

ORDINANCE 85-03

AN ORDINANCE ESTABLISHING A HISTORICAL
PRESERVATION COMMISSION AND PROCEDURE
FOR DESIGNATING AND PROTECTING HISTORICAL
LANDMARKS AND HISTORICAL DISTRICTS

THE CITY COUNCIL OF THE CITY OF WINTERS DOES HEREBY
ORDAIN AS FOLLOWS:

Section One. This ordinance is adopted to establish a historical preservation program for the City of Winters that will "provide for the protection, enhancement, perpetuation, or use of places, sites, buildings, structures, works of art and other objects having special character or special historical or aesthetic interest or value" (as stated in the California Government Code, Sections 25373 and 37361, and outlined in the Historic Preservation Element of the Winters General Plan of 1984.

This ordinance is also adopted to preserve areas, specific structures and objects within the City that reflect special elements of the City's architectural, artistic, cultural, engineering, economic, aesthetic, historical, political, social, and other heritage; to stabilize and improve property values in historic districts; and to promote the public health, safety, and general welfare by providing for the identification, protection, enhancement, preservation, and use of these cultural resources for the following reasons:

- A. To safeguard the City's heritage as embodied and reflected in such resources;
- B. To encourage public knowledge, understanding, and appreciation of the City's past;
- C. To foster civic and neighborhood pride and a sense of identity based on the recognition and use of cultural resources;
- D. To promote the enjoyment and use of cultural resources appropriate for the education and recreation of the people of the City;
- E. To preserve diverse and harmonious architectural styles and design preferences reflecting phases of the City's history and to enhance, complementary contemporary design, construction and the visual character of the City by encouraging the compatibility of architectural styles within Historic Districts reflecting unique and established architectural traditions;
- F. To enhance property values and to increase economic and financial benefits to the City and its inhabitants;
- G. To strengthen the economy of the City by protecting and enhancing the City's attractions to residents, tourists and visitors (thereby stimulating business and industry);
- H. To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land uses;
- I. To foster public appreciation of and civic pride in the beauty of the City and the accomplishments of its past;

Section 2. ARTICLE 7 is hereby added to Chapter 3, Title II of the Winters Municipal Code to read as follows:

SECTION 2-3.701. Creation of Historical Preservation Commission

There is created a Historical Preservation Commission. The Commission will consist of 5 members appointed by the Mayor, with the consent of the City Council.

SECTION 2-3.702. Qualification of Members.

To be eligible for appointment to the commission, an individual must have a demonstrated interest in historic preservation.

SECTION 2-3.703. Term of Office.

The term of office for each member is 2 years. The members first appointed shall qualify themselves by lot so that 3 members serve until June 30, 1985, and 2 members serve until June 30, 1986. Each member serves until his successor is appointed and qualifies.

SECTION 2-3.704. Removal or Vacancy.

A member of the commission may be removed by a majority vote of the City Council. A vacancy is filled in the same manner as the original appointment. A person appointed to fill a vacancy serves for the remainder of the unexpired term.

SECTION 2-3.705. Vacancy Caused by Absence from Meeting.

If a member of the commission is absent without cause from 3 successive meetings of the commission, the office becomes vacant automatically. The commission shall immediately notify the council of the vacancy.

SECTION 2-3.706. Time and Place of Regular Meetings.

The commission shall fix the time and place of its regular meetings.

SECTION 2-3.707. Appointment of Officers.

The commission shall appoint a chair and vice-chair and secretary from among its members. The chair and vice-chair serve for a term of 1 year and until the successor of each is appointed and takes office.

SECTION 2-3.708. Adoption of Rules.

The commission shall adopt rules for the transaction of its business.

SECTION 2-3.709. Commission Records.

The commission shall keep a public record of its resolutions, transactions, findings and determinations.

SECTION 2-3.710. Quorum.

Three members of the commission constitutes a quorum for

the transaction of business.

SECTION 2-3.711. Duties of Officers.

(a) Chair: The chair shall preside at all meetings of the commission. He or she shall appoint each committee and shall perform the duties necessary or incidental to the office.

(b) Vice-Chair: The vice-chair is chair in the absence of the chair or in case of inability of the chair to act.

(c) Secretary: The secretary shall keep minutes of each meeting and shall record the official action taken. On all official actions on which a vote is taken, the secretary shall take the vote by roll call, in alphabetical order, with the chair voting last. The secretary shall certify each official document and resolution of the commission. The secretary shall maintain records of operation and shall perform such other duties as the commission assigns.

SECTION 2-3.712. Powers and Duties.

The Historical Preservation Commission shall have the following powers and duties:

(a) To undertake a comprehensive historic resources inventory, to maintain a historic register; and to maintain such historical collections as may be donated to the City;

(b) To establish various criteria, guidelines and standards to carry out the intent of this ordinance;

(c) To recommend to the City Council the designation of historical landmarks and historical districts;

(d) To participate in administrating regulations pertaining to historical landmarks and historical districts;

(e) To recommend to the City Council ways to fund and to otherwise make financially feasible the protection of historical landmarks and historical districts;

(f) To recommend to the Council the means to implement the Historic Preservation Element of the General Plan and this Ordinance by developing information and programs to increase awareness of, preservation of, and use of historical landmarks and historical districts in the City;

(g) To perform such other duties as the City Council may direct;

(h) To integrate preservation planning into the general planning review process.

Section 3. ARTICLE 30 is hereby added to TITLE VIII, Chapter 1 of the Winters Municipal Code to read as follows:

SECTION 8-1.3001. Definitions. The following definitions of terms found in this Article shall apply:

A. "Alteration" means any exterior change or modification, through public or private action, of any cultural resource or of any property located within a historic district including, but not limited to, exterior changes to or modification of structure, architectural details or visual characteristics such as grading, surface paving, new structures, cutting or removal of trees and other natural features, disturbance of archeological

sites or areas, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings, and landscape accessories affecting the exterior visual qualities of the property.

B. "Cultural resource" means improvements, buildings, structures, signs, features, sites, places, areas or other areas of scientific, aesthetic, educational, cultural, architectural, or historical significance to the citizens of the City.

C. "Exterior architectural feature" means the architectural elements embodying style, design, general arrangement and components of all of the outer surfaces of an improvement, including but not limited to the kind, color and texture of the building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvement.

D. "Historic District" means any area containing improvements which have a special character, historical interest or aesthetic value or which represent one or more architectural periods or styles typical to the history of the City, and which improvements constitute a distinct section of the City that has been designated an historic district pursuant to this ordinance.

E. "Improvement" means any building, structure, place, parking facility, fence, gate, wall, work of art or other object constituting a physical betterment of real property, or any part of such betterment.

F. "Designated Structure" (landmark, cultural resource, historic structure) means any improvement that has special historical, cultural, aesthetic or architectural character, interest or value as part of the development, heritage or history of the City, the State of California, or the nation and that has been designated pursuant to this ordinance.

G. "Designated site" (historic site, cultural resource site, landmark site) means a parcel or part thereof on which a cultural resource is situated, and any abutting parcel or part thereof constituting part of the premises on which the cultural resource is situated, and which has been deemed a designated pursuant to this ordinance.

H. "Object" means a material thing of functional, aesthetic, cultural, symbolic or scientific value, usually by design or nature movable.

I. "Preservation" means the identification, study, protection, restoration, rehabilitation or enhancement of cultural resources.

SECTION 8-1.3002. Creation of Historic Districts

(a) In accordance with recommendations made in the Winters Cultural Resources Inventory Report (1983), the council finds that the area described in subsection (b) contains

improvements which have either a special character or special historical interest or aesthetic interest or value and represent a period or style of architecture typical of eras in the city's history. Because of these factors the area constitutes a distinct section of the City.

(b) The Council designates Historic District One. The Historic District One consists of each parcel of property, and each designated landmark, located within the area described as follows;

Main Street, between Railroad Avenue and First Street. The area described is more particularly shown on a map attached to this Ordinance and designated as "Map of Historic District One of the City of Winters." The map designated as Map of Historic District One of the City of Winters is made a part of this ordinance by reference.

SECTION 8-1.3003. Approval required.

No person may undertake any of the following within the historic district without a certificate of approval from the Historical Preservation Commission.

- (1) construction of a new structure;
- (2) the moving, demolition or alteration of an existing structure in any manner which affects the exterior appearance of the structure;
- (3) a change in land use which affects the exterior appearance of a structure;
- (4) the erection, remodeling, or replacing or a sign which affects the exterior appearance of a structure.

SECTION 8-1.3004. Application for a permit to construct or alter structures.

(a) A person who desires to construct, alter, move or demolish a structure within the historic district shall file an application with the building inspector on a form prescribed by the city. The application shall include all necessary information required by the rules of the Historical Preservation Commission. When the application is filed, it shall be referred to the commission.

(b) The commission shall prescribe the rules for the giving of Notice and the holding of a public hearing upon applications filed under this ordinance.

SECTION 8-1.3005. Factors to be considered upon application.

In reviewing and acting upon each application, the commission shall consider:

- (1) The historic value and significance, or the architectural value and significance or both, of the structure and its relation to the historic value of the surrounding area;
- (2) The relationship of the exterior architectural features of the structure to the rest of the structure itself and to the surrounding area;
- (3) The general compatibility of exterior design, arrangement, texture and material which is proposed by the applicant.

SECTION 8-1.3006. Commission restricted to exterior features only. The commission shall consider and pass upon only the exterior features of a structure and may not consider the interior arrangement of the structure. The commission may not disapprove applications except in regard to the considerations set forth in Section 8-1.3003.

It is the purpose and intent of this ordinance that the commission be STRICT in its judgment of plans for structures, or landmarks considered to have significance in the historic and architectural history of the city, particularly those in the historic districts established in this ordinance.

It is also the purpose of this ordinance and the intent of the city council that the commission be LENIENT in its judgment of plans FOR STRUCTURES WHICH HAVE LITTLE OR NO HISTORIC VALUE or plans for new construction except where the plans would seriously impair the historic or architectural value of surrounding structures or landmarks. In adopting this ordinance the city council does not intend to limit new construction, alteration or repairs to any particular period of architectural style.

SECTION 8-1.3007. Procedure upon application.

(a) Upon the filing of an application, the secretary of the commission shall set the matter for hearing and shall give notice in accordance with the rules of the commission. The commission shall hold a public hearing and shall make its decision within 30 days from the date the application is filed. If the commission fails to act within 30 days, the application is considered approved unless the applicant and the commission agree to an extension of time.

(b) At the conclusion of the hearing the commission shall make its decision and shall file a certificate of approval or certificate of rejection with the building inspector. No person may do any work upon a structure which is a subject of an application until the commission has filed its certificate of approval. If the commission files a certificate of rejection, the building inspector shall not issue a building permit.

(c) The commission shall have the right to refuse the issuance of a building permit, or to halt the demolition of a structure up to 180 days.

SECTION 8-1.3008. Special considerations.

(a) If the commission is satisfied that the proposed construction or alteration will not materially impair the historic or architectural value of the structure, it shall approve the application.

(b) If the commission finds that the retention of the structure constitutes a hazard to public safety and the hazard cannot be eliminated by economic means available to the owner, the commission shall approve the application.

(c) If the commission considers the structure or landmark valuable for the history or period of architecture it

represents and important to the neighborhood in which it exists, the commission may nevertheless approve the application if any of the following circumstances exist:

- (1) The structure is a deterrent to a major improvement program which substantially benefits the city;
- (2) Retention of the structure causes an undue financial hardship to the owner; or
- (3) Retention of the structure is not in the interest of the majority of inhabitants of the city.

(e) The commission may approve the moving of a structure or landmark of historical or architectural value as an alternative to demolition.

SECTION 8-1.3009. Exceptions from regulations.

The regulations contained in this ordinance for approval by the commission do not apply to painting, routine maintenance or repair of a structure or landmark within the historic district.

SECTION 8-1.3010. Appeal.

A person aggrieved by an action of the Historical Preservation Commission may appeal the decision to the City Council. The time for taking an appeal, the notice and hearing and the rules applicable to the hearing and decision which apply to land use matters shall apply to an appeal from the commission.

SECTION 8-1.3011. Regulations enforced by building official.

The provisions of this chapter shall be enforced by the building inspector of the city with the aid of persons from such other city departments as may be requested by the building inspector. The provisions of the State Historic Building Code (California Administrative Code, Title 24, Part 8) shall be applicable in permitting repairs, alterations, and additions necessary for the preservation, restoration, moving or continued use of a historical building or structure.

SECTION 8-1.3012. Violation is a nuisance and may be abated.

A person who violates the provisions of this chapter is guilty of maintaining a public nuisance. An authorized employee of the building department may mail written notice to the owner that the violation exists. The owner then shall have thirty days to remedy the violation. The notice shall state that if the violation is not corrected within the time specified, legal proceedings to abate the violation shall be instituted. The city may follow the procedure conferred by Government Code Sections 38773, 38773.5, Civil Code Section 3494, Code of Civil Procedure Section 731, or other lawful authority.

SECTION 8-1.3013. Penalty for violation.

Any person violating any provision of this Chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding \$500.00 or be imprisoned for a period not exceeding six months or be so fined and

imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

SECTION 8-1.3014. Remedies are cumulative.

The remedies for violation of the provisions of this chapter are alternative and cumulative rather than exclusive in nature.

SECTION 8-1.3015. Showing of hardship.

The commission or City Council need not disapprove an application for permit to carry out any proposed work in an historic district, or on a landmark or a landmark site, if the applicant presents clear and convincing evidence of facts demonstrating to the satisfaction of the commission or city council that such disapproval will work immediate and substantial hardship on the applicant because of conditions peculiar to the person seeking to carry out the proposed work, whether this be the property owner, tenant or resident, or because of conditions peculiar to the particular improvement, building or structure or other feature inconsistent with the purposes of this Chapter. If a hardship is found to exist under this section, the Commission or City Council shall make a written finding to that effect, and shall specify the facts and reasons relied upon in making such finding.

SECTION 8-1.3016. Severability.

If any section, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have passed this ordinance and adopted this Chapter and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

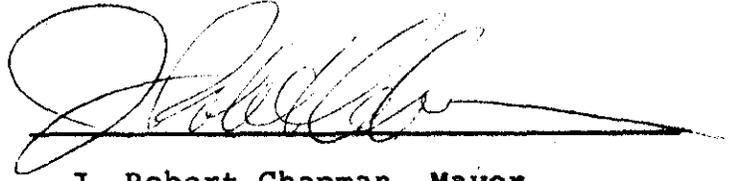
Section 4. Taking effect: This Ordinance shall take effect thirty (30) days after its passage and shall be published as required by law.

The foregoing ordinance was first introduced at a regular meeting of the Winters City Council on May 7, 1985. A Public Hearing was held on May 21, 1985. On May 21, 1985, the ordinance was adopted by said City Council, at a regular meeting, by the following vote:

AYES: J. Robert Chapman, Mayor
 Roger Mosier, Vice-Mayor
 Roy Jones, Councilman
 Gilbert Sebastian, Councilman
 Wayne Stewart, Councilman

NOES: None

ABSENT: None



A large, stylized handwritten signature in black ink, appearing to read 'J. Robert Chapman', written over a horizontal line.

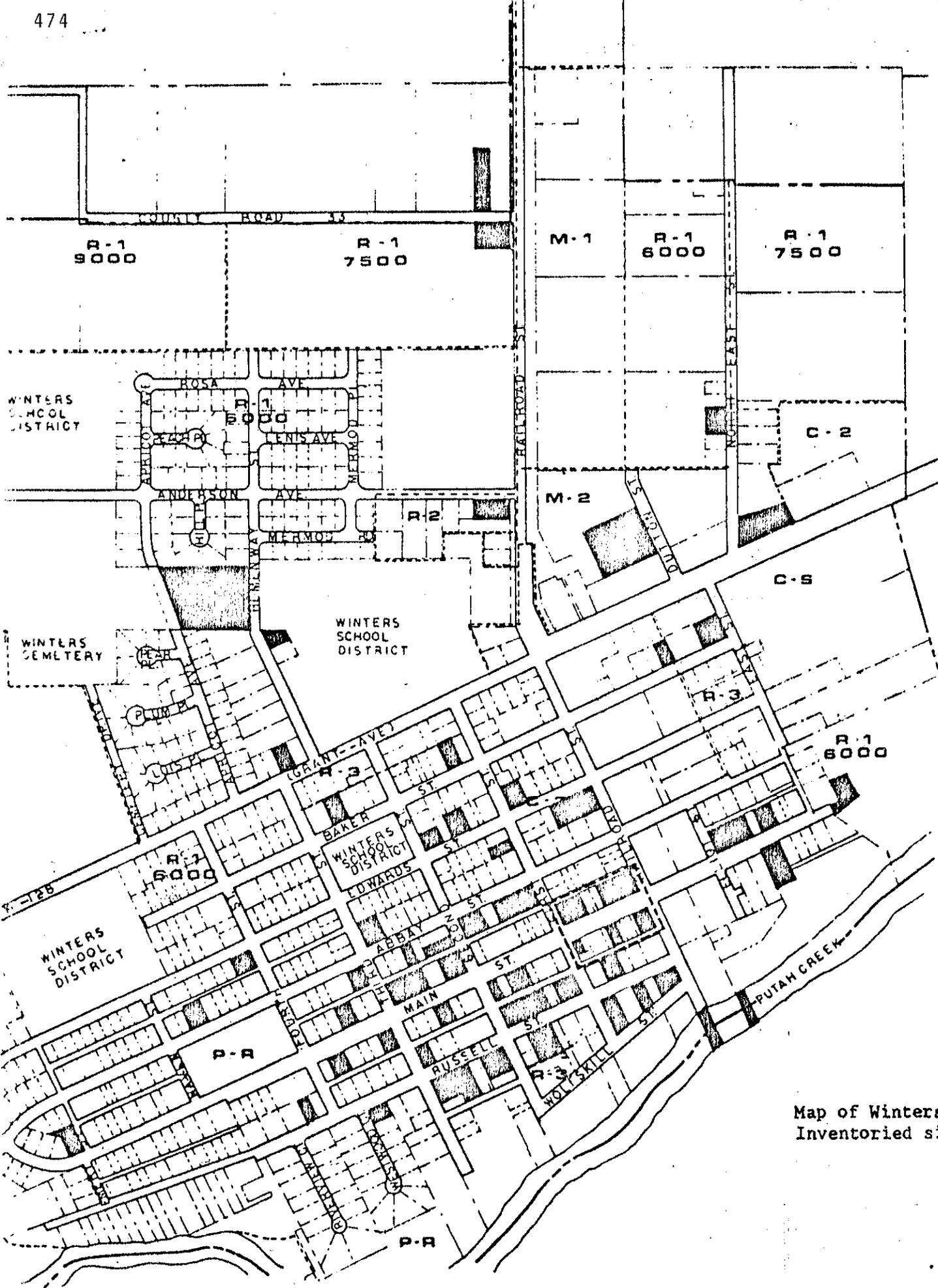
J. Robert Chapman, Mayor

ATTEST:



A handwritten signature in black ink, appearing to read 'Gale A. Bruhn', written over a horizontal line.

Gale A. Bruhn, City Clerk



Map of Winters:
Inventoried sites