

**ARTICLE XII. HP, HISTORIC PRESERVATION OVERLAY DISTRICTS. DIVISION
1. MIDLAND STREET AND CENTER AVENUE HISTORIC DISTRICTS**

Sec. 122-241. Statement of purpose.

Historic preservation is declared to be a public purpose and the legislative body of a local unit may by ordinance regulate the construction, addition, alteration, repair, moving, excavation, and demolition of resources in historic districts within the limits of the local unit. It is the intent of the HP, historic preservation overlay districts, to establish regulations to protect the public health, safety and general welfare, as well as the social and economic well-being of the community. More specifically, the purpose of this division is to:

- A. Enable the city, as the steward for the preservation of the city's history, to protect and preserve the city's historic and cultural resources for future generations, inasmuch as they are considered to be treasured assets.
- B. Promote, preserve and protect the integrity of the city's historic areas, including the stabilization and enhancement of property values and the encouragement of compatible building development.
- C. Protect and enhance historic areas to attract residents, tourists and visitors to serve as a support and stimulus to business and industry.
- D. Foster civic pride in the beauty and accomplishments of the past.
- E. Strengthen the economy of the city.

Sec. 122-242. Scope.

- A. The regulations of this division shall apply to all lands within the city that are located within the boundaries of the Midland Street historic preservation overlay district, as shown on the city official zoning map and located in the area from approximately 150 feet south of John Street to approximately 100 feet north of Vermont Street, and from Wenona Avenue to vacated Litchfield Street; and all lands within the city that are located within the boundaries of the Center Avenue historic preservation overlay district, as shown on the city official zoning map and located in the area which includes all properties which have front or side yards abutting Center Avenue from Madison Avenue to Livingston Avenue.
- B. The provisions and restrictions of this division shall be considered to apply in addition to and, where applicable, in the stead of the provisions of underlying zoning districts shown on the official zoning map, sufficient to fulfill the purposes of this division. Uses and regulations otherwise applicable in existing zoning districts shall not be allowed unless also permitted in and developed in accordance with the following regulations.
- C. This division shall take precedence over any conflicting ordinances or codes.

Sec. 122-243. Special definitions.

The following definitions shall apply to this division in addition to those contained in article II of this chapter:

Alteration means work to the exterior of a resource that changes the detail of a resource but does not change its basic size or shape.

Architectural review committee means the Bay City architectural review committee as established in section 122-245.

Certificate of appropriateness means the written approval of a permit application for work that is appropriate and that does not adversely affect a resource.

Committee means an architectural review committee created by the legislative body of a local unit pursuant to section 122-245 of this Code.

Construction means the act of adding an exterior addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

Demolition means the razing or destruction, whether entirely or in part, of a resource and includes, but is not limited to, demolition by neglect.

Demolition by neglect means neglect in maintaining, repairing, or securing a resource that results in deterioration of an exterior feature of the resource or the loss of structural integrity of the resource.

Denial means the written rejection of a permit application for work that is inappropriate and that adversely affects a resource.

Design guideline means a standard of appropriate activity that will preserve the historic and architectural character of a resource.

Exterior architectural appearance means the architectural character and general composition of the exterior of a structure, including, but not limited to, the kind, color, texture and dimension of the building material, and the type, design, color and character of all windows, doors, light fixtures, signs, and appurtenant elements.

Front lot line means the line separating the lot from the street right-of-way.

Front yard means a yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the required setback.

Hardscape means any exterior paving such as driveways, sidewalks, patios and terraces which are constructed of a brick-paver, stone, compacted gravel, concrete or bituminous concrete surface.

Historic district means an area, or group of areas not necessarily having contiguous boundaries, that contains a resource or a group of resources that are related by history, architecture, archaeology, engineering, or culture.

Historic preservation means the identification, evaluation, establishment, and protection of resources significant in history, architecture, archaeology, engineering, or culture.

Landscaping means any modification or embellishment of the plant-cover or hardscape of a property or resource.

Major architectural change means the following: change in roof pitch, structural additions or removals, covering or replacement of decorative trim, exterior trim which is not similar in texture, dimension or proportion to the original, and changes to door and window openings.

Michigan historical center means the agency of history of the Michigan department of state.

Moving means any relocation of a structure on its site or to another site.

Nonresidential means any resource that contains commercial, office or institutional uses. Resources which contain commercial, office, or institutional uses, and also contain residential dwellings for one or more families shall be considered nonresidential.

Notice to proceed means the written permission to issue a permit for work that is inappropriate and that adversely affects a resource.

Painting means applying a different color of paint or stain over what is currently visible on the exterior of a resource.

Ordinary maintenance means keeping a resource unimpaired and in good condition through ongoing minor intervention, undertaken from time to time, in its exterior condition. Ordinary maintenance does not change the exterior architectural appearance of the resource except through the elimination of the usual and expected effects of time and weathering. Ordinary maintenance, such as repainting, repairs to broken windows, and caulking does not constitute work.

Proposed historic district means an area, or group of areas not necessarily having contiguous boundaries, that has delineated boundaries and that is under review by a committee or a standing committee for the purpose of making a recommendation as to whether it should be established as a historic district or added to an established historic district.

Rear lot line means the lot line which is opposite and most distant from the front lot line of the lot.

Rear yard means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the required setback.

Repair means to restore a decayed or damaged resource to a good or sound condition by any process. Repairs which do not change the exterior architectural appearance of a resource except through the elimination of the usual and expected effects of time and weathering do not constitute work.

Repainting means applying the same color of paint or stain as currently exists on the exterior of a resource as a part of ordinary maintenance. Repainting does not constitute work for the purpose of this chapter.

Residential means any resource which is used as a dwelling for one or more families that does not contain commercial, office or institutional uses other than that which is permitted as a bed and breakfast, home business or home occupation as defined in section 122-32(10) and 122-32(48).

Resource means one or more publicly or privately owned historic or nonhistoric buildings, structures, sites, objects, features, or open spaces located within a historic district that is significant for its history, architecture, archaeology, engineering, or culture.

Shingling means replacing an existing roofing material with a new material. New materials should convey the same visual appearance as the existing materials or the documented, historic, roofing materials.

Side lot line means any lot line that is not a front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Side yard means a yard between a main building and the side lot line, extending from the front yard to the rear yard.

Work means any activity which changes the exterior architectural appearance of a resource.

Sec. 122-244. Establishment, modification or elimination of historic districts.

A historic district may be established, modified, or eliminated, in accordance with Act no. 207 of the Public Acts of Michigan of 1921, as amended, "the City and Village Zoning Act", (MCLA 125.584 section 4(1)).

Sec. 122-245. Administration and enforcement.

- A. In addition to, and, where applicable, in the stead of the administration and enforcement provisions in article XXV of this chapter, the following administrative and enforcement procedures shall apply.
- B. An architectural review committee is hereby established as an administrative body whose purpose is to enforce the provisions of this division.

1. *Composition.* The city architectural review committee shall consist of seven members, all of whom shall be appointed by the mayor and approved by the city commission. Persons appointed must be residents of the city. The mayor shall make every reasonable effort to appoint a majority of persons with a demonstrated interest in or knowledge of historic preservation. At least one member, if available, shall be a graduate of an accredited school of architecture with at least 2 years of architectural experience or who is an architect registered in this state. At least two members, if available, must be appointed from a list of city residents, from an established historic district. At least two members, if available, shall be business owners from an established historic district. Members may be re-appointed.
2. *Terms.* The term of office of the members of the architectural review committee shall be for three years except the initial appointments of some of the members shall be for less than 3 years so that the initial appointments are staggered and that subsequent appointments do not recur at the same time. All members shall hold office until their successors are appointed. Vacancies occurring otherwise than through the expiration of terms shall be filled for the unexpired term only. Vacancies must be filled within 60 calendar days. Members may be removed for cause by a majority vote of the city commission.
3. *Officers, rules and records.* Officers shall consist of a chairman, vice-chairman and a secretary; elected by the architectural review committee, who shall serve a term of one year and shall be eligible for reelection. The architectural review committee shall adopt rules for transaction of business and shall keep a record of its proceedings and decisions, with supporting documentation, which record shall be a public record.
4. *Powers and duties.* The architectural review committee shall have the following powers and duties:
 - a. To adopt its own procedural regulations.
 - b. To review permit applications made under section 122-246 for work within the boundaries of the HP, historic preservation overlay districts, as shown on the official zoning map; and further to take action on such applications in accordance with the procedures in section 122-247. In reviewing such applications, the architectural review committee shall apply the standards and guidelines as contained in this division.
 - c. To interpret design review standards and guidelines as contained in this section.
 - d. To keep a record of its resolutions, proceedings, and actions. A writing prepared, owned, used, in the possession of, or retained by the committee in the performance of an official function shall be made available to the public in compliance with the freedom of information act, Act No. 442 of the Public Acts of 1976, as amended.
 - e. To conduct business at its semi-monthly public meeting, held in compliance with the open meetings act, Act No. 267 of the Public Acts of

1976, as amended. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976, as amended. A meeting agenda shall be part of the notice and shall include a listing of each permit application to be reviewed or considered by the committee.

- f. To advise the planning commission on proposed zoning amendments and special approval uses within the boundaries of the HP, historic preservation overlay districts, as requested by the planning commission.

- C. Historic preservation officer. The city manager or his designee as the historic preservation officer for the HP, historic preservation overlay districts, shall:
 1. Process all applications for design review as specified in section 122-246.
 2. Provide information and records to the architectural review committee and its standing committees.
 3. Meet with those bodies to assist with their activities.
 4. Conduct periodic surveys of the districts to monitor compliance with this division.
 5. Coordinate with the zoning administrator to pursue violations as defined in section 122-252.

Sec. 122-246. Design review procedures.

- A. Design review required.

Approval shall be obtained from the architectural review committee before any work, requiring design review, is performed within the HP, historic preservation overlay districts.
- B. Types of design review.

There are two types of design review. The level of review shall be determined by the extent of the proposed work and the use of the resource. Design review shall be conducted by the architectural review committee, which shall receive all design review applications and materials from the planning division. Such applications and materials shall be reviewed according to design review standards set forth in section 122-247.

 1. Type 1 review applies to work on residential resources located within any historic preservation overlay district. Additionally, the following conditions must exist:
 - a. The underlying zoning is R-1, single-family residential, R-2, single or two-family residential, RM-1, medium density multiple-family residential.
 - b. The proposed activity is for a residential resource located within any historic preservation overlay district.
 - c. The proposed activity involves major architectural change as defined in section 122-243, demolition or moving of a dwelling. Notwithstanding any other regulations of this section, design review standards as set forth in section 122-247 shall not apply to repair, ordinary maintenance,

painting, repainting, shingling or landscaping activities associated with residential uses within either district or nonresidential uses within the Center Avenue historic preservation overlay district.

2. Type 2 review applies to work on nonresidential resources within the Midland Street or Center Avenue historic preservation overlay district. Additionally, the following conditions must exist:
 - a. The underlying zoning is O-1, office, C-1, neighborhood business district, C-2-A, general business district, or C-3, central business district.
 - b. The proposed activity is for a nonresidential resource located within the Midland Street or Center Avenue historic preservation overlay district. Nonresidential resources located within the Center Avenue historic preservation overlay district shall be regulated by type 1 review.
 - c. The proposed activity involves any work which affects the exterior architectural appearance of a structure. Work includes, but is not limited to: installation of signs and accessories, construction, demolition, or moving of any structure or part thereof. Notwithstanding any other regulations of this section, design review standards as set forth in section 122-247 shall not apply to repair, ordinary maintenance, and repainting activities associated with commercial or office uses.

C. Application.

The person, individual, partnership, firm, corporation, organization, institution, or agency of government proposing to do work shall file an application for architectural review with the planning division. The application shall be immediately referred together with all required supporting materials that make the application complete to the architectural review committee. A permit shall not be issued and proposed work shall not proceed until the architectural review committee has acted on the application by issuing a certificate of appropriateness or a notice to proceed as prescribed in this section.

D. Information required.

Depending upon the nature and scale of the proposed activity, and the type of design review required, any or all of the following information may be required for architectural review committee review: architectural plans, site plans, landscaping plans, proposed signs and appropriate detail as to character, proposed exterior lighting arrangements, elevations of all portions of resources and indications as to construction materials, design of doors and windows, ornamentation, colors and the like, photographs or perspective drawings indicating visual relationships to adjoining structures and spaces, and such other exhibits and reports as are necessary.

E. Design review process.

Upon receipt of all necessary applications and materials, the architectural review committee shall review, at a public hearing, such applications and materials, and on the

basis of the design review standards and guidelines contained in section 122-247, shall:

1. File certificates of appropriateness, notices to proceed, or a notice of denial subject to such conditions as may be warranted, with the building inspector.
 - a. *Certificate of appropriateness.* Following the approval of the design review application by the architectural review committee as appropriate, the design review application shall be transmitted, along with the approved plans and materials to the building inspector, and a building permit shall be issued so long as all other applicable codes and ordinances have been met. No building permit or notice to proceed shall be issued by the building inspector unless and until the design review application has been approved.
 - b. *Notice to proceed.* Work within a historic district shall be permitted through the issuance of a notice to proceed by the architectural review committee if any of the following conditions prevail, and if the proposed work can be demonstrated by a finding of the committee to be necessary to substantially improve or correct any of the following conditions: the resource constitutes a hazard to the safety of the public or to the structure's occupants; the resource is a deterrent to a major improvement program that will be of substantial benefit to the community, subject to the applicant obtaining all necessary planning and zoning approvals; retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner.
 - c. *Notice of denial.* A denial shall be accompanied with a written explanation by the committee of the reasons for the denial and, if appropriate, a notice that an application may be resubmitted for committee review when suggested changes have been made. The denial letter shall also include notification of the applicant's rights of appeal to the city zoning board of appeals and the circuit court.
 - d. *Nonpermitted work.* When work has been done upon a resource without a permit, and the committee finds that the work does not qualify for a certificate of appropriateness, the committee may require an owner to restore the resource to the condition the resource was in before the inappropriate work or to modify the work so that it qualifies for a certificate of appropriateness. If the owner does not comply with the restoration or modification requirement within a reasonable time, the committee may seek an order from the circuit court to require the owner to

restore the resource to its former condition or to modify the work so that it qualifies for a certificate of appropriateness.

- e. *Review period.* The architectural review committee shall review all completed applications at the next meeting following the filing deadline.

Sec. 122-247. Design review standards and guidelines.

A. Standards for design review.

The Secretary of the Interior is responsible for establishing standards for all national preservation programs, under Department of the Interior authority, and for advising federal agencies on the preservation of historic properties listed or eligible for listing in the National Register of Historic Places. The committee shall follow the most recent U.S. Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as set forth in 36 C.F.R. part 67 (Historic Preservation Certifications). Design review standards that address special design characteristics of historic districts administered by the committee may be followed if they are equivalent in guidance to the secretary of interior's. The committee shall also consider the following:

1. The historic or architectural value and significance of the resource and its relationship to the historic value of the surrounding area.
2. The relationship of any architectural features of the resource to the rest of the resource and to the surrounding area.
3. The general compatibility of the design, arrangement, texture, and materials proposed to be used.
4. Other factors, such as aesthetic value, that the committee finds relevant.

B. U.S. Secretary of the Interior's Standards for Rehabilitation.

The following standards for rehabilitation shall be applied in a reasonable manner, taking into consideration economic and technical feasibility:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Sec. 122-248. Moving, neglect or demolition of resources.

A. Moving of resources.

A permit shall not be issued which would allow the moving of all or any portion of a resource into or out of the HP, historic preservation overlay districts without design review approval, in accordance with procedures and regulations set forth in section 122-246, and in accordance with design review standards and guidelines set forth in section 122-247. resources being moved into such district shall be deemed to have the same impact as new construction, while resources being moved out of such district shall be deemed to have the same impact as demolition.

B. Neglect of resources.

Any property owner who shall by willful means neglect the maintenance, repair, or upkeep of a resource, to the point where it violates the property and maintenance code, making rehabilitation work cost prohibitive, but does not yet cause demolition by neglect, shall be deemed to have neglected a resource and shall be in violation of this section.

C. Demolition of resources.

A permit shall not be issued which would allow the demolition of all or any portion of a resource in the HP, historic preservation overlay districts without design review approval in accordance with procedures and regulations set forth in section 122-246.

1. The architectural review committee shall give consideration to:

- a. The contribution of the resource to its immediate surroundings and to the character of the district as a whole;
- b. The historical and architectural importance of the resource; and
- c. The resource's structural condition.

2. The design review application shall be approved and a demolition permit shall be issued if, after its review of a design review application for demolition, the architectural review committee shall find that:

- a. The resource does not contribute to the overall character of the district and is of no historical or architectural importance; and/or
- b. The resource is a hazard to the public health, safety and welfare and is beyond repair.

D. Demolition by neglect.

A property owner shall be deemed to have demolished a property without a permit and shall be in violation of this section, if the architectural review committee shall find that:

1. The maintenance, repair, or upkeep of a resource was neglected by willful means to the point where it, or portions thereof, has been ordered to be demolished by the city commission upon recommendation of the building inspector and architectural review committee; or
2. The resource has been demolished without approval of the architectural review committee.

Sec. 122-249. Additional height and placement regulations.

Within the HP, historic preservation overlay districts, the following height and placement regulations shall apply in addition to and, where applicable, instead of the height and placement regulations as provided in article XIV of this chapter:

A. Height.

New buildings or alterations to existing shall be to a height within 10 percent of the average height of existing buildings in the block face in which the construction or alteration is proposed. If there are no existing buildings on the block face, then such new

or altered building shall be to a height within 10 percent of the average height of buildings within 400 feet of and fronting on the same street as the proposed new or altered building.

B. Front yard setbacks.

The front yard setback of any new construction shall equal or fall within the front yard setbacks of abutting structures. If there are no existing structures on the block face where such new construction is proposed, front yard setbacks shall be as set forth article XIV.

Sec. 122-250. Sign regulations.

Within the HP, historic preservation overlay districts, where the underlying zoning district is the C-3, central business, C-2-A, general business, C-1, neighborhood business, or O-1, office, as shown on the zoning map of the city, the following sign regulations shall apply in addition to and, where applicable, in the stead of sign regulations contained in article XX of this chapter. All proposals for new or revised signs within HP, historic preservation overlay districts shall be subject to design review approval as set forth in sections 122-246 and 122-247.

A. Types of signs permitted.

Types of signs permitted include the following structure types: standard sign, wall sign, projecting sign and marquee sign. Billboards, roof signs, banners, promotional and portable signs are prohibited. No off-premise advertising signs shall be permitted.

B. Area, height and placement regulations.

1. Standard sign:

- a. *Area.* 16 square feet per face, per side.
- b. *Height.* Maximum 8 feet.
- c. *Placement.* The uprights shall not be closer than 2 feet from any public property.

2. Wall sign:
 - a. *Area.*
 - i. For buildings or portions thereof under separate management or control having building frontage of 50 feet or less, the surface area of wall signs on the premises shall not exceed two square feet per lineal foot of building frontage or 75 square feet, whichever is less, for each frontage on a public street or each frontage with public access.
 - ii. For buildings or portions thereof under separate management or control having building frontage in excess of 50 feet, the surface area of wall signs on the premises shall not exceed 2 square feet per lineal foot of building frontage or 125 square feet, whichever is less.
 - b. *Height.* No wall sign shall be placed any higher than the sill of the second story windows.
 - c. *Placement.* 18 inch maximum extension from face of building to accommodate necessary supporting devices.
3. Projecting sign:
 - a. *Area.* Maximum of 10 square feet.
 - b. *Height.* Maximum height of 15 feet. Minimum height of 10 feet.
 - c. *Placement.* Four-foot maximum projection from the building face.

- C. Total allowable area.

In no event shall the total area of all signs for any building or portion thereof under separate management or control exceed the square footage as outlined above in the area provisions for wall signs.
- D. Canopies and awnings.

Signs on canopies and awnings are allowed provided their area is included in the total allowed sign area as outlined above.
- E. Nonconforming signs.

A sign which exists on the date of enactment or amendment of this chapter located in a district in which it would not be permitted under the regulations of this chapter, is hereby declared to be a "nonconforming sign" and not in violation of this chapter.

1. Modification of a nonconforming sign:
 - a. No such nonconforming sign shall be enlarged or increased, or extended to occupy a greater area than that which was occupied at the effective date of adoption or amendment of this chapter.
 - b. No such nonconforming sign shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such sign at the effective date of adoption or amendment of this chapter.
 - c. No additional signs, not conforming to the regulations of this chapter, shall be erected in connection with such nonconforming sign.
 - d. No such nonconforming sign may be altered in any way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

2. Repairs and maintenance:
 - a. Work on any nonconforming sign or portion of structure containing a nonconforming sign shall be limited to ordinary maintenance and repair provided that the nonconformity existing when it became nonconforming shall not be increased.
 - b. Nothing in this chapter shall prevent the reconstruction, repair, or restoration and the continued use of any nonconforming sign damaged by acts of God or acts of public enemy provided that such restoration and resumption shall take place within six months of the time of such damage and that it be completed within one year from time of such damage; and provided further that said sign be identical to the nonconforming sign preceding such damage.

3. Loss of nonconformity.
 - a. If a nonconforming sign or portion of a structure containing a nonconforming sign becomes physically unsafe or unlawful due to a lack of repairs and maintenance, and is declared by the building inspector to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt, except in conformity with the regulations of the district in which it is located.

 - b. If any such nonconforming sign is discontinued and abandoned for a period of more than one year, any subsequent use of such sign shall conform to the regulations specified by this chapter.

Sec. 122-251. Appeals.

The architectural review committee shall be considered an agency charged with the enforcement of zoning chapter provisions, and decisions made by the committee with respect to the regulations of this division are appealable to the Bay City zoning board of appeals. The appeal shall be filed within 30 days after the decision is furnished to the applicant. The appellant may submit all or part of the appellant's evidence and arguments in written form. The board shall consider an appeal at its next regularly scheduled meeting after receiving the appeal, provided

that all public notice regulations can be met. The board may affirm, modify, or set aside a committee's decision and may order a committee to issue a certificate of appropriateness or a notice to proceed. A permit applicant aggrieved by the decision of the zoning board of appeals may appeal the decision to the circuit court having jurisdiction over the architectural review committee whose decision was appealed to the zoning board of appeals.

Sec. 122-252. Violations.

A violation of any provision of this division shall be considered a municipal civil infraction:

- A. A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this division is responsible for a municipal civil infraction, punishable by a class F fine. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.
- B. In addition to the other remedies available for a municipal civil infraction violation, an individual, partnership, firm, corporation, organization, institution, or agency of government that violates this section may be ordered by the court to pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated, neglected, or demolished.

Sec. 122-253–122-270. Reserved.

