

**Sample Ordinance**  
to create a  
**Historic Preservation Commission**  
in accordance with the *Regulations for the*  
*Vermont Certified Local Government Program*

Prior to requesting designation as a Certified Local Government, a community must establish, by action appropriate to its procedures, a Historic Preservation Commission of not less than three (3) nor more than nine (9) members appointed by the legislative body of the local government.

The following sample ordinance has been developed by the Vermont Division for Historic Preservation to help communities to establish a Historic Preservation Review Commission and meet the requirements of becoming a Certified Local Government. Communities are advised to contact the Division for review of the proposed ordinance prior to starting the local ordinance adoption process.

After passage of the local ordinance, please contact the Division for information on how to request certification.

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*ORDINANCE*  
*For Establishment of Historic Preservation Commission*

WHEREAS, the Town of \_\_\_\_\_ contains historic resources of local, state and national significance and the Select Board has determined that a Historic Preservation Commission would be beneficial to the cultural enrichment and general well-being of the community,

NOW, THEREFORE, pursuant to the authority granted them by Title 24, Vermont Statutes Annotated, and Section \_\_\_ of the Charter of the Town of \_\_\_\_\_, the Select Board hereby ordains and enacts as follows:

1. The Town of \_\_\_\_\_ has agreed to enforce, within its jurisdiction, the provisions of the Vermont Planning and Development Act (24 V.S.A. chapter 117), the Vermont Historic Preservation Act (22 V.S.A. chapter 14), and any other state or local legislation which may be enacted for the designation and protection of historic properties.
2. The Town of \_\_\_\_\_ hereby establishes a Historic Preservation Commission of [three to nine] members appointed by the Select Board. The structure and responsibilities of the Historic Preservation Commission shall be as follows:
  - a. The Historic Preservation Commission shall be composed of professional and lay members, a majority of whom reside within the jurisdiction of the Town of \_\_\_\_\_.
  - b. All members of the Historic Preservation Commission shall have a demonstrated interest, competence or knowledge in historic preservation.
  - c. To the extent available within the jurisdiction of the Town of XXXXX, at least a majority of the Historic Preservation Commission members shall be professionals from the disciplines of history, archaeology, architectural history, architecture and historical architecture who meet the requirements outlined in Appendix A of the *Regulations for the Vermont Certified Local Government Program* (attached). Members representing other historic preservation related disciplines, such as urban planning, American studies, American civilization, cultural geography, or cultural anthropology, and lay members are encouraged. When a discipline is not represented on the Historic Preservation Commission, the commission shall seek the assistance of the Division in obtaining the necessary expertise when considering National Register nominations and other actions that will impact properties which are normally evaluated by a professional in such discipline.
  - d. The terms of membership shall be three years, except that the initial appointments shall be staggered so that 1/3 of the commission memberships expire after the first year, 1/3 after the second year, and the remainder after the third year of the Commission's existence.

- e. All activities of the Historic Preservation Commission shall be conducted in accordance with the terms of the Vermont Open Meeting Law (1 V.S.A. chapter 5, subchapter 3), and the Historic Preservation Commission shall take additional steps as it deems appropriate to stimulate public participation in commission activities, such as publishing its minutes, publishing the procedures by which assessments of potential National Register nominations will be carried out or using public service announcements to publicize Historic Preservation Commission activities. The Historic Preservation Commission may withhold from disclosure to the public information about the location, character, or ownership of archaeological resources if such disclosure might risk harm to the resources.
- f. The Historic Preservation Commission shall meet no less than four times annually, and maintain an attendance rule for its members.
- g. The Historic Preservation Commission shall have written rules of procedure, including conflict of interest provisions in compliance with the Historic Preservation Fund Grants Manual issued by the National Park Service.
- h. The Historic Preservation Commission shall have the following responsibilities, to be carried out in coordination with and in accord with format and standards established by the Vermont Division for Historic Preservation.
  - i. Creation and maintenance of a system for the survey and inventory of historic properties within its jurisdiction that is coordinated with the *Vermont Historic Sites and Structures Survey* and the *Vermont Archaeological Inventory*.
  - ii. Preparation, for submission to the Vermont Division for Historic Preservation by the Select Board, of a report concerning properties within its jurisdiction that are under consideration for nomination to the National Register of Historic Places. The report shall be prepared in cooperation with the Division and shall be prepared in a manner consistent with the requirements of the National Historic Preservation Act as described in the *Regulations for the Vermont Certified Local Government Program*.
  - iii. When determined to be appropriate in the discretion of the Historic Preservation Commission, preparation and submission for approval by the Select Board of grant applications to the Vermont Division for Historic Preservation for funds from the CLG share of the state's annual Historic Preservation Fund (HPF) grant award.

- iv. Advising and assisting the Select Board, Planning Commission, and other appropriate persons on matters related to historic preservation.
- v. Performance of additional responsibilities in accordance with a mutual written agreement between the Vermont Division for Historic Preservation and the Select Board.

*The following responsibilities are optional, as allowed in 24 VSA 4433(3)(c), and can be added to or removed from the ordinance as desired:*

- vi. Preparation of reports and recommendations on standards for the planning commission in creating a local historic district bylaw under this chapter.
- vii. Advising the appropriate municipal panel and administrative officer in development review and enforcement pursuant to subdivision 4414(1)(F) and section 4464 of this title.
- viii. If provided in the bylaw, advising and assisting the legislative body, appropriate municipal panel, and administrative officer in creating and administering a design review district or downtown or village center district pursuant to subdivision 4414(1)(A) or (E) of this title.

## **Appendix A: Professional Qualifications**

*From the "Regulations for the Vermont Certified Local Government Program"*

In the following definitions, a year of full-time professional experience need not consist of a continuous year of full-time work but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent of a year of full-time experience.

**(a) History.** The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field plus one of the following:

- (1) At least two years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historical organization or agency museum, or other professional institution; or
- (2) Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

**(b) Archaeology.** The minimum professional qualifications in archeology are a graduate degree in archeology, anthropology, or clearly related field plus

- (1) At least one year of full-time professional experience or equivalent specialized training in archaeological research, administration, or management;
- (2) At least four months of supervised field and analytic experience in general North American archeology, and
- (3) Demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archaeological resources of the prehistoric period. A professional in historic archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archaeological resources of the historic period.

**(c) Architectural History.** The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with course work in American architectural history; or a bachelor's degree in architectural history, art history, historic preservation, or closely related field plus one of the following:

- (1) At least two years of full-time experience in research, writing, or teaching American architectural history, or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or
- (2) Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

**(d) Architecture.** The minimum professional qualifications in architecture are a professional degree in architecture plus at least two years of full-time professional experience in architecture; or a state license to practice architecture.

**(e) Historic Architecture.** The minimum professional qualifications in historic architecture are a professional degree in architecture or state license to practice architecture, plus one of the following:

- (1) At least one year of graduate study in architectural preservation, American architectural history, preservation planning or closely related field; or
  - (2) At least one year of full-time professional experience on historic preservation projects.
- (3) Such graduate study or experience shall include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.