

E0021-0967

APPROVED

By P.D.  
Date 11-29-74  
Amount 25.52

460508  
ARTICLES OF INCORPORATION  
OF

44217

GLENDALE HERITAGE PRESERVATION  
AN OHIO NON-PROFIT CORPORATION

The undersigned citizens of Glendale, Ohio, desiring to form a corporation not for profit, under the Ohio Non-Profit Corporation Law, do hereby certify:

FIRST. The name of the Corporation shall be Glendale Heritage Preservation.

SECOND. The place where the principal office of the Corporation is to be located is the Village of Glendale, County of Hamilton, Ohio (Glendale).

THIRD. The purposes for which the Corporation is formed are:

To protect the general historic values of Glendale and to protect, conserve, develop, restore, and acquire sites or buildings in Glendale which are determined to have educational, cultural, or historic significance or value.

In furtherance of, and not in limitation of, the general powers confirmed by the laws of the State of Ohio, and the objectives and purposes herein set forth, it is expressly provided that the Corporation shall also have the following powers, to-wit:

To sue and be sued.

To own, purchase, acquire, or receive by gift, bequest, or devise, or acquire in any lawful manner, any interest in property, real or personal, tangible or intangible.

To convey, develop, manage, improve, restore, lease, mortgage, assign, transfer, pledge, exchange, or otherwise dispose of any property, real or personal, tangible or intangible, held by, or for the benefit of, the Corporation.

To guarantee, purchase, acquire, exchange, hold, sell, assign, transfer, mortgage, pledge, or otherwise dispose of, in any lawful manner, the shares of capital stock of, or any bonds, securities, or other evidences of indebtedness issued by any corporation organized under the laws of this State or of any other state or country, and also bonds, securities, or other evidences of indebtedness issued by the United States of America, or any state, territory, dependency, county, subdivision, or community thereof and, while the owner thereof, to exercise all the rights, powers and privileges of ownership, including any right to vote incident thereto.

To solicit, collect and otherwise engage in any lawful public or private solicitation of contributions and funds for the sole benefit of, and solely in the furtherance of the purposes of the Corporation; provided that any funds so solicited, collected or



otherwise gathered in any lawful public or private solicitations of contributions or funds, and any other funds, however obtained, including income therefrom, held by or for the Corporation, shall be held, invested, or disbursed and otherwise lawfully used for the sole benefit of the Corporation in accordance with the purposes herein set forth. No such funds, collections, or contributions, including income therefrom, shall inure to the benefit of any Member, Trustee or official of the Corporation or other private person, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of its purposes herein set forth.

No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting, to influence legislation, and the Corporation shall not participate in, or intervene in (including the publishing or distribution of statements), any political campaign on behalf of any candidate for public office. Notwithstanding any other provisions of these Articles, the Corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law) or (b) by a corporation, contributions to which are deductible under Section 170(c)(2) of the Internal

Revenue Code of 1954 (or corresponding provision of any future United States Internal Revenue Law). Upon the dissolution of the Corporation, the Trustees shall, after paying or making provision for the payment of all of the liabilities of the Corporation, dispose of all of the assets of the Corporation exclusively for the purposes of the Corporation or to such organization or organizations organized and operated exclusively for charitable, educational or scientific purposes as shall at the time qualify as an exempt organization or organizations under Section 501(c)(3) of the Internal Revenue Code of 1954 (or the corresponding provision of any future United States Internal Revenue Law), in such manner as the Trustees shall determine. Any of such assets not so disposed of shall be disposed of by the Court of Common Pleas of Hamilton County, State of Ohio, exclusively for such purposes or to such organization or organizations as such Court shall determine, which are organized and operated exclusively for such purposes.

To promote, carry on, conduct or foster research, knowledge or training in any and all fields relating to the purposes of the Corporation.

To publish, or cause to be published or to assist in the publication of, books or pamphlets, magazines, articles, papers, and other publications in the furtherance of, related to or



connected with, any of the foregoing purposes.

To do all things herein set forth to the same extent as a natural person might or could do, as principals, agents, contractors, trustees, or otherwise, alone or in company with others.

FOURTH. These Articles may be amended at any annual or special meeting of the Members, in which the notice of the meeting lists the proposed amendment, setting forth the full text thereof, as a subject to be brought before the meeting for action, by the affirmative vote of a majority of the whole number of Members of the Corporation.

FIFTH. The following persons, whose addresses are as shown opposite their names, shall serve the Corporation as Trustees until the first annual or other meeting is held to elect Trustees:

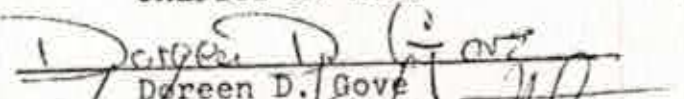
Charles A. Ault  
1 Ault Lane  
Glendale, Ohio 45246

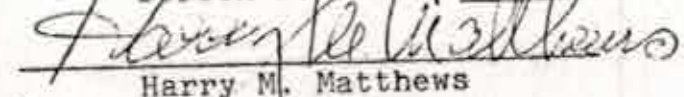
Doreen D. Gove  
930 Forest Avenue  
Glendale, Ohio 45246

Harry M. Matthews  
2 Osprey Lane  
Glendale, Ohio 45246

IN WITNESS WHEREOF, we have hereunto subscribed our names  
this 21st day of November, 1974.

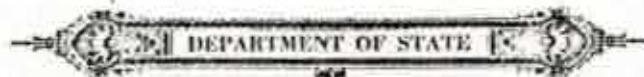
  
Charles A. Ault

  
Doreen D. Gove

  
Harry M. Matthews



E0021-0966



TED W. BROWN  
Secretary of State

## Certificate

460508

It is hereby Certified that the Secretary of State of Ohio has custody of the  
Records of Incorporation and Miscellaneous Filings; that said records show  
the filing and recording of; ARN of  
GLENDALE HERITAGE PRESERVATION

United States of America  
STATE OF OHIO  
Office of the Secretary of State

Recorded on Roll E021 at Frame 0967 of the  
Records of Incorporation and Miscellaneous Filings.

Witness my hand and the seal of the Secretary of State, at the City of  
Columbus, Ohio, this 29TH day of NOVEMBER, A. D. 19 74

TED W. BROWN  
Secretary of State



GLENDALE HERITAGE PRESERVATION

UNANIMOUS WRITTEN CONSENT OF TRUSTEES

We, the undersigned, being all of the incorporators and all of the Trustees of Glendale Heritage Preservation, an Ohio non-profit corporation, and pursuant to Section 1702.25 of the Ohio Revised Code, in lieu of an initial meeting of the incorporators of Glendale Heritage Preservation, assent to and take the following actions without a meeting by means of this unanimous consent in writing:

RESOLVED: That a copy of the Articles of Incorporation of Glendale Heritage Preservation and a copy of the original Appointment of Agent, attached hereto as Exhibits A and B, respectively, both having been filed in the Office of the Secretary of State, State of Ohio, on November 29, 1974, be preserved with the records of the Corporation.

FURTHER RESOLVED: That, as regulations for the government of the Corporation, the following are adopted:



CODE OF REGULATIONS  
OF  
GLENDALE HERITAGE PRESERVATION

ARTICLE I

MEMBERS

Section 1. Membership. The membership of the Corporation shall consist of adult residents of the Village of Glendale, Ohio, (Glendale):

- (a) Who have continuously resided therein throughout the entire preceding calendar year; and
- (b) Who have paid to the Corporation an annual membership fee for the then current calendar year in the amount of \$10.00.

ARTICLE II

MEETINGS OF MEMBERS

Section 1. Annual Meetings. An annual meeting of the Members of this Corporation shall be held on the second Monday in November of each year; except that, if such day is a legal holiday, the meeting shall be held on the next following business day.

Section 2. Special Meetings. Special meetings of the Members may be held at any time upon the call of the President



3  
or by the call of ten or more of the Trustees.

Section 3. Place of Meetings. All meetings of the Members shall be held in Glendale at a place as fixed by the notice of the meeting.

Section 4. Voting. Each Member shall be entitled to one vote.

Section 5. Proxies. Each Member shall be entitled to be present at membership meetings and to vote thereat in person or to vote thereat or to exercise any other of his rights by proxy or proxies signed by such Member, which need not be sealed, witnessed, or acknowledged.

Section 6. Notice of Meetings. Written notice of each membership meeting shall be given by mail or personal delivery to each Member at least five days in advance thereof and, in the case of a special meeting, the notice shall state the purpose or purposes thereof. In computing such five days, the day the notice is given shall be excluded and the day of the meeting shall be included. The day the notice is deposited in the mail or delivered in person shall be deemed to be the day such notice is given.

Section 7. Quorum. A majority of the Members present at any meeting shall constitute a quorum for such meeting.

Section 8. Majority Vote. The affirmative vote of a majority of the Members present at a meeting shall be necessary for the authorization of or the taking of any action voted upon by the Members; provided, however, that no action which is required by law, or the Articles or these Regulations, to be taken by a specified proportion of the Members shall be authorized or taken by a lesser proportion or number.

### ARTICLE III

#### TRUSTEES

Section 1. Number. The number of Trustees of the Corporation, constituting its Board of Trustees, shall be twenty-five.

Section 2. Term. The Board of Trustees shall be divided into three groups and the term of office of the Trustees in each group shall be three years and until their successors are elected and qualified; provided, however, that of those first elected, at a special or annual meeting of Members following the adoption of these Regulations, one group of eight shall hold office until the first following annual meeting of Members, a second group of eight shall hold office until the second following annual meeting of Members, and a third group of nine shall hold office until the third following annual meeting of Members; and provided, further that, at each annual meeting of Members following such first election, the successors of the Trustees in the group whose term



expires at that annual meeting shall be elected to hold office for a term of three years. Only Members shall be eligible for nomination for and election as Trustees.

Section 3. Election. Election of Trustees shall be held at each annual meeting of Members. Election shall be by written ballot and candidates receiving the largest number of votes shall be elected.

Section 4. Vacancies. Vacancies in the Board of Trustees, occurring between the annual meetings of Members, shall be filled by the remaining Trustees, though less in number than a majority of the whole authorized number of Trustees, by a majority vote of their number. Such vacancies shall be filled for the unexpired term.

Section 5. Authority and Duties. All of the authority of the Corporation shall be exercised by the Board of Trustees. For their own government, as well as the government of the affairs of the Corporation and its Members, the Board of Trustees may adopt by-laws not inconsistent with these Regulations, the Articles, or the Ohio Non-Profit Corporation Law, as it now exists or as it may hereafter be amended; provided that such by-laws and any amendments thereof shall require for adoption the affirmative vote of a majority of the whole authorized number of Trustees.



Section 6. Calling of Meetings. Meetings of the Board of Trustees may be called by the President or by five or more Trustees.

Section 7. Notice of Meetings. Written notice of each meeting of the Board of Trustees shall be given by mail or personal delivery to each Trustee at least five days in advance thereof. In computing the five days, the day the notice is given shall be excluded and the day of the meeting shall be included. The day the notice is deposited in the mail or delivered in person shall be deemed to be the day such notice is given.

Section 8. Quorum. At all meetings of the Board of Trustees, the presence of a majority of the whole authorized number of Trustees shall be necessary and sufficient to constitute a quorum for the transaction of business.

Section 9. Majority Voting. Except as otherwise provided in these Regulations, the affirmative vote of a majority of the Trustees present at a meeting of the Board of Trustees, at which a quorum is present, shall be necessary for any authorization or for the taking of action voted upon by the Trustees; provided, however, that no action which is required by law, or the Articles or these Regulations, to be taken by a specified proportion of the Trustees shall be authorized or taken by a lesser proportion or number.

7

Section 10. Termination of Members and Removal of Trustees. For or without cause, by the affirmative vote of two-thirds of the whole authorized number of Trustees, a Member's membership in the Corporation may be terminated or a Trustee may be removed from membership in the Board of Trustees. Voting on such terminations and removals shall be by secret-written ballot.

#### ARTICLE IV

##### OFFICERS AND COMMITTEES

Section 1. Number and Designation of Officers. At each annual meeting of the Board of Trustees, which shall be held as soon as may be practicable after the annual meeting of Members, the Board of Trustees shall elect from among its members, as officers of the Corporation, a President, two Vice Presidents, a Secretary, and a Treasurer. The President shall serve as Chairman of the Board of Trustees.

Section 2. Terms of Officers. Officers shall hold office until the next annual meeting of the Board of Trustees and until their successors are elected and qualified.

Section 3. Removal of Officers. Any officer may be removed from office at any time, for or without cause, by an affirmative vote of the majority of the whole authorized number of Trustees at a special meeting of the Board of Trustees called for the purpose. Voting on such removals shall be by secret-written ballot.



8

Section 4. Vacancies in Offices. A vacancy in any office of the Corporation may be filled for the unexpired term by an affirmative vote of a majority of the whole authorized number of Trustees at a special meeting of the Board of Trustees called for the purpose.

Section 5. Duties of Officers. Subject to such limitations as the Board of Trustees may from time to time prescribe, the officers of the Corporation shall each have such powers and duties as generally pertain to their respective offices and such further powers and duties as from time to time may be conferred or imposed by the Board of Trustees.

Section 6. Executive Committee.

(a) An Executive Committee of the Board of Trustees is hereby established, comprised of eleven of its members, five of whom shall be the officers of the Corporation elected at the annual meeting of the Board of Trustees. The other six members of the Committee shall be elected at such annual meeting.

(b) Except as otherwise provided in these Regulations, such Committee shall, during intervals between meetings of the Board of Trustees, possess and exercise all of the powers of the Board of Trustees in the management of the affairs of the Corporation; provided that the Committee may not (i) fill vacancies in the Board of Trustees, (ii) fill vacancies in offices of the Corporation, (iii) adopt or amend By-Laws or these Regulations,



(iv) terminate a Member's membership in the Corporation, (v) remove a Trustee from membership in the Board of Trustees, or (vi) remove an officer. The Committee shall keep full records and accounts of all of its proceedings and transactions and shall report all actions taken to the Board of Trustees.

(c) The Committee shall fix its own rules and procedures and shall meet as provided therein. It shall also meet at the call of the President of the Corporation or of any four or more members of the Committee; provided that any authorization of or action taken by the Committee shall require the affirmative vote of a majority of the whole authorized number of members of the Committee.

(d) Any action which may be authorized or taken at a meeting of the Committee may be authorized or taken without a meeting with the affirmative vote or approval of, and as shown in a writing or writings signed by, all members of the Committee.

## ARTICLE V

### AMENDMENTS

Section 1. Amendment Requirements. These Regulations may be amended, or repealed, or new Regulations may be adopted, at any annual or special meeting of the Board of Trustees by the affirmative vote of a majority of the whole authorized number of Trustees; provided that the notice of the meeting

## ARTICLE IV

### Section 7. Nomination Committee

(a) A NOMINATION COMMITTEE IS HEREBY ESTABLISHED. IT SHALL NOMINATE INDIVIDUALS FOR ELECTION TO THE BOARD OF TRUSTEES. IT SHALL BE COMPRISED OF FIVE MEMBERS, AT LEAST THREE OF WHOM SHALL BE MEMBERS OF THE BOARD OF TRUSTEES; THE OTHER TWO MAY BE FROM THE GENERAL MEMBERSHIP. THEY SHALL BE APPOINTED, NOT LATER THAN OCTOBER, BY THE EXECUTIVE COMMITTEE AND SERVE UNTIL THE APPOINTMENT OF THE SUCCEEDING YEAR'S NOMINATION COMMITTEE. THE TERM OF THE NOMINATION COMMITTEE SHALL BE FROM OCTOBER TO SEPTEMBER, UNLESS MODIFIED BY THE EXECUTIVE COMMITTEE BY EARLY APPOINTMENT OF THE SUCCEEDING YEAR'S NOMINATION COMMITTEE, WHICH IN ANY EVENT SHALL NOT OCCUR PRIOR TO AUGUST 1ST OF ANY YEAR.

(b) THE PURPOSE SHALL BE TO NOMINATE INDIVIDUALS TO FILL VACANCIES WHICH OCCUR REQUIRING ELECTION, IN ACCORDANCE WITH THE ARTICLES OF INCORPORATION AND REGULATIONS OF THE GLENDALE HERITAGE PRESERVATION CORPORATION.

(c) THE MEMBERSHIP MAY NOMINATE AN INDIVIDUAL BY 1) SUBMITTING A WRITTEN PETITION 2) SIGNED BY TEN MEMBERS IN GOOD STANDING AND 3) DELIVERED TO THE PRESIDENT OR IN THE PRESIDENT'S ABSENCE TO ANY OTHER OFFICER OF THE BOARD. THIS MUST OCCUR NOT LESS THAN 10 DAYS PRIOR TO THE ANNUAL MEMBERSHIP MEETING.

lists the proposed amendment, repeal, or new Regulations, setting forth the full text thereof, as a subject to be brought before the meeting for action.

FURTHER RESOLVED: That, as interim officers, each of the following persons is elected to the office set opposite his name to serve until the first special or annual meeting of the Board of Trustees:

Doreen D. Gove	President
Edward J. Berghausen	Vice President
Harry M. Matthews	Vice President
Charles A. Ault	Secretary and Assistant Treasurer
Lawson E. Whitesides	Treasurer and Assistant Secretary

FURTHER RESOLVED: That the Corporation launch a membership drive; that primary responsibility therefor be placed in a Membership Committee, hereby appointed and created, and that such Committee be comprised of Lawson E. Whitesides, Chairman, and Edward J. Berghausen and Charles A. Ault as members.

\_\_\_\_\_  
Charles A. Ault

\_\_\_\_\_  
Doreen D. Gove

\_\_\_\_\_  
Harry M. Matthews

Dated as of December 5, 1974.



3/14/75

Doreen;

1. Here it is,  
if the Executive  
Committee of  
Glendale Heritage  
Preservation ever  
get so bold as  
to so recommend  
to the Village  
Council.

2. Also, a version  
of "Black Verse" for  
talk purposes.

From C. E. Straight

u

VILLAGE OF GLENDALE

AN ORDINANCE NO. \_\_\_\_\_

Granting authority to designate "Listed Properties" for protection where such properties have historic, architectural or other unique value to the public.

WHEREAS, there are certain properties within the corporate limits of the Village of Glendale which possess or represent values that should be preserved from unnecessary alteration or destruction for the general welfare of the public and for posterity, by reason of being historic buildings or places of historic importance, or being of notable architectural character or otherwise of special character due to building arrangement, landscaping and the like; or by reason of public investment improving the quality or value of the protected property; or some combination thereof; and

WHEREAS, protection of said properties is deemed to be in the public interest, because said values may be destroyed by private actions before public protective actions have been taken, because said values, once destroyed, cannot be replaced, and because said values are derived from an interdependence of public and private investment; and

WHEREAS, the Village Council, being mindful of the proud history of this community and of the importance of maintaining



significant physical reminders of said history for the education and general welfare of its citizens, and being further aware of the importance of environmental quality in the everyday lives of all persons, hereby recognizes as a matter of public policy that the preservation, restoration, rehabilitation and overall aesthetic improvement of certain properties in the Village of Glendale are matters of public necessity involving the health, safety, and general welfare of its citizens; now, therefore,

BE IT ORDAINED by the Council of the Village of Glendale, County of Hamilton, State of Ohio:

Section 1. Definitions:

- a. "Listed Property" for purposes of this ordinance means any building, structure, place, statuary, work of art or similar object which has special character, historical, architectural, or aesthetic value as part of the heritage, development or cultural characteristics of the Village of Glendale, State of Ohio, or the United States of America, and which has been listed as a Listed Property pursuant to the provisions of this ordinance.
- b. "Change" of a Listed Property for the purposes of this ordinance means any material alteration,



partial or total demolition, removal or construction involving the exterior or interior of any Listed Property, which was designed for, or is currently used for, public use such as a meeting hall, railway station, and the like, or involving the exterior of any other Listed Property.

## Section 2. Establishment of Listed Properties

### a. Designation of Listed Properties

- (1) The Village Planning Commission is hereby authorized to designate, from time to time, as Listed Property, such properties for which it is deemed appropriate to protect those values which said property possesses by reason of historical interest, architectural character including but not limited to period representation, building arrangement, landscaping and any other features which clearly contribute some unique value to the public.
- (2) In considering the designation of any building, structure, place, statuary, work of art or similar object in the Village

of Glendale as a Listed Property, the Village Planning Commission shall, among such others as it may deem pertinent, consider the following qualification criteria:

- (a) Entry upon the National Register of Historic Places as provided for by the United States Congress in the Historic Sites Act of 1935 and the Historic Preservation Act of 1966.
- (b) The character, interest or value of the area or property as part of the development, heritage or cultural characteristics of the Village of Glendale, State of Ohio, or the United States of America.
- (c) The location as a site of a significant historic event.
- (d) The identification with a person or persons who significantly contributed to the culture and development of the Village of Glendale, State of Ohio, or the United States of America.

- (e) The exemplification by the property or area of a notable period or event in the economic or social development of the Village of Glendale, State of Ohio, or the United States of America.
  - (f) The portrayal by the environment of a group of people in an era of history characterized by a distinctive architectural style or landscaping.
  - (g) Identification as the work of an architect or notable builder whose individual work has influenced the development of the State of Ohio, or the United States of America.
  - (h) The embodiment of elements of architectural or landscape design, detail materials, or craftsmanship which represent significant character.
  - (i) An unique object, location or physical characteristic representing an established and familiar visual feature of an area, neighborhood or the Village of Glendale.
- (3) Said designation for each property shall consist of the name, location, and plat showing boundaries



of the respective Listed Property, together with a statement of how said property complies with the applicable qualification criteria set forth herein and a set of guidelines for evaluation to be used in determining appropriateness of any proposed change as defined and regulated by this ordinance.

b. Transmittal to Council

The Village Planning Commission shall transmit to the Village Council the Listed Property designation consisting of those elements set forth in Section 2a(3) of this ordinance, together with its recommendation as to the property being listed as Listed Property by a protective ordinance.

c. Preparation of Ordinance

The Village Council shall cause a Listed Property protective ordinance to be prepared for the designated property recommended for listing as Listed Property by the Village Planning Commission. Such ordinance shall contain for each property the name, location, boundary plat map, a statement of how said property complies with the applicable qualification criteria, and a set of guidelines for evaluation.

tion to be used in determining the appropriateness of any proposed change.

d. Hearing.

Before passing upon any such Listed Property protective ordinance incorporating said plat and evaluating guidelines, the Village Council shall hold a hearing thereon at a time and place specified by Council. Notice of the time and place of such hearing, with description of the property covered by the plat, shall be given not less than fifteen days prior to the time fixed therefor by one publication in any newspaper of general circulation published in the City of Cincinnati. Notice, in writing, shall also be given not less than fifteen days prior to the time fixed for the hearing to the owner of record of the property proposed for listing by (i) personal delivery or (ii) registered mail, return receipt requested. The day the notice is published, delivered in person, or deposited in the mail shall be deemed to be the day such notice is given. In computing the fifteen days, the day the notice is given shall be excluded and the day the hearing is held shall be included.

e. Approval or Modification

After such hearing, Council may adopt or reject said Listed Property protective ordinance incorporating said plat and evaluating guidelines, or may modify and adopt said ordinance with the concurrence of the Village Planning Commission or, in the event of non-concurrence of such modification by said Commission, may, by a vote of not less than a two-thirds majority of the whole authorized number of members, adopt such ordinance in modified form.

f. Recording

After adoption of any such Listed Property protective ordinance, the Village Council shall transmit a certified copy thereof to the County Recorder for recording and also a certified copy to the Village Clerk-Treasurer, who shall prepare and maintain a "Roster of Listed Properties" and related ordinances.

Section 3. Effectuation

a. Review Authority

For the purpose of carrying out the objectives of this ordinance, the determination of the appropriate-



ness of any proposed change as defined in this ordinance, involving any Listed Property, shall be made by the Village of Glendale Architectural Board of Review (Board), which is hereby created to be comprised of three architects who are recognized as being possessed, by training and experience, of a high degree of knowledge as to and ability in identifying, evaluating, and appraising property characteristics of historic, architectural or other unique value to the public and who are residents of and practicing as architects in the State of Ohio. They shall be appointed from time to time to the Board for six year terms by the Village Council, except that when the initial appointments are made one member shall be appointed for four years and another shall be appointed for two years.

b. Limitation on Issuance of Building or Demolition Permits

After adoption of any such Listed Property protective ordinance by the Village Council, the Building Inspector shall not issue any building or demolition permit, the implementation of which might constitute a change for any Listed Property within the boundaries of the plat, forming a part of the

ordinance listing it as such, unless said issuance is pursuant to the following procedures:

(1) Review of Change Applications

- (a) The applicant shall submit to the Building Inspector for transmission to the Board such material as said Board may require to determine appropriateness of any proposed change.
- (b) Said Board shall arrive at a decision as to whether the proposed change is appropriate within thirty (30) days following the filing of such material with the Building Inspector; failure by the Board to act within said thirty (30) day period shall be deemed to constitute approval.
- (c) If said change application is approved, the Board shall issue a change certificate of appropriateness to the applicant and the Building Inspector shall instruct the applicant to proceed with the filing of an application for a building or demolition permit. If the

change application is disapproved, said applicant shall be required to resubmit material to the Board, if he desires to secure its approval.

(2) Approval or Disapproval of Building or Demolition Permit Applications

- (a) Upon receipt of an application for a building or demolition permit, the Building Inspector, with the advice of the Board, shall review final plans for compliance with the change certificate of appropriateness. Determination on such compliance shall be made within thirty (30) days following receipt of such application.
- (b) If the Building Inspector decides that the plans are in compliance with the Board's change certificate of appropriateness and with all applicable codes and ordinances, he shall issue a building or demolition permit.
- (c) If the Building Inspector decides that the plans are not in compliance



with the Board's change certificate of appropriateness, or the Board has disapproved the change application, but all other applicable codes and ordinances are complied with, he shall refuse to issue the requested permit for a period up to three (3) months, if the application involves any change excluding demolition for a Listed Property, and for a period up to six (6) months, if the application involves partial or total demolition of a Listed Property; during said waiting periods the Board shall attempt to work out an alternative plan with the applicant for a building or demolition permit that is acceptable to both the Board and applicant. A copy of the notice of denial of such building or demolition permit relating to a Listed Property shall be sent to the applicant and to the Village Council and to the Board.

- (d) Lack of a valid change certificate of appropriateness shall be a sufficient ground for denial by the Building Inspector of a requested building or demolition permit, subject to Section 3b(1) above.

(3) Exemptions

In cases of emergency involving fire damages, structural hazards or other threats to the public safety or to the health or safety of the occupant, the Building Inspector shall be empowered to authorize temporary repairs to a Listed Property or demolition to the extent necessary to remove hazardous conditions, without the approval of the Board. After taking such action the Building Inspector shall advise the Board accordingly.

Section 4. Responsibilities of Architectural Board of Review

- a. In performance of responsibilities specified herein, involving the review of change applications submitted to it, the Board shall:

- (1) Adopt rules and procedures as are necessary to carry out its powers and duties, hold hearings as part of its review procedure, and maintain a record of its deliberations and decisions.
- (2) Establish rules and procedures to be followed by an applicant in the submittal of materials required to determine the appropriateness of any proposed change involving a Listed Property.

b. In the determination of appropriateness of any proposed change involving a Listed Property, the Board shall consider the following:

- (1) The general intent of the guidelines for evaluation as specified in the Listed Property protective ordinance for each respective Listed Property.
- (2) The possible environmentally harmful effects of any proposed change upon other properties, objects, and areas in the immediate vicinity.
- (3) The contemporary practice procedures recommended by recognized professional organiza-



tions as made known in their publications, with reference to new construction, reconstruction, and alterations of historic and protected properties.

- (4) The advice of those consultants whose opinion is sought by the Board with respect to any application for a change certificate of appropriateness.

#### Section 5. Penalties

Any person, being the owner, agent or having control of any Listed Property hereunder, who violates any provision of this ordinance, shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to a penalty of a fine of not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00), or imprisoned not more than six months, or both. Each and every day on which such person continues to violate the provisions of this ordinance after having once been notified of said violation shall constitute a separate offense.

#### Section 6. Severability

The provisions of this ordinance shall be deemed severable. Should any of the provisions herein be

held unconstitutional by a court of competent jurisdiction the decision of such court shall not impair any of the remaining provisions.

Section 7. Effective Date

This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and it shall go into effect forthwith. The reason for said emergency is the immediate necessity of putting into effect the provisions of Sections 1, 2, 3, 4, 5 and 6 of this ordinance.

Passed \_\_\_\_\_ A.D., 1975.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Clerk