

1 STATE OF GEORGIA  
2 COUNTY OF FULTON  
3 CITY OF SOUTH FULTON

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6 **AN ORDINANCE PROVIDING FOR REGULATIONS PROTECTING THE**  
7 **HISTORICAL QUALITIES OF THE CITY; AMENDING TITLE 5, ZONING AND**  
8 **PLANNING, CHAPTER 7, HISTORIC AND CULTURAL LANDMARKS COMMISSION**  
9 **AND FOR OTHER LAWFUL PURPOSES**

10  
11 **(Sponsored by Councilpersons khalid and Rowell)**

12  
13 **WHEREAS**, the City of South Fulton (“City”) is a municipal corporation duly  
14 organized and existing under the laws of the State of Georgia;

15  
16 **WHEREAS**, the duly elected governing authority of the City, is the Mayor and  
17 Council thereof (“City Council”);

18 **WHEREAS**, the City Council is authorized by O.C.G.A. Section 36-35-3 to adopt  
19 ordinances relating to its property, affairs, and local government;

20 **WHEREAS**, Section 1.12(b)(4) of the City Charter authorizes the City to regulate  
21 and license buildings and all other structures;

22  
23 **WHEREAS**, the City Council desires to amend the existing Ordinance No 2017-  
24 040 in order for the City to participate in and be eligible for Certified Local Government  
25 Program; and to ensure compliance with both the Georgia Historic Preservation Act and  
26 the Georgia Local Government Program Application and Procedures; and

27  
28 **WHEREAS**, the City Council finds this Ordinance to be in the best interest of  
29 the health, safety, and welfare of, the citizens of the City.

30  
31 **NOW THEREFORE, THE COUNCIL OF THE CITY OF SOUTH FULTON**  
32 **HEREBY ORDAINS** as follows:

33 **Section 1.** Title 5, Zoning and Planning, Chapter 7, Historic and Cultural  
34 Landmarks Commission, Section 5-7001, Creation and Appointment is hereby amended  
35 by replacing the same with the following:  
36

37 **CHAPTER 7. - HISTORIC AND CULTURAL LANDMARKS COMMISSION**

38 **Sec. 5-7001. – Purpose, Authority, Definitions, Creation, and Appointment.**

39 (a) The mayor and council find that the historical and cultural heritage of the City is  
40 among its most valued and important assets and that the preservation of this  
41 heritage is essential to the promotion of the health, prosperity and general welfare  
42 of the people of the City and of the public generally. Therefore, pursuant to the

43 authority conferred by the National Historic Preservation Act of 1976, as amended,  
44 (16 USC 470 *et seq.*) and by the Georgia Historic Preservation Act of 1980, as  
45 amended, (O.C.G.A. § 44-10-21 *et seq.*), and for the purposes of establishing a  
46 uniform procedure for use in providing for the protection, enhancement,  
47 perpetuation and use of historic properties and historic districts, having a special  
48 historical and cultural interest or value; protecting and safeguarding the City's  
49 historic and cultural heritage, as embodied and reflected in such properties and  
50 districts; stabilizing and improving the property values of such properties and  
51 districts to retain and attract residents and to encourage restoration and  
52 rehabilitation efforts; protecting and enhancing the City's attractions to tourists and  
53 visitors and the support and stimulus to business and industry thereby provided;  
54 strengthening the economy of the City; enhancing the opportunities for federal and  
55 state tax benefits under relevant provisions of federal and state law; seeking to  
56 participate in federal and state programs that provide for the designation,  
57 protection, preservation and rehabilitation of such properties and districts;  
58 fostering civic pride in the beauty and accomplishments of the past; promoting the  
59 use of such properties and districts for the education, pleasure, and welfare of the  
60 people of the City; all in accordance with the City's adopted comprehensive plan,  
61 as amended, the mayor and council hereby ordain and enact into law this chapter.

62 (b) The Historic and Cultural Landmarks Commission shall adopt rules and standards  
63 for the transaction of its business and for consideration of application for  
64 designation of Certificate of Appropriateness, such as by-laws, removal of  
65 membership provision, and design guidelines and criteria. The Historic and Cultural  
66 Landmarks Commission shall have the flexibility to adopt rules and standards  
67 without amendment to this Ordinance.

68 (c) The provisions of this chapter shall govern all land, buildings and structures within  
69 the incorporated limits of the city.

70 (d) The following words, terms and phrases when used in this chapter, shall have the  
71 meanings ascribed to them in this section, except where the context clearly  
72 indicates a different meaning:

73 *Certificate of Appropriateness* means a document approving a proposal to make a  
74 material change in the appearance of a designated historic property or of a structure,  
75 site, or work of art located within a designated historic district, which document must  
76 be obtained from a Historic and Cultural Landmarks Commission before such material  
77 change may be undertaken.

78 *Commission* means the Historic and Cultural Landmarks Commission created and  
79 established pursuant to O.C.G.A. Section 44-10-24.

80 *Designation* means a decision by the mayor and council wherein a property or  
81 district proposed for preservation is located to designate such property or district as a  
82 "historic property" or as a "historic district" and thereafter to preclude all material  
83 changes in appearance of such property or within such district prior to the issuance of  
84 a certificate of appropriateness by the Historic and Cultural Landmarks Commission.

85        *Exterior architectural features* means the architectural style, general design and  
86 general arrangement of the exterior of a building or other structure, including, but not  
87 limited to the kind or texture of the building material; the type and style of all windows,  
88 doors and signs; and other appurtenant architectural fixtures, features, details or  
89 elements relative to the foregoing.

90        *Exterior environmental features* means all those aspects of the landscape which  
91 affect the historic character of the property or the development of the site, including  
92 but not limited to parking areas, driveways, walkways, fences, wall, landscaping, signs  
93 or other permanent landscape elements; and other appurtenant environmental  
94 fixtures, features, details or elements relative to the foregoing.

95        *Historic district* means a geographically definable area, urban or rural, which  
96 contains structures, sites, works of art, or a combination thereof which:

- 97            i.    Have special character or special historical or aesthetic interest or value;
- 98            ii.    Represent one or more periods or styles of architecture typical of one or  
99            more eras in the history of the municipality, county, state, or region; and
- 100           iii.    Cause such area, by reason of such factors, to constitute a visibly  
101           perceptible section of the municipality or county.

102        *Historic preservation jurisdiction* means the area within the incorporated limits of  
103 the city.

104        *Historic property* means a structure, site, or work or art, including the adjacent  
105 area necessary for the proper appreciation or use thereof, deemed worthy of  
106 preservation by reason of its value to the municipality, county, state, or region for one  
107 or more of the following reasons:

- 108           i.    It is an outstanding example of a structure representative of its era;
- 109           ii.    It is one of the few remaining examples of a past architectural style;
- 110           iii.    It is a place or structure associated with an event or person of historic or  
111           cultural significance to the municipality, county, state, or region; or
- 112           iv.    It is a site of natural or aesthetic interest that is continuing to contribute to  
113           the cultural or historical development and heritage of the municipality,  
114           county, state, or region.

115        *Material change in appearance* means a change that will affect either the exterior  
116 architectural or environmental features of a historic property or of any place, district,  
117 site, building, structure, object or work of art within a historic district, including but not  
118 limited to the following:

- 119 i. A reconstruction or alteration of the size, shape or facade of a historic  
120 property, including relocation of any doors or windows or removal or  
121 alteration of any architectural features, details or elements;
- 122 ii. Demolition or relocation of a historic property;
- 123 iii. Commencement of excavation;
- 124 iv. A change in the location of advertising visible from the public right-of-way  
125 on any historic property; or
- 126 v. The erection, alteration, restoration or removal of any building or other  
127 structures within a designated historic district, including walls, fences,  
128 steps and pavements or other appurtenant environmental features,  
129 except exterior paint alterations.

130 *Owner* means the holder of the title in fee simple.

131 *Parties in interest* means persons in possession of such property and all  
132 individuals, associations and corporations who have an interest of record in the county  
133 where the property is located in a place, site, building, structure or work of art,  
134 including executors, administrators, guardians and trustees.

135 (e) There is hereby created the Historic and Cultural Landmarks Commission to be  
136 comprised of ten members ("commission members"). Eight of the members shall be  
137 qualified electors of the City who are appointed by the Mayor and ratified by the City  
138 Council. The planning and development director and the building official shall be ex  
139 officio, nonvoting members of the Historic and Cultural Landmarks Commission.

140 (f) The City Council shall appoint representatives who have demonstrated their civic  
141 interest, general knowledge of the community, experience or education in history,  
142 architecture, or the preservation of historic resources, independent judgment and  
143 availability to prepare for and attend meetings. Whenever feasible, appointees  
144 should be practicing professionals from the fields of architecture, landscape  
145 architecture, history, urban planning, archeology, real estate, law, or other  
146 disciplines related to historic preservation. All Historic and Cultural Landmarks  
147 Commission members, regardless of background, shall have a known and  
148 demonstrated interest, competence or knowledge in historic preservation and  
149 planning within the city.

150 (g) As nearly as is reasonably possible, the Historic and Cultural Landmarks  
151 Commission members as a whole shall fairly represent the ethnic makeup of the  
152 city. All members shall be residents of the City.

153 (h) All Commission members shall serve without compensation.

154 **Section 2.** Title 5, Zoning and Planning, Chapter 7, Historic and Cultural  
155 Landmarks Commission, Section 5-7004, Power and duties is hereby amended by  
156 replacing the same with the following:  
157

158 **CHAPTER 7. - HISTORIC AND CULTURAL LANDMARKS COMMISSION**

159 **Sec. 5-7004. - Power and duties.**

160 The Historic and Cultural Landmarks Commission shall be empowered to:

- 161 (1) Prepare an inventory of all property within the City's respective historic  
162 preservation jurisdiction having the potential for designation as historic property.
- 163 (2) Recommend to the City council specific places, districts, sites, buildings,  
164 structures, or works of art to be designated by ordinance as historic properties  
165 or historic districts; Initiate and/or consider nominations, hold hearings and  
166 recommend to the city council that certain structures and property be  
167 designated as highly significant endangered, historic and cultural landmark or  
168 demolition delay, or that an area containing two or more eligible structures be  
169 designated as a historic and cultural landmark district.
- 170 (3) Review applications for certificates of appropriateness and grant or deny the  
171 same in accordance with Code Section 44-10-28.
- 172 (4) Recommend to the city council that the designation of any place, district, site,  
173 building, structure, or work of art as a historic property or as a historic district be  
174 revoked or removed.
- 175 (5) Restore or preserve any historic properties acquired by the City.
- 176 (6) Promote the acquisition by the City of façade easements and conservation  
177 easements in accordance with the provisions of the Georgia Uniform  
178 Conservation Easement Act of 1992 and Georgia Annotated Code Sections 44-  
179 10-1 through 44-10-8.
- 180 (7) Conduct an educational program on historic properties located within its historic  
181 preservation jurisdiction.
- 182 (8) Make such investigations and studies of matters relating to historic preservation  
183 as the local governing body or the commission itself may from time to time  
184 deem necessary or appropriate for the purposes of this article.
- 185 (9) Seek out state and federal funds for historic preservation and make  
186 recommendations to the local governing body concerning the most appropriate  
187 use of any funds acquired.
- 188 (10) Consult with historic preservation experts in the Division of Historic  
189 Preservation of the Department of Natural Resources or its successor and the  
190 Georgia Trust for Historic Preservation, Inc.
- 191 (11) Submit to the Division of Historic Preservation of the Department of Natural  
192 Resources or its successor a list of historic properties or historic districts  
193 designated as such pursuant to Code Section 44-10-26.
- 194 (12) Perform historic preservation activities as the official agency of the City of South  
195 Fulton Historic Preservation Program.

- 196 (13) Participate in private, state, and federal historic preservation programs and with  
197 the consent of the South Fulton City Council, enter into agreements to do the  
198 same.
- 199 (14) Receive donations, grants, funds, or gifts of historic property and acquire and  
200 sell historic properties. The Commission shall not obligate the City without prior  
201 consent.
- 202 (15) Review and make comments to the Historic Preservation Division of the  
203 Department of Natural Resources concerning the nomination of properties  
204 within its jurisdiction to the National Register of Historic Places.
- 205 (16) Prepare rules and procedures as necessary to carry out the business of the  
206 Historic and Cultural Landmarks Commission, which shall be ratified by the city  
207 council.
- 208 (17) Create committees from among its membership to advise the Historic and  
209 Cultural Landmarks Commission in carrying out its powers and duties.
- 210 (18) Administer the city's certified local government program.
- 211 (19) Maintain written minutes, which record all actions taken by the Historic and  
212 Cultural Landmarks Commission and the reasons for such actions.
- 213 (20) Increase public awareness of the value of historic, cultural, architectural and  
214 archeological preservation by developing and participating in public education  
215 programs.
- 216 (21) Conduct ongoing surveys to identify and list significant historical, cultural,  
217 architectural and archeological resources.
- 218 (22) Make recommendations to the City council for the employment of professional  
219 consultants as necessary to assist in carrying out the duties of the Historic and  
220 Cultural Landmarks Commission.
- 221 (23) Create, maintain, revise and amend the historic resources survey.
- 222 (24) Maintain a current database of historic structures.
- 223 (25) Adopt, enforce and amend design guidelines for structures designated highly  
224 significant endangered or historic and cultural landmark or located in a historic  
225 and cultural landmark district.
- 226 (26) Hold hearings and make decisions concerning the issuance of certificates of  
227 appropriateness for demolition, relocation or other work on designated  
228 structures and, when appropriate, recommend salvage plans in connection with  
229 such demolition, relocation or other work.
- 230 (27) Review public works and public utility projects to be constructed on the  
231 premises of, or immediately adjacent to, historic structures and make  
232 recommendations concerning whether they are appropriate to the character of  
233 the area.
- 234 (28) Recommend enforcement actions to be taken against property owners who  
235 permit the demolition by neglect of a designated historic structure or property.

- 236 (29) Advise and consult with the owners of historically and architecturally  
237 significant structures.
- 238 (30) Propose incentive programs for rehabilitation of historically designated  
239 structures and properties.
- 240 (31) Review requests regarding participation in historic preservation economic  
241 incentive programs and forward recommendations concerning such requests to  
242 the city council.
- 243 (32) Make recommendations to the city council concerning the utilization of city,  
244 state, federal or private funds to promote historic preservation in the city.
- 245 (33) Recommend recognition of the owners of structures or property designated  
246 in accordance by means of certificates, plaques or markers.
- 247 (34) Recommend to the city council that the city act as a conservator in the public  
248 interest through mediation, arbitration or, in extreme cases, litigation.
- 249 (35) Recommend to the city council that the city accept the donation of  
250 preservation easements and development rights, as well as gifts for the  
251 purpose of historic preservation.
- 252 (36) Exercise such other and further powers as may be conferred on the Historic  
253 and Cultural Landmarks Commission by city codes or ordinances.

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255 **Section 3.** Title 5, Zoning and Planning, Chapter 7, Historic and Cultural  
256 Landmarks Commission, is hereby amended by creating and adding Section 5-7007,  
257 Designation by Ordinance of Historic Properties or Historic Districts:  
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259 **CHAPTER 7. - HISTORIC AND CULTURAL LANDMARKS COMMISSION**

260 **Sec. 5-7007. - Designation by Ordinance of Historic Properties or Historic**  
261 **Districts.**

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263 (a) Ordinances adopted by the City to designate historic properties or historic districts  
264 shall be subject to the following requirements:

- 265 (1) Any ordinance designating any property as a historic property or any district as a  
266 historic district shall require that the designated property or district be shown on  
267 the official zoning map of the City or that, in the absence of an official zoning  
268 map, the designated property or district be shown on a map of the City adopting  
269 such ordinance and kept by the City as a public record to provide notice of such  
270 designation in addition to other notice requirements specified by this section;
- 271 (2) Any ordinance designating any property as a historic property shall describe  
272 each property to be designated, shall set forth the name or names of the owner  
273 or owners of the property, and shall require that a certificate of appropriateness

274 be obtained from the Historic and Cultural Landmarks Commission prior to any  
275 material change in appearance of the designated property; and

276 (3) Any ordinance designating any district as a historic district shall include a  
277 description of the boundaries of the district, shall list each property located  
278 therein, shall set forth the name or names of the owner or owners of each  
279 property, and shall require that a certificate of appropriateness be obtained from  
280 the Historic and Cultural Landmarks Commission prior to any material change in  
281 appearance of any structure, site, or work of art located within the designated  
282 historic district.

283  
284 (b) No ordinance designating any property as a historic property and no ordinance  
285 designating any district as a historic district nor any amendments thereto may be  
286 adopted by the City nor may any property be accepted or acquired as historic property  
287 by the City until the following procedural steps have been taken:

288  
289 (1) The Commission shall make or cause to be made an investigation and shall  
290 report on the historic, cultural, architectural, or aesthetic significance of each  
291 place, district, site, building, structure, or work of art proposed for designation or  
292 acquisition. This report shall be submitted to the Division of Historic Preservation  
293 of the Department of Natural Resources or its successor which will be allowed 30  
294 days to prepare written comments concerning the report;

295 (2) The Commission and the City shall hold a public hearing on the proposed  
296 ordinance. Notice of the hearing shall be published at least three times in the  
297 principal newspaper of general circulation within the municipality or county in  
298 which the property or properties to be designated or acquired are located; and  
299 written notice of the hearing shall be mailed by the Commission to all owners and  
300 occupants of such properties. All the notices shall be published or mailed not  
301 less than 10 nor more than 20 days prior to the date set for the public hearing;  
302 and

303 (3) Following the public hearing, the City may adopt the ordinance as prepared,  
304 adopt the ordinance with any amendments it deems necessary, or reject the  
305 proposal.

306  
307 (c) Within 30 days immediately following the adoption of the ordinance, the owners and  
308 occupants of each designated historic property and the owners and occupants of each  
309 structure, site, or work of art located within a designated historic district shall be given  
310 written notification of such designation by the City, which notice shall apprise said  
311 owners and occupants of the necessity for obtaining a Certificate of Appropriateness  
312 prior to undertaking any material change in the appearance of the historic property  
313 designated or within the historic district designated.

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315 **Section 4.** Title 5, Zoning and Planning, Chapter 7, Historic and Cultural  
316 Landmarks Commission, is hereby amended by creating and adding Section 5-7008,  
317 Certificate of Appropriateness Requirements and Exemption:

318  
319 **CHAPTER 7. - HISTORIC AND CULTURAL LANDMARKS COMMISSION**

320 **Sec. 5-7008. - Certificate of Appropriateness Requirements and Exemption.**

321 (a) After the designation by ordinance of a historic property or of a historic district, no  
322 material change in the appearance of the historic property or of a structure, site, or work  
323 of art within the historic district shall be made or be permitted to be made by the owner  
324 or occupant thereof unless and until application for a Certificate of Appropriateness has  
325 been submitted to and approved by the Commission. Such application shall be  
326 accompanied by such drawings, photographs, or plans as may be required by the  
327 Commission.

328  
329 (b) The Department of Transportation and any contractors, including cities and counties,  
330 performing work funded by the Department of Transportation are exempt from this  
331 article. Local governments are exempt from the requirement of obtaining certificates of  
332 appropriateness; provided, however, that local governments shall notify the Commission  
333 45 days prior to beginning an undertaking that would otherwise require a Certificate of  
334 Appropriateness and allow the Commission an opportunity to comment.

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336 **Section 5.** Title 5, Zoning and Planning, Chapter 7, Historic and Cultural  
337 Landmarks Commission, is hereby amended by creating and adding Section 5-7009,  
338 Procedure for Review of Applications.

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340 **CHAPTER 7. - HISTORIC AND CULTURAL LANDMARKS COMMISSION**

341 **Sec. 5-7009. - Procedure for Review of Applications.**

342 (a) Prior to reviewing an application for a Certificate of Appropriateness, the  
343 Commission shall take such action as may reasonably be required to inform the owners  
344 of any property likely to be affected materially by the application and shall give the  
345 applicant and such owners an opportunity to be heard. In cases where the Commission  
346 deems it necessary, it may hold a public hearing concerning the application.

347  
348 (b) The Commission shall approve the application and issue a Certificate of  
349 Appropriateness if it finds that the proposed material change in appearance would not  
350 have a substantial adverse effect on the aesthetic, historical, or architectural  
351 significance and value of the historic property or the historic district. In making this  
352 determination, the Commission shall consider, in addition to any other pertinent factors,  
353 the historical and architectural value and significance; architectural style; general  
354 design, arrangement, texture, and material of the architectural features involved; and  
355 the relationship thereof to the exterior architectural style and pertinent features of other  
356 structures in the immediate neighborhood.

357 (c) In its review of applications for Certificates of Appropriateness, the Commission shall  
358 not consider interior arrangement or uses having no effect on exterior architectural  
359 features.

360 (d) The Commission shall approve or reject an application for a Certificate of  
361 Appropriateness within 45 days after the filing thereof by the owner or occupant of a  
362 historic property or of a structure, site, or work of art located within a historic district.  
363 Evidence of approval shall be by a Certificate of Appropriateness issued by the  
364 Commission. Failure of the Commission to act within the 45-day period shall constitute  
365 approval, and no other evidence of approval shall be needed.

366 (e) In the event the Commission rejects an application, it shall state its reasons for doing  
367 so and shall transmit a record of such action and the reasons therefor, in writing, to the  
368 applicant. The Commission may suggest alternative courses of action it thinks proper if  
369 it disapproves of the application submitted. The applicant, if he so desires, may make  
370 modifications to the plans and may resubmit the application at any time after doing so.

371 (f) In cases where the application covers a material change in the appearance of a  
372 structure which would require the issuance of a building permit, the rejection of an  
373 application for a Certificate of Appropriateness by the Commission shall be binding  
374 upon the building inspector or other administrative officer charged with issuing building  
375 permits; and, in such a case, no building permit shall be issued.

376 (g) Where such action is authorized by the City and is reasonably necessary or  
377 appropriate for the preservation of a unique historic property, the Commission may  
378 enter into negotiations with the owner for the acquisition by gift, purchase, exchange, or  
379 otherwise of the property or any interest therein.

380 (h) Where, by reason of unusual circumstances, the strict application of any provision of  
381 this article would result in exceptional practical difficulty or undue hardship upon any  
382 owner of any specific property, the Commission, in passing upon applications, shall  
383 have the power to vary or modify strict adherence to the provisions or to interpret the  
384 meaning of the provision so as to relieve such difficulty or hardship; provided, however,  
385 that such variance, modification, or interpretation shall remain in harmony with the  
386 general purpose and intent of the provisions so that the architectural or historical  
387 integrity or character of the property shall be conserved and substantial justice done. In  
388 granting variations, the Commission may impose such reasonable and additional  
389 stipulations and conditions as will in its judgment best fulfill the purpose of this article.

390 (i) The Commission shall keep a record of all applications for Certificates of  
391 Appropriateness and of all its proceedings.

392 (j) Any person adversely affected by any determination made by the Commission  
393 relative to the issuance or denial of a Certificate of Appropriateness may appeal such  
394 determination to the City of South Fulton City Council in whose historic preservation  
395 jurisdiction the property in question is located; and City Council may approve, modify  
396 and approve, or reject the determination made by the Commission if the City Council

397 finds that the Commission abused its discretion in reaching its decision. The ordinances  
398 adopted in conformity with Code Section 44-10-26 shall specify the procedures for the  
399 review of decisions of the Commission by the City Council. Appeals from decisions of  
400 the City Council made pursuant to this article may be taken to the superior court in the  
401 manner provided by law for appeals from a conviction for municipal ordinance  
402 violations.

403 **Section 6.** Title 5, Zoning and Planning, Chapter 7, Historic and Cultural  
404 Landmarks Commission, is hereby amended by creating and adding Section 5-7010,  
405 Maintenance of Historic Properties and Code Provisions.  
406

407 **CHAPTER 7. - HISTORIC AND CULTURAL LANDMARKS COMMISSION**

408 **Sec. 5-7010. - Maintenance of Historic Properties and Code Provisions.**

409 (a) Ordinary Maintenance or Repair of any exterior architectural or environmental  
410 feature in or on a historic property to correct deterioration, decay, or to sustain the  
411 existing form, and that does not involve a material change in design, material or outer  
412 appearance thereof, does not require a Certificate of Appropriateness.

413 (b) Property owners of historic properties or properties within historic district shall not  
414 allow their buildings to deteriorate by failing to provide ordinary maintenance or repair.  
415 The Commission shall be charged with the following responsibilities regarding  
416 deterioration by neglect.

417 1. The Commission shall monitor the condition of historic properties and existing  
418 buildings in historic districts to determine if they are being allowed to deteriorate  
419 by neglect. Such conditions as broken windows, doors and exterior openings  
420 which allow the elements and vermin to enter, or the deterioration of a building  
421 structural system shall constitute failure to provide ordinary maintenance or  
422 repair.

423 2. In the event the Commission determines a failure to provide ordinary  
424 maintenance or repair, the Commission will notify the owner of the property and  
425 set forth the steps which need to be taken to remedy the situation. The owner of  
426 such property will have 30 days to bring the property into compliance.

427 3. In the event that the condition is not remedied in 30 days, the owner shall be  
428 punished as provided in Section 5-7011 of this Ordinance and, at the direction of  
429 the City of South Fulton City council, the Commission may perform such  
430 maintenance or repair as is necessary to prevent deterioration by neglect. The  
431 owner of the property shall be liable for the cost of such maintenance and repair  
432 performed by the Commission.

433 (c) Nothing in this Ordinance shall be constructed as to exempt property owners from  
434 complying with existing City building and zoning codes, nor prevent any property owner  
435 from making any use of this property not prohibited by other statutes, ordinances, or  
436 regulations.

437 **Section 7.** Title 5, Zoning and Planning, Chapter 7, Historic and Cultural  
438 Landmarks Commission, is hereby amended by creating and adding Section 5-7011,  
439 Penalty.  
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441 **CHAPTER 7. - HISTORIC AND CULTURAL LANDMARKS COMMISSION**

442 **Sec. 5-7011. - Penalty.**  
443

444 Violations of any provisions of this Ordinance shall be punished in the same manner as  
445 provides for punishment of violations of validly enacted Ordinances of the City of South  
446 Fulton.  
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448 \*\*\*\*\*  
449

450 **Section 8.** It is hereby declared to be the intention of the City Council that: (a) All  
451 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were,  
452 upon their enactment, believed by the City Council to be fully valid, enforceable and  
453 constitutional.

454 (b) To the greatest extent allowed by law, each and every section, paragraph,  
455 sentence, clause or phrase of this Ordinance is severable from every other section,  
456 paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph,  
457 sentence, clause or phrase of this Ordinance is mutually dependent upon any other  
458 section, paragraph, sentence, clause or phrase of this Resolution.

459 (c) In the event that any phrase, clause, sentence, paragraph or section of this  
460 Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or  
461 otherwise unenforceable by the valid judgment or decree of any court of competent  
462 jurisdiction, it is the express intent of the City Council that such invalidity,  
463 unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not  
464 render invalid, unconstitutional or otherwise unenforceable any of the remaining  
465 phrases, clauses, sentences, paragraphs or sections of the Ordinance.

466 **Section 9.** All Ordinances and Resolutions in conflict herewith are hereby expressly  
467 repealed.

468 **Section 10.** The City Attorney, City Clerk and contracted City Codifier are  
469 authorized to make non-substantive formatting and renumbering edits to this ordinance  
470 for proofing, codification, and supplementation purposes. The final version of all  
471 Ordinances shall be filed with the clerk.

472        **Section 11.** The effective date of this Ordinance shall be on the date as set forth  
473 under Sec. 3.21 of the City Charter unless provided otherwise by applicable local, state  
474 and/or federal law.  
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517 The foregoing Ordinance No. 2020-xxx was moved for approval by Councilmember  
518 \_\_\_\_\_. The motion was seconded by Councilmember  
519 \_\_\_\_\_, and being put to a vote, the result was as  
520 follows:

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William "Bill" Edwards, Mayor  
Carmalitha Gumbs, Mayor Pro Tem  
Catherine Foster Rowell  
Helen Zenobia Willis  
Gertrude Naeema Gilyard  
Corey Reeves  
khalid kamau  
Mark Baker

	AYE	NAY
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535 THIS ORDINANCE so adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2020. **CITY OF**  
536 **SOUTH FULTON, GEORGIA.**

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540 \_\_\_\_\_  
541 WILLIAM "BILL" EDWARDS, MAYOR

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ATTEST:

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546 \_\_\_\_\_  
547 CORY E. ADAMS, INTERIM CITY CLERK

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APPROVED AS TO FORM:

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552 \_\_\_\_\_  
553 EMILIA C. WALKER, CITY ATTORNEY