

AN ORDINANCE TO AMEND THE HISTORIC  
PRESERVATION COMMISSION ORDINANCE  
AS ADOPTED MAY 4, 1999, AS AMENDED;  
5<sup>th</sup> DAY OF SEPTEMBER, 2006, 9<sup>th</sup> of December, 2008,  
7<sup>th</sup> DAY OF JULY, 2015 AND 2<sup>nd</sup> DAY OF APRIL, 2024  
FOR  
OTHER PURPOSES.

**ORDINANCE**

**AN ORDINANCE TO ESTABLISH A HISTORIC PRESERVATION  
COMMISSION IN THE CITY OF EUHARLEE TO PROVIDE FOR  
DESIGNATION OF HISTORIC PROPERTIES OR HISTORIC DISTRICTS;  
TO PROVIDE FOR ISSUANCE OF CERTIFICATES OF APPROPRIATENESS;  
TO PROVIDE FOR AN APPEALS PROCEDURE; TO REPEAL CONFLICTING  
ORDINANCES; AND FOR OTHER PURPOSES.**

**BE IT ORDAINED BY THE EUHARLEE CITY COUNCIL, OF EUHARLEE,  
GEORGIA**

**Section I**

**Purpose**

In support and furtherance of its findings and determination that the historical, cultural and aesthetic heritage of the City of Euharlee, Georgia is among its most valued and important assets and that the preservation of its heritage is essential to the promotion of the health, prosperity and general welfare of the people;

In order to stimulate revitalization of the business districts and historic neighborhoods and to protect and enhance local historical and aesthetic attractions to tourists and visitors thereby promote and stimulate business, to encourage the acquisition by the City of Euharlee of facade and conservation easements;

In order to enhance the opportunities for federal or state tax relief of this state's property owners benefits under (the) relevant provisions of federal or state law; and

In order to allow tax deductions for rehabilitation of certified historic structures for the designation, protection, preservation and rehabilitation of historic properties and historic districts.

The Euharlee City Council, Euharlee, Georgia hereby declares it to be the purpose and intent of this Ordinance to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, and works of art objects, and landscape features having a special historical, cultural or aesthetic interest or value, in accordance with the provisions of the Ordinance.

## **Section II**

### **Definitions**

- A. "Building" - A building is a structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn.
- B. "Certificate of Appropriateness" - Means a document approving a proposal to make a material change in the appearance of a designated historic property or of a structure, site, or work of art located within a designated historic district, which document must be obtained from the Historic Preservation Commission before such material change may be undertaken.
- C. "Exterior Architectural Features" - Means the architectural style, general design and general arrangement of the exterior of a building, or other structure or object, including but not limited to, the kind or texture of the building material, and the type and style of all windows, doors, and signs; and other appurtenant architectural fixtures, features, details or elements relative to the foregoing.
- D. "Exterior Environmental Features" - Means all those aspects of the landscape or the development of a site which affect the historical character of the property. (Reworded below)
- E. "Historic District" - Means a geographically definable area, urban or rural, which contains structures, sites, works of art, or a combination thereof which;
  - 1. Have a special character or special historical or aesthetic interest or value;
  - 2. Represent one or more periods or styles or architecture typical of one or more eras in the history of the municipality, county, state, or region; and
  - 3. Cause such area, by reason of such factors, to constitute a visibly perceptible section of the municipality or county, possessing a significant concentration, linkages, or continuity of sites, building, structures or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.
- (F) "Historic preservation jurisdiction" - shall mean the area within the corporate limits of the City of Euharlee.

(G) "Historic Property" - Means a structure, site, or work of art including the adjacent area necessary for the proper appreciation or use thereof designated by the Euharlee City Council as a historic property pursuant to the criteria established in Section IV C of this Ordinance.

(H) "Material Change in Appearance" - Means a change that will affect only the exterior architectural or environmental features of a historic property or any structure, site, work of art or landscape feature within a historic district, such as:

1. A reconstruction or alteration of the size, shape or facade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;
2. Demolition of a historic property;
3. Commencement of excavation for any purpose;
4. The erection, alteration, restoration or removal of any buildings or other structure within a designated historic district, including walls, fences, steps and pavements or other appurtenant features except exterior paint alterations.
5. A change in the location of advertising visible from the public way on any historic property.

(I) "Site" – A site is the location of a significant event, a prehistoric or historical occupation, activity, or structure, whether standing, ruined, or vanished where the location itself maintains historical or archaeological value regardless of the value of any existing structure.

(J) "Structure" - A structure is a work made up of interdependent and inter-related parts in a definite pattern of organization. Constructed by man, it is often an engineering project large in scale.

### **Section III**

#### **Creation of a Historic Preservation Commission**

##### **A. Creation of the Commission**

There is hereby created a commission whose title shall be **"EUHARLEE HISTORIC PRESERVATION COMMISSION"** (hereinafter **"Commission"**).

##### **B. Commission Position within the City of Euharlee**

The Historic Preservation Commission shall be a function of the City of Euharlee

C. Commission Members: Number, Appointment, Terms and Compensation.

The Commission shall consist of three (3) members appointed by the Mayor and the City Council. All members shall be residents of the City of Euahlee.

To the extent available in the City of Euahlee, all members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archaeology or related professions or professionals in the disciplines of building construction or real property appraisal.

Members shall serve staggered terms; In order to achieve staggered terms, initial appointments shall be one (1) member for one (1) year; one (1) member for two (2) years; and one (1) member for three (3) years. Members shall not receive a salary, although they may be reimbursed for expenses. All reappointments shall be a three (3) year term approved by City Council.

Each Commission member and anyone serving the Commission in a technical assistance/professional staff capacity shall attend at least one informational or educational meeting per year pertaining to historic preservation. Such meetings may include those sponsored by the Historic Preservation Division, the National Trust for Historic Preservation, the Georgia Trust for Historic Preservation, the Georgia Alliance of Preservation Commissions, the National Alliance of Preservation Commissions, other University of Georgia programs, or a local preservation organization.

D. Statement of the Commission's (Powers) responsibilities

a. The responsibilities of the Commission must be complementary to and coordinated with those of the Historic Preservation Division of the Department of Natural Resources, the state historic preservation office in Georgia as enumerated in the National Historic Preservation Act, as amended, and with state and federal preservation standards, guidelines and regulation. They must include the authority to:

- (1) Prepare and maintain an inventory of all property within its jurisdiction having the potential for designation as historic property;
- (2) Recommend to the local governing body specific places, districts, sites, buildings, structures, or works of art to be designated by ordinance as historic properties or historic districts;
- (3) Review applications for Certificate of Appropriateness (or some other approval/review mechanism for locally designated historic resource protection) and grant or deny the same in accordance with the provisions of the ordinance
- (4) Recommend to the Euahlee City Council that the designation of any district site, building, structure or object as a historic property or as a historic district be revoked or removed;
- (5) Restore or preserve any historic properties acquired by the City of Euahlee.
- (6) Promote the acquisition by the City of Euahlee of facade easements and conservation easements, as appropriate, in accordance with the provisions of

Georgia Uniform Conservation Easement Act of 1992 (O.C.G.A., Section 44-10.1 through 5);

- (7) Conduct educational programs on historic properties located within the City of Euharlee and on general historic preservation activities;
- (8) Make such investigation and studies of matters relating to historic preservation including consultation with historic preservation experts, the Euharlee City Council or the Commission itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources;
- (9) Seek out local, state, federal or private funds for historic preservation, and make recommendation to the Euharlee City Council concerning the most appropriate uses of any funds acquired;
- (10) Review and make comments to the Historic Preservation Division of the Department of Natural Resources concerning the nomination of properties within its jurisdiction to the National Register of Historic Places;
- (11) Participate in private, state, and federal historic preservation programs and with the consent of the City of Euharlee enters into agreements to do the same.
- (12) Receive donations, grants, funds, or gifts of historic property and acquire and sell Historic properties. The Preservation Commission shall not obligate the City of Euharlee without prior consent;

E – RESERVED

F – RESERVED

G - RESERVED

#### H. Commission's Power to adopt Rules and Standards:

The Preservation Commission shall adopt rules and standards for the transaction of its business and for consideration of applications for designations and Certificates of Appropriateness, such as By-Laws, removal of membership provisions, and design guidelines and criteria. The Preservation Commission shall have the flexibility to adopt rules and standards without amendment to this Ordinance. The Commission shall provide for the time and place of regular meetings and a method for the calling of special meetings. The Commission shall select such officers as it deems appropriate from among its members. A quorum shall consist of a majority of the members.

#### I. Conflict of Interest:

The Commission shall be subject to all conflict of interest laws set forth in Georgia Statutes and in the City of Euharlee Charter.

#### J. SATISFACTORILY PERFORM THE RESPONSIBILITIES DELEGATED TO IT UNDER THIS ACT.

The local government must satisfactorily perform the responsibilities listed in II.B. 1- 4 above and any others specifically delegated to it by the Georgia State Historic Preservation Officer. In addition, the local government must:

- (a). Ensure that at least one member of the Commission, the person serving as Commission technical staff pursuant to Section I. of these procedures, or a

representative appointed by the chief local elected official who has an ongoing relationship with the Commission, will attend an orientation/training session sponsored by the Historic Preservation Division or approved by the Historic Preservation Division as specified in III.D. each year; and

(b). Submit to the Historic Preservation Division a report of the activities of the Commission, when requested, not less than every four calendar years. The report shall include but is not limited to, such items as number of cases reviewed, historic district and property designations made, revised resumes of Commission members/staff, appointments to the Commission, attendance records and all minutes relating to the review of National Register nominations.

## **Section IV**

### **Recommendation & Designation of Historic**

#### **Districts and Properties**

##### **A. Preliminary Research by Commission:**

1. Commission's Mandate to Conduct a Survey of Local Historical Resources:  
The Commission shall compile and collect information and conduct surveys of historic resources within the City of Euharlee.
2. Commission's Power to Recommend Districts and Buildings to the Euharlee City Council for Designation: The Commission shall present to the Euharlee City Council recommendations for historic districts and properties.
3. Commission's Documentation of Proposed Designation: Prior to the Commission's recommendation of a historic district or historic property to the Euharlee City Council for designation, the Commission shall prepare a Report for Nomination consisting of:
  - a. Physical description;
  - b. A statement of the historical, cultural, architectural and/or aesthetic significance;
  - c. a map showing district boundaries and classification (i.e. contributing, non-contributing) of individual properties therein, or showing boundaries of individual historic properties;
  - d. a statement justifying district or individual property boundaries; and
  - e. Representative photographs

## B. Designation of a Historic District:

1. Criteria for selection of historic districts: An historic district is a geographically definable area, which contains buildings, structures, sites, objects, and landscape features or a combination thereof, which:
  - a. Have special character or special historic/aesthetic value or interest.
  - b. Represent one or more periods, styles or types of architecture typical of one or more eras in the history of the municipality, county, state or region; and
  - c. Cause such area, by reason of such factors, to constitute a visibly perceptible section of the municipality or county.
2. Boundaries of a Historic District: Boundaries of a Historic District shall be included in the separate ordinances designating such districts and shall be shown on the Official Zoning Map of the City of Euharlee, Georgia.
3. Evaluation of properties within Historic Districts: Individual properties within historic districts shall be classified as:
  - a. Contributing (contributes to the district);
  - b. Non-contributing (does not contribute to the district, as provided for in B.1).

## C. Designation of a Historic Property:

1. Criteria for selection of Historic Properties: A historic property is a building, structure, site, or object; including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of value to the Nation, City of Euharlee, or the State of Georgia, for one of the following reasons:
  - a. It is an outstanding example of a structure representative of its era;
  - b. It is one of the few remaining examples of a past architectural style;
  - c. It is a place or structure associated with an event or persons of historic or cultural significance to the City of Euharlee, State of Georgia, or the region; or
  - d. it is the site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the municipality, county, state or region.

D. Requirements for Adopting an Ordinance for the Designation of Historic Districts and Historic Properties:

1. Application for Designation of Historic Districts or Property: Designations may be proposed by the Euahlee City Council, the Commission, or:
  - a. For historic districts - a historical society, neighborhood association or group of property owners may apply to the Commission for designation;
  - b. For historic properties - a historical society, neighborhood association or Property owner may apply to the Commission for designation.
2. Required Components of a Designation Ordinance: Any ordinance designating any property or district as historic shall:
  - a. List each property in a proposed historic district or describe the proposed individual historic property.
  - b. Set forth the names(s) of the owner(s) of the designated property or properties;
  - c. Require that a Certificate of Appropriateness be obtained from the Commission prior to any material change in appearance of the designated property or properties;
  - d. Require that the property or district be shown on the Official Zoning Map of the City of Euahlee, Georgia, and kept as a public record to provide notice of such designation.
3. Require Public Hearings: The Commission and the Euahlee City Council shall hold a public hearing on any proposed ordinance for the designation of any historic district or property. Notice of the hearing shall be published in at least three (3) consecutive issues in the principal newspaper of local circulation, and written notice of the hearing shall be mailed by the Commission to the owners and occupants of such property not less than ten (10) nor more than twenty (20) days prior to the date set for the public hearing.



4. Notification of Historic Preservation Division: No less than thirty (30) days prior to making a recommendation on any ordinance designating a property or district as historic the Commission must submit the report, required in Section IV, A 3, to the Historic Preservation Division of the Department of Natural Resources.
  5. Recommendations on Proposed Designations: A recommendation to affirm, modify or withdrawn the proposed ordinance for designation shall be made by the Commission within fifteen (15) days following the Public Hearing and shall be in the form of resolution to the Euharlee City Council.
  6. Euharlee City Council Action on the Commission's Recommendation: Following receipt of the Commission recommendation, the Euharlee City Council may adopt the ordinance as proposed, may adopt the ordinance with any amendments it deems necessary, or reject the ordinance.
  7. Notification of Adoption of Ordinance for Designation: Within thirty (30) days following the adoption of the ordinance for designation by the Euharlee City Council, the owners and occupants of each designated historic property, and the owners and occupants of each structure, site or work of art located within a designated historic district, shall be given written notification of such designation by the Euharlee City Council, which notice shall apprise said owners and occupants of the necessity of obtaining a Certificate of Appropriateness prior to undertaking any material change in appearance of the historic property designated or within the historic district designated. A notice sent via the United States mail to the last-known owner of the property shown on the City of Euharlee tax digest and a notice sent via United States Mail to the address of the property to the attention of the occupant shall constitute legal notification to the owner and occupant under this ordinance.
  8. Notification of other Agencies Regarding Designation: The Commission shall notify all necessary agencies within the City of Euharlee of the ordinance for designation.
  9. Moratorium on Applications for Alteration or Demolition while ordinance for Designation is Pending: If an ordinance for designation is being considered, the Commission shall have the power to freeze the status of the involved property.
- (E) Euharlee Historic District. There is hereby created and designated in and for Euharlee, Georgia, the Euharlee Historic District with boundaries as follows:

The historic district is composed of a combination of residential, commercial, and community landmark buildings and historic structures lying along or in closed proximity to Covered Bridge Road from Euharlee Road on the north to the Euharlee Creek and the Covered Bridge on the south.

## **Section V**

### **Application to Preservation Commission for Certificate of Appropriateness**

#### **A. Approval of Material Change in Appearance in Historic Districts or Involving Historic Properties:**

After the designation by ordinance of a historic property or of a historic district, no material change in the appearance of such historic property, or of a contributing or non-contributing building, structure, site or object within such historic district, shall be made or be permitted to be made by the owner or occupant thereof, unless or until the application for a Certificate of Appropriateness has been submitted to and approved by the Commission. A Building Permit shall not be issued without a Certificate of Appropriateness.

#### **B. Submission of Plans to Commission:**

An Application for a Certificate of Appropriateness shall be accompanied by drawings, photographs, plans and documentation required by the Commission.

#### **C. Interior Alterations:**

In its review of applications for Certificates of Appropriateness, the Commission shall not consider interior arrangement or use having no effect on exterior architectural features.

#### **D. Technical Advice:**

The Commission shall have the power to seek technical advice from outside its members on any application.

#### **E. Public Hearings on Applications for Certificates of Appropriateness, Notices, and Right to be Heard:**

The Commission shall hold a public hearing at which each proposed Certificate of Appropriateness is discussed. Notice of the hearing shall be published in the principal newspaper of local circulation in the city and written notice of the hearing shall be mailed by the Commission to all owners and occupants of the subject property. The written and published notice shall be provided in the same manner and time frame as notices are provided before a Public Hearing for Re-zoning.

The Commission shall give the property owner and/or applicant an opportunity to be heard at the Certificate of Appropriateness hearing. Evidence of notice in writing to any property owner to be materially affected by a designation to review by the Commission shall be made a part of the record.

F. Acceptable Commission Reaction to Application and issue a Certificate of Appropriateness:

Commission Action: The Commission may approve the Certificate of Appropriateness as proposed, approve the Certificate of Appropriateness with any modifications it deems necessary; or reject it.

1. The Commission shall approve the application and issue a Certificate of Appropriateness if it finds that the proposed material changes in the appearance would not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property or the historic district. In making this determination, the Commission shall consider, in addition to any other pertinent factors, the following criteria for each of the following acts:
  - a. Reconstruction, Alteration, New Construction or Renovation:  
The Commission shall issue Certificates of Appropriateness for the above proposed actions if those actions conform in design, scale, building material, setback and site features, and to the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.
  - b. Relocation: A decision by the Commission approving or denying a Certificate of Appropriateness for the relocation of a building, structure, or Works of Art shall be guided by:
    - (1) the historic character and aesthetic interest the building, structure or other object contributes to this present setting.
    - (2) whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be.
    - (3) whether the building, structure or object can be moved without significant damage to its physical integrity.
    - (4) whether the proposed relocation area is compatible with the Historical and architectural character of the building, structure, Site or object.
  - c. Demolition: A decision by the Commission approving or denying a Certificate of Appropriateness for the demolition of buildings,

structure, sites, trees judged to be 50 years old or older, or works of art shall be guided by:

- (1) the historic, scenic or architectural significance of the building, structure, site, tree or works of art.
- (2) the importance of the building, structure, site, tree or works of art to the ambiance of a district.
- (3) the difficulty or the impossibility of reproducing such a building, structure, site, tree, or works of art because of its design, texture, material, detail, or unique location.
- (4) whether the building, structure, site, tree, or works of art is one of the last remaining examples of its kind in the neighborhood or city.
- (5) whether there are definite plans for use of the property, if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be.
- (6) whether reasonable measures can be taken to save the building, structure, site, tree or work of art from collapse.
- (7) whether the building, structure, site, tree, or work of art is capable of earning reasonable economic return on its value.

(G). Undue Hardship:

When, by reason of unusual circumstances, the strict application of any provision of this Ordinance would result in the exceptional practical difficulty or undue economic hardship upon any owner of a specific property, the Commission, in passing upon applications, shall have the power to vary or modify strict adherence to said provisions, or to interpret the meaning of said provisions, so as to relieve such difficulty or hardship; provided such variances, modifications or historical integrity, or character of the property, shall be conserved and substantial justice done. In granting variances, the Commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this Ordinance. An undue hardship shall not be a situation of the person's own making.

H. Deadline for Approval or Rejection of Application for Certificate of Appropriateness:

1. The Commission shall approve or reject an application for a Certificate of Appropriateness within forty-five (45) days after the filing thereof by the owner or occupant of a historic property, or of a building structure, site, or work of art located within a historic district. Evidence of approval shall be by a certificate of appropriateness issued by the commission. (Addition recommended by DNR 6-16-15)
  2. Failure of the Commission to act within said forty-five (45) days shall constitute approval, and no other evidence of approval shall be needed.
- I. Necessary action to be taken by Commission upon Rejection of Application for Certificate of Appropriateness:
1. In the event the Commission rejects an application, it shall state its reasons for doing so, and shall transmit a record of such actions and reasons, in writing, to the applicant. The Commission may suggest alternative courses of action it thinks proper if it disapprove of the application submitted. The applicant, if he or she so desires, may make modifications to the plans and may resubmit the application at any time.
  2. In cases where the application covers a material change in the appearance of structure which would require the issuance of a building permit, the rejection of the application for a Certificate of Appropriateness by the Commission shall be binding upon the building inspector or other administrative officer charged with issuing building permits and, in such a case, no building permit shall be issued.
- J. Requirement of Conformance with Certificate of Appropriateness:
1. All work performed pursuant to an issued Certificate of Appropriateness shall conform to the requirements of such certificate. In the event work is performed not in accordance with such certificate, the Commission shall issue a cease and desist order and all work shall cease.
  2. The Euharlee City Council or the Commission shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in appearance of a designated historic property or historic district, except those changes made in compliance with the provisions of this ordinance or to prevent any illegal act or conduct with respect to such historic property or historic district.
- K. Certificate of Appropriateness Void if Construction not commenced:
- A Certificate of Appropriateness shall become void unless construction is

commenced within six (6) months of date of issuance. Certificates of Appropriateness shall be issued for a period of eighteen (18) months and are renewable.

L. Recording Applications for Certificate of Appropriateness:

The Commission shall keep a public record of all applications for Certificates of Appropriateness, and of all the Commission's proceedings in connection with said application.

M. Acquisition of Property:

The Commission may, where such action is authorized by the Euharlee City Council and is reasonably necessary or appropriate for the preservation of a unique historic property, enter into negotiations with the owner for the acquisition by gift, purchase, exchange, or otherwise, to the property or any interest therein.

N. Appeals:

Any person adversely affected by any determination made by the Commission relative to the issuance or denial of a Certificate of Appropriateness may appeal such determination to the Euharlee City Council. Any such appeal must be filed with the Euharlee City Council within fifteen (15) days after the issuance of the determination pursuant to Section V. H 1 of this ordinance or, in the case of a failure of the Commission to act, within fifteen (15) days of the expiration of the forty-five (45) day period allowed for the Commission action, Section V. H. 2 of this Ordinance. The Euharlee City council may approve, modify, or reject the determination made by the Commission, if the governing body finds that the Commission abused its discretion in reaching its decision. Appeals from decisions of the Euharlee City Council may be taken to the Superior Court of Bartow County in the manner provided by law for appeals from conviction for the City of Euharlee ordinance violations.

O. Exemptions:

1. The Department of Transportation for the State of Georgia and its contractor are exempt from the provisions hereof.
2. The City of Euharlee and its agencies are exempt from the provisions hereof; provided however, notification of activity which would otherwise require a Certificate of Appropriateness must be given to the Commission 45 days prior to the initiation of activity.

## **Section VI**

### **Maintenance of Historic Properties and Building and Zoning Code Provisions**

#### **A. Ordinary Maintenance or Repair:**

Ordinary maintenance or repair of any exterior architectural or environmental feature in or on a historic property to correct deterioration, decay, or to sustain the existing form, and that does not involve a material change in design, material or outer appearance thereof, does not require a Certificate of Appropriateness. Property owners of historic properties or properties within historic districts shall not allow their buildings to deteriorate by failing to provide ordinary maintenance or repair. The Commission shall be charged with the following responsibilities regarding deterioration by neglect.

1. The Commission shall monitor the condition of historic properties and existing buildings in historic districts to determine if they are being allowed to deteriorate by neglect. Such conditions as broken windows, doors and openings which allow the elements and vermin to enter, the deterioration of a building's structural system shall constitute failure to provide ordinary maintenance or repair.
2. In the event the Commission determines a failure to provide ordinary maintenance or repair, the Commission will notify the owner of the property and set forth the steps which need to be taken to remedy the situation. The owner of such property will have thirty (30) days in which to do this.
3. In the event that the condition is not remedied in thirty (30) days, the owner shall be punished as provided in Section VII of this Ordinance and, at the direction of the Euharlee City Council, the Commission may perform such maintenance or repair as is necessary to prevent deterioration by neglect. The owner of the property shall be liable for the cost of such maintenance and repair performed by the Commission.

#### **B. Affirmation of Existing Building and Zoning Codes:**

Nothing in this ordinance shall be construed as to exempt property owners from complying with existing City or County building and zoning codes, nor to prevent any property owner from making any use of this property not prohibited by other statutes, ordinances or regulations.

#### **C. Court Action:**

Nothing contained herein shall prevent the governing authority nor the Commission from petitioning the Superior Court of Bartow County for relief from actions in violation of the provisions of this Ordinance.

## **Section VII**

### **Penalty Provisions**

Violations of any provisions of this Ordinance shall be punished in the same manner as provided for punishment of violations of validly enacted Ordinances of the City of Euahlee, Georgia.

## **Section VIII**

### **Severability**

In the event that any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, sentences, clauses, or phrases of this Ordinance, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof.

## **Section IX**

### **Repealer**

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

## **Section X**

Adhere to all requirements of the "Historic Preservation Fund Grants Manual" when receiving funds from the Certified Local Government share in Georgia or federal departments.



**CITY OF EUHARLEE**

**AN ORDINANCE TO AMEND THE HISTORIC  
PRESERVATION COMMISSION ORDINANCE  
AS ADOPTED MAY 4, 1999, AS AMENDED;  
SEPTEMBER 5, 2006, December 9, 2008, July 7,  
2015 AND FOR OTHER PURPOSES.**

**BE IT ORDAINED AND IT IS HEREBY ORDAINED THAT THE NEW  
HISTORIC PREVERSATION COMMISSION ORDINANCE REFLECTS  
CHANGES FOR THE PURPOSE OF RECEIVING CERTIFIED HISTORIC  
PRESERVATION STATUS.**

**THEREFORE BE IT RESOLVED, that the CITY OF EUHARLEE City  
Council do hereby ordain, resolve and enact foregoing Historic  
Preservation Commission Ordinance for the CITY OF EUHARLEE**

**SO ORDAINED this 7th day of July, 2014**

**APPROVED:  
EUHARLEE CITY COUNCIL**

**BY:**

**Dennis Thayer, Mayor**

**ATTEST:**

**Carolyn T. Banks, City Clerk**







