

**4.13: Historical Buildings and Maintenance District (HB-MD)**

**4.13.1: Intent**

The Historical Building and Maintenance District is an overlay district, designed and intended to promote the educational, cultural, economic, and general welfare of the community by providing a mechanism for the identification, recognition, preservation, maintenance, protection and enhancement of existing historic and architecturally valuable structures, properties and/or districts which serve as visible reminders of the social, cultural, economic, political and/or architectural history of the City of Clinton.

Additionally, the intent is to strengthen the commercial base of the district by providing a just, equitable and practicable method for repairing or demolishing buildings or structures which from any cause, endanger the life, limb, health, morals, property, safety, or welfare of the general public or their occupants, diminish property values or detract excessively from the appropriate appearance of the district.

**4.13.2: General**

Permitted uses are determined by the underlying zoning district. Where this district overlays a Residential Zoning District, for example, only those uses permitted in the Residential Zoning District shall be permitted in the HB-MD Overlay District, subject to additional requirements and standards of this section.

Within the Historical Buildings and Maintenance District the Zoning Administrator shall issue no license, permit or certificate of occupancy unless and until all applicable provisions of this Section shall be complied with. No land or building shall be used in a manner inconsistent with or in conflict with the requirements of this Section.

**4.13.3: Maintenance Standards and Requirements for all Buildings and Premises**

The owner of any building or premises within the HB-MD District shall adhere to the following general maintenance requirements to insure that:

- 1) The premises are free of all nuisances and any hazards to the safety of the occupants, customers, or other persons utilizing the premises or to pedestrians passing thereby.
- 2) The premises are free of loose and overhanging objects, which by reason of location above ground level constitute a danger of falling on persons in the vicinity thereof. Standard Building Code reference in effect.
- 3) The premises are free of holes, excavations, breaks, projections, or obstructions on walks, driveways, parking lots and parking areas, and other parts of the premises which are accessible to and used by persons on the premises. All such holes and excavations shall be filled and repaired, walks and steps replaced, and other conditions removed where necessary with reasonable dispatch by the owner upon their discovery.
- 4) The exterior of the premises and structure is in good repair and free from deterioration so as not to constitute a nuisance.
- 5) All surfaces shall be maintained free of cracked or broken glass, loose shingles, loose wood, crumbling stone or brick, loose or broken plastic or other similar hazardous conditions. Standard Building Code reference latest version.
- 6) All structures and decorative elements of building fronts and sides abutting streets shall be repaired or replaced in a workmanlike manner to match as closely as possible the original materials and construction techniques.
- 7) All floors, interior walls, and ceilings of every structure shall be structurally sound and shall be maintained in a condition compatible with its use and where open to the public shall be maintained in a condition so as not to constitute a hazard to the public.
- 8) Structures at the rear of buildings attached or unattached to the principal structure, which are found by this maintenance code to be structurally deficient, shall be properly repaired or demolished.
- 9) All existing miscellaneous elements on building walls and roofs and surrounding premises, such as empty electrical or other conduits, unused sign brackets, antenna, etc. shall be removed.
- 10) If the building is to be used for storage, it should not be visible to passers-by either through the use of window drapings or using rear areas of the building for storage. The intent of this section is to keep building fronts from looking abandoned and cluttered.

**4.13.4: Specific Duties and Responsibilities**

- 1) Walls – All foundation walls shall be kept structurally sound, and capable of bearing imposed loads safely. Standard Building Code reference latest version.
- 2) Walls – All material used to maintain or reconstruct a wall or part thereof, including the application of sidings or other surfacing material shall be of standard quality.
- 3) Walls – Where a wall of a building has become exposed as a result of demolition of adjacent buildings, said wall must have all doors, windows, vents, or other type similar openings closed with material of

- the type comprising the wall. No protrusions or loose material shall be in the wall. The exposed wall shall be painted, stuccoed, or bricked so as not to detract from the aesthetics and value of adjacent property and weatherproofed, if necessary, with construction material to prevent deterioration of the wall. The party causing the exposure of the wall shall bear the obligation of compliance with this section.
- 4) Windows – All windows must be tight fitting and have sashes of proper size and design. Sashes with rotten woods, broken joints, or broken or loose mullions or muntins shall be replaced. All broken and missing windows shall be replaced with glass or Plexiglas. All exposed woods shall be repaired and painted.
  - 5) Windows – All first floor openings originally designed as windows shall be maintained as windows, complete with sills, lintels, frame and glass, unless specifically approved otherwise by the Planning Commission. Where the commission approves the enclosure of the window, the commission shall approve the manner by which it will be enclosed (i.e., shutters, brick, paint color, etc.)
  - 6) Exceptions for second story windows – Other options such as using an inoperable glass plug; closed, complimentary painted wooden shutters; or inserting high quality public art shall be acceptable for second story window treatment.
  - 7) Painting – All exterior surfaces, which require paint or sealing in order to protect the underlying surface from deterioration shall be so painted or sealed. Prior to choosing the color of the paint, property owners shall be required to review a recommended list of complimentary colors compatible with color schemes found in Uptown Clinton. The property owner shall, however, retain the right to either choose a color from this list or another color they think would better enhance their building.
  - 8) Painting – All exterior surfaces that have been painted shall be maintained free of peeling and flaking. Where 25% or more of the aggregate of any painted wall shall have peeling or flaking or previous paint worn away, the entire wall shall be repainted.
  - 9) Advertising Structures – All advertising structures and awnings and their accompanying supporting members shall be maintained in good repair and shall not constitute a nuisance or safety hazard. All non-operative signs shall be repaired or shall with their supporting members be removed forthwith. In the event such signs, billboards, marquees or awnings are not properly maintained in accordance with the foregoing, they shall, together, with their supporting members, be made of cloth, plastic, or similar material. Such awnings should be maintained so as not to show evidence of excessive fading, tearing, ripping, or other holes, which diminish their function and cause unsightly conditions. Whenever an advertising structure or awning is removed, all supporting members shall also be removed. Nothing herein shall be construed to authorize any encroachments on streets, sidewalks, or other parts of the public domain. All signage shall also comply with regulations governing signage in the zoning ordinance of the City of Clinton.
  - 10) Chimneys and other Roof Structures – All chimneys, flues, and vent attachments thereto shall be maintained structurally sound, free from defects so as to capably perform at all times the functions for which they were designed. Chimneys, flues, gas vents, or other draft-producing equipment shall provide sufficient draft to develop the rated output of the connected equipment, shall be structurally safe, durable, smoke-tight, and capable of withstanding the action of flue gases. Standard Building Code Reference latest version; Standard Mechanical Code Reference latest version.
  - 11) Porches – All exterior porches, landings balconies, stairs, and fire escapes shall be provided with banisters or railing properly designed and maintained to minimize the hazard of falling, and the same shall be kept structurally sound, in good repair, and free of defects. Standard Building Code reference latest version.
  - 12) Cornices – All cornices shall be made structurally sound. Rotten or weakened portions shall be removed and/or replaced to match as closely as possible the original patterns. All exposed wood shall be painted.
  - 13) Washrooms – All washrooms and water closet compartment floors shall be surfaced with water-resistant material and shall be kept in a dry and sanitary condition at all times.
  - 14) Washrooms – All washrooms shall be provided with permanently installed artificial lighting fixtures with a switch and wall plate so located and maintained that there is no danger of short-circuiting from water from other bathroom facilities or from splashing of water. National Electric Code reference – Section 300-6-Protection Against Corrosion.

- 15) Downspouts – Sheet metal gutters and downspouts shall be replaced or repaired as necessary and shall be neatly located and securely installed.
- 16) Garbage – There shall not be stored or allowed to accumulate any flammable or combustible liquids or materials on the premises unless they are a type approved for storage by the regulation of the Fire Prevention Bureau, and then only in such quantities as may be prescribed by the regulations. Standard Fire Prevention Code reference – Chapter 9 – Flammable and Combustible Liquids and Section 502 – Flammable and Combustible Materials.
- 17) Garbage – No garbage or solid waste shall be stored or allowed to accumulate on the interior or exterior of the premises unless contained in trash receptacles, which are in accordance with the City Code of Clinton.
- 18) Parking Lots – All parking lots shall be built and maintained with an “all weather” surface and in accordance with the Zoning Ordinance of the City of Clinton.
- 19) Where landscaping has been incorporated in the development plan of a commercial business or where landscaping has been required by the City as part of a development plan (including parking plans) the landscaped areas shall be maintained in a manner to equal and reflect the original landscaping approved for the development plan.
- 20) Curb cuts – Where curb cuts are abandoned due to new construction, change of access or general discontinuity or use, said curb cut should be closed and replaced with a stand and sidewalk and curb and gutter arrangement congruous with the existing sidewalk.
- 21) Sidewalks – Damage to public sidewalks and/or curb and gutter located in the public right of way shall be repaired or replaced at no expense to the City when such damage is caused by vehicles making deliveries to the premises under the control of the owner.
- 22) Vending machines – Vending machines, with the exception of newspaper racks, are prohibited from being place on Uptown sidewalks and streets except during designated Uptown special events and festivals.
- 23) All façade and/or exterior improvements/repairs made in compliance with this code shall first be reviewed with the zoning administrator before construction (i.e., paint colors, window treatment, awnings, cornices, etc). The City of Clinton must accomplish this review prior to the release of a building permit. This is in no way an attempt to insure that all buildings are restored to reflect one certain style of architecture or be uniform in appearance. The intent here is to assure that improvements/repairs to the façade are made in such a way as to keep, as much as possible, the historical character of the building, the harmonious nature of Uptown, and inform the Property Owner about possible financial incentives available to them.

**4.13.5: Relationship of Duties and Responsibilities to Occupancy**

The provisions of this Code that apply to the exterior or exterior components of a structure or building shall be complied with whether the structure or building is occupied or vacant. All unoccupied or vacant structures or buildings shall be secured by their owners to prevent the entry of unauthorized persons or the formation of nuisance conditions such as infestation including roosting birds and accumulated debris in recessed entry ways.

**4.13.6: Duties and Responsibilities of the Operator**

It shall be the duty and responsibility of the operator to ensure that:

- 1) All parts of the premises under the control of the operator shall be kept in a safe and sanitary condition consistent with the business use and the occupant shall refrain from performing any acts which would render other parts of the premises unsafe or unsanitary or which would obstruct any adjacent

- owner/operator from performing any duty required, or from maintaining his premises in a safe and sanitary condition.
- 2) Every operator shall be responsible for the elimination of infestation in and on the premises, subject to his or her control.
  - 3) Every operator shall maintain all plumbing fixtures in a safe and sanitary condition.
  - 4) No garbage or solid waste shall be stored or allowed to accumulate on the premises unless contained in trash receptacles.
  - 5) Damage to public sidewalks and/or curb and gutter located in the public right of way shall be repaired or replaced at no expense to the City when such damage is caused by vehicles making deliveries to the business under the control of the operator. The party which inflicted the damage shall instead, provide the repair.
  - 6) Where the owner would not otherwise know of a defect of any facility, utility, or equipment required to be furnished hereunder and the same is found to be defective or inoperable, the operator affected thereby shall, upon learning of such defect provide notice to the owner.

**4.13.7: Demolition of Uptown Buildings**

Where a building is under the jurisdiction of this Code, the owner may demolish the building provided that the following requirements are met:

- 1) The owner obtains a Demolition Permit from the Building Inspector of the City of Clinton.
- 2) All sewer, gas, water, and similar taps or connections be properly closed and disconnected.
- 3) All debris from the building be removed from the site. This requirement is for the removal of all debris that is above the street level of the building.
- 4) The lot be graded to a smooth, even, finished grade, free from building material, debris, hole an/or depressions. Where building debris remains on the site below street level, the owner must back fill the lot with twelve (12) inches of clean fill which shall be graded to a smooth, even finished grade.
- 5) Where walls of adjacent buildings become exposed as a result of the demolition, said walls must have all doors, windows, vents, or other similar openings closed with material of the type comprising the wall. No protrusions or loose material shall be in the wall. The exposed wall shall be painted, stuccoed, or bricked so as not to detract from the aesthetics and value of adjacent property and weatherproofed to prevent deterioration of the wall.
- 6) Where fire or other Acts of God destroys buildings, the above requirements shall apply.

**4.13.8: Demolition of Uptown Buildings**

Any building or premises damaged by fire, collapse, or an Act of God to such an extent that the cost of repair and reconstruction does not exceed fifty percent (50%) of the physical valuation of the entire structure at the time the damage occurred, the damaged portions of the building or premises may be razed or shall be secured to prevent unauthorized entry and repaired in a manner that complies in all respects with all codes and ordinances of the City of Clinton related to new buildings. Reference latest version of the Standard Building Code.

Any building or premises damaged by fire, collapse, or an Act of God to such an extent that the cost of repair and reconstruction exceeds fifty percent (50% of the physical valuation of the entire structure at the time the damage occurred), said building shall be razed in accordance with the latest version of the Standard Unsafe Building Abatement Code.

Any building or premises damaged by fire, collapse, or Act of God, wear and tear, or natural deterioration to such an extent that it constitutes an imminent threat to the safety of its occupants or to the safety of the general citizenry shall be removed immediately. Said finding of imminent threat shall be by the Fire Chief or by the Zoning Administrator and shall be based on the structural integrity of the building or premises.

Nothing in this section shall be construed to impair or limit in any way the power of the City to define and declare nuisances and the cause their removal or abatement, by summary proceedings or otherwise. The Zoning Administrator shall apply all of the above regulations at his/her discretion.

Exemptions – Buildings of historical value may be granted exemption by the Planning Commission. In granting an exemption, the Commission must make a finding of fact that the building is a building of historical value to the City, that the owner will repair the damage on a timely basis, with commencement not to exceed six (6) months, and that the building will be reconstructed and/or repaired in such a way as to keep the historical character of the building and blend aesthetically with the rest of the Uptown and meet the relevant section of the latest Standard Building Code.

#### **4.13.9: Code Administrator**

The Code Administrator is hereby established and shall be the person designated as such by the City Manager of the City of Clinton. It shall be the duty and authority of the Code Administrator to enforce the Maintenance Code and to legally proceed against each and every person found in violation of the requirements of this Code.

All inspections, regulations, and enforcement of violations of the provisions of this ordinance, unless expressly stated to the contrary, shall be under the direction and supervision of the Administrator.

All buildings and premises as set forth in this Code are subject to inspections by the Administrator or his/her designated representatives. Upon presentation of proper identification and credentials to the owner, agent, or occupant in charge of the property and/or premises, and securing his oral or written permission, the Administrator and/or his/her representative may enter and make such inspections as necessary during all reasonable hours. Reference the appropriate section in the latest Standard Building Code.

If permission for entry for the purpose of inspection is denied and no emergency exists, the Administrator shall, after presentation of probable cause, procure court order from the Municipal Court Judge.

In cases of emergency where extreme hazards are known to exist which may involve potential loss of life or severe property damage, the above limitations will not apply.

#### **4.13.10: Notice of Violation**

Whenever the Code Administrator or such other authorized official determines that there exists a violation of any provision of this Code, he/she shall give notice of such violation to the person or persons responsible therefore or to their agent or representative and order compliance.

Such notice and order shall be in writing; specify in detail the violation or violations, together with the respective sections of this Code being violated; setting forth 120 days within which to correct the violations; contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and in case of an unsafe building, such notice and order shall comply with the latest version of the Standard Unsafe Building Abatement Code.

Service of notice shall be by delivery personally to one or more of the following: the owner or operator of the property, or the person responsible, or by leaving the notice at the usual place of abode or business of the owner, operator, or his agent; or by depositing the notice in the United States Post Office addressed to the owner or operator or his agent or persons responsible at his/her last known address with postage prepaid thereon, and certified or registered; or in event service of notice cannot be obtained in either of the above methods, by posting and keeping posted for twenty-four (24) hours, a copy of the notice in a conspicuous place on the premises where the violation has occurred and published once a week for three (3) weeks in a newspaper of general circulation in the City such information as is necessary to inform an owner or operator or person responsible for the location of the premises and type of offense. No person shall deface or remove such notice without the consent of the Administrator.

Once the notice has been served, the person or persons responsible or their agent or representative shall have thirty (30) days to present a justified, factual appeal to the Planning Commission if compliance to the Code causes an undue financial difficulty or cannot be commenced because of other extenuating

circumstances. As a result of this appeal, the planning commission may grant a phased schedule of maintenance with completion and compliance to Code not to exceed thirty-six (36) months.

**4.13.11: Violations and Penalties**

Any person, firm, corporation or agent who shall violate a provision of this code or after due notice shall fail to comply with orders issued by the Code Administrator under the terms and provisions of the Code shall be charged with a misdemeanor of the Laws of the City of Clinton and punished upon conviction by a fine of \$200.00 by imprisonment for not more than thirty (30) days, or both per violation. Each day of any violation of this Code shall constitute a separate violation punishable as separate violations of this Code.

**4.13.12: Amendments**

The provisions and requirements of this Code may, from time to time, be amended, supplemented, or changed as necessary. Initiation of any amendment may be by Council, city staff, Planning Commission, or by private organizations or citizens. Any such proposed amendment must first be reviewed through the Planning Commission for its recommendation prior to being considered for amendment by ordinance of the Clinton City Council.

**4.13.13: Validity**

If any section, subsection, sentence, clause, or phrase of this Code is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Code.