

ORDINANCE NO. 2005 - 08

AN ORDINANCE ESTABLISHING A DEMOLITION PERMIT PROCESS FOR  
HISTORICAL BUILDINGS

WHEREAS, the Nashville Town Council is the town legislative body and is by Indiana law authorized to adopt ordinance and resolutions concerning the general public welfare of the residents of the Town of Nashville and;

WHEREAS, the Nashville Town Council believes it is important to create a mechanism within the town to notify the town and the public about the possible demolition of historical structures and;

WHEREAS, the Nashville Town Council believes that particular attention should be focused on demolition requests that may affect culturally, architecturally and aesthetically prominent buildings and structures and;

WHEREAS, the Nashville Town Council wants to insure that the public has sufficient notice regarding demolition requests by a property owner to afford citizens an opportunity to consider and determine alternatives to demolition of said structures.

Be it therefore ordained that any action that results in the removal of an historic building within the corporate limits of the town of Nashville shall be required to obtain a demolition permit in accordance with the requirements of this ordinance and any other applicable provisions of the Code of Ordinances of the town of Nashville, Indiana.

In furtherance thereof the Nashville Town Council hereby establishes the following procedures:

1. That in situations involving the demolition of an historic building, no improvement location permit shall be issued by the Brown County Area Plan Commission prior to the issuance of a demolition permit by the Nashville Administration.
2. That the fee for a demolition permit shall be \$25.00.
3. Any request for a demolition permit received by the town of Nashville for an historic building or structure shall be subject to review by the Town's Development Review Commission for a period of no more than forty-five (45) days. A permit shall be issued upon the issuance of a Certificate of Appropriateness (COA) by the DRC, or upon the expiration of this forty-five (45) day period, whichever is earlier.
4. Notice of the request for a demolition permit involving an historic building(s) within the corporate limits of the Town of Nashville shall be posted in a conspicuous place on the property sought to be demolished for a period of not less than fifteen (15) days. The notice shall be prepared and posted by the Development Review Commission.

5. The Nashville Town Council may shorten the 45 day waiting period or waive it in the event the subject property is deemed hazardous to the public health, safety and welfare.

6. An historic building or historic structure is hereby defined for the purpose of this ordinance as a building constructed in all or part prior to December 7, 1941, or a building otherwise designated as an historic structure or building pursuant to the terms of this ordinance.

7. A property owner may petition the Development Review Commission to designate a structure not otherwise defined as an historic building or structure by filing a petition with the Town Council together with a fee of Twenty-Five Dollars (\$25.00). The Development Review Commission may in its discretion designate the building as an historic building or structure.

8. The criteria to be considered by the Development Review Commission in designating as an historic building or structure under the provisions of paragraph 7 above shall be the following:

A. The rating, if any, of the historical building in the 1995 Brown County Interim Report published as part of the Indiana Historic Sites and Structures Inventory.

B. The location of the building in location to the main thoroughfares of the Town (Main Street, Van Buren Street, State Road 46 and State Road 135).

C. The condition of the building.

D. Its architectural uniqueness or lack thereof.

E. The historical significance of the building's present or prior occupants.

9. Any person or party aggrieved by the issuance or non-issuance of a demolition permit shall be entitled to a judicial review thereof in accordance with I.C. 4-22-1.

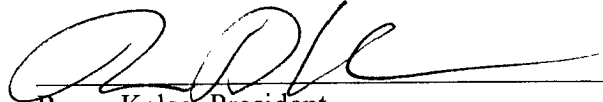
10. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

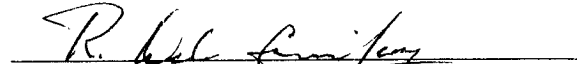
11. If any ordinance or parts of any ordinance are found to be in conflict with the provisions of this ordinance then the provisions of the more restrictive ordinance will prevail.

12. This ordinance may be enforced by the Town of Nashville, the Area Plan Commission or the Development Review Commission by suit in the Brown Circuit Court for injunction or for damages and fines. The maximum fine per violation shall be \$2,500.00. Each day of violation shall be considered a separate violation.

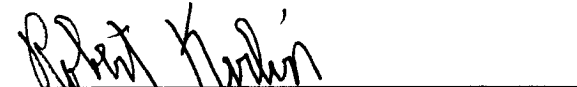
13. This ordinance is an amendment to the Town of Nashville land usage ordinance and should be codified as § 150.16 (c).


PASSED AND ADOPTED by the Nashville Town Council on this 16<sup>th</sup> day of MARCH, 2006.

  
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Roger Kelso, President

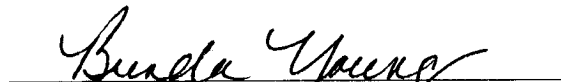
  
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R. Dale Cassiday, Member

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Charles King, Member

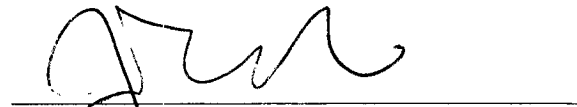
  
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Robert Kirlin, Member

  
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Arthur Omberg, Member

ATTEST:

  
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Brenda Young, Clerk-Treasurer

APPROVED FOR FORM

  
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James T. Roberts, Town Attorney

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