

LINCOLN COUNTY HISTORIC PROPERTIES ORDINANCE

1.0 The historical heritage of Lincoln County is one of its most valued and important assets. Conservation of historic properties will stabilize and increase the values in their areas and strengthen the overall economy of the County and State. By means of listing, regulation and acquisition of historic properties, Lincoln County seeks, within its zoning jurisdiction:

- (1) To safeguard its heritage by preserving any property therein that embodies important elements of its cultural, social, economic, political or architectural history; and
- (2) To promote the use and conservation of such property for the education, pleasure and enrichment of the residents of the County and the State as a whole.

2.0 HISTORIC PROPERTIES COMMISSION

2.1 CREATION

There is hereby established, by authority of Chapter 160A, Article 19, Part 3C of the North Carolina General Statutes, the Lincoln County Historic Properties Commission or Commission, to consist of nine members appointed by the Board of Commissioners of Lincoln County. The Commission shall serve without monetary compensation. In establishing the Commission and making appointments to it, the Board of Commissioners shall seek the advice of such State or local historical agencies, societies or organizations as it may deem necessary.

2.2 QUALIFICATIONS OF MEMBERS

All members of the Historic Properties Commission shall be residents of the territory subject to the zoning jurisdiction of the County, and a majority of the members shall have demonstrated special interest, experience, or education in history, architecture, archaeology or related fields.

2.3 TENURE

Members of the Historic Properties Commission shall serve overlapping terms whereby not more than three terms expire in anyone year. Initially, terms may be set by the Board of Commissioners to be one year to three years in length. After January 1, 1993, all terms shall be three years in length. A member may be reappointed for a second consecutive term, but after two consecutive terms, a member shall be ineligible for reappointment until one calendar year has elapsed from the date of termination of his or her second term. A member may be appointed to fulfill the un-expired portion of either a first or second term.

ATTENDANCE AT MEETINGS

Any member of the Historic Properties Commission who misses more than three consecutive regular meetings or more than one half the regular meetings in a calendar year shall lose his or her status as a member of the Commission, and shall be replaced or reappointed by the Board of Commissioners, pursuant to Section 2.1 of this ordinance. Absence due to sickness, death in the family or other emergencies of like nature shall be recognized as approved absences, and shall not affect the member's status on the Commission, except that in the event of a long illness or any other such cause for prolonged absence, the member shall be replaced.

MEETINGS

The Historic Properties Commission shall establish a meeting time, and shall meet at least bimonthly (every two months), and more often as it shall determine and require. All meetings of the Commission shall be open to the public, in accord with North Carolina Open Meetings Law, G.S. 143-33 C. Reasonable notice of the time and place thereof shall be given to the public.

RULES OF PROCEDURE

The Historic Properties Commission shall adopt rules of procedure for the conduct of its business, and an annual report shall be prepared and submitted by January 1 of each year to the Board of Commissioners. Such a report shall include a comprehensive and detailed review of the activities, problems and actions of the Commission, as well as any budget request or recommendations. The Commission shall keep a record of its members' attendance, and of its resolutions, finds, and recommendations, which record shall be a public record.

COMMISSION POWERS

The Historic Properties Commission is authorized and empowered to undertake such actions reasonably necessary to the discharge and conduct of its duties and responsibilities as outlined in this ordinance and Part 3C, Article 19 of Chapter 160A of the General Statutes of the State of North Carolina, including, but not limited to, the following:

- (a) Undertake an inventory of properties of historical, architectural and/or archaeological significance.
- (b) Recommend to the Board of Commissioners, buildings, structures, sites areas or objects within its zoning jurisdiction to be designed by ordinance as "historic properties".
- (c) Acquire, by any lawful means, the fee or any lesser included interest to any such historic properties, to hold, manage, preserve, restore and improve the same, and to exchange or dispose of the same by public or private sale, lease or otherwise subject to covenants or other legally binding restrictions which will appropriate rights of public access and promote the preservation of the property.
- (d) Restore, preserve and operate such historic properties.
- (e) Recommend to the Board of Commissioners that designation of any building, structure, site, area or object as a historic property be revoked or removed.
- (e) Conduct an educational program on historic properties within its jurisdiction.
- (t) Conduct an educational program on historic properties within its jurisdiction.
- (g) Cooperate with the State, Federal and Local governments in pursuance of the purposes of this Ordinance. The Board of Commissioners or the Commission, when authorized by the Board of Commissioners, may contract with the State, or the United States of America, or with any agency of either, or with any other organization, provided the terms are not inconsistent with State or Federal Law.
- (h) Enter, solely in performance of its official duties, and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee or agent of the Commission may enter any private building or structure without the express consent of the owner or occupant thereof.
- (i) Act as, establish or designate a group, body or committee to give advice to property owners concerning the treatment of the historical and visual characteristics of their properties, such as color schemes, gardens and landscape features and minor decorative elements.

- (j) Take steps, during the period of postponement of demolition or relocation of any historic properties, to ascertain what the Board of Commissioners can or may do to preserve such properties, including consultation with private civic groups, interested private citizens and other public boards or agencies and including investigation of potential acquisition by the Board of Commissioners when the preservation of a given historic property is clearly in the interest of the general welfare of the community, and such property is of certain historic and architectural significance.
- (k) Propose to the Board of Commissioners changes to this or any other ordinance, and propose new ordinance or laws relating to historic properties or relating to a total program for the protection and/or development of the historic resources of Lincoln County and its environs.
- (l) Communicate with other local governmental boards or commissions or with agencies of the County or other governmental units to offer or request assistance, aid, guidance or advice concerning matters under its purview or of mutual interest.
- (m) Publish information about, or otherwise inform the public of any matters pertinent to its purview, duties, organization, procedures, responsibilities, functions or requirements as its budget may allow.
- (n) Report violations of this ordinance, the zoning ordinances or the building code with respect to historic properties to the Lincoln County Inspections Department.
- (o) Accept funds granted to the Commission for preservation purposes from private individuals and organizations.
- (p) Organize itself and conduct its business.
- (q) Prepare and recommend the official adoption of a preservation element as part of the County's Comprehensive Land Use Plan.
- (r) Review and act upon proposals for relocation or demolition of designated historic properties/landmarks.

DESIGNATION OF HISTORIC PROPERTIES

ADOPTION OF AN ORDINANCE OF DESIGNATION

Upon compliance with the procedures set out in Section 3.4 of this ordinance, the Board of Commissioners may adopt, and, from time to time, amend or repeal an ordinance designating one or more historic properties.

For each building, structure, site, area or object designated as a historic property, the ordinance shall require that the waiting period set forth in Section 4.2 of this ordinance be observed prior to its demolition. For each designated historic property, the ordinance may also provide for a suitable sign to be placed upon the property, that the property has been so designated. If the owner objects, the sign shall be placed on a nearby public right-of-way.

3.2 INVENTORY

As a guide for the identification and evaluation of landmarks, the Commission shall undertake, at the earliest possible time and consistent with the resources available to it, an inventory of properties of historical, architectural, pre-historical and cultural significance within its jurisdiction. Such inventories and any additions or revisions thereof shall be submitted as expeditiously as possible to the Division of Archives and History.

3.3 DESIGNATION COMMITTEE

A Designation Committee shall be established from the membership of the Commission to review the inventory and recommend to the full Commission, from time to time, the designation of historic properties.

This committee shall also review applications for historic property designation submitted by property owners. It shall be available to meet with applicants for designation at an early stage in the process of preparing the application in order to advise them informally concerning the Commission's standards for reports, the criteria for designation, the boundaries of the property to be designated and other relevant matters.

The committee, collectively and individually, shall refrain from any indication of approval or disapproval, but shall not, for that reason be barred from reasonable discussion of the applicant's proposals. No advice or opinion given, or reported as having been given by any member of the committee at such informal meeting(s) shall in any way be official or binding upon the Commission.

3.4 GUIDELINE REQUIRED

No ordinance designating a historic building, structure, site area or object as a landmark, nor any amendment thereto may be adopted, nor may any property be accepted or acquired by the Commission or the Lincoln County Board of Commissioners.

- (1) The Commission has (i) prepared and adopted rules of procedure, and (ii) prepared and adopted principles and guidelines for altering, restoring, moving or demolishing properties designated as landmarks.

3.5 DESIGNATION REPORTS

3.5.1 DESIGNATION REPORTS PREPARED BY THE COMMISSION

If the Commission accepts the recommendation of the Designation Committee that a property be considered for designation, the Commission shall make or cause to be made an investigation and report meeting the minimum standards contained in Section 12.4.

3.5.2 DESIGNATION REPORTS PREPARED BY AN OWNER

To receive consideration for designation of a property as historic, a property's owner must prepare an application meeting the minimum standards contained in Section 12.4. Applications prepared by owners will be judged by the same criteria as those prepared by the Commission. Owner applications shall be made on forms provided by the Commission.

Designation reports, whether prepared by the Commission or submitted as applications by an owner, shall include the following:

- a) The name of the property - both common and historic names, if they can be determined.
- b) The name and address of the current property owner.
- c) The location of the property and a justification if the land proposed is to be designated historic. If located in an urban area, the street address shall be used; if located in a rural area, the approximate location in relation to state routes should be used.
- d) The date of construction and of any later alterations, if any.
- e) An assessment of the significance of the site or structure proposed to be designated. If outbuildings or other appurtenant features will be designated, the report should contain a description of these elements.
- f) An architectural or archaeological description of the area of the site or structure proposed to be designated. If outbuildings or other appurtenant features will be designated, the report should contain a description of these elements.
- g) A historical discussion of the site or structure within its type, period and locality.

- h) An overall photograph that clearly depicts the property proposed to be designated and supplementary photographs showing facades, details and siting.
- i) A map showing the location of the property including any outbuildings and appurtenant features.

3.6 SUBMISSION OF DESIGNATION REPORTS

A designation report prepared by or for the Commission may be considered at any meeting of the commission, provided the notification requirements contained in Section 3.7 are met.

An application for designation prepared by the property owner and meeting all of the standards contained in Section 3.5 must be received at least thirty calendar days prior to the next meeting of the Commission to be considered at that meeting.

3.7 NOTIFICATION PROCEDURES

When a designation report is prepared by the Commission and is to be considered at a Commission meeting, the Chairman shall notify by certified mail, mailed out not less than seven calendar days prior to the meeting at which the matter is to be heard, the owners of the property and the owners of abutting property.

3.8 CONSIDERATION OF THE REPORT

Once the designation report has been prepared, either by the Commission or by the owner, and once the notification required by Section 3.7 has been met, the Commission shall consider the report. The Commission may accept it, amend it, reject it or recommend further study.

Prior to the final action on a designation report, the Commission shall indicate the extent to which the property meets the criteria for designation contained in General Statute 160A-400, as amended.

3.9 REVIEW BY THE DEPARTMENT OF CULTURAL RESOURCES

A report accepted by the Historic Properties Commission shall be submitted to the North Carolina Department of Cultural Resources, Division of Archives and History, for comments pursuant to General Statute 160A-400 as amended.

The Historic Properties Commission shall make, or cause to be made, an investigation and report on the historic, architectural, educational, pre-historical or cultural significance of each building, structure, site, area or object proposed for

designation or acquisition. The report of the inventory and assessment shall be submitted to the Department of Cultural Resources for the review.

The Department of Cultural Resources shall make an analysis of recommendations concerning the report of the Commission within 30 days after the report and written request for the analysis have been received by the department. If the department fails to submit its analysis and recommendations to the Historic Properties Commission within 30 days after the written request for analysis has been received, the Commission or the Board of Commissioners shall be relieved of any responsibility to consider such comments.

After the expiration of the 30-day comment period given the Division of Archives and History, the Commission may recommend to the governing body that the property be designated as a historic property, subject to the requirements of General Statute 160A-400, as amended.

SUBMISSION TO GOVERNING BODY

The Commission shall submit a copy of the report and a proposed ordinance of designation to the Board of County Commissioners.

PUBLIC HEARING

When a proposed ordinance of designation is submitted, the Commission shall request that the Board of County Commissioners call a joint public hearing on the proposed ordinance.

ADOPTION OF A DESIGNATION ORDINANCE

Following the joint public hearing, the governing body may adopt the ordinance as proposed, adopt the ordinance with amendments or reject the ordinance.

ACTIONS SUBSEQUENT TO APPROVAL

Upon adoption of the ordinance:

1. The owner(s) and occupants shall be given written notice of such designation insofar as reasonable diligence permits.
2. One copy of the ordinance and all amendments thereto shall be filed by the Commission in the office of the Register of Deeds of Lincoln County. Each historic property shall be indexed according to the name of the owner in the grantee and grantor indexes, and the Commission shall pay a fee for filing and indexing.

3. In the case of property lying within the zoning jurisdiction of a city, a second copy shall be kept on file in the office of the City or Town Clerk, and be made available for public inspection at any reasonable time.
4. A copy of the ordinance and any amendments thereto shall be given to the City or County building inspector.
5. The fact that a building, structure, site, area or object has to be designated a historic property shall be clearly indicated on all tax maps maintained by the City or County for such period as the designation remains in effect.
6. It shall be the duty of the Commission to give notice thereof to the tax supervisor of Lincoln County, who shall consider the designation and any recorded restriction on the property in appraising it for tax purposes.

3.13 DENIED APPLICATIONS

If an application for historic property designation is not approved, a copy of the minutes of the meeting shall be mailed forthwith to the owner.

4.0 CERTIFICATE OF APPROPRIATENESS

4.1 REQUIRED

- (a) From and after the designation of a historic property, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement or other appurtenant features), nor above-ground utility structure, nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished on such historic property until after an application for a Certificate of Appropriateness as to exterior features has been submitted to and approved by the Historic Properties Commission. The municipality shall require such a certificate to be issued by the Commission prior to the issuance of a building permit or other permit granted for the purposes of constructing, altering, moving or demolishing structures, which certificate may be issued, subject to reasonable conditions necessary to carry out the purposes of this Section. A Certificate of Appropriateness shall be required, whether or not a building or other permit is required.

For purposes of this Section, "exterior features" shall include the architectural style, general design and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs and other appurtenant fixtures. In the case of outdoor advertising signs, "exterior features" shall be construed to mean the style, material, size and location of all such signs.

Such "exterior features" may, in the discretion of the local governing board, include historic signs, color and significant landscape~ archaeological and natural features of the area.

Except as provided in (b) below, the Commission shall have no jurisdiction over interior arrangement, and shall take no action under this section, except to prevent the construction, reconstruction, alteration, restoration, moving or demolition of buildings, structures, appurtenant fixtures or outdoor advertising signs which would be incongruous with the special character of the historic property.

- (b) Notwithstanding subsection (a) of this section, jurisdiction of the Commission over interior spaces shall be limited to specific interior features of architectural, artistic or historical significance in publicly owned landmarks; and of privately owned historic landmarks for which consent for interior review has been given by the owner. Said consent of an owner for interior review shall bind future owners and/or successors in title, provided such consent has been filed in the office of the Register of Deeds of the county in which the property is located, and indexed according to the name of the owner of the property in the grantee and grantor indexes. The landmark designation shall specify the interior features to be reviewed, and the specific nature of the Commission's jurisdiction over the interior.
- (c) Prior to any action to enforce this ordinance, the Commission shall (i) prepare and adopt rules of procedure, and (ii) may prepare and adopt principles and guidelines, not inconsistent with this Section, for new construction, alternations, additions, moving and demolition.

Prior to issuance or denial of a Certificate of Appropriateness, the Commission shall take such steps as may be reasonably required in the ordinance and/or rules of procedure to inform the owners of any property like to be materially affected by the application, and shall give the applicant and such owners an opportunity to be heard. In cases where the Commission deems it necessary, it may hold a public hearing concerning the application. All meetings of the Commission shall be open to the public, in accordance with the North Carolina Open Meeting Law, Chapter 143, Article 33C.

- (c) All applications for Certificates of Appropriateness shall be reviewed and acted upon within a reasonable time, not to exceed 360 days from the date the application for a Certificate of Appropriateness is filed, as defined by the ordinance or the Commission's rules of procedure. As part of its review procedure, the Commission may view the premises, and seek the advice of the Division of Archives and History or such other expert advice as it may deem necessary under the circumstances.

- (d) An appeal may be taken to the Board of Adjustment from the Commission's action in granting or denying any certificate, which appeals (i) may be taken by any aggrieved party, (ii) shall be taken within times prescribed by the preservation Commission by general rule, and (iii) shall be in the nature of certiorari. Any appeal from the Board of Adjustment's decision in any such case shall be heard by the Superior Court of the county in which the municipality is located.

- (e) All of the provisions of this Section are hereby made applicable to construction, alteration, moving and demolition by the State of North Carolina, its political subdivisions, agencies and instrumentalities, provided, however, they shall not apply to interiors of buildings or structures owned by the State of North Carolina. The State and its agencies shall have a right of appeal to the North Carolina Historical Commission or any successor agency assuming its responsibilities under O.S.121-12 (a) from any decision of a local Historic Properties Commission. The Commission shall render its decision within 30 days from the date that the notice of appeal by the State is received by it. The current edition of the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* shall be the sole principles and guidelines used in reviewing applications of the State for Certificates of Appropriateness. The decision of the Commission shall be final and binding upon both the State and the Historic Properties Commission.

4.2

DELAY IN DEMOLITION OF HISTORIC PROPERTIES

- (a) An application for a Certificate of Appropriateness authorizing the demolition, destruction or relocation of a designated landmark may not be denied except as provided in subsection (c). However, the effective date of such a certificate may be delayed for a period of up to 365 days from the date of approval. The maximum period of delay authorized by this section shall be reduced by the Commission" where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. During such period, the Historic Properties Commission shall negotiate with the owner and with any other parties in an effort to find a means of preserving the building site.

If the Commission has voted to recommend designation of a property as a landmark, and final designation has not been made by the local governing board, the demolition or destruction of any building, site or structure located on the property of the proposed historic property may be delayed by the Commission or planning agency for a period of up to 180 days or until the local governing board takes final action on the designation, whichever occurs first.

- (b) The governing board may enact an ordinance to prevent the demolition by neglect of any designated historic property (landmark). Such ordinance shall provide appropriate safeguards to protect property owners from undue economic hardship.
- (c) An application for a Certificate of Appropriateness, authorizing the demolition or destruction of a building, site or structure determined by the State Historic Preservation Office as having statewide significance as defined in the criteria of the National Register of Historic Places, may be denied, except where the Commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

3 CERTAIN CHANGES NOT PROHIBITED

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 that does not involve a change in design, material or out appearance thereof, nor to prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe or dangerous condition. Nothing herein shall be construed to prevent a property owner from making any use of his property not prohibited by other statutes, ordinances or regulations.

4 REQUIRED PROCEDURES

4.1 APPLICATION SUBMITTED TO APPROPRIATE ADMINISTRATIVE OFFICIAL

An application for a Certificate of Appropriateness shall be obtained from, and, when completed, filed with the appropriate administrative official. Applications for certificates of appropriateness shall be considered by the Commission at its next regular meeting, provided they have been filed, complete in form and content, at least 21 calendar days before the regularly scheduled meeting of the Commission; otherwise, consideration shall be deferred until the following meeting.

4.2 CONTENTS OF APPLICATION

The Commission shall, by uniform rule in its Rules of Procedure, require data as are reasonably necessary to determine the nature of the application. An application for a Certificate of Appropriateness shall not be considered complete until all required data have been submitted.

4.3 NOTIFICATION OF HISTORIC PROPERTIES COMMISSION

Upon receipt of an application, the official shall notify the Commission members at least seven (7) calendar days before the regularly scheduled meeting.

4.4.4 NOTIFICATION OF AFFECTED PROPERTY OWNERS

Prior to issuance or denial of a Certificate of Appropriateness, the Commission shall take such steps as may be reasonably required in the Ordinance and/or Rules of Procedure to inform the owners of any property likely to be materially affected by the application, and shall give the applicant and such owners an opportunity to be heard.

4.4.5 PUBLIC HEARING

In cases where the Commission deems it necessary, it may hold a public hearing concerning the application.

4.4.6 COMMISSION ACTION ON APPLICATION

The Commission shall take action on the application, and, in doing so, shall apply the Review Criteria, contained in Section 5 of this Ordinance.

The Commission's action on the application shall be approval, approval with modifications or disapproval.

Prior to final action on an application, the Commission, using the guidelines in Section 5, shall make Findings of Fact, indicating the extent to which the application is or is not in compliance with the Review Criteria.

4.4.7 REASONS FOR COMMISSION'S ACTION TO APPEAR IN MINUTES

The Commission shall cause to be entered into the minutes of its meeting reasons for its actions, whether it be approval, approval with modifications or denial.

4.4.8 TIME LIMITS

If the Commission fails to take final action upon any application within sixty days after the complete application is submitted to the Commission, the application shall be deemed to be approved.

4.4.9 SUBMISSION OF NEW APPLICATION

If the Commission determines that a Certificate of Appropriateness should not be issued, a new application affecting the same property may be submitted only if

substantial change is made in plans for the proposed construction, reconstruction, alteration, restoration or moving.

.0 REVIEW CRITERIA

.1 INTENT

It is the intention of these regulations to insure, insofar as possible, that changes in designated properties shall be in harmony, with reasons for designation.

.2 FORM AND APPEARANCE

The following criteria shall be considered, when relevant, by the Commission in reviewing applications for a Certificate of Appropriateness.

List of Criteria

- Lot coverage, defined as the percentage of lot area covered by primary structures
- Setback, defined as the distance from the lot lines to the building(s)
- Building height
- Spacing of buildings, defined as the distance between adjacent buildings
- Building materials
- Proportion, shape, positioning, location, pattern and sizes of any elements of fenestration
- Surface textures
- Roof shapes, forms and materials
- Use of local or regional architectural traditions
- General form and proportions of buildings and structures, and relationship of any additions to the main structure
- Expression of architectural detailing, such as lintels, cornices, 'brick bond and foundation materials
- Orientation of the building to the street

-
- Scale, determined by the size of the units of construction and architectural details in relation to the size of man, and also, by the relationship of the building mass to adjoining open space and nearby buildings and structures
- Proportion of width to height of the total building facade
- Effect of trees and other landscape elements
- Appurtenant fixtures and other features such as lighting
- Structural condition and soundness
- Walls - physical ingredients, such as brick, stone or wood walls, wrought iron fences, evergreen landscape masses, building facades or combinations of these
- Color
- Ground cover or paving
- Maintenance of pedestrian scale and orientation, as well as provision for safe pedestrian movement

6.0 CONDITIONS TO CERTAIN APPROVALS

6.1 AUTHENTIC RESTORATION OR RECONSTRUCTION

In the event that the Historic Properties Commission, in reviewing an owner's proposal, find that a building or structure for which a building permit is required is to be an authentic restoration or reconstruction of a building or structure which existed at the same location, but does not meet zoning requirements, said building or structure may be authorized to be restored or reconstructed at the same location where the original building or structure was located, provided the Board of Adjustment authorizes such restoration or reconstruction, and no use, other than that permitted in the district in which it is located, is made of said property. Such conditions as may be set by the Historic Properties Commission and the Zoning Board of Adjustment shall be conditions for the issuance of the building permit.

7.0 AUTHORITY TO ACQUIRE HISTORIC PROPERTIES

Within the limits of its jurisdiction, the Historic Properties Commission (and with the approval of the local governing board) may acquire property designated as historic property, and may pay, therefore, out of any funds which may be appropriated for that purpose. The County, pursuant to North Carolina General Statute 160A-400.8(3), has the authority to acquire, maintain, manage, repair, restore or dispose of any buildings or structure designated as a historic property in

any order adopted, pursuant to this act. In the event the property is acquired under this section, but is not used for some other governmental purpose, it shall be deemed to be a "museum" under the provisions of G.S. 160-200 (4), notwithstanding the fact that the property may be or remain in private use, so long as the property is made reasonably accessible to and open for visitation by the general public.

8.0 OWNERSHIP OF PROPERTY

All lands, buildings, structures, sites, areas or objects acquired by funds appropriated by the local government shall be acquired in the name of the local government, unless otherwise provided by the Board of Commissioners. So long' " as owned by the local government, historic properties may be maintained by or under the supervision and control of the local government. However, all lands, buildings or structures acquired by the Historic Properties Commission from funds other than those appropriated by the local government may be acquired and held in the name of the Historic Properties Commission, the local government or both, in accordance with the General Statutes of North Carolina as they may apply, and as approved by the Board of Commissioners.

9.0 RECEIPT AND EXPENDITURE OF FUNDS

The Commission, within the limits of funds appropriated for its use, may expend funds for the operation of the Commission affairs, and for the acquisition, restoration, operation and management of historic buildings, structures, sites, areas or objects designated as historic sites, or of land on which historic buildings or structures are located or to which they may be removed.

10.0 STAFF AND TECHNICAL SERVICES

The Board of Commissioners will make provisions for the use of staff personnel, clerical or other, as may be needed from time to time, and for the provision of procurement of technical services, as it deems appropriate, based upon the presented information.

11.0 RESERVED

12.0 RESERVED

13.0 RESERVED

14.0 CONFLICT WITH OTHER LAWS

Whenever this ordinance requires a longer waiting period or imposes other higher standards with respect to a designated historic property than are established under any other statute, chapter provision, regulation or ordinance, this ordinance shall .

govern. Whenever the provisions of any other statute, charter provision, ordinance or regulation require a longer waiting period or impose other higher standards, such other charter provision, ordinance or regulation shall govern.

15.0 REMEDIES

In case any building, structure, site, area or object designated a historic property is about to be demolished, whether as the result of deliberate neglect or otherwise, materially altered, remodeled or removed, except in compliance with the ordinance, the Board of Commissioners or Historic Properties Commission may institute any appropriate action or proceedings to prevent such unlawful demolition, material alteration, remodeling or removal, to restrain, correct or abate such violation, or to prevent any illegal act of conduct with respect to such historic property.

16.0 EFFECTIVE DATE

- 16.1 This ordinance shall be effective from, and after, its adoption, which was originally adopted the 17th day of January, 1993.
- 16.2 Reissue of Ordinance was adopted January 17, 1983; amended November 19, 1990 (Section 2.3 revised).
- 16.3 This ordinance was substantially amended, and was adopted with the additions included, and the deletions removed on September 8, 1992.

ADOPTED this 8th day of September, 1992.

C. Harry Huss, Chairman