

**Municipal Building  
625 52nd Street – Room 204**

***Kenosha Historic Preservation Commission  
Agenda***

**January 29, 2015  
5:00 p.m.**

*Aldersperson Jan Michalski - Chairman and Merike Phillips - Vice-Chairperson,  
Peter Shaw Johnson, Royanne Moon, Sue Dyke O'Day and William Siel*

*Call to Order and Roll Call*

Approval of Minutes from October 30, 2014

1. Election of Chairperson and Vice Chairperson
  
2. Commission Training

Public Comments

Commissioner Comments

Staff Comments

*Adjournment*

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Community Development & Inspections  
625 52nd Street – Room 308  
Kenosha, WI 53140  
262.653.4030 phone / 262.653.4045 fax  
[www.kenosha.org](http://www.kenosha.org)

*If you are disabled in need of assistance, please call 262.653.4030 at least 72 hours before this meeting.*

*Notice is hereby given that a majority of the members of the Common Council may be present at the meeting.  
Although this may constitute a quorum of the Common Council, the Council will not take any action at this meeting.*

**HISTORIC PRESERVATION COMMISSION**  
**Minutes**  
**October 30, 2014**

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**MEMBERS PRESENT:** Alderperson Jan Michalski, Merike Phillips, Peter Johnson, Royanne Moon, Sue O'Day, and William Siel

**STAFF PRESENT:** Mike Maki and Pa Phouala Vang

The meeting was called to order at 5:00 p.m. by Alderperson Michalski, roll was taken.

A motion was made by Ms. Phillips and seconded by Mr. Johnson to approve the minutes of the September 25, 2014 meeting. The motion passed. (Ayes 6, Noes 0)

**1. Certificate of Appropriateness for Gilbert M. Simmons Memorial Library at 711 59th Place, Library Park Historic District. (District #2) PUBLIC HEARING**

Public hearing opened.

Barb Brattin, 2117 Green Street, Racine, Library Director, was available for questions.

Public hearing closed.

Mike Maki, Community Development Specialist, gave some history on the signage that was used in the past on commercial historic buildings.

Ms. Moon asked why this style was chosen. Ms. Brattin said many people don't realize this is a library. We need to better identify this as a library. It will also be the 115th Anniversary of this building next year. Ms. Brattin also added that this sign could be changed to reflect what is going on at the library.

Mr. Siel asked if the sign would be left in place for an amount of time. Ms. Brattin said yes, it would only be changed out for certain events.

Ms. Phillips said she wants to make sure the sign is not damaging the fluting on the columns and the band doesn't stain or mar the limestone.

Alderperson Michalski asked if the band holding the sign will rust over time. Ms. Brattin said she would make sure that the banding material is protected and does not rust.

Ms. O'Day asked if alternative signage was considered. Ms. Brattin said she likes this style and felt it was appropriate.

A motion was made by Ms. Phillips and seconded by Mr. Siel to approve the Certificate of Appropriateness with the understanding that the sign banding will not stain the columns and the banding will be cushioned so it does not deteriorate the column. The motion passed. (Ayes 6, Noes 0)

**2. Historic Preservation Commission Training**

Mr. Maki presented training material for the Commission to review and comment on.

Ms. Phillips said this is good information and should be listed on our website for the homeowners to review. Mr. Maki said we can add it to our website.

A motion was made by Ms. O'Day and seconded by Mr. Siel to Receive and File. The motion passed. (Ayes 6, Noes 0)

### **Public Comments**

No public comments.

### **Commissioner Comments**

Ms. O'Day asked for an update on the Southport Beach House. Mr. Maki said the bids are due on Wednesday.

Ms. Phillips recommended that the Commission do a study about getting signs, benches and trash cans for Library Park. Mr. Maki said we need to get the appropriate parties involved with the plans so they can budget these items.

Ms. Moon suggested to hang banners from the light poles noting the historic district.

Mr. Siel asked if it would be fitting for this Commission to draft a document that placing the streetcar route in Library Park is in violation of the City's own Ordinance. Mr. Maki said the guidelines are not binding, they guide only.

Ms. Phillips said that Federal Law requires a review of all projects using federal funds. Ms. Phillips wrote and asked that we be part of that review. Mr. Maki said the Commission can only request a review when plans are in place - there are no plans yet. Ms. Phillips asked when does the Commission look at plans, preliminary or final version? Mr. Maki said it depends on what is specified in the contract.

Ms. O'Day asked if this was part of the Downtown Plan. Mr. Maki said yes.

### **Staff Comments**

Mr. Maki asked the Commission to comment on which day would be better for a joint November/December meeting. The dates are Wednesday, December 10th or Thursday, December 11th. Please contact Kay. Mr. Johnson, Alderperson Michalski and Ms. Moon said Wednesday, December 10th would work for them.

Ms. Vang noted that she attended the State Historic Preservation Conference in Elkhart Lake, it was a good networking opportunity.

A motion was made by Mr. Johnson and seconded by Ms. O'Day to adjourn the meeting. The motion passed unanimously. (Ayes 6, Noes 0) The meeting adjourned at 6:00 p.m.

*Meeting Minutes Prepared by: Kay Schueffner, Community Development & Inspections*

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***Election of Chairperson and Vice Chairperson***

**HISTORIC DISTRICT:**

N/A

**NOTIFICATIONS/PROCEDURES:**

N/A

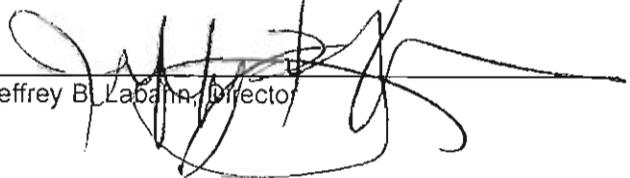
**ANALYSIS:**

- The Bylaws of the Kenosha Historic Preservation Commission require the election of a Chairperson and Vice Chairperson by the Commission. It also requires that they take office at the first regular meeting of the calendar year.
- The term of office for the Chairperson and Vice Chairperson shall be one (1) year.

**RECOMMENDATION:**

A recommendation is made to elect a Chairperson and Vice Chairperson.

  
Pa Phouala Vang, Planner

  
Jeffrey B. Labarra, Director

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**FACT SHEET**

**Commission Training**

**HISTORIC DISTRICT:**

N/A

**NOTIFICATIONS/PROCEDURES:**

N/A

**ANALYSIS:**

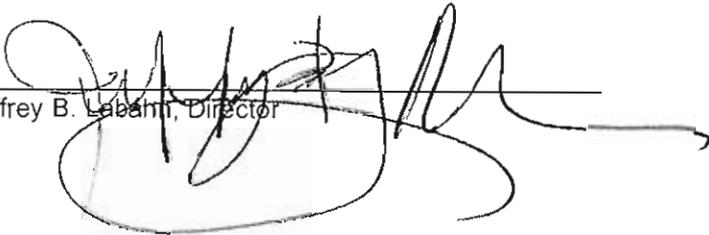
- The attached training material will be discussed with the Historic Preservation Commission.

**RECOMMENDATION:**

A recommendation is made to receive and file.

  
Pa Phouala Vang, Planner

/u2/accl/cp/ckays/1HIST PRES/2015/JAN29/Fact-ComTraining.odt

  
Jeffrey B. LeBani, Director

## **Conducting a Design Review**

The design review process should be made as smooth and easy as possible for both applicants and commission members. This can be achieved by establishing clear and consistent procedures and following a user-friendly approach throughout each phase of the process.

Design guidelines that illustrate appropriate rehabilitation through photographs or drawings are especially helpful for property owners and commissions as they conduct their review.

### **Design Review Steps**

A typical design review follows these steps:

1. The property owner meets with the commission staff for preliminary discussion of the proposed project and to determine if a Certificate of Appropriateness (COA) is required.
2. The property owner determines if the project requires a building permit and/or compliance with other regulations.
3. The property owner files an application for a COA.
4. The commission reviews the application, checks it for accuracy and completeness, and becomes informed about the project.
5. A public meeting is held at which the commission members and the applicant discuss the project, ask questions, and clarify issues.
6. Commission members reach a decision regarding the COA and announce their decision at the meeting.

### **Commission Decisions**

When reviewing a COA application, the commission may reach one of these three decisions:

- The commission may approve and issue the COA, and the applicant may go forth with the project and complete it in conformance with the COA.
- The commission may deny the COA, and the applicant can appeal the decision to a local governing body.
- The commission may choose to table the COA request pending modification of the project.

# Design Review Objectives

Commissions should strive to meet these review objectives:

## **Conduct an Efficient and Timely Review**

An efficient review process will minimize frustration so the process is not perceived as unnecessarily burdensome. Commission and staff members can aid the review process by making sure applicants have all the necessary documentation before a project is discussed at a public meeting. Commissions with qualified staff can also streamline the review process by keeping a list of minor projects that don't require a full commission review. Minor projects could include approval of paint colors, repair or replacement of details or siding in-kind, replacement of non-historic roof materials, and fencing in accordance with guidelines. This streamlined approach will minimize delays to the applicants and reduce the work load of the commission.

## **Provide Clear Procedures, Policies, and Information**

The review process should be based on a set of written procedures that are followed throughout all steps of the process, especially in meetings. Established timelines and schedules for meetings, filing deadlines, etc., will make the process more efficient and help to ensure that everyone receives equal treatment. The commission should strive to educate the public about design guidelines and the review process and develop good relationships with property owners and residents. This can be accomplished through workshops, information meetings, brochures, or simply becoming involved in the community and getting to know its residents. Guidelines should be easily accessible, available, and understandable to alleviate misconceptions and encourage compliance.

## **Be Informed and Prepared**

Commission members should become familiar with a proposed project before it is discussed at a commission meeting. Members should review the application and any supporting material, and if possible, visit the site of the proposed project to understand the surrounding area. Commission members should be knowledgeable of common architectural, preservation, and construction terms, be familiar with architectural drawings, and know the standards and criteria set forth in the accepted design guidelines.

## **Be Consistent and Fair**

The written procedures of the review process should be followed at all times. Applicants must be treated equally and consistently with decisions based upon the established guidelines. Commission members must be consistent in their decision making and not allow personal relationships, political clout, or business interests to sway their evaluations. If the commission approves or denies a particular treatment, such as the application of synthetic siding, to one homeowner, it should reach the same decision for a similar request by a different property owner unless clear differences between the projects require different treatments. Commission members need to be aware of precedents set by the commission in the past and be consistent with their decisions.

## **Base Decisions on Accepted Design Guidelines**

Commission members must base their decisions on specific criteria in the written design guidelines. They should not allow personal preferences regarding architectural styles, aesthetics,

or design elements to influence their decisions. A plan for a large addition to a home might be an interesting and pleasing design but still not meet the criteria of the design guidelines or be appropriate for a particular neighborhood. Commission members should also refrain from designing projects for applicants. While they may make some suggestions, their role is to review, not design, projects.

### **Encourage Open Communications and Courtesy**

Clear communication between commission members, applicants, and supporting staff throughout every step of the review process will help to ensure understanding among all parties. Dialogue between commission members and applicants, especially during public meetings, should be encouraged. During discussion of the project, commission members should listen carefully to the applicant and ask for clarification when they don't understand something. Once a decision has been reached, the commission should clearly explain the decision and the reasoning behind it. All applicants should be treated with courtesy regardless of their behavior or demeanor. Commission members should be conscious of their tone, body language, and facial expressions as well as their words, and strive to give everyone equitable treatment.

## **Conflict of Interest in Preservation Projects**

It is imperative that commission members avoid involvement in any proceeding in which they have a personal, financial, or professional stake. This is necessary for a commission to issue fair and unbiased decisions.

If a commission member does have a conflict of interest in a particular case, the commission member should not participate in any part of the discussion, hearing, or decision-making process. If this protocol is not followed, the commission could easily find itself in court. Members should be open and up-front about potential conflicts early in the process so the commission is not accused of violating due process procedures.

In some instances, a conflict is obvious. For example, a commission member may own or otherwise have a direct financial interest in the property in question. Other cases might not be so clear cut. If there is any question about a potential conflict of interest, the commission member should consult the city's legal counsel.

### **Types of Conflicts of Interest**

Commission members should be aware of these three common types of conflicts of interest:

#### **Personal conflicts**

Personal conflicts of interests revolve around the relationship between a commission member and an applicant. The question here is if the relationship would create a conflict between the member's self-interest and his or her civic obligations. Easily identifiable conflicts are direct

relationships, such as a relative (sibling, parent, child, etc.). Indirect relationships, such as neighbors or close friends, are more difficult to assess. If an appearance of impropriety exists, it is best if the commission member refrains from participating in the decision.

### **Financial conflicts**

Financial conflicts of interests are usually easy to identify. They occur whenever a commission member's financial interests will be directly or indirectly affected by the commission's decision. A conflict exists if the commission member owns the property in question or if the value of the member's property will be directly enhanced by the decision. If the commission member owns property adjacent to or in the vicinity of the property under review, property value could be affected. Some preservation ordinances require that commission members who own property within a certain distance of the property under review refrain from participating in the proceedings.

### **Professional conflicts**

Professional conflicts of interest exist when a commission member's professional interests interfere with the member's ability to make an impartial decision. For example, if a commission member is the applicant's architect, a professional conflict of interest exists. Other professional relationships, such as past employers or an association with a particular advocacy group, present greater ambiguity. A relationship with a particular group or other organization does not necessarily constitute a conflict of interest, but commission members should publicly acknowledge their association with an organization, and do so early in the review process, to avoid any allegations.

## **Economic Hardship**

Provisions for economic hardship are intended to provide relief to building owners who have genuine economic constraints, such as elderly people on fixed incomes, or for other circumstances beyond a property owner's control. Economic hardship is not designed to reimburse developers and property owners who have the opportunity to receive a reasonable return on their property as opposed to its maximum use.

### **Benefits of Hardship Provisions**

Commissions must deal with the issue of economic hardship from time to time, so all preservation ordinances should have specific hardship provisions.

Allowing for economic hardship is important for several reasons:

#### **Cultivate a positive public opinion**

Building owners may accept ordinances more easily if they provide an outlet for actions that could result in unusually harsh results.

**Resolve conflicts**

Addressing economic hardship concerns during the hearing phase may resolve differences and help avoid later court battles.

**Strengthen court cases**

If a commission does go to court, having addressed the economic hardship issue during the original hearing can strengthen its position.

## **Tips for Considering Hardship Claims**

During the initial process of designating a historic property or district, economic hardship should not be considered. Economic hardship should only come into play after a specific proposal is made by a property owner.

**When You Consider Economic Hardship Claims**

- The burden of proof for economic hardship should be on the property owner, not the commission.
  
- Make sure sufficient evidence is presented. Consider all aspects of the issue, including:
  - cost and expenditures
  
  - taxes
  
  - assessed value
  
  - vacancy rates
  
  - financing
  
  - availability of economic incentives (such as grants or special loans)
  
  - efforts to find alternative uses
  
  - efforts to rent or sell the property
  
- Examine how the economic hardship occurred. A poor business decision does not provide just cause for an economic hardship case. Did the owner pay too much for the property? Has the building been neglected? Only circumstances beyond a property owner's control should entitle

the owner to economic hardship relief.

## **Example of Economic Hardship Provisions**

While developing an economic hardship provision in the preservation ordinance, the commission should consider adding this representative language:

When a claim of undue economic hardship is made owing to the effects of this article, the owner and/or parties in interest must provide evidence during the hearing upon the claim, describing the circumstances of hardship.

The minimum evidence shall include for all property: 1. Nature of ownership (individual, business, or nonprofit) or legal possession, custody, and control; 2. Financial resources of the owner and/or parties in interest; 3. Cost of repairs; 4. Assessed value of the land and improvements; 5. Real estate taxes for the previous two (2) years; 6. Amount paid for the property, date of purchase, and party from whom purchased, including a description of the relationship between the owner and the person from whom the property was purchased, or other means of acquisition of title, such as by gift or inheritance; 7. Annual debt service, if any, for previous two (2) years received; 8. Any listing of the property for sale or rent, price asked, and offers received, if any.

In addition, for income-producing property, the minimum evidence shall include: 1. Annual gross income from the property for the previous two (2) years; 2. Itemized operating and maintenance expenses for the previous two (2) years; 3. Annual cash flow, if any, for the previous two (2) years.

Within sixty (60) days of the commission's hearing on the claim, the commission shall make a determination of undue or no undue economic hardship and shall enter the reasons for such finding into the record. In the event of a finding of no undue economic hardship, the commission shall report such finding to the City Manager, and the City Manager shall cause to be issued an order for such property to be repaired within the time specified.

In the event of a finding of undue economic hardship, the finding shall be accompanied by a recommended plan to relieve the economic hardship. The commission shall report such finding and plan to the City Manager. The City Manager shall cause to be issued an order for such property to be repaired within the time specified, and according to the provisions of the recommended plan.

## **Demolition by Neglect: Ordinance Provisions**

One of the toughest preservation issues a commission can face is demolition by neglect. This occurs when a property owner allows a property to deteriorate, sometimes beyond repair. The property may have been abandoned or the owner may have passively deferred maintenance until it got out of hand.

Too often, however, neglect is used as a strategy to demolish buildings and other structures and redevelop the property.

## **Use Ordinance Provisions to Address Cases of Neglect**

Issues of neglect must be addressed via local ordinance, such as with the local preservation ordinance. The best way to do this is to require that historic properties comply with all codes and regulations regarding maintenance of properties, and that all structures be protected from decay and deterioration and kept free of structural defects.

Some Wisconsin communities have enacted minimum maintenance standards by local ordinance that contain provisions similar to demolition by neglect ordinances. Commissions should be familiar with any such standards and work with their building inspection department when historic structures are threatened.

The local preservation ordinance should include set procedures for dealing with demolition by neglect cases. In particular, the preservation ordinance needs to make it clear that demolition by neglect will prevent owners from claiming economic hardship in the review process for a Certificate of Appropriateness.

## **Identify Conditions of Neglect**

The commission and its staff should have a good working relationship with the local inspection and code enforcement office. Effective communication between these groups can help to identify and correct problems of neglect with a property. These groups should agree on the specific conditions that constitute demolition by neglect and ensure that personnel in these offices, as well as property owners, are familiar with them.

These are some common conditions of neglect:

- Deteriorated foundations, walls, floors, ceilings, or rafters
- Ineffective waterproofing of roofs, walls, or foundations, including broken doors and windows, deteriorated paint, brick, mortar, or stucco
- Signs of rot or decay, such as holes, or any deterioration that creates a hazardous condition
- Lack of maintenance of the surrounding environment, such as fences, retaining walls, and outbuildings

## **Specify Enforcement Procedures**

The procedures for handling cases of demolition by neglect should specify how the provisions will be enforced:

- Identify when and how stop-work orders and citations will be made

- Give specific time frames for correcting problems
- Provide procedures for appeals
- Stipulate the exact penalty or fine if owners fail to comply with the ordinance

## Example Language for Demolition by Neglect Ordinance Provisions

While developing a demolition by neglect provision in your ordinance, consider adding this representative language:

The purpose of this ordinance is to protect the City's historic architectural resources by intervening when a significant resource is undergoing demolition by neglect. Demolition by neglect is defined as a situation in which a property owner, or others having legal possession, custody or control of a property, allow the condition of property located in a Historic District to suffer such deterioration, potentially beyond the point of repair, as to threaten the structural integrity of the structure or its relevant architectural detail to a degree that the structure and its character may potentially be lost to current and future generations.

### Control of Demolition by Neglect of Structures within Designated Historic Districts

In order to promote the purposes of historic preservation, this subsection requires that owners of historic properties maintain their properties and not allow them to fall into disrepair. The requirements of this subsection are applicable only to properties in designated Historic Districts.

Conditions of Neglect Defined and Prohibited Owners or others having legal possession, custody or control of a property in Historic Districts shall maintain or cause to be maintained the exterior and structural features of their properties and not allow conditions of neglect to occur on such properties. It is a violation of the City's Ordinance to not remedy a condition of neglect within the period of time set by a final administrative determination, as described in Section (C), below.

**SECTION B: Conditions of neglect include, but are not limited to, the following:** 1. Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling or deterioration of flooring or floor supports, roofs, or other horizontal members that causes leaning, sagging, splitting, listing, or buckling; 2. Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling; 3. Deterioration or crumbling of exterior plasters or mortars or ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors; 4. 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; 5. Rotting, holes, and other forms of decay; 6. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling; 7. Deterioration that has a detrimental effect on the surrounding historic district

or deterioration that contributes to a hazardous or unsafe condition; 8. Deterioration of fences, gates, and accessory structures.

**SECTION C: Procedure for Enforcement.** Upon receipt of a complaint or upon observation, if the City Manager makes a preliminary determination that a property in a Historic District is being neglected, the Manager shall inform the property owner of the preliminary determination and notify the Historic District Commission of the preliminary determination. The Manager will seek remedial action by the property owner. If remedial action has not commenced within 30 days of initial notification, the City Manager, after consultation with the Historic District Commission, shall make a finding of violation.

In the event of a finding of violation and the corrective action specified in the notice is not instituted within the time allotted, the Manager may institute, perform and complete the necessary remedial work to prevent deterioration. Labor and materials shall be a lien against the property, and draw interest at the highest legal rate, the amount to be amortized over a period of 10 years subject to a public sale if there is a default in payment.

## **Demolition by Neglect: Enforcement Actions**

When a historic property is being neglected, the local preservation commission needs to take action. The best approach is prevention, but the local preservation ordinance should outline the penalties and enforcement actions that will be taken when building owners do not comply.

### **Get Involved to Prevent Neglect**

The best defense against neglect is a good offense. Commissions can assist the community in maintaining its historic properties by:

- Developing and maintaining good relationships with property owners
- Providing economic incentives to encourage the maintenance and rehabilitation of historic properties
- Assisting low-income residents to maintain their properties by involving volunteer programs
- Providing property owners with information on assistance programs, and if possible, guiding them through the process of obtaining assistance
- Helping owners to seek alternative uses for their property or potential new buyers

### **Address Problems Directly with Property Owners**

If an issue of neglect arises, the commission should try to address problems directly with property owners in an informal manner before the issue becomes a major problem. A written letter from the commission staff to property owners stating the problem or violation and offering suggestions to

correct it might be all that is necessary.

## Take Enforcement Actions

When preventive actions are ineffective, enforcement actions must be taken. The local preservation ordinance should clearly state the rules of compliance for property maintenance, the penalties and actions taken for noncompliance, and the enforcement procedures that will be followed. The conditions and procedures for neglected properties are described in [Demolition by Neglect: Ordinance Provisions](#).

Fines are a common method of penalty for noncompliance with property maintenance provisions. Another effective method of enforcement is to authorize the local government to make the necessary repairs and then charge the owner by putting a lien on the property. If necessary, the commission may want to authorize the local government to acquire the property through eminent domain. Rehabilitation and resale become options once the local government acquires the property.

## Demolition Delays

Demolition is forever. Once a building is gone, it takes away another piece of a community's character. Demolition of a historic building that has most of its original design and features should only be an action of last resort.

## Delaying the Demolition Process

For properties in a historic district, the commission can postpone demolition for a period of time while it attempts to find a buyer or funding for rehabilitation. The amount of time demolition can be delayed should be stated in the local preservation ordinance. A common period is 180 days. *(City of Kenosha ordinance permits Chief of Inspection to delay issuance of Demolition Permit for a period up to six (6) months from the date of filing of the Certificate of Appropriateness.)*

## Conditions for Removing Buildings

Demolition of designated historic buildings should be avoided. However, certain conditions may require a building to be demolished.

The commission may consider allowing for the demolition of a structure if:

1. Public welfare requires the removal of the building
2. The building has lost its architectural and historical value and its removal will improve the appearance of the neighborhood
3. Denial of the effort will result in a substantial hardship on the applicant as determined in the preservation ordinance

## Requests for Demolition

When requesting demolition of a structure, the applicant should bring:

- Ample photographs of the building proposed for demolition and its surrounding setting
- A statement describing the reasons for demolition
- A proposal of how the applicant plans to use the site after demolition

## Sample Demolition Delay Ordinance

While developing a demolition delay provision in the preservation ordinance, the commission should consider adding this representative language:

**SUBSECTION A.** No permit for the demolition of any building, structures, or part thereof (500 total square feet in size or larger, and at least 50 years old) shall be issued until the following requirements are satisfied:

1. The filing of an application for a demolition permit with the building department upon a form provided by the Chief Building Inspector, which form shall contain:

- a. Name and address of structure to be demolished;
- b. Location and identification of property to be demolished;
- c. Age and type of structure to be demolished;
- d. Square footage of structure to be demolished;
- e. Name and address of owner;
- f. Name and address of firm undertaking the demolition;
- g. Reason for demolition; and
- h. Date on which demolition is to begin.

2. Names and addresses of all property owners abutting the property on which the building, structure(s), or part thereof to be demolished is located, according to an attached copy of a current town Assessor's map.

3. Publication by the Chief Building Inspector of notice of the demolition permit application in a newspaper having substantial circulation in the municipality. The notice shall be published within seven (7) days following the filing of the demolition permit application.

4. The applicant shall mail such notice, by certified mail, with postal receipts provided to

the Building Inspector for incorporation into the applicant's file, within seven (7) days of filing, to the Historic District Commission.

5. The applicant shall provide notification by mail, within seven (7) days following the filing of the demolition permit application, of the owners of all property abutting the property on which the building(s) to be demolished is located. The identity of the owners entitled to notification under this provision shall be those abutting property owners as shown on the then current Assessor's map.

6. The Chief Building Inspector shall post in a conspicuous location on the property thirty (30) consecutive days a sign at least 36" x 48" visible from the nearest public street or other access way adjoining the property. Such sign shall include a copy of the legal notice and shall contain the word "DEMOLITION" in letters no less than 3 inches in height. If there is more than one structure proposed for demolition, one sign shall be posted for each structure. All signs required hereunder shall remain posted on the property, if the permit is issued, until the completion of all demolition activities authorized by the permit.

7. The applicant shall pay a minimum fee of two hundred and fifty (\$250.00) dollars, or one percent (1%) of assessed value, whichever is greater, for said demolition permit.

8. There shall be a waiting period of ninety (90) days following the filing of the application for the demolition permit. This waiting period may be waived upon written consent signed by the Chairman of the Historic District Commission.

**SUBSECTION B.** The provisions of Subsection A herein above shall not apply to orders issued by the Director of Health and/or the Chief Building Inspector for emergency application because of a threat to public health and safety.

**SUBSECTION C.** This ordinance is intended to supplement and not limit any requirements now or hereafter imposed by State General Statutes and Regulations adopted thereunder, on any applicant for or recipient of a demolition permit, or any authority now or hereafter granted to the Chief Building Inspector by the State Building Code including, but not limited to, his authority as it applies to unsafe structure, fire damaged structures, or deteriorated structures and the demolition and/or removal of same.

**SUBSECTION D.** Any demolition permit shall be valid for a period of six (6) months from date of issuance.

**SUBSECTION E.** Demolition of a structure without a permit shall subject the violator to all applicable penalties under the law, including a fine of the greater of one thousand (\$1,000.00) dollars or the assessed value of the property demolished for each violation.