

# Historic Preservation Ordinance for the City of New Albany, Indiana

## §151.01 Purpose and Definitions

### (A) Purpose of Historic Preservation and Protection:

In order to promote the educational, cultural and general welfare of the citizens of New Albany and to ensure the harmonious and orderly growth and development of the municipality; to maintain established residential neighborhoods in danger of having their distinctiveness destroyed; to enhance property values and attract new residents and businesses; to ensure the viability of the Downtown and other historic commercial districts and to enhance tourism within the City of New Albany; it is deemed essential by the City of New Albany that qualities relating to its history and outward appearance of its structures be preserved. This purpose is advanced through the restoration and preservation of historic areas and buildings, the construction of compatible new buildings where appropriate, and the maintenance and insurance of compatibility in regards to style, form, proportion, texture, and material between historic buildings and those of contemporary design. It is the intention of the City of New Albany, through this ordinance, to preserve and protect historic and architecturally-worthy buildings, structures, sites, monuments, streetscapes, and neighborhoods, which impart a distinct aesthetic quality to the city and serve as visible reminders of New Albany's historic heritage and building traditions.

### (B) Definitions

The following terms shall have the following meaning unless a contrary meaning is required by the context or is specifically prescribed. Words in the present tense shall include the future tense. The singular number includes the plural, and the plural the singular. The word "shall" is always mandatory. The word "person" includes a firm, a partnership, a limited liability company, or a corporation, as well as an individual. Terms not defined in this section shall have the meanings customarily assigned to them.

"Alteration" means any material or color change in the external architectural features of any building, structure, or site within a historic district.

"City" means the City of New Albany, Indiana.

"Classification" means the evaluation of buildings, structures, and sites included in the Indiana Historic Sites and Structures Inventory: City of New Albany, Interim Report, and defined specifically as follows:

#### (1) "Outstanding":

The "O" classification means that the property has sufficient historic or architectural significance that it is listed, or is eligible for listing, in the National Register of Historic Places. Outstanding resources may be of local, state, or national importance.

#### (2) "Notable"

The "N" classification means that the property does not merit the outstanding rating, but it is still above-average in its importance. A "Notable" property may be eligible for listing in the National Register.

#### (3) "Contributing"

The "C" classification means the property is at least 40 years old but that it does not meet the criteria for an "O" or "N" classification. Such resources are important to the density or continuity of the area's historic fabric. Contributing structures can be listed in the National Register only as part of a historic district.

#### (4) "Non-Contributing"

The "NC" classification is not included in a historic sites inventory unless it is located within the boundaries of a historic district. Such properties may be less than 50 years old, or they may be older structures that have been altered in such a way that they have lost their historic character, or they may be otherwise incompatible with their historic surroundings. These properties are not eligible for listing in the National Register of Historic Places.

"Demolition" means the complete or substantial removal of any building, structure, or site located in a historic district.

"Historic District" means a single building, structure, object, or site, or a concentration of buildings, structures, objects, spaces, or sites, the boundaries of which are described or delineated on a map approved in an ordinance

adopted under this chapter.

"Interested Party or Parties" means one or more of the following:

- (1) the Mayor of the Civil City of New Albany, Indiana;
- (2) the Common Council of the Civil City of New Albany (the "City Council");
- (3) the City Plan Commission, Redevelopment Commission, and/or the Board of Zoning Appeals;
- (4) a neighborhood association, whether incorporated or unincorporated, a majority of whose members are residents of a historic district designated by an ordinance adopted under this chapter;
- (5) an owner or occupant of property located in a historic district established by an ordinance adopted under this chapter;
- (6) Historic Landmarks Foundation of Indiana, Inc., or any of its successors or assigns; and,
- (7) the State Historic Preservation Officer designated under Indiana Code 14-3-3.4-10.

"Preservation Guidelines" means the criteria, locally developed, which identify local design concerns in an effort to assist property owners in maintaining the character of the designated district or buildings during the process of rehabilitation or new construction.

"Primary Area" means the principal area of historic and/or architectural significance within a historic district as delineated on the map establishing the boundaries of the historic district.

"Routine Maintenance" means work for which no Certificate of Appropriateness is required.

"Secondary Area" means an area that is adjacent to a primary area and that has a visual relationship to the primary area and in which alterations to sites, structures, buildings, objects, or spaces could affect the preservation of the primary area. The purpose of designating a secondary area is to assure its compatibility and harmony with the adjacent primary area.

"Streetscape" means the appearance from a public way, the distinguishing characteristics of which are created by the width of the street and sidewalks, their paving materials and color, the design of street furniture (e.g. street lights, trash receptacles, benches, et cetera), use of plant materials such as trees and shrubs, and the set back, mass, and proportion of those buildings that enclose the street. "Streetscape" also includes public art, statuary, and other fixtures found in, or adjacent to, the public rights-of-way.

"Visual Compatibility" means those elements of design that meet the guidelines set out in §151.08 of this chapter.

#### **§151.02 Historic Preservation Commission: Establishment and Organization**

(A) Creation:

There is hereby established the Historic Preservation Commission of the City of New Albany, Indiana (hereinafter referred to as the "Preservation Commission").

(B) Composition:

The Preservation Commission shall consist of not less than three (3) nor more than nine (9) voting members. The membership may be expanded beyond the maximum nine members only upon amendment of this ordinance by the Common Council of the City of New Albany. The voting members shall be appointed by the Mayor, subject to the approval of the City Council and shall be residents of the City who are interested in the preservation and development of historic areas. Each designated historic district shall nominate a member from its Board of Directors to serve as a full voting member of the Preservation Commission. Such member shall enjoy the same privileges and responsibilities as any other member of the Preservation Commission. No voting member of the Preservation Commission may transfer his right to vote by proxy to any other individual. The members of the Preservation Commission should include professionals in the disciplines of architectural history, planning, and other disciplines related to historic preservation, to the extent that those professionals are available in the community. Nonvoting, advisory members may be appointed to the Preservation Commission by the Mayor with the approval of the City Council. Preservation Commission members shall serve without compensation, except for reasonable expenses incurred in the performance of their duties.

(C) Term:

Voting members shall serve for a term of three (3) years; however, the initial terms of the members shall be for

ne (1) year, two (2) years, and three (3) years, in order for the terms to be staggered. The term for nonvoting, advisory members shall be three (3) years. A vacancy shall be filled within ninety (90) days for the duration of the vacated membership.

(D) Commission Administrator:

An administrator designated by the Mayor shall serve as the ex-officio administrator of the Preservation Commission. The administrator shall also provide staff assistance to the Preservation Commission, act as the Commission's secretary, and issue Certificates of Appropriateness as directed by the Preservation Commission.

(E) Officers:

The Historic Preservation Commission shall elect from its voting membership a Chairperson, Vice-Chairperson, and Secretary (if the Commission is without an administrator) who shall serve for one (1) year and who may be re-elected.

(F) Rules:

The Preservation Commission shall adopt rules consistent with the chapter for the transaction of its business. The rules must include the time and place of regular meetings and a procedure for the calling of special meetings.

(G) Meetings:

It shall be necessary for the Historic Preservation Commission to have a quorum to conduct any official business. A quorum shall consist of a simple majority of the total number of the members of the Preservation Commission. The Preservation Commission meetings must be open to the public in accordance with Indiana's Open Door Law and a public record shall be kept of the Preservation Commission's resolutions, proceedings, and actions. The Preservation Commission shall hold regular meetings, at least monthly, except when it has no business pending. Special meetings may be called in a manner determined by the Preservation Commission and its rules.

#### §151.03 Powers and Duties of the Preservation Commission

(A) The Preservation Commission shall be concerned with those elements of development, redevelopment, rehabilitation, and preservation that affect visual quality in a historic district, which include but are not limited to viewsheds, landscapes, and streetscapes of historic importance. The Preservation Commission may not consider details of design, interior arrangements, or building features if those details, arrangements or features are not subject to public view, and may not make any requirement except for the purpose of preventing development, alteration, or demolition in the historic district obviously incongruous with the historic district.

(B) The Preservation Commission shall conduct surveys and establish historic districts in accordance with the provisions of §151.04 of this chapter.

(C) The Preservation Commission may adopt preservation guidelines for architectural review. If adopted, preservation guidelines shall be published and made readily accessible to the public.

(D) The Preservation Commission has the authority to receive funds in order to promote its stated purpose.

(E) The Preservation Commission shall promote public interest in historic preservation by initiating and carrying on a public relations and community education program.

(F) The Preservation Commission, through this ordinance, may:

(1) acquire by purchase, gift, grant, bequest, devise, or lease, any real or personal property, including easements, that is appropriate for carrying out the purposes of the Preservation Commission; and,

(2) hold title to real and personal property; and,

(3) sell, lease, rent, or otherwise dispose of real or personal property at a public or private sale on the terms and conditions that the Preservation Commission determines best.

(G) The Preservation Commission shall establish procedures that it must follow in acquiring and disposing of property, which procedures must be in conformance with applicable rules of the Indiana Code.

#### **.04 Historic Districts; Conservation Districts; and, Guidelines**

- (A) All recommendations for the establishment of a historic district shall be in the form of a written report and must be based on the criteria outlined in this section. A recommendation for establishing a historic district may be initiated from either of the following two (2) sources:
- (1) Based on its survey, the Historic Preservation Commission may draw and submit maps for City Council approval.
  - (2) Owners of property in fee simple wishing to establish a historic district that includes their property may petition the Historic Preservation Commission to consider drawing or submitting a map or maps of said property to the City Council for its approval. The Historic Preservation Commission may establish in its rules criteria to be met before it considers a petition.
- (B) Conservation Districts:  
The Historic Preservation Commission may recommend, and the city Council may provide, that the establishment of a historic district may occur in two (2) phases. During the first phase, which continues for a period of three (3) years from the date the ordinance is adopted, a Certificate of Appropriateness is required for the following activities: the demolition of any building; the moving of any building; and, the new construction of any principal building or accessory building or structure subject to view from a public way.
- (1) At the expiration of the initial three (3) year period, the first phase of a conservation district continues and the second phase becomes effective unless a majority of the property owners in the district object to the Historic Preservation Commission, in writing, to the requirement of a Certificate of Appropriateness for the following activities:
    - (a) a conspicuous change in the exterior appearance of historic buildings by additions, construction, alteration, or maintenance involving exterior color changes;
    - (b) a change in walls or fences or construction of walls or fences, if along public ways;
    - (c) a conspicuous change in the exterior appearance of non-historic buildings subject to view from a public way by additions, reconstruction, alteration, or maintenance involving exterior color change.
  - (2) The objections of a majority of the property owners must be received by the Historic Preservation Commission not earlier than one hundred eighty (180) days or later than sixty (60) days before the third anniversary of the adoption of the ordinance. The Historic Preservation Commission shall prescribe the method of conducting and/or receiving the objections of the majority of owners in the Commission's Rules.
- (C) Historic Preservation Commission preparation of historic district maps: in order to establish a historic district, the Historic Preservation Commission shall first prepare a map describing the district in accordance with the following:
- (1) The map shall be based on a survey conducted by the Historic Preservation Commission that identifies historic buildings, structures, and sites located within the City.
  - (2) A district may be limited to the boundaries of a property containing a single building, structure, or site.
  - (3) The map may divide the historic district into primary and secondary areas, as follows:
    - (a) Primary Area: the principal area of historic and architectural significance; and,
    - (b) Secondary Area: the area adjacent to a primary area that has a visual relationship to the primary area and could affect the primary area. The purpose of designating a secondary area is to assure its compatibility and harmony with an adjacent primary area.
- (D) The Historic Preservation Commission shall classify and designate on the map all buildings, structures, and sites within each historic district described on the map. Buildings, structures, and sites shall be classified as historic or non-historic. Historic buildings, structures, and sites must possess identified historic or architectural merit of

degree warranting their preservation. The Historic Preservation Commission shall further classify and designate all buildings and structures within the historic district as follows:

- (1) Outstanding "O"
- (2) Notable "N"
- (3) Contributing "C"
- (4) Non-Contributing "NC"  
Non-historic — "Non-Contributing" — buildings, structures, and sites are those not classified as historic. In lieu of other classifications, the Preservation Commission may devise its own system of further classification of historic buildings, structures, and sites.

- (E) City Council approval of historic district maps: before a historic district is established, and the building classifications take effect, the map setting forth the district's boundaries and building classifications must be submitted to, and approved in ordinance by, the New Albany City Council.
- (F) The map establishing the boundaries of a historic district shall be recorded in the office of the Floyd County Recorder.

#### §151.05 Interim Protection

- (A) When submitting a map to the City Council under §151.04 of this Chapter, the Historic Preservation Commission may declare one 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 Preservation Commission shall, by personal delivery or first class mail, provide the owner or occupant of the building, structure, or site, with a written notice of the declaration. The written notice must:
  - (1) Cite the authority of the Preservation Commission to put the building, structure, or site under interim protection under this section; and,
  - (2) Explain the effect of putting the building, structure, or site under interim protection; and,
  - (3) Indicate that interim protection is temporary.
- (C) A building or structure put under interim protection under subsection (A) remains under interim protection until the map is:
  - (1) Submitted to the New Albany City Council; and,
  - (2) Approved in an ordinance or rejected by the City Council.
- (D) While a building, structure, or site is under interim protection under this section:
  - (1) The building, structure, or site, shall not be demolished or moved; and
  - (2) The exterior appearance of the building, structure, or site may not be conspicuously changed by :
    - (a) Addition;
    - (b) Reconstruction; or,
    - (c) Alteration.
- (E) The Historic Preservation Commission may approve a Certificate of Appropriateness at any time during the period of interim protection, provided the proposed change meets the criteria for considering effect of actions on a

historic building, structure, or site in Section 6(D) of this ordinance and any proposed preservation guidelines prepared for the building, structure, or site, but the Certificate of Appropriateness shall have no effect, and no action may be taken pursuant thereto, unless the map including the building, structure, or site is approved by the City Council.

#### §151.06 Certificates of Appropriateness (COA)

- (A) A Certificate of Appropriateness must be issued by the Preservation Commission before a permit is issued for, or work is begun on, any of the following:
- (1) Within all areas of a historic district:
    - (a) The demolition of any building or structure;
    - (b) The moving of any building or structure;
    - (c) A conspicuous change in the exterior appearance of any historic building or any part of or appurtenance to such building, including walls, fences, light fixtures, steps, paving, and signs, by additions, reconstruction, alteration, or maintenance involving exterior color changes if cited by individual ordinance; or
    - (d) Any new construction of a principal building or accessory building or structure subject to view from a public way.
  - (2) Within a primary area of a historic district:
    - (a) A change in walls or fences, or the construction of walls or fences along public ways;
    - (b) A conspicuous change in the exterior appearance of a non-historic building subject to view from a public way by additions, reconstruction, alteration and/or maintenance involving exterior color change.
  - (3) Within a conservation district:
    - (a) The moving of any building;
    - (b) The demolition of any building; or,
    - (c) Any new construction of a principal building or an accessory building or structure subject to view from a public way.
- (B) An application for a Certificate of Appropriateness shall be made in the office of the Historic Preservation Commission or its designee on forms provided by that office. All applications shall be subject to the rules and requirements established by the Historic Preservation Commission. Rules may include, but are not limited to, filing deadlines and application requirements such as sketches, drawings, photographs, descriptions, or other information that the Preservation Commission requires to make a decision.
- (C) The Historic Preservation Commission may approve or deny Certificates of Appropriateness for any actions covered by this Chapter. If an application for a Certificate of Appropriateness is approved by the Commission, or is not acted on by the Preservation Commission within thirty (30) days after it is filed, a Certificate of Appropriateness shall be issued. The Preservation Commission may grant an extension of the thirty-day limit if the applicant agrees in writing. The Preservation Commission must report its findings and the reasons for its actions in written form, and supply the applicant with a copy of its report. A copy of the Certificate of Appropriateness must be submitted with the application for a building or demolition permit; no building or demolition permit shall be issued unless a copy of the Certificate of Appropriateness is provided by the applicant with the application.
- (D) The Historic Preservation Commission, in considering the appropriateness of any reconstruction, alteration, maintenance, or moving of a historic building, structure, or site, or any part or appurtenance to such building or structure, including walls, fences, light fixtures, steps, paving, and signs shall require that such work be done in such a manner that will preserve the historic and architectural character of the building, structure, or appurtenance.

In considering historic and architectural character, the Preservation Commission shall consider, among other things, the following:

- (1) Purposes of this Chapter;
- (2) Historic and architectural value and significance of the building, structure, site or appurtenance;
- (3) Compatibility and significance of additions, alterations, details, materials, or other non-original elements that may be of a different style and construction date than the original;
- (4) The texture, material, color, style, and detailing of the building, structure, site or appurtenance;
- (5) The continued preservation and protection of original or otherwise significant structure, material, and ornamentation;
- (6) The relationship of buildings, structures, appurtenances, or architectural features similar to one within the same historic district; including for primary areas, visual compatibility as defined in Section 8(B) of this Chapter; and,
- (7) The position of the building or structure in relationship to the street, public right-of-way, and to other buildings and structures.

#### **§151.07 Staff Approvals**

- (A) The Historic Preservation Commission may authorize the administrator of the Preservation Commission, on behalf of the Commission, to grant or deny an application for a Certificate of Appropriateness for certain classifications of work in the historic districts.
- (B) The Historic Preservation Commission shall specify by rule the types of applications for Certificates of Appropriateness that the administrator of the Preservation Commission is authorized to grant or deny. The administrator may not be authorized to grant or deny an application for a Certificate of Appropriateness for any of the following:
  - (1) The demolition of a building, structure, or site.
  - (2) The moving of a building or structure, either into, or out of, any historic district.
  - (3) The construction of an addition to any building or structure.
  - (4) The construction of a new building or structure.

#### **§151.08 Visual Compatibility**

- (A) For new construction, contemporary design, and non-historic buildings: to preserve and encourage the integrity of historic buildings, structures, sites, monuments, streetscapes, and neighborhoods and to ensure their compatibility with any new work, the construction of a new building or structure, and the moving, reconstruction, alteration, color change, major maintenance, or repair conspicuously affecting the external appearance of any non-historic building, structure or appurtenance within the primary area must be generally of a design, form, proportion, mass, configuration, building material, texture, color, and location on a lot compatible with other buildings in the historic district and with places that it is visually related.
- (B) Criteria for considering visual compatibility within historic primary areas: within the primary area of a historic district, new buildings, structures, as well as buildings, structures, and appurtenances that are moved, reconstructed, materially altered, repaired, or changed in color, must be visually compatible with buildings and places to which they are visually related generally in terms of the following visual compatibility factors:
  - (1) Height: the height of proposed buildings must be visually compatible with adjacent buildings.
  - (2) Proportion of building's front facade: the relationship of the width of a building to the height of the front

elevation must be visually compatible with the buildings and places to which it is visually related.

- (3) Proportion of openings within the facility: the relationship of the width of the windows to the height of the windows in a building must be visually compatible with buildings and places to which it is visually related.
- (4) Relationship of solids to voids in front facades: the relationship of solids to voids in the front facade of a building must be visually compatible with buildings and places to which it is visually related.
- (5) Rhythm of spacing of buildings on streets: the relationship of a building to open space between it and adjoining buildings must be visually compatible with buildings and places to which it is visually related.
- (6) Rhythm of entrances and porch projections: the relationship of entrances and porch projections of a building to sidewalks must be visually compatible with buildings and places to which it is visually related.
- (7) Relationship of materials, texture(s), and color(s): the relationship of the materials, texture(s), and color(s) of the facade of a building must be visually compatible with the buildings and places to which it is visually related.
- (8) Roof shapes: the roof shape of a building must be visually compatible with buildings and places to which it is visually related.
- (9) Wall of continuity: appurtenances of a building or site, such as walls, wrought iron or wood fences, stone walls, landscape masses, and building facades must form cohesive walls of enclosure along the street, if necessary to ensure visual compatibility of the site and building(s) to the buildings and places to which it is visually related.
- (10) Scale of the building: the size of a building, and the building mass of a building in relation to open spaces, windows, door openings, porches, and balconies must be visually compatible with the buildings and places to which it is visually related.
- (11) Directional expression of front elevation: a building must be visually compatible with buildings and places to which it is visually related in its directional character, including vertical character, horizontal character, or non-directional character.

#### **§151.09 Preservation of Historic and Architectural Character Upon Alteration or Relocation Mandated**

- (A) A historic building or structure or any part of or appurtenance to such a building or structure, including stone walls, fences, light fixtures, steps, paving, and signs may be moved, reconstructed, altered, or maintained only in a manner that will preserve the historic and architectural character of the building, structure, or appurtenance.
- (B) A historic building may be relocated to another site only if it is shown that preservation on its current site is inconsistent with §151.09(A).

#### **§151.10 Appeal Provisions**

- (A) The purpose of this section is to preserve historic buildings that are important to the education, culture, traditions, and economic values of the City of New Albany and to afford the City, historical organizations, and other interested persons the opportunity to acquire or to arrange for preservation of these buildings.
- (B) If a property owner shows that a historic building is incapable of earning an economic return on its values, as appraised by a qualified real estate appraiser, and the commission fails to approve the issuance of a certificate of appropriateness, the building may be demolished. However, before a demolition permit is issued or demolition proceeds, notice of the proposed demolition must be given for a period fixed by the commission, based on the commission's classification on the approved map but not less than sixty (60) days nor more than one (1) year. Notice must be posted on the premises of the building proposed for demolition in a location clearly visible from the street. In addition, notice must be published in a newspaper of general local circulation at least three (3) times before the demolition, with the first publication not more than fifteen (15) days after the application for a permit to demolish is filed, and the final publication at least fifteen (15) days before the date of the permit.



- (C) The Historic Preservation Commission may approve a Certificate of Appropriateness at any time during the notice period under §151.10(C). If the Certificate of Appropriateness is issued by the Preservation Commission, a demolition permit shall be issued without further delay.

#### **§151.11 Maintenance**

- (A) Historic buildings, structures, and sites shall be maintained to meet the applicable requirements established under state statute for buildings generally so as to prevent loss of historic structures, historic materials, and historic components, as well as the deterioration of important character-defining details and features.
- (B) Ordinary repairs and maintenance: nothing in this section shall be construed so as to prevent the ordinary repairs and maintenance of any building, structure, or site, provided that such repairs or maintenance do not result in a conspicuous change in the design, form, proportion, mass, configuration, building material, texture, color, location, or external visual appearance of any structure, or part thereof.

#### **§151.12 Relationship with Zoning Districts**

Zoning districts lying within the boundaries of the historic district are subject to regulations for both the zoning district and the historic district. If there is a conflict between the requirements of the zoning district and the historic district, the more restrictive requirement(s) shall apply.

#### **§151.13 Paint Colors**

- (A) The Historic Preservation Commission shall require a Certificate of Appropriateness for changes in exterior colors of buildings, sites, structures and objects in the historic districts.
- (B) Owners of structures in certain historic districts of New Albany shall seek the guidance and assistance of the Historic Preservation Commission prior to painting or coating buildings in certain historic districts of the City of New Albany. However, the Preservation Commission shall not prohibit the use of any color(s) or coating(s) with the exception of the use of black on the body of any building in the historic districts.

#### **§151.14 Interested Parties**

- (A) An interested party (as defined in §151.01(B)) has a private right of action to enforce and prevent violation of provisions of this ordinance or an ordinance adopted by the City of New Albany under this ordinance, and with respect to any building, structure, or site within a historic district, and has the right to restrain, enjoin, or enforce by restraining order or injunction, temporarily, or permanently, any person from violating a provision of this ordinance or an ordinance adopted under this ordinance.
- (B) The interested party does not have to allege or prove irreparable harm or injury to any person or property to obtain relief under this section.
- (C) The interested party bringing an action under this section does not have to post a bond unless the court, after a hearing, determines that a bond should be required in the interest of justice.
- (D) The interested party that brings an action under this section is not liable to any person for damages resulting from bringing or prosecuting the action unless the action was brought without good faith or without reasonable belief that a provision of this ordinance, or an ordinance adopted by a unit under this ordinance, had been, or was about to be violated.
- (E) An interested party who obtains a favorable judgment in an action under this section may recover reasonable attorney fees and court costs from the person against whom the judgment was rendered.
- (F) An action arising under this section must be brought in the Circuit or Superior Court of Floyd County, Indiana, and no change of venue from the County shall be allowed in the action.
- (G) The remedy provided in this section is in addition to other remedies that may be available at law or in equity.

**§151.15 Enforcement, Penalties, and Judicial Review**

- (A) Any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer, or otherwise, who violates any provision of this ordinance shall be subject to a fine as follows, for each offense:
- (1) Not less than ten dollars (\$10.00) nor more than twenty-five hundred dollars (\$2,500.00) for demolition; and,
  - (2) Not less than ten dollars (\$10.00) nor more than three hundred dollars (\$300.00) for all other offenses.
- (B) Each day of existence of any violation of this ordinance shall be a separate offense.
- (C) The erection, construction, enlargement, alteration, repair, demolition, color change, moving, or maintenance of any building, structure, or appurtenance that is begun, continued, or maintained contrary to any provisions of this ordinance is hereby declared to be a nuisance and in violation of this ordinance and unlawful. The City of New Albany may institute a suit for injunction in the Circuit Court or Superior Court of Floyd County, Indiana, to restrain any person or government unit from violating any provision of this ordinance 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 this chapter.
- (D) The remedies provided for in this section shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.
- (E) Any person or party aggrieved by a decision or action taken by the Historic Preservation Commission shall be entitled to a judicial review hereof in accordance with Indiana Code 4-22-1.

**§151.16 Severability**

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

**§151.17 through §151.99 Reserved**