

area pending a decision by the commission on the application for permanent designation. An application for temporary designation shall be filed with the city clerk's office, on forms made available for this purpose, either at the time of filing the application for permanent designation or at anytime prior to the final decision by the commission on the application for permanent designation. The city clerk shall immediately forward the application for temporary designation to the staff of the commission for further proceedings in accordance with this subsection. In addition, the commission staff shall notify, by first-class mail, the owner of record of each real estate parcel and structure that is the subject of the nomination to inform the owner of the nomination and that the staff is available to discuss the nomination process and the effects of temporary designation.

b. Notice of Hearing. The commission shall schedule a public hearing the application for temporary designation within 20 days of the date the application for temporary designation was filed. Notice as to the time, place and purpose of the hearing shall be sent at least 7 days prior to the hearing to the following parties:

b-1. The applicant. This notice shall be by certified letter.

b-2. The owner of the subject property. This notice shall be by certified letter

b-3. The common council member of the aldermanic district in which the proposed designation is located.

b-4. All persons or corporations who own property that is within 200 feet of the proposed designation. This notice shall be by first class mail.

c. Demolition Permits Withheld. Upon filing of an application for temporary designation, neither the commissioner of city development nor the commissioner of neighborhood services shall issue a permit for the partial or complete demolition of any structure that is the subject of the application for temporary designation or any structure that is located upon a historic site or is in a geographic area that is the subject of an application for temporary designation until the conclusion of the hearing and the entry of the temporary designation decision provided for herein and the exhaustion of either the appeal to the common council described in par. g or the expiration of the time for filing an appeal. The issuance of a permit for demolition of the structure may be further delayed or otherwise affected by the decisions of the commission and the common council concerning temporary and permanent historic designation.

d. Review of Temporary Designation. Upon conclusion of the public hearing and after

consideration of the criteria for determining "historic, architectural and cultural significance" provided in sub. 3-e, the commission shall grant temporary designation if the commission finds that there is a substantial likelihood that the commission will recommend historic designation of the nominated structure, site or district to the common council following full consideration of the application for permanent designation. The decision on temporary designation shall be made within 10 days of close of the public hearing. The commission shall set forth written findings which constitute the basis for its determination. Temporary designation shall be effective until the commission either recommends or denies permanent designation and the period for appeals of that decision to the common council has expired, but in no event more than 180 days from the day of the commission's decision granting temporary designation.

e. Notice of Findings. If the commission grants temporary designation, the commission shall, by first-class mail, notify the owner of the subject property, the person who made the nomination and the local common council member. The notice shall include written findings of the commission that form the basis for its determination.

f. Effects of Temporary Designation. During the period of temporary designation, no person or entity shall alter, reconstruct or rehabilitate any part of the exterior of the subject historic structure, historic site, or structure or improvement within a historic district, construct any improvement on a historic site, on a parcel that contains a historic structure or improvement, or on a parcel within a historic district, including a parcel which is to be rendered vacant or partially vacant by reason of partial or complete demolition of a structure within a historic site or district, or partially or wholly demolish the subject historic structure or improvement on a historic site or within a historic district, or permit any of these activities to occur, unless a certificate of appropriateness has been granted by the commission under sub. 11. Neither the commissioner of city development nor the commissioner of neighborhood services shall grant any permits for any such activity unless a certificate of appropriateness therefor has been granted by the commission.

g. Appeal of Denial. g-1. If the commission denies an application for temporary designation, the applicant or any other interested party may, within 5 days of the commission's decision, file a duly-signed and acknowledged

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appeal petition with the city clerk for review of the commission's decision by the common council.

g-2. The city clerk shall immediately notify the commissioners of city development and neighborhood services of the appeal petition. Upon receiving notice of the filing of the appeal, neither the commissioner of city development nor the commissioner of neighborhood services shall issue any permits for any of the activities described in par. f for the subject property.

g-3. The common council shall review the commission's decision within 45 days after receipt by the city clerk of the appeal petition. The common council shall consider the application for temporary designation in light of the criteria for determining "historic, architectural and cultural significance" provided in sub. 3-e and shall grant temporary designation if it finds that there is a substantial likelihood the common council will grant historic designation of the nominated structure, site or district following full consideration of the application for permanent designation. The common council shall set forth written findings which constitute the basis for its determination. If the common council grants temporary designation, the subject structure, site or district shall be deemed designated as a historic structure, site or district on a temporary basis for a period not exceeding 180 days.

g-4. The city clerk shall immediately notify the commissioners of city development and neighborhood services of the common council's appeal decision. If the common council affirms the commission's decision, the commissioners may issue any permits duly applied for authorizing work on the subject property. If the common council reverses the commission's decision, the commissioners shall not issue permits for any of the activities described par. f for the subject property for the duration of the temporary designation period.

14. SUPERVISION OF CERTIFICATE. The commissioner of neighborhood services shall periodically inspect any undertaking authorized by a certificate of appropriateness. If the commissioner detects any deviation from the conditions or standards prescribed in the certificate, the commissioner shall report such violations to the commission and take appropriate action under ss. 200-11-3, 200-12-1 and 200-19.

15. MOTHBALLING CERTIFICATE. To preserve historic structures and sites, the historic preservation commission may grant the mothballing certificate required by s. 200-11.5 to allow the commissioner of neighborhood services to stay enforcement of property maintenance and condemnation code provisions against structures

which have been designated local or national historic structures or which are part of local or national historic sites or districts.

a. **Application.** The owner of any structure with local or national historic designation may file an application for a mothballing certificate with the city clerk, who shall immediately forward the application to the commission for recommendation and report at its next regularly-scheduled meeting that is at least 10 days after the application is determined by staff to be complete as to form. Application for a mothballing certificate may not be made for any structure which the commissioner of neighborhood services has determined poses an immediate threat to public health and safety.

b. **Hearing.** The commission shall schedule a public hearing on the request for a mothballing certificate at the meeting described in par. a. Notice of the time, place and purpose of the hearing shall be sent by regular mail to the applicant at the address stated on the application and to all owners of property within 200 feet of the property containing the structure to which the mothballing certificate would apply. The notice shall be given at least 10 days prior to the hearing. The notice to the applicant shall also specify that the applicant is required to furnish a rehabilitation plan to the commission on or before the date of the hearing. The notice may require that the plan include one or more of the following: floor plans, detail drawings, elevations, photographs, and information on sources of financing and contractors and materials to be used. The plan shall specify a tentative time line for completion of the project or its various phases.

c. **Commission Findings.** After conducting the public hearing, the commission shall grant a mothballing certificate if it finds that the applicant has developed a plan for the rehabilitation of the structure which is consistent with the rehabilitation guidelines of sub. 12, which is within the financial means of the applicant, and which will be carried out within a reasonable period of time. The commission shall also determine that issuance of a mothballing certificate will not have a detrimental impact on nearby properties and the surrounding neighborhood. As a condition for granting a certificate, the commission may set any requirements which it deems appropriate. The commission shall notify the applicant of its decision within 15 days of the hearing.

d. **Upkeep of Premises.** The premises upon which a structure with a valid mothballing certificate is located shall be maintained in such a manner that adjacent sidewalks are kept clean of dirt and snow, lawns, trees and shrubs are suitably