

CHAPTER X – HISTORIC DISTRICT

Article 1. – General

Sec. 10-1. General.

The ordinance adopted at the Town Meeting on March 14, 1974 concerning a Historic District Commission exclusively, for the Town of Berlin is hereby repealed, except for the boundaries of said district as delineated on a certain map entitled Map #1251A PROPOSED BOUNDARIES OF BERLIN HISTORIC DISTRICT; Adopted at Town Meeting on March 14, 1974, Joanne G. Ward, Town Clerk; Received for filing March 15, 1974, Town Clerk's Office Berlin, Conn., Joanne G. Ward, Town Clerk.
(Ord. of 8-29-1978, Ord. No. 07-08, 2-26-2008)

Sec. 10-2. Court Order. Removed from the town charter.

Secs. 10-3—10-9. Reserved.

Article 2. – Historic District

Sec. 10-10. Purpose: Establishment of a Historic District.

In order to promote the educational, cultural, economic and general welfare of the town through the preservation and protection of buildings and places of historic interest, a historic district, as shown on the map and in the detailed description referred to in § 10-1, is hereby established pursuant to Chapter 97, §§ 7-147(a) to 7-147(l) inclusive, as amended by the state statutes.
(Ord. of 8-29-1978, Ord. No. 07-08, 2-26-2008)

Secs. 10-11—10-19. Reserved.

Article 3. – Historic District Commission

Sec. 10-20. Establishment of a Historic District Commission.

A historic district commission of the town, hereinafter referred to as the commission, is hereby established. It shall consist of five (5) members and three (3) alternates who shall be electors of the town holding no salaried town office. In addition to being electors, at least three (3) members and one (1) alternate member of the commission shall also be residents and property owners within the historic district, if any persons reside in the district and are willing to serve on such commission. It shall be the purpose of the commission to perform the duties and functions of a historic district commission as provided in Chapter 97, §§ 7-147(a) to 7-147(l) inclusive, as amended by the state statutes.
(Ord. of 8-29-1978, Ord. No. 07-08, 2-26-2008)

Sec. 10-21. Organization of Commission.

The Executive Board of the town shall, within sixty (60) calendar days after adoption of this ordinance, appoint five (5) members and three (3) alternate members to the commission in such

manner that the terms of one (1) member shall expire on the last day of January in each year commencing in 1975 and continuing to 1979 inclusive, and the terms of one (1) alternate member shall expire on the last day of January commencing in 1975 and continuing to 1979 inclusive. All subsequent appointments shall be made by the town council for a term of five (5) years except that an appointment to fill an unexpired term shall be for the duration of the unexpired term only. Within a period of thirty (30) calendar days after the appointment of members to the first commission, said members shall meet, organize, and elect a chairman, vice chairman, and clerk from its membership. Within a period not exceeding thirty (30) calendar days after the last day of January of each succeeding year, commencing in 1975, the members of the commission shall elect a chairman, vice chairman, and clerk from its own membership. Alternate members shall not participate in any election of officers of the commission. In all other matters, when a member of the commission is unable to act at a particular time because of absence, illness, self-interest, or other good reason, he shall notify the chairman who shall then designate an alternate member to serve in the place of the regular members. All members and alternate members shall serve without compensation. The commission shall fix the time and place of its regular meetings and provide a method of calling special meetings. A quorum shall consist of three (3) members, whether regular or alternate, and no resolution or vote shall be adopted by fewer than three (3) affirmative votes. The commission may adopt regulations, rules of procedure, and orders, and may, subject to appropriation, employ clerical and technical assistance and purchase supplies or such other material to carry out the purposes of this chapter. (Ord. of 8-29-1978, Ord. No. 07-08, 2-26-2008)

Sec. 10-22. Certificate of Appropriateness.

No exterior portion of any building or structure shall be erected, altered, restored, moved or demolished within the historic district and no building permit shall be issued by the town for exterior modifications open to view from a public street, way, or place within the district until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to the commission and approved by said commission. "Exterior architectural features" shall include such portion of the exterior of a structure as is open to view from the street line. In its deliberations the commission shall not take into consideration the color or paint used on the exterior of any building or structure nor shall it consider interior arrangements or use.

(Ord. of 8-29-1978, Ord. No. 07-08, 2-26-2008)

Sec. 10-23. Procedure on Receipt of Application for Certificate.

The commission shall hold a public hearing upon each application for certificate of appropriateness. Notice of time and place of such hearing shall be given by publication in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the town at least five (5) calendar days before such hearing. Within not more than sixty-five (65) calendar days after filing of an application as required by § 10-22, the commission shall pass upon such application and shall give written notice of its decision to the applicant. Failure of the commission to act within said sixty-five (65) calendar days shall constitute approval and no other evidence of approval shall be needed. The commission shall keep a record of all applications for certificates of appropriateness and of all its actions.

(Ord. of 8-29-1978, Ord. No. 07-08, 2-26-2008)

Sec. 10-24. Exempted Acts.

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior feature in the historic district which does not involve a change of design thereof; nor to prevent the construction, reconstruction, alteration or demolition of any such feature which the building inspector certifies is required by the public safety because of an unsafe or dangerous condition; nor prevent the construction, reconstruction, alteration or demolition of any such feature under a permit issued by the building inspector prior to the effective date or establishment of the district.

(Ord. of 8-29-1978, Ord. No. 07-08, 2-26-2008)

Sec. 10-25. Boundaries.

The boundaries of the historic district shall be as depicted on Map #1251A PROPOSED BOUNDARIES OF BERLIN HISTORIC DISTRICT; Adopted at Town Meeting on March 14, 1974, Joanne G. Ward, Town Clerk; Received for filing March 15, 1974, Town Clerk's Office Berlin, Conn., Joanne G. Ward, Town Clerk.

(Ord. of 8-29-1978, Ord. No. 07-08, 2-26-2008)

Sec. 10-26. Enforcement.

The historic district commission shall have all the powers of enforcement regarding its rules, policies, regulations, orders and decisions as set forth in § 7-147h of the state statutes.

(Ord. of 8-29-1978, Ord. No. 07-08, 2-26-2008)

Sec. 10-27. Budget.

Budget proposals by the historic district commission shall be submitted through the town council.

(Ord. of 8-29-1978, Ord. No. 07-08, 2-26-2008)