

ORDINANCE

AN ORDINANCE TO ESTABLISH A HISTORIC PRESERVATION COMMISSION IN THE CITY OF CANTON, GEORGIA; 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 CANTON CITY COUNCIL OF CANTON, GEORGIA.

SECTION I

Purpose

In support and furtherance of its findings and determination that the historical, cultural, and aesthetic heritage of the City of Canton is among its most valued and important assets and that the preservation of this 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 historic and aesthetic attractions to residents, visitors and tourists and thereby promote and stimulate business;

In order to enhance the opportunities for federal or state tax benefits under relevant provisions of federal or state law; and

In order to provide for the designation, protection, preservation, and rehabilitation of historic properties and historic districts and to participate in federal or state programs to do the same;

The Canton City Council 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, objects, and environmental features having a special historical, cultural, or aesthetic interest or value, in accordance with the provisions of this Ordinance.

SECTION II

Definitions

- A. “Building” – Any structure attached to the ground having a roof supported by columns or walls and intended for shelter, housing or enclosure of persons, animals or personal property.
- B. “Certificate of Appropriateness” - Means a document evidencing approval by the Historic Preservation Commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.
- C. “Exterior Architectural Features” - Means the architectural style, general design, and general arrangement of the exterior of a building, structure, or object, including but not limited to the kind or texture of the building materials and the type and style of all windows, doors, signs, and other appurtenant architectural fixtures, features, details, or elements relative to the forgoing.
- D. “Exterior Environmental Features” - Means all those aspects of the landscape or the development of a site which affect the historic character of the property, including but not limited to walls, fences, walkways, steps, paving materials, specimen trees, historic markers, art, monuments, statuary, pergolas and gazebos.
- E. “Historic District” - Means a geographically definable area, possessing a significant concentration, linkage, or continuity of sites, buildings, 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. A Historic District shall further mean an area designated by the Canton City Council as a Historic District pursuant to the criteria established in Section IV. B. of this Ordinance.
- F. “Historic Property” - Means an individual building, structure, site, or object including the adjacent area necessary for the proper appreciation thereof designated by the Canton City Council as a historic property pursuant to the criteria established in Section IV. C. of this Ordinance.
- G. “Material Change in Appearance” - Means a change that will affect either the exterior architectural or environmental features of a historic property or any building, structure, site, object, or environmental feature within a historic district, such as:
 - 1. A reconstruction or alteration of the size, shape, or façade of a property, including relocation of any doors or windows or removal or alteration of any architectural features, details, or elements;

2. Demolition or relocation of a building, structure, site, or object;
 3. Commencement of excavation for construction purposes;
 4. A change in the location of advertising visible from the public right-of-way; or
 5. The erection, alteration, restoration, or removal of any building or other construction within a historic property or district, including exterior environmental features or other appurtenant features, except exterior paint alterations.
- H. “Object” – An object is a material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.
- I. “Ordinary Maintenance or Repair” – Work that corrects deterioration, decay or damage of any exterior architectural or environmental feature in a historic district or on a historic property or to sustain the existing form, and that does not involve a material change in design, material or outer appearance thereof and does not require a Certificate of Appropriateness.
- J. “Site” – A site is the location of a significant event, a prehistoric or historical occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure.
- K. “Specimen Tree” – A tree that is judged to be 50 years old or older. A specimen tree shall further mean a tree that is unique due to age, size, species or historic relevance in accordance with criteria established by tree protection and landscaping regulations in the City of Canton Unified Development Code.
- L. “Structure” – Anything constructed or erected, the use of which requires attachment to the ground, attachment to something located on the ground, or placement on the ground.

SECTION III

Creation of a Historic Preservation Commission

A. Creation of the Commission:

There is hereby created a commission whose title shall be the “CANTON HISTORIC PRESERVATION COMMISSION” (hereinafter “Commission”).

B. Commission Position within the City Government:

The Commission shall be part of the planning functions of the City of Canton and shall be administered by the staff of the City of Canton Community Development Department.

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

The Commission shall consist of ~~five (5)~~ **[seven (7)]** members appointed by the Mayor and ratified by the City Council. All members shall be residents of the City of Canton, and a majority of the members shall be persons who have demonstrated special interest, experience, or education in history, architecture, or the preservation of historic resources.

Members shall serve three-year terms. Members may not serve more than two (2) consecutive terms. In order to achieve staggered terms, initial appointments shall be: ~~one (1)~~ **[two (2)]** member**[s]** for one (1) year; two (2) members for two (2) years; and ~~two (2)~~ **[three (3)]** members for three (3) years. City Council shall provide for the compensation and reimbursement for actual and necessary expenses of the members in accordance with Article III of the Canton City Code.

D. Statement of Commission's Powers:

1. The Commission shall be authorized to:

- a. Prepare and maintain an inventory of all property within the City of Canton having the potential for designation as historic property;
- b. Recommend to the Canton City Council specific districts, sites, buildings, structures, or objects to be designated by ordinance as historic properties or historic districts;
- c. Review applications for Certificates of Appropriateness, and grant or deny the same in accordance with the provisions of this Ordinance;
- d. Recommend to the Canton 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;
- e. Restore or preserve any historic properties acquired by the City of Canton;
- f. Promote the acquisition by the City of Canton of façade easements and conservation easements, as appropriate, in accordance with the provisions of the *Georgia Uniform Conservation Easement Act of 1992* (O.C.G.A., Section 44-10.1 through 5);
- g. Conduct educational programs on historic properties located within the City

of Canton and on general historic preservation activities;

- h. Make such investigations and studies of matters relating to historic preservation, including consultation with historic preservation experts, the Canton City Council or the Commission itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources;
- i. Seek out local, state, federal, or private funds for historic preservation, and make recommendations to the Canton City Council concerning the most appropriate uses of any funds acquired;
- j. Submit to the Historic Preservation Division of the Department of Natural Resources a list of historic properties or historic districts designated;
- k. Perform historic preservation activities as the official agency of the City of Canton historic preservation program;
- l. Employ persons, if necessary, to carry out the responsibilities of the Commission;
- m. Receive donations, grants, funds, or gifts of historic property and acquire and sell historic properties. The Commission shall not obligate the City of Canton without prior consent;
- n. 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; and
- o. Participate in private, state, and federal historic preservation programs and with the consent of the Canton City Council, enter into agreements to do the same.

E. Commission's Power to Adopt Rules and Standards:

The Commission shall adopt rules and standards for the transaction of its business and for consideration of applications for designation and Certificates of Appropriateness, such as by-laws, removal of membership provisions, and design guidelines and criteria. The 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 elect such officers as it deems appropriate from among its members. A quorum shall consist of a majority of the members.

F. Conflict of Interest:

The Commission shall be subject to all conflict of interest laws set forth in Georgia

Statutes and in the City of Canton Charter.

G. Commission's Authority to Receive Funding from Various Sources:

The Commission shall have the authority to accept donations and shall ensure that these funds do not displace appropriated governmental funds.

H. Records of Commission Meetings:

A public record shall be kept of the Commission's resolutions, proceedings and actions.

SECTION IV

Recommendation and Designation of Historic Districts and Properties

A. Preliminary Research by the Commission:

1. Commission's Mandate to Conduct a Survey of Local Historic Resources: The Commission shall compile and collect information and conduct surveys of historic resources within the City of Canton.
2. Commission's Power to Recommend Districts and Buildings to the Canton City Council for Designation: The Commission shall present to the Canton 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 Canton City Council for designation, the Commission shall prepare a Report for Nomination consisting of:
 - a. 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; and
 - d. Representative photographs.

B. Designation of a Historic District:

1. Criteria for Selection of Historic Districts: A historic district is a geographically

definable area, which contains buildings, structures, sites, objects, and exterior environmental features or a combination thereof, which:

- a. Is listed on the Georgia Register or National Register of Historic Places;
 - b. Has special character or special historic/aesthetic value or interest;
 - c. Represents one or more periods, styles, or types of architecture typical of one or more eras in the history of Canton, Cherokee County, the State of Georgia, or the region; or
 - d. Causes such area, by reason of such factors listed in this subsection, to constitute a visibly perceptible section of the City of Canton or Cherokee County.
2. Boundaries of Historic Districts: 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 Canton.
 3. Evaluation of Properties within Historic Districts: Individual properties within historic districts shall be classified as:
 - a. Contributing (contributes to the district); or
 - b. Non-contributing (does not contribute to the district, as provided for in Section IV.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, the State of Georgia, or the City of Canton for one of the following reasons:
 - a. It is listed on the Georgia Register or the National Register of Historic Places;
 - a. It is an outstanding example and representative of its era;
 - c. It is one of the few remaining examples of a past architectural style or type;
 - e. It is associated with an event or person(s) of historic or cultural significance to Canton, Cherokee County, the State of Georgia, or the region; or
 - e. It is a site of natural or aesthetic interest that is continuing to contribute to

the cultural or historical development and heritage of the City of Canton, Cherokee County, the State of Georgia, or the region.

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

1. Application for Designation of Historic Districts or Properties: Designations may be proposed by the Canton 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 name(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; and
 - d. Require that the property or district be shown on the Official Zoning Maps of the City of Canton and kept as a public record to provide notice of such designation.
3. Required Public Hearings: The Commission and the Canton 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 principle newspaper of local circulation, and written notice of the hearing shall be mailed by the Commission to all owners and occupants of such properties. All such notices shall be published or mailed not less than ten (10) nor more than twenty (20) days prior to the date set for the public hearing. A notice sent via the United States mail to the last-known owner of the property shown on the City of Canton tax digest and a notice sent via attention of the occupant shall constitute legal notification to the owner and occupant under this Ordinance.
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 for Nomination, 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 withdraw 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 a resolution to the Canton City Council.
6. Canton City Council's Action on the Commission's Recommendation: The City Council, after receiving the recommendation of the Commission at the first work session following the Commission recommendation, shall take appropriate action not later than the second regularly scheduled City Council meeting subsequent to the receipt thereof. Such action by the City Council shall be:
 - a. Adoption of the ordinance as proposed;
 - b. Adoption of the ordinance with any amendments deemed necessary; or
 - c. Rejection of the ordinance.
7. Notification of Adoption of Ordinance for Designation: Within thirty (30) days following the adoption of the ordinance for designation by the Canton City Council, the owner(s) and occupant(s) of each designated historic property and each individual property located within a designated historic district, shall be given written notification of such designation by the Canton City Council. This notice shall inform said owner(s) and occupant(s) 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 Canton 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 Canton 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.

SECTION V

Application to Preservation Commission for Certificate of Appropriateness

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

1. After the designation by ordinance of a historic property or a historic district, no material change in the appearance of such historic property, or of a contributing or non-contributing building, structure, site, object or exterior environmental feature within such historic district, shall be made or be permitted to be made by the owner or occupant thereof, unless or until an 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.
2. The following is a list of common, but not all inclusive, work items that cause a material change in appearance:
 - a. The construction, reconstruction, alteration, renovation, restoration, or removal of:
 - i. Accessory structures (carports, gazebos, sheds, etc.)
 - ii. Awnings/canopies
 - iii. Buildings/building additions
 - iv. Balconies
 - v. Cornices
 - vi. Doors
 - vii. Driveways
 - viii. Façades/exterior walls
 - ix. Fences/gates/walls
 - x. Fire escapes
 - xi. Fountains (decorative)
 - xii. Gutters/downspouts
 - xiii. Landscaping
 - xiv. Lighting
 - xv. Parking areas
 - xvi. Porches/patios (including enclosures)
 - xvii. Railings
 - xviii. Ramps
 - xix. Roofs
 - xx. Shutters
 - xxi. Signs
 - xxii. Sky lights
 - xxiii. Stairs
 - xxiv. Storefronts (entrances, bulkheads, transoms)
 - xxv. Utilities (mechanical systems, satellite dishes, HVAC, etc.)

- xxvi. Walkways
- xxvii. Windows
- b. Intensive cleaning (pressure washing, sandblasting, chemical, etc.)
- c. Addition of paint on previously unpainted surfaces
- d. Relocation of a building, structure or object

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:

Prior to reviewing an application, the Commission shall take such action as may reasonably be required to inform the owners of any property likely to be affected materially by the application and shall give the application and such owners an opportunity to be heard. In cases where the Commission deems it necessary, it may hold a public hearing concerning the application.

F. Acceptable Commission Reaction to Applications for Certificates of Appropriateness:

Commission Action: The Commission may approve the application for a Certificate of Appropriateness as proposed, approve the application 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 change(s) in 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 actions:

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 materials, setback and site features, to the *Secretary of the Interior's Standards for Rehabilitation*, along with any published *Guidelines* accompanying the *Standards*, and to local design guidelines adopted by the Commission.

b. Relocation: A decision by the Commission approving or denying a Certificate of Appropriateness for the relocation of a building, structure, or object shall be guided by:

1. The historic character and aesthetic interest the building, structure, or object contributes to its 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; and
4. Whether the proposed relocation area is compatible with the historic 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, structures, sites, specimen trees, or objects shall be guided by:

1. The historic, scenic, architectural, or archaeological significance of the building, structure, site, tree, or object;
2. The importance of the building, structure, site, tree, or object to the ambiance of a district;
3. The difficulty or the impossibility of reproducing such a building, structure, site, tree, or object because of its design, texture, material, detail, or unique location;
4. Whether the building, structure, site, tree, or object is one of the last remaining examples of its kind in the historic district or in the City of Canton;
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 object from collapse; and
7. Whether the building, structure, site, tree, or object is capable of earning reasonable economic return on its value.

G. Exemptions:

The Department of Transportation and any contractors, including cities and counties, performing work funded by the Department of Transportation are exempt from this article. Local governments are exempt from the requirement of obtaining Certificates of Appropriateness; provided, however, that local governments shall notify the Commission 45 days prior to beginning any undertaking that would otherwise require a Certificate of Appropriateness and allow the Commission an opportunity to comment.

H. 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 interpretations shall remain in harmony with the general purpose and intent of said provisions, so that the architectural 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 judgement, best fulfill the purpose of this Ordinance. An undue hardship shall not be a situation of the person's own making.

I. 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. Evidence of approval shall be by a Certificate of Appropriateness issued by the Commission. Notice of the issuance or denial of a Certificate of Appropriateness shall be sent by United States mail to the applicant and all other persons who have requested such notice in writing filed with the Commission.
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.

J. 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 disapproves 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 after doing so.
2. In cases where the application covers a material change in appearance 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.

K. 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 Canton City Council. Any such appeal must be filed with the Canton City Council within fifteen (15) days after the issuance of the determination pursuant to Section V.I.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.I. 2. of this Ordinance. The Canton City Council may approve, modify, or reject the determination made by the Commission, if it finds that the Commission abused its discretion in reaching its decision. Appeals from decisions of the Canton City Council may be taken to the Superior Court of Cherokee County in the manner provided by law for appeals from conviction for City of Canton ordinance violations.

L. 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 Commission and the Canton City Council 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.

M. 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.

N. Recording an Application 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 applications.

O. Acquisition of Property:

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

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.

B. Failure to Provide Ordinary Maintenance or Repair:

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 and the Community Development Department 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 exterior openings which allow the elements and vermin to enter, or the deterioration of a building's structural system shall constitute failure to provide ordinary maintenance or repair.

2. In the event the Commission and the Community Development Department

determines a failure to provide ordinary maintenance or repair, the City of Canton Codes Official shall notify the owner of the property in accordance with the Notice of Violation, Order, or Citation provisions for Violations of Property Maintenance Code in the City of Canton Unified Development Code, and set forth the steps which need to be taken to remedy the situation. The owner of such property shall have sixty (60) days in which to implement these steps.

3. In the event that the condition is not remedied in sixty (60) days, the property owner may request an extension to complete the necessary maintenance or repair. The City of Canton Codes Official in conjunction with the Community Development Department shall review such requests, and if approved, identify a new timeframe within which the maintenance or repairs shall be made by the property owner.
4. In the event that the condition is not remedied in sixty (60) days and an extension was not requested by the property owner, or the condition is not remedied within the extended timeframe granted by the Codes Official and the Community Development Department in accordance with the terms of this Section, the property owner shall be punished as provided in Section VII of this Ordinance and, at the direction of the Canton 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.

C. Affirmation of Existing Building and Zoning Codes:

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

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 other validly enacted ordinances of the City of Canton.

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 was not originally part thereof.

SECTION IX

Repealer

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

SECTION X

Effective Date

This Ordinance shall become effective on _____.

THEREFORE BE IT RESOLVED, that the Canton City Council does hereby ordain, resolves, and enacts the foregoing Historic Preservation Ordinance for the City of Canton, Georgia.

Adopted this 22nd [21st] day of January [May], 2015.

Date of Implementation: 22ⁿ- [21st] day of January [May], 2015.

Gene Hobgood, Mayor

Attest: _____
Susan Stanton, City Clerk

Approved as to form and content:

Robert M. Dyer, City Attorney

First Reading _____

Adopted by Council _____

Approved by Mayor _____

Veto by Mayor _____

Second Vote by Council _____

Effective Date _____