

Council of the City of York, PA
Session 2009
Bill No. 43
Ordinance No.

INTRODUCED BY: **Cameron Texter**

DATE:

AN ORDINANCE

Amending Article 1731 "Historic York," to update HARB requirements, amend enforcement provisions, and establish minimum maintenance, violations and penalty requirements.

BE IT ORDAINED, by the Council of the City of York, Pennsylvania, and it is hereby ordained by the authority of the same as follows:

Section 1: That Article 1731 "Historic York," be amended to read as follows:

1731.01 AUTHORITY, CREATION **AND PURPOSE.**

(a) In accordance with the provisions of an act adopted by the General Assembly of the Commonwealth on June 13, 1961, a historic district known as "Historic York" is created.

(b) **This article shall be referred to as the Historic York Preservation Ordinance.**

(c) **The purpose of this section is to:**

- 1. Foster civic beauty within the City of York.**
- 2. Stabilize the local economy within the City of York.**
- 3. Maintain and enhance the distinctive character of historic buildings and areas.**
- 4. Safeguard the economic, social and political heritage of the City of York by preserving districts that reflect elements of its history, architecture, archaeology, engineering or culture.**
- 5. Protect and enhance the City's attractions to prospective residents, businesses, and tourists.**
- 6. Facilitate reinvestment in and revitalization of certain older districts and neighborhoods.**
- 7. To awaken an interest in the City's past.**
- 8. To stabilize and improve property values and the quality of life in the district and throughout the City.**
- 9. To promote the use of the buildings and structures in the Historic District for the culture, education, pleasure and general welfare of the people of the City.**

1731.02 HISTORIC YORK MAP; BOUNDARIES, **DEFINITIONS** AND INTERPRETATION.

(a) Historic York is hereby designated into zones, or districts, as shown on the "Historic York Map" which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this article.

(b) The Historic York Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Historic York Map referred to in Section 1731.02 of the Codified Ordinances of York, Pennsylvania," together with the date of the adoption of this article.

(c) Definitions: For the purposes of this section, where terms are not defined, such terms shall have ordinarily accepted meanings such as the context implies. The following words shall have the meanings respectively ascribed to them as follows:

1. Addition: any act or process that changes one or more of the exterior architectural features of a building or structure by adding to, joining with or increasing the size or capacity of the building or structure.
2. Alteration: any act or process that changes one or more of the exterior architectural features of a building or structure including, but not limited to, the erection, construction, reconstruction, or removal of the building or structure.
3. Building: any construction created for the support, shelter or enclosure of persons, animals or property of any kind and which is permanently affixed to the land.
4. Certificate of Appropriateness: a certificate issued by the Council upon approving a recommendation of the York Historical Architectural Review Board (HARB) indicating that a proposed change, alteration or demolition of a historic building or structure is in accordance with the provisions of this section, the "Secretary of the Interior's Standards" and the "York Design Guidelines."
5. Change: any alteration, demolition, removal or construction involving any property subject to the provisions in this section.
6. Construction: the act of constructing an addition to an existing building or structure or the erection of a new principal or accessory building or structure.
7. Demolition: any act or process that destroys in part or in whole any building or structure.
8. HARB Permit: a permit issued by the Building Official for any change to the exterior of a building within the Historic York or HARB District or of a Landmark outside of the district. The Building Official shall grant a HARB permit only after the Council issues a Certificate of Appropriateness.
9. Historic Building or Historic Structure: any building or structure that has historical, architectural or archaeological significance and has been so designated according to the provisions of this chapter. The significance of a historic building or structure (delete property) may include the history, architecture, archaeology, engineering and/or culture of the City of York, the Commonwealth of Pennsylvania or the United States of America in regards to the following:
 - Association with events that have made significant contributions to the broad pattern of the history of the City of York, York County, the Commonwealth of Pennsylvania and/or the United States.
 - Association with important persons.
 - Distinctive physical characteristics of design, construction or form.
 - Potential to yield information important in history or prehistory (archaeology).
10. Historic York District, usually known as HARB District: any area designated by this section that contains within definable geographic boundaries buildings, structures and/or sites of historical, architectural and/or archaeological significance.
11. Landmark: any building, structure or archaeological site that has been designated as a "landmark" by ordinance of the City or other action by the Commonwealth of Pennsylvania or of the United States that is worthy of preservation, restoration or rehabilitation because of its historical, architectural and/or archaeological significance.
12. Owner: any individual, corporation, partnership or any other groups as a unit having a legal or equitable interest in a property including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court, provided that any ownership right created by an installment sales agreement shall be recorded with the Recorder of Deeds Office in and for York County.
13. Person: an individual or individuals, a partnership, an association, a corporation, a

joint stock company, a trust, an unincorporated association or any other group or legally recognized entity and/or the owners or officers in such legally recognized entities.

14. Preservation: the act or process of applying measures necessary to sustain the existing form, integrity and materials of a historic property.
15. Reconstruction: the act or process of depicting, by means of new construction, the form, features and detailing of a non-surviving site, landscape, building, structure or object for the purpose of replicating its appearance at a specific period of time and in its historic location.
16. Rehabilitation: the act or process of making possible a compatible use for a property through repair, alterations and additions while preserving those portions or features that convey its historical, cultural and/or architectural values. The limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within a rehabilitation project.
17. Restoration: the act or process of accurately depicting the form, features and character of a property and/or building as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period.
18. York Historical Architectural Review Board or HARB: the board established under provisions of this section.

1731.03 **BOUNDARY CHANGES OF HISTORIC YORK or HARB DISTRICT**

(a) If, in accordance with the provisions of this article changes are made in district boundaries or other matter portrayed on the official Historic York Map, such changes shall be entered on the Official Historic York Map promptly after the amendment has been approved by Council, with an entry on the Official Historic York Map as follows: "On (date), by official action of Council, the following (change) changes were made in the Official Historic York Map: (brief description of nature of change)", which entry shall be signed by the Mayor and attested by the City Clerk. No amendment of this article which involves matter portrayed on the Official Historic York Map shall become effective until after such change and entry has been made on such Map.

(b) No changes of any nature shall be made in the Official Historic York Map or matter shown thereon except in conformity with the procedures set forth in this article. Any unauthorized changes of whatever kind by any person shall be considered a violation of this article.

(c) Regardless of the existence of purported copies of the Official Historic York Map which may from time to time be made or published, the Official Historic York Map which shall be located in the office of the **City Clerk, Building Inspector** shall be the final authority as the current historic status of buildings and other structures in the City. **A copy of the map shall also be filed with the Building Official.**

(d) Where uncertainty exists as to the boundaries of districts as shown on the Official Historic York Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow such center lines.
2. Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as parallel to or *as an (?)* extension of features indicated in the above shall be so construed. Distances not specifically indicated on the Official Historic York Map shall be determined by the scale of the map.
4. Where physical or cultural features existing on the ground are at variance with those shown on the Official Historic York Map, or in other circumstances not covered by the above, Council shall interpret the district boundaries.

EDITOR'S NOTE: The following changes to the Official Historic York Map have been enacted by Council:

<u>Ord. No.</u>	<u>Passed</u>	<u>Description</u>
10-1972	3-21-72	Area extending west from Penn St. along King St. north side and Philadelphia St. south side to Hartley St. east side.
20-1975	12-16-75	Adds Historic South York and St. John's Episcopal Church.
9-2001	10-2-01	EDITOR'S NOTE: See Ordinance 9-2001 for a geographic description of the amendment to the Official Historic York Map.

1731.04 CERTIFICATION BY STATE HISTORICAL COMMISSION.

The Mayor and City Clerk are hereby authorized and directed to request a certification by resolution of the Pennsylvania Historical and Museum Commission *of* the historic significance of the district within the limits defined in Section 1731.02. The Mayor and City Clerk are further directed to place such certification among City records.

1731.05 BOARD OF HISTORICAL ARCHITECTURAL REVIEW; COMPOSITION AND TERM.

(a) A Board of Historical Architectural Review **known as the York Historical Architectural Review Board or HARB** is hereby established which shall be composed of **nine** ~~seven~~ members appointed by Council, one of whom shall be a registered architect, one a licensed real estate broker, one a building inspector, one recommended by the **York County Heritage Trust** ~~Historical Society of York County~~, and **five** ~~three~~ additional persons with a **demonstrated** knowledge ~~of~~ and interest in the preservation of the historic district, **and have qualifications which meet local, State and Federal guidelines for HARB membership**. At least four members of the **HARB Board** shall be residents of the City, **and/or be property owners and/or have business interests in the City**. The initial terms of the first seven members shall be as follows: three shall serve until the first Monday of January, 1972, two until the first Monday of January, 1973, and two until the first Monday of January, 1974. Their successors shall serve for a term of five years. **Two additional members shall be appointed to five year terms on the first Monday of January 2010 and their successors shall serve for a term of five years.** Any other member of the **HARB Board** who changes his profession or position as above listed shall create a vacancy on the **HARB Board**. Any member who fails to comply with the mandatory attendance provisions of Section 1731.~~.09~~ **.08** shall create a vacancy on the **HARB Board**. An appointment to fill any vacancy shall be only for the unexpired portion of the term so vacated.

~~(b) Council shall also appoint three alternate members to the Board of Historical Architectural Review. The term of office of each alternate member shall also be five years, except that the term of office of each initial alternate member shall be so fixed so that such terms shall expire in different years. An alternate member shall not hold elective office on the Board and shall serve only when requested because of the unavailability of a regular member. Alternate members of the Board shall be residents of the City and shall have a knowledge and interest in the preservation of the Historic District.~~

1731.06 HARB BOARD POWERS, DUTIES AND PROCEDURE.

(a) The **HARB Board** shall be charged with the responsibility of review of the historic district limits as outlined in **this Article** Section ~~1731.02~~. The **HARB Board** is further charged with the

responsibility of developing and continuing an effective program of landmark recognition and preservation **and to make recommendations to Council for such landmark recognition designations by ordinance both inside and outside of the district.** ~~Within such district—~~The Board shall survey and designate in a suitable manner: areas, places, buildings, structures, monuments, works of art and objects having special historical, architectural, community or aesthetic interest and value, and worth of preservation. **Through the program, the board shall apply the following criteria:**

1. **The character and its interest or value as part of the development, heritage or cultural characteristics of the City, Commonwealth and/or nation.**
2. **The location as a site of a significant historic event.**
3. **The identification with a person significant in the past of the City, Commonwealth and/or nation.**
4. **The exemplification of the cultural, economic or social heritage of the City, Commonwealth and/or nation.**
5. **The portrayal of a group of people in an era of history, characterized by a distinctive architectural style.**
6. **The embodiment of distinguishing characteristics of a building type or architectural style.**
7. **The embodiment of elements of architectural design, detail, materials or craftsmanship which represents a significant architectural innovation.**
8. **The identification as the work of an architect or master builder whose work has influenced the City, Commonwealth and/or nation.**
9. **The potential to yield information important in prehistory or history (archaeology).**
10. **The evolution of a building, site or neighborhood over time.**

(b) The ~~HARB Board~~ shall give counsel to the City Council regarding the advisability of issuing any certificates required to be issued pursuant to the Act of June 13, 1961, and this article. Such counsel shall at all times be consistent with the provisions of all ordinances of the City. For this purpose the ~~HARB Board~~ may make and alter rules and regulations for their own organization and procedure, consistent with the ordinances of the City and the laws of the Commonwealth. A majority of the ~~HARB Board~~ shall constitute a quorum and action taken at any meeting shall require the affirmative vote of **a majority of the members present at the meeting.** The ~~HARB Board~~ members shall serve without compensation, and shall make an annual report of the transactions to Council. The ~~HARB Board~~ may, pursuant to appropriations by Council, employ secretarial assistance.

(c) No person shall demolish or make any change to the exterior of any building or structure in the historic district, or to any building or structure outside the district given landmark status by ordinance of Council, without Council first receiving HARB's counsel about issuing a Certificate of Appropriateness, approving such a certificate and issuing a HARB permit for such change.

1731.07 DUTIES OF BUILDING OFFICIAL.

Upon receipt of an application for a ~~HARB building~~ permit for work to be done in the historic district **or to any landmark as established by ordinance of Council**, the Building Official shall act in accordance with the procedures presently being followed in that office except as those procedures are necessarily modified by the following requirements:

(a) He/~~she~~ shall forward to the ~~HARB~~ office a copy of the application for a ~~HARB building~~ permit for any work which is regulated by the provisions of this article together with *specific and relevant details and photographs provided* ~~a copy of the plot plan for the building plans and specifications by the applicant.~~

(b) He/she shall maintain in his office a record of all such applications and of his handling and final disposition of the same, which shall be in addition to an appropriately cross-referenced to his other records.

(c) He/she shall require applicants to submit a sufficient number of additional copies of materials required to be attached to an application for a HARB building permit to allow compliance with the foregoing.

1731.08 PRIOR COUNCIL APPROVAL OF HARB PERMIT ISSUANCE, FEE FOR PERMIT

(a) The Building Official shall not issue a HARB permit for any ~~erection, reconstruction, alteration, restoration, demolition or razing~~ change of a building in this historic district or to any landmark as established by ordinance of Council, which will affect the exterior historic or architectural features or nature of the building, until Council has issued a Certificate of Appropriateness and approved a HARB permit.

(b) A fee for the HARB permit may be established by resolution of Council.

1731.09 BOARD MEETING.

The HARB Board shall meet regularly and publicly at least twice each month at regularly scheduled intervals, and may hold special meetings for cause at the call of the HARB Chairman ~~of the Board~~ or upon request of any four members. Attendance at regularly scheduled meetings shall be mandatory and any member failing to attend six consecutive regularly scheduled meetings shall be deemed to no longer be a member of the Board. Any application for a ~~building~~ HARB permit regulated by this article shall be considered by the HARB Board at its next regularly scheduled meeting, which is held at least five days after the date of the filing of the application or at any special meeting of the HARB Board called for such purpose. The person applying for the HARB permit shall be advised of the time and place of such meeting and invited to appear to explain his/her reasons therefor.

1731.10 CONSIDERATIONS REGARDING ISSUANCE OF PERMITS, DEMOLITION

(a) In determining the counsel to be presented to City Council concerning the issuing of a Certificate of Appropriateness ~~of authorizing a permit for the erection, reconstruction, alteration, restoration, demolition or razing~~ for a change in all or a part of any building or structure within the historic district, the Board shall consider the following matters:

1. a. The effect of the proposed change upon the general historic and architectural nature of

the district.

2. b. The appropriateness of exterior architectural features which can be seen from a public

street or way only.

3. c. The general design, arrangement, texture, material and color of the building or structure and the relation of such factors to similar features of buildings or structures in the district.

(b) Except as otherwise noted in the codified City Ordinances, in cases in which an application for a HARB permit and a Certificate of Appropriateness seeks approval of demolition, the HARB may delay determination of the application for a period of ninety (90) days upon a finding that the building or structure is of such importance that alternatives to demolition may be feasible and should be actively pursued by both the applicant and the HARB. In the event that action on an application is delayed as provided herein, HARB may take such steps as it deems necessary to preserve the building or structure in accordance with the purposes of this section. Such steps may include, but not be limited to, the following:

- Consultation with civic groups, public agencies and interested citizens.

- Marketing plans.
- Recommendation for acquisition of the property by public or private bodies or agencies, and
- Exploration of the possibility of moving the building(s) or structure(s).

1731.11 NOTICE TO APPLICANT.

Immediately following the ~~HARB Board~~ meeting at which an application is considered, the ~~HARB Board~~ shall submit its counsel in writing to Council; however, if the ~~Board~~ **HARB**, on the basis of the information received at the meeting and from its general background and knowledge, decides to counsel against the granting of a Certificate of Appropriateness, it shall indicate to the applicant for a ~~building~~ **HARB** permit the changes in plans and specifications, if any, which in the opinion of the Board would protect the distinctive historical character of the historic district **or landmark**. ~~The Board~~ **The HARB** shall withhold its report to Council for a period of five days following its decision to allow the applicant to decide whether or not to make the suggested changes in his/her plans and specifications. If the applicant determines that he/she will make the suggested changes, he shall so advise the **HARB**, ~~Board~~ which shall counsel the City Council accordingly.

1731.12 WRITTEN REPORT OF ~~BOARD~~ **HARB**.

~~The Board~~ **The HARB**, in submitting its written counsel to Council, ~~in writing its counsel~~ concerning the issuance of a Certificate of Appropriateness, shall set out the following matters: ~~The Board~~ **HARB**, after the hearing provided for in Section 1731.09 08 and after the making of any changes in the plans and specifications as provided in Section 1731.11, shall submit to Council, in writing, its counsel concerning the issuance of a Certificate of Appropriateness, of authorizing a **HARB** permit for the erection, reconstruction, alteration, restoration, demolition or razing of all or part of change in any building or structure within the historic district **or designated as a landmark by City ordinance**. The written report shall set out the following matters:

- (a) The exact location ~~of the area~~ in which the work is to be done.
- (b) The exterior changes to be made or the exterior character of the **building or** structure to be erected.
- (c) A list general description of the exterior characteristics of the surrounding **buildings and** structures. ~~with their general exterior characteristics.~~
- (d) The effect of the proposed change upon the general historic and architectural nature of the district.
- (e) The appropriateness of exterior architectural features, which can be seen from a public street or way.
- (f) The general design, arrangement, texture, material and color of the building or structure and the relation of such factors to similar features of buildings or structures in the district.
- (g) The opinion of the Board (including any dissent) as to the appropriateness of the **proposed** work ~~proposed~~ as it will preserve or **negatively impact** ~~destroy~~ the historic aspect and nature of the district **or of the landmark**.
- (h) The specific counsel of the Board as to the issuance ~~or refusal~~ of a Certificate of Appropriateness and approval or denial of a HARB permit by Council ~~or its refusal to issue a certificate of appropriateness.~~ In giving its counsel, HARB shall present its recommendations for approval of a Certificate of Appropriateness and HARB permit for any work at the property or its decision to recommend to Council denial of a Certificate of Appropriateness and rejection of a HARB permit for the property.

1731.13 CERTIFICATE OF APPROPRIATENESS.

- (a) Upon receipt of the written counsel of the Board as provided in Section 1731.12, Council shall consider at a regular or special meeting the question of issuing to the Building

Official a Certificate of Appropriateness authorizing a **HARB** permit for the work covered by the application. The applicant shall be advised by ~~the City Clerk~~ **HARB** of the time and place of the meeting at which his/**her** application will be considered and shall have the right to attend and be heard as to his/**her** reasons for filing same. In determining whether or not to certify to the appropriateness of the proposed ~~erection, reconstruction, alteration, restoration, demolition or razing of~~ **change in** all or a part of any building **or structure** within the historic district **or to any landmark as designated by ordinance**, Council shall consider the same factors as the Board which are set forth in Section 1731.10 ~~09~~ and the report of the Board.

1731.14 ISSUANCE OF HARB PERMIT, APPEAL.

(a) If Council approves the application, it shall issue a Certificate of Appropriateness authorizing the Building Official to issue a **HARB** permit for the work covered. If Council disapproves, it shall do so in writing and copies shall be given to the applicant and to the Pennsylvania Historical and Museum Commission. The disapproval shall indicate what changes in the plans and specifications would meet the conditions for protecting the distinctive historical character of the district **or of the landmark**. Council shall not consider any matter not pertinent to the historical aspect and nature of the district **or of the landmark**.

(b) In any event, Council shall render its decision no later than thirty days after the receipt of the written recommendations of the ~~Board of Historical Architectural Review~~ **HARB, unless an applicant waives the requirements in this subsection and agrees to an extension of time**. Upon receipt of the written disapproval of Council, the Building Official shall disapprove the application for a ~~building~~ **HARB** permit and so advise the applicant. The applicant may appeal the disapproval as provided by law and City ordinances.

1731.15 SIGNS

Signs intended to be installed, repaired or replaced on properties located within the City of York's HARB district shall be subject to review by the HARB and approval by the York City Council prior to permits being issued, per the zoning ordinance of the City of York and the York Design Guidelines.

1731.16 INSTALLATION OF ANTENNAS, SATELLITE DISHES AND OTHER MODERN ACCESSORIES, DEVICES OR FIXTURES IN THE HARB DISTRICT.

No **antennas**, satellite dishes, ~~antenna~~, air conditioners, heat pumps, outdoor grills or other similar modern devices shall be installed or placed in the front yards, fronts of buildings or along their facades within the historic district. All air conditioners, heat pumps, outdoor grills or other similar modern devices shall be located to the rear of the main dwelling unit. Antennas and satellite dishes may be installed in the rear or on the roof of the main dwelling unit. A roof-mounted **antenna** or satellite dish ~~or antenna~~ shall not be visible from public rights-of-ways. For double frontage lots, the antenna or satellite dish must not be visible from the street frontage for which the property is addressed.

(a) Purpose. The City established the historic district in part to protect the beauty of the architecture within the district. The installation of satellite dishes and other modern accessories, devices or fixtures without proper oversight can specifically damage properties and buildings **or structures** if done without care for the integrity of the **building or** structure and can harm the integrity of the district if satellite dishes are installed without respect for the historic aspect of the district. The purpose of this ordinance is to allow the use of such devices in the historic area, while protecting the beauty and physical **appearance** ~~structure~~ of buildings **and structures** in the area.

(b) Exceptions.

1. Satellite dishes may be installed in the front of buildings in the historic district only if

no other means of reception can be provided. In such cases, the owner or tenant of the property shall notify the Building Official in writing signed by a professional installer of the need to install the satellite dish in the front of a building. Such satellite dishes shall be installed to be as unobtrusive as reasonably possible and shall be screened from view through the use of landscaping, fencing and/or architectural building features. The Building Officials shall approve the installation to ensure the user can receive proper signals, while protecting the historic nature of the district.

2. Portable window air conditioners, outdoor grills and similar devices that are to be used for a temporary period shall be exempt from the requirements of this ordinance as long as those devices are not stored in front yards or the front of buildings when they are not to be in use.

(c) Removal of Existing Satellite Dishes. Any satellite dishes installed in the front of buildings before the enactment of this ordinance shall be removed to meet the requirements of the ordinance if and when the device requires replacement or when the owner or tenant who installed the device no longer inhabits the property.

(d) Appeals. Any decision by the Building Official may be appealed so that the decision would have to follow the process of HARB review, ~~of the Historic Architecture Review Board.~~

(e) Penalty. Any person who violates the provisions of this subsection shall be guilty of a summary offense punishable by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) and the costs of prosecution.

1731.17 ENFORCEMENT.

(a) The Building Official shall have the power to institute any proceedings at law or in equity necessary for the enforcement of this article in the same manner as in his/her enforcement of the City Building Code as presently enacted and as may be amended.

(b) If it is found that any of the provisions of these standards are being violated, the person responsible for such violation shall cease all work upon notification, and no work shall be performed except to correct the violations. All work shall be corrected within a reasonable period as determined by the Building Official and any violations not corrected within the specified time shall be considered a separate violation under this subsection with each day's continuance of violation shall constitute a separate offense.

1731.18 MINIMUM MAINTENANCE REQUIREMENT.

(a) No owner of a building or structure in the historic district shall, by willful action or willful neglect, fail to provide sufficient and reasonable care, maintenance and upkeep to ensure such building's or structure's perpetuation and to prevent its damage or destruction by deterioration.

(b) The owner of a building or structure in the historic district shall provide sufficient maintenance to ensure its protection from hazards and to prevent its deterioration, damage or destruction.

1731.19 SEVERABILITY.

If any provision of this article or the application thereof is held invalid, such invalidity shall not affect other provisions or application of this article, which can be given effect without the invalid provision or application, and , to this end, the provisions of this article are hereby declared severable.

1731.99 VIOLATIONS AND PENALTIES.

Any person who makes or causes any change to any exterior architectural feature or demolishes a substantial part or all of any building or structure without a Certificate of Appropriateness or fails to meet the minimum maintenance requirements as outlined by

this section shall upon conviction thereof, in a summary proceeding, be fined not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00) for a first offense, not less than two hundred dollars (\$200.00) and not more than one thousand dollars (\$1,000.00) for a second offense and not less than three hundred dollars (\$300.00) and not more than five thousand dollars (\$5,000.00) for a subsequent offense and costs of prosecution for each offense, to be collected as other fines and costs are by law collectible. Any person in default of payment thereof shall be imprisoned for not more than ninety days (90 days). Each day's continuance of a violation of any of the provisions of this article shall constitute a separate offense. In addition to the other penalties, if the violations remain uncorrected after the time specified in any notices given by the City to the owner or responsible party, the City may, at its election, have the violations corrected at City expense and have a lien placed against the property equal to the cost of the repairs, plus administrative costs.

Section 2: This Ordinance shall become effective in accordance with the law.

PASSED FINALLY:

BY THE FOLLOWING VOTE:

YEAS: _____, _____, _____, _____, _____

NAYS: _____.

Joseph R. Musso, President of Council

ATTEST:

Dianna L. Thompson, City Clerk

Presented to the Mayor for approval this _____ day of _____.

Approved:

Mayor

Date:

Vetoed:

Mayor

Date: