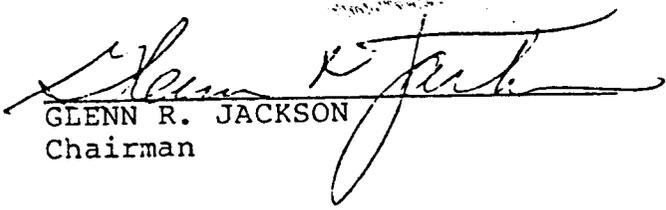
IX.

EFFECTIVE DATE

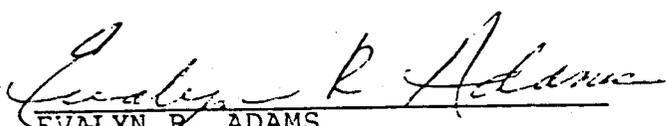
This Ordinance shall take full force and effect upon its passage, approval and publication in one (1) issue of the Coeur d' Alene Press, said publication dated being the 23rd day of July, 1985.

Passed upon a roll call vote and duly enacted as an Ordinance of Kootenai County, State of Idaho, this 18th day of July, 1985, which is a continuation of the regular meeting of the Board of County Commissioners held on July 8, 1985, at 10:00 o'clock a.m.

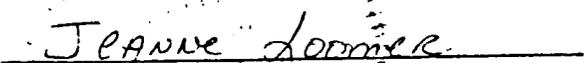
KOOTENAI COUNTY
BOARD OF COMMISSIONERS


GLENN R. JACKSON
Chairman

FRANK N. HENDERSON
Commissioner


EVALYN R. ADAMS
Commissioner

ATTEST:


JEANNE LOOMER
ACTING CLERK

BY: 
Deputy Clerk