

ORDINANCE NO. 377

AN ORDINANCE CREATING A PROGRAM  
OF HISTORIC PRESERVATION, AND  
CREATING AN HISTORIC PRESERVATION  
COMMISSION TO IMPLEMENT THE PROGRAM  
UNDER THE CERTIFIED LOCAL GOVERNMENT  
PROGRAM OF THE STATE OF WYOMING

SECTION 1 - TITLE

This ordinance shall be called the Historic Preservation Ordinance of the Town of Mills, Wyoming.

SECTION 2 - PURPOSE AND PUBLIC POLICY

2.1 The State of Wyoming and The Town of Mills have a wide range of cultural resources that include prehistoric and historic sites which are invaluable relics that remain to illustrate our state's past. The Town Council of the Town of Mills hereby find that the State of Wyoming and the Town of Mills are noteworthy for their historic sites and natural beauty, including locations important to the settlement of Wyoming and the west and sites which are important in the founding and development of the Town itself. In recent years many significant structures and historic and archaeological sites have been destroyed without adequate consideration of either the values represented therein or the possibility of reserving the properties for use in economically productive ways. Citizens of Mills share the belief that Wyoming's cultural resources enhance the quality of life for all and promote our general welfare. It is hereby declared a matter public policy that the protection, enhancement and perpetuation of significant historical, archaeological and architectural relics of value is a public necessity and is required in the interest of health, prosperity, safety, and welfare of the people. The purpose of this section is to:

(a) Effect and accomplish the protection, enhancement, and perpetuation of such improvements and of districts which represent or reflect elements of the Town's cultural, social, economic, political, engineering and architectural history.

(b) Safeguard Mills' historic, archeological and cultural heritage as embodied and reflected in such historic structures, sites and districts.

(c) Stabilize and improve property values.

(d) Foster civic pride in the beauty and noble accomplishments of the past.

(e) Protect and enhance Mills attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry to strengthen the economy of Mills.

(f) Promote the use of historic structures, sites and districts for the education, pleasure and welfare of the people of Mills.

- 2.2 The Town Council enacts this ordinance as stated above to help preserve Wyoming's heritage. The Town Council also endorses the State of Wyoming's Certified Local Government program and agree to participate in this historic preservation program. Mills has the ability to participate in the CLG program by provisions specified in Section 16-1-101, W.S. 1977.

### SECTION 3 - HISTORIC PRESERVATION COMMISSION

- 3.1 This ordinance hereby authorizes the creation of an historic preservation commission known as the Mills Historic Preservation Commission, which shall be charged with implementation of the Certified Local Government program of the Town.

- 3.2 Designation of Local Cultural Resources. Based upon the results of a cultural resource inventory, the Commission shall complete a list of districts, buildings, structures, sites or objects that meet the criteria for eligibility as specified in the Department of the Interior's criteria for the National Register of Historic Places. The Commission shall establish and maintain an official list of locally significant cultural resources which shall be titled "The Locally Recognized Historic and Archeological Sites of the Town of Mills".

- 3.3 Purpose of Designation. The Commission shall propose such a listing to the Town Council for adoption upon which the Commission will work with landowners, in accordance with adopted rules, in preserving recognized sites, and in processing nominations of local sites to the National Register of Historic Places.

- 3.4 Effect of Local Designation. Local designation of sites shall be with consent of the Owners of all sites. Local designation of sites does not impose special or specific restrictions on any site or limit the use of the property in any special manner. Local designation is intended to recognize sites important to Mills and the history of Mills and to encourage their preservation.

Only sites previously designated as locally recognized, however, may be reviewed and nominated by the Town to the National Register of Historic Places. The national designation, jointly proposed by the land owner and Town, would enable the owner to apply for Federal funding, if available, to help maintain and use his property while preserving its cultural and historical features.

SECTION 4 - PARTICIPATION ON THE NATIONAL REGISTER PROCESS

- (A) The commission shall review each pending National Register nomination that lies within the boundaries of its specified jurisdiction.
- (B) The Commission will comply with Section 4 of the "Rules and Regulations Pertaining to the Certification of Local Governments " as written by the SHPO and officially approved by the Department of the Interior.

SECTION 5 - RULES AND REGULATIONS

The Town of Mills, in accordance with this Ordinance, hereby adopts rules and regulations for the implementation of the program, having the same effective date as this ordinance and being an attachment thereto.

SECTION 6 - SEVERABILITY

If any provision, paragraph, word, section, or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

SECTION 7 - CONFLICT

All other ordinances and parts of Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 8 - EFFECTIVE DATE

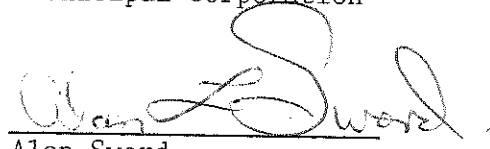
This Ordinance shall be in full force and effect from and after its passage, approval, and publication, as provided by law.

PASSED on 1st reading the 7 day of May, 1986.

PASSED on 2nd reading the 11 day of June, 1986.

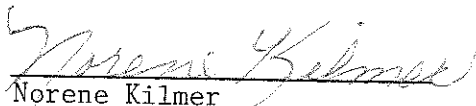
PASSED, APPROVED, AND ADOPTED on 3rd and final reading the 6th day of August, 1986.

Town of Mills, Wyoming  
A Municipal Corporation



Alan Sword  
Mayor

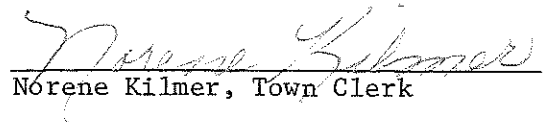
ATTEST:



Norene Kilmer  
Town Clerk

I, Norene Kilmer, Town Clerk of the Town of Mills, Wyoming, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 377, entitled, "AN ORDINANCE CREATING A PROGRAM OF HISTORIC PRESERVATION". Passed on Third Reading by the Town Council of the Town of Mills, Wyoming at a regular meeting held in the Council Chambers on the 6th day of August, 1986.

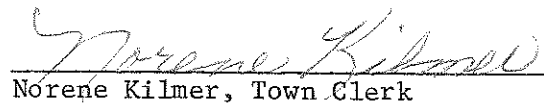
SEAL



Norene Kilmer, Town Clerk

I regularly appointed, duly qualified and acting Town Clerk of the Town of Mills, Wyoming, do hereby certify that the signed, attested, sealed and certified copies of this Ordinance No. 377, approved and passed as certified above, were, following its passage by the Town Council, posted in the Town Clerk's office and the Mills Post Office for a period of ten (10) days as required by law; that it took effect and became in force as a legal ordinance of the Town of Mills, Wyoming, on the 20th day of August, 1986.

SEAL



Norene Kilmer, Town Clerk

TOWN OF MILLS  
HISTORIC PRESERVATION PROGRAM  
RULES AND REGULATIONS  
ADOPTED AUGUST 6, 1986 IN ACCORDANCE  
WITH ORDINANCE NO. 377

SECTION 1 - STATEMENT OF PURPOSE AND PUBLIC POLICY

- (A) These regulations are titled "Rules and Regulations Historic Preservation Program of the Town of Mills, Wyoming".
- (B) The State of Wyoming and the Town of Mills have a wide range of cultural resources that include prehistoric and historic sites which are invaluable relics that remain to illustrate our State's past. The Town hereby finds that the State of Wyoming and the Town are noteworthy for their historic sites and natural beauty. In recent years many significant structures, and historic and archaeological sites have been destroyed without adequate consideration of either the values represented therein or the possibility of preserving the properties for use in economically productive ways. Citizens of Mills share the belief that Wyoming's cultural resources enhance the quality of life for all and promote the Town's general welfare. It is hereby declared that enhancement and perpetuation of significant historical, archaeological and architectural relics of value is a public necessity and is required in the interest of health, prosperity, safety and welfare of the people. The purpose of these rules is to:
- (a) Effect and accomplish the protection, enhancement, and perpetuation of such improvements and of districts which represent or reflect elements of the Town's cultural, social, economic, political, engineering and architectural history.
- (b) Safeguard the Town's historic, archaeological and cultural heritage, as embodied and reflected in such historic structures, sites and districts.
- (c) Stabilize and improve property values.
- (d) Foster civic pride in the beauty and noble accomplishments of the past.
- (e) Protect and enhance the Town's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry to strengthen the economy of the Town.

(f) Promote the use of historic structures, sites and districts for the education, pleasure and welfare of the people of the Town.

- (C) The Town Council enacts these regulations as stated above to help preserve Wyoming's heritage. The Town Council also endorses the State of Wyoming's Certified Local Government program and agree to participate in this historic preservation program. Mills has the ability to participate in the CLG program by provisions specified in Section 16-1-101, W.S. 1977.

## SECTION 2 - DEFINITIONS

For purposes of clarity, the following definitions will apply throughout these rules:

- (A) "local government" means the Town of Mills
- (B) "historic preservation commission" or "commission" means the Historic Preservation Commission of Mills as established by the Town Council.
- (C) "State Historic Preservation Officer" or "SHPO" means the individual appointed by the Governor to administer Wyoming's historic preservation program.
- (D) "National Register of Historic Places" means the federal government's official list of properties judged to be worthy of preservation. The National Register program in Wyoming is administered by the Wyoming SHPO.

## SECTION 3 - HISTORIC PRESERVATION COMMISSIONS

- (A) Ordinance No. 377 authorizes the creation of an historic preservation commission known as the Mills Historic Preservation Commission.
- (B) The Mayor shall appoint board members to the commission; each appointment will be subject to approval by the Town Council. The Mayor shall attempt to draw upon a wide range of backgrounds and interests to represent the Town's diverse heritage.
- (C) The commission shall consist of nine members.
- (D) Members of the commission shall serve without compensation, but may be reimbursed for expenses necessarily incurred in the performance of their duties.
- (E) At least two members of the commission must reside within the boundaries of the Town.

- (F) All commission members must have demonstrated interest, knowledge, or experience in the fields related to historic preservation as described below.
- (G) To the extent that such professionals are available in the community, at least two (2) members of the commission shall be professionals in field related to historic preservation (e.g. history, architectural history, archeology, historical architecture, planning, or other related disciplines such as American civilization, cultural geography, or cultural anthropology.) If historic preservation professionals do not reside within the Town, expertise may be obtained from other Wyoming communities. Information on the credentials of the commission members must be kept on file and available for public inspection.
- (H) When an appropriate discipline is not represented among the commission members, the commission shall be required to seek the appropriate expertise, when considering National Register nominations, or other actions that will impact properties which are normally evaluated by a professional in such disciplines.
- (I) Minutes or records of the proceedings of the Commission shall be transmitted to the Town Council as well as to members of the Commission. The Commission shall monitor and report to the SHPO any activity affecting significant property within its jurisdiction.
- (J) An annual report of the activities of the commission shall be submitted to the Town Council and the SHPO. Such reports shall include but are not limited to items such as the number and type of cases reviewed, review decisions, proposed nominations, updated resumes of commission members, appointments to the commission, meeting attendance records, progress reports on survey activities, and National Register nominations reviewed.
- (K) Commission meetings must be held at least twice a year.
- (L) The appointing authority shall act within 90 days to fill a vacancy.
- (M) Each commission member is required to attend at least one informational or educational meeting per year as sponsored by the SHPO that pertains to the work and functions of the commission or to historic preservation. The SHPO will provide information to all historic preservation commissions.
- (N) The commission in addition to the appropriations made by the Town shall have the right to receive, hold, and spend funds which it may legally receive from any and every source both in and out of the State of Wyoming for the purpose of carrying out the provisions of these rules.

- (O) The Commission shall adopt rules of procedure for the conduct of its business in accordance with the provisions of these rules. Such rules of procedure shall be filed with the Town. Terms of the commission members and the election of officers shall be discussed within the commission's rules of procedure.
- (P) The Town Planner shall be staff to the commission and shall be secretary of the commission.

#### SECTION 4 - DUTIES AND POWERS OF THE HISTORIC PRESERVATION COMMISSION

The Historic Preservation Commission shall have powers to:

- (A) Conduct cultural resource surveys of structures and areas for the purpose of determining those of architectural, historical, cultural and/or archaeological significance; to maintain and revise detailed listings of significant structures and districts.
- (B) Propose to the Town Council criteria the evaluation and designation of districts, buildings, structures, sites, or objects located within the Town's jurisdiction. The criteria should be compatible with the Department of Interior's criteria for evaluation of potential entries to the National Register of Historic Places as listed below.

The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and;

- (1) that are associated with events that have made a significant contribution to the broad patterns of our history;
  - (2) That are associated with the lives of persons significant in our past; or
  - (3) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- (C) Designate districts, sites, buildings, structures, and objects which meet the criteria because they are significant in American History, architecture, archaeology and culture. This recognition of local districts, sites, buildings, structures and objects shall be entitled locally as specified in Section 6 (A). Ultimately designations by the Historic Preservation Commission shall be submitted to the Town Council for ratification.
  - (D) Act as advisors on historic preservation issues to appropriate local government agencies and the Town Council.



- (E) Act as advisors to residents and property holders on matters of historic preservation.
- (F) Promote historic preservation awareness through a wide range of activities such as walking tours, educations seminars, and published materials.
- (G) Retain assistance of staff members or consultants to carry out the duties as listed above.
- (H) Request and receive any appropriate information, cooperation assistance or studies from any government departments, boards, agencies or commissions.

#### SECTION 5 - INVENTORY OF SIGNIFICANT CULTURAL RESOURCES

- (A) As stated in Section 4(A), the Historic Preservation Commission, with assistance from local officials and the SHPO, shall conduct a cultural resource survey of neighborhoods, and commercial areas, for the purpose of evaluating each area's potential for local designation. The inventory shall serve as the data base for preservation decisions and possibly a guide for planning and zoning decisions.
- (B) The local inventory shall:
  - (1) be accessible to the public unless access to archaeological or historic information must be restricted for protective purposes.
  - (2) be updated periodically to reflect new information.
  - (3) incorporate information about buildings, sites, structures, districts, or objects enrolled in or eligible for, listing in the National Register of Historic Places.
  - (4) be supplied to the SHPO through the use of duplicates for use in SHPO inventory files.
- (C) Current historic preservation methodology as established by the Department of the Interior and the SHPO shall serve as a guideline for the cultural resource survey.
- (D) Cultural resource consultants may be retained to perform the survey duties of the Commission.

#### SECTION 6 - DESIGNATION OF LOCAL CULTURAL RESOURCES

- (A) Based upon the results of the cultural resource inventory, the commission shall complete a list of districts, buildings, structures, sites or objects that meet the criteria for eligibility as specified in Section 4(B), the Department of the Interior 's criteria for the National Register of Historic

Places. The Commission shall establish an official list of locally significant cultural resources.

- (B) The commission shall submit the proposed designation of local sites to the Town Council.
- (C) The designation shall contain specific boundaries for proposed designations.
- (D) A landowner or other interested parties may submit a recommendation to the Commission for consideration of local listing. The Commission must duly process this petition.
- (E) Notice of a proposed designation shall be sent by certified mail to the owner of property proposed for designation, describing the property proposed and announcing a public hearing by the Commission to consider said designation.
- (F) All property owners shall be notified of public hearings as above in Section 6(E). The local government shall advertise the meeting once in each daily local newspaper at least 15 days prior to the Commission meeting.
- (G) At the public meetings:
  - (1) The Commission may solicit expert testimony regarding the historical, architectural, cultural, or archaeological importance of the site, building, structure, district or object under consideration for designation.
  - (2) The Commission may present testimony or documentary evidence of its own to establish a record regarding the historical and architectural cultural, or archaeological importance of the proposed designation.
  - (3) The Commission shall afford to the owner of said property reasonable opportunity to present testimony or documentary evidence regarding the importance of the proposed designation.
  - (4) The owner of the property proposed for designation shall be afforded the right to representation by counsel and reasonable opportunity to cross-examine witnesses presented by the Commission.
  - (5) Any interested party may present testimony or documentary evidence regarding the proposed designation at the public hearing.
  - (6) The Commission must submit its decision to the Town Council within 30 days of the Public Hearing and Town Council must act on the resolution for approval within 60 days of the public hearing.

- (H) Owners must be notified of the designation decision within 14 days of the Commission meeting. The state Historic Preservation Office and other agencies as appropriate shall be notified as designation by the Commission. Within 30 days of the date on which the Town Council ratified designation of any site, building, structure, district or object as worthy of preservation, the Commission shall cause to be filed with the appropriate legal entity a certificate of notification that such property is designated, and said certificate of notification shall be maintained on the public records until such time as the designation may be withdrawn by the Commission.
- (I) The Commission may rescind the designation of a site, building, structure, district or object, if due to professional error, the property was incorrectly designated. The Commission shall follow the public notification procedures as specified above to rescind a local designation.

#### SECTION 7 - PARTICIPATION IN THE NATIONAL REGISTER PROCESS

- (A) The Commission shall review each pending National Register nomination that lies within the boundaries of its specified jurisdiction.
- (B) The Commission will comply with Section 4 of the "Rules and Regulations Pertaining to the Certification of Local Governments" as written by the SHPO and officially approved by the Department of the Interior.