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Sponsor: Eaton, Harris and Hill  
NB#9



No. 2023

ORDINANCE NO. 2023

CLERKS CERTIFICATE OF RECORD  
STATE OF ARKANSAS - COUNTY OF POPE  
I, FERN TUCKER, Circuit Clerk and Recorder of  
the County attested do hereby certify that this  
instrument was filed for record the 06/19/2008 at  
12:47:06 PM, and the same is now  
fully recorded in Miscellaneous Book 2008-36 Page  
686 - 621

Witness my hand and the seal of said court this  
the 06/19/2008  
FERN TUCKER - Circuit Clerk and Recorder  
D.C.

**AN ORDINANCE ESTABLISHING PROCEDURES FOR THE PROTECTION AND  
PRESERVATION OF THE CHARACTER OF AND PROPERTIES WITHIN THE  
RUSSELLVILLE DOWNTOWN HISTORIC DISTRICT**

**WHEREAS**, the City of Russellville contains unique and valuable historic properties and neighborhoods worthy of preservation and protection; and

**WHEREAS**, the establishment of historic districts is in furtherance of the public interest and welfare to preserve and protect said historic district and the buildings, structures and surroundings therein; and

**WHEREAS**, it is hereby found and determined that certain areas and districts within the City of Russellville have a special character or special historic or aesthetic interest or value and represent architectural products of distinct periods in the history of the City of Russellville, and that said areas are in danger of having their distinctiveness destroyed without adequate consideration of the irreplaceable loss of the aesthetic, cultural and historic values represented by such areas; therefore the preservation thereof is both feasible and desirable to the people of this City; and

**WHEREAS**, Ordinance No. 2011 created the Russellville Historic District Commission to oversee the creation and operation of historic districts within the City of Russellville.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE  
CITY OF RUSSELLVILLE, ARKANSAS:**

**SECTION 1: PURPOSE.**

- (a) It is hereby declared as a matter of public policy that the protection, enhancement, perpetuation, and use of such areas, improvements and districts of special character or special historic or aesthetic interest or value are public necessities and are required in the interest of the health, prosperity, safety and welfare of the people of this City.
- (b) The purpose of this Ordinance is to:
  - (1) effect and accomplish the protection, enhancement, and perpetuation of such areas and improvement of districts which represent or reflect elements of the City's cultural, social, economic, political, and architectural history;
  - (2) safeguard the City's historic, aesthetic and cultural heritage, as embodied and reflected in such areas;

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- (3) stabilize and improve property values in such districts;
- (4) foster civic pride in the beauty and accomplishments of the past;
- (5) protect and enhance the City's attractions to tourists and visitors;
- (6) strengthen the economy of the City; and
- (7) promote the use of historic districts and landmarks for the education, pleasure, and welfare of the people of the City.

**SECTION 2: COMMISSION POWERS.** Without limiting the generality of the other provisions of this Ordinance by reason of the following enumeration, the Russellville Historic District Commission (hereafter referred to as RHDC) shall have, in addition to the duties enumerated in Ordinance No.2011, the authority but not be limited to:

- (a) adopt design review guidelines to be used when considering Certificate of Appropriateness applications. These guidelines will be based upon the Secretary of Interior's Standards for Rehabilitation and adapted specifically to Russellville's historic districts;
- (b) conduct surveys and studies of neighborhoods, areas, places, structures, objects and improvements within the City of Russellville for the purpose of determining those of distinctive historic, community, architectural, or archeological interest or value;
- (c) nominate buildings, structures, objects and historic districts to the National Register of Historic Places;
- (d) recommend to the City Council the adoption of Ordinances designating areas as having special historic community or architectural value as "historic district" and add these historic districts to the provisions of this Ordinance;
- (e) keep a register of all properties and structures that have been designated as historically significant including all information required for each designation;
- (f) obtain the services of qualified persons to direct, advise and assist the Russellville Historic District Commission;
- (g) request and receive any appropriate information, cooperation, assistance or studies from any City departments, boards, agencies or commissions and any joint city-county departments, boards, agencies or commissions;
- (h) advise and assist owners of historic properties within historic districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the National Register of Historic Places;

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- (i) promote the education and understanding of Russellville's heritage;
- (j) hold public hearings to review applications for certificates of appropriateness;
- (k) periodically review the Russellville Zoning Ordinance and recommend to the Planning Commission and the City Council any amendments appropriate for the protection and continued use of property within historic districts;
- (l) review and make recommendations to the Planning Commission on all conditional uses, rezonings, and variances that affect properties within historic districts;
- (m) testify before relevant boards and commissions on any matter affecting architecturally and/or historically significant properties;
- (n) destroy, exchange or otherwise dispose of in accordance with the law, any materials in its possession, except borrowed materials, which it may find to be worthless or surplus to its needs;
- (o) establish and make reasonable charges for furnishing copies of materials in its possession or for sales of historic memorabilia or signs;
- (p) expend any moneys arising from grants, contributions or gratuities, and receive bequests or donations of real or personal property and convert into money any such property which cannot be used in the form received, and expend the same for any of the functions performable by it;
- (q) cooperate with the Arkansas Historic Preservation Program, historical associations and other agencies and organizations devoted to the history of this city and state;
- (r) take such other action, not inconsistent with law, as it shall deem necessary in the performance of any of its functions; and
- (s) adopt (or amend) its own rules and regulations by a vote of not less than two thirds of all members present and voting.

**SECTION 3: RUSSELLVILLE DOWNTOWN HISTORIC DISTRICT.**

(a) The Russellville Downtown Historic District hereby created shall consist of that area of the City shown on Exhibit 1, which is attached hereto and made a part hereof.

(b) The Russellville Downtown Historic District in Russellville, Arkansas, is more particularly described as follows:

08-36-608

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“Beginning at a point at Arkansas Ave. (Highway 7 ) on the east, El Paso Ave. on the west, W. Second Street on the south and the railroad tracks on the north. Included in the district are the streets which comprised Russellville’s historic business center: West Main (Highway 64), North Commerce Ave., Denver Ave., West 2<sup>nd</sup> Street , West “B” Street and West “C” Street.”

**SECTION 4: DEFINITIONS.** Unless specifically defined below, words or phrases shall have the same meaning they have in common usage.

**ADAPTIVE USE** - Rehabilitation of a historic structure for use other than its original use such as a residence converted into offices.

**ADDITION** - New construction added to an existing building or structure.

**ALTERATION** - Any project involving change of or addition to an existing building.

**AREA OF INFLUENCE** - The affected area to be notified for a public hearing as determined by a specific type of construction, alteration, restoration, moving or demolition as described in the individual categories found in the guidelines for review adopted by the Historic District Commission.

**BUILDING** - Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels.

**CERTIFICATE OF APPROPRIATENESS** - A document awarded by the Historic District Commission allowing an applicant to proceed with a proposed rehabilitation, renovation, preservation, alteration, demolition, or new construction in a designated area or site, following a determination of the proposal’s suitability according to applicable criteria.

**CERTIFICATE OF ECONOMIC HARDSHIP** - A certificate issued by the Historic District Commission waiving the requirement for a Certificate of Appropriateness due to significant financial constraints of the property owner.

**CHARACTER** - The qualities and attributes of any structure, site, street or district.

**CONTEMPORARY** - Reflecting characteristics of the current period. Contemporary denotes characteristics which illustrate that a building, structure or detail was constructed in the present or recent past rather than being imitative or reflective of a historic design.

**DETAILING** - Architectural aspects that, due to particular treatment, draw attention to certain parts or features of a building.

**DEMOLITION** - Any act which destroys in whole or in part a building or structure.

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**DEMOLITION BY NEGLECT** - The destruction of a building or structure through abandonment or lack of maintenance.

**DESIGN GUIDELINES** - Criteria developed by preservation commissions to identify design concerns in an area and to help property owners ensure that rehabilitation and new construction respect the character of designated buildings and districts.

**ELEMENT** - A material part or detail of a site, structure, street, or district.

**ENTRANCE AREA** - The area of access to the interior of the building including the design, location, and materials of all porches, stairs, doors, transoms, and sidelights.

**EXTERIOR ARCHITECTURAL FEATURES** - The architectural style, design and general arrangement of the exterior of a structure, including the kind and texture of the building material and the type and style of all windows, doors, light fixtures, signs and other appurtenant fixtures.

**FACADE** - A face of a building.

**HEIGHT** - The vertical distance as measured through the central axis of the building from the elevation of the lowest finished floor level to the highest point of the building.

**HISTORIC DISTRICT** - A geographically definable area with a significant concentration of buildings, structures, sites, spaces, or objects unified by past events, physical development, design, setting, materials, workmanship, sense of cohesiveness or related historical and aesthetic associations. The significance of a district may be recognized through listing in a local, state, or national register and may be protected legally through enactment of a local historic district ordinance administered by a historic district commission.

**MASSING** - Volume, magnitude or overall size of a building.

**ORDINARY MAINTENANCE** - Work that does not constitute a change in design, material, or outward appearance, including in-kind replacement or repair.

**OWNER OF RECORD** - The person, corporation, or other legal entity listed as owner on the records of Pope County.

**PRESERVATION** - The maintenance of a property without significant alteration to its current condition.

**PROPORTION** - Relationship of height to width of the building outline as well as individual components.

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**PUBLIC NOTICE** - The classified advertisement of an event, such as a preservation commission meeting, that is published in the local newspaper and posted in the city government building in order to notify the general public of the upcoming event.

**REHABILITATION** – The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

**RESTORATION** – The process of returning a building to its condition at a specific time period, often to its original condition.

**RHYTHM** - A harmonious or orderly recurrence of compositional elements at regular intervals, including the location of doors and the placement of windows, symmetrically or asymmetrically and their relative proportion.

**ROOF AREA** - The outside covering of a building or structure extending above the vertical walls including the form, material, and texture of the roof, including the slope, pitch, and spacing of roof covering. Roof area also includes but is not limited to size, design, number, and location of dormers; the design and placement of cornices; and the size, design, material, and location of chimneys.

**SCALE** - The relative dimension, size, degree or proportion of parts of a building to one another or group of buildings.

**SITING** - Location of a building in relationship to the legal boundaries and setbacks, adjacent properties, and the natural conditions of the site.

**STRUCTURE** - Any improvement on the land that extends above ground level.

**TEXTURE** - The visual or tactile surface characteristics created by shape, arrangement and distribution of the component materials.

**WALL AREAS** - The vertical architectural member used to define and divide space. This includes but is not limited to kind, texture, and exposure of wall sidings and trims and the location, number, and design of all window and door openings.

#### **SECTION 5: CERTIFICATE OF APPROPRIATENESS REQUIRED.**

- (a) No building or structure, including but not limited to masonry walls, fences, light fixtures, steps and paving, other appurtenant fixtures, or other elements set forth in design guidelines shall be erected, altered, restored, moved, or demolished within said Historic District until after an application for a Certificate of Appropriateness as to the exterior architectural features has been submitted to and approved by the Russellville Historic District Commission (RHDC).

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- (b) No building permit or other permit shall be granted for purpose of constructing or altering structures until an application for a Certificate of Appropriateness as to the exterior architectural features has been submitted to and approved by the RHDC.
- (c) A Certificate of Appropriateness shall be required whether or not a building permit is required.
- (d) In its deliberations under this Ordinance, said RHDC shall not consider interior arrangement or use.

**SECTION 6: DETERMINATION ON AN APPLICATION.**

- (a) Within a reasonable amount of time, not to exceed thirty (30) days after the filing of an application for a Certificate of Appropriateness, the RHDC shall make a preliminary determination as to the properties, if any that will be materially affected by any of the changes proposed in said application. The RHDC shall promptly send by mail to the applicant and to the owners of all such affected properties, a notice of hearing to be held by the RHDC on said application. A notice of the public hearing shall be published at least one (1) time in a newspaper having circulation throughout the City of Russellville a minimum of fifteen (15) days prior to the hearing. All public notification costs shall be borne by the Applicant.
- (b) The RHDC, at the public hearing, shall hear all persons desiring to present information regarding the application. The RHDC shall act on such application for Certificate of Appropriateness within a reasonable period of time. The RHDC shall determine whether the restoration, rehabilitation, renovation, preservation, alteration, construction, moving or demolition of buildings, structures, or appurtenant fixtures involved will be appropriate to the preservation of the Historic District. If the RHDC determines that a certificate of appropriateness should not be issued, it shall place upon its records the reasons for such determination. The RHDC shall immediately notify the applicant of its determination.
- (c) Proposed repairs, alterations, new construction, moving or demolition in the Historic District shall respect and relate to the special character of the District. In making its determination, the RHDC shall consider without being limited to the following criteria:
  - 1. The purpose of this Ordinance;
  - 2. The architectural or historic value or significance of a building and its relationship to the surrounding area;
  - 3. The general compatibility of proposed changes; and
  - 4. Any other factor, including visual and aesthetic, considered pertinent.

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- (d) The RHDC shall encourage proposed changes which reflect the original design of the structure, based on photographs, written description or other historical documentation, and shall be guided by the following preferences:
1. It is preferable to preserve by maintenance rather than to repair original features of the building.
  2. It is preferable to repair rather than to reconstruct if possible.
  3. It is preferable to restore by reconstruction of original features rather than to remove or remodel.
  4. Contemporary design shall not be excluded from consideration.
- (e) When evaluating the general compatibility of alterations to the exterior of any building or site in the Historic District, the RHDC shall consider, but not be limited to, the following factors within the building's area of influence:
1. Siting
  2. Height
  3. Proportion
  4. Rhythm
  5. Roof area
  6. Entrance area
  7. Wall areas
  8. Detailing
  9. Facade
  10. Scale
  11. Massing.
- (f) New construction shall be judged on its compatibility with the existing neighborhood and area of influence.
- (g) Additions to existing buildings shall be judged in the same manner as new construction and shall complement the design of the original building.
- (h) No change shall be made in the scope of work for any building permit after issuance of a Certificate of Appropriateness without resubmitting to the RHDC and receiving approval in the same manner as provided above.

**SECTION 7: DEMOLITION.** If the application for a Certificate of Appropriateness involves the demolition of a building which the RHDC initially determines to be an inappropriate demolition, then the RHDC may defer the matter until such time as it has had an opportunity to consider the following alternatives to the demolition of subject property:

- a. Sources of funding for preservation and restoration activities if lack of such funds is the reason for the request to demolish.

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- b. Adaptive use changes.
- c. An attempt to find a purchaser for the property who would maintain the building in a suitable and acceptable manner.
- d. The feasibility of moving the building to another appropriate location.
- e. Any such other solution as may be deemed advisable and in keeping with the spirit and intent of this Ordinance.

### **SECTION 8: ECONOMIC HARDSHIP.**

- (a) If a certificate of appropriateness is denied, the applicant may submit an application for a certificate of economic hardship within fifteen (15) calendar days from the date of the notice of denial by the Historic District Commission. The historic district commission application for a certificate of economic hardship shall be subject to the hearing schedules and notice provisions applicable to applications for certificates of appropriateness.
- (b) It shall be incumbent on the applicant to demonstrate economic hardship to the RHDC. The applicant for a certificate of economic hardship shall submit the following information before the commission makes a determination on the application:
  - (1) Estimate the cost of the proposed construction, alteration, demolition or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Historic District Commission for changes necessary for the issuance of a certificate of appropriateness;
  - (2) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any buildings or structures on the property and their suitability for rehabilitation;
  - (3) Estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; after any changes recommended by the historic district commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use;
  - (4) In the case of a proposed demolition, an estimate from a licensed architect or contractor, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility or rehabilitation or reuse of the existing building or structure on the property;

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- (5) Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between seller and buyer;
  - (6) If the property is income-producing, the annual gross income from the property for the previous two (2) years, itemized operating and maintenance expenses, and depreciation for the previous two (2) years; and annual cash flow before and after debt service, if any, during the same period;
  - (7) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing, or ownership of the property;
  - (8) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years;
  - (9) Assessed value of the property according to the two (2) most recent assessments;
  - (10) Real estate taxes for the previous (2) years;
  - (11) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other; and,
  - (12) Information about plans prepared for the property, if a building or structure is demolished, including material on the timing and financing of the new construction.
- (c) The Historic District Commission may seek expert testimony on the foregoing and may request the submission of any other information reasonably considered necessary to make a determination as to whether the property does yield or may yield a reasonable economic return to the owner.
- (d) The Historic District Commission shall review all the evidence and information submitted. The commission shall make a determination, within thirty-one (31) calendar days of the public hearing, whether a Certificate of Economic Hardship should be granted based on the information submitted. If the Historic District Commission makes a finding of economic hardship, it shall grant a Certificate of Economic Hardship and give its approval for the work as proposed by the applicant.

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REPORT NO. 07-  
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This approval from the Historic District Commission shall not relieve the applicant from complying with the requirements of other City ordinances and regulations.

**SECTION 9: DEMOLITION BY NEGLECT.**

- (a) No owner or person with an interest in real property designated as an historic landmark or within an historic district shall permit said property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Russellville Historic District Commission (RHDC), produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself.
- (b) Upon any citizen's complaint, the Historic Preservation Officer's notification, or upon the Building Official's own initiative and determination that demolition by neglect is occurring with respect to any property in one of the City's historic districts, the Historic Preservation Officer and Building Official shall conduct a preliminary investigation and prepare a staff report; notify the RHDC Chairperson stating the reasons therefore; and shall give the owner thirty (30) days from the date of the notice to commence work rectifying the specifics provided in the notice. Such a complaint must include a clear description of the property and the nature of the deterioration claimed to constitute demolition by neglect.
- (c) If the City finds that the complaint has a basis in fact, it will notify the property owner that a complaint has been received. A staff report will be brought before the Russellville Historic District Commission (RHDC) in no fewer than 30 days. If the preliminary investigation does not substantiate the complaint, the complaint is resolved and no further action will be taken. The first letter of notice to the property shall include:
  - (1) A description of the process;
  - (2) How the property owner or others having legal possession, custody or control can resolve the issue immediately, and
  - (3) Reports documenting the violations.
- (d) The Historic Preservation Officer will forward the complaint and staff report to the RHDC at its next regularly scheduled meeting after the 30 days have elapsed;
- (e) The Russellville Historic District Commission (RHDC) will review complaints and staff reports and accept information from the owner and other interested persons. Based on the information received, the RHDC may file a decision. If the RHDC determines there are specific defects with the subject property it will notify the Historic Preservation Officer and Building Official to act under the procedures set out below to require the correction of deterioration or making of repairs to the historic structure;

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- (f) Whenever a decision of the Russellville Historic District Commission is filed with the Historic Preservation Officer and Building Official, the City shall issue and cause to be served upon the owner and/or such other person who may have legal possession, custody, and control thereof, as the same may be determined by reasonable diligence, a written finding stating that the Russellville Historic District Commission has reason to believe that the property is undergoing demolition by neglect;
- (g) The written finding shall identify the specific condition(s) of the property which have led to that determination, and shall contain a notice that a hearing will be held before the Russellville Historic District Commission not less than thirty (30) nor more than forty-five (45) days after the serving of such order;
- (h) The written finding shall also state that the owner and/or parties in interest shall be given a right to answer and to give testimony at the hearing; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Russellville Historic District Commission (RHDC). The purpose of the hearing is to receive evidence concerning the charge of demolition by neglect;
- (i) If after such finding and hearing, the Russellville Historic District Commission (RHDC) determines that the structure is undergoing demolition by neglect because it is deteriorating, or if its condition is contributing to deterioration, the Historic Preservation Officer shall state in writing the findings of fact in support of such determination and shall issue and cause to be served upon the owner and/or other parties in interest therein an order to repair within a time to be specified in the written decision those elements of the structure that are deteriorating, contributing to deterioration, or deteriorated.
- (j) An approved Certificate of Appropriateness and arrangements to bring the property into compliance agreed upon by the property owner and/or other parties in interest, and the Russellville Historic District Commission, will stay all proceedings under these regulations.
- (k) Complaints or orders issued by the Historic Preservation Officer and Building Official shall be served upon persons either personally or by certified mail. If the whereabouts of such persons are unknown and the same cannot be ascertained by Historic Preservation Officer or Building Official in the exercise of reasonable diligence, and the Historic Preservation Officer and Building Official shall make an affidavit to that effect, stating the steps taken to determine and locate the persons in interest, then the serving of such complaint or order may be made by publishing the same once each week for two (2) successive weeks in a newspaper of general circulation within the City. Where such service is by publication, a notice of the pending proceedings shall be posted in a conspicuous place on the premises thereby affected.

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**SECTION 10: WORK NOT REQUIRING A CERTIFICATE OF APPROPRIATENESS.**

- (a) Nothing in these regulations shall be construed to prevent ordinary maintenance and/or repair of any exterior architectural feature of a property within a historic district. The Building Official in conjunction with the Historic Preservation Officer shall be charged with determining whether proposed work constitutes "ordinary maintenance".
- (b) This Ordinance shall not prevent the restoration, rehabilitation, renovation, preservation, alteration, construction, or demolition of any such feature that the Building Official or similar agent of the City shall certify is required for the public safety. In emergency situations, threatening life, limb or significant property damage, work may be authorized by the Historic Preservation Officer without a Certificate of Appropriateness. Such work shall be done in accordance with the principles and specific criteria adopted under this Ordinance. When work is performed by city staff or utility companies under this emergency clause, the RHDC shall be so notified by the next business day.
- (c) Work not visible from any public right-of-way shall not require a Certificate of Appropriateness. The Historic Preservation Officer shall be charged with determining whether proposed work is visible from a public right-of-way.
- (d) This Ordinance shall not prevent the restoration, rehabilitation, renovation, preservation, alteration, construction or demolition of any such feature under a permit issued by a Building Official or similar agent of the City prior to the effective date of the establishment of said Historic District.

**SECTION 11: APPLICABILITY TO CITY AND UTILITIES.** Work done by the City of Russellville and by public utility companies within historic districts shall be subject to the provisions of this Ordinance. The RHDC shall consider these certificates in accordance with the procedures and standards applicable to individual certificates.

**SECTION 12: APPEALS.** The RHDC may adopt, within its own rules, procedures for addressing aggrieved applicants or reconsidering prior decisions. Any applicant still aggrieved by the determination of the RHDC may, within thirty (30) days after the making of such decision, appeal the determination of the RHDC to the Circuit Court of Pope County, Arkansas.

**SECTION 13: ENFORCEMENT.**

- (a) In the event that work being performed is found not to be in accordance with the Certificate of Appropriateness or upon notification of such fact by the Russellville Historic District Commission and/or City staff, the building inspector shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect. Stop work

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orders and penalties for non-compliance with such will be enforced according to other applicable laws. A decision shall be made by the RHDC concerning the stop work order within five (5) business days.

- (b) Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined ten dollars (\$10) to five hundred dollars (\$500) per day, in accordance with the Arkansas Historic Districts Act. Each day that a violation continues to exist shall constitute a separate offense.
- (c) The City Council may, at the request of the RHDC, in lieu of or in addition to penalties provided in this chapter, apply for any appropriate equitable remedy for the purpose of restraining or abating any violation of this chapter.

**SECTION 14: OTHER ORDINANCES.** All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of the conflict.

**SECTION 15: STATE LAW.** It is the legislative intent of the Russellville City Council to grant to the Russellville Historic District Commission authority to the extent allowed under the Arkansas Historic Districts Act, Act 484 of 1963 as amended and codified at Arkansas Code Annotated §14-172-101 et seq. Should Arkansas law hereafter be amended, this Ordinance shall conform to state law.

**SECTION 16: SEVERABILITY.** Severability is intended throughout and within the provisions of this Ordinance. If any provision, including any exception, part, phrase, or term, or the application thereof to any person or circumstances is held invalid, the application to other persons or circumstances shall not be affected thereby and the validity of this Ordinance in any and all other respects shall not be affected thereby.

ORDAINED, this 12 day of June, 2008.



Kathy Collins  
KATHY COLLINS, CITY CLERK

TYRONE WILLIAMSON  
TYRONE WILLIAMSON, MAYOR

APPROVED AS TO FORM:

William F. Smith III  
WILLIAM F. SMITH III, CITY ATTORNEY

I, Kathy Collins, City Clerk of Russellville, Arkansas, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 2008-12 passed by the City Council of the City of Russellville, Pope County, Arkansas, on the 12 day of June, 2008.

08-36-619

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**SECTION 17: EMERGENCY.** The City Council has found and determined that the creation and establishment of a Historic District and Historic District Commission for the City of Russellville is essential in order to assure the preservation of historic districts and buildings related to the history of the City and thereby stabilize and improve property values within the City of Russellville for its residents. In consideration of the public interest to be preserved, an emergency is hereby declared to exist and this Ordinance being necessary for the immediate preservation of the public peace, health, safety and welfare, shall be in full force and effect immediately from and after the date of its passage.

ORDAINED, this 12 day of June, 2008.

TYRONE WILLIAMSON  
TYRONE WILLIAMSON, MAYOR

ATTEST:

Kathy Collins  
KATHY COLLINS, CITY CLERK

APPROVED AS TO FORM:

William F. Smith III  
WILLIAM F. SMITH III, CITY ATTORNEY

I, Kathy Collins, City Clerk of Russellville, Arkansas, hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 203 passed by the City Council of the City of Russellville, Pope County, Arkansas, on the 12 day of June, 2008.



08-36-620

RUSSELLVILLE DOWNTOWN HISTORIC DISTRICT  
POPE COUNTY, ARKANSAS 08-36-621

EXHIBIT

