

ORDINANCE NO. 638

AN ORDINANCE PROVIDING FOR THE AMITY HISTORIC LANDMARKS COMMITTEE AND THE PROTECTION OF AMITY'S HISTORIC RESOURCES; AND REPEALING ORDINANCE NO. 491.

THE CITY OF AMITY ORDAINS AS FOLLOWS:

Section 1. Purpose: Districts, buildings, objects, structures, and sites in the City having special historical, architectural, or cultural significance should be identified, recognized, and preserved as a part of the City's heritage. To this end, regulatory controls and administrative procedures are necessary for the following reasons:

- (a) Stabilize and improve property values through restoration efforts;
- (b) Encourage ongoing viability of historic buildings;
- (c) Promote the education of local citizens on the benefits associated with an active historic preservation program;
- (d) Foster civic pride in the beauty and noble accomplishments of the past;
- (e) Protect and enhance the City's attractions for tourists and visitors; and
- (f) Strengthen the economy of the City.

Section 2. Definitions: For the purpose of this ordinance, certain terms and words are defined as follows: words in the present tense include the future, the singular tense include the plural and vice-versa; the word "shall" is mandatory; the word "may" is discretionary; and the masculine gender includes the feminine gender. The following terms shall mean:

Alteration: The addition to, removal of, removal from, or physical modification and/or repair of any exterior part or portion of an historical landmark.

Demolition: To raze, destroy, dismantle, deface or in any other manner cause partial or total ruin to an historic resource.

Eligible/Contributing: A building, structure, object, or site originally constructed within the applicable period of significance that retains and exhibits sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties strengthen the historic integrity of an existing or potential historic district.

Eligible/Significant: A building, structure, object, or site originally constructed within the applicable period of significance that retains and exhibits sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties strengthen the historic integrity of an existing or potential historic district, and are likely individually eligible for listing in the Local Landmark Register.

- Historic District: A geographical definable area of local, state, or national historical significance, the boundaries of which have specifically been adopted by the City Council.
- Historic Integrity: The quality of wholeness of historic location, design, setting, materials, workmanship, feeling, and/or association of a historic resource, as opposed to its physical condition.
- Historic Landmark: Any historic resource which is classified as “Contributing” or “Significant” on the Amity Historic Resources Survey.
- Historic Preservation Officer: The City Administrator or designee responsible for the administration of this Ordinance
- Historic Resource: A building, structure, object, site, or district that is at least fifty (50) years old or is of exceptional significance and potentially meets the age, integrity, and significance criteria for listing in the Local Landmark Register, but may not necessarily be recorded in the Historic Resource Survey.
- Historic Resource Survey: The record of buildings, structures, objects, and sites recorded by the City of Amity used to identify historic resources potentially eligible for listing in the Local Landmark Register.
- Historic Resources of Statewide Significance: Buildings, structures, sites, objects, and districts that are listed in the National Register.
- Historic Significance: The physical association of a building, structure, site, object, or district with historic events, trends, persons, architecture, method of construction, or that have yielded or may yield information important in prehistory or history.
- Landmark: A building, structure, site, object or district listed in the City of Amity’s Local Landmark Register.
- Local Landmark Register: The list of Historic Resources officially recognized by the City of Amity as important to in its history and afforded the protection under this Ordinance.
- National Register of Historic Places: The nation’s official list of buildings, structures, sites, objects, and districts important in the nation’s history and maintained by the National Park Service in Washington, D.C. and hereafter referred to as the “National Register.” Historic resources listed in the National Register are referred to as “Historic Resources of Statewide Significance” in Oregon Revised Statutes.
- Non-Contributing: A building, structure, object, or site originally constructed within the applicable period of significance that does not retain or exhibit sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties do not strengthen the historic integrity of an existing or potential historic district in their current condition.

Not in Period: A building, structure, object, or site that was originally constructed outside the applicable period of significance.

Notice of Delay: A notice submitted to the Building Department by the Historic Preservation Officer, which indicates that an application does not conform with the requirements of the Historic Landmarks Ordinance and sets forth delay periods on the issuance of a building permit, a demolition permit, or a moving permit for an Historic Landmark.

Ordinary Maintenance: Activities that do not remove materials or alter qualities that make a historic resource eligible for listing in the Local Landmark Register, including cleaning, painting, when color is not specifically noted in the Landmark's record of designation, and limited replacement of siding, trim, and window components when such material is beyond repair and where the new piece is of the same size, dimension, material, and finish as that of the original historic material. Excluded from this definition is the replacement of an entire window sash or more than twenty (20) percent of the siding or trim on any one side of a Landmark at any one time within one (1) calendar year.

Permit Clearance: Indication that an application conforms with the requirements of the Historic Landmarks Ordinance and which must be submitted to the Building Department by the Historic Preservation Officer prior to any building permit, demolition permit, or moving permit being issued for an Historic Landmark.

Record of Designation: The official document created by the Historic Preservation Officer that describes how a Landmark meets the criteria for listing in Section 7, the Local Landmark Register.

Rehabilitation: The process of returning a Local Landmark to a state of utility through repair or alteration, which makes possible an efficient use while preserving those portions and features of the Local Landmark and its site that convey its historic significance.

Section 3. Landmarks Committee: The Amity Historic Landmarks Committee is hereby established as an advisory body to the Planning Commission with the following provision.

- (a) **Membership.** The Historic Landmarks Committee shall consist of five members selected at large. Each member shall be entitled to one vote. The Mayor, subject to Council approval, shall appoint a Historic Landmark Committee, hereinafter referred to as the "Committee," of five members with a demonstrated competence, knowledge, or interest in historic preservation with preference given to those with professional experience in the fields of preservation, architecture, archaeology, community history, building trades, real estate, or related specialties.

- (b) Initial appointments to the Committee shall be for terms of one, two, and three years as determined by the Mayor. Subsequent terms of appointment shall be for three years, or in the case of a replacement, for the remainder of the unexpired term. Members shall be eligible for reappointment by the City Council after the expiration of their terms.
- (c) All members may serve three-year terms commencing on the first Tuesday in January, except that the initial term of the first members shall be for the duration of their appointments as Historic Landmarks Committee members. Any vacancy occurring in a position for any reason other than the expiration of the term shall be filled by appointment by the Council for the remainder of the term.
- (d) Role of the Committee. The Historic Landmarks Committee shall:
 - 1. Review the building permit applications for alterations to Historic Landmarks or construction upon historic sites where the guidelines for alteration provided in Section 11 of this ordinance would be violated as determined by the Historic Preservation Officer;
 - 2. Review of the demolition permit applications which would result in the destruction of Historic Landmarks;
 - 3. Evaluate and designate historic districts, buildings, structures, sites, and objects as provided by the procedures in Section 7 of this ordinance;
 - 4. Conduct surveys, inventories, and studies of potential historic resources as budgeted;
 - 5. Make recommendations to the Planning Commission and City Council regarding historic preservation issues, including, but not limited to, ordinance amendments and historic district designations;
 - 6. Promote public awareness and appreciation of the City's historic resources as budgeted;
 - 7. The Committee shall support the enforcement of all state laws relating to historic preservation; and
 - 8. Conduct other historic preservation functions as determined by the Historic Preservation Officer.

Section 4. Officers: The Historic Landmarks Committee at its first meeting of each calendar year shall elect a chairperson and vice-chairperson who shall hold office during the remainder of said year. Members of the committee shall also elect a secretary who shall be responsible for keeping an accurate record of all proceedings of said committee.

Section 5. Meeting-Quorum-Rules: A simple majority of the Historic Landmarks Committee members then serving shall constitute a quorum. The Historic Landmarks Committee, with the majority of its members concurring, may make and alter rules and regulations for its government and procedure consistent with the City charter and ordinances and with the State. The Historic Landmarks Committee may set a regularly scheduled meeting time. If no regular meeting time is established, the Historic

Landmarks Committee shall be called to meetings by the Historic Preservation Officer at such times as it is required to meet, which is not less than four times per year. All meetings are subject to the Oregon Public Meetings law.

Section 6. Historic Resources Survey: The Historic Resource Survey lists, describes, and determines the eligibility of historic resources for listing in the Local Landmark Register. Not all properties listed in the Historic Resource Survey are eligible for listing in the Local Landmarks Register. A property need not be first listed in the Historic Resource Survey before being nominated to the Local Landmark Register. The Committee shall determine and periodically revise priorities for the identification and evaluation of historic resources based on the community's needs and interests.

- (a) Surveyed properties shall be identified as Eligible/Significant (ES), Eligible/Contributing (EC), Non-Contributing (NC), or Not in Period (NP). Evaluation and documentation of properties in the Historic Resource Survey shall meet the requirements of the document "Guidelines for Historic Resource Surveys in Oregon, 2010" or most recent guidance for such efforts published by the SHPO and be supplied to the agency within six (6) months of the completion of the study.
- (b) The Historic Resource Survey shall be maintained as a public record with the exception of archaeological sites, which is prohibited by State law.
- (c) The Historic Landmarks Committee shall be authorized to recommend all additions, deletions, and changes to the survey. Any addition, deletion or change, including a reevaluation of the significance of any resource, shall conform to the requirements of this section.

Section 7. Local Landmark Register. The Committee may designate historic resources to the Local Landmark Register as a means of providing recognition of their significance and providing incentives and guidelines for their preservation. The Local Landmark Register is maintained by the Historic Preservation Officer and shall be available to the public.

- (a) Historic resources within the corporate boundaries of the City of Amity and listed in the National Register, including all National Register-listed historic districts in their entirety may be listed in the Local Landmark Register using the procedures outlined in subsection (c) below, but need not be documented as outlined in subsection (b)2 through (b)4 of this Section. In such cases, the National Register nomination shall serve as the Record of Designation. As Historic Resources of Statewide Significance, all National Register properties, including individual properties in recognized National Register historic districts are subject to the regulations pursuant to Oregon State Law.

(b) Criteria for Designating Historic Resources to the Local Landmark Register. Any building, structure, object, site, or district may be designated to the Local Landmark Register if it meets all of the criteria listed below:

1. The property is located within the boundaries of the City of Amity.
2. The property is over fifty (50) years of age or of exceptional importance, or in the case of a district, the majority of the properties are over fifty (50) years old or have exceptional significance.
3. The property possesses sufficient historic integrity, in that there are no major alterations or additions that have obscured or destroyed the significant historic features. Major alterations that may destroy the historic integrity include, but are not limited to, changes in pitch of the main roof, enlargement or enclosure of windows on principal facades, addition of upper stories or the removal of original upper stories, covering the exterior walls with non-historic materials, moving the resource from its original location to one that is dissimilar to the original, additions which significantly detract from or obscure the form and appearance of the historic resource when viewed from the public right-of-way.
4. The property has historic significance as demonstrated by meeting at least one of the following criteria:
 - i. Association with events that have made a significant contribution to the broad patterns of our history; and/or
 - ii. Association with the lives or persons significant in our past; and/or
 - iii. Embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; and/or
 - iv. Have yielded, or may be likely to yield, information important in prehistory or history.

(c) Nomination Procedure: The nomination procedures are as follows:

1. There is no fee associated with nominating a historic resource to the Local Landmark Register.
2. The nomination for a Historic Resource to the Local Landmark Register must include a description of the boundaries of the proposed area and the buildings, structures, object and sites and a statement explaining how the historic resource(s) meet(s) the criteria.
3. Prior to setting the proposed nomination on the agenda, the Historic Preservation Officer shall inform property owners in writing of the nomination process pursuant to local and state law. To be listed, in the Local Landmark Register, the property's legal owner shall provide a written statement to the City acknowledging that the owner understands the nomination process and

the results of such a designation and wishes to
listed in the Local Landmark Register.

have the property

4. Upon acceptance of a complete application and receipt of written owner consent, the Historic Preservation officer shall schedule a public hearing before the Landmark Committee pursuant to applicable state and local laws.
5. The Committee shall review the documentation and may make a recommendation to approve, deny or table the application pending further testimony, or to allow the petitioner to provide additional information as requested by the Landmark Committee. The Landmark Committee shall forward written findings to the Planning Commission for approval or denial.
6. Upon final approval by the Planning Commission shall prepare a Record of Designation that includes the original nomination materials and any additional materials considered during the nomination process that establishes the eligibility of the Historic Resource for listing in the Local Landmark Register.
7. Historic Resources designated as Landmarks, excepting archeological sites, shall be noted in the City Historic Landmarks Map.

(d) Results of listing in Local Landmark Register. Historic resources listed in the Local Landmark Register receive the following benefits:

1. All uses and restrictions established by the underlying zoning, existing conditional use permits, and other applicable design standards shall remain in effect unless changed through due process.
2. City staff shall consider granting zoning variances and/or conditional use permits in order to encourage the productive use and preservation of Landmarks.
3. The local Building Official shall consider waiving certain code requirements in accordance with the existing state building codes.

Section 8. Removal Process from the Local Landmark Register. The following process shall be required to remove a Landmark from the Local Landmark Register.

- (a) Landmarks concurrently listed in the Local Landmark Register and National Register will be considered for removal from the Local Landmark Register only after the Landmark is removed from the National Register and the State Historic Preservation Office has provided written evidence of the removal to the Historic Preservation Officer.
- (b) Any individual or group, including the Landmark Committee action on its own initiative, may initiate the removal of a Landmark or individual property

from the Local Landmark Register by submitting a complete application to the Historic Preservation Officer.

- (c) The Historic Preservation Officer shall establish standards for an application for the removal of a Landmark from the Local Landmark Register. Upon acceptance of an application, the Historic Preservation officer shall schedule a public hearing pursuant to applicable local and state laws.
- (d) In order to recommend the approval of an application for the removal of a Landmark, the Landmark Committee must find the following:
 - 1. The Landmark has ceased to meet the criteria for listing in the Local Landmark Register because the qualities which caused it to be originally listed have been lost or destroyed; and/or
 - 2. The property owner at the time the property was added to the Local Landmark Register did not provide written permission for such action as required under Section 7.
- (e) Landmarks accidentally destroyed by flood, fire, or other natural or accidental act or demolished under the provisions of Section 10 and meeting the definition of demolished may be removed from the Local Landmark Register by the Historic Preservation Officer. Notice of this action and written evidence documenting the Landmark demolition shall be provided to the Planning Commission and the Landmark Committee at their next regular meeting. The same information shall be provided to the State Historic Preservation Office. If a Landmark is also listed in the National Register, the Planning Commission shall request that the State Historic Preservation Office remove the property from the National Register.
- (f) At the hearing of an application to remove a Landmark from the Local Landmarks Register, the Planning Commission shall consider the recommendations of the Landmark Committee and use the provisions of this Section in approving, approving with conditions or denying the application.
- (g) Upon removing a Landmark from the Local Landmark Register, the Historic Preservation Officer shall post a notice on the property and in the City's newsletter announcing the removal, the criteria under which the removal was approved, and the historic significance of the property.

Section 9. Permit Application Process: An application for a building permit, moving permit, or a demolition permit for an historic building, structure, site, or object submitted to the City shall be subject to procedures listed in (a) and (b)-below and in Sections 10 and 11.

- (a) "Contributory" Resources. Upon receipt of an application or an inquiry regarding a building permit, moving permit, or demolition permit for any historic resource classified as "contributory" on the Historic Resources

Survey, the City shall provide the property owner with information about the City's historic preservation program. The permit application process shall then proceed as usual.

- (b) "Historic Landmarks." The following procedures apply:
 - 1. Upon receipt of an inquiry regarding an application for the moving, alteration, or demolition of an Historic Landmark, the City shall direct the potential applicant to make application with the Historic Landmarks Committee.
 - 2. Application for a building permit, moving permit, or demolition permit for an Historic Landmark must include an application for permit clearance. Any application to the Historic Landmarks Committee for alteration or demolition of an Historic Landmark shall be processed as an application for permit clearance. The application for permit clearance shall be in such form and detail as the Historic Landmarks Committee and Historic Preservation Officer prescribe, and this may require the following: written description of proposal, legal description of property, site plan, minimum of five (5) exterior photographs, materials list, and architectural drawings of any proposed alterations.

Section 10. Demolition, Moving, or New Construction: The City shall submit all requests for demolition or moving of an Historic Landmark and new construction on historical sites (Landmarks) on which no structure exists to the Historic Preservation Officer who shall, within twenty-one (21) days, schedule a public hearing of the Historic Landmarks Committee to review the request. A failure to review within forty-five (45) days shall be considered as an approval of the application.

- (a) The Historic Landmarks Committee may approve, approve with conditions, or delay the issuance of a demolition permit, moving permit, or building permit. The Historic Landmarks Committee may delay a permit for up to one hundred twenty (120) days from the date the request is received by the Building Department during which time they will provide the owner of the structure with possible alternatives for demolition, including information concerning local, state, and federal preservation programs.
- (b) The Historic Landmarks Committee shall base its decision on the following criteria:
 - 1. The City's historic policies set forth in the comprehensive plan and the purpose of this ordinance;
 - 2. The economic use of the Historic Landmark and the reasonableness of the proposed action and their relationship to the Historic Landmark's preservation or rehabilitation
 - 3. The physical condition of the Historic Landmark;
 - 4. Whether the Historic Landmark constitutes a hazard to the safety of the public or its occupants;

5. Whether the Historic Landmark is a deterrent to an improvement program of substantial benefit to the City which overrides the public interest in its preservation;
 6. Whether retention of the Historic Landmark would cause financial hardship to the owner not outweighed by the public interest in the landmark's preservation; and
 7. Whether retention of the Historic Landmark would be in the best interests of a majority of the citizens of the City, as determined by the Historic Landmarks Committee, and, if not, whether the Historic Landmark may be preserved by an alternative means such as through photography, item removal, written description, measured drawings, sound retention or other means of limited or special preservation.
- (c) If the structure for which a demolition permit request has been filed has been damaged in excess of seventy percent (70%) of its assessed value due to fire, flood, wind, or other natural disaster, permit clearance may be given by the Historic Preservation Officer without processing the request through the Historic Landmarks Committee.
- (d) Any permit may be conditioned by the Historic Preservation Officer or the Historic Landmarks Committee to secure interior and/or exterior documentation of the landmark prior to the proposed action. Required documentation shall consist of no less than twenty (20) photographs of any affected area in digital or print (with negatives) form. Any permit may also be conditioned to preserve site landscaping such as individual plants or trees or to preserve selected architectural features such as doors, windows, brackets, moldings or other details.

Section 11. Exterior Alteration or Remodeling: The City shall submit to the Historic Preservation Officer all building permit requests for exterior alteration to an historical landmark. The Historic Preservation Officer shall, within five (5) working days, review the permit application for compliance with the requirements as set out in Section 12 of this ordinance.

- (a) If the Historic Preservation Officer finds the proposed alterations to be in compliance with Section 12 he shall submit to the Building Department a permit clearance form which will indicate that the requirements of this chapter have been satisfied by the request.
- (b) If the Historic Preservation Officer finds the proposed alteration to be in noncompliance with the requirements of Section 12, he shall immediately issue a "notice of delay" to the Building Official and call for a meeting of the Historic Landmarks Committee to review the application.
 1. The Historic Landmarks Committee shall meet within forty days of the date the completed permit application was submitted to the

Building Department. The applicant shall be notified of the time and place of the review and is encouraged to be present, although his/her presence shall not be necessary for action on the plans. A failure to review within forty (40) days shall be considered an approval of the application.

2. If the Historic Landmarks Committee finds the proposed alterations to be in compliance with Section 12, they shall direct the Historic Preservation Officer to submit to the Building Department a permit clearance form.
 3. If the Historic Landmarks Committee finds the proposed alterations to be in noncompliance with Section 12, they must:
 - i. Approve the application subject to compliance with conditions which will bring the application into conformance with Section 12. Permit clearance will be subject to said conditions; or
 - ii. Direct the Historic Preservation Officer to issue a notice of delay which places up to a sixty-day (60) delay from the date of the committee action on issuance of a building permit for the proposed alteration and provide the applicant with information concerning local, state, and federal preservation programs. If the proposed alteration affects a "significant" resource, the delay period may be extended an additional sixty (60) days.
- (c) Any permit may be conditioned by the Historic Preservation Officer or the Historic Landmarks Committee to secure interior and/or exterior documentation of the landmark prior to the proposed action. Required documentation shall consist of no less than twenty (20) digital photographs. Any permit may also be conditioned to preserve site landscaping such as individual plants or trees or to preserve selected architectural features such as doors, windows, brackets, moldings, or other details.

Section 12. Guidelines for the Exterior Alteration of an Historic Landmark: An application for exterior alteration of an Historic Landmark will be considered if the change or the treatment proposed is determined to be harmonious and compatible with the appearance and character of the historical building. An application will not be considered if found detrimental to or otherwise adversely affecting the architectural significance, the integrity of historical appearance, and the educational and historical value of the building.

- (a) The following guidelines apply to exterior alterations to historical buildings:
1. Retention of original construction. So far as practical, all original exterior materials and details shall be preserved or replaced to match the original.
 2. Height. Additional stories may be added to historic buildings provided that:

- i. The added height complies with requirements of the building and zoning codes;
 - ii. The added height does not exceed that which was traditional for the style of the building;
 - iii. The added height does not alter the traditional scale and proportions of the building style; and
 - iv. The added height is visually compatible with adjacent historic buildings;
 - 3. Horizontal additions may be added to historic buildings provided that:
 - i. The addition does not exceed that which was traditional for the building style;
 - ii. The addition maintains the traditional scale and proportion of the building; and
 - iii. The addition is visually compatible with adjacent historic buildings.
 - 4. Visual Integrity of Structure. The lines of columns, piers, spandrels, and other primary structural elements shall be maintained so far as is practicable.
 - 5. Scale and Proportion. The scale and proportion of altered or added building elements, the relationship of voids to solid (windows to wall) shall be visually compatible with the traditional architectural character of the historic building.
 - 6. Materials, Color, and Texture. The materials, colors, and textures used in the alteration or addition shall be visually compatible with the traditional architectural character of the historic building.
 - 7. Lighting and Other Appurtenances. Exterior lighting and other appurtenances, such as walls, fences, awnings, and landscaping shall be visually compatible with the traditional architectural character of the historic building.
- (b) The Historic Landmarks Committee shall base their decision on the following criteria:
- 1. Compliance with the guidelines in Section 12(a);
 - 2. The City's historic preservation policies set forth in the Comprehensive Plan and the purpose statement of this ordinance;
 - 3. The economic use of the Historic Landmark in relation to the proposed alteration and its relationship to the public interest in the Historic Landmark's preservation or rehabilitation;
 - 4. The physical condition of the Historical Landmark; and
 - 5. The general compatibility of exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used with the existing landmark.

Section 13. Public Notice: Public notice requirements shall be as follows:

- (a) After the adoption of the initial survey, all new additions, deletions, or changes to the survey shall comply with subsection (c).
- (b) Any Historic Landmark Committee review of an application for a building permit, moving permit, or demolition permit shall comply with subsection (c).
- (c) At least 20-days prior to the meeting, the owners of property located within 150 feet of the historic resource under consideration shall be notified via first class mail of the time and place of the Historic Landmarks Committee meeting and the purpose of the meeting. The notice requirement will be conclusively satisfied if the City mails the notice by first class mail to the owners of record with Yamhill County Assessor's Office as of the date of mailing.

Section 14. Building Official Powers: Nothing in this chapter may be interpreted to mean that the Historic Landmarks Committee may issue building permits, as that is an ability reserved to the Building Official.

Section 15 Violation – Procedure - Penalty:

- (a) A uniform complaint, or citation to appear, may be issued to the owner or occupier of an Historic Landmark property being used or altered in violation of the Historic Landmarks Ordinance, requiring said owner or occupier to appear in municipal court regarding a violation of the Historic Landmarks Ordinance.
- (b) A trial shall be heard before the judge without a jury. No appeal from the decision may be taken. The standard of proof required shall be by a preponderance of the evidence.
- (c) A person convicted of violating a provision of the Historic Landmarks Ordinance shall, upon conviction, be punished by a fine of not more than five hundred dollars (\$500) except for demolition of a structure which shall be as provided for in Section 11(d) below.
- (d) A person convicted of demolishing an Historic Landmark without first securing a demolition permit shall, upon conviction, be punished by a fine of not more than fifteen hundred dollars (\$1,500).
- (e) In the event of the owner/occupier fails to pay a fine imposed upon conviction of a violation, the court may issue a Show Cause Order to the individual so charged and require his/her presence in court to set forth the reasons for said failure to pay. If good and sufficient reasons do not exist, the court may request the Council to adopt an ordinance making the amount a lien against the property.

Section 16. Appeals: Any appeal of a decision by the Historic Landmarks Committee, including an appeal of conditions placed on a permit by the committee, may be made to the City Planning Commission within ten (10) days of the Historic Landmarks Committee's decision. If the appeal is filed, the Planning Commission shall receive a report and a recommendation from the Historic Landmarks Committee and shall hold a public hearing on the appeal at their next regularly scheduled meeting. Public notice of an appeal shall be made according to Section 13 of this ordinance. Any permit shall be invalid and no work shall be undertaken during the appeal process. Any decision of the Planning Commission may be appealed to the City Council.

Section 17. Repeal: Ordinance No. 491 is hereby repealed in its entirety.

This ordinance will take effect thirty (30) days from the date of its passage.

FIRST READING: April 2, 2014

SECOND READING: May 7, 2014

SUBMITTED AND APPROVED THIS 7th DAY OF May, 2014.

Ayes: Haggith, Hansen, Miller, van Soolen
Nays:

Signed:



Mayor: Michael Cape

ATTEST:



City Recorder: Jennifer Elkins