

ORDINANCE NO. 1828

AN ORDINANCE OF THE CITY OF REDLANDS FOR PROMOTING THE PRESERVATION OF HISTORICALLY SIGNIFICANT BUILDINGS SCHEDULED FOR DEMOLITION

THE CITY COUNCIL OF THE CITY OF REDLANDS does ordain as follows:

SECTION I - TITLE

This ordinance shall be know as the "Historic Building Demolition" ordinance.

SECTION II - FINDINGS

The City Council of the City of Redlands hereby finds that historically significant structures situated within the City of Redlands together constitute a cultural treasure for the entire community to enjoy, that the preservation of these structures will promote the general welfare by preserving the invaluable link to this community's rich and distinguished past, and that the City's permit procedure for demolishing an historically significant structure should first provide the opportunity for interested parties to rescue the structure from destruction by purchasing the site or relocating the structure.

SECTION III - APPLICATION

This ordinance shall apply to any structure of unknown age or any structure constructed fifty or more years prior to date of demolition permit application. A claim that a structure was constructed within the last fifty years from date of application must be substantiated with evidence of completion date.

SECTION IV - DEFINITIONS

For the purpose of this ordinance, the following definitions shall apply:

1. "Applicant" means the applicant for demolition permit, the owner of the structure to be demolished, or his authorized representative.
2. "Days" means calendar days excluding Saturdays, Sundays, and legal holidays.
3. "Commission" means the Historic and Scenic Preservation Commission of the City of Redlands.
4. "Permit" means a permit to demolish a building.
5. "Qualified historical building" means any structure deemed historically, architecturally, or culturally significant by the Redlands Historic and Scenic Preservation Commission.

SECTION V - PROCEDURE

A. DEMOLITION PERMIT REQUIRED

A separate demolition permit shall be required for the demolition of any building or structure within the City of Redlands. No building or structure may be demolished until such permit shall be provided on the form furnished by the Department of Building and Safety. Application shall:

1. Identify the structure to be demolished by a description of the building, by its address, legal description, and tax assessor's parcel number.
2. Specify the date that construction of the original building was completed, and attach evidence verifying that date. If the date of completion is unknown, the applicant shall write "age of structure unknown" on the permit application.
3. Provide such other information as may be required by the Department of Building and Safety.

B. PROJECTS REQUIRING PLANNING COMMISSION REVIEW AND APPROVAL OR A CONDITIONAL USE PERMIT

An applicant seeking Planning Commission review and approval for any project which contains one or more structures to be demolished must first apply for the necessary demolition permits prior to submitting the application to the Planning Commission. Failure to first apply for the demolition permits will result in the Planning Commission tabling the project until applications have been made in accordance with this ordinance.

C. DEPARTMENTAL REVIEW OF PERMIT APPLICATION

The permit application shall be reviewed by the Department of Building and Safety to determine whether the building would qualify as a building of historical significance to the City of Redlands as follows:

1. Structures verified as having been completely constructed within the last fifty years prior to application of demolition permit shall be exempt from further review for historical significance, and a demolition permit shall be issued in accordance with normal procedures.

2. Structures of unknown age or structures completed fifty or more years prior to demolition permit application shall be immediately referred in writing to the Historic and Scenic Preservation Commission.

D. COMMISSION REVIEW OF PERMIT APPLICATION

Upon referral of a structure from the Department of Building and Safety to the Historic and Scenic Preservation Commission, the Commission shall arrange for a special meeting within seven (7) days from the date of the permit application. Notice of the special meeting shall be provided as required by law. At such meeting, the Commission shall determine the historical significance of the structure.

1. Buildings having no historical significance as determined by the Commission shall be exempt from further review for historical significance. The Department of Building and Safety shall be notified in writing of the Commission's determination, and shall thereupon issue the demolition permit in accordance with normal procedures.
2. If the Commission determines that the application is for a permit to demolish a qualified historical building, the Commission shall order a delay in the issuance of the demolition permit for a period not to exceed ninety (90) days to provide interested parties with the opportunity to contact the owner of the structure for purposes of purchasing the site, relocating the structure, or making any other arrangement to rescue the structure from demolition.

E. CITY COUNCIL REVIEW OF COMMISSION DETERMINATION

Within two days of the special meeting of the Commission, the City Clerk shall be notified in writing of the application for demolishing a qualified historical building, the significant features of the structure, the period of delay for issuing the demolition permit, and the name and address of the owner of the property. The notice shall include a request for a public hearing before the City Council. The City Clerk shall place this item on the agenda for the next City Council meeting provided the notification from the Commission has been received by the City Clerk fifteen (15) days prior to the next regular meeting date. If less than fifteen (15) days, said public hearing will be presented at the next subsequent City Council meeting. The City Clerk shall notify the owner of the property of the public hearing by certified mail.

At the public hearing, the City Council shall hear testimony from representatives of the Commission concerning the historical, architectural, or cultural significance of the structure and the necessity for delay in issuing the demolition permit. The applicant for a demolition permit and any other interested person shall also be provided an opportunity to speak. After considering the findings and testimony by the Commission, together with testimony from all other interested persons, the City Council shall confirm, modify, or reject the findings of the Commission. The decision of the City Council shall be final and conclusive.

F. APPLICANT TO PROCEED TO DEMOLISH STRUCTURE

If the City Council determines after hearing evidence at the public hearing that the immediate demolition of the structure is justified, the permit to demolish the structure shall be issued in accordance with normal procedures.

G. DELAYED ISSUANCE

If the City Council determines after hearing evidence at the public hearing that the demolition shall be postponed as requested by the Commission or as modified by the City Council, the demolition permit shall not be issued until expiration of the allotted period for delay.

H. COMMISSION RESPONSIBILITY

During the period of postponement until issuance of the demolition permit, the Historic and Scenic Preservation Commission shall cooperate with the owner for the purposes of saving the structure or structures through purchase of the property, relocation of the building or by any other means in the shortest time possible. The Commission shall make every reasonable effort to provide for the preservation of the historic building.

I. OWNER RESPONSIBILITY

The owner shall be responsible for maintaining the property until issuance of the demolition permit. The owner shall have the responsibility of securing the building against entry by unauthorized persons, and the site shall be kept clear of combustible debris, refuse, waste, all dead trees, shrubs, and weeds. Failure to properly maintain the structure, keep the premises secure from entry by unauthorized persons, and failure to remove combustible fire hazards shall subject the owner to immediate legal action for violation of this ordinance.

J. ISSUANCE OF DEMOLITION PERMIT

A permit to demolish a qualified structure must be issued upon request by the applicant as required by law if the period of postponement has expired and there has been no disposition of the structure.

SECTION VI - UNSAFE OR DANGEROUS BUILDINGS

Nothing in this ordinance shall prevent construction, alteration, repair, or demolition necessary to correct an unsafe condition of any structure where such condition has been declared unsafe by the Director of Building and Safety. In the event that any structure has been damaged by fire, flood, earthquake, or other calamity to such an extent that in the opinion of the Director of Building and Safety and/or the Chief of the Fire Department said structure cannot be reasonably repaired or restored, the building may be removed by normal permit or nuisance abatement procedures as required by law.

SECTION VII - SUBSTANDARD BUILDINGS AND PUBLIC NUISANCES

The location of any structure declared to be a substandard building by the Director of Building and Safety shall be provided to the Commission when there is no evidence that said building was constructed within the last fifty years prior to the date of the declaration. Such substandard building shall be routinely processed as a public nuisance to be abated by repair or demolition. However, the Commission may advise the Director of Building and Safety of the historical significance of the building and may recommend, for the purpose of arranging for the rehabilitation or the relocation of the building, a reasonable period of postponement for demolition of the building. Failure to arrange for the rehabilitation of the substandard building within sixty (60) days of the order to abate the nuisance shall be reason for the Director of Building and Safety to proceed with the abatement of the public nuisance.

SECTION VIII - ENFORCEMENT

It shall be the duty of the Director of Building and Safety or his duly authorized representative to enforce the provisions of this ordinance.

SECTION IX - LEGAL PROCEEDINGS

Improper maintenance of any structure or premises in violation of this ordinance, or demolition of any structure prior to the issuance of a demolition permit, is hereby declared unlawful. Any person, firm, or corporation committing such unlawful acts or allowing such unlawful acts to occur shall be subject to the penalties as prescribed by law, and the City Attorney, upon order of the City Council, shall immediately take appropriate legal proceedings.

SECTION X - PENALTIES FOR VIOLATIONS

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this ordinance, shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00), or by imprisonment for a term not to exceed six (6) months, or by both such fine and imprisonment. Such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this ordinance is committed or continued by such person, firm, or corporation, and shall be punishable as herein provided.

SECTION XI - VALIDITY

If any section, sentence, clause, or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The City Council of the City of Redlands hereby declares that it would have passed and does hereby pass this ordinance and each section, sentence, clause, and phrase hereof, irrespective of the fact that any one or more sections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION XII - EFFECTIVE DATE

This ordinance shall take effect and be in force as provided by law.

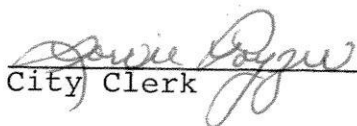
SECTION XIII - PUBLICATION

The City Clerk shall certify to the adoption of this ordinance and cause it to be published once in the Redlands Daily Facts, a newspaper of general circulation printed and published in this city.



Mayor of the City of Redlands

ATTEST:



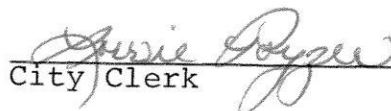
City Clerk

I, Lorrie Poyzer, City Clerk, City of Redlands, hereby certify that the foregoing ordinance was duly adopted by the City Council at a regular meeting thereof held on the 18th day of October, 1983.

AYES: Councilmembers Gorman, Johnson, Martinez; Mayor Roth

NOES: None

ABSENT: Councilman DeMirjyn



City Clerk