

LCB File No. R143-06

**PROPOSED REGULATION OF THE
COMSTOCK HISTORIC DISTRICT COMMISSION**

**PROPOSED AMENDMENT TO NEVADA ANNOTATED CODE CHAPTER 384
COMSTOCK HISTORIC DISTRICT**

384.010 “Commission” defined. As used in this chapter, unless the context otherwise requires, “commission” means the Comstock historic district commission.

384.020 Officers of the commission: Positions; selection; duties.

1. The officers of the commission consist of a chair~~[man, a vice chairman]~~ *and two vice-chairs*~~[, a secretary, and a treasurer]~~ as determined by the commission.
2. The commission may elect or appoint such other officers as it deems desirable. These officers shall perform the duties prescribed from time to time by the commission.
3. Any two or more offices may be held by the same person, except the chair~~[man]~~.

384.030 Officers of the commission: Election; term of office; vacancy.

1. The officers of the commission are elected annually by the commissioners at the April meeting of the commission.
2. A vacancy in any office because of death, resignation or otherwise, may be filled by the commissioners for the unexpired portion of the term.

384.040 Duties of chair~~[man]~~.

1. The chair~~[man]~~ is the principal executive officer of the commission and shall supervise ~~[and control all of]~~ the business and affairs of the commission.
2. The chair~~[man]~~ shall preside at all meetings of the commission.
~~[3. The chairman may sign, with the secretary, or any other proper officer of the commission authorized by the commission, any deeds, mortgages, bonds, contracts, or other instruments which the commission, has authorized to be executed, except in cases where the signing is expressly delegated by the commission, or by statute, to some other officer or agent of the commission.]~~
- ~~[4]~~3. The chair~~[man]~~ shall perform the duties incident to ~~[his]~~ *the* office and such other duties as may be prescribed by the commission from time to time.

384.050 Duties of *first* vice chair~~[man]~~.

1. In the absence of the chair~~[man]~~, or in the event of his/*her* inability or refusal to act, as determined by a majority of the commission, the *first* vice chair~~[man]~~ shall perform the duties of the chair~~[man]~~.
2. When acting as chair~~[man]~~, the *first* vice chair~~[man]~~ has all the powers of and is subject to all the restrictions *placed* upon the chair~~[man]~~.
3. The *first* vice chair~~[man]~~ shall perform such other duties as from time to time may be assigned to *her*/him by the chair or by the commission.

384.055 Duties of second vice chairman.

1. In the absence of the chair and the first vice chair, or in the event of their inability or refusal to act, as determined by a majority of the commission, the second vice chair shall perform the duties of the chair.

2. When acting as chair, the second vice chair has all the powers of and is subject to all the restrictions placed upon the chair.

3. The second vice chair shall perform such other duties as from time to time may be assigned to her/him by the chair or by the commission.

~~[384.060 Duties of the treasurer~~

~~1. If required by the commission the treasurer shall give a bond for the faithful discharge of his duties in such sum and with such surety of sureties as the commission determines~~

~~2. The treasurer has charge and custody of and is responsible for all funds and securities of the commission. He shall receive and give receipts for money due and payable to the commission from any source whatsoever and, in accordance with subsection 3 of NAC 384.080, shall deposit all such money in the name of the commission in such banks, trust companies, or other depositories as are selected by the commission.~~

~~3. The treasurer shall perform the duties incident to his office and such other duties as may be prescribed by the commission from time to time.]~~

~~[384.070 Duties of the secretary.~~

~~1. Keep the minutes of the meetings of the commission, in one or more books provided for that purpose;~~

~~2. See that all notices are given in accordance with the provisions of this chapter or as required by law;~~

~~3. Be custodian of the commissions records, including all applications for certificates of appropriateness, and their disposition, drawings, photographs, maps, and the commission's library;~~

~~4. Keep and maintain a card index system, as required by statute, and keep a register of the mailing address of each member of the commission which must be furnished to the secretary by the commission; and~~

~~5. Perform all duties incident to his office and such other duties as may be prescribed by the chairman or by the commission.]~~

~~[384.080 Contracts, checks, deposits~~

~~1. The chairman and the secretary may enter into any contract or execute and deliver any instrument in the name of and on behalf of the commission.~~

~~2. All checks, drafts, or orders for the payment of money, notes or other evidences of indebtedness issued in the name of the commission must be signed by the treasurer and countersigned by the chairman or vice chairman of the commission.~~

~~3. All money of the commission must be deposited from time to time to the credit of the commission, in such banks, trust companies, or other depositories as the commission may select. The commission may also purchase time certificates of deposit.]~~

384.090 Committees of commission: Formation.

1. The commission, by a resolution adopted by a majority of the commissioners, may designate one or more committees, each of which must consist of two or more commissioners.

2. The committees, to the extent provided by the resolution, have and shall exercise the authority of the commission and the management of the commission; but the designation of such committees and the delegation of authority to them does not operate to relieve the commission or any individual commissioner of any responsibility imposed upon the commission or commissioner by law.

3. The commission may appoint an architectural committee composed of members who have expertise and background in architecture, engineering or design~~[, particularly as it relates to the architectural design and engineering methods used in the Comstock Era between 1865 and 1880].~~ The committee's purpose is to advise and consult with the commission on applications for certificates of appropriateness, make recommendations to the commission and perform such other duties and functions as the commission deems advisable. The members of this committee need not be members of the commission.

4. Other committees not having and exercising the authority of the commission may be designated by a resolution adopted by the commission. Except as otherwise provided in the resolution, the members of such a committee need not be members of the commission. The chair~~[man]~~ shall appoint the members of the committee. Any member of the committee may be removed by the chair~~[man]~~ whenever in his/*her* judgment the best interests of the commission will be served by the removal.

384.100 Committees of the commission: Terms of office; officers; vacancies; quorum.

1. Each member of a committee shall serve until his term expires and a successor is appointed, unless the committee is sooner terminated, the member is removed from the committee, or the member ceases to qualify as a member of the committee.

2. One member of each committee shall be appointed chair~~[man]~~ by the chair~~[man]~~ of the commission.

3. Vacancies in the membership of any committee may be filled by appointment made in the same manner as the original appointment.

384.110 Duties of the ~~[office manager]~~ *district administrator*.

1. The commission may employ a ~~[n office manager]~~ *district administrator* to supervise all office and day-to-day routine of the commission, supervise the ~~[building inspectors]~~ *inspector/clerks*, and handle violations.

2. The ~~[office manager]~~ *district administrator* shall advise the commission of pending business and applications and report violations.

3. ~~[He]~~ *The district administrator* shall interview and advise applicants according to law and practice, and shall advise them of approved standards and details.

4. The ~~[office manager]~~ *district administrator* shall review applications for presentation to meetings of the commission ~~[and shall perform such other duties as the commission from time to time may assign.]~~

5. *The commission may authorize the district administrator to review and issue certificates of appropriateness without full commission review for applications which meet conditions established by the commission as per NRS 384.*

6. *The district administrator shall be vested with the authority ascribed to the commission building inspector under NRS 384.190.*

7. *The district administrator shall also keep the minutes of the meetings of the commission, in one or more books provided for that purpose subject to the requirements of State records retention and disposal laws and regulations;*

8. *The district administrator shall see that all notices are given in accordance with the provisions of this chapter or as required by law;*

9. *The district administrator shall be custodian of the commissions records subject to the requirements of State records retention and disposal laws and regulations, including all applications for certificates of appropriateness and their disposition, drawings, photographs, maps, and the commission's library as required by law;*

10. *The district administrator shall keep a register of the mailing address of each member of the commission; and*

11. *Perform all duties incident to his office and such other duties as may be prescribed by the chair or by the commission.*

384.115 Duties of inspector/clerks

1. *The commission may employ inspector/clerks to assist the district administrator with the office and day-to-day routine of the commission and handle violations.*

2. *The commission may vest the inspector/clerks with the authority ascribed to the commission building inspector under NRS 384.190.*

3. *The inspector/clerks may perform all duties incident to their office and such other duties as may be prescribed by the chair, the district administrator, or by the commission.*

384.120 Meetings.

1. Regular meetings of the commission ~~[must]~~ *should* be held ~~[at the office of the commission in Virginia City on the first Tuesday of the]~~ *at least once per month unless, in the opinion of the chair, there is insufficient business to justify a meeting, there is a lack of a quorum, or inclement weather or other circumstances make it unadvisable to hold a meeting.* ~~[and]~~ *Regular meetings* may be held within or without the historic district..

2. Special meetings of the commission may be called by or at the request of the chairman or two commissioners. The chairman shall fix the time of the special meeting and the place of the special meeting, which may be held within or without the historic district.

3. If less than a majority of commissioners are present, a majority of the commissioners present may adjourn the meeting from time to time without further notice.

384.130 Notices of meetings.

1. Notice of a special meeting of the commission, *called in accordance with NAC 384.120(2)*, must be given at least 7 days before the meeting, by written notice delivered personally, or sent by mail or telegram to each commissioner, at his address as shown on the records of the commission.

2. Any commissioner may waive notice of any meeting.

3. A commissioner's attendance at a meeting constitutes a waiver of notice, except where *she*/he attends for the express purpose of objecting to the transaction of business because it is not lawfully called.

4. The general nature of the business to be transacted at the special meeting must be set forth in the notice.

~~**384.140 Establishment of the district.**~~

~~After the commission has established the boundaries of the district, the commission will cause maps describing the district's boundaries be made available to applicants and the public.]~~

~~**384.150 Map of the boundaries of the historic district.]**~~

384.160 Certificates of appropriateness; applications

1. The commission will prepare and make available applications for certificates of appropriateness to applicants desiring to erect, reconstruct, alter, restore, move or demolish any structure within the district, and may establish a reasonable fee to cover the cost of processing an application.

2. The commission may issue guidelines or bulletins and instruction sheets from time to time setting forth the general policies and of the commission, design criteria, projects or work that may be undertaken without a certificate of appropriateness, and such other information and data which the commission deems necessary to better inform and assist applicants in submitting their applications for such certificates.

3. All applications for a certificate of appropriateness must be filed with the office of the commission and remain a part of its records *in accordance with State records management laws and regulations* .

4. Every application must be accompanied by *a written description the proposed alterations, additions or changes, and may include* drawings or plans of the proposed alterations, additions or changes signed by the person, architect or draftsman who prepared them.

As used in ~~[the]~~ *this* subsection, “drawing” ~~[means]~~ *may include* plans and exterior elevation drawn to scale with sufficient detail to show, so far as they relate to exterior appearances, the architectural design of buildings, including proposed materials, textures, and colors, including samples of materials or color samples, and the plot plan or site layout, including all improvements affecting appearances, such as walls, walks, terraces, accessory buildings, signs lights and other elements. *The required level of documentation shall be commensurate with the scope and scale of the project and shall be at the discretion of the commission and/or commission staff.*

5. In the case of an application to alter or add to a structure within the district, the application ~~[must]~~ *may* be accompanied by legible photographs of all sides of the structure. In the case of applications for demolition of structures, the applicant shall submit legible photographs of all sides of the ~~[building]~~ *structure* under consideration and photographs showing contiguous properties. In the case of an application for construction of a new ~~[building]~~ *structure* in the district, the application ~~[must]~~ *may* be accompanied by legible photographs of the adjoining properties. *The required level of photographic documentation shall be commensurate with the scope and scale of the project and shall be at the discretion of the commission and/or commission staff.*

384.170 Certificates of appropriateness: Principles considered by commission.

1. Preservation is the first responsibility of the commission, and preservation is preferred to restoration.

2. Architectural integrity is preferable to synthetic style.
3. Change should be considered in relation to the remainder of the building and its neighboring structures.
4. Change to authentic is desirable.
5. In all new building plans, extreme care should be observed. Each new building should be worthy of the area and a pride to the neighborhood. Since all new construction aims to capitalize on the merits of the historic background of the district, it should also contribute its share of quality, character and desirability.
6. Economic consideration should have little effect on the commission's judgment insofar as permitting cheaper means of construction, decoration and fabrication.
7. Imitations of old styles and fake architecture are not desirable. It is more important that new construction be in scale with older structures and nor detrimental to buildings with historic and architectural worth.

384.180 Informal conferences and hearings.

1. Prior to a preparation of working drawings or calling for proposals or bids from contractors, prospective property developers, owners or agents may prepare preliminary scale drawings and outlines, specifications, including color samples for outside work, and photographs for review and informal discussion with the commission. The purpose of the review is to acquaint the developer, owner or agent with the standards of appropriateness of design that are required of his proposed development.
2. ~~[Pre-application review does not require formal application but does require notice to be given to the commission at least 10 days before the date of the meeting in which the preliminary drawings are to be discussed.]~~ Application for informal review shall be made to the commission office and noticed as would a formal application for review.

384.190 *Outside* building inspector.

1. *In addition to the district administrator and the inspector/clerks*, the commission may designate any county or city building inspector within the district to investigate. Inspect and examine any structure, place or area within the district in accordance with NRS 384.190.
2. When a certificate of appropriateness is granted, an *outside* building inspector may be authorized by the commission to make periodic inspections and make progress reports to the commission.
3. The outside inspector may also be requested to report any violations of chapter 384 of NRS to the commission and other appropriate authorities.