

**STATE OF GEORGIA
COUNTY OF DECATUR
CITY OF BAINBRIDGE**

**AN ORDINANCE OF THE CITY
OF BAINBRIDGE, GEORGIA,
PROVIDING FOR HISTORIC PRESERVATION**

WHEREAS; The Mayor and Board of Alderman of the City of Bainbridge, Georgia, finds that the establishment of historic districts and the preservation of historic properties and sites are urgent matters; and

WHEREAS; Notice has been provided and a public hearing has been held by the Mayor and Board of Alderman on this matter; and

NOW, THEREFORE, BE IT ORDAINED AND IT IS HEREBY ORDAINED by authority of the Mayor and Board of Alderman of the City of Bainbridge, Georgia, as follows:

1.

The following regulations known as the Historic Preservation Ordinance are adopted:

Section 1. Purpose.

This ordinance is enacted in support and furtherance of findings and determinations that the historical, cultural, and aesthetic heritage of the City of Bainbridge 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. This ordinance is enacted in order to stimulate revitalization of the business districts and historic neighborhoods and to protect and enhance local historical and aesthetic attractions to tourists and thereby promote and stimulate business. This ordinance is enacted in order to enhance the opportunities for federal tax relief of property owners under relevant provisions of the Economic Recovery Tax Act of 1981 allowing tax investment credits for rehabilitation of certified historic structures (26 U.S.C.A., Section 191).

The governing body hereby declares it to be the purpose and intent of this ordinance to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation, and use of places, districts, sites, buildings, structures, and works of art having a special historical, cultural, or aesthetic interest or value, in accordance with the provisions of this ordinance.

This ordinance is adopted pursuant to the requirements of O.C.G.A. Section 44-10-26 (The Georgia Historic Preservation Act - Acts 1980, pages 1723-1729).

Section 2. Definitions.

The following terms are hereby defined:

Certificate of appropriateness: A document which provides evidence of 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.

City: The City of Bainbridge, Georgia.

Commission: The Historic Preservation Commission of the City of Bainbridge, Georgia.

Designation: A decision by the Governing Body to designate a district or property as "historic" and thereafter prohibit all material changes in appearance prior to the issuance of a certificate of appropriateness.

Exterior architectural features: The architectural style, general design, and general arrangement of the exterior of a building or other structure, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, features, details or elements relative to the foregoing.

Exterior environmental features: All those aspects of the landscape or the development of a site which affect the historical character of the property, including but not limited to walls, fences, signs or other appurtenant elements thereof including any improvement, grading or alteration of the land.

Governing Body: The Mayor and Board of Alderman of the City of Bainbridge, Georgia.

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

- (a) Have special character or special historical or aesthetic interest or value;
- (b) Represent one or more periods or styles of architecture typical of one or more eras in the history of the municipality, county, multi-county region, state, or multi-state region; and
- (c) Cause such area, by reason of such factors, to constitute a visibly perceptible section of the municipality or county.

Historic preservation jurisdiction: All properties lying within the municipal limits of the City of Bainbridge, Georgia.

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

- (a) It is an outstanding example of a structure representative of its era;
- (b) It is one of the few remaining examples of a past architectural style;
- (c) It is a place or structure associated with an event or person of historic or cultural significance to the municipality, county, substate region, state, or multi-state region; or
- (d) It is a site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the municipality, county, substate region, state, or multi-state region.

Material change in appearance: A change that will affect either the exterior architectural features or exterior environmental features of an historic property or any structure, site or work of art within an historic district, and may include any on or more of the following:

- (a) A reconstruction or alteration of the size, shape, or façade of an historic property, including any of its architectural elements or details;
- (b) Demolition or relocation of a historic structure;
- (c) Commencement of excavation for construction purposes;
- (d) A change in the location of advertising or parking area visible from the public right-of-way; or
- (e) The erection, alteration, restoration, or removal of any building or other structure within an historic property or district, including walls, fences, steps and pavements, or other appurtenant features, except exterior paint alterations.

Major work projects: These involve a change in the appearance of a structure or site and are more substantial in nature than routine maintenance or minor work projects.

Minor work projects: These involve a change that goes beyond ordinary maintenance but does not constitute a significant or character-altering change in the appearance of a structure or site.

Official Zoning Map: The official zoning map of the City of Bainbridge, adopted as a part of the Zoning Ordinance of the City of Bainbridge.

Site: The location of a significant event; a prehistoric or historical activity; or a structure, whether standing, ruined, or vanished; where the location itself maintains historical, cultural or archaeological value regardless of the value of any existing structure.

Zoning Administrator: The city planner of the City of Bainbridge, Georgia, or his or her designee, or any other official designated by the city manager with such duties.

Section 3. Creation of Historic Preservation Commission.

A historic preservation commission is hereby created. The jurisdiction of the commission shall be the city limits of the City of Bainbridge as they exist on the effective date of this ordinance and as may be amended from time to time.

Section 4. Composition of the Commission.

The commission shall consist of nine (9) members appointed by the Mayor and ratified by the governing body, who shall be residents of the City of Bainbridge and two (2) ex-officio members including the City Planner and Community Development Director. A majority of the non-ex-officio members appointed and maintained shall have demonstrated special interest, experience, or education in history, architecture, or the preservation of historic resources. Non-ex-officio members shall serve three-year terms. Non-ex-officio members may not serve more than two (2) consecutive terms. In order to achieve staggered terms, initial appointments shall be: two (2) members for one (1) year; two (2) members for two (2) years; and three (3) members for three (3) years. Non-ex-officio members do not receive a salary, although they may be reimbursed for expenses. A chairman and vice-chairman shall be elected from among the non-ex-officio commission members annually. A quorum shall consist of a majority of the non-ex-officio members. Non-ex-officio commission members shall be removable with or without cause by a majority vote of the governing body.

Section 5. Powers of the Commission.

The commission shall be authorized to:

- (a) Prepare an inventory of all property within its respective historic preservation jurisdiction having the potential for designation as historic property;
- (b) Recommend to the governing body specific places, districts, sites, buildings, structures, or works of art to be designated by ordinance as historic properties or historic districts;
- (c) Review applications for certificates of appropriateness, and grant or deny same in accordance with the provisions of this ordinance;

- (d) Recommend to the governing body that the designation of any place, district, site, building, structure, or work of art as an historic property or as an historic district be revoked or removed;
- (e) Restore or preserve any historic properties acquired by the city;
- (f) Promote the acquisition by the city of façade easements and conservation easements in accordance with the provisions of the “Façade and Conservation Easements Act of 1976” (Georgia Laws 1976, p. 1181);
- (g) Conduct an educational program on historic properties located within its historic preservation jurisdiction;
- (h) Make such investigations and studies of matters relating to historic preservation as the governing body or the commission itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources;
- (i) Seek out state and federal funds for historic preservation, and make recommendations to the city concerning the most appropriate uses of any funds acquired;
- (j) Submit to the Historic Preservation Section 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’s 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 to acquire and sell historic properties. The commission shall not obligate the city without prior consent;
- (n) Review and make comments to the State Historic Preservation Office concerning the nomination of properties within its jurisdiction to the National Register of Historic Places.

Section 6. Training of Commissioners.

The governing body finds that it is in the best interests of the citizens of Bainbridge to strongly encourage newly appointed members of the historic preservation commission during the course of their term of appointment to attend one or more courses of training and education on matters pertaining to the operations, activities, duties, and subject matters of historic preservation commissions.

It shall be the responsibility of the zoning administrator to periodically notify members of the commission of appropriate education and training opportunities encouraged in this section. The following organizations and institutions among others are determined to be appropriate: Training programs and seminars by the Historic Preservation Division of the Georgia Department of Natural Resources; the Georgia Alliance of Preservation Commissions; the University of Georgia, the Georgia Institute of Technology, Georgia State University, or any other institution of higher learning in the state; Training programs by the Southwest Georgia Regional Development Center; Conferences of the Georgia Trust for Historic Preservation; Conferences of the Georgia Chapter of the American Planning Association or the American Planning Association; and training programs organized by the Zoning Administrator specifically for historic preservation commission members.

Section 7. Meetings.

The commission shall provide for the time and place of regular meetings and a method for the calling of special meetings. The commission shall provide notice of its meetings as required by the Georgia Historic Preservation Act and/or open meetings laws of the state.

Section 8. Rules of Procedure.

The commission shall adopt rules for the transaction of its business and consideration of applications. It shall provide for the time and place of regular meetings, and for the calling of special meetings. The commission shall have the flexibility to adopt rules of procedure without amendment to this ordinance. A quorum shall consist of a majority of all members. The latest edition of Roberts' Rules of Order, provisions for small assemblies, shall determine the order of business at all meetings unless otherwise provided in the rules of procedure adopted by the commission. A public record shall be kept of the commission's resolutions, proceedings, and actions in such a place as other public records are kept.

Section 9. Designation of Historic Districts and Properties.

The commission shall have the authority to compile and collect information and conduct surveys of historic resources within its jurisdiction and to recommend districts and buildings to the governing body for designation as "historic." An historical society, neighborhood association, or group of property owners may apply for historic district designation. An historical society or property owner may apply for designation as a historic property. The commission shall present to the governing body nominations for historic districts and local properties. The commission shall prepare formal reports when nominating historic districts or local properties. These reports shall be used to educate the community and to provide a permanent record of the designation. The report will follow guidelines for nominating structures to the National Register of Historic Places (National Preservation Act of 1966), and shall consist of two (2) parts: a physical

description and a description of historic significance. This report shall be submitted to the Historic Preservation Section of the Department of Natural Resources.

Historic properties and historic districts will be shown on the official zoning map of the City of Bainbridge and be kept as a public record to provide notice of such. Boundaries specified in legal notices required by this ordinance shall coincide with the boundaries finally designated.

Section 10. Components of a Designation Ordinance.

Any ordinance designating a district or property as historic shall include the following:

- (a) A description of boundaries for a proposed historic district and a list of properties located therein; or a description of the proposed individual historic property;
- (b) Set forth the names of the owners of the designated 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 district or property be shown on the Official Zoning Map.

Section 11. Criteria for Designation of Historic Districts.

The commission may recommend as an historic district any geographically definable area which contains structures, sites, works of art, or a combination thereof, which:

- (a) Have special character or special historic/aesthetic value or interest;
- (b) Represent one or more periods or styles of architecture typical of one or more eras in the history of the municipality, county, state or region; or
- (c) Cause such area, by reason of such factors, to constitute a visibly perceptible section of the municipality or county.

Section 12. Criteria for Designation of Historic Properties.

The commission may recommend as an historic property any structure, site, work of art, including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of value to the (jurisdiction), State of Georgia, or local region, for one or more of the following reasons:

- (a) It is an outstanding example of a structure representative of its era;

- (b) It is one of the few remaining examples of past architectural style;
- (c) It is a place or structure associated with an event or person of historic or cultural significance to the City of Bainbridge, Decatur County, multi-county region, State of Georgia, or multi-state region.

Boundaries shall be clearly defined for individual properties on the official zoning map.

Section 13. Public Hearing and Notice Requirements – Designation Ordinance.

The commission and the governing body shall each hold a public hearing on the proposed ordinance or action to designate a historic district or property. Notice of the hearing shall be published in at least three (3) consecutive issues in the legal organ of the City of Bainbridge, and written notice of the hearing, by certified mail, shall be mailed by the commission to all owners and occupants of properties included within the proposed designation. In addition, the commission shall notify all agencies and organizations within the City of Bainbridge with an interest in historic preservation of the proposed designation, specifically including the local historical society, if any, of the proposed ordinance or action. All such notices shall be published or mailed not less than ten (10) or more than twenty (20) days prior to date set for the public hearing. A letter sent via the United States mail to the last known owner of the property shall constitute legal notification under this ordinance.

Section 14. Recommendation by Commission on Historic Designation.

A decision by the commission to recommend acceptance or denial of any historic district or property designation shall be made within fifteen (15) days following the public hearing held by the commission, and it shall be in the form of a resolution to the governing body recommending approval or disapproval of the designation.

Section 15. Review by State Office of Historic Preservation.

Upon recommending the designation of any property or district as historic, and prior to consideration by the governing body of any ordinance to officially designate such historic district or property, the commission shall submit a report on the historic, cultural, architectural, or aesthetic significance of each place, district, site, building/structure, or work of art, to the Historic Preservation Office of the Georgia Department of Natural Resources. The Office of Historic Preservation shall have at least thirty (30) days to prepare written comments on the proposed designation or designations.

Section 16. Action by Governing Body.

A decision by the governing body to accept or reject the designation of any historic district or property designation shall be made within thirty (30) days following the public hearing held by the governing body, and if approved it shall be in the form of an ordinance meeting the requirements of this ordinance.

Section 17. Notification Following Ordinance Adoption.

Within thirty (30) days immediately following the adoption of an ordinance designating a historic district or property, the owners and occupants of each designated historic property, and the owners and occupants of each structure, site, or work of art located within a designated historic district shall be given written notice of such designation, which shall apprise said owners and occupants of the necessity of obtaining a certificate of appropriateness prior to undertaking any material change in appearance of the historic property designated or within the historic district designated.

Section 18. Amendment to District and Property Designations.

The boundary of any district or property may be amended in conformance with the provisions of this ordinance relative to public hearings and notice and in conformance with all applicable provisions of O.C.G.A. Section 44-10-26 et seq.

Section 19. Certificate of Appropriateness Required.

After the designation by ordinance of an historic district or property, no “material change in the appearance,” as defined by this ordinance, of such historic property, or of a structure, site, or work of art within such historic district, or any individual property, shall be made or be permitted to be made by the owner or occupant thereof, unless or until application for a certificate of appropriateness has been submitted to and approved by the commission. A certificate of appropriateness must be issued by the zoning administrator after approval by the historic preservation commission, prior to any material change in appearance in such district or to any property.

The city shall not authorize and shall not issue a grading or development permit for the improvement, grading, or alteration of land until a certificate of appropriateness has been approved as required by this ordinance. For any business, activity, or establishment which is required to obtain a business registration pursuant to the Bainbridge City Code, no such business registration shall be issued, and operation shall not commence, until the business, activity, or establishment has received a certificate of appropriateness if required by this ordinance.

Section 20. Notice to Abutting Property Owners.

Prior to reviewing an application for a certificate of appropriateness, the historic preservation 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 applicant and such owners the opportunity to be heard. At minimum, this provision shall be construed to require written notice of the time and date of the meeting of the commission at which the application will be considered to all owners of property abutting the subject property, as shown on the county or city tax records mailed, no less than ten (10) days preceding the date of the commission’s meeting.

Section 21. Public Hearing and Notice.

In all applications involving the demolition of a structure, provisions shall be made for a public hearing before the historic preservation commission. In other cases where the commission deems it necessary, it may hold a public hearing concerning any other application for a certificate of appropriateness. The commission shall hear from the public, as appropriate and as directed by the chairman, without the necessity of advertising a public hearing. In the event a public hearing is required pursuant to this section or the commission elects to conduct an advertised public hearing, notice of said public hearing shall be provided in accordance with the provisions of this section.

At least ten (10) days notice of the time and place of each public hearing shall be given by the zoning administrator as follows:

- (a) In writing to the applicant and abutting property owners.
- (b) By publication at least once in the form of an advertisement in a newspaper of general circulation within the city.
- (c) By sign posted on the property.

Section 22. Criteria for Acting on Certificates of Appropriateness.

The commission shall approve the application and issue a certificate of appropriateness if it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property or the historic district. In making this determination, the commission shall consider, in addition to any other pertinent factors, the following criteria for each of the following acts:

(a) Reconstruction, Alteration, New Construction or Renovation:

The commission shall issue certificates of appropriateness for the above proposed actions if those actions conform in design, scale, building materials, setbacks, and site features, and to the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

(b) Relocation: A decision by the commission approving or denying a certificate of appropriateness for the relocation of a building, structure or 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.
4. Whether the proposed relocation 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, trees judged to be fifty years old or older, or objects shall be guided by:

1. The historic, scenic, or architectural 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 neighborhood or the city or county.
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.
7. Whether the building, structure, site, tree, or object is capable of earning reasonable economic return on its value.

Section 23. Action by the Commission.

The commission shall approve or reject an application for a certificate of appropriateness within forty-five (45) days after the filing of a complete application. Failure of the commission to act within the forty-five (45) day period shall constitute approval, and no other evidence of approval shall be needed. Where a mutual agreement has been made by the applicant and the commission for an extension of the time limit, additional time may be taken.

In the event the commission rejects an application, it shall state its reasons for doing so as a part of its record of such action. 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. The denial of an application for a certificate of appropriateness shall be binding on the zoning administrator and, in such a case of denial, no building permit shall be issued.

Section 24. Notice of Action.

Notice of the issuance or denial of a Certificate of Appropriateness shall be sent by United States mail to the owner and applicant as well as to persons who request such written notice.

If the commission rejects an application for a Certificate of Appropriateness, the commission shall state in writing to the applicant its reasons for denial as well as keep a record of such action and reasons.

Section 25. Minor Work Versus Major Work.

All certificates of appropriateness for major work shall be reviewed and approved by the commission as provided in this ordinance. All certificates of appropriateness for minor work shall be administratively reviewed and approved by the Zoning Administrator in accordance with this ordinance and any approved design and construction guidelines. The Zoning Administrator shall refer minor work projects to the commission for review and approval if it is determined that the proposed project involves alterations, additions, or removals that are substantial, do not meet any adopted design and construction guidelines, and/or are of a precedent setting nature.

In those instances where there is no clear determination of what is considered major work versus what is considered minor work, as defined in the approved design and construction guidelines; the Zoning Administrator shall have the authority to make the determination.

Section 26. Changes After Commission Approval.

After the issuance of a certificate of appropriateness, no material change in the appearance of a historic property or of a structure, site or work of art within the historic district shall be made or permitted to be made by the owner or occupant thereof, unless and until all requirements of this ordinance are met.

Section 27. Variances for Undue Hardship.

Where, by reason of unusual circumstances, the strict application of any provision of this ordinance would result in the exceptional practical difficulty or undue hardship upon any owner of a specific property, the commission shall have the power to vary strict adherence to these ordinance provisions (not including variances to the zoning ordinance), or to interpret the meaning of said provisions, so as to relieve such difficulty or hardship; provided that such variances or interpretations do not compromise the architectural or historical integrity of the property. In granting variances, the commission

may impose such reasonable and additional stipulations and conditions as deemed necessary. An undue hardship shall not be a situation of the person's own making.

Section 28. Record of Applications and Commission Actions.

The commission shall keep a public record of all applications for Certificates of Appropriateness and of all the commission's proceedings in connection with said application in such a place as other public records are kept.

Section 29. Appeals.

Any person adversely affected by any determination made by the historic preservation commission relative to the issuance or denial of a certificate of appropriateness may appeal such determination to the governing body. The appeal must be filed within thirty (30) days of the decision of the commission and must be made by petition delivered to the zoning administrator. The appeal shall be on the application exactly as presented to the commission. The appeal shall be advertised for public notice in accordance with applications for certificates of appropriateness as required by this ordinance. The governing body may approve, modify and approve, 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 governing body made pursuant to this section may be taken to Superior Court of Decatur County in the manner provided by law.

Section 30. Maintenance and Repair Excluded.

Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on a historic property, which maintenance or repair does not involve a material change in design, material, or outer appearance thereof, nor to prevent a property owner from making any use of his property not prohibited by other laws, ordinance, or regulations.

Section 31. Failure to Provide Ordinary Maintenance.

Property owners of individual properties within a designated historic district or of designated historic properties 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:

- a) The commission shall monitor the condition of historic properties and existing buildings in historic districts to determine if they are being allowed to deteriorate by neglect. Such conditions as broken windows, doors and exterior openings which allow the elements and vermin to enter, or the deterioration of a buildings structural system shall constitute failure to provide ordinary maintenance or repair.
- b) In the event the commission determines a failure to provide ordinary maintenance or repair, the commission shall notify the property owner and set forth the steps which

need to be taken to remedy the situation. The property owner shall have 60 days in which to resolve the situation.

- c) In the event the situation is not remedied in 60 days, the owner shall be punished as provided in this ordinance; or at the direction of the Governing Body, the commission may perform such maintenance or repair as is necessary to prevent deterioration by neglect. The property owner shall be liable for the cost of such maintenance or repair. The cost of such maintenance or repair shall be a lien against the real property. The lien shall attach to the real property at the time of payment of all costs of maintenance or repair by the City.

Nothing in this section shall be construed to impair or limit in any way the power of the City to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

Section 32. Exemptions.

The following entities are exempt from compliance with this ordinance:

- (a) Department of Transportation: The Georgia Department of Transportation and any of its contractors, including the City of Bainbridge and Decatur County; performing work funded by the Georgia Department of Transportation; are exempt from the provisions of this Chapter, as provided by the “Georgia Historic Preservation Act” (O.C.G.A. Sec. 44-10-27G).
- (b) City of Bainbridge: The City of Bainbridge is exempt from the requirement of obtaining Certificates of Appropriateness; provided that the City shall notify the commission forty-five (45) days prior to an activity that would otherwise require a Certificate of Appropriateness and allow the commission an opportunity to comment.
- (c) Properties labeled as “Intrusion” on the City of Bainbridge Historic District Map shall be exempt from obtaining a Certificate of Appropriateness from the Bainbridge Historic Preservation Commission.

Section 33. Enforcement.

After a certificate of appropriateness has been authorized and notification of such has been transmitted to the zoning administrator, the zoning administrator shall from time to time inspect the construction approved by such authorization. The city, through the zoning administrator or city attorney, shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in the 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.

Section 34. Violations and Penalties.

Any person violating any of the provisions of this ordinance shall be punished as provided in the Code of Ordinances of the City of Bainbridge, Georgia for civil offenses. Each violation of any of the provisions of this ordinance shall be deemed a separate offense.

Section 35. Incorporation Clause.

This ordinance is intended to comply with the provisions of the Georgia Historic Preservation Act, O.C.G.A. § 44-10-20 et. seq., which act is incorporated by reference in its entirety into this ordinance. Where any provision of this ordinance is in conflict with any provision of the act, the act shall control. Or where this ordinance is incomplete in having failed to incorporate a provision necessarily required for the implementation of the act, such provision of the act, so as to meet the mandate of the act, shall be fully complied with.

2.

All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

3.

Should any section of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

4.

It is the intention of the Mayor and Board of Alderman, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the code of ordinances of the City of Bainbridge, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

5.

The above Ordinance was read and approved by the Mayor and Board of Alderman of the City of Bainbridge, Georgia on the ___ day of _____, 2005. This Ordinance shall become effective immediately upon its adoption, the public welfare demanding it.

Attest:

Mayor, City of Bainbridge, Georgia

City Clerk