

Newton County, Georgia

An Ordinance Establishing A Historic Preservation Commission

SECTION I

Purpose

It is the finding and determination of the Board of Commissioners of Newton County, Georgia that the historical, cultural, and aesthetic heritage of Newton County is among its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity, and general welfare of its citizens. Therefore, it is the purpose and intent of this Ordinance to establish for Newton County a uniform procedure to provide for the sensitive and responsible stewardship, protection, enhancement, perpetuation, management and use of areas and things having a special historical, cultural, or aesthetic interest or value.

Name

This Ordinance shall be known as the "Newton County Historic Preservation Ordinance."

SECTION II

Definitions

As used in this Ordinance, the term:

- A. "Building", means a structure created to shelter any form of human activity, such as a house, barn, church, hotel or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn.
- B. "Certificate of Appropriateness", means a document approving a proposal to make a material change in the appearance of a designated historic property or of a structure, site, or work of art located within a designated historic district, which document must be obtained from the Historic Preservation Commission before such material change may be undertaken.
- C. "Commission", means a historic preservation commission created or established pursuant to O.C.G.A. § 44-10-24. Such a commission shall be called the Newton County Historic Preservation Commission for the purposes of this Ordinance.

D. "Designation", means a decision by the Newton County Board of Commissioners wherein a property or district proposed for preservation is located to designate such property or district as a "historic property" or as a "historic district" and thereafter to prohibit all material changes in appearance of such property or within such district prior to the issuance of a Certificate of Appropriateness by the Historic Preservation Commission.

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

F. "Exterior environmental features", means all those aspects of the landscape or the development of a site which affect the historic character of the property.

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

1. Have special character or special historical or aesthetic interest or value;
2. Represent one or more periods or styles of architecture typical of one or more eras in the history of the county, state, or region; and
3. Cause such area, by reason of such factors, to constitute a visibly perceptible section of the county.

H. "Historic preservation jurisdiction," means the unincorporated area of Newton County.

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

1. It is an outstanding example of a structure representative of its era;
2. It is one of the few remaining examples of a past architectural style;
3. It is a place or structure associated with an event or person of historic or cultural significance to the county, state or region; or
4. It is a site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the county, state, or region.

J. "Local governing body", means the Newton County Board of Commissioners.

K. "Material change in appearance", means a change that will affect only the exterior architectural features of a historic property or of any structure, site, or work of art within a historic district and may include any one or more of the following:

1. A reconstruction or alteration of the size, shape, or facade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details, or elements;
2. Demolition or relocation of a historic property;
3. Commencement of excavation;
4. A change in the location of advertising visible from the public right of way on any historic property; or
5. The erection, alteration, restoration, or removal of any building or other structures within a designated historic district, including walls, fences, steps and pavements, or other appurtenant features, except exterior paint alterations.

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

M. "Person", means any natural person, corporation, or unincorporated association.

N. "Site", means the location of a significant event, a prehistoric or historical 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 structure.

O. "Structure", means a work made up of interdependent and inter-related parts in a definite pattern of organization. Constructed by man, it is often an engineering project in large scale.

SECTION III

Historic Preservation Commission

A. Creation and Purpose. There is hereby created a commission whose title shall be "Newton County Historic Preservation Commission" (hereinafter "Commission") that shall operate under the standards of The National Historic Act as amended, maintain consistency with The Georgia Historic Preservation Act as amended, and comply with the requirements of The Georgia Certified Local Government Program of The Historic Preservation Division of The Georgia Department of Natural Resources. This Commission shall seek to obtain and maintain "Certification" for Newton County as a "Certified Local Government" (CLG).

B. Designation of Source of Technical/Administrative/Professional Assistance. The County Landscape Architect shall act as a source of technical, administrative and professional assistance for the Commission and shall be responsible for the operations of the Commission in keeping with the requirements of certification for participation in the Certified Local Government Program.

C. Composition and Terms of Office. The Commission shall consist of six (6) members appointed by the Chairman of the Board of Commissioners of Newton County (the Chairman may consider nominations from the District Commissioners in making the appointments). The Chairman of the Historic Preservation Commission shall vote only in the case of a tie. A majority of members shall be persons who have demonstrated special interest, experience, or education in history or architecture. All members shall be residents of Newton County and shall also have demonstrated special interest in the preservation of historic resources, and meet the requirements set forth in The Georgia Certified Local Government Program. Initial appointments shall serve staggered terms as follows (as assigned by the Chairman of the Newton County Board of Commissioners): two members shall serve one-year terms; two members shall serve two-year terms; and two members shall serve three-year terms. After the initial appointments, all members shall serve three-year terms. Members may not serve more than two (2) consecutive terms. Each Commission member and anyone serving the Commission in a technical assistance/professional staff capacity shall attend at least one informational or educational meeting per year pertaining to historic preservation. Members of the Newton County Board of Commissioners may not serve on the Commission.

D. Serve without pay. Members shall not receive a salary, although they may be reimbursed for expenses with prior authorization from the Newton County Board of Commissioners.

E. Statement of the Commission's Powers and Duties. The Commission shall:

1. Prepare and maintain an inventory of all structures, property, objects, travel routes, or sites within its respective historic preservation jurisdiction having the potential for designation as historic property, or being of historical or cultural importance.
2. Recommend to the Board of Commissioners of Newton County those districts, sites, buildings, structures or objects eligible to be designated by ordinance as historic properties or historic districts.
3. Advise the Board of Commissioners of Newton County of threats to areas of historic or cultural significance.

4. Make such investigations and studies of matters relating to historic preservation as the Newton County Board of Commissioners or the Commission itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic or cultural resources and heritage.
5. Encourage the establishment of local advisory committees from the various areas of the county to assist the Commission in discovering, documenting, preserving and teaching the county's heritage.
6. Seek out local, state, federal, and private funds for historic preservation, and make recommendations to the Newton County Board of Commissioners concerning the most appropriate uses of any funds acquired.
7. Restore or preserve any historic properties acquired by the County.
8. Review applications for Certificates of Appropriateness and grant or deny the same in accordance with Section V of this Ordinance.
9. Submit to the Historic Preservation Division of the Georgia Department of Natural Resources a list of historic properties and historic districts designated.
10. Review and make comments to the Historic Preservation Division of the Department of Natural Resources concerning the nomination of properties within its jurisdiction to the National Register of Historic Places.
11. Participate in private, state, and federal historic preservation programs and with the consent of the Newton County Board of Commissioners enter into agreements to do the same.
12. Recommend to the Newton County Board of Commissioners that the designation of any place, district, site, building, structure, or work of art as a historic property or as a historic district be revoked or removed.
13. Promote the acquisition by the Newton County Board of Commissioners of façade and conservation easements in accordance with O.C.G.A. §§ 44-10-1 through 44-10-8.
14. Conduct educational programs on historic properties located within unincorporated Newton County.
15. Provide recommended design guidelines for adopted historic districts to the Board of Commissioners.

16. Consult with historic preservation experts in the Division of Historic Preservation of the Department of Natural Resources or its successors and the Georgia Trust for Historic Preservation.

F. Rules of Procedure. The Commission shall operate under Robert's Rules of Order, and may adopt and publish rules and standards for the transaction of its business.

G. Conflict of Interest. The Commission shall be subject to all conflict of interest laws set forth in Georgia Statutes and in the Newton County Code, the provisions of which are hereby incorporated by reference.

H. Public Participation and Record Keeping. The Commission shall provide for adequate public participation in all of its meetings and local historic preservation programs and shall at all times comply with all applicable provisions of state and local law, including but not limited to the Open Meetings Act. A public record shall be kept of the Commission's resolutions, proceedings and actions.

SECTION IV

Recommendation and Designation of Historic Districts and Properties

A. Preliminary Research by Commission.

1. Commission's Mandate to Conduct a Survey of Historical Resources: The Commission shall compile and collect information on historical resources within Newton County to identify buildings, objects, sites, structures, areas or works of art which may be appropriate for protection under the provisions of this ordinance. This shall be the list entitled Historic and Cultural Resources for Unincorporated Newton County.

2. Commission's Power to Recommend Districts and Buildings to the Newton County Board of Commissioners for Designation: Upon a property owner's request (for a historic property) or a request by the owners of not less than 51% of the land area, by acreage, and not less than 51% of the landowners in number within a proposed historic district, and the payment of a fee set by the Board of Commissioners, or in the alternative a resolution approved by the Historic Preservation Commission or the Board of Commissioners, the Commission shall make an investigation and present to the Newton County Board of Commissioners a report on the historical, cultural, architectural or aesthetic significance of each

place, district, site, building, structure or work of art proposed for designation. Such properties or districts shall first have been listed on the Historic and Cultural Resources for Unincorporated Newton County. If such property is not listed, staff shall evaluate and determine its eligibility for listing prior to the Commission's recommendation.

3. Commission's Documentation of Proposed Designation: Prior to the Commission's recommendation of a historic property or district to the Newton County Board of Commissioners for designation, the Commission shall prepare a Report for Nomination consisting of:

- a. A physical description; including but not limited to boundaries, street patterns, styles, materials, geographical features, and other character-defining features of an individual property or historic district;
- b. A statement of the historical, cultural, architectural, and/or aesthetic significance;
- c. A map showing district boundaries;
- d. A statement justifying district boundaries; and
- e. Representative photographs.

B. Designation of a Historic District.

1. Criteria for the Selection of Historic Districts: A Historic District is a geographically definable area, urban or rural, which contains buildings, objects, sites, structures, areas, works of art, or a combination thereof, which:

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

2. Boundaries of a Historic District. Boundaries of a Historic District shall be included in the separate ordinances designating such districts and shall be shown on the official Zoning Map of Newton County, Georgia.

3. Evaluation of Properties Within Historic Districts: Individual properties within historic districts shall be classified at the time of designation of the district as:

- a. Contributing (contributes to the district);
- b. Non-contributing (does not contribute to the district, as provided for in B.1.)

C. Designation of a Historic Property.

1. **Criteria for Selection of Historic Properties:** A historic property is a building, object, site, structure, area or work of art; including the adjacent area necessary for the proper appreciation or use thereof, deemed worth of preservation by reason of value to Newton County, the State of Georgia or region for one of the following reasons:

- a. It is an outstanding example of a structure representative of its era;
- b. It is one of the few remaining examples of a past architectural style;
- c. It is a place or structure associated with an event or persons of historical or cultural significance to Newton County, the State of Georgia, or the region; or
- d. It is the site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of Newton County, the State of Georgia or region.

D. Requirements for Adopting an Ordinance for the Designation of Historic Districts and Historic Properties.

1. **Application for Designation of Historic Districts or Properties:** Designations may be proposed as outlined in Section IV.A.2. of this Ordinance.

2. **Required Components of a Designation Ordinance:** Any ordinance designating any property or district as historic shall:

- a. List each property in a proposed historic district with a description of its boundaries or describe the proposed individual historic property;
- b. Set forth the name(s) of the owner(s) and the address(es) of the designated property or properties;
- c. Require that a Certificate of Appropriateness be obtained from the Commission prior to any material change in appearance of any structure, site or work of art of the designated property;
- d. Require that the property or district be shown on the Official Zoning Map of Newton County and be kept as a public record to provide notice of such designation; and
- e. Include language identical to that which is contained in Sections V.G. and V.N. of this Ordinance.

3. **Required Public Hearings:** The Commission shall hold a public hearing on any proposed ordinance for the designation of any historic district or property. Notice of

the hearing shall be published at least three (3) times in the principle newspaper of general circulation within the County, and written notice of the hearing shall be mailed by the Commission to all owners and occupants of such properties. All such notices shall be published or mailed not less than ten (10) nor more than twenty (20) days prior to the date set for the public hearing. A notice sent via the United States mail to the last-known owner of the property shown on the Newton County tax digest and a notice sent via attention of the occupant shall constitute legal notification to the owner and occupant under this ordinance.

4. Notification of Historic Preservation Division: No less than thirty (30) days prior to making a recommendation on any ordinance designating a property or district as historic, the Commission must submit the report, required in Section IV.A.3., to the Historic Preservation Division of the Department of Natural Resources to allow for written comments.

5. Recommendation on Proposed Designations: A recommendation to affirm, modify or withdraw the proposed ordinance for designation shall be made by the Commission within fifteen (15) days following the Public Hearing and shall be in the form of a resolution to the Newton County Board of Commissioners.

6. The Newton County Board of Commissioners Actions on the Commission's Recommendation: Following receipt of the Commission's recommendation, the Newton County Board of Commissioners may adopt the ordinance as proposed, may adopt the ordinance with any amendment they deem necessary, or reject the ordinance. The Board of Commissioners shall hold a public hearing prior to acting on the Commission's recommendation. Notice of this hearing shall meet all applicable requirements of O.C.G.A. § 36-66-3(4) and Section 620-020 of the Newton County Zoning Ordinance.

7. Notification of Ordinance for Designation: Within thirty (30) days following the adoption of the ordinance for designation by the Newton County Board of Commissioners, the owners and occupants of each designated historic property, and the owners and occupants of each structure, site or work of art located within a designated historic district, shall be given written notification of such designation by the Newton County Board of Commissioners, which notice shall apprise said owners and occupants of the necessity of obtaining a Certificate of Appropriateness prior to undertaking any material change in the appearance of the historic property

designated or within the historic district designated. A notice sent via United States mail to the last-known owner of the property shown on the Newton County tax digest and a notice sent via attention of the occupant shall constitute legal notification to the owner and occupant under this ordinance.

8. Notification of Other Agencies Regarding Designation: The Commission shall notify all necessary agencies within Newton County of the ordinance for designation. The Commission shall notify the Zoning Administrator in the Planning and Development Department of the ordinance for designation and shall transfer copies of the Report for Nomination, the adopted ordinance for designation and all other supporting documentation pertaining to the historic property or district. The Zoning Administrator shall make these documents available to the public.

9. Moratorium on Applications for Alteration or Demolition while Ordinance for Designation is Pending: Once a request for designation is received, no new applications for the alteration or demolition of any property proposed for designation shall be accepted while the ordinance for designation is being considered by the Board of Commissioners.

SECTION V

Application to Preservation Commission for Certificate of Appropriateness

A. Approval of Material Change in Appearance in Historic Districts or Involving Historic Properties.

1. After the designation by ordinance of a historic property or a historic district, no material change in the appearance of such historic property, or of a contributing or non-contributing building, structure, site or object within such historic district, shall be made or be permitted to be made by the owner or occupant thereof, unless or until the application for a Certificate of Appropriateness has been submitted to and approved by the Commission. No Building Permit shall be issued without a Certificate of Appropriateness.

2. The Department of Transportation and any contractors, including cities and counties, performing work funded by the Department of Transportation are exempt from this Section. Local governments are exempt from the requirement of obtaining Certificates of Appropriateness; provided, however, that local governments shall notify the Commission 45 days prior to beginning an undertaking that would

otherwise require a Certificate of Appropriateness and allow the Commission an opportunity to comment.

B. Submission of Plans to Commission. An application for a Certificate of Appropriateness shall be accompanied by such drawings, photographs, plans and documentation as may be required by the Commission.

C. Interior Alterations. In its review of applications for Certificates of Appropriateness, the Commission shall not consider interior arrangement or use having no effect on exterior architectural features.

D. Technical Advice. The Commission shall have the power to seek technical advice from outside its members on any application.

E. Public Hearings on Applications for Certificates of Appropriateness, Notices, and Right to Be Heard. The Commission shall hold a public hearing at which each proposed Certificate of Appropriateness is discussed. Notice of the hearing shall be published in the principal newspaper of local circulation in the county and written notice of the hearing shall be mailed by the Commission to all owners and occupants of the subject property and other properties it deems likely to be affected materially. The written and published notice shall be provided in the same manner and time frame as notices are provided before a Public Hearing for Rezoning (per Section 620-020 of the Newton County Zoning Ordinance). The Commission shall give the public, property owner and/or applicant an opportunity to be heard at the Certificate of Appropriateness hearing.

F. Acceptable Commission Reaction to Applications for Certificate of Appropriateness. The Commission may approve the Certificate of Appropriateness as proposed, approve the Certificate of Appropriateness with any modifications it deems necessary, or reject it.

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

a. Reconstruction, Alteration, New Construction or Renovation: The Commission shall issue Certificates of Appropriateness if the proposed actions conform in design, scale, building materials, setback and site

features, and to the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

b. Relocation: A Decision by the Commission approving or denying a Certificate of Appropriateness for the relocation of a building, structure, or object shall be guided by:

1. the historic character and aesthetic interest the building, structure or object contributes to its present setting.
2. whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be.
3. whether the building, structure or object can be moved without significant damage to its physical integrity.
4. whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, site or object.

c. Demolition: A decision by the Commission approving or denying a Certificate of Appropriateness for the demolition of buildings, structures, sites, trees judged to be 50 years old or older, or objects shall be guided by:

1. the historic, scenic or architectural significance of the building, structure, site, tree or object.
2. the importance of the building, structure, site, tree, or object to the ambiance of a district.
3. the difficulty or the impossibility of reproducing such a building, structure, site, tree, or object because of its design, texture, material, detail, or unique location.
4. whether the building, structure, site, tree, or object is one of the last remaining examples of its kind in the neighborhood or the city.
5. whether there are definite plans for use of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be.
6. whether reasonable measures can be taken to save the building, structure, site, tree, or object from collapse.

7. whether the building, structure, site, tree, or object is capable of earning reasonable economic return on its value.

G. Undue Hardship. When, by reason of unusual circumstances, the strict application of any provision of this Ordinance would result in the exceptional practical difficulty or undue economic hardship upon any owner of a specific property, the Commission, in passing upon applications, shall have the power to vary or modify strict adherence to the provisions or interpret the meaning of the provisions, so as to relieve such difficulty or hardship; provided such variances, modifications or interpretations shall remain in harmony with the general purpose and intent of said provisions, so that the architectural or historical integrity, or character of the property, shall be conserved and substantial justice done. In granting variances, the commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this Ordinance. An undue hardship shall not be a situation of the person's own making.

H. Deadline for Approval or Rejection of Application for Certificate of Appropriateness.

1. The Commission shall approve or reject an application for a Certificate of Appropriateness within forty-five (45) days after the filing thereof by the owner or occupant of a historic property, or of a building structure, site, or object located within a historic district. Evidence of approval shall be by a Certificate of Appropriateness issued by the Commission. Notice of the issuance or denial of a Certificate of Appropriateness shall be sent by United States mail to the applicant and all other persons who have submitted a written request of such notice to the Commission.

2. Failure of the Commission to act within said forty-five (45) days shall constitute approval, and no other evidence of approval shall be needed.

I. Necessary Action to be Taken by Commission upon Rejection of Application for Certificate of Appropriateness.

1. In the event the Commission rejects an application, it shall state its reasons for doing so, and shall transmit a record of such actions and reasons, in writing, to the applicant. The commission may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. The applicant, if he or she so desires, may make modifications to the plans and may resubmit the application at any time after doing so.

2. In cases where the application covers a material change in the

appearance of a structure which would require the issuance of a building permit, the rejection of the application for a Certificate of Appropriateness by the Commission shall be binding upon the building inspector or other administrative officer charged with issuing building permits and, in such a case, no building permit shall be issued.

J. Requirement of Conformance with Certificate of Appropriateness.

1. All work performed pursuant to an issued Certificate of Appropriateness shall conform to the requirements of such certificate. In the event work is performed not in accordance with such certificate, the County Landscape Architect or the Commission shall issue a cease and desist order and all work shall cease.

2. The Commission and the Newton County Board of Commissioners shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in appearance of a designated historic property or historic district, except those changes made in compliance with the provisions of this ordinance or to prevent any illegal act or conduct with respect to such historic property or historic district.

K. Certificate of Appropriateness Void if Construction not Commenced. A Certificate of Appropriateness shall be issued for a period of eighteen (18) months and is renewable per a written request. A Certificate of Appropriateness shall become void unless construction is commenced within six (6) months of date of issuance.

L. Recording an Application for Certificate of Appropriateness. The Commission shall keep a public record of all applications for Certificates of Appropriateness, and all the Commission's proceedings in connection with said application.

M. Acquisition of Property. The Commission may, where such action is authorized by the Newton County Board of Commissioners and is reasonably necessary or appropriate for the preservation of a unique historic property, enter into negotiations with the owner for the acquisition by gift, purchase, exchange, or otherwise, of the property or any interest therein.

N. Appeals. Any person adversely affected by any determination made by the Commission relative to the issuance or denial of a Certificate of Appropriateness may appeal such determination to the Newton County Board of Commissioners. Any such appeal must be filed with the Newton County Planning and Development Department within fifteen (15) days after the issuance of the determination pursuant to Section V.H.1. of this Ordinance or, in the case of a failure of the Commission to act, within fifteen (15) days of the

expiration of the forty-five (45) day period allowed for the Commission action, pursuant to Section V.H.2. of this Ordinance. Appeals for properties within Newton County shall be made to the Newton County Board of Commissioners. The Newton County Board of Commissioners may approve, modify, or reject the determination made by the Commission if the governing body finds that the Commission abused its discretion in reaching its decision. Appeals to the decisions of the Board of Commissions shall be made to Superior Court in the manner provided by law for appeals from a conviction for County ordinance violations.

O. Staff Certificates of Appropriateness. Anything to the contrary notwithstanding, the staff person designated in Section III.B., in consultation with the Planning Director, may issue a Staff Certificate of Appropriateness in lieu of the requirements of Section V.A. in circumstances where emergency repair work is necessary to prevent destruction or dilapidation to real property or parts of a structure that are immediately threatened or damaged by fire, flood, earthquake or other natural disaster or act of God.

SECTION VI

Maintenance of Historic Properties and Building Code and Zoning Ordinance Provisions

A. Ordinary Maintenance or Repair. Ordinary maintenance or repair of any exterior architectural or environmental feature in or on a historic property to correct deterioration, decay, or to sustain the existing form, and that does not involve a material change in design, material or outer appearance thereof, does not require a Certificate of Appropriateness.

B. Affirmation of Existing Building Codes and Zoning Ordinance. Nothing in this Ordinance shall be construed as to exempt owners from complying with the existing Building Codes and Zoning Ordinance, nor prevent any property owner from making any use of this property not prohibited by other statutes, ordinances or regulations.

SECTION VII

Penalty Provisions

Violations of any provisions of this Ordinance shall be punished to the extent permitted by O.C.G.A. § 36-1-20.

SECTION VIII

Severability

In the event that any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, sentences, clauses, or phrases of this Ordinance, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof.

SECTION IX

Repealed

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION X

Adoption

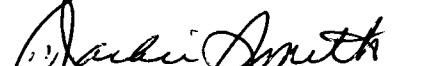
Adopted and approved by the Board of Commissioners on the 4th day of November, 2008, after a public hearing on said date.

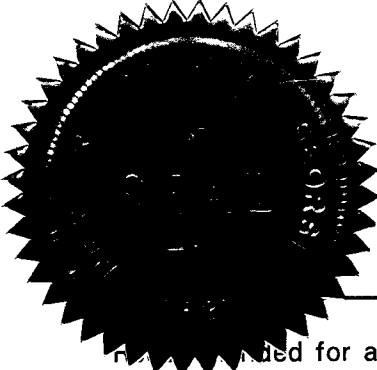
NEWTON COUNTY BOARD OF COMMISSIONERS

By:

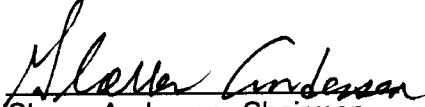

Aaron Varner, Chairman

Attest:


Jackie Smith, Clerk



Recommended for approval and adoption by the Newton County Planning Commission on October 28, 2008, after a public hearing on said date.


Glover Anderson, Chairman
Newton County Planning Commission