

Chapter Comm 70

APPENDIX

The material contained in the appendix is for clarification purposes only.

A 70.04 Verification of Qualified Historic Building.

The following is information on the process for certification of Historic Preservation ordinances which will be handled through the State Historical Society.

Certification of Historic Preservation Ordinances for the Wisconsin Historic Building Code

1. *Background.* In accordance with Wisconsin Statutes 101.121 and 44.44, a municipality (city, village, town or county) may request the State Historical Society of Wisconsin to certify its local historic preservation ordinance in order to establish a “certified municipal register of historic property” to qualify locally designated historic buildings for the Wisconsin Historic Building Code.

The purpose of the Wisconsin Historic Building Code, which has been developed by the Department of Commerce, is to facilitate the preservation or restoration of designated historic buildings through the provision of alternative building standards. Owners of qualified historic buildings are permitted to elect to be subject to the Historic Building code in lieu of any other state or municipal building codes.

For purposes of the Historic Building Code, a “qualified historic building” is defined as an historic building which:

1. Is listed in, or nominated by the State Historical Society for listing in, the National Register of Historic Places in Wisconsin;
2. Is included in a district which is listed in, or has been nominated by the State Historical Society for listing in, the National Register of Historic Places in Wisconsin, and has been determined by the State Historical Society to contribute to the historical significance of the district;
3. Is listed in a certified municipal register of historic property; or
4. Is included in a district which is listed in a certified municipal register of historic property, and has been determined by the municipality to contribute to the historic significance of the district.

2. *Certified municipal register of historic property: certification requirements.* A “certified municipal register of historic property” is a local register of historic properties which have been designated under an historic preservation ordinance promulgated by a city, village, town or county if the ordinance is certified by the State Historical Society of Wisconsin.

The State Historical Society will certify a municipal historic preservation ordinance for purposes of the Historic Building Code if the ordinance does all of the following:

1. Contains criteria for the designation, in a municipal register, of historic structures and historic districts which are substantially similar to the criteria for inclusion in the National Register of Historic Places in Wisconsin;
2. Provides a procedure for the designation of historic structures or historic districts which includes, at a minimum, a nomination process, public notice of nominations and an opportunity for written and oral public comment on nominations;
3. Provides for the exercise of municipal control by ordinance, to achieve the purpose of preserving and rehabilitating historic structures and historic districts;
4. Creates a municipal historic preservation commission.

Information on historic preservation ordinances, including the publication, *Historic Preservation Law in Wisconsin*, which contains a model ordinance, is available from the State Historical Society of Wisconsin.

3. *To request certification.* To request certification of a municipal historic preservation ordinance, the chief elected local official is required to send to the State Historic Preservation Officer, State Historical Society of Wisconsin, 816 State Street, Madison, WI 53706, the following materials:

1. A letter signed by the chief elected local official requesting certification of the municipal historic preservation ordinance for the purposes of the Historic Building Code;
2. A copy of the historic preservation ordinance, including the date the ordinance was enacted;
3. A list of locally designated historic properties and districts, including addresses, presently on the municipal register of historic property; and

4. The name, address and telephone number of the local official or person authorized to certify the eligibility of local qualified historic buildings for purposes of the Historic Building Code.

The State Historic Preservation Officer will respond to requests for certification within 30 days of receipt.

4. *Further Information.* Questions concerning the eligibility of properties for the Historic Building Code should be directed to the Historic Preservation and Public History Division, State Historical Society of Wisconsin, 816 State Street, Madison, WI 53706, telephone (608) 264-6490.

Note: *The Certified Local Government program in Wisconsin.* The Certified Local Government (CLG) program in Wisconsin is a separate program from the certification of municipal ordinances for the Historic Building Code. However, the two programs are related and can be applied for simultaneously. The CLG program is designed to foster a closer working relationship among local, state and federal historic preservation programs. Wisconsin municipalities that have enacted historic preservation ordinances and have established local historic preservation programs may apply for CLG status in accordance with the National Historic Preservation Amendments Act of 2180 and the "Procedures for the Certification of Local Governments in Wisconsin."

CLG's, in addition to being certified for the Historic Building Code, are eligible to apply for special CLG matching grants to carry out certain local historic preservation activities to improve their preservation programs and to maintain their qualification as CLGs.

The CLG program in Wisconsin and the requirements for CLG certification are described in a booklet entitled "Procedures for the Certification of Local Governments in Wisconsin," which is available from the State Historical Society of Wisconsin.