

ORDINANCE 1715

**AN ORDINANCE ESTABLISHING THE HISTORIC DISTRICT
COMMISSION OF THE CITY OF BOGALUSA AND PROVIDING FOR
PROCEDURES OF OPERATION.**

WHEREAS, the City Council is desirous of promoting the educational, cultural and economic welfare of the public of the City by preserving and protecting historic structures and neighborhoods which serve as visible reminders of the history and heritage of the city, region, state and nation, and furthermore it is the purpose of this ordinance to strengthen the economy of the City by stabilizing and improving property values in historic areas.

NOW AND THEREFORE, BE IT ORDAINED by the City Council of the City of Bogalusa, in legal session convened, as follows, to-wit:

SECTION 1. Commission Established

There is hereby created a Commission to be known as the Historic District Commission of the City of Bogalusa.

SECTION 2. Recommendation and Appointment of Members

The Commission shall consist of *[not fewer than five (5) and a maximum of ten (10)]* members, all of whom shall reside in Washington Parish, and shall be appointed by the Mayor.

SECTION 3. Term; Vacancies

Each of the members of the Commission shall be appointed for a term of four (4) years. The Chairman shall be elected by the members of the Commission. Whenever the term of a member of the Commission expires, the Mayor shall appoint his successor. The members may serve consecutive terms. The first commission shall have staggered terms: 1/4 with one (1) years terms, 1/4 with two (2) year terms, 1/4 with three (3) year terms and 1/4 with four (4) year terms. All commission members shall have a demonstrated knowledge of or interest, competence, or expertise in historic preservation. The commission shall seek the advice, as needed, of professionals in the related disciplines of architecture, history, architectural history, or archaeology, etc.

SECTION 4. Administration and Committees

The Director [of a related city department, i.e. Community Affairs, Planning, Community Development - to be determined by the Mayor and City Council] of the City of Bogalusa will serve as advisor to the Commission and will act as liaison between the Commission and the Office of Mayor. Nominal expenses necessary to carry out the duties of the Commission will be budgeted through the aforementioned department. The recording secretary for the Commission will be designated by the director and all files, records and minutes of the Commission will be maintained by the department. The City Attorney shall be the ex officio attorney for the Commission. The Commission may designate and appoint, from among its members, various committees with such powers and duties as the Commission may have and prescribe.

SECTION 5. Rules, Regulations and Guidelines; Meetings; Reports and Recommendations

The Commission shall make such rules and regulations as it may deem advisable and necessary for the conduct of its affairs not inconsistent with the laws of the City and State. The Commission shall meet monthly, but meetings may be held at any time by the Commission on the written request of any of the Commission members or on the call of the Chairman of the Commission or of the Mayor. The Commission shall make quarterly reports to the Mayor and Council containing a statement of its activities. Copies of the rules, regulations and guidelines are available at the Historic District Commission office.

SECTION 6. Purpose

The Bogalusa Historic District Commission shall have for its purpose the preservation and stewardship of all structures in the designated Historic District of the

City. The commission shall have for its further purpose the guardianship of those structures which have architectural and historical value and which should be preserved for the benefit of the people of the City and State.

SECTION 7. Definition of Historic District

The following area of the City of Bogalusa is hereby designated as the "Bogalusa Historic District," to wit:
[Columbia Street, 300 block, 400 block, 500 block, only buildings facing on Columbia Street, no side streets]

SECTION 8. Submission of Plans to Commission for Exterior Changes

- A. The owner of any property within the Historic District shall apply for a permit or Certificate of Appropriateness from the Commission before the commencement of any work in:
1. the erection of any new building or other construction in the Bogalusa Historic District; or
 2. the alteration or addition to any existing structure in the Bogalusa Historic District; or
 3. the painting, repairing or demolishing of any existing building situated within the Bogalusa Historic District.
 4. the relocation of any building into or out of the Bogalusa Historic District.
- B. The application therefore shall be made to the Commission, accompanied by the full plans and specifications thereof so far as they relate to the proposed appearance, color, texture or materials and architectural design of the exterior, including the front, sides, and rear and roof of such buildings, alterations or addition of any building or outbuilding, party wall, courtyard, sidewalk, driveway, parking area, fence or other dependency thereof.
- C. Where, by reason of topographical conditions, irregularly shaped lots, or because of unusual circumstance applicable solely to the particular applicant, strict enforcement of the provisions of this Ordinance would result in serious undue hardship peculiarly affecting said applicant, then the commission, in passing upon his application, shall have the power to vary or modify adherence to this Ordinance provided always that its requirements insure harmony with the general purposes hereof, and will not adversely affect the Historic District as a whole.

SECTION 9. Commission Recommendation and Action Thereon

The Bogalusa Historic District Commission shall, upon due consideration render its decision concerning the approval or disapproval of the issuance of the permit, which may include such changes, if any, as in its judgement are reasonably necessary to comply with the requirements of this Ordinance, and send it decision, in writing, to the applicant and the Building Inspector. If the permit is approved, the Building Inspector shall promptly issue a permit for such work in conformance with the Commission's decision.

SECTION 10. Appeals

Any person or persons aggrieved by any decision, act or proceedings of the Bogalusa Historic District Commission shall have a right to apply in writing to the City Council for reversal or modification thereof, and the Mayor, or presiding officer of the City Council, shall have the right to stay all further action until the City Council shall have had an opportunity to rule thereon. Any such appeal shall be taken in ten (10) days from date of the written decision, and the City Council may consider said appeal at its next general or special meeting, but, in any event, not more than forty-five (45) days thereafter. The City Council may affirm a decision of the Bogalusa Historic District Commission by majority vote of all its members. The City Council shall have the right to reverse, change or modify any decision of the Bogalusa Historic District Commission by majority vote of all its members.

Any person or persons aggrieved by any decision of the City Council affecting said Historic District shall have the right to file a civil suit within thirty days from date of decision in a court of competent jurisdiction under the usual rules of procedure governing same, with the right to stay order and injunctive relief provided the situation warrants it.

SECTION 11. Injunctions

Whenever any person has engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of this Ordinance, the Commission may make application to the appropriate Court for an order enjoining such act or practice, or requiring such person to refrain from such prospective violation or to remedy such violation by restoring the affected property to its previous condition. Upon a showing by the Commission or City that such person has engaged or is about to engage in such act or practice, a permanent or temporary injunction, temporary restraining order, or other appropriate order shall be granted without bond.

SECTION 12. Penalties

Any owner, agent, lessee or other person acting for or in conjunction with him, who shall violate the Bogalusa Historic District Ordinance or law or rules, regulations or decisions of the Commission, shall be fined according to City Building Code penalties for each infraction. Each day that a violation continues shall constitute a separate offense.

SECTION 13. Stopping Work Commenced Without Permit

The Building Inspector shall promptly stop any work attempted to be done without or contrary to a permit issued under this Ordinance and shall promptly prosecute any person responsible for such a violation of this Ordinance or engaged in such violation. Any officer or authorized agent of the Commission shall exercise concurrent or independent powers with the Building Inspector in prosecuting violations of this Ordinance and stopping work attempted to be done without or contrary to the permits reported by the Ordinance.

SECTION 14. Provisions of Ordinance Prevail in Case of Conflict

The provisions of this Ordinance shall govern and take precedence over any other provisions of any ordinance or codes of the City of Bogalusa.

SECTION 15. New Construction

Proposals for new construction in the Bogalusa Historic District should seek compatibility with existing structures through the appropriate use of site planning, materials, decorative details, architectural elements, and scale. A proposal should not draw unnecessary attention to itself in any one of these characteristics. However, a proposal should not duplicate or copy historic styles and periods. The architectural context is of primary concern.

- A. *Scale: The relationship of the building and its elements (including doors and windows) to other structures in the district.* It is important in considering scale, that a careful study be made of the height, width, and mass of buildings in the immediate neighborhood and district as a whole. This study should serve to confirm or deny the appropriateness of the height, width, and mass of the proposed building. Maximum height of any new structure shall conform to The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings. In no case shall a new structure exceed a height of 75 feet above the street.
- B. *Siting: The positioning of a building on a lot.* This process includes determining the setback of a building, the spacing of this building from adjacent buildings, and the location of the walls, fences, walks, drives and landscaping, if any of these are used in the overall design.
- C. *Materials: The surface building fabric which contributes to the exterior character and appearance of a building.*
- D. *Decorative Details: Ornamental or embellishment.* These include cornices, lintels, arches, balustrades, chimneys, shutters, columns, and

other common details. When used, details should create a unifying effect on a building and should be compatible with the context of the neighborhood.

E. Architectural Elements: *Parts of a building that are integral to its composition.* These include balconies, roofs, porches, chimneys, dormers, parapets, and other parts of a building that contribute to its overall shape and silhouette. The choice and arrangement of elements of a proposed building should reflect those of other buildings in the neighborhood. The building should not draw unnecessary attention to itself by failing to relate to neighboring styles. But neither should it copy these styles. The object is to compliment the context of the Bogalusa Historic District.

The Bogalusa Historic District Commission shall follow The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings in considering all proposals for new construction and/or rehabilitation.

SECTION 16. Fences

Fence design must be in harmony with the nature of the district. The fencing materials must be approved by the Commission.

The following fencing materials ARE NOT acceptable: barbed-wire, chain-link, concrete block, stockade, plywood, hardboard, or asbestos board.

SECTION 17. Floodlights

The Bogalusa Historic District shall not be illuminated by privately controlled floodlights or other illuminaries except as approved by the Historic District Commission or as permitted specifically by this Ordinance.

SECTION 18. Overhanging Balconies

No overhanging balconies or galleries may be removed, but new or additional balconies may be erected if they conform to the distinctive architecture of the Bogalusa Historic District. The permit for all such new construction or any renovation shall be subject to the requirements of this Ordinance.

SECTION 19. Signs

A. Definitions:

1. **SIGN** shall include any symbol, device, image, poster, flag, banner, billboards, design or directional sign used for advertising purposes, whether painted upon, attached to, erected on, or otherwise maintained on any premises containing any words, letters, or parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names or trade marks by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business or a commodity or a product, which is visible from any public street and is used to attract attention.
2. **DISPLAY** includes erect, paint, repaint, place, replace, hang, rehang, repair, maintain paint directly upon a building or other structure, inlay, embed in, or otherwise exhibit in public view.

B. Signs Must Conform to Character of Section

In addition to the prohibitions contained in this section, approval of the display of a sign in the Bogalusa Historic District of the City shall be granted by the Commission only when such signs and the plans therefor, so far as they relate to the appearance, color, size, position, method of attachment, texture of materials and design, conform to the quaint and distinctive character of the Bogalusa Historic District or do not injuriously affect it or impair the value of the community of those buildings having architectural or historical worth.

C. No Signs to be Displayed In Certain Places

is mounted.

2. Internally illuminated signs are not permitted.
3. Flashing or intermittent signs (exclusive of historic signs) are not permitted.

K. Sign No Longer Complying as to Advertisement to be Taken Down.
Any sign displayed which no longer advertises a bona fide business (exclusive of historic or "ghost" signs) conducted upon the premises shall, upon notification of the Bogalusa Historic District Commission or its agent (who is hereby specifically authorized to so proceed), be taken down, removed or obliterated within five (5) days after such notification and failure to do so comply on the part of the owner, occupant, agent or person having the beneficial use of any building or premises upon which such sign may be found shall subject such person to the penalty provided in (Section 12).

L. Building Code Applicable to Sign

All signs under this section shall be further governed by existing regulations of the Building Code of the City which are not in conflict with this section.

M. Application for Signs to be Submitted to Commission

All applications for permits to display signs within the Historic District of the City shall be submitted to the Historic District Commission Office for approval before a permit therefor may be issued in conformity with (Section 9)

N. Form of Application to Display Signs; Accompanying Drawings

Application for a permit to display signs in the Historic District of the City shall be made to the Commission upon forms furnished by the Commission. Such an application shall also be accompanied by sketches and drawings in triplicate showing details of construction and foundation when required by the Building Code of the City and shall delineate the size, shape, design, coloring, lighting and position in relation to the building from or upon which it shall be displayed.

SECTION 20. Aerials, Antennas etc., Prohibited

The construction of aerials, antenna, or satellite dishes of any type within the Bogalusa Historic District is prohibited without the express approval of the Bogalusa Historic District Commission.

SECTION 21. Minimum Maintenance Requirements

In order to insure the protective maintenance of resources, the exterior features of such properties shall be maintained to meet the requirements of the City's Minimum Housing Code and the City's Building Code.

SECTION 22. Demolition by Neglect

A. Any resource which is a landmark and all resources within a preservation district shall be preserved by the owner or such other person or persons as may have the legal custody or control thereof against decay and deterioration and free from unreasonable structural defects. The owner or other person having legal custody and control thereof shall repair such resource if it is found to have one or more of the following defects.

1. Deterioration to the extent that creates or permits a hazardous or unsafe condition as determined by the City Building Inspector.
2. Deterioration as determined by the City Building Inspector, of a building characterized by one or more of the following:
 - a. Those buildings which have parts thereof which are so attached that they may fall and injure persons or property.
 - b. Deteriorated or inadequate foundations.
 - c. Defective or deteriorated floor supports or floor supports insufficient to carry imposed loads with safety.
 - d. Members of walls and other vertical supports that split, lean, list, or buckle due to defective material, workmanship,

No sign shall be displayed from the parapet or roofs of any buildings in the Historic District. No sign shall be displayed or placed in any manner whatsoever so as to disfigure or conceal any significant architectural feature or detail of any building.

D. What Signs May Advertise

No sign shall be displayed in the Bogalusa Historic District unless such sign advertises a bona fide business conducted in or on the premises and, if it does do so, no more than fifty (50%) per cent of the area of such sign may be used to advertise products or commodities actually sold on the premises. This is exclusive of any pre-existing, historic/"ghost" signs.

E. Number of Primary Signs

In general, one primary sign is allowed to each store, shop, or bona fide place of business, and this sign shall be no larger than the maximum stipulated in this Ordinance.

1. In the case of a business operated on a corner lot that faces two streets, one primary sign on each street facing is allowed and shall be regulated as if each side were a separate storefront.
2. In the case of a single sign being inappropriate, multiple primary signs may be used, the total face area of which may not exceed the maximum size stipulated in this article.

F. Surface Area of Signs

The surface area of any sign shall be in direct proportion to the amount of front footage of each ownership and shall be as follows:

1. For single faced signs, attached flat against the wall and including painted wall signs there shall be thirty (30) square inches of sign surface area to each foot of lot frontage.
2. For double faced signs, suspended by brackets or arms perpendicular from the wall of the building, the surface area shall be the sum of the area of each face not to exceed thirty (30) square inches of sign surface area of each foot of lot frontage.
3. In the case of multiple businesses operating at a single location, the total face area of signage may be increased to 1 ½ times the maximum stipulated in this article.

G. Secondary Signs

In addition to the primary sign(s) referred to in (Section 19,E), small secondary signs may be used to identify the following:

1. Entrance doors
2. Operating hours
3. Temporary signs

H. Temporary Signs

Temporary signs of a promotional nature may be placed on the interior of the store windows. In no case may they remain longer than sixty days. A permit is not required for the placement of a temporary sign. Temporary signs may be placed on the exterior of a building for the following special situations:

1. For the identity of real estate for sale.
2. For political advertisement. Except for signs larger than 2'x2' yard sign, no application is required.
3. For promotion by non-profit organizations. In no case may these signs exceed the size limitations of this Ordinance.

I. Portable and Changeable Letter Signs

No portable or changeable letter signs may be erected or allowed to remain within the Bogalusa Historic District.

J. Illuminated Signs

No illuminated signs may be constructed or erected within the Bogalusa Historic District without the express approval by the Bogalusa Historic Commission.

1. Concealed lighting is recommended. Bulbs may not be exposed. The light should enhance the sign as well as the building on which it

- e. Member of walls or other vertical supports that are insufficient to carry imposed loads with safety.
 - f. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material, workmanship or deterioration.
 - g. Members of ceilings, roof, ceiling and roof supports, or other horizontal members that are insufficient to carry imposed loads with safety.
 - h. Fireplaces or chimneys which list, bulge, or settle sue to defective material, workmanship, or deterioration.
 - i. Any fault, defect, or condition in the building which renders the same structurally unsafe or not properly watertight
- B. If the Commission makes a preliminary determination that a resource is being demolished by neglect, it shall direct the City Building Official to notify the owner(s) of the resource of this preliminary determination stating the reasons therefore, and shall give the owner(s) of record thirty (30) days from the date of mailing such notice or the posting thereof on the property, whichever comes later, to commence work to correct the specific defects as determined by the commission.

Said notice shall be given as follows:

1. By certified mail, restricted delivery, mailed to the last known address of the record owner(s) as listed on the City and/or Parish tax rolls.
2. If the above mailing procedure is not successful, notice shall be posted in a conspicuous, protected place on the resource.

C. If the owner(s) fail(s) to commence work within the time allotted as evidenced by a Building Permit, the Commission shall notify the owner(s) in the manner provided above to appear at a public hearing before the Commission at a date, time and place to be specified in said notice, which shall be mailed or posted at least thirty (30) days before said hearing. For the purpose of insuring lawful notice, a hearing may be continued to a new date and time. The Commission shall receive evidence on the issue of whether the subject resource should be repaired and the owner(s) may present evidence in rebuttal thereto. If, after such hearing, the Commission shall determine that the resource is being demolished by neglect, it may direct the City Building Official to take appropriate action against the owner(s) if the necessary repairs are not completed within ninety (90) days of the determination by the Commission that the subject building or structure is being demolished by neglect.

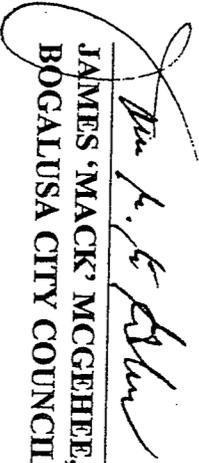
II. BE IT FURTHER ORDAINED that is any provision of this Ordinance or the application thereof to any person or circumstance is declared to be unconstitutional by judgement of Court, then in that event, only that particular provision shall be deemed unconstitutional, and the remaining provisions of this Ordinance shall not be affected thereby.

III. BE IT FURTHER ORDAINED that this Ordinance shall be binding and shall go into effect after public hearing and publication in accordance with law.

IV. BE IT FURTHER ORDAINED that is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made part of

the Code of Ordinances, City of Bogalusa, Louisiana, and the sections of this Ordinance may be numbered to accomplish such intention.

The above Ordinance was introduced on the 1st day of September 1998 and a public hearing was called for the 15th day of September 1998.


JAMES 'MACK' MCGEEHEE, PRESIDENT
BOGALUSA CITY COUNCIL


M. E. 'TOYER' TAYLOR, MAYOR
CITY OF BOGALUSA, LOUISIANA

INTRODUCED: September 1, 1998
ADVERTISED: September 9, 1998
PUBLIC HEARING: September 15, 1998
ADOPTED: September 15, 1998
DELIVERED TO MAYOR: October 9, 1998 UR: 11:00 AM
RETURNED TO MAYOR: October 9, 1998 UR: 11:30 AM
PUBLISHED: _____