

**AMENDED ORDINANCE NO. 15-2014**

**A GENERAL ORDINANCE AMENDING CHAPTER 98 UNSAFE BUILDINGS  
AND CHAPTER 158 HISTORIC DISTRICTS**

WHEREAS, Chapter 98 of the City of Richmond Code, in accordance with Indiana Code (IC) 36-7-9, sets forth the provisions that allow the City of Richmond Unsafe Building Commission to issue Continuous Enforcement Orders and affirm properties that have been determined by the Enforcement Authority to be unsafe blights on the Richmond Community; and

WHEREAS, Chapter 158 of the City of Richmond Code, in accordance with IC 36-7-11, sets forth the provisions that allow the City of Richmond Historic Preservation Commission, among other things, to grant Interim Protection to properties that may have historical value and may need to be protected from demolition and conspicuous changes to exterior appearances; and

WHEREAS, The Historic Preservation Commission (HPC) granted Interim Protection in 2013 to a single property that had only recently been deemed to be an unsafe blighted property by the Unsafe Building Commission (UBC) and which was under a Continuous Enforcement Order, which action created a conflict that was brought to the attention of the Richmond Common Council and submitted for the Council's decision under Ordinance 32-2013; and

WHEREAS, It is in the best interest of the City of Richmond that both Chapter 98 (Unsafe Buildings) and Chapter 158 (Historic Districts) be amended to resolve future conflicts that may arise in connection with properties that will be issued pre-hearing orders by the City's Enforcement Authority in order that owners of a given property or other interested persons may not circumvent the Unsafe Building Law by seeking Interim Protection of a particular property.

NOW, THEREFORE, be it ordained by the Common Council of the City of Richmond that both Chapter 98 and Chapter 158 of the Richmond City Code be amended as follows:

98.13 CONFLICT WITH OTHER ORDINANCES

- (a) The provisions of this Ordinance shall supersede any provisions of prior Ordinances in conflict with the provisions contained herein. (Ord. 31-1988)
- (b) To the extent this Chapter conflicts with Chapter 158 (Historic Districts), this Chapter (Chapter 98) shall override and supersede Chapter 158 once a property has initially been determined to be an unsafe or blighted property by the Richmond Enforcement Authority and a pre-hearing order has been issued and recorded in accordance

with this Chapter 98 and Indiana Code 36-7-9. After a pre-hearing order has been issued and recorded for a property, the Richmond Enforcement Authority will seek a Continuous Enforcement Order from the Richmond Unsafe Building Commission in accordance with this Chapter 98 and Indiana Code 36-7-9. The Richmond Historic Preservation Commission does not have authority to issue an interim protection order in accordance with Chapter 158 for said property until such time as the property is brought into compliance as directed by a Continuous Enforcement Order issued by the Unsafe Building Commission under this Chapter 98 and Indiana Code 36-7-9. (Ord. 15-2014)

#### Chapter 98.14

- (b) The Commission shall consist of three (3) members appointed by the Mayor and one non-voting advisory member appointed by the Historic Preservation Commission annually.

#### 158.05 Interim Protection

- (a) When submitting a map to the Common Council under this chapter, the Commission may declare one (1) or more buildings or structures that are classified and designated as historic on the map to be under interim protection.
- (b) Not more than two (2) working days after declaring a building, structure, or site to be under interim protection under this section, the Commission shall, by personal delivery or certified mail, provide the owner and occupant of the building, structure or site with a written notice of the declaration. For purposes of this subsection, only owners of record in the Office of the Wayne County Assessor need be notified at their addresses of record according to said office. The written notice must:
  - (1) Cite the authority of the Commission to put the building, structure, or site under interim protection under this section;
  - (2) Explain the effect of putting the building, structure, or site under interim protection; and,
  - (3) Indicate that the interim protection is temporary.
- (c) A building or structure put under interim protection under this section remains under interim protection until the map is approved or rejected in an ordinance by the Common Council of the City of Richmond, Indiana. If Common Council has not approved or rejected such an ordinance within 90 days after a building or structure is placed under

interim protection, the Commission must reaffirm such interim protection status or it shall automatically cease. Interim protection may then continue up to an additional 90 days or until Common Council takes action on said ordinance as herein provided. Interim protection may only be reaffirmed one time, so that a building or structure may be under continuous interim protection for a maximum of 180 days. Once a building or structure ceases to be under interim protection, a one-year period must pass before it can again be placed under interim protection.

- (d) While a building, structure, or site is under interim protection under this section:
  - (1) The building, structure, or site may not be demolished or moved; and,
  - (2) The exterior appearance of the building, structure, or site may not be conspicuously changed.
- (e) The Commission may approve a Certificate of Appropriateness at any time during the Interim Protection, provided the proposed change meets the criteria for considering effect of actions on historic buildings in Section 158.06(e) of this chapter and any proposed preservation guidelines prepared for the building, structure, or site.
- (f) The Historic Preservation Commission does not have authority to issue an interim protection order under this Chapter 158 once the Richmond Enforcement Authority has initially determined a property to be an unsafe or blighted property and a pre-hearing order has been issued and recorded by the Richmond Enforcement Authority in accordance with Richmond City Code Chapter 98 and Indiana Code 36-7-9. After a pre-hearing order has been issued and recorded for a property, the Richmond Enforcement Authority will seek a Continuous Enforcement Order from the Unsafe Building Commission in accordance with Chapter 98 and Indiana Code 36-7-9. The Richmond Historic Preservation Commission will not issue an interim protection order in accordance with this Chapter 158 for said property until such time as the property is brought into compliance as directed by a Continuous Enforcement Order issued by the Richmond Unsafe Building Commission under Richmond City Code Chapter 98 and Indiana Code 36-7-9. (Ord. 15-2014)

Chapter 152.02 Composition:

- (b) The Commission shall consist of seven (7) voting members and one non-voting advisory member appointed by the Unsafe Building Commission annually. The voting members shall be appointed by the

Mayor of the City of Richmond, IN subject to the approval of the  
Common Council...

Effective Date:

This Ordinance shall be in full force and effect from and after its passage and adoption by the  
Common Council of the City of Richmond, Indiana.

Passed and adopted this 21 day of July, 2014, by the Common Council of the City of Richmond,  
Indiana.

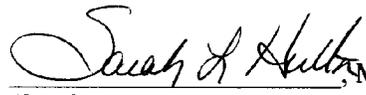
  
\_\_\_\_\_  
(J. Clayton Miller) President

ATTEST:   
\_\_\_\_\_  
(Karen Chasteen, IAMC, MMC) City Clerk

PRESENTED to the Mayor of the City of Richmond, Indiana, this 22nd day of July, 2014, at  
9:00 a.m.

  
\_\_\_\_\_  
(Karen Chasteen, IAMC, MMC) City Clerk

APPROVED by me, Sarah L. Hutton, Mayor of the City of Richmond, Indiana, this 22 day  
of July, 2014, at 9:05 a.m.

  
\_\_\_\_\_  
(Sarah L. Hutton) Mayor

ATTEST:   
\_\_\_\_\_  
(Karen Chasteen, IAMC, MMC) City Clerk