

**TOWN OF CEDARBURG
ORDINANCE NO. 2011-2**

**An ordinance amending section 186-5 of the Town of Cedarburg Code of Ordinances,
relating to issuance of building permits for landmarks, landmark sites, or improvements in a
historic district.**

WHEREAS, Wisconsin State Statutes Section 60.64 enables a township to establish a landmarks commission to designate historic landmarks and establish historic districts, and the Board may regulate all historic landmarks and all property within each historic district to preserve the historic landmarks and property within the district and the character of the district; and,

WHEREAS, the Town Board wishes to ensure the proper issuance of building permits for structures governed under Chapter 186 of the Town Code of Ordinances;

NOW, THEREFORE, BE IT ORDAINED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, that Section 186-5, of the Town of Cedarburg Code of Ordinances is hereby amended to read as follows:

**(The text modified with a strikethrough shall be deleted).
(The text modified with an underline shall be added).**

§ 186-5. Powers and duties of Commission.

B. Regulation of construction and alteration.

(1) Any application for a permit from the Building Inspector involving a designated landmark, landmark site, or improvement in an historic district shall be filed with the Commission.

(2) No owner or person in charge of a landmark, landmark site, or improvement in an historic district shall alter or reconstruct all or any part of the exterior of such property, construct any improvement upon any such designated property, or cause or permit any such work to be performed upon such property unless the written approval of the Commission has been granted. Unless such approval has been granted by the Commission, the Building Inspector shall not issue any permit for any such work.

(3) Upon the filing of an application with the Commission, the Commission shall determine whether:

(a) In the case of a landmark, the proposed work would change, destroy, or affect any exterior architectural feature of the improvement upon which said work is to be done; and

(b) In the case of construction of a new improvement, the exterior of such improvement would affect or not harmonize with the external appearance of other neighboring improvements on such site or in such district.

(4) If the Commission determines both Subsection B(3)(a) and (b) in the negative, it shall approve the permit; otherwise it shall deny the request for approval. The Commission shall make this decision within 30 days after the filing of the application. Nothing contained herein shall be deemed to prevent the appeal of such denial to Circuit Court.

(5) If the Commission denies the request for approval, the Commission and the applicant shall cooperate and work together for a period of up to six months following the date of the initial application to find a suitable method of completing the proposed work. If no method is determined within the six-month period, the Building Inspector shall issue the building permit with Town Board approval ~~without approval of the Commission.~~

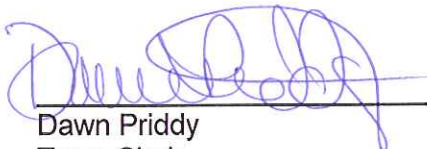
C. Regulation of demolition. No permit to demolish all or part of a landmark or improvement in an historic district shall be granted by the Building Inspector except as follows:

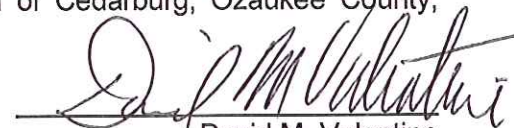
(1) No person in charge of a landmark or improvement in an historic district shall be granted a permit to demolish such property without written approval of the Commission.

(2) At such time as such person applied for a permit to demolish such property, such application shall be filed with the Commission. Upon such application, the Commission may refuse to grant such written approval for a period of up to 10 months from the time of such application during which time the Commission and the applicant shall undertake serious and continuing discussions for the purpose of finding a method to save such property. During such period, the applicant and the Commission shall cooperate in attempting to avoid demolition of the property. At the end of this ten-month period, if no method of saving the subject property bearing a reasonable prospect of eventual success is underway or if no application for funds from any governmental unit or nonprofit organization to preserve the subject property is pending, the Building Inspector may issue the permit to demolish the subject property with the approval of the Town Board ~~without the approval of the Commission.~~ If such method for saving the subject property is not successful or no such funds to preserve the subject property have been obtained within a period of six months following the end of such ten-month period, the Building Inspector may issue the permit to demolish the subject property with the approval of the Town Board ~~without the approval of the Commission.~~

This ordinance shall be in full force and effect upon its passage and posting as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, this 5th day of January, 2011.


Dawn Priddy
Town Clerk


David M. Valentine
Town Chairman