

HISTORICAL ORDINANCE NO. _____

AN ORDINANCE REPEALING IN PART, BUT REAFFIRMING AS TO THE HISTORIC DISTRICT BOUNDARIES, IN CITY ORDINANCES NOS. 491, 496, AND 575 CONFIRMING THE PRIOR ESTABLISHMENT OF THE HISTORIC PRESERVATION COMMISSION AND PROVIDING A PROCEDURE FOR ADOPTION OF ORDINANCES TO ESTABLISH HISTORIC PRESERVATION DISTRICTS AND TO DESIGNATE ARCHAEOLOGICAL, HISTORICAL, CULTURAL, AND ARCHITECTURAL LANDMARKS AND LANDMARK SITES; PROVIDING THAT THE COMMISSION SHALL SERVE AS A REVIEW BODY TO REVIEW PROPOSED WORK IN HISTORIC PRESERVATION DISTRICTS AND ON HISTORIC LANDMARKS; PROVIDING THE CRITERIA FOR EVALUATING A PROPOSED ACTIVITY; PROVIDING STANDARDS AND PROCEDURES TO PREVENT DEMOLITION OF BUILDINGS OR STRUCTURES BY NEGLECT; PROVIDING A PROCEDURE FOR SUBMITTING APPLICATIONS FOR COMMISSION APPROVAL OR NON-APPROVAL THEREOF; FOR ENFORCEMENT THEREOF AND FOR RELATED PURPOSES.

WHEREAS, the Governing Authorities of the City of Pass Christian, Mississippi were empowered, in their discretion, to enact Ordinances providing for the establishment and location of the Historic Commission to preserve, promote, and develop the City's historical resources and for the establishment and location of Historic Preservation Districts and the designation of Historic Landmarks and Landmark Sites within the City limits of Pass Christian pursuant to the Mississippi Local Government Historic Preservation Law of 1978 as provided in Miss. Code Ann. Section 39-13-1, et. seq., as amended; and

WHEREAS, the said Governing Authorities have previously enacted Ordinances No. 491, 496 and 575 creating such a Commission, establishing such a District, and designating such Landmarks or Landmark Sites; and

WHEREAS, the said Governing Authorities now find that it is in the public interest to reform and revise such prior Ordinances without altering the boundaries of the Historic Preservation District or the designation of Landmarks or Landmark Sites as established in Ordinance No. 491 and affirmed in Ordinance Nos. 496 and 575; and

WHEREAS, the said Governing Authorities have the statutory authority and jurisdiction under home rule and the general police power to enact penalties for those found to be in violation of the instant Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PASS CHRISTIAN, MISSISSIPPI, AS FOLLOWS:

ARTICLE I.

NAME OF ORDINANCE

This Ordinance shall be known as the Historic Preservation Ordinance.

ARTICLE II.

PURPOSE AND GOALS

It is hereby declared as a matter of public policy that the protection, enhancement, and perpetuation of properties of cultural, architectural, archaeological or historic merit are a public necessity and are required in the interest of the health, property, and welfare of the people and citizens of Pass Christian, Mississippi. Therefore, pursuant to the Mississippi Local Government Historic Preservation Act of 1978, as provided in MCA Section 39-13-1, et seq., as amended, as well as under general police power, home rule, and all other relevant sources of municipal authority, without limitation, this Ordinance is being adopted to insure the following purposes, goals and objectives:

- A. To affect and accomplish the protection, enhancement, and perpetuation of Landmarks, Landmark Sites, and Historic Districts which represent distinctive elements of the City's cultural, social, economic, political, and architectural history;
- B. To safeguard the City's historic, aesthetic, and cultural heritage, as embodied and reflected in such Landmarks, Landmark Sites, and Historic Districts;
- C. To foster civic pride in the accomplishments of the past;
- D. To insure the harmonious, orderly, and efficient growth and development of the City;
- E. To stabilize the economy of the City through the use and revitalization of its Landmarks, Landmark Sites, and Historic districts;
- F. To Protect and enhance the City's attractions to tourist and visitors and the support and stimulus to business and industry thereby provided;
- G. To promote the use of Landmarks, Landmark Sites, and

Historic Districts for the education, pleasure, and welfare of the people of the City of Pass Christian, Mississippi;

- H. When a conflict arises between the standards set out in the Historic Ordinance / Historical Preservation Commission Guidelines and the current City Planning / Zoning codes the provisions of the Historical Ordinance take precedence, except provisions governing preservation of life safety.

ARTICLE II. DEFINITIONS

For the purposes of this Ordinance, the following words shall have the meanings ascribed herein unless the context shall otherwise require:

1. ALTERATION-Any external visual change of construction, repair, maintenance, or other means to a building, any additions to a building, any change in use, or movement of a building from one location to another.
2. APPLICANT -The owner, architect, or contractor of record of a Landmark, Landmark Site, or building or structure within a Historic District, or the lessee thereof with the notarized approval of the owner of record, or a person holding a "bona fide" contract to purchase same who makes application for approval under this Ordinance.
3. APPURTENANCE-A man-made feature, permanent or temporary, related to a parcel of land or to a building, structure, object, site, or a related group thereof. The term includes, but is not limited to, a building, structure, object, wall, fence, light fixtures, steps, paving, sidewalks, shutters, awnings, solar panels, and satellite dishes.
4. BUILDING-Any structure, permanent or temporary, built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind. The term "building" shall be constructed as if followed by the words "or parts thereof", included in this definition are significant site features such as driveways, walkways, lighting, fencing, benches, and fountains.
5. CERTIFICATE OF APPROPRIATENESS – An official signed and dated document evidencing the approval of the Commission for work proposed by an applicant. The Commission may, in appropriate situations, limit the period for which a Certificate of Appropriateness is valid.
6. COMMISSION-The Historic Preservation Commission of the City of Pass Christian. Mississippi
7. CONSTRUCTION-The erection of any on-site improvement, permanent or temporary, to a Landmark or to a building or any parcel of ground located within a Historic District or on a

Landmark Site, whether the site is presently improved or unimproved, or hereafter becomes unimproved by Demolition", "Demolition by Neglect" or a result of destruction of an improvement located thereon by fire, windstorm, or other casualty, or otherwise.

8. DEMOLITION-The complete or substantial removal of any building or buildings, structure or structures, on any site, including appurtenances or dependencies.
9. DEMOLITION BY NEGLECT-The improper or lack of maintenance of any building resulting in any one or more of the following:
 - A. The deterioration of a building to the extent that it creates or permits a hazardous or unsafe condition as determined by the Historic Preservation Code Enforcement Officer or other appropriate Public Official, or
 - B. Improper maintenance or lack of maintenance of any resource which results in substantial deterioration and threatens its continued stability and preservation, including but not limited to, the following:
 - (a) Those buildings, which have parts thereof, which are so attached that they may fall and injure members of the public or property.
 - (b) Deteriorated or inadequate foundation.
 - (c) Defective or deteriorated floor or floor supports.
 - (c) Members of walls, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.
 - (d) Members of walls or other vertical supports are insufficient to carry loads with safety.
 - (e) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration, or are insufficient to carry imposed loads with safety.
 - (f) Fireplaces or chimneys which list, buckle, or settle due to defective material or deterioration
 - (g) Any fault, defect, or condition in the building which renders the same structurally unsafe or unreasonably subject to water intrusion.

(f) Substantial Deterioration as such term is defined in MCA Section 39-13-2(p), as amended.

10. GOVERNING AUTHORITY OR GOVERNING AUTHORITIES - The Mayor and Board of Aldermen of the City of Pass Christian, Mississippi.
11. HISTORIC DISTRICT-An area found by the Commission to meet at least one of the criteria set out in the definition of "landmark", infra, and designated by the Commission and approved by the City by adoption of an Ordinance designating a geographically defined area, urban or rural, and possessing a significant concentration, linkage, or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development.
12. HISTORIC RESOURCE-A Landmark Site, and all land or water within a preservation district, together with the appurtenances and improvements, if any. The term resource includes, but is not limited to separate districts, buildings, structures, sites, objects, and related groups thereof.
13. IMPROVEMENT-A structure developed by human design, including, but not limited to, buildings, appurtenances, objects, features, and manufactured units like mobile homes, boats, docks, carports, and storage buildings.
14. INSTANT ORDINANCE - A term used within the body of this document, refers exclusively to this Historic Ordinance.
15. LANDMARK-A building, structure, improvement, sculpture, monument, and/or object located outside any Historic District and designated by the Department of Interior of the United States Government, the Mississippi Department of Archives and History, or the Commission and approved by the City by adoption of an Ordinance designating a Landmark, which possesses particular historical, architectural, cultural, or scenic significance by meeting at least one of the following criteria:
 - a. Exemplifies or reflects the broad cultural, political, economic, or social history of the nation, state, county, or city; or
 - b. Is identified with historic personages or with important events in national, state, or local history; or
 - c. Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of

construction, or use of indigenous materials or craftsmanship; or

- d. Is representative of the notable work of a master builder, designer, or architect whose individual ability has been recognized or who has influenced his/ her generation; or
- e. Has yielded, or may be likely to yield, information important to history or prehistory.

- 16. **LANDMARK SITES** - An improved or unimproved parcel of land located outside any Historic District and designated by the Department of Interior of the United States Government, the Mississippi Department of Archives and History or the Commission and approved by the City by the adoption of an Ordinance designating a Landmark Site, which possesses particular historic, architectural, or archeological significance by meeting at least one of the following criteria set out in the definition above for a "Landmark".
- 17. **OBJECT**-A material thing of functional, cultural, historical, or scientific value that may be, by nature or design, movable, yet related to a specific setting or environment.
- 18. **PASS CHRISTIAN HISTORIC PRESERVATION COMMISSION GUIDELINES** - A document, separate from and not a part of this Ordinance, available to the public and the Commission as a reference and aid when planning restoration, rehabilitation, or new construction. Such document, which is advisory only, can be altered or substituted by the Commission under the rule-making provisions hereunder, so long as such alteration or substitution is compatible with the general Purpose and Goals of this Ordinance as found in Article 11.
- 19. **PRESERVATION DISTRICT** - A district designated by the Commission and approved by the City through an Ordinance, which contains a geographically definable area, urban or rural, possessing a significant concentration of sites, buildings, structures, or objects associated by past events or by plan or physical development, and which meets at least one of the following criteria:
 - a. Exemplifies or reflects the broad cultural, political, economic, or social history of the nation, state, county, or city; or

- b. Is identified with historic personages or with important events in national, state, or local history; or
- c. Embodies distinguishing characteristics of architectural types or contains examples inherently valuable for the study of periods, styles, methods of construction, or uses of indigenous materials or craftsmanship; or
- d. Is representative of the notable work of a master builder, designer or architect whose individual abilities have been recognized or who influenced their generations.

20. REHABILITATION - The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

21. RELOCATION - Any changes in the location of building, object, or structure in its present setting or to another setting.

22. SITE -The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself possesses historical or archaeological value regardless of the value of any existing buildings, structures, or objects.

23. UNREASONABLE ECONOMIC HARDSHIP - The inability of an owner to obtain a reasonable return or a reasonable beneficial use from a resource as required by the United States Supreme Court in Penn Central Transportation company vs. New York City, 438 U.S. 104, and subsequent decisions.

ARTICLE IV.

PASS CHRISTIAN HISTORIC PRESERVATION COMMISSION

- A. By virtue of MCA Section 39-13-5, as amended, the Historic Preservation Commission of the City of Pass Christian, Mississippi, is hereby re-established or confirmed under the terms of the Instant Ordinance.

The Historic Preservation Commission is authorized to preserve, promote, and develop the Historical Resources of the City of Pass Christian, and to advise the Mayor and Board of Aldermen as to the designation of Historic Districts, Landmarks, and Landmark Sites, to administer the instant Ordinance as provided herein, and to perform such other functions as may be provided by law or requested by the Mayor and Board of Alderman.

- B. As provided by MCA Section 39-13-5, as amended, the Commission shall continue to consist of nine (9) Commissioners who shall be appointed by the Mayor and Board of Aldermen with due regard to proper representation in such fields as history, architecture, urban planning, archaeology and law. Each Commissioner may be a resident of the City of Pass Christian or Harrison County, MS. If a documented good faith effort has been made unsuccessfully by the City to locate residents of the City or County to serve on the Commission, the City's governing authority may appoint individuals who own property within the boundaries of the City or County, or both, or are in the service of an employer located within the City or County, or both. These Commissioners will serve for a three-year term and at the will and pleasure of the Mayor and Board of Aldermen. Any member of the Commission may serve consecutive terms, if reappointed by the Governing Authority. In addition to the nine (9) Commissioners, the governing authority may appoint other non-voting persons to advise or assist the Commission, who may reside within or without the municipal limits of Pass Christian. All Commissioners previously appointed by the Governing Authority shall continue to serve their unexpired terms without further action of the Governing Authority.
- C. When a vacancy occurs in the membership of the Commission due to death, resignation, or otherwise, the Mayor shall appoint a new Commissioner for the remainder of the unexpired term. All such appointments shall be subject to approval and confirmation by the Board of Aldermen in the same manner as are full term appointments.
- D. The Commission shall annually elect a Chairman, Vice-Chairman, and a Secretary from its membership.
- E. The Historic Preservation Commission shall adopt such Rules, Regulations, Guidelines, or Procedures as may be necessary for the conduct of its business. A majority of the appointed membership of the Commission, but no less than five (5), shall constitute a quorum for the purpose of conducting business. Official action may only be taken by the Commission upon a concurring vote of the majority of the Commissioners present at a meeting at which a quorum is present. The Historic Preservation Commission shall meet at least quarterly, unless the Chairman notifies all members in writing that there is no business to come before the Commission.

Meeting place, date, and time shall be determined by the Commission and all meetings will take place within the City limits of Pass Christian. Official notice of such meeting shall be posted at the City Hall and in a prominent place available to examination and inspection by the general public in the building where the Commission normally meets within one (1) hour after such meeting is called, if practical, and not less than fourteen (14) days prior to the meeting, unless such meeting is held at a time and place regularly established for Commission meetings upon its Minutes as provided by law. Meeting notices may also be posted on the Official City Website. A copy of the Notice shall be made a part of the Minutes or the permanent

official records of the Commission. Special meetings may be called as needed, by the Chairman, or in his or her absence, by the Vice-Chairman, or by a majority of the appointed Commissioners, without the necessity of posting the fourteen (14) days' notice provided above. However, written notice of special meetings and all business to be transacted at such meetings shall be issued to all appointed members of the Commission and posted at City Hall and in a prominent place in the building where the Commission normally meets at least twenty-four (24) hours in advance of such meetings and within one (1) hour after such meeting is called, if practical. Notice of Special Meetings may also be communicated to Commission Members by electronic E-mail and may be posted on the Official City Website. A copy of the Notice shall be made a part of the Minutes or other permanent official records of the Commission. Notwithstanding, the members may waive Written Notice at any special meeting by acknowledging same upon the record and duly spread upon the minutes. Only the business provided in such special meeting notices may be transacted at such special meetings. All meetings shall be subject to the provisions of the Open Meeting laws of the State of Mississippi.

The Secretary shall keep and maintain records of all Historic Preservation Commission meetings, actions, and findings, and all such records shall be available for inspection and copying by the members of the general public as provided in the Open Records Law of the State of Mississippi.

- F. It shall be the duty and responsibility of the Historic Preservation Commission to:
1. Make reports and recommendations to the Mayor and Board of Aldermen from time to time with respect to planning, development, building, construction, architectural standards and related matters within Historic Districts and designated Landmarks and Landmarks Sites.
 2. Consult with the Mayor and the Board of Alderman relative to the appointment and designation of a Historic Preservation Code Enforcement Officer, with power and duties to carry out and enforce the provisions of this Ordinance.
 3. Recommend any amendment to this Ordinance including any addition, deletion, or revision of districts as may be called for.
 4. Consult with all interested persons, boards, commissions, civic, and governmental bodies on matters concerning the Commission in the City of Pass Christian.
 5. Carry out all terms and provisions of this Ordinance including without limitation, reviewing plans for the erection,

construction, alteration, renovation, relocation, and demolition of all buildings or structures set out within designated Historic Districts, Landmarks, and Landmark Sites, as well as any other Historic Resources visible from the public right-of-way and within the Historic Zone, including the front, sides, and rear facades, which may include the rear boundary line of the property. Notwithstanding anything contained in this Ordinance or the Commission's Guidelines to the contrary, the Commission shall have no jurisdiction over the interior of buildings, nor shall it have jurisdiction over signage which is covered by a separate Ordinance.

6. Consult with architects and historic preservationists about the business of the Commission, both within the public and private field, including the Mississippi Department of Archives and History.
 7. Initiate corrective action to remedy instances of non-compliance or willful violation of the provisions of the Instant Ordinance through means available to the Commission, in accordance with Article XI of the Instant Ordinance, or by notification of such violations to the appropriate Governing Authority for further handling.
 8. The Commission shall have all powers provided in MCA Section 39-13-5, as amended, except MCA Section 39-13-5(i),(j), (k) and (l), unless such has been specifically authorized by the City's governing authority on its minutes.
- G. Prior to the adoption of the new Pass Christian Historic Preservation Commission Guidelines and Standards for Rehabilitation and Guidelines for Rehabilitating Historic Structures, U.S. Dept. of Interior, Revised 1990, amendments and revisions thereto, the Commission shall publish notice at least twice of its intention to adopt the Proposed Guidelines and Standards, or subsequent amendments thereto, in a newspaper of general circulation for the City of Pass Christian and on the Official City Website at least thirty (30) days prior to the adoption of same to allow all interested persons to offer comment or to contest same at such hearing. After the adoption of any such Guideline or Standards by the Commission, any interested party may appeal such decision to the Governing Authority as provided for other such appeals stated hereafter in this Ordinance.
- H. Notwithstanding anything contained herein, it is not the purpose of the Commission to perform any function or purposes previously assigned exclusively to the Planning Commission, Zoning Board, or Code Enforcement Officer of the City of Pass Christian, Mississippi.

ARTICLE V.

HISTORIC DISTRICTS, LANDMARKS AND LANDMARKS SITES

By separate Ordinance, the City may establish, designate, and locate Historic Districts, Landmarks, and Landmark Sites within the City of Pass Christian in addition to those already established in the Instant Ordinance. The establishment and designation of same shall follow the criteria provided in Article III of this Ordinance. No such additional Historic District, Landmark, or Landmark Site shall be designated pre-established until the following requirements have been met:

- B. Either an Owner of a proposed site or the Governing Authority shall request the Commission to conduct an investigation and make a recommendation concerning a proposed Historic District, Landmark, or Landmark Site.

- B. The Commission shall initiate a thorough investigation of the historic, architectural, archaeological, and cultural significance of the buildings, structures, features, and Sites and surroundings of such proposed Historic Districts, Landmarks, or Landmark Sites. Findings of the Commission shall be collected in a cohesive printed format, made a matter of public record, and made available for public inspection.

- C. After investigation, if the Commission shall decide to recommend the designation of a Historic District, Landmark, or Landmark Site, it shall in consultation with the City Attorney prepare or cause to be prepared a proposed Ordinance to make such a designation.

- D. The Commission's recommendation to the Mayor and Board of Aldermen for the designation and establishment of a Historic District shall be accompanied by complete documentation, including but not limited to the following:
 - 1. A concise description of the extent of Historic Resources within the district, offering a description of the building types and architectural styles represented;
 - 2. A concise statement of the district's historical significance;
 - 3. A boundary description and justification;
 - 4. An inventory of all buildings with each building evaluated for its significance to the district;
 - 5. A map showing all Historic Resources within the district; and

6. Photographs of typical streetscapes within the district as well as major types contributing and non-contributing buildings.
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- E. No such Historic District shall be designated until the Mississippi Department of Archives and History, acting through such agent or employee as may be designated by its Director, shall have made an analysis of a recommendation concerning the proposed district boundaries as provided in MCA Section 39-13-7, as amended; provided that the failure of the Mississippi Department of Archives and History to submit its analysis and recommendations to the City within sixty (60) days after written request for such analysis has been mailed to it, shall relieve the City of any time thereafter to take any necessary action to adopt or amend its Ordinance.
 - F. A proposed Ordinance to designate a Landmark or Landmark Site may be presented to the City with a recommendation that it be adopted without prior submission to the Mississippi Department of Archives and History.
 - G. A public hearing as required by MCA Section 39-13-3, as amended, will be held prior to the adoption of any Ordinance designating Historic Districts, Landmarks, or Landmark Sites or amending existing districts. Notice of such public hearing, specifying the boundaries of any proposed Historic District and the location of proposed Historic Landmarks Sites shall be published once a week at least three (3) consecutive weeks in at least one newspaper published within the City at such time, and/or a newspaper published in Harrison County having general circulation within the City. Notice of such public hearing may also be posted on the Official City Website.
 - H. Within Sixty (60) calendar days after the public hearing held in connection herewith, the Mayor and Board of Aldermen shall adopt the Ordinance as proposed, reject it entirely, or adopt the Ordinance with such modifications as they shall determine to be in the best interest of the citizens of Pass Christian, provided such modification shall only reduce the scope of the location of the boundaries as provided in the Ordinance as proposed.

An updated list and map of officially designated Landmarks, Landmark Sites, and Historic Districts shall be maintained by the Commission and placed on file in the Office of the City Clerk for inspection and copying by members of the general public.

ARTICLE VI.

SCENIC DRIVE HISTORIC DISTRICT

A. CONFIRMATION OF THE SCENIC DRIVE HISTORIC DISTRICT:

The Mayor and Board of Aldermen find that the Scenic Drive Historic District within Pass Christian, Mississippi, was created by the Mississippi Department of Archives and History before the adoption of MCA Section 39-13-5, as amended, after thorough investigation, analysis, and study of the area. Through the efforts of the Mississippi Department of Archives and History, the Scenic Drive Historic District in Pass Christian, Mississippi was entered in the National Register of Historic Places on May 9, 1979. The Mayor and Board of Aldermen further find that the establishment or confirmation of the Scenic Drive Historic District as done in Municipal Ordinances Nos. 491 and 496 was done properly and in full compliance with Mississippi Code Ann. Section 39-3-1 et. seq. as to proper notice, hearing, and all other requirements of law. The Mayor and Board of Aldermen therefore reaffirm the boundaries of the said District as established in the said Ordinance. Such boundaries of the Scenic Drive Historic District shall be provided in Paragraph B of this Article, which consists of nominations submitted to and accepted by the National Register of Historic Places. Paragraph B also serves as an inventory and description of the structures which are situated within the Scenic Drive Historic District, and which were in existence at the time the Scenic Drive Historic District was entered into the National Register of Historic Places.

B. BOUNDARIES OF SCENIC DRIVE HISTORIC DISTRICT:

1. Contiguous area: All properties within the area bounded on the east by the east boundary of 961 East Scenic Drive, as extended to the North edge of Highway 90; on the South by the Northern edge of U.S. Highway 90 and thence along the Northern edge of U.S. Highway 90; on the West by the West boundary of 230 West Scenic Drive, as extended to highway 90's Northern edge; and on the North by the Northern boundaries of the property lines obtained as of April 18, 1989, the date of the adoption of Ordinance No. 491; provided, however, that no property North of Second Street shall be included.
2. Non-contiguous properties as of the date of the adoption of Ordinance No. 491 and affirmed in the instant Ordinance:
 - a. West Beach Blvd. numbers: 520, 706, 710, 722, 800, 1010, 1012, 1020, 1024, and 1040.
 - b. Seal Avenue numbers: 113, 117, 121, 123, 127, and 131.

- c. Lang Avenue number 105.
- d. East Second Street numbers: 554 and 722

ARTICLE VII.

PROPERTY UNDER CONSIDERATION FOR HISTORIC DISTRICT LANDMARK OR LANDMARK SITE

- A. Whenever property is under consideration by the Commission for designation as a Historic District, Landmark, or Landmark Site, or part thereof, and the Commission has adopted a resolution providing for a study to be conducted to determine the suitability for designation of a particular Historic District, Landmark, or Landmark Site, no demolition or building permits shall be issued affecting such property, except as otherwise provided in this Ordinance. Provided, however, the prohibition against the issuance of a demolition or building permit shall not remain in effect beyond the length of time required by the Commission to complete the study or forty-five (45) days from the date of adoption of the Commission's original resolution, whichever comes first. By favorable vote of two-thirds of the members attending an official meeting of the Commission the prohibition against issuance of a demolition or building permit may be extended for an additional forty-five (45) day period.
- B. In the event that the Commission, after proper study, recommends the proposed area for designation as a Historic District, Landmark, or Landmark Site, then such area shall thereafter be subject to all the terms of the instant Ordinance, unless the governing authorities fail to enact an Ordinance adopting the Commission's recommendation within ninety (90) days of the making of such recommendation. If the governing authorities either reject the Commission's recommendation or fail to adopt it with the said ninety (90) day period, then the affected area shall thenceforth be treated as not covered by this Ordinance.

ARTICLE VIII.

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS FOR NEW CONSTRUCTION, REHABILITATION, OR REMOVAL/DEMOLITION

- A. GUIDELINES FOR NEW CONSTRUCTION:
 - 1. Contiguous area for the Scenic Drive Historic District:

- a. New construction shall be visually compatible with the buildings and environment with which the new construction is visually related, including but not limited to: the height, the gross volume, the proportions and relationship between doors and windows, the rhythm of solids to voids created by openings in the facade, the materials, the textures, the colors, the patterns, the trims, and the design of the roof.
- b. Existing rhythm created by existing building masses and spaces between them shall be preserved. Appurtenances and improvements shall not prove detrimental to the fabric of a Historic District.
- c. In advance of new construction, steps shall be taken to ensure evaluations of possible archaeological resources, as set forth in the Antiquities Law of Mississippi, Miss. Code Ann. Section 39-7-1 et. Seq.

Noncontiguous properties:

- a. New construction on a non-contiguous property shall not impair or be detrimental to any Historic Resources.
3. The above guidelines are to be used in conjunction with guidelines adopted by the Commission as provided herein before and as found in the Document styled "Pass Christian Historic Preservation Commission Guidelines". In the event of any conflict between or among guidelines, the Commission shall follow the guidelines (or combination thereof) which are most compatible with the general purpose and goals of this Ordinance, as found at Article II.

B. GUIDELINES FOR REHABILITATION, RENOVATION, AND REPAIR.

1. Every person desiring to rehabilitate, renovate, or repair (if such repair results in substantial alteration of the building, grounds, or lot in question) a Landmark, Landmark Site, or an exterior of a building, grounds, or lot, located in the existing Historic District, and existing Landmark, or an existing Landmark Site, or in an area being considered as a potential Historic District, Landmark or Landmark Site, as provided in a Resolution duly adopted by the Commission, shall carry out such rehabilitation, renovation, or repair in a manner which conforms to and is in keeping with the appropriate design and criteria standards as set out in the Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, United States Department of Interior as

revised in 1990, amendments and revisions thereto, excluding all references to interior or other matters, as shall be adopted by the Commission pursuant to its rule-making provisions provided hereinbefore. A copy of such Standards for Rehabilitation shall be made available for public use on the premises of the Office of the City Clerk at Pass Christian City Hall, and the Pass Christian Municipal Library.

The above guidelines are to be used in conjunction with guidelines adopted by the Commission as provided hereinbefore and as found in the Document style "Pass Christian Historic Preservation Commission Guidelines". In the event of any conflict between or among guidelines, the Commission shall follow the guidelines (or combinations thereof) which are most compatible with the general purpose and goals of this Ordinance, as found at Article II.

C. GUIDELINES FOR THE MOVING, RELOCATION, EXCAVATION, OR DEMOLITION OF BUILDINGS OR STRUCTURES COVERED BY THIS ORDINANCE.

] Any person desiring to move, relocate, excavate, or demolish any building, structure, or Site covered by the terms of this Ordinance must do so in a way that will not disrupt or diminish the concentration, linkage, or continuity of Sites, buildings, structures, or objects located within a Historic District. In determining whether an application for the moving, relocation, excavation, or demolition of any structure covered by this Ordinance is in conformity with these guidelines, the following criteria shall be considered:

- a. The individual historical or architectural significance of the Historical Resource;
- b. The importance or contribution of the Historic Resource to the aesthetics of the district;
- c. The difficulty or impossibility of reproducing such a Historic Resource because of its texture, design material. or detail as well as the site;
- d. The proposed replacement structure and the future utilization of the Site;
- e. The age of the Landmark or Historic Resource, particularly, as to whether such landmark or resource

is fifty (50), or more years old, as this circumstance is also criteria used by the Mississippi Department of Archives and History and the U.S. Department of the Interior to determine antiquity.

2. The above guidelines are to be used in conjunction with the guidelines adopted by the Commission as provided hereinbefore and as found in the document styled "Pass Christian Historic Preservation Commission Guidelines". In the event of any conflict between or among guidelines, the Commission shall follow the guidelines (or combinations thereof) which are the most compatible with the general purpose and goals of this Ordinance, as found in Article II.

D. PRE-DESIGN CONFERENCE.

Owners (or their representatives) contemplating new construction, rehabilitation, renovation, substantial repair or the moving, relocating excavating, or demolition for any building, structure, or site covered by terms of this Ordinance, are urged to meet informally with the Commission prior to beginning design work on anything beyond a minimal project in order to be provided guidance by the Commission on conforming to the guidelines of the Instant Ordinance.

E. THE DOCUMENT STYLED PASS CHRISTIAN HISTORIC PRESERVATION COMMISSION GUIDELINES.

1. The document styled Pass Christian Historic Preservation Commission Guidelines shall be available for public inspection at the office of the Historic Preservation Code Enforcement Officer, hereinafter "HPCE" and of the Municipal Clerk of the City of Pass Christian.

In the event of a conflict between the guidelines found in the document styled Pass Christian Historic Preservation Commission Guidelines and the guidelines recited in the Instant Ordinance, the Commission shall follow the guidelines {or combinations thereof) which are the most compatible with the general purpose and goals of this Ordinance, as found in Article II.

F. APPLICATION

Every person desiring to erect new construction, or to rehabilitate, renovate, or substantially alter or to move, relocate,

excavate, or demolish a Landmark, Landmark Site, building, or other structure located in an existing Historic District, or to carry out any such activities in an area being considered as a potential Historic District, Landmark, or Landmark Site, as provided in a Resolution duly adopted to the Commission, shall, in addition to any other legal requirements, submit an application for the purposed work to the HPCE Officer. An application for new construction, rehabilitation, renovation, substantial alteration, moving, relocating, excavating, or demolishing a Landmark, Landmark Site, or structure located in an Historic District, shall include a drawing or sketches with sufficient detail to show, as far as they relate to the exterior appearance, the architectural design of the building including proposed materials, textures and colors, and the plot plan or site layout, including all site improvement of significant features such as walls, walks, fences, terraces, sculptures, pools, filling, excavating, accessory, buildings, plaques, lights, and other appurtenances, and such other information or data as may be reasonable requested by the Commission. Such drawings, sketches, or plans shall be forwarded by the HPCE Officer, upon receipt, to the Commission for review. An application for moving, relocation, excavation, or demolition of buildings or structures covered by this Ordinance shall contain sufficient data for the Commission to make a finding that such moving, relocating, excavating, or demolition will not be inconsistent with the guidelines set forth at Section C, supra. The Commission or its designees shall provide advice and counsel concerning the nature of any such data at the pre-design conference referenced at Section D, if such conference is requested by the owner or the owner's representative.

G. CONSIDERATION OF APPLICATION:

After submittal of the plans to the Commission, if same are found to be in proper form and within the jurisdiction of the Commission, the applicant shall be notified of the time, date, and place of the Commission meeting at which the application will be considered. Applications will be considered at the Commission meeting next following receipt of the application; provided, however, unless otherwise excused all applications must be filed in proper form at least seven (7) days prior to a Commission Meeting to be considered. The applicant, or his agent, shall be required to appear before the Commission in order for the application to be considered, unless this requirement is otherwise waived by the Chairman of the Commission and approved by a majority of members present at such meeting. Failure of the Applicant to appear without just reason may constitute a withdrawal of the application.

H. APPROVAL OR DISAPPROVAL:

The Historic Preservation Commission shall approve or conditionally approve an application, if the Commission determines that said Application conforms, complies, and is in keeping with certain conditions and standards as set by the Commission in writing. However, all conditions and standards must be reasonable in nature and supportive of the purposes of this Ordinance. Such a conditionally approved application may be finally approved by the HPCE Officer when all conditions and standards, as originally set forth by the Commission, have been fully met and complied with. The Historic Preservation Commission shall disapprove any application not substantially conforming to the Historic guidelines, if the Commission determines that the application cannot reasonable be brought into such conformity by the applicant's compliance with such reasonable conditions and standards, or if the applicant unequivocally states his or her unwillingness to comply with such conditions. The Commission may not deny an application if such denial would cause unreasonable economic hardship to the owner.

Upon approval of the application by the Commission, or final approval by the Officer, the applicant shall be immediately granted a Certificate of Appropriateness (COA) executed by either the Chairman of the Commission or by the HPCE Officer. A copy of such Certificate shall be retained in the official Commission records by the Commission Secretary.

The approved Certificate of Appropriateness (COA) shall be valid for a period of time that is consistent with the Building Permit issued by the City Code Office. If applicable, cancellation of the Building Permit, for any reason, will also invalidate the accompanying COA.

If any structural or architectural revisions in the original plan approved by the Commission or the Code Office are requested during construction, or prior to initiating construction, approval of the revision must be obtained from the HPCE Officer or the Historic Preservation Commission prior to initiation of work involving the requested change.

Failure of the Commission to take any action upon any matter submitted to it within forty-five (45) days after the same has been reviewed on its merits at a Commission meeting shall constitute approval of said plan, unless the applicant waives this provision.

For the purposes of this Article, "approval" shall mean approval of the application by a majority vote of a quorum at a duly constituted meeting of the Historic Preservation Commission. However, such

definition shall not limit the authority of the HPCE to confer final approval upon an application conditionally approved by the Commission, as set forth above.

1. DEMOLITION BY NEGLIGENCE

Any building or structure which is a Landmark, or any building or structure within any Historic District shall be preserved by the owner or such other person or persons who may have the legal custody or control thereof, who shall immediately repair such building or structure in accordance with applicable City Codes and Ordinances, including the Instant Ordinance, if it is found that Demolition by Neglect is occurring as defined in this Ordinance at Article III. Such repair shall be sufficient to eliminate the condition of Demolition by Neglect, regardless of any compliance with any such Codes or Ordinances.

If the Commission makes a determination that such a building or structure as described immediately above is being demolished by neglect, and said finding is confirmed by the HPCE Officer, it shall be the responsibility of that Officer to notify the owner or owners of such building or structure of this determination, stating the reasons therefore, and giving the record owner or owners ten (10) days, in accordance with Article XI(C) contained herein, from the date of the service of such notice to secure necessary permits and commence work to correct the specific defects as determined by the Commission and the HPCE Officer or seek a hearing before the Commission to review such determination. Service of such notice may be done by either personal service by any proper city official, including the HPCE Officer or any police officer, or by U. S. mail, with delivery of receipt confirmed. In the event the owner cannot reasonably be served by either of the above methods, then service may be done by posting the notice on the property in question and by publishing same in a newspaper having a general circulation in the City once each week for three successive weeks. In addition to notice by publication, personal service shall be served by leaving a copy of the Notice with the owner's spouse or some other person of the owner's family above the age of sixteen years at the owner's primary residence, who is willing to receive service, and thereafter by mailing a copy of the notice by first class mail, postage prepaid, to the person to be served at the place where a copy of the notice was left.

If the owner or owners fail to commence work within the time allotted as evidenced by a building permit or seek a review hearing as provided above, the Commission shall notify the owner or owners in the manner provided above to appear at a public hearing before the Commission at a date, time and place to be specified in said notice, which shall be mailed or posted at least thirty (30) days before said hearing. For the purpose of insuring lawful notice, a hearing may be continued

to a new date and time. The Commission shall receive evidence on the issue of whether the subject Historic Resource should be repaired and the owner or owners may present evidence in rebuttal thereto. If after such hearing, the Commission shall determine that the Historic Resource is being demolished by neglect, it may request the HPCE with the concurrence of the City officials to bring misdemeanor charges against the owner or owners if the necessary repairs are not completed within ninety (90) days of the determination by the commission that the subject building or structure is being demolished by neglect.

In addition to the powers specified in MCA Section 21-19-11, as amended, the Mayor and Board of Aldermen (with the concurrence of the Miss. Dept. of Archives and History) after notice and hearing may make repairs to any Historic structure to correct demolition by neglect, and the costs of such repairs shall become a lien against the property in accordance with MCA Section 21-19-11(3), as amended.

The unauthorized demolition of a portion of a structure shall not serve as justification for a demolition permit whenever it can be shown that restoration or rehabilitation would still be feasible. Whenever a Historic Structure is demolished without review and approval by the Commission without good cause shown the Mayor and Board of Aldermen, upon the recommendation of the Commission or the City's own motion, may Order that no building permit will be issued for any structure proposed for the same parcel which would require a footprint larger than the original footprint of the demolished Historic Structure.

ARTICLE IX.

HISTORIC PRESERVATION COMMISSION DECISIONS

After any decision of the Commission, the Chairman shall cause written notice of its decision to be mailed or otherwise delivered to the applicant in writing. If the Commission shall have approved the application, the Building Official, subject to compliance with all other appropriate Codes and Ordinances, shall cause a building permit to be issued, but in no case shall the Building Official issue a building or demolition permit for a matter within the Commission's jurisdiction in a designated Historic District without written notice of the decision from the Commission. Before any Certificate of Use or Occupancy may be issued for any improvements or changes which have been reviewed and approved by the Commission, a final inspection and determination of compliance with the conditions of the Commission's decision must be obtained from the Building Official/HPCE.

If it should become impossible or impracticable by reason of weather, strike, or other circumstances or cause beyond the control of the person, firm, or corporation to whom the application approval has been granted by the Commission to complete all work required by such decision before use or occupancy, a temporary' occupancy permit may be approved upon depositing with the City of Pass Christian, a sufficient cash escrow, performance bond, or such other documents as the Governing Authorities of the City shall require and accept to assure the City and Commission the applicant will faithfully comply with all terms and conditions of the decision of the Commission. The temporary occupancy permit shall continue and shall expire thereafter after reasonable notice to the applicant.

Unless the governing authorities shall determine otherwise upon good cause shown, the refund of such cash escrow or performance bond, or cancellation of such other documents as the City shall require from the applicant, shall not be made or take effect until final certification by the Chairman of the Commission and the HPCE/Building Official that all terms and conditions of the Commission's decision have been met. Unless extended by the governing authorities for good cause shown, a temporary occupancy permit shall not be valid after twelve (12) months from the date of issuance. At such time (and after notice and hearing before the City's governing authorities) all cash deposits and performance bonds, and such other documents the City requires, may be forfeited and/or take effect to authorize the City to complete any and all work required under the terms of the temporary occupancy permit. Unless extended, the temporary occupancy permit shall expire. The City of Pass Christian through its Building Official and/or HPCE shall take any' additional actions as are reasonably necessary to insure compliance with the Commission's decision. If the City decides to move forward with the completion of the repair of the structure the City shall use its best efforts to complete the project as approved under the application with the cash deposit or the performance bond and refund to the applicant that portion, if any, of the cash deposit, performance bond proceeds, or other guarantee that remains after completion of the work. Only the Mayor and Board of Aldermen shall be empowered to grant an extension beyond the original twelve (12) month period allowed for the temporary occupancy permit.

The Chairman of the Commission or his Designee with the advice of the HPCE, shall be authorized to approve requested changes, and/or alterations of any plan approved by the Commission, which shall be minor in nature and which shall be in conformity with the spirit and intent of the Commission's original decision. If a change is determined not to be minor in nature, the Commission shall consider said change or proposed alteration at its next regular or special meeting.

ARTICLE X.

APPEALS TO THE HISTORIC PRESERVATION COMMISSION AND TO THE GOVERNING AUTHORITIES

In the event the HPCE Officer renders a decision adverse to the property owner, said aggrieved person may, within ten (10) days, request in writing a hearing before the full Commission. The Commission shall, within ten (10) days of the completion of the hearing, render its decision. Any person or persons, jointly or severally aggrieved by any decision of the Commission may, within thirty (30) days after such decision has been rendered, but not thereafter, seek review of such decision by the Mayor and Board of Aldermen by written notice to both the Commission and the Office of the Mayor. The Commission shall advise such person or persons of such right to appeal upon rendering its decision. In case of such appeal the Commission shall promptly furnish the Mayor and Board of Aldermen with a copy of the Commission's applicable minutes or transcript of the proceedings, a copy of the application, a copy of original plans and specifications, and any other documents pertaining to the decision of the Commission, A verbatim transcript is not required, as the hearing before the Mayor and Board of Aldermen shall be upon the record established before the Commission; however, the Mayor and Board of Aldermen at such appeal hearing may require and receive such other evidence as they deem necessary under the circumstances.

ARTICLE XI.

ADMINISTRATION, ENFORCEMENT, AND PENALTIES

A. THE HISTORIC PRESERVATION CODE ENFORCEMENT OFFICER:

The HPCE Officer, in the administration and enforcement of the Instant Ordinance, shall have the same powers as those vested in the Zoning Enforcement Officer for the administration and enforcement of the City Zoning Ordinance and/or the Building Official under any applicable Building Codes, including but not limited to, issuing stop work orders, revoking for good cause, certificates or permits previously granted by the Commission, or instituting any appropriate legal remedy, such as injunction, mandamus, or other appropriate legal proceedings to stop or prevent any action or condition which is contrary to the provisions of this Ordinance. The Office of the HPCE Officer will be held jointly with the Zoning Enforcement Officer or the Code Enforcement Officer, unless, at the sole discretion of the Governing Authorities, the City Officials determine otherwise.

B. ADMINISTRATION AND ENFORCEMENT

The Building Code Enforcement Officer shall not issue any building permit or certificate of occupancy for any use or work on any property covered by the Instant Ordinance except upon proper notification that the party desiring or proposing the use or work has been granted a Certificate of Appropriateness by the Commission. The HPCE shall revoke any permit or certificate which he or she has previously issued, upon a finding that the permitted is in violation of this Historic Preservation Ordinance. Enforcement in a case in which such permit or certificate is not issued or is revoked shall be according to the terms of the Pass Christian City Zoning Ordinance.

In the event that the Building Code Office issues a permit or certificate contrary to the terms of this Ordinance, or fails to revoke a permit or certificate upon request as required by this Ordinance, or if an individual is found to be acting contrary to the provisions of this Ordinance, even if such actions are in conformity with the Zoning Ordinance, then the HPCE Officer shall have the authority in his discretion to enforce the provisions of this Ordinance.

In such event, the HPCE Officer, upon finding that the provisions of this Ordinance are being violated as described at Paragraph C, infra, shall give written notice to the person responsible for such violation, indicating the nature of the violation and ordering action necessary to correct it. Such notice shall follow the requirements set forth at Article VIII. In the event of an emergency, the HPCE Officer or Commission may proceed as provided in Article XI, and notice, if any is required, shall be according to the Rules of Court. In the event that the individual responsible for the violation is given the required notice and fails to take substantial steps within ten (10) days to carry out the mandated action, then the HPCE Officer, in addition to other remedies, may institute injunction, mandamus, or take any other appropriate legal action in proceeding to work done in violation of this Ordinance.

C. VIOLATIONS OF THE ORDINANCE ENUMERATED:

1. A violation(s) of this Historic Preservation Ordinance shall consist of willfully committing any one or more of the following acts:
 - (a) Carrying out new construction, rehabilitation, substantial repair, or moving, relocating, excavating, or demolishing any property covered by the Instant Ordinance after having been denied a Certificate of Appropriateness for such action by the Commission.
 - (b) Carrying out new construction, rehabilitation, substantial repair, or moving, relocating, excavating, or demolishing any property

covered by the Instant Ordinance without first procuring a Certificate of Appropriateness from the Commission, after having been given reasonable notice by the HPCE Officer that such a Certificate was required for the work.

- (c) Carrying out new construction, rehabilitation, substantial repair, or moving, relocation, excavating, or demolishing any property covered by the Instant Ordinance with a willful and knowing disregard of the Instant Ordinance, regardless of the giving of any notice by the HPCE Officer that a Certificate was required for the work.
- (d) Occupying any covered structure prior to receiving either the HPCE Officer's Determination of Compliance or a temporary occupancy permit as described at Article IX.
- (e) In the case of finding of Demolition by Neglect in the procedure specified in Article VIII (H), failure to either commence reasonable good faith efforts to eliminate such condition as directed by the HPCE Officer within ten (10) days of the giving of due notice thereof under the procedure specified at Article VIII (H), or to request a hearing before the Commission on such finding within such ten (10) day period; or
- (f) Failure to commence reasonable good faith efforts to eliminate a condition of demolition by neglect within ten (10) days after a hearing on such condition, at which hearing the decision was adverse to the owner; or, failure to secure necessary permits and commence work to eliminate such condition within such time as shall be otherwise be prescribed by the HPCE.

D. DEMOLITION BY NEGLIGENCE - PROCEDURE FOR HEARING:

In the event that an owner requests a hearing concerning a determination of demolition by neglect, then such hearing shall be promptly provided to him, either at a special meeting or at the next regular meeting of the Commission. At such hearing, the said owner shall be provided a full opportunity to present all evidence, whether verbal, documentary, or other, to support his contention that demolition by neglect is not taking place. In the event the Commission concurs with the position of the owner, it shall make a finding that demolition by neglect is not taking place and shall order that no further proceedings or enforcement be had against the owner concerning the alleged demolition by neglect. In the event that the Commission determines at the hearing that demolition by neglect has taken place or is taking place, the Commission shall immediately notify the owner, either in person at the hearing, or by U. S. Mail with receipt of delivery confirmed, at the address provided by the owner. Failure of the owner to make a good faith effort to take

initial appropriate corrective steps, as directed by the Commission, within ten (10) days of notification, or of such owner to procure the appropriate permits within time otherwise specified of notification of the Commission's finding of demolition by neglect shall constitute grounds for the HPCE Officer to take any authorized enforcement action against the owner, including but not limited to, injunction and mandamus for the violation of this Ordinance.

D. PENALTIES

Any person or legal entity who constructs, alters, relocates, or demolishes any resource in violation of this Ordinance or who causes any resource to be constructed, altered, relocated, or demolished in violation of this Ordinance shall be guilty of a misdemeanor, and shall be deemed guilty of a separate violation for each day during which any violation hereof is committed. Upon conviction, each violation shall be punishable by a fine not to exceed \$500.00 per day.

F. EMERGENCIES:

In the event that the Commission or the HPCE Officer finds that the action of an owner creates an emergency situation, then the HPCE Officer may seek any appropriate legal emergency relief, including filing for an injunction or a temporary restraining order with any Court having jurisdiction of the cause.

G. COMMISSIONS AUTHORITY TO REVIEW:

Any decision of the HPCE Officer is a subject to review by the Commission at a duly constituted meeting, wherein such decision may be affirmed, reversed, or modified, at the discretion of the Commission. The HPCE may seek further review of the decision of the Commission by the Mayor and Board of Aldermen.

ARTICLE XIII.

CONFLICT OF INTEREST

COMMISSION MEMBERS:

No members of the Commission shall participate in a hearing or a decision involving a matter in which the Commissioner or his/her immediate family member has a property or financial interest in the matter or there would be an appearance of an impropriety for the Commissioner to preside over such matter. In the event this situation should arise, such Commissioner shall, by written notice to the Chairman of the Commission or the person conducting the decision-making process, excuse himself or herself from participating in such hearing or decision. This written notice shall be held on file with the Commission. Upon request or an applicant or aggrieved person or upon it

own motion the Commission may also determine that one of its members should be excused from participating in a given matter to avoid the appearance of financial or other impropriety, regardless of any actual impropriety, on any' substantial evidence, regardless of whether the member requests to be excused or not. Such determination shall be by a majority vote of a duly constituted meeting, with the member in question not voting.

B. THE HPCE OFFICER:

In the event the HPCE Officer declares that he or she has such a property or financial interest in the matter he or she is reviewing, then the Commission shall determine by majority vote whether the interest is sufficiently direct or substantial to require excusing the HPCE Officer from participating in a given matter. Such a determination may also be made on the basis of any substantial evidence brought forward by any person, regardless of whether the HPCE Officer declares such an interest. Such determination will be made on the basis of whether the participation of the HPCE Officer could reasonably present the appearance of financial impropriety, regardless of any actual impropriety. In the event the Commission makes a determination that the HPCE Officer should be excused from a particular hearing or matter, and the Mayor and Board of Aldermen shall concur, then the Mayor and Board of Aldermen shall appoint another city employee or any reasonably qualified person to temporarily act in the HPCE Officer's stead.

ARTICLE XIV.

The requirements and provisions of this Ordinance are separable and if any article, section, paragraph, sentence, or portion thereof, be declared by any Court of competent jurisdiction to be void, invalid, or inoperative, the decision of the Court shall not affect the validity' or application of the Ordinance as a whole or any part thereof other than the part held to be void, invalid, or otherwise inoperative.

ARTICLE XV.

PARCELS OF LAND DETERMINED

For the purposes of this Instant Ordinance, the boundaries of any parcel of land affected thereby shall be determined and defined as they existed on the date of the enactment of Ordinance No. 491 on April 18, 1989, regardless of any subsequent subdivision, enlargement, diminution, combination, or any other alteration of such parcels.

ARTICLE XVI.

REPEAL, NULLIFICATION AND EFFECTIVE DATE

Ordinance Nos. 491, 496, and 575, except for the designation of the Historic District and Landmark Sites, are repealed by this Ordinance only to the extent necessary to give this Ordinance full force and effect.

All other Ordinances or parts of Ordinances in conflict with this Historic Preservation Commission Ordinance, or inconsistent with provisions of this Ordinance, are hereby repealed to the extent necessary as provided herein to give this Ordinance full force and effect.

This Ordinance shall be in full force and effect thirty days after its passage, and a summary of such ordinance shall be enrolled and published in the manner required by law.

SO ORDAINED this the _____ day of _____, 2016.

Mayor Leo "Chipper" McDermott

ATTEST:

City Clerk