

Ordinance No. 2088-25-5

AN ORDINANCE TO ADD CHAPTERS 25.01, 25.02 AND 25.03 TO TITLE 25 OF ORDINANCE IN REVISION NO. 850, COMMONLY KNOWN AS THE MUNICIPAL CODE OF THE CITY OF HURON, SOUTH DAKOTA, PERTAINING TO HISTORIC PRESERVATION – AUTHORIZING THE DESIGNATION OF LOCAL DESIGNATED INDIVIDUALLY LISTED HISTORIC PROPERTIES AND THE REVIEW OF CHANGES TO INDIVIDUALLY LISTED HISTORIC PROPERTIES.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF HURON, SOUTH DAKOTA:

That Chapters 25.01, 25.02 and 25.03 of Title 25 of Ordinance in Revision No. 850 be added to read as follows:

Title 25 HISTORIC PRESERVATION

Chapters:

- 25.01 Purpose**
- 25.02 Historic Preservation Definitions**
- 25.03 Huron Board of Historic Preservation**

Chapter 25.01 PURPOSE

25.01.010 Purpose. Whereas the Legislature of the State of South Dakota has determined that the historical, architectural, archaeological, paleontological, and cultural heritage of this state is among its most important assets, it is hereby declared to be the purpose of this ordinance to enable the City of Huron to engage in a comprehensive program of historic preservation, to promote the use and conservation of historic properties and to help in the development of these properties for the education, inspiration, pleasure and enrichment of the citizens of this city and this state.

Chapter 25.02 HISTORIC PRESERVATION DEFINITIONS

Sections:

- 25.02.010 Generally**
- 25.02.020 Alteration**
- 25.02.030 Appurtenant feature**
- 25.02.040 Building**
- 25.02.050 Building Permit**
- 25.02.060 Dangerous and unsafe**
- 25.02.070 Demolition**
- 25.02.080 Exterior features**
- 25.02.090 Extreme hardship**
- 25.02.100 Historic preservation**
- 25.02.110 Historic properties**

- 25.02.120 Huron Board of Historic Preservation**
- 25.02.130 Intentional neglect**
- 25.02.140 Materially alter**
- 25.02.150 National Register of Historic Places**
- 25.02.160 New construction**
- 25.02.170 Ordinary maintenance and repairs**
- 25.02.180 Preservation**
- 25.02.190 Project Review**
- 25.02.200 Reconstruction**
- 25.02.210 Rehabilitation**
- 25.02.220 Restoration**
- 25.02.230 The Secretary of the Interior's Standards for Rehabilitation**
- 25.02.240 The Secretary of the Interior's Standards for the Treatment of Historic Properties**
- 25.02.250 State Historic Preservation Office (or "SHPO")**
- 25.02.260 Structure**

25.02.010 Generally. Terms used in this title unless context otherwise plainly requires, shall have the meanings set forth in this chapter.

25.02.020 "Alteration." Alteration means any construction on or change to the exterior of a building, structure, or site including, but not limited to, the changing of siding or roofing materials and the changing, eliminating or adding of doors, windows, steps, fences, railings, porches, balconies, signs or other ornamentation. Ordinary maintenance and repairs shall not be considered an alteration.

25.02.030 "Appurtenant feature." Appurtenant feature means any construction or object that is accessory to a building or structure. An object would be one that is installed for a period of more than six months.

25.02.040 "Building." A building is a structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn.

25.02.050 "City Building Permit." City Building permit means the document, issued by the City Inspections Department that gives its approval for work. City Building permits are required for, among other things, installation, removal and/or replacement of doors, windows (including replacement sashes), steps, above ground patios and decks, porches, balconies, siding, shingling/roofing, fencing, construction of new structures, demolition or moving in/out of existing structures, and signs.

25.02.060 "Dangerous and unsafe." Dangerous and unsafe means the condition of a building or structure that requires immediate action in order to protect the health and safety of the public. The City Building Official may make the determination that a building or structure is dangerous and/or unsafe.

25.02.070 "Demolition." Demolition means any act that destroys in whole or in part a building or structure.

25.02.080 “Exterior features.” Exterior features means the architectural style, general design and general arrangement of the exterior of a building or structure, including the kind and texture of the building material and the type and style of all windows, doors, light fixtures, signs, and other appurtenant features. In the case of outdoor advertising signs, exterior features shall be construed to mean the style, material, size, and location of all such signs. Changes in the exterior features of a building or structure shall include proposed new construction or demolition.

25.02.090 “Extreme hardship.” Extreme hardship means the inability of owners of a historic property to make reasonable use of their property. Extreme hardship occurs when a historic property cannot be used by the owner or a tenant because of its condition and the historic property cannot be rehabilitated for an amount of money that it would be reasonable for an owner to invest in a property. In reaching a decision on whether extreme hardship exists, the Huron Board of Historic Preservation shall evaluate the information that the applicant submits including some or all of the following: the current occupants of the building or structure and their ability to make reasonable use of its present condition and cost of operation each year, the cost of any repairs that are needed, the present income from the building or structure, and the projected income from the building or structure after repairs. Loss of profit does not constitute extreme hardship.

25.02.100 “Historic preservation.” Historic preservation means the research, protection, restoration and rehabilitation of districts, sites, buildings, structures and objects significant in the history, architecture, archaeology, paleontology or culture of the community, state, or the nation.

25.02.110 “Historic properties.” Historic property(ies) means any building, structure, object, district, area or site that is significant in the history, architecture, archaeology, paleontology or culture of the community, the state or the nation.

25.02.120 “Huron Board of Historic Preservation.” Huron Board of Historic Preservation” (or HBHP) serves as the City of Huron’s Historic Preservation Commission.

25.02.130 “Intentional neglect.” Intentional neglect means the failure of owners to maintain their building or structure leading to the deterioration of their property. One element of intentional neglect would be the repeated failure to correct problems called to the attention of the owner by the city Building Official.

25.02.140 “Materially alter.” Materially alter means to change the design, material or appearance of the exterior of a building or structure.

25.02.150 “National Register of Historic Places.” The National Register of Historic Places is the official federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture. National Register properties have significance to the history of their community state, or the nation. (The National Park Service administers the National Register of Historic Places.)

25.02.160 “New construction.” New construction is the act of making an addition to an existing building or structure or the erection of a principal or accessory building or structure.

25.02.170 “Ordinary maintenance and repairs.” Ordinary maintenance and repairs means work for which a permit issued by the City of Huron is not required and where the purpose and effect of such work is to correct or to prevent deterioration of a resource or any part thereof by returning the resource as nearly as practical to its condition prior to such deterioration, decay, or damage and by using where possible, original material. The work does not involve a change in the design, material, or outer appearance of the building or structure.

25.02.180 “Preservation.” Preservation means the act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property.

25.02.190 “Project Review.” A process followed by the Board of Historic Preservation to determine if the proposed exterior work on a historic property should be permitted.

25.02.200 “Reconstruction.” Reconstruction means 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.

25.02.210 “Rehabilitation.” Rehabilitation means the act or process of making possible an efficient compatible use for a property through repair, alterations and additions while preserving those portions or features that convey its historical, cultural or architectural values.

25.02.220 “Restoration.” Restoration means the act or process of accurately depicting the form, features and character of a property 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.

25.02.230 “The Secretary of the Interior's Standards for Rehabilitation.” The Secretary of the Interior's Standards for Rehabilitation were originally published in 1977 and revised in 1990 as part of the Department of Interior regulations (36 CFR Part 67, Historic Preservation Certifications). They pertain to historic buildings and structures of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior of historic buildings and structures. The Standards also encompass related landscape features and the building or structure's site and environment as well as attached adjacent or related new construction. The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility. The standards include but are not limited to:

A. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building or structure and its site and environment.

B. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

C. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings or structures, shall not be undertaken.

D. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

E. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

F. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

G. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

H. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

I. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

J. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

25.02.240 “The Secretary of the Interior’s Standards for the Treatment of Historic Properties.” Secretary of the Interior’s Standards for the Treatment of Historic Properties are Federal Guidelines (36 CFR Part 68) adopted by the State of South Dakota (ARSD 24:52:07:02) regarding the treatment of historic properties. Standards for the Treatment of Historic Properties contain standards for preservation, rehabilitation, restoration and reconstruction.

25.02.250 “State Historic Preservation Office” (“SHPO.”) State Historic Preservation Office means a program of the South Dakota State Historical Society located in the SD Department of Tourism and State Development. The office that has the responsibility for administering the state’s historic preservation program authorized by state law and carried out according to the guidelines of the United States Department of the Interior.

25.01.260 “Structure.” A structure is a work made up of interdependent and interrelated parts in a definite pattern of organization.

Chapter 25.03 HURON BOARD OF HISTORIC PRESERVATION

Sections:

25.03.010 Designation and Jurisdiction over Individual Historic Properties

25.03.020 Huron Board of Historic Preservation Created

25.03.030 Designation of Historic Properties

25.03.040 Procedures of the Huron Board of Historic Preservation

25.03.050 Powers and Duties of the Huron Board of Historic Preservation

25.03.060 Coordination by the Board of Historic Preservation with Other City Departments

25.03.070 Survey of Local Historic Properties

- 25.03.080 Project Review Required for Exterior Alterations to Locally Designated Individually Listed Historic Properties**
- 25.03.090 Reduction in Waiting Period May Be Given in Case of Extreme Hardship**
- 25.03.100 Appeal to Huron City Commission**
- 25.03.110 Appeal to Circuit Court**
- 25.03.120 Ordinary Maintenance and Repairs; Correction of Unsafe Conditions**
- 25.03.130 Prevention of Demolition by Neglect**
- 25.03.140 Exemption of Historic Properties from Health and Building Codes**
- 25.03.150 Conformity with Building Permit Issued**
- 25.03.160 Separability**
- 25.03.170 Effective Date**
- 25.03.180 Penalties**

25.03.010 Designation and Jurisdiction over Individual Historic Properties.

A. In accordance with SDCL 1-19B, the City of Huron designates the following properties as locally designated individually listed historic properties:

1. Pyle Home: 376 Idaho Ave SE
2. Drake, Hattie O. and Henry, Octagon House (including the garage): 605 – 3rd Street SW
3. Grace Episcopal Church (aka the Stone Church): 68 – 4th Street SE
4. Dairy Building (aka Dakotaland Museum): 930 – 3rd Street SW
5. Margaret & Vernon Moxon (Lustron) House: 1305 McDonald Drive
6. Faye Bowdon House/ Agnus Saunders (Lustron) House: 669 Dakota Ave N

B. Pursuant to SDCL 1-19B the Huron Board of Historic Preservation has the right to review any undertaking that will demolish, materially alter, remodel, relocate or put to a different use designated historic properties located (set forth in section A above) in the City of Huron.

C. The Board shall give written notice, to the property owner and to any occupants, of the designation made by the City Commission.

25.03.020 Huron Board of Historic Preservation Created.

A. Pursuant to the authority granted by SDCL 1-19B-2, there is created for the city a historic preservation commission to be known as the Huron Board of Historic Preservation. The Huron Board of Historic Preservation shall consist of seven members who shall be appointed by the City Commission with due regard to proper representation of such fields as history, architecture, urban planning, archaeology, paleontology, and law.

B. All of the members of the Huron Board of Historic Preservation shall reside within the City of Huron and shall serve for terms of three years and shall be eligible for reappointment. The terms of the original members shall be varied in order to assure that no more than one-third of the appointments shall be for a full three year term with the remaining appointments divided between one and two year terms. Persons appointed to fill an unexpired term shall serve for the remainder of the term. Any member who fails to attend three consecutive meetings without presenting an explanation accepted by the Huron Board of Historic Preservation may be deemed to have abandoned the office and may be replaced as provided herein.

25.03.030 Designation of Historic Properties. The Huron Board of Historic Preservation shall hold a public hearing on any individual property that it is considering for designation as a historic property. Due notice of the hearing shall be given by publication. Written notice, postage prepaid, shall be given at least fourteen days before the hearing to the owner of the property and to any occupants. After the public hearing, the Board shall submit a report and its recommendation to the City Commission when the Board wants the City to designate the property as an historic property. After holding a public hearing, the City Commission may designate the property as a locally designated historic property.

25.03.040 Procedures of the Huron Board of Historic Preservation.

A. The Huron Board of Historic Preservation shall elect annually a chair and vice-chair and a secretary from its own membership. In addition to other duties, the chair shall be the spokesperson for the Huron Board of Historic Preservation and shall represent the Huron Board of Historic Preservation in its work with other City departments. The Huron Board of Historic Preservation shall meet at such times and places as may be determined by the Huron Board of Historic Preservation. A quorum shall consist of a majority of the Huron Board of Historic Preservation members in office and shall be required in order for the Huron Board of Historic Preservation to take action. In addition, a simple majority of the current membership shall be required for decisions involving individually listed historic buildings and structures listed in Section 25.03.010A.

B. The Huron Board of Historic Preservation shall prepare an annual report for the City Commission, and it shall include information about any historic property that is threatened. The Huron Board of Historic Preservation may, subject to appropriation by the City, employ clerical assistants or consultants to help in carrying out its responsibilities under this ordinance. Other persons on the City staff may be asked to assist the Huron Board of Historic Preservation. The Huron Board of Historic Preservation may adopt rules and regulations not inconsistent with the provisions of this ordinance, other municipal ordinances and state laws.

C. No member of the Huron Board of Historic Preservation shall participate in the discussion about any matter or vote on any matter that may affect the property, income, or business interest of that member.

25.03.050 Powers and Duties of the Huron Board of Historic Preservation. In addition to the powers and duties stated elsewhere in this ordinance, the Huron Board of Historic Preservation shall take actions necessary and appropriate in order to accomplish the purposes of this ordinance. These actions may include, but are not limited to, the following:

- A. To conduct surveys of local historic properties;
- B. To participate in planning and land-use processes undertaken by the City;
- C. To cooperate with the federal, state and county governments in the pursuance of the objectives of historic preservation;
- D. To contract, with the approval of the City Commission, with the state or the federal governments;
- E. To promote and conduct an educational and interpretive program on historic properties and issues within the city;
- F. To recommend ordinances and provide information for the purposes of historic preservation to the City Commission;

G. To notify the Beadle County Register of Deeds and the Beadle County Director of Equalization of the designation of any historic property by the City of Huron, the State of South Dakota or by the U.S. Department of the Interior;

H. To adopt written guidelines for making exterior changes to historic property;

I. To negotiate with owners of historic property and other interested persons when the historic property may be demolished, materially altered, remodeled, relocated or put to a different use;

J. To assist a Historic District Study Committee when it investigates and reports on a proposed historic district;

K. To assist owners of historic property either locally designated or listed on the National Register of Historic Places in preserving their buildings or structures;

L. To assist in the review of projects on which review by the State Historic Preservation Office is required under SDCL 1-19A-11.1; and

M. To attend informational and educational programs covering the duties of the Huron Board of Historic Preservation and current developments in historic preservation.

25.03.060 Coordination by the Board of Historic Preservation with Other City Departments.

A. City departments shall give timely notice to the Huron Board of Historic Preservation of matters that will affect locally designated individually listed historic properties. The Huron Board of Historic Preservation shall be given this notice about proposed work as soon as the proposal is received by the other city department or a study is begun on work that would be done by the other city department.

B. The Huron Board of Historic Preservation shall promptly prepare its comments on the proposed work so that its comments will be received prior to a decision by the other city department. The Huron Board of Historic Preservation shall obtain the comments of the Historic District Commission (if a Historic District Commission is in place) and transmit them to the city department in a single report. The coordination and comments under this section are separate from the reviews, negotiations, and approvals that are provided for, when owners and applicants submit proposed work directly to the Huron Board of Historic Preservation.

25.03.070 Survey of Local Historic Properties. In conducting a survey of local historic properties, the Huron Board of Historic Preservation shall comply with all applicable standards and criteria of the statewide survey undertaken by the South Dakota State Historical Society. No member, employee or agent of the Huron Board of Historic Preservation may enter any private property or building or structure without the express consent of the owner or occupant.

25.03.080 Project Review Required for Exterior Alterations to Locally Designated Individually Listed Historic Properties

A. Pursuant to SDCL 1-19B no exterior portion of any individually listed historic building or structure described in Section 25.03.010A shall be erected, altered, restored, moved or demolished until after the Huron Board of Historic Preservation has received and reviewed an application for the proposed work on exterior features of the historic building or structure. The following are typical work items that would require review by the Board. The list is not intended to be all inclusive.

1. exterior structural walls;

2. installation of new or replacement of existing exterior light fixtures if not the same as existing;

3. replacing concrete or brick steps;

4. installation of all forms of siding including aluminum, vinyl, asphalt, cement board or other types of siding;
5. above-ground utility structure other than the typical gas, electric, cable television, telephone entrances;
6. any type of outdoor advertising sign;
7. placement of new or replacement of existing doors including frames;
8. awnings or canopies;
9. decks;
10. installation of new or replacement of existing porch fixtures like wooden, wrought iron or masonry railings or details;
11. installation of security grills;
12. installation of skylights;
13. window replacement even if the replacement window is constructed of the same material and in the same style as the window to be replaced;
14. construction of legally required exterior ramps for access by the handicapped;
15. construction of exterior stairs, fire escapes and/or ramps required by building code;
16. installation or construction of new wooden, vinyl, wrought iron, chain link or masonry fences;
17. alteration of an existing wooden, vinyl, wrought iron, chain link or masonry fences that meet the municipal code;
18. roofing work;
19. foundation work if the intent is to replace the foundation;
20. power washing as a means of preparation for painting with water pressure set at more than 600 p.s.i.;
21. sand or other media blasting as a method of paint preparation or cleaning;
22. exterior lead paint abatement that may damage or destroy historic elements or character;
23. pavement (defined as asphalt or poured concrete);
24. type and texture of exterior building material; and
25. other appurtenant historic elements.

B. The owner or applicant shall submit an application for review with information that details the proposed work on exterior features of the building or structure. The application shall include other material that is requested by the Huron Board of Historic Preservation.

C. For purposes of this ordinance, “exterior features” shall include the architectural style, general design and general arrangement of the exterior of a building or structure, including but not limited to the list of work items listed in Section 25.02.080A above. In the case of outdoor advertising signs, “exterior features” shall be construed to mean the style, material, size, and location of all such signs. Changes in the exterior features of a building or structure shall include proposed new construction or demolition.

D. The Huron Board of Historic Preservation shall not review plans that involve changes to the interior of a building or structure.

E. The Huron Board of Historic Preservation shall consider and review applications including preparation of a report for the purpose of reviewing the construction, reconstruction, alteration, restoration, preservation, moving or demolition of buildings, structures, appurtenant features, or outdoor advertising signs to determine if the change would be incongruous with the historical, architectural, archaeological or cultural aspects of individually listed historic properties listed in Section 25.03.010A.

F. The Huron Board of Historic Preservation hereby adopts “The Secretary of the Interior’s Standards for Rehabilitation” and the U.S. Department of Interior’s “Guidelines for Rehabilitating Historic Buildings.” Other guidelines may be adopted including the U.S. Secretary of the Interior’s Standards for Treatment of Historic Properties, and they may include other guidelines appropriate for historic buildings and structures in the city. The Huron Board of Historic Preservation may expand or amend the guidelines it has adopted.

G. Prior to the review of an application for changes to the exterior of an individually listed historic property identified in the list included in Section 25.03.010A, the Huron Board of Historic Preservation will inform, in a mailed notice, the owners of property likely to be materially affected by the application a distance of 150 feet from the boundaries/corners of the affected property not including public rights of way and shall give the applicant and such owners an opportunity to be heard. The City will post a sign or signs along the public right-of-way(s) adjacent to the property so that neighboring property owners may be made aware of a proposed project. In cases where the Huron Board of Historic Preservation deems it necessary, it may hold a public hearing concerning the application.

H. After the Huron Board of Historic Preservation has reviewed the application for work on the exterior of a historic property to determine if the proposed construction, reconstruction, alteration, moving or demolition is appropriate to the historic structure, it shall promptly prepare a report including its recommendations and forward its report on the application for a permit to city staff who will determine whether a building or other permit can be issued. The Huron Board of Historic Preservation shall act on the application within forty-five days or it shall be deemed to have approved the application.

1. Recommendation in Support of the Proposed Project: After review, if the Board of Historic Preservation believes that the proposed work preserves the historic property, it shall promptly forward that recommendation along with its report on the proposed project to city staff. Upon receipt of the recommendation to allow the work, city staff will determine whether a city building permit can be issued. Applications for a permit may be disapproved by city staff if the proposed work does not meet applicable building codes.

2. Recommendation Against the Proposed Project: After review, if the Huron Board of Historic Preservation believes that the requested work will not preserve the historic structure, it will discuss and negotiate with the applicant in an attempt to convince the applicant to revise the project to make it appropriate to the historic structure. The applicant may proceed with his project after 180 days of submitting a written application for the project being submitted to the city whether or not an agreement has been reached with the Board. If the Huron Board of Historic Preservation determines that a requested project is not appropriate to the historic property, it shall place in its records the reasons for this determination and shall promptly notify the applicant, furnishing the applicant an attested copy of its reasons and its recommendations.

25.03.090 Reduction in Waiting Period May be Given in Case of Extreme Hardship. The Huron Board of Historic Preservation may reduce the 180 day waiting period on an application in a case where the owner would suffer extreme hardship not including loss of profit.

25.03.100 Appeal to Huron City Commission. A denial by the Board of Historic Preservation to reduce the waiting period as set forth in 25.03.090 above may be appealed to the Huron City Commission.

25.03.110 Appeal to Circuit Court. Any applicant aggrieved by a determination of the Huron City Commission may appeal to the Circuit Court.

25.03.120 Ordinary Maintenance and Repairs; Correction of Unsafe Conditions.

A. Nothing in this ordinance shall be interpreted to prevent the ordinary maintenance or repair of any exterior feature of a designated property which does not involve a change in its design, material, or outer appearance. Ordinary maintenance and repair does not require a city building permit and typically includes work such as:

1. preparation of a wooden building for painting by pressure washing with water less than 600 p.s.i.;
2. painting and paint color;
3. minor repair of an existing wooden, vinyl, wrought iron, chain link or masonry fences that meet the municipal code;
4. removal, repair or installation of public sidewalks;
5. tuck pointing the building foundation if no change in appearance occurs (tuck pointing material must match the type and hardness of the mortar and brick in place);
6. chimney work if no change in appearance occurs;
7. typical residential type landscaping with plant materials or natural material used as a mulch;
8. existing window repair; and

B. In any case where the City Building Official determines that there are emergency conditions dangerous and unsafe to life, health, or property involving a designated property, the Building Official may order the remedying of these conditions without review of the project by the Huron Board of Historic Preservation. The Building Official shall promptly notify the chair of the Huron Board of Historic Preservation of the emergency action.

25.03.130 Prevention of Demolition by Neglect. Any owner of an individually listed historic property identified in Section 25.03.010A shall not permit the deterioration of the property by intentional neglect to the point that it is threatened with demolition because of this deterioration. The Huron Board of Historic Preservation may request a meeting with the owner in order to discuss the condition of the property. Persons found not in compliance of this ordinance may be charged with failure to comply with the provisions of the Municipal Ordinance. Each day that a violation continues to exist shall constitute a separate offence.

25.03.140 Exemption of Historic Properties from Health and Building Codes.

According to SDCL 1-19B-54 the Huron City Commission in order to promote the preservation and restoration of historic properties within its jurisdiction, may exempt an historic property from the application of such standards contained in the municipal health or building codes, or both, as the governing body, upon recommendation of the Huron Board of Historic Preservation, shall determine would otherwise prevent or seriously hinder the preservation or restoration of said historic property.

25.03.150 Conformity with Building Permit Issued. All work performed pursuant to the issuance of a city building permit granted as a result of a project review under this chapter shall conform to the provisions of the review. The Huron Board of Historic Preservation has the right to inspect projects to ensure compliance with the building permit. City staff may be asked by the Board of Historic Preservation to conduct and report on project reviews. City staff may take additional action when work is being performed that is not in accordance with the building permit that has been issued.

25.03.160 Separability. The provisions of this ordinance are declared to be separable. If any section of this ordinance shall, for any reason, be declared invalid or unconstitutional, the remaining provisions shall continue to have full force and effect.

25.03.170 Effective Date. This ordinance shall take effect immediately upon its passage and adoption by the City.

25.03.180 Penalties. Any person, firm or corporation violating any of the provisions of this chapter upon conviction thereof shall be guilty of a misdemeanor and be subject to a fine in an amount not to exceed \$500.

David McGirr, Mayor

Attest: _____
Paullyn Carey, Finance Officer

First Reading: October 25, 2010
Second Reading: November 1, 2010
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