

ORDINANCE NO. 1250

ORDINANCE AMENDING CHAPTER 17.68 ENTITLED
HISTORIC PRESERVATION

WHEREAS, the Deadwood City Commission has determined it is proper and necessary to modify and amend Chapter 17.68.090 and 17.68.100 to clarify roles and duties of the building inspector and the Deadwood Historic Preservation; therefore,

BE IT ORDAINED Chapter 17.68 of the Deadwood Municipal Code entitled HISTORIC PRESERVATION be amended as follows:

Deadwood, SD Code of Ordinances

Chapter 17.68
HISTORIC PRESERVATION

Sections:

- 17.68.090 Minimum maintenance requirements.
- 17.68.100 Demolition by neglect.

17.68.090 Minimum maintenance requirements.

In order to insure the protective maintenance of resources, the exterior features of such properties shall be maintained to meet the requirements of the city's ~~minimum housing-property maintenance~~ code and the city's building code under DCO 15.01. The building official shall consult with the Zoning Administrator, Director of Public Work and the Historic Preservation Officer about any suspected violations of said codes.

(Ord. 831 § 7.9, 1992)

17.68.100 Demolition by neglect.

The Historic Preservation Commission shall prepare and follow written pProcedures to identify and protect resources from potential demolition resulting from the deliberate, intentional or inadvertent neglect of the owner or owners.

A. Purpose. The owner or other person having such legal possession, custody, and control of any resources as defined in Chapter 17.08 of this title within an historic district or historic overlay zone shall not allow the potential demolition resulting from the deliberate, intentional or inadvertent neglect. All resources as defined in Chapter 17.08 of this title within an historic district or historic overlay zone, including the exterior features of any building or structure (inclusive of, but not limited to, walls, fences, light fixtures, steps, pavement, paths, or any other appurtenant feature), or any type of outdoor advertising sign either designated as an historic resource or found to have significance, or any archeological resource shall be preserved by the owner or such other person who may have legal possession, custody, and control thereof against decay and deterioration and kept free from structural defects. The owner, or

other person having such legal possession, custody, and control, shall repair such exterior features if they are found to be deteriorating, or if their condition is contributing to deterioration, including but not limited to any of the following defects:

1. Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling;
2. Deterioration of flooring or floor supports, roofs, or other horizontal members that causes leaning, sagging, splitting, listing or buckling;
3. Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling;
4. Deterioration or crumbling of exterior plasters or mortars or the deterioration or crumbling or spalling of exterior bricks;
5. Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors;
6. 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;
7. Rotting, holes, and other forms of decay;
8. 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;
9. Heaving, subsidence, or cracking of sidewalks, steps or pathways;
10. Deterioration of fences, gates, and accessory structures;
11. Deterioration that has a detrimental effect upon the historic character of the district or overlay zone as a whole or the unique attributes and character of the resource;
12. Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property; or
13. Any other deficiencies or defects that may constitute or contribute to the decay or deterioration of any resource or property.

B. Investigation and Inspection. During the investigation and inspection of any resource under DCO 17.68.090 is found that the condition of the resource is suspected of being destroyed, damaged, or lost through or by neglect or intentional neglect of the owner of the resource, the building official shall consult with the Zoning Administrator, Director of Public Work and the Historic Preservation Officer about any suspected deficiencies or defects. If the condition of any resource as contemplated in paragraph A. above is suspected of being destroyed, damaged, or lost through or by neglect of the owner of the resource, the building official shall conduct an investigation and inspection of the resource. Prior to conducting any investigation or inspection, the building official shall:

1. Request, within fifteen (15) days of the identification of any suspected defects, permission from the owner of the resource to have full access to the resource; and

~~2. Consult with the city planner and the historic preservation officer about any suspected deficiencies or defects outlined in paragraph A. above.~~

C. Findings. Upon

determination by mutual agreement of the official's reference in B above that demolition or intentional neglect is occurring, the building official shall prepare, within fifteen (15) days of the

completion of his investigation and inspection, a written report of his findings on the condition of the resource, ~~which report may identify, but is not limited to, the following:~~

- ~~1. That there is no action required by the owner or owners;~~
- ~~2. That minimum maintenance of the resource is required to protect, preserve, and/or stabilize the resource;~~
- ~~3. That the resource is being demolished by neglect; or~~
- ~~4. That the resource may be demolished, vacated, or stabilized.~~

D. Notice of Report. A copy of any report shall be sent by certified mail, return receipt requested, to the owner of the resource and a copy provided to the Public Works Director, Zoning Administrator, Historic Preservation Officer and the Historic Preservation Commission ~~historic preservation commission~~ and may include any recommendations including a time frame to conduct the remedial work ~~remedy minimum maintenance~~ or other work necessary to stop the demolition by neglect, stabilize the resource, vacate the property, or demolish the resource.

E. Hearing and Notice of Hearing. Upon receipt of any written report in which the building official has found that there is ~~minimum maintenance required,~~ demolition by neglect, or the resource can or should be demolished, the historic preservation officer shall cause to be scheduled a hearing before the historic preservation commission to review and take action based on the report from the building official. The owner of the resource shall be served with written notice of the time and date of the hearing not less than ten (10) days prior to the hearing.

F. Legal Notice Requirement. Any notice required herein shall be considered delivered if sent by certified mail, return receipt requested and mailed to the last known address of the record owner or owners as listed on the city and/or county tax rolls or by other methods allowed by law.

G. Hearing on Report. At the hearing the historic preservation commission shall receive evidence on the issue of whether the subject resource should be repaired, vacated, stabilized, or can be demolished. ~~The owner or owners may present competent evidence in rebuttal thereto.~~ At the conclusion of the hearing, the historic preservation commission shall require the owner to present a preliminary plan including a timetable to the historic preservation commission within thirty (30) days generally identifying the work necessary to abate the demolition by neglect. The owner or owners or their agents shall submit an application for a

certificate of appropriateness and/or project approval for all proposed work. The historic preservation commission must review and act on all applications before issuance of a building permit. All work shall be completed within ninety (90) days of the approval from the historic preservation commission. The historic preservation commission may grant up to two (2) extensions of ninety (90) days each due to inclement weather or other unforeseen difficulties. Should the historic preservation commission find that the owner or owners have not pursued the necessary repairs with reasonable diligence, the historic preservation commission may pursue civil and/or criminal penalties under DCO 17.68.120 and/or request that the city cause the required work to be completed with any costs associated thereto attached to the property as a tax lien.

~~may make, but shall not be limited to, one of the following determinations:~~

- ~~1. That there is no action required by the owner or owners.~~
- ~~2. That minimum maintenance is required and requiring the owner to present a plan to the historic preservation commission within thirty (30) days from the receipt of notice of the historic preservation commission's determination as to the steps the owner must undertake to correct minimum maintenance issues. The owner or owners or their agents may be required to submit an application for a certificate of appropriateness and/or project approval for all proposed work. The historic preservation commission must review and act on all such applications before the issuance of a building permit. All work shall be completed within ninety (90) days of the approval from the historic preservation commission. The historic preservation commission may grant up to two (2) extensions of ninety (90) days each due to inclement weather or other unforeseen difficulties. Should the historic preservation commission find that the owner or owners have not pursued the necessary repairs with reasonable diligence, the historic preservation commission may pursue civil and/or criminal penalties (17.68.120) and/or request that the city cause the required work to be completed with any costs associated thereto attached to the property as a tax lien.~~
- ~~3. Demolition by neglect is occurring and requiring the owner to present a preliminary plan including a timetable to the historic preservation commission within thirty (30) days generally identifying the work necessary to abate the demolition by neglect. The owner or owners or their agents shall submit an application for a certificate of appropriateness and/or project approval for all proposed work. The historic preservation commission must review and act on all applications and must also approve all timetables for work required to abate the demolition by neglect before issuance of a building permit. The historic preservation commission may grant extensions to the timetable due to inclement weather or other unforeseen difficulties. Should the historic preservation commission find that the owner or owners have not pursued the necessary repairs with reasonable diligence, the historic preservation commission may pursue civil and/or criminal penalties (17.68.120) and/or request that the city cause the required work to be completed with any costs associated thereto attached to the property as a tax lien.~~
- ~~4.2. Condemnation of the resource and allow for its demolition in compliance with all local, state, and federal laws, rules, and regulations. Within thirty (30) days the owner shall~~

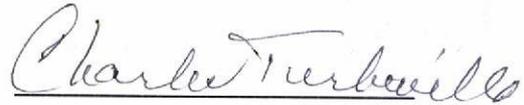
~~present a plan to the historic preservation commission identifying the necessary recordation which, along with the demolition shall be completed within ninety (90) days. Recordation must be reviewed and acted upon by the historic preservation commission before a demolition permit is issued. The historic preservation commission may grant up to two (2) ninety (90) day extensions due to inclement weather or other unforeseen difficulties. Should the historic preservation commission find that the owner or owners have not undertaken recordation and demolition with reasonable diligence, the historic preservation commission may pursue civil and/or criminal penalties (17.68.120) and/or request that the city cause the required work to be completed with any costs associated thereto attached to the property as a tax lien.~~

- H. Notice of Commission Action. The historic preservation officer shall notify the owner in writing of the determination of the historic preservation commission and the action required of the owner within ten (10) days of the hearing. Such notice shall identify and provide clear instructions to the owner as to the remedial work required by the historic preservation commission.
- I. Remedial Work and Compliance. Upon the completion of any ~~minimum~~ maintenance remedial work, recordation work, or other work required by the historic preservation commission, the owner shall notify the historic preservation officer of the completed work. The building official along with the historic preservation officer and any other professional deemed necessary by the building official and/or historic preservation officer shall inspect, within fifteen (15) days of notification, the completed work and shall cause, within fifteen (15) days of the inspection, the issuance of a written report to be submitted to the owner and the historic preservation commission to determine if the work completed is in compliance with city codes and ordinances and meets the requirements of the historic preservation commission. The historic preservation commission must review and act upon all such reports. All remedial work required by the historic preservation commission must be completed in compliance with such plans approved by the historic preservation commission.
- J. Intentional Neglect. Intentional neglect shall be defined as willful actions perpetrated by the owner or owners or their agents that result in damage to a resource. Such actions may include, but are not limited to, intentional running of water taps, hoses, or other man-made water devices resulting in flooding, erosion, or other water damage to the resource; intentional exposure of the resource to natural elements of wind, rain, snow, or other precipitation through the opening of windows, doors, skylights, or other moveable features of a resource; intentional drilling, boring, or cutting of holes in the roof, exterior walls or supporting members of a resource.

(Ord. 1081 (part), 2007; Ord. 1007, 2003; Ord. 831 § 7.10, 1992)

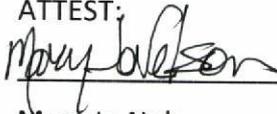
Dated this 17th day of October, 2016.

CITY OF DEADWOOD



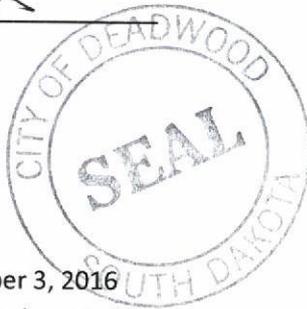
Charles Turbiville, Mayor

ATTEST:



Mary Jo Nelson

Finance Officer



First Reading: October 3, 2016

Second Reading: October 17, 2016

Published: October 20, 2016

Adopted: November 9, 2016