

By: Representative Whittington

To: Public Buildings,  
Grounds and Lands

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1063

1 AN ACT TO AMEND SECTIONS 39-13-3, 39-13-5, 39-13-7 AND  
2 39-13-9, MISSISSIPPI CODE OF 1972, TO REVISE PORTIONS OF THE  
3 MISSISSIPPI LOCAL GOVERNMENT HISTORIC PRESERVATION LAW; TO PROVIDE  
4 THAT THE GOVERNING AUTHORITIES OF EACH MUNICIPALITY AND COUNTY MAY  
5 ENACT ORDINANCES ESTABLISHING LOCAL HISTORIC DISTRICTS, HISTORIC  
6 LANDMARKS AND LANDMARK SITES; TO PROVIDE DEFINITIONS; TO AUTHORIZE  
7 THE GOVERNING BODY OF ANY COUNTY OR MUNICIPALITY TO ESTABLISH A  
8 HISTORIC PRESERVATION COMMISSION TO PRESERVE, PROMOTE AND DEVELOP  
9 THE HISTORICAL RESOURCES WITHIN ITS JURISDICTION; TO PROVIDE FOR  
10 THE ISSUANCE OF A CERTIFICATE OF APPROPRIATENESS FOR CERTAIN  
11 CONSTRUCTION, ALTERATION, DEMOLITION OR RELOCATION OF LANDMARK  
12 PROPERTY; TO PROVIDE PENALTIES FOR VIOLATIONS; AND FOR RELATED  
13 PURPOSES.

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

15 SECTION 1. The governing authorities of each municipality  
16 and county may stabilize the economy of the areas within the  
17 boundary of such municipality or county through the continued use,  
18 preservation and revitalization of key historic and architectural  
19 resources. It is recognized that the protection and enhancement  
20 of such attractions help to attract tourists and visitors, and  
21 that the further development of local heritage tourism programs  
22 supports and stimulates local business and industry. This act  
23 permits governing authorities to strengthen civic pride and ensure  
24 cultural stability through neighborhood conservation and historic  
25 preservation activities. This act establishes a review process  
26 for the preservation and appropriate redevelopment of the key  
27 historic and architectural resources of a governing authority and  
28 creates procedures which ensure adequate public notice before the  
29 creation of local historic preservation commissions or the  
30 designation of local historic districts, landmarks and landmark  
31 sites.

32           SECTION 2. The following words and phrases shall have the  
33 meanings ascribed herein unless the context clearly indicates  
34 otherwise:

35           (a) "Alteration" means any change in the exterior  
36 appearance or materials of a landmark or a structure within a  
37 historic district or on a landmark site.

38           (b) "Certificate of appropriateness" means an official  
39 signed and dated governmental document issued by either a local  
40 historic preservation commission or a governing authority to  
41 permit specific work in a historic district or at a landmark site  
42 or landmark which has been reviewed and approved.

43           (c) "Construction" means work which is neither  
44 alteration nor demolition. Essentially, it is the erection of a  
45 new structure which did not previously exist, even if such a  
46 structure is partially joined to an existing structure.

47           (d) "Demolition" means the intentional removal of a  
48 structure within a local historic district or on a landmark site  
49 or which has been designated as a landmark.

50           (e) "Demolition by neglect" means substantial  
51 deterioration of a historic structure that results from improper  
52 maintenance or a lack of maintenance.

53           (f) "Design review guidelines," if adopted by a local  
54 historic preservation commission, shall be in a written form  
55 designed to inform local property owners about historical  
56 architectural styles prevalent in a community and to recommend  
57 preferred treatments and discourage treatments that would  
58 compromise the architectural integrity of structures in a historic  
59 district or on a landmark site or individually designated as  
60 landmarks.

61           (g) "Historic landmark" means a structure of  
62 exceptional individual significance and typically is a structure  
63 which could not be included within a local historic district.

64           (h) "Historic preservation commission" means a  
65 municipal or county body established to advise a local government  
66 on matters relating to historic preservation, including the  
67 designation of historic districts, landmarks and landmark sites,  
68 and which may be empowered to review applications for permits for  
69 alteration, construction, demolition, relocation or subdivision  
70 for structures in historic districts or on landmark sites or  
71 designated as landmarks.

72           (i) "Historic district" means a group of two (2) or  
73 more tax parcels and their structures, and may be an entire  
74 neighborhood of structures linked by historical association or  
75 historical development. It is not necessary that all structures  
76 within a historic district share the same primary architectural  
77 style or be from the same primary historical period. A historic  
78 district may also include both commercial and residential  
79 structures, and may include structures covered by two (2) or more  
80 zoning classifications. A historic district may include both  
81 contributing and noncontributing structures.

82           (j) "Landmark site" means a location where a primary  
83 architectural or historical resource formerly stood or a  
84 significant historic event took place or an important  
85 archeological resource remains.

86           (k) "Period of greatest historic significance for a  
87 landmark" means the time period during which the landmark had been  
88 essentially completed but not yet altered. It is also the period  
89 during which the style of architecture of the landmark was  
90 commonplace or typical. If a landmark also achieved historical  
91 importance in part because of designed landscape features, the  
92 period of greatest historic significance includes the time period  
93 during which such landscape features were maintained.

94           (l) "Relocation" means the moving of a structure to a  
95 new location on its tax parcel or the relocation of such a  
96 structure to a new tax parcel.

97           (m) "Structure" means a man-made object and typically  
98 will be visible because of portions which exist above grade.  
99 Structures built during the historic period, 1700 forward, may in  
100 some instances not be visible above grade if they are cellars,  
101 cisterns, icehouses or similar objects which by their nature are  
102 intended to be built into the ground. A structure includes both  
103 interior components and visible exterior surfaces, as well as  
104 attached elements such as signs and related features such as  
105 walks, walls, fences and other nearby secondary structures or  
106 landmark features.

107           (n) "Subdistricts" means discrete areas within a larger  
108 historic district within which separate design guidelines are  
109 appropriate and that may be created to recognize different zoning  
110 classifications or historic development patterns which have caused  
111 adjacent historic areas to develop at different times.

112           (o) "Subdivision" includes any change in the boundaries  
113 of a single tax parcel, whether the change results in expansion or  
114 reduction or a boundary relocation.

115           (p) "Substantial deterioration" means structural  
116 degradation of such a nature that water penetration into a  
117 historic structure can no longer be prevented, or structural  
118 degradation that causes stress or strain on structural members  
119 when supports collapse or warp, evidence of which includes  
120 defective roofing materials, broken window coverings and visible  
121 interior decay.

122           (q) "Survey of resources" means the documentation, by  
123 historical research or a photographic record, of structures of  
124 historical interest within a specified area or jurisdiction or of  
125 existing structures within a proposed historic district.

126           (r) "Unauthorized demolition" means the deliberate  
127 demolition of a historic structure without prior review and  
128 approval by a local historic preservation commission or a

129 governing authority to which such a commission has made a  
130 recommendation.

131 (s) "Unreasonable economic hardship" means the  
132 definition under constitutional standards used to determine  
133 whether a "taking" exists.

134 SECTION 3. Section 39-13-3, Mississippi Code of 1972, is  
135 amended as follows:

136 39-13-3. The governing authority of each municipality and  
137 county, either independently or jointly with the governing  
138 authority of an adjacent municipality or county, or both, is  
139 hereby empowered, in its discretion, to enact ordinances providing  
140 for the creation of one or more local historic preservation  
141 commissions to advise on the establishment and location of  
142 potential historic districts and the designation of potential  
143 historic landmarks and landmark sites within the jurisdictional  
144 area of the governing authority. The governing authorities of  
145 each municipality and county, either independently or jointly with  
146 the governing authorities of an adjacent municipality, may enact  
147 ordinances for the establishment of such local historic districts,  
148 historic landmarks and landmark sites within the jurisdictional  
149 area of the governing authorities as these authorities shall  
150 choose to designate. Each such ordinance shall be adopted after  
151 investigation of the historical, architectural, archaeological and  
152 cultural significance of the buildings, structures, features,  
153 sites and surroundings of such districts, landmarks or landmark  
154 sites and after having held public hearing thereon. Notice of  
155 such public hearing, specifying the boundaries of any proposed  
156 historic \* \* \* district and the location of proposed historic  
157 landmarks and landmark sites shall be published once a week for at  
158 least three (3) consecutive weeks in at least one (1) newspaper  
159 published in such municipality or county. The first publication  
160 of such resolution shall be made not less than twenty-one (21)  
161 days prior to the date fixed in such resolution for the public

162 hearing and the last publication shall be made not more than seven  
163 (7) days prior to such date. If no newspaper be published in such  
164 municipality or county, then such notice shall be given by  
165 publishing the resolution for the required time in some newspaper  
166 having a general circulation in such municipality or county.

167 An ordinance to establish a local historic preservation  
168 commission may precede an ordinance to designate one or more local  
169 historic districts and one or more landmarks or landmark sites.  
170 Whenever governing authorities enact such an ordinance creating a  
171 historic preservation commission before an ordinance or ordinances  
172 designating one or more local historic districts and one or more  
173 landmarks or landmark sites, the local historic preservation  
174 commission shall review such potential local historic districts or  
175 potential landmarks or landmark sites and make a recommendation to  
176 the governing authorities before such designation.

177 SECTION 4. Section 39-13-5, Mississippi Code of 1972, is  
178 amended as follows:

179 39-13-5. Before it may designate one or more historic  
180 districts, or simultaneously with such designation, the governing  
181 body of any county or municipality, individually or jointly, shall  
182 establish a historic preservation commission to preserve, promote  
183 and develop the historical resources of such county or  
184 municipality in accordance with the provisions of this chapter.  
185 The historic preservation commission shall have the following  
186 powers:

187 (a) The commission shall conduct or cause to be  
188 conducted a continuing study and survey of resources within the  
189 county or municipality or combination thereof.

190 (b) The commission shall recommend to the county or  
191 municipality or combination thereof the adoption of ordinances  
192 designating historic districts, landmarks and landmark sites.

193 (c) The commission may recommend that the county or  
194 municipality or combination thereof recognize subdistricts within

195 any historic district in order that the commission may adopt  
196 specific guidelines for the regulation of properties within such a  
197 subdistrict.

198 (d) The commission shall review applications proposing  
199 construction, alteration, demolition or relocation of any resource  
200 or subdivision of tax parcels designated as landmarks or landmark  
201 sites contained within a historic district. The document granting  
202 such an application shall be known as a certificate of  
203 appropriateness. No commission may deny a certificate of  
204 appropriateness for demolition if denial of such a certificate  
205 would cause unreasonable economic hardship to an owner.

206 (e) The commission shall use as a basis for its  
207 decisions on applications for certificates of appropriateness the  
208 Secretary of the Interior's Standards for Rehabilitation and  
209 Guidelines for Rehabilitating Historic Buildings as well as any  
210 more specific design review guidelines adopted by the commission  
211 or the governing authority of the county or municipality or  
212 combination thereof.

213 (f) The commission, at the discretion of the governing  
214 authority, may grant or deny the certificates of appropriateness  
215 in whole or in part and may grant certificates of appropriateness  
216 contingent upon the acceptance by the applicant of specified  
217 conditions.

218 (g) The commission shall not consider interior  
219 arrangements of buildings and structures except that it may when  
220 requested by the Department of Archives and History to advise the  
221 department on questions relating to the interiors of publicly  
222 owned historic buildings. Interior arrangements not to be  
223 considered by the commission shall include floor plans,  
224 architectural details and finishes, but the commission may  
225 consider interior structural elements visible through doors or  
226 windows if they become deteriorated because of demolition by  
227 neglect. Such interior structural elements may include walls,

228 floors and ceilings, as well as other supporting elements of a  
229 composite structure.

230 (h) The commission may, by local ordinance, review  
231 proposed governmental actions affecting governmentally owned  
232 structures included within local historic districts, located on  
233 landmark sites or designated as landmarks.

234 (i) The commission, subject to the consent of and  
235 requirements of the county or municipality or combination thereof,  
236 may apply for, receive, hold and spend funds from private and  
237 public sources in addition to appropriations made by the county or  
238 municipality or combination thereof for the purpose of carrying  
239 out the duties of the commission.

240 (j) The commission, subject to the consent of and the  
241 requirements of the county or municipality or combination thereof,  
242 may employ such staff or contract with technical experts or other  
243 persons as may be required for the performance of its duties and  
244 may obtain the equipment, supplies and other materials necessary  
245 for its effective operation.

246 (k) The commission, solely in the performance of its  
247 official duties and only at reasonable times, may enter upon  
248 private land for the examination or survey thereof. No member,  
249 employee or agent of the commission shall enter any private  
250 dwelling or structure without the express consent of the owner of  
251 record or occupant thereof.

252 (l) A municipality, by ordinance, may specify that  
253 color changes are outside the jurisdiction of the commission.

254 Such commission shall consist of not fewer than five (5) nor  
255 more than nine (9) residents of the county or municipality, or  
256 combination thereof, establishing the commission who shall be  
257 appointed by the governing authority with due regard to proper  
258 representation in such fields as history, architecture, urban  
259 planning, archaeology and law. All members of the commission  
260 shall serve at the will and pleasure of the governing authority



261 appointing them and shall serve staggered terms. The precise  
262 method of appointment, and general terms of appointment, shall be  
263 specified in a local ordinance. If a documented good faith effort  
264 has been made unsuccessfully by the governing authority to locate  
265 residents of the county or municipality to serve on the  
266 commission, the governing authority may appoint individuals who  
267 own property within the boundary of the county or municipality, or  
268 both, or are in the service of an employer located within the  
269 boundary of the county or municipality, or both. The commission  
270 annually shall elect from its membership a chairman and a vice  
271 chairman and may employ such qualified staff personnel and counsel  
272 as it deems necessary. The commission shall retain as evidence of  
273 its discussions and decisions a complete set of minutes and may  
274 additionally create tape recordings or transcripts of its  
275 meetings. In addition, the commission shall retain copies of all  
276 applications filed with it including supporting documentation that  
277 may be added during open public meetings to supplement an original  
278 application or comment thereon. The commission shall advise the  
279 governing authority as to the designation of historic \* \* \*  
280 districts and the designation of historic landmarks and landmark  
281 sites. If any governing authority, in its discretion, chooses to  
282 divide the duties and responsibilities of the commission into no  
283 more than two (2) commissions or boards, each commission or board  
284 shall be established as directed in this section.

285 SECTION 5. Section 39-13-7, Mississippi Code of 1972, is  
286 amended as follows:

287 39-13-7. No historic \* \* \* district or districts shall be  
288 designated until the Mississippi Department of Archives and  
289 History has been notified by certified letter by the governing  
290 authority of a municipality or county and invited to make  
291 recommendations concerning the proposed district boundaries. The  
292 Mississippi Department of Archives and History may comment by  
293 letter, telephone, e-mail or in person through designated staff.

294 The boundary of a historic district or landmark or landmark site  
295 may follow the formal legal description of a tax parcel or parcels  
296 or, because of historical justification or topographical  
297 conditions, may deviate from such formal legal descriptions. When  
298 a boundary deviates from formal legal descriptions, there must be  
299 written justification for such a deviation in any local  
300 designating ordinance.

301 When a municipality or county has already created by  
302 ordinance a local historic preservation commission, that  
303 commission shall jointly notify both the governing authority of  
304 the municipality or county and the Mississippi Department of  
305 Archives and History that a historic district is being proposed  
306 and recommended and shall provide to the Mississippi Department of  
307 Archives and History the dates of the next two (2) public meetings  
308 of the governing authority at which action on the designation of  
309 such a district might be taken so that the Mississippi Department  
310 of Archives and History may comment in a timely manner. Failure  
311 of the Mississippi Department of Archives and History to comment  
312 by the date of the second such meeting shall relieve the  
313 municipality or county of any responsibility for awaiting and  
314 responding to such analysis, and the body may at any time  
315 thereafter take any necessary action to create the proposed  
316 historic district.

317 When a municipality or county has not previously created by  
318 ordinance a local historic preservation commission and the  
319 governing authority proposes to create such a commission, the  
320 governing authority must give the Mississippi Department of  
321 Archives and History an opportunity to comment on the proposed  
322 provisions for such an ordinance, unless such ordinance is  
323 substantially identical to any model local historic preservation  
324 ordinance which has been recommended and promulgated by the  
325 Mississippi Department of Archives and History. Whenever the  
326 Mississippi Department of Archives and History is invited to

327 comment on the terms of a proposed local historic preservation  
328 ordinance, failure of the department to comment within forty-five  
329 (45) days after a written request for comments has been received  
330 shall relieve the governing authority of any responsibility to  
331 wait further for such comments.

332 SECTION 6. Section 39-13-9, Mississippi Code of 1972, is  
333 amended as follows:

334 39-13-9. The governing authority of any county or  
335 municipality, individually or jointly, is authorized to make  
336 appropriations to a historic preservation commission, in any  
337 amount that it may determine necessary for the expenses of the  
338 operation of such commission. A governing authority may apply to  
339 participate in the Certified Local Government Program of the  
340 National Park Service, which is administered in Mississippi by the  
341 Department of Archives and History and may on behalf of a local  
342 historic preservation commission apply for funding from the  
343 Department of Archives and History to supplement funds available  
344 from the governing authority itself. Said governing authorities  
345 shall not be empowered to acquire by eminent domain any historic  
346 preservation properties unless such properties are needed for  
347 governmental purposes other than historic preservation.

348 SECTION 7. A governing authority may provide by local  
349 ordinance the procedures to be followed to designate historic  
350 districts, landmarks and landmark sites. Such an ordinance may  
351 provide that a governing authority may designate such properties  
352 upon the recommendation of a local historic preservation  
353 commission.

354 A potential historic district or landmark or landmark site  
355 may be proposed for designation by either a majority of the  
356 members of a local historic preservation commission or an owner of  
357 a potential landmark or landmark site or an organization which has  
358 as one of its central purposes the promotion of historic  
359 preservation objectives. If in private ownership, a landmark site

360 must include significant surviving landscape features to qualify  
361 for designation unless its primary significance is archeological,  
362 and new construction after review and approval, shall be built to  
363 fit into such landscape features rather than replace them or shall  
364 be designed to avoid insofar as possible an archeological resource  
365 rather than replace it. If in public ownership, a local historic  
366 preservation commission shall discourage new construction on a  
367 site of great significance to the entire community unless the new  
368 construction can be located on a portion of the site which will  
369 permit a continuing understanding of its historical character and  
370 will avoid damage to surviving landscape features or an  
371 archeological resource.

372       Once a nomination has been filed with an existing historic  
373 preservation commission or the governing authority of a  
374 municipality or county proposing to create such a commission and  
375 designate one or more local properties, a decision on whether to  
376 proceed with the designation must be made within six (6) months.

377       When a historic preservation commission already exists within  
378 a community, a majority of the commission's members must vote in  
379 favor of any proposed designation in order for the file supporting  
380 the designation to be sent forward to the local governing  
381 authority for its consideration. No file purporting to justify a  
382 proposed designation may be forwarded to a governing authority  
383 unless the commission's recommendation includes a map that clearly  
384 delineates boundaries for the proposed designation, a verbal  
385 description and justification of the proposed boundaries and a  
386 written statement of significance for the historic district or  
387 landmark or landmark site proposed for designation. Unless  
388 justification is contained in a designating ordinance, the  
389 boundary for any historic landmark shall include an entire tax  
390 parcel and may include adjoining tax parcels that were  
391 historically linked to the primary parcel during the period of  
392 greatest historic significance for the landmark structure.

393           The local governing authority must conduct at least one  
394 public hearing on the proposed designation and notice of the  
395 public hearing must be published weekly for at least three (3)  
396 consecutive weeks in a local newspaper authorized to publish legal  
397 notices.

398           The local governing authority must take action on the  
399 proposed designation within sixty (60) days of the public hearing,  
400 either to adopt a designating ordinance or to reject the proposed  
401 designation.

402           As quickly as would be reasonably possible, a local historic  
403 preservation commission must notify other municipal agencies and  
404 any appropriate county or state agencies of the designation of a  
405 historic district, landmark or landmark site. The commission must  
406 maintain in its official files an updated list and map of local  
407 designations and provide copies of such a map to other  
408 governmental agencies within one (1) week of the preparation of a  
409 new version of the map.

410           SECTION 8. A local historic preservation commission, if so  
411 empowered by a local ordinance or a local government acting upon  
412 the advice of a local historic preservation commission, may  
413 approve an application and issue a certificate of appropriateness  
414 if it finds that a proposed construction, alteration, demolition,  
415 subdivision or relocation is consistent with the design review  
416 guidelines established by the commission, would be compatible with  
417 the character of a historic district or landmark or landmark site  
418 and does not compromise the historic and architectural integrity  
419 of the historic district, landmark or landmark site. A governing  
420 authority may require that a property owner post a bond to  
421 guarantee satisfactory completion of a relocation project. Any  
422 local historic preservation ordinance shall specify whether  
423 partial demolition shall be considered an alteration or  
424 demolition, as it may not be both.

425 Whenever a local historic preservation commission shall deny  
426 or recommend denial of a certificate of appropriateness, the  
427 commission must state the reasons for such denial in writing.  
428 Thereafter, an applicant may resubmit a new application at any  
429 time, except that an applicant must wait six (6) months whenever  
430 an application for a certificate of appropriateness is denied for  
431 a landmark property of statewide or national significance and  
432 notice of any second or subsequent application must be sent to the  
433 Mississippi Department of Archives and History as well as to the  
434 local historic preservation commission.

435 A governing authority may require that denial of a  
436 certificate of appropriateness shall be binding upon a local  
437 building inspector or the agency responsible for issuing building  
438 permits and shall prevent the issuance of other building permits  
439 for the same parcel until a certificate of appropriateness is  
440 approved. A certificate of appropriateness may be required for  
441 work which does not require a building permit. A certificate of  
442 appropriateness may be evidenced by either a written and dated  
443 letter to an owner or applicant or such a letter accompanied by a  
444 signed and dated stamp on the face of any and all architectural or  
445 project drawings prepared for a project. A governing authority  
446 may provide by ordinance that a certificate of appropriateness  
447 shall expire at the end of a specified time period if work has not  
448 begun.

449 SECTION 9. The governing authority of any county or  
450 municipality, individually or jointly, may enact local legislation  
451 governing "demolition by neglect," defined as improper maintenance  
452 or lack of maintenance of any property in a historic district, or  
453 any historic landmark or landmark site, which results in  
454 substantial deterioration of such a property and threatens its  
455 continued stability and preservation. The governing authority of  
456 any county or municipality, individually or jointly, is further  
457 authorized, in its discretion, to fine any property owner who has

458 been found to own a property that has been determined to be  
459 threatened by demolition by neglect as defined herein. Such  
460 property owner, from the date such property is found to be in  
461 demolition by neglect by the governing authority until such  
462 repairs are made to remove the danger to the property, shall be in  
463 violation of the provisions of this section.

464 In addition to the powers specified in Section 21-19-11(1), a  
465 governing authority, if the Historic Preservation Division of the  
466 Department of Archives and History concurs, may make repairs  
467 necessary to correct demolition by neglect, and the cost of such  
468 repairs shall become a lien against the property in accordance  
469 with Section 21-19-11(3).

470 If a property in a historic district or a historic landmark  
471 or landmark site is demolished without review and approval by a  
472 local historic preservation commission, the governing authority  
473 may require that the owner rebuild on the site using as much of  
474 the original building material as possible, but in general  
475 following the same form. A governing authority may specify by  
476 ordinance that unauthorized demolition of a portion of a structure  
477 shall not serve as justification for a demolition permit whenever  
478 it can be shown that restoration or rehabilitation would still be  
479 feasible.

480 Whenever a structure or structures is demolished without  
481 review and approval by a local historic preservation commission,  
482 the governing authority may require that no permit be issued for  
483 any structure or structures proposed for the same parcel which  
484 would require a footprint larger than the footprint of the  
485 demolished structure or structures.

486 If a historic landmark or landmark site of statewide or  
487 national significance is demolished without review and approval by  
488 a local historic preservation commission, the governing authority  
489 may require that no permit for any construction on the parcel from

490 which the landmark or landmark site has been removed may be issued  
491 for a period of up to twenty-four (24) months.

492 SECTION 10. Any person who violates any of the provisions of  
493 this act shall be guilty of a misdemeanor and, upon conviction,  
494 shall be fined not less than Ten Dollars (\$10.00) nor more than  
495 Five Hundred Dollars (\$500.00).

496 Each day that a violation continues to exist shall constitute  
497 a separate offense.

498 SECTION 11. If a property owner in a historic district, or  
499 the owner of a historic landmark or landmark site, is denied a  
500 certificate of appropriateness, the property owner may appeal such  
501 decision either to the governing authority of the city or county  
502 or combination thereof or may, if such venue has been made  
503 available at the discretion of the governing authority, appeal  
504 directly to the chancery court. Any such appeal shall be reviewed  
505 upon the record established before the local historic preservation  
506 commission. Any local property owner or organization aggrieved or  
507 damaged by such a decision may appeal in the same manner.

508 SECTION 12. Nothing in this act shall require the  
509 dissolution of any local historic preservation commission created  
510 in Mississippi before the effective date of this act. Any local  
511 historic preservation commission created by ordinance before the  
512 effective date of this act shall continue in existence and  
513 continue to have all of the purposes, powers and authority set out  
514 in the ordinance creating such commission. Any such previously  
515 created commission may be given the powers set forth in this act  
516 if a governing authority reenacts a local ordinance in conformity  
517 with this act.

518 No designation of a historic district or landmark or landmark  
519 site shall be invalidated because the designation was made under a  
520 valid ordinance before the effective date of this act.



521 SECTION 13. Sections 1, 2, 7, 8, 9, 10, 11 and 12 of this  
522 act shall be codified in Chapter 13, Title 39, Mississippi Code of  
523 1972.

524 SECTION 14. This act shall take effect and be in force from  
525 and after July 1, 2001.