ORDINANCE 2016-11

AN ORDINANCE BY THE GOVERNING AUTHORITY FOR THE CITY OF STONE MOUNTAIN TO AMEND CHAPTER 5, ARTICLE II, HISTORIC PRESERVATION COMMISSION; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

PART I

The Council of the City of Stone Mountain hereby ordains that Chapter 5, Article II, Historic Preservation Commission, of the The Code of the City of Stone Mountain, Georgia be amended as follows:

Delete in its entirety Section 5-40 and add new Section 5-40 which shall read as follows:

Sec. 5-40. Failure to maintain historic property.

Property owners within historic districts shall not allow their buildings to deteriorate by failing to provide ordinary maintenance or repair. The preservation commission shall monitor the condition of historic properties and existing buildings, structures, sites, and works of art located in historic districts to determine if they are being allowed to deteriorate by neglect.

If the preservation commission determines that a failure to provide ordinary maintenance and repair exists for a property in a historic district then the preservation commission will notify the property owner in writing by certified mail of the conditions of neglect which require remediation. The notice shall include a date for a hearing to allow the property owner to respond. The hearing shall be scheduled at a regular meeting of the preservation commission but not less than twenty-one (21) days from the date the notice is mailed.

Within ten (10) days after the hearing the preservation commission shall notify the property owner in writing by certified mail a statement of the conditions of neglect that must be remedied and a reasonable time period for the completion of the remediation, but not less than thirty (30) days from the date the statement is mailed.

If efforts to remediate the conditions are not begun within thirty (30) days of the date the statement is mailed then the property shall be considered in violation of this article and shall be subject to prosecution under the provisions of Chapter 5, Division 4, Nuisance Abatement Procedures, of The Code of the City of Stone Mountain, Georgia.

PART II

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

PART III

If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.
PART IV

This ordinance shall become effective on April 6, 2016.

This ordinance was proposed by Council Member ________________________ with a motion to adopt. Thereafter, the motion was seconded by Council Member _________________________. _____ Council Members voted in favor of the motion and _____ Council Members voted against the motion.

__________________________________  ______________________________________
Mayor Patricia Wheeler               Chaquias Thornton, City Clerk

Approved as to form:  ______________________________________
City Attorney Joe Fowler

First read:  ___________________________  Second read:  ___________________________