

ORDINANCE NO. 2016 - 10

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF ROCKPORT,
INDIANA, ESTABLISHING RIGHT TO REVIEW AND PENALTIES FOR VIOLATION
OF GUIDELINES OF THE HISTORIC PRESERVATION COMMISSION OF THE
CITY OF ROCKPORT, INDIANA**

WHEREAS, the Common Council of the City of Rockport, Indiana, by passage of Ordinance Number 2015-9, entitled "An Ordinance Of The Common Council Of The City Of Rockport Of Spencer County, Indiana, Creating A Historic Preservation Commission," created the Historic Preservation Commission of the City of Rockport, Indiana; and

WHEREAS, Ordinance Number 2015-9 adopted and incorporated by reference Indiana Code 36-7-11; and

WHEREAS, the Common Council of the City of Rockport, Indiana, by passage of Ordinance Number 2016-1, entitled "An Ordinance Of The Common Council Of The City Of Rockport Of Spencer County, Indiana, Approving Guidelines Of The Historic Preservation Commission Of The City Of Rockport, Indiana," approved and accepted the City Of Rockport Historic Preservation Commission Guidelines; and

WHEREAS, it is necessary to create a mechanism for the enforcement and judicial review of decisions made and/or omitted to be made in connection with the City of Rockport Historic Preservation Commission Guidelines; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Rockport, Indiana, adopts and approves the following terms of enforcement and judicial review in connection with the City of Rockport Historic Preservation Commission Guidelines:

1. The erection, construction, enlargement, alteration, repair, demolition, color change, moving, or maintenance of any building, structure, or appurtenance which is begun, continued, or maintained contrary to any provisions of the City of Rockport Historic Preservation Commission Guidelines (Guidelines) is hereby declared to be a nuisance and in violation of said Guidelines and unlawful. The City of Rockport may institute a suit for injunction in the Circuit Court of Spencer County to restrain any person or government unit from violating any provision of the Guidelines and to cause such violation to be prevented, abated, or removed. Such action may also be instituted by any property owner who is adversely affected by the violation of any provision of the Guidelines.

2. The remedies provided for in this Ordinance shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

3. Any person or party aggrieved by a decision or action taken by the Historic Preservation Commission of the City of Rockport shall be entitled to a review by the Common Council of the City of Rockport.

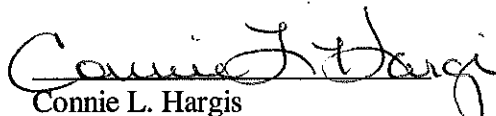
4. Any person or party aggrieved by a decision or action taken by the Historic Preservation Commission of the City of Rockport shall be entitled to judicial review in accordance with Indiana Code 4-21.5.

5. Any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer, or otherwise, who violates any provision of the Guidelines shall be subject to a fine as follows, for each offense:

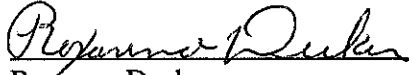
- (a) Not less than \$10.00 nor more than \$2,500.00 for demolition; and,
- (b) Not less than \$10.00 nor more than \$300.00 for all other offenses.
- (c) Each day of the existence of any violation of the Guidelines shall be a separate offense.

This Ordinance shall be in full force and effect upon passage by the Common Council of the City of Rockport, attestation by the Clerk / Treasurer, and publication as required by Indiana Code 5-3-1-2.

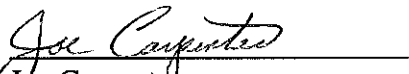
Passed and adopted by the Common Council of the City of Rockport, Indiana on the 12th day of September, 2016.



Connie L. Hargis

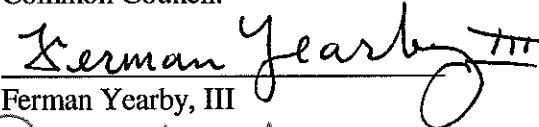


Roxanna Decker

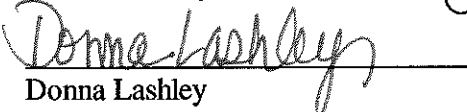


Joe Carpenter

Common Council:




Ferman Yearby, III



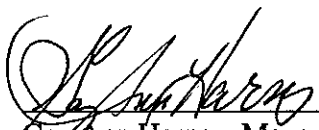
Donna Lashley

Presented by me to the Mayor of the City of Rockport, Indiana on the 12th day of September, 2016 at 5:22 o'clock p.m.



Susie Roberts,
Clerk-Treasurer

Approved and signed by me this 12th day of September, 2016 at 5:22 o'clock p.m.



Gay Ann Harney, Mayor
City of Rockport