

§741. Appeals

A. Any person or persons aggrieved by any decision, act, or proceeding of an historic preservation district shall have a right to apply in writing to the governing body of the governmental unit for reversal or modification thereof and the chief executive official, or presiding officer of the governing body, shall have the right to stay all further action until the governing body may affirm a decision of the commission by majority vote of all its members. Any such appeal shall be taken in ten days from the date of decision and the governing body may consider said appeal at its next general or special meeting, but in any event, not more than forty-five days thereafter. The governing body shall have the right to reverse, change, or modify any decision of the commission only by a majority vote of all its members.

B. Any person or persons aggrieved by any decision of the governing body affecting said historic preservation district shall have the right to file a civil suit within thirty days from date of decision in a court of competent jurisdiction under the usual rules of procedure governing same, with the right to stay orders and injunctive relief provided the situation warrants it.

Acts 1970, No. 147, §11. Amended by Acts 1975, No. 804, §11; Acts 1979, No. 223, §1, eff. July 8, 1979.

- A. Applications for certificates of appropriateness shall be considered' at a public hearing of the commission. Notice of the time and place of said hearing shall be given by publication in the form of a legal advertisement appearing in the official journal of the governmental unit or in a newspaper having general circulation in the area served by the governmental unit, provided it has one at least seven (7) days before such hearing, and by the posting of such notice on or near the main entrance of any hall or room where the commission usually meets.
- B. Within not more than forty-five (45) days after the filing of an application, the commission shall pass upon it and shall give written notice of its decision to the applicant setting forth the reason therefore. Evidence of approval shall be by certificate of appropriateness issued by the commission, and whatever its decision, notice in writing shall be given to the applicant. The commission shall keep a record of all applications for certificates of appropriateness and of all its proceedings.
- C. No building permit shall be authorized by the governing body which affects a site or structure in the historic preservation district without a certificate of appropriateness except as otherwise permitted by the governing authority.
- D. The commission shall have the right to make such recommendations for changes and modifications as it may deem to be necessary in order to enable the applicant to meet with its requirements.

8.1.12 Appeals

- A. Any person or persons aggrieved by any decision, act, or proceeding of this commission shall have a right to apply in writing to the governing body of the governmental unit for reversal or modification thereof. The chief executive official, or presiding officer of the governing body, shall have the authority to stay all further action until the governing body may affirm a decision of the commission by majority vote of all its members at any regular or special meeting of said governing body. Any such appeal shall be taken within ten (10) days from the date of decision and the governing body may consider said appeal at its next general or special meeting, but in any event, not more than forty-five (45) days thereafter. The governing body shall have the right to reverse, change, or modify any decision of the commission only by a majority vote of all its members.
- B. Any person or persons aggrieved by any decision of the governing body affecting said historic preservation district shall have the right to file a civil suit within thirty (30) days from date of decision in a court of competent jurisdiction under the usual rules of procedure governing same, with the right to stay orders and injunctive relief provided the situation warrants it.

8.1.13 Private floodlights

The public sidewalks, places and alleys, exteriors, roofs, outer walls and fences of buildings and other constructions and signs visible from any Public Street, place or position in the Hammond Historical District shall not be illuminated by privately-controlled floodlights or other illumination except by express approval of the historic district commission. Compliance shall be effective within six (6) months after enactment of this chapter.

8.1.14 Overhang balconies

New or additional balconies may be erected if: (a) they are at least nine (9) feet above the level of the sidewalk; and (b) conform to the distinctive architecture of the Hammond Historical District. The permits for all such new construction or any renovation shall be subject to the requirements of this chapter.

8.1.15 Removal of sheds and marquees

There shall be no restrictions against the removal of sheds. These must be removed or repaired when in dangerous condition. But any changes may be made only after first securing a written order or permit required by this chapter and may be executed only in accordance therewith.

8.1.16 Stopping work commenced without permits

The building inspector shall promptly stop any work attempted to be done without or contrary to a permit issued under this chapter and shall promptly prosecute any person responsible for such a violation of this chapter or engaged in violation. Any officer or authorized agent of the historic district commission shall exercise concurrent or independent powers with the building inspector in prosecuting violations of this chapter and stopping work attempted to be done without or contrary to the permits required by this chapter.