HISTORIC PRESERVATION ORDINANCE

(August 31, 2009)

City of Oxford, Mississippi
Chapter 54

HISTORIC PRESERVATION*


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ARTICLE I. IN GENERAL

Sections 54-1--54-18. Reserved.

ARTICLE II. PRESERVATION COMMISSION

Section 54-19. Statement of Purpose.

(a) The city hereby recognizes that the city is known for unique qualities that have proven increasingly attractive to residents, business interests, and tourists.

(b) As a matter of public policy, the city aims to preserve, enhance, and perpetuate those aspects of the city having historical, cultural, architectural, and archaeological merit. Such preservation activities will promote and protect the health, safety, prosperity, education, and general welfare of the people living in and visiting the city.

(c) More specifically, this historic preservation chapter is designed to achieve the following goals:

1. Protect, enhance and perpetuate resources that represent distinctive and significant elements of the city's historical, cultural, social, economic, political, archaeological, and architectural identity;
2. Insure the harmonious, orderly, and efficient growth and development of the city;
3. Strengthen civic pride and cultural stability through neighborhood conservation;
4. Stabilize the economy through the continued use, preservation, and revitalization of its resources;
5. Protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
6. Promote the use of resources for the education, pleasure, and welfare of the people;
7. Provide a review process for the preservation and appropriate development of the city's resources.

(Code 1968, § 14 1/2-21; Ord. No. 2000-5, § 1, 3-7-2000)
Section 54-20. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alteration* means any change to a resource because of construction, repair, maintenance, or other means. Alterations shall include painting of previously unpainted brick, repointing of brickwork and sandblasting.

*Applicant* means the owner of record of a resource the lessee thereof with the approval of the owner of record in notarized form or a person holding a bona fide contract to purchase a resource.

*Appurtenance* means an accessory to a building, structure, object, or site, including, but not limited to, walls, fences, light textures, steps, paving, sidewalks, shutters, awnings, solar panels, satellite dishes, and signs.

*Building* means a structure created to shelter any form of human activity, such as a house, garage, barn, church, hotel, or similar structure.

*Certificate of Appropriateness* means a document evidencing the approval of the commission for work proposed by an applicant.

*Certified Local Government (CLG)* means a federal program authorized by the National Historic Preservation Act, 16 USC 470 et seq., that provides for the participation of local governments in a federal/state/local government preservation partnership. The federal law directs the state historic preservation officer and the Secretary of the Interior to certify local governments to participate in this partnership. Specific state requirements for the program are published in "State of Mississippi, Guidelines and Regulations of the Certified Local Government Program."

*Commission* means the Oxford Historic Preservation Commission and the courthouse square historic preservation commission, local historic preservation commissions created pursuant to MCA 1972, § 39-13-5.

*Construction* means the addition or placement of any improvement to a resource.

*Demolition* means the complete or partial removal of a building, structure, object, or site, including landscape features.

*Demolition by Neglect* means improper maintenance or lack of maintenance of any resource, which results in substantial deterioration of the resource and threatens its continued preservation.
Exterior Features means and includes, but not be limited to the kind and texture of the building material and the type and style of all windows, doors and appurtenances.

Improvement means additions to or new construction on landmarks or landmark sites, including, but not limited to, buildings structures, objects, landscape features, and manufactured units, like mobile homes, carports, and storage buildings.

Landmark means a building, structure, or object, and its historically associated land or other appropriate setting, designated by the commission and approved by the city through an ordinance, which possesses particular architectural, cultural, or historic significance by meeting at least one of the following criteria source:

(1) Exemplifies or reflects the broad cultural, political, economic, or social history or the nation, region, state, county, or city;

(2) Is identified with historic personages or with important events in national, state, or local history;

(3) Embodies distinguishing characteristics of a landscape type or is a specimen inherently valuable for the study of a period, style, method of construction, or use of indigenous materials or craftsmanship; or

(4) Is representative of the notable work of a master builder, designer, or architect whose individual ability has been recognized or who influenced his age.

Landmark Site means an unimproved or improved parcel of ground designated by the commission and approved by the city through an ordinance, which possesses particular archaeological, architectural, geological, or historic significance. A landmark site differs from a landmark in that the physical location, not the building, structure, or object, possesses primary significance. For the purposes of this article, a landmark site encompasses prehistoric or historic sites on unimproved or improved land. Landmark sites meet at least one of the following criteria:

(1) Exemplifies or reflects the broad cultural, political, economic, or social history of the nation, region, state, county, or city;

(2) Is identified with historic personages or with important events in national, regional, state, or local history; or

(3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction, or use of indigenous materials or craftsmanship.

Landscape means any improvement including out buildings, walls, courtyards, fences, swimming pools, planters, gates, street furniture, exterior lighting, and site
improvements, including but not limited to, subsurface alterations, site regrading, fill deposition, and paving.

**National Historic Landmark** means a district, site, building, structure, and/or object that has been formally designated as a national historic landmark by the Secretary of the Interior and possesses exceptional value or quality in illustrating or interpreting the heritage of the United States in history, architecture, archaeology, engineering, and culture and that possesses a high degree of integrity of location, design, setting, materials, workmanship, feeling, and association. National historic landmarks are automatically listed in the National Register.

**National Register of Historic Places** means a federal list of cultural resources worthy of preservation, authorized under the National Historic Preservation Act of 1966 as part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect the nation's historic and archaeological resources. The National Register program is administered by the commission, by the state historic preservation office, and by the National Park Service under the Department of the Interior. Significant federal benefits may accrue to owners of properties listed or determined eligible for listing in the National Register.

**Object** means a material thing of functional, cultural, historical, or scientific value that may be, by nature or design, movable, yet related to a specific setting or environment.

**Ordinary Repair or Maintenance** means work done to prevent deterioration of a resource or any part thereof by returning the resource to its condition prior to such deterioration, decay, or damage. Ordinary repair or maintenance includes repainting.

**Owner of Record** means the owner of a parcel of land, improved or unimproved, reflected on the city tax roll and in county deed records.

**Preservation District** means a district designated by the commission and approved by the city through an ordinance, which contains a geographically definable area, urban or rural, possessing a significant concentration of sites, buildings, structures, or objects associated by past events or by plan or physical development, and which meets at least one of the following criteria:

1. Exemplifies or reflects the broad cultural, political, economic, or social history of the nation, state, county, or city;

2. Is identified with historic personages or with important events in national, state, or local history;

3. Embodies distinguishing characteristics of architectural types or contains examples inherently valuable for the study of periods, styles, methods of construction, or uses of indigenous materials or craftsmanship; or
(4) Is representative of the notable work of master builders, designers, or architects whose individual abilities have been recognized or who influenced their eras.

**Relocation** means any changes in the location of a building, object, or structure in its present setting or to another setting.

**Resource** means parcels located within preservation districts, individual landmarks, and landmark sites, regardless of whether such sites are presently improved or unimproved. Resources can be both separate buildings, districts, structures, sites, and objects and related groups thereof.

**Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings** means a federal document stating standards and guidelines for the appropriate rehabilitation and preservation of historic buildings.

**Site** means the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing buildings, or objects.

**State Historic Preservation Office** means the historic preservation division of the state department of archives and history.

**State Historic Preservation Officer** means the director of the state department of archives and history.

**Structure** means a work made up of interdependent and interrelated parts in a definite pattern of organization constructed by man. The term includes, but is not limited to engineering projects, earthworks, boats, barges and bridges.


**Section 54-21. Composition and Terms.**

(a) By virtue of MCA 1972, § 39-13-5, the city is authorized to create one or more local historic preservation commissions to preserve, promote, and develop the city's historical resources and to advise the city on the designation of preservation districts, landmarks, and landmark sites and to perform such other functions as may be provided by law.

(b) There is hereby created the Oxford Historic Preservation Commission and the courthouse square historic preservation commission. The courthouse square historic preservation commission shall be responsible for administration of the Historic Preservation Ordinance and associated design guidelines within the courthouse square historic district and the city historic preservation commission shall be responsible for administration of the Historic Preservation Ordinance and associated design guidelines
for all other existing and proposed districts, landmarks and landmark sites outside of the courthouse square historic district.

(c) All members of both the city historic preservation commission and the courthouse square historic preservation commission are appointed by the city and shall serve at the will and pleasure of the city. The city historic preservation commission shall consist of nine members and the courthouse square historic preservation commission shall consist of seven members. All commission members shall be residents of the city; however, a majority of the courthouse square historic preservation commission shall own property within the courthouse square historic preservation district. If after required public notice and after an additional 30-day documented good faith effort, the city has been unsuccessful in locating residents of the city to serve on the commissions, the city may appoint individuals who own property within the boundary of the city or are in the service of an employer located within the boundary of the city, or both.

(1) The initial appointment of the city historic preservation commission members by the city shall include three members having a term of three years, three members having a term of two years, and three members having a term of one year; thereafter, all appointments shall be for a period of three years.

(2) The initial appointment of the courthouse square historic preservation commission members by the city shall include three members having a term of three years, three members having a term of two years, and one member having a term of one year; thereafter, all appointments shall be for a period of three years.

(3) Commission members shall have a demonstrated knowledge of or interest, competence, or expertise in historic preservation. To the extent available in the community, the city may, in its discretion appoint professional members from the primary historic preservation-related disciplines interior design, landscape design, construction, law, real estate appraisal, and other related or appropriate fields. In conformity with the "State of Mississippi, Guidelines and Regulations for the Certified Local Government Program," the city shall document a "good faith effort" to locate professionals to serve on the commission before appointing lay members.


Section 54-22. Powers of the Commission.
In order to preserve, promote, and develop the distinctive appearance and the historic resources of the city and to accomplish the purposes set forth in MCA 1972, § 39-13-5, and in this article:

(1) The commission shall conduct, or cause to be conducted, a continuing study and survey of resources within the city.

(2) The commission shall hold public hearings and make recommendations to the mayor and board of aldermen for the adoption of chapters designating preservation districts, landmarks, and landmark sites and final designation shall rest with the mayor and board. In order to establish a preservation district, the commission shall present a plat of contiguous parcels to be included in the district. All properties presently listed in the national register of historic places and located within the jurisdiction, whether publicly or privately owned, will be considered for designation as landmarks, landmark sites, and preservation districts, whichever category is appropriate, with suitable boundaries which shall be similar to but not smaller than the boundaries for national register purposes.

(3) The commission shall review applications proposing construction, alteration, demolition, or relocation of any resource located in a historic district.

(4) The commission shall grant or deny certificates of appropriateness (within the rules and regulations of city zoning and building codes and within the guidelines established by the commission). The commission may grant certificates of appropriateness contingent upon the acceptance by the applicant of specified conditions, which conditions shall comply with the previous mentioned city codes and commission guidelines.

(5) The commission shall not consider interior arrangements of buildings and structures except that it shall advise the state department of archives and history on questions relating to the interiors of publicly owned resources.

(6) The commission, subject to the requirements of the city, is authorized to apply for, receive, hold and spend funds from private and public sources, in addition to appropriations made by the city for the purpose for carrying out the provisions of this chapter.

(7) The commission, subject to the requirements of the city, is authorized to employ such staff or contract with technical experts or other persons as may be required for the performance of its duties and to obtain the equipment, supplies, and other materials necessary for its effective operation.

(8) The commission is authorized, solely in the performance of its official duties and only at reasonable times, to enter upon private land for the examination or survey thereof. No member, employee, or agent of the commission shall enter any private dwelling or structure without the express consent of the owner of record or occupant thereof.
Section 54-23. Rules of Procedure.

To fulfill the purposes of this article and carry out the provisions contained herein:

(1) Annually the commission shall elect from its membership a chairman and vice-chairman. It shall select a secretary from its membership or its staff. If neither the chairman nor the vice-chairman attends a particular meeting, the remaining members shall select an acting chairman from the members in attendance at such meeting.

(2) The commission shall develop and adopt rules of procedure, which shall govern the conduct of its business, subject to the approval of the city. Such rules of procedure shall be a matter of public record.

(3) The commission shall develop design review guidelines for determining appropriateness as generally set forth in section 54-26. Such criteria shall insofar as possible be consistent with local, state, and federal guidelines and regulations, including, but not limited to, building safety and fire codes and the Secretary of the Interior's Standards for Rehabilitation.

(4) The commission shall keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings, determinations, and decisions. All such material shall be a matter of public record to be kept in the planning and development department.

(5) The commission shall establish its own regular meeting time; however, the first meeting shall be held within 30 days of the initial appointment of the commission by the city and regular meetings shall be scheduled monthly unless no applications are brought before the commission; in which case, a regular monthly meeting may be canceled by the chairman or any two members; however, the commission must conduct a regular meeting at least once every three months. The chairman or any two members may call a special meeting to consider an urgent matter.

(6) Notices to individual property owners of a proposed historic landmark or in a proposed preservation district shall be by certified mail.

Section 54-24. Designation of Landmarks, Landmark Sites, and Historic Districts.

By ordinance, the city may establish landmarks, landmark sites, and preservation districts within the area of its jurisdiction. Such landmarks, landmark sites, or preservation districts shall be designated following the criteria as specified in this section.
(1) The commission shall initiate a continuing and thorough investigation of the archaeological, architectural, cultural, and historic significance of the city's resources. The findings shall be collected in a cohesive format, made a matter of public record, and made available for public inspection. The commission shall work toward providing complete documentation for previously designated preservation districts, which would include:

   a. An inventory of all property within the boundary of the district, with photographs of each building and an evaluation of its significance to the district. Building evaluations are to be used only as a reference or guide and shall not be used as the determining factor for issuing or denying a certificate of appropriateness.

   b. An inventory, which would be in a format consistent with the statewide inventory format of the historic preservation division of the state department of archives and history. The commission shall advise the city on the designation of preservation districts, landmarks, or landmark sites and submit or cause to be prepared chapters to make such designation.

(2) A resource may be nominated for designation upon motion of a majority of the commission or by an organization interested in historic preservation or by an owner of the property being nominated. A nomination shall contain information as specified by the commission. The commission must reach a decision on whether to recommend a proposed nomination to the city within six months in the case of a preservation district and two months in the case of either a landmark or landmark site.

(3) If the commission votes to recommend to the city the designation of a proposed resource, it shall promptly forward to the city its recommendation, in writing, together with an accompanying file.

(4) The commission's recommendations to the city for designation of a preservation district shall be accompanied by:

   a. A map of the preservation district that clearly delineates the boundaries.
   b. A verbal boundary description and justification.
   c. A written statement of significance for the proposed preservation district.

(5) No preservation district or landmark or landmark sites shall be designated until the state department of archives and history, acting through such agent or employee as may be designated by its director, shall have made an analysis of, and recommendations concerning, the proposed district boundaries. Failure of the department to submit its analysis and recommendations to the city within 60 days after a written request for such analysis has been mailed, shall relieve the city of any responsibility for awaiting such analysis and the city may at any time thereafter take any necessary action to adopt or amend its chapter.
(6) The city shall conduct a public hearing, after notice, to discuss the proposed designation and boundaries thereof. A notice of the hearing shall be published once a week for at least three consecutive weeks in at least one newspaper published in the city. If a newspaper is not published in the city, then the notice shall be published in a paper published in the county. The first publication of such resolution shall be made not less than 21 days prior to the date fixed in the resolution for the public hearing and the last publication shall be made not more than seven days prior to such date.

(7) Within 60 calendar days after the public hearing held in connection herewith, the city shall adopt the ordinance creating the district as proposed, reject it entirely, or adopt the ordinance with modifications.

(8) Furthermore, the commission shall notify, as soon as is reasonably possible, the appropriate state, county, and municipal agencies of the official designation of all landmarks, landmark sites, and preservation districts. An updated list and map shall be maintained by such agencies and made available to the public.

(9) Within any area nominated by the historic preservation commission for historic district designation, no structure or dwelling shall be moved, destroyed or otherwise materially altered and only building permits for interior renovations shall be issued until a determination regarding the creation of such proposed historic district has been finally acted upon by the mayor and board of aldermen, or if approved by the board of aldermen, until the effective date of the ordinance from which this section is derived establishing the district, pursuant to the procedures set out for such action in this section.

(Ord. No. 2007-3, § 1, 1-16-2007)


Section 54-25. Certificates of Appropriateness.

If a building permit or other authorization from either the city building official or the city is required, no exterior feature of any resource shall be altered, relocated, or demolished until an application for a certificate of appropriateness of such work has been approved by the commission. Even if a building permit or other authorization is not required, no construction which affects an exterior feature; exterior alteration; relocation; or demolition of any resource; other than for repainting, minor repair, or routine maintenance; shall be undertaken until an application for a certificate of appropriateness for such work has been approved by the commission. Therefore:

(1) The commission shall serve as a review body with the power to make recommendations to the building official and to approve or deny applications for certificates of appropriateness.
(2) In approving and denying applications for certificates of appropriateness, the commission shall seek to accomplish the purposes of this article.

(3) A certificate of appropriateness shall not be required for work that is ordinary repair or maintenance of any resource.

(4) All decisions of the commission shall be in writing and shall state the findings of the commission, its recommendations, and the reasons thereof.


The commission and the city shall use the following criteria in granting or denying certificates of appropriateness:

(1) General factors.
   a. Architectural design of existing building, structure, or appurtenance and proposed alteration;
   b. Historical significance of the resource;
   c. General appearance of the resource;
   d. Condition of the resource;
   e. Materials composing the resource;
   f. Size of the resource;
   g. The relationship of the above factors to, and their effect upon, the immediate surroundings and, if within a preservation district, upon the district as a whole and its architectural, historical character and integrity.

(2) New construction.
   a. In advance of new construction, steps shall be taken to ensure evaluation of possible archaeological resources, as set forth in the Mississippi Antiquities Act (MCA 1972, § 39-7-1 et seq.).
   b. The following aspects of new construction shall be visually compatible with the buildings and environment with which the new construction is visually related, including
but not limited to the height, the gross volume, the proportion between width and height of the facades, the proportions and relationship between doors and windows, the rhythm of solids to voids created by openings in the facade, the materials, the textures, the patterns, the trims, and the design of the roof.

c. Existing rhythm created by existing building masses and spaces between them shall be preserved.

d. The landscape plan shall be compatible with the resource, and it shall be visually compatible with the environment with which it is visually related. Landscaping shall also not prove detrimental to the fabric of a resource, or adjacent public or private improvements like sidewalks and walls.

e. No specific architectural style shall be required.

(3) Exterior alteration.

a. All exterior alterations (other than painting) to a building, structure, object, site, or landscape feature which require a certificate of appropriateness shall be compatible with the resources itself and other resources with which it is related, as is provided in subsections (1) and (2) of this section; and the original design of a building, structure, object, or landscape feature shall be considered in applying these standards.

b. Exterior alterations shall not affect the architectural character or historic quality of a landmark and shall not destroy the significance of landmark sites.

(4) In considering any application for the demolition of a landmark or a resource within a preservation district, the following shall be considered:

   a. The commission shall consider the individual architectural, cultural, and/or historical significance of the resource.

   b. The commission shall consider the importance or contribution of the resource to the architectural character of the district.

   c. The commission shall consider the importance or contribution of the resource to neighboring property values.

   d. The commission shall consider the difficulty or impossibility of reproducing such a resource because of its texture, design, material, or detail.

   e. Applicants that have received a recommendation for demolition shall be permitted to receive such demolition permit without additional commission action on demolition following the commission's recommendation of a permit for new construction. Permits for demolition
and construction shall be issued simultaneously. For commercially zoned property, the commission may issue a certificate of appropriateness for demolition without requiring a simultaneous certificate of appropriateness for new construction after evaluating the historic resource inventory, considering a recommendation from the historic preservation consultant or city planning official and finding each of the following elements:

1. The resource is not individually, architecturally, culturally, and/or historically significant.
2. The resource does not contribute to the architectural character of the district.
3. The removal of the resource will not negatively impact neighboring property values.
4. The resource is not difficult or impossible to reproduce because of its texture, design, material, detail, or unique character.
5. The removal of the resource will not impact the structural integrity or character of the surrounding structures.
6. The removal of the resource does not alter or diminish the statement of significance for the establishment of the preservation district where the property is located.

A landscape plan must be approved by the planning department prior to issuance of the demolition permit if a permit for new construction is not issued simultaneously. Maintenance of the landscape improvements shall be the responsibility of the property owner. In addition, the property owner shall post a landscape bond, certified check, or a letter of credit to the City of Oxford for an amount no less than 100 percent of the estimated cost of procuring, installing, and maintaining for a period not less than 18 months the proposed landscape improvements as approved by the director of planning and development.

f. When the commission recommends approval of demolition of a resource, a permit shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, department and agencies.


Section 54-27. Procedures for Issuance of Certificates of Appropriateness.

Anyone desiring to take action requiring a certificate of appropriateness concerning a resource for which a permit, variance, or other authorization from either the city building official or the city is also required, shall therefore make application in the form and manner required by the application for a certificate of appropriateness and shall include such additional information as may be required by the commission. After receipt of any such application, the city building official shall be assured that the application is proper
and complete. No building permit shall be issued by the city building official which affects a resource without a certificate of appropriateness. Thereafter, such application shall be reviewed in accordance with the following procedure:

(1) When any such application is filed, the city building official shall immediately notify the commission chairman, or vice-chairman if the chairman is unavailable, of the application having been filed.

(2) The applicant shall, upon request, have the right to a preliminary conference with a member of the commission or of the commission staff for the purpose of making any changes or adjustments to the application, which might be more consistent with the commission's standards.

(3) Not later than 15 days before the date set for said hearing, the city building official shall mail notice thereof to the applicant at the address in the application and to all members of the commission.

(4) Notice of the time and place of said hearing shall be given by publication in a newspaper having general circulation in the city at least 15 days before such hearing and by posting such notice on the bulletin board in the front of the city hall.

(5) At such hearing, the applicant for a certificate of appropriateness shall have the right to present any relevant evidence in support of the application. Likewise, the governing body shall have the right to present any additional relevant evidence in support of the application.

(6) The commission shall have the right to recommend changes and modifications to enable the applicant to meet the requirements of the commission.

(7) Within not more than 21 days after the hearing on an application, the commission shall act upon it, either approving, denying, or deferring action until the next meeting of the commission, giving consideration to the factors set forth in section 54-26. Evidence of approval of the application shall be by certificate of appropriateness issued by the commission and, whatever its decision, notice in writing shall be given to the applicant and the city building official.

(8) In all cases of applications affecting national historic landmarks, at least two-thirds (six members of a nine-member board) of the members of the commission must approve a certificate of appropriateness in order for it to be granted.

(9) The issuance of a certificate of appropriateness shall not relieve an applicant for a building permit, special use permit, variance, or other authorization from compliance with any other requirement or provision of the laws of the city concerning zoning, construction, repair, or demolition.
Section 54-28. Appeals.

The applicant who desires to appeal a decision by the commission shall file an appeal to the director of planning who will forward this appeal to the mayor and board of aldermen for presentation at their next regularly scheduled meeting, through the city clerk as provided by law.

Section 54-29. Minimum Maintenance Requirements.

In order to insure the protective maintenance of resources, the exterior features of such properties shall be maintained to meet the requirements of the city's minimum housing code and the city's building code.

Section 54-30. Demolition by Neglect.

(a) Any resource which is a landmark and all resources within a preservation district shall be preserved by the owner or such other person or persons as may have the legal custody or control thereof against decay, deterioration, and free from unreasonable structural defects. The owner or other person having legal custody and control thereof shall repair such resource if it is found to have one or more of the following defects:

1. Deterioration to the extent that it creates or permits a hazardous or unsafe condition as determined by the city's building inspector.
2. Deterioration, as determined by the building inspector, of a building characterized by one or more of the following:
   a. Those buildings, which have parts thereof, which are so attached that they may fall and injure persons or property;
   b. Deteriorated or inadequate foundations;
   c. Defective or deteriorated floor supports or floor supports inefficient to carry imposed loads with safety;
   d. Members of walls or other vertical supports that split, lean, list, or buckle due to defective material, workmanship, or deterioration;
   e. Members of walls or other vertical supports that are insufficient to carry imposed loads with safety;
   f. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members, which sag, split, or buckle due to defective material, workmanship, or deterioration;
g. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are insufficient to carry imposed loads with safety;

h. Fireplaces or chimneys which list, bulge, or settle due to defective material, workmanship, or deterioration; or

i. Any faults, defect, or condition in the building, which renders the same structurally unsafe or not properly watertight.

(b) If the commission makes a preliminary determination that a resource is being demolished by neglect, it shall direct the city building official to notify the owner of the resource of this preliminary determination, stating the reasons therefore, and shall give the owner of record 30 days from the date of mailing of such notice or the posting thereof on the property, whichever comes later, to commence work to correct the specific defects as determined by the commission. Said notice shall be given as follows:

   (1) By certified mail, restricted delivery, mailed to the last known address of the record owner as listed on the city and/or county tax rolls; or

   (2) If the above mailing procedure is not successful, notice shall be posted in a conspicuous, protected place on the resource. If the owner fails to commence work within the time allotted as evidenced by a building permit, the commission shall notify the owner in the manner provided above to appear at a public hearing before the commission at a date, time, and place to be specified in said notice, which shall be mailed or posted at least 30 days before said hearing. For the purpose of insuring lawful notice, a hearing may be continued to a new date and time. The commission shall receive evidence on the issue of whether the subject resource should be repaired and the owner may present evidence in rebuttal thereto by neglect, it may direct the city building official to bring misdemeanor charges against that owner.

(Code 1968, § 14 1/2-32; Ord. No. 2000-5, § 12, 3-7-2000)


Section 54-31. Public Safety Exclusion.

None of the provisions of this article shall be construed to prevent any action of construction, alteration, or demolition necessary to correct or abate the unsafe or dangerous condition of any resource, or part thereof, where such condition has been declared unsafe or dangerous by the city building official or the fire department and where the proposed actions have been declared necessary by such authorities to correct said condition; provided, however, that only such work as is necessary to correct the unsafe or dangerous condition may be performed pursuant to this section. In the event any resource designated as a landmark or located within a preservation district shall be
damaged by fire or other calamity to such and extent that it cannot be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws, provided that:

1. The city building official concurs with the property owner that the resource cannot be repaired and restored and so notifies the commission in writing.

2. The preservation commission, if in doubt after receiving such notification from the city building official, shall be allowed time to seek outside professional expertise from the state historic preservation office and/or an independent structural engineer before issuing a certificate of appropriateness for the demolition. The commission may indicate, in writing, appropriateness for the demolition. The commission may indicate in writing, by letter, to the city building official that it will require a time period of up to 30 days for this purpose, and, upon such notification to the city building official, this section shall be suspended until the expiration of such a delay period.

(Code 1968, § 14 1/2-33; Ord. No. 2000-5, § 13, 3-7-2000)

Section 54-32. Enforcement and Penalties.

The following civil and criminal penalties may be imposed upon those persons found to have violated requirements or prohibitions contained within this article:

1. Civil penalty. Any person who constructs, alters, relocates, or demolishes any resource in violation of this article shall be required to restore the resource to its appearance or setting prior to the violation. Any action to enforce this provision shall be brought by the city upon the recommendation of the commission. This civil remedy shall be in addition to, and not in lieu of, any criminal prosecution and penalty.

2. Criminal penalty. Any person violating any provision of this article shall be guilty of a misdemeanor, and shall be deemed guilty of a separate violation for each day during which any violation hereof is committed. Upon conviction, each violation shall be punishable by a fine not to exceed $1,000.00.

(Code 1968, § 14 1/2-34; Ord. No. 2000-5, § 14, 3-7-2000)

Section 54-33. Appropriations.

The city is authorized to make appropriations to the commission necessary for the expenses of the operation of the commission.

Section 54-34. Title to Property Acquired.

All property acquired by funds appropriated by the city shall be acquired in the name of the city unless otherwise provided by the city. So long as owned by the city, properties may be maintained by or under the supervision and control of the city. However, all property acquired by the commission from funds other than those appropriated by the city may be acquired and held in the name of the commission, the city, or both. Whenever the commission shall hold title to properties in its own name, such properties shall be administered in accordance with this and other city ordinances.

(Code 1968, § 14 1/2-36; Ord. No. 2000-5, § 16, 3-7-2000)

Section 54-35. Nonrestrictive Clause.

(a) Nothing in this article shall be construed to prevent the regulation or acquisition of property, improved or unimproved, by the state or any of its political subdivisions, agencies, or instrumentalities or by the United States of America or any of its political subdivisions, agencies, or instrumentalities.

(b) Furthermore, the city hereby acknowledges that the Mississippi Antiquities Act (MCA 1972, § 39-7-1 et seq., as amended in 1983), provides for the sensitive treatment of publicly owned property, improved or unimproved, shown to possess certain architectural, historical, or archaeological significance, which are designed by the board of trustees of the state department of archives and history as state landmarks. Whenever the city proposes to rehabilitate, alter, or enlarge a state landmark (or proposes similar actions, which would affect a state landmark), the city shall submit its plans to the state department of archives and history for review and compliance.

(Code 1968, § 14 1/2-37; Ord. No. 2000-5, § 17, 3-7-2000)

Section 54-36. Disqualification of Members by Conflicts of Interest.

Because the city may possess few residents with experience in the individual fields of urban planning, American history, cultural geography, cultural anthropology, architecture, interior design, landscape design, construction, law, real estate appraisal and related fields, and in order not to impair such residents from practicing their trade for hire, members of the commission are allowed to contract their services to an applicant for a certificate of appropriateness, and, when doing so, must expressly disqualify themselves from the commission during all discussions for that application. In such cases, the city may, upon the request of the chairman of the commission or the vice-chairman in his stead, appoint a substitute member who is qualified in the same field as the disqualified member, and who will serve for that particular case only. If no qualified resident of the city is able to substitute for the disqualified member, the city may appoint, in this case only, a qualified substitute who must be a resident of Mississippi but who is not required to be a resident of Oxford. If any member of the commission must be disqualified due to
a conflict of interest on a regular and continuing basis, the chairman or the vice-chairman, in his stead, shall encourage the member to resign his commission seat. Failing this resignation, and, if the commission member continues to enter into conflict of interest situations with the commission, the chairman or vice-chairman of the commission shall encourage the city to replace the member. Likewise, any member of the city historic preservation commission who has an interest in the property in question or in property within 300 feet of such a property, or is employed with a firm that has been hired to aid the applicant in any matter whatsoever, or who has any proprietary, tenancy, or personal interest in a matter to be considered by the commission shall be disqualified from participating in the consideration of any request for a certificate of appropriateness involving such a property. Furthermore, any member of the courthouse square preservation commission who has an interest in the property in question or in property that abuts the property in question, or is employed with a firm that has been hired to aid the applicant in any matter whatsoever, or who has any proprietary, tenancy, or personal interest in a matter to be considered by the commission shall be disqualified from participating in the consideration of any request for a certificate of appropriateness involving such a property. In such cases, a qualified substitute may be appointed as provided above.


Section 54-37. Conflict with the Mississippi Antiquities Act.

All ordinances and part of ordinances in conflict with the Mississippi Antiquities Act (MCA 1972, § 39-7-1 et seq., as amended in 1983) are hereby repealed.