

## ORDINANCE

### AN ORDINANCE DESIGNATING LOCAL HISTORIC LANDMARKS FOR THE CITY OF TUPELO, MISSISSIPPI

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE  
CITY OF TUPELO, MISSISSIPPI:

WHEREAS, the City of Tupelo Preservation Commission, created by that certain Ordinance to Create Preservation Commission which was adopted by the City Council of the City of Tupelo, Mississippi on April 19, 2005, amended on December 4, 2007, and thereafter duly published in the *Northeast Mississippi Daily Journal* as required by Miss. Code Ann. §19-11-13 (1972) (as amended) (hereinafter "the Preservation Ordinance"), is empowered to conduct studies and surveys of architectural, archaeological, cultural and historic resources within the City of Tupelo and to recommend to the Mayor and City Council the adoption of ordinances designating landmarks, landmark sites and historic districts; and

WHEREAS, the City of Tupelo Preservation Commission did on June 11, 2009 recommend to the Mayor and City Council of the City of Tupelo the designation of the following as a local historical landmarks with the findings that they are architecturally or historically significant to the City of Tupelo:

1. Forest Lake Farm Brick Barn and Silos (3)
2. East Main Street Water Tower
3. Spain House

WHEREAS, a public hearing was held on August 17, 2009 at 4:45 p.m. in the Council Chambers, Notice of Public Hearing on the designation of the three proposed

Local Historic Landmarks having been published as required by the Preservation Ordinance and proof of publication having been received.

BE IT ORDAINED BY THE CITY OF TUPELO, MISSISSIPPI.

Section I. Designation of a Local Landmark

The above mentioned properties identified by tax parcels as follows:

Spain House, 553 West Main Street, parcel 089P-31-001-00.

Section II. Protection of Local Landmarks

In order to promote the general welfare through the preservation, promotion and protection of historic resources and pursuant to the Preservation Ordinance, no exterior feature of any property (including, but not limited to, walls, fences, light fixtures, steps, pavement, roof lines, windows, doors, trees, or other appurtenant features) or any type of outdoor advertising sign, shall be erected, altered, reconstructed, restored or rehabilitated, moved, cut or demolished on any structure designated as a Local Landmark until after an application for a certificate of appropriateness of such work has been submitted to and reviewed by the City of Tupelo Historic Preservation Commission and approved by the City Council. New construction of a property must seek a certificate of appropriateness and get approval from the City of Tupelo Historic Preservation Commission.

### Section III. Definitions

All definitions contained in the Preservation Ordinance are hereby, by reference, incorporated into this ordinance.

### Section IV. Amendments

The Tupelo City Council may from time to time and upon the recommendation of the City of Tupelo Historic Preservation Commission amend this ordinance.

### Section V. Separability

The provisions of this ordinance are separable. If any section, paragraph, sentence, or portion thereof, be declared by any court of competent jurisdiction to be void, invalid, or inoperative, the decision of the court shall not affect the validity or applicability of the ordinance as a whole or of any part thereof other than the part held void, invalid or otherwise inoperative.

### Section VI. Interpretation

In interpreting and applying this ordinance, its provisions shall be held to be the minimum requirements for the protection of historic resources and the general welfare.

It is not the intent of this ordinance to interfere with, abrogate or annul any ordinance, rule, regulation or permit previously adopted or issued and not in conflict with any of the provisions of this ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with the ordinance, to interfere with, abrogate or annul any easement, covenant or other agreement between parties, except herein this ordinance imposes a greater restriction, this ordinance shall control.

Section VII. Effective Date of Ordinance

This ordinance shall become effective thirty (30) days after its adoption and publication in a local newspaper.

The above and foregoing ordinance, after having been first reduced to writing, was proposed in a motion by Newell, seconded by Jennings, and was put to a vote as follows:

Council Member Bryan	<u>nay</u>
Council Member Jonny Davis	<u>aye</u>
Council Member Nettie Davis	<u>aye</u>
Council Member Jennings	<u>aye</u>
Council Member Newell	<u>aye</u>
Council Member Pitts	<u>recused</u>
Council Member Whittington	<u>nay</u>

Having received a majority of affirmative votes, the President declared that the ordinance was duly adopted and passed on this the 6th day of October, 2009.

CITY OF TUPELO, MISSISSIPPI

BY:   
Fred Pitts, President

ATTEST:

  
GLENDA MUSE, Clerk of the Council

APPROVED:

  
Jack Reed, Jr., Mayor

October 6, 2009

DATE