

## AN ORDINANCE CREATING THE HISTORIC PRESERVATION COMMISSION OF RUTHERFORD COUNTY

WHEREAS, the heritage of the Rutherford County is one of our most valued and important assets; and

WHEREAS, the North Carolina General Statutes authorize counties to safeguard the heritage of the county by preserving any district or landmark therein that embodies important elements of its culture, history, architectural history, or prehistory and to promote the use and conservation of such district or landmark for the education, pleasure and enrichment of the residents of the county and the State as a whole; and

WHEREAS, the conservation of historic districts and landmarks will stabilize and increase property values in their areas and strengthen the overall economy; and

WHEREAS, Rutherford County desires to safeguard the heritage of the county by preserving and regulating historic landmarks and historic districts to enhance the environmental quality; to establish and improve property values; and to foster economic development; and

WHEREAS, Rutherford County does therefore desire to create a commission to be known as the Historic Preservation Commission of Rutherford County to perform the duties of regulating historic landmarks and historic districts pursuant to N.C.G.S. Chapter 160A, Article 19, Part 3C and the provisions of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE RUTHERFORD COUNTY BOARD OF COMMISSIONERS OF RUTHERFORD COUNTY AS FOLLOWS:

### **Historic Preservation Commission**

There is hereby established a Historic Preservation Commission of Rutherford County ("Commission") under the authority of Chapter 160A, Article 19, Part 3C of the North Carolina General Statutes.

The Commission shall consist of (at least seven) members appointed by the Rutherford County Board of Commissioners. All members shall reside within the jurisdiction of Rutherford County. A majority of the members of the Commission shall have demonstrated special interest, experience or education in history, architecture, archaeology or related fields. The commission may appoint advisory bodies and committees as appropriate. Members of the Commission shall serve terms of three years. Terms shall be staggered. A member may be reappointed.

The powers of the Historic Preservation Commission are as follows:

1. Undertake an inventory of properties of historical, prehistorical, architectural and/or cultural significance.
2. Recommend, only with the voluntary participation of the property owner or owners, to the Rutherford County Board of Commissioners areas to be designated by ordinance as historic districts and individual structures, buildings, sites, areas or objects to be designated by ordinance as "Landmarks." The Rutherford County Board of

Commissioners cannot authorize a landmark or district without the recommendation of the Historic Preservation Commission.

3. Recommend to the Rutherford County Board of Commissioners designation of any area as a historic district, or part thereof, or designation of any building, structure, site, area or object as a landmark, be revoked or removed for cause.
4. Review and act upon proposals for alterations, demolition or new construction within historic districts, or for the alteration or demolition of designated landmarks.
5. Conduct an educational program with respect to historic districts and landmarks within its jurisdiction.
6. Cooperate with the state, federal and local government in pursuance of the purposes of this ordinance; to offer or request assistance, aid, guidance or advice concerning matters under its purview or of mutual interest. The Rutherford County Board of Commissioners, or the Commission when authorized by the Rutherford County Board of Commissioners, may contract with the State or the United States, or any agency of either, or with any other organization provided the terms are not inconsistent with state or federal law.
7. A member or agent of the Commission may, only in performance of official duties, enter a private building, private structure, or private land with the express written permission of the owner or occupant thereof.
8. Prepare and recommend the official adoption of a preservation element as part of the Rutherford County comprehensive plan.
9. Acquire by any means authorized by North Carolina law the fee or any lesser included interest, including options to purchase, to properties within established districts or to any such properties designated as landmarks, only with the express consent of the Rutherford County Board of Commissioners for each such property acquisition. Once a property within an established district or designated as a landmark is acquired the Historic Preservation Commission shall have the authority to hold, manage, preserve, restore and improve the same. The Historic Preservation Commission shall make recommendations to the Rutherford County Board of Commissions to exchange or dispose of the property by public or private sale, lease or otherwise, subject to covenants or other legally binding restrictions which will secure appropriate rights of public access and promote the preservation of the property.
10. Restore, preserve and operate historic properties.
11. Negotiate at any time with the owner of a building, structure, site, area or object for its acquisition or its preservation, when such action is reasonably necessary or appropriate.

Prior to any official action the Commission shall adopt rules of procedure governing its meetings and the conduct of official business and bylaws governing the appointment of members, terms of office, the election of officers and related matters. A public record shall be kept of the Commissioners resolutions, proceedings and actions. The Commission shall also prepare and adopt principles and guidelines for altering, restoring, moving, or demolishing properties designated as landmarks or within historic districts.