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2.36.080 Authority of mayor to appoint officers.

The mayor, by and with the consent of the city council, may from time to time appoint such number of policemen as shall be necessary for the good government of the city. (Prior code § 14-8.)

2.36.090 Duty of officers.

Policemen are officers of the city and must diligently and faithfully perform the duties imposed upon them by the ordinances of the city or the resolutions of the city council. They must obey the rules provided by the mayor and marshal and must diligently enforce all ordinances concerning the public peace. (Prior code § 14-9.)

Chapter 2.38

HISTORIC PRESERVATION COMMISSION

Sections:

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2.38.060	Standards for rehabilitation.

2.38.010 Purpose.

The Lindon City recognizes that the historical heritage of the Lindon community is among its most valued and important assets. It is therefore the intent of Lindon City to identify, preserve, protect, and enhance historic areas and sites lying within the city limits of Lindon City.

2.38.020 Historic preservation commission.

1. The commission shall consist of a minimum of five members with a demonstrated interest, competence, or knowledge in historic preservation, appointed by the city council for terms of not less than two years.
2. To the extent available in the community, two

Commission members shall be professionals, as defined by National Park Service regulations, from the disciplines of history, archaeology, planning, architecture, or architectural history.

3. The Commission shall meet at least twice each year and conduct business in accordance with the Open Public Meeting laws of Utah. This includes public notification of meeting place, time, and agenda items.
4. Written minutes of each Commission meeting shall be prepared and made available for public inspection. A historic preservation commission is hereby established by Lindon City with the following provisions:

2.38.030 Commission duties.

The historic preservation commission shall have the following duties:

1. Survey and Inventory Community Historic Resources. The Historic Preservation Commission shall conduct or cause to be conducted a survey of the historic, architectural, and archaeological resources within the community. The survey shall be compatible with the Utah Inventory of Historic and Archaeological Sites. Survey and inventory documents shall be maintained and shall be open to the public. The survey shall be updated at least every 10 years.
2. Review Proposed Nominations to the National Register of Historic Places. The Historic Preservation commission shall review and comment to the State Historic Preservation Officer on all proposed National Registry nominations for properties within the boundaries of Lindon City. When the Historic Preservation Commission considers a National Register nomination which is normally evaluated by professionals in a specific discipline and that discipline is not represented on the Commission, the Commission shall seek expertise in that area before rendering its decision.
3. Provide advice and information.
 - a) The historic preservation commission shall act in an advisory role to other

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officials and departments of government regarding the identification and protection of local historic and archaeological resources.

- b) The historic preservation commission shall work toward the continuing education of citizens regarding historic preservation and community history.
4. Enforcement of state historic preservation laws. The commission shall support the state laws relating to historic preservation. These include, but are not limited to: U.C.A. §17A-3-1301 through 1306, "The Historic District Act;" and U.C.A. §9-8-301 through 506 regarding the protection of Utah antiquities and historic sites.

2.38.040 Lindon City historic sites list.

The historic preservation commission may designate historic properties to the historic sites list as a means of providing recognition to and encouraging the preservation of historic properties in the community.

1. Criteria for designating properties to the Lindon historic sites list. Any district, building, structure, object, or site may be designated to the historic sites list if it meets all the criteria outlined below:
 - a. It is located within the official boundaries of the city.
 - b. It is at least 50 years old.
 - c. It retains its historic integrity, in that there are no major alterations or additions that have obscured or destroyed the significant historic features. Major alterations that would destroy the historic integrity include, but are not limited to, changes in pitch of the main roof, enlargement or enclosure of windows on the principal facades, addition of upper stories or the removal of original upper stories, covering the exterior walls with non-historic materials, moving the resource from its original location to one that is dissimilar to the original, additions which significantly detract from or obscure the original form and appearance

of the house when viewed from the public way.

- d. It has been documented according to the Utah State Historic Preservation office standards for intensive level surveys (January 1990 version or subsequent revisions) and copies of that documentation have been placed in the local and state historic preservation files.
2. Nomination and list procedures. Any person, group, or government agency may nominate a property for listing in the Lindon historic sites list. The nomination and listing procedures are as follows:
 - a. Completed intensive level survey documentation for each nominated property must be submitted in duplicate to the historic preservation commission.
 - b. The commission will review and consider properly submitted nominations at its next scheduled meeting. The commission will notify the nominating party, either orally or in writing, one week prior to the meeting that the nomination will be considered and will place that item on the agenda posted for the meeting. The one-week notification may be waived at the nominating party's option in order to accommodate "last-minute" submittals, although no nomination will be reviewed if it is submitted to the commission less than 48 hours prior to the meeting.
 - c. The historic preservation commission will review the documentation for completeness, accuracy, and compliance with the criteria for designating historic properties to the "Lindon historic sites list" and will make its decision accordingly.
 - d. Owners of officially designated historic sites may obtain a historic site certificate from the historic preservation commission. The certificate contains the historic name of the property, the date of designation, and signatures of the mayor and the historic preservation commission chairperson.

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- e. If a historic site is to be demolished or extensively altered, efforts will be made to document its physical appearance before that action takes place.
 - f. The city will delay issuing a demolition permit for a maximum of one week and will notify a member of the historic preservation commission, which will take responsibility for the documentation.
 - g. Documentation will include, at minimum exterior photographs (both black-and-white and color slides) of all elevations of the historic building. When possible, both exterior and interior measurements of the building will be made in order to provide an accurate floor plan drawing of the building.
 - h. The demolition permit will be issued after one week of the initial application whether or not the Commission has documented the building. The permit may be issued earlier if the commission completes its documentation before the one-week deadline.
 - i. The documentation will be kept in the Commission's historic site files, which are open to the public.
3. Removal of properties from the historic sites list. Properties which, in the opinion of the historic preservation commission, no longer meet the criteria for eligibility may be removed from the historic sites list after review and consideration by the committee.

2.38.050 Lindon historic landmark register.

Significant historic properties may be designated to the historic landmark register for the purpose of recognizing their significance and providing incentives and guidelines for their preservation.

- 1. Criteria for designation to the Lindon historic landmark. Any district, building, structure, object, or site may be designated to the historic landmark register if it meets all the criteria outlined below:
 - a. It is located within the official boundaries of the city.

- b. It is currently listed in the National Register of Historic Places, or it has been officially determined eligible for listing in the National Register of Historic Places under the provisions of 36 CFR 60.4(s). Properties listed on or determined eligible for the National Register must, in addition to retaining their integrity, meet at least one of the following National Register criteria:
 - i. Associated with events that have made a significant contribution to the broad patterns of our history; or
 - ii. Associated with the lives of persons significant in our past; or
 - iii. 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
 - iv. Has yielded, or may be likely to yield, information important in prehistory or history (archeological sites, for example).
 - c. The owner of the property approves of the action to designate his/her property to the historic landmark register and has submitted to the commission a written statement to that effect.
2. Designation procedures.
- a. Official designation proceedings must begin with the submittal of a written request for designation by the property owner to the commission chairperson. The letter must identify the property by its address and historic name, give the date the property was listed in the National Register where officially determined eligible, and include a statement verifying that the property owner is indeed the owner of legal record of the property proposed for designation. This official request may be preceded by

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informal contacts with the property owner by commission members, private citizens, local officials, or others regarding designation of the property.

- b. Upon receipt of the written request for designation, the commission chairperson shall arrange for the nomination to be considered at the next commission meeting, which shall be held at a time not to exceed 30 days from the date the request was received.
- c. The decision by the commission shall be based on the eligibility of the property in terms of meeting the criteria for designating properties to the Lindon historic landmark register. The commission shall forward its recommendations in writing to the city council within 14 days.
- d. The city council may, by approval and passage of an appropriate resolution, designate properties to the historic landmark register. Following designation, a notice of such shall be mailed to the owners of record together with a copy of this ordinance.
- e. After a property has been formally designated to the historic landmark register, the designation may be amended or rescinded in the same manner as the original designation was made.
- f. Upon official designation, the commission shall record the designation with the county recorder's office to indicate such designation on the official title thereof.
- g. Results of designation to the historic landmark register.
- h. Properties designated to the historic landmark register may receive special consideration in the granting of zoning variances or conditional use permits in order to encourage their preservation.
- i. In the event of rehabilitation of the property, local building officials, to the extent permitted by applicable law, will consider waiving certain code

requirements in accordance with Section 104(f) of the Uniform Building Code (1988 Edition, which deals with historic buildings, or the uniform code for building conservation, a special code for existing buildings.)

- j. Owners of historic landmarks may seek assistance from the historic preservation commission in applying for grants or tax credits for rehabilitating their properties.
- k. Proposed repairs, alterations, or additions to historic landmarks are subject to the review of the historic preservation commission and the subsequent review and approval of the city council. The purpose of this review is to ensure the preservation of historic materials and features to the greatest degree possible.
- l. Applications for permits pertaining to historic landmark properties shall be forwarded by the building inspector to the historic preservation commission prior to their issuance.
- m. At its next scheduled meeting, the commission shall review the applications and proposed work for compliance with the Secretary of the Interior's "Standards for Rehabilitation," hereafter referred to as the "standards."
- n. The commission's recommendation shall be forwarded within three days to the city council for their consideration in reviewing the applications. The recommendation must indicate which of the standards the commission's decision was based on and, where appropriate, a brief explanation. Copies of the recommendation shall be sent to the building inspector and the property owner at the same time.
- o. The city council shall schedule the matter for its next city council meeting and, upon review of the historic preservation commission's recommendation and other comments given at the meeting, make a decision regarding the appropriateness of the proposed action. Approved projects

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will be issued a "Certificate of Historical Appropriateness" which authorizes the building permit to be issued.

3. Enforcement. The provisions of this section are subject to the enforcement provisions established with regard to building permits and building codes. (Ord. no. 12-92, effective date 1/1/93.)

2.38.060 Standards for rehabilitation.

The following "standards for rehabilitation" shall be used by the historic preservation commission and city council when determining the historic appropriateness of any application pertaining to historic landmark properties:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired. (Ord. no. 12-92, effective date 1/1/93.)

Chapter 2.40

CITY PRISON

Sections:

2.40.010	Jailor--Designated.
2.40.020	Jailor--Duty to adopt rules.
2.40.030	Jailor--Duties Generally.
2.40.040	Prisoner labor.

2.40.010 Jailor--Designated.

The city marshal shall be ex officio jailor and he shall perform the duties of jailer without extra compensation. (Prior code §14-10.)

2.40.020 Jailor--Duty to adopt rules.

It shall be the duty of the jailor to formulate a system of prison rules and to keep a record on which he shall enter a statement of every infraction thereof committed by any person confined therein. (Prior code §14-12.)