

ORDINANCE 2006-10 13 RJG

renumbered to
2006-13 on
7-26-06

AN ORDINANCE REGARDING DEMOLITION
BY NEGLECT

BE IT ORDAINED:

SECTION 1: In order to promote the purposes of the Town of Newburgh Historic District Ordinances, this ordinance requires that owners of historic properties maintain their properties and not allow them to fall into disrepair. All historic landmarks and all significant buildings, objects, sites, and structures located in the Town of Newburgh Historic Districts shall be preserved against decay, deterioration, and kept free from certain structural defects by the owner thereof or such person, persons, or entities who may have custody or control thereof. Such owners, or other persons shall repair such building, object, site, or structure if it has any of the following defects:

- A. Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.
- B. Deterioration of flooring or floor supports, roofs, or other horizontal members that causes leaning sagging, splitting, listing, or buckling.
- C. Deterioration of external chimneys that cause leaning, sagging, splitting, listing, or buckling.
- D. Deterioration or crumbling of exterior plaster or mortar.
- E. Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.
- F. Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
- G. Rotting, holes, and other forms of decay.
- H. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, wall facings, and architectural details that causes de-lamination, instability, loss of shape and form, or crumbling.
- I. Heaving or subsidence of sidewalks, steps, or pathways.
- J. Deterioration of fences, gates, and accessory structures.
- K. Deterioration that has a detrimental effect on the surrounding historic district or on the special character of the historic landmark.
- L. Deterioration that contributes to a hazardous or unsafe condition.

SECTION 2. If the Historic Preservation Commission upon recommendation or presentation by the Zoning Administrator or his/her designee, determines that a property is being demolished or deteriorated by neglect, it shall direct the Zoning Administrator to notify the owner or owners of the property of this determination, stating the reasons therefore, and give the owner of record thirty (30) days from the date of such notice to correct the defects or present to the Commission a plan for remediation if the defect cannot be remedied within such thirty (30) day period.

SECTION 3. If after thirty (30) days the owner or owners have failed to meet the requirements as stated in Section 2, the Historic Preservation Commission may direct the Zoning Administrator to accomplish the repairs necessary to stabilize and protect the property. The Town shall then pay therefore, and charge the expenses incurred in doing such work or having such work done or improvements made to the owner of record of such property. If such work is done or improvement made at the expense of the Town, then such expenses shall be assessed as a lien on the real estate, lot

or lots upon which such expense was incurred. The Town, and the Town's authorized assistants, employees, contracting agents, or other representatives are hereby expressly authorized to enter upon private property at all reasonable hours for the purpose of completing repairs necessary for the stabilization and repair of such property. Neither the Town nor its employees, agents, or contractors shall be answerable in damages or otherwise for damage to property due to the enforcement of this section.

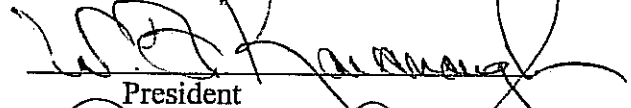
SECTION 4. The Town shall have a privileged lien on such property upon which said work was done or improvements made to secure the expenditures so made. For any such expenditures, as aforesaid, suit may be instituted, and recovery and foreclosure of said lien may be had in the name of the Town.

SECTION 5. A person, firm, corporation which shall be found guilty of Demolition by Neglect shall be subject to a fine in any sum not exceeding Two Thousand Five Hundred Dollars (\$2,500.00).

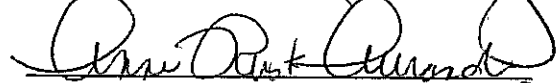
SECTION 6. A decision of the Commission regarding a Demolition by Neglect determination and/or fine imposed may be appealed to the Board of Zoning Appeals provided a written request for appeal is received by the Zoning Administrator within then (10) days following the decision to be appealed.

ADOPTED THIS 28 DAY OF June, 2006


TOWN COUNCIL OF THE TOWN OF
NEWBURGH, INDIANA



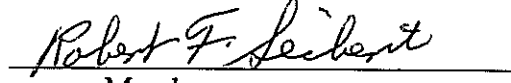
President



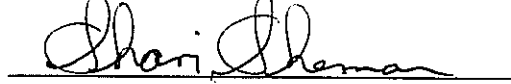
Member



Member

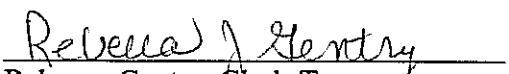


Member



Member

ATTEST:



Rebecca Gentry, Clerk-Treasurer