

§ 2-170

ADMINISTRATION

§ 2-201

ARTICLE XI. RESERVED*

Secs. 2-170—2-184. Reserved.

ARTICLE XII. RESERVED†

Secs. 2-185—2-199. Reserved.

ARTICLE XIII. MORGAN CITY HISTORIC DISTRICT
COMMISSION

Sec. 2-200. Commission established.

There is hereby created a commission to be known as the Historic District Commission of the City of Morgan City. (Ord. No. 86-12, 9-16-86)

Sec. 2-201. Appointment of members; terms; vacancies.

(a) The commission shall consist of nine (9) members, all of whom shall be residents or property owners of the city.

(b) Membership on the commission shall be for not more than three (3) years for each term of a member. Of the first appointments to the commission, three (3) members shall serve for one year, three (3) members shall serve for two (2) years and three (3) members shall serve for three (3) years. Their successors shall be appointed for a three-year term each. No commissioner, however, may serve for more than two (2) consecutive terms.

(c) The members of the commission shall be appointed by the mayor with the advice and consent of the councilmen, who may

*Editor's note—Ord. No. 87-18, § 2, adopted Aug 25, 1987, repealed Art. XI, §§ 2-170—2-178, pertaining to the Leah Norman-Schreier Community Center Commission, which derived from Ord. No. 85-7, adopted April 9, 1985 and Ord. No. 85-11, § 1, adopted June 11, 1985.

†Editor's note—Ord. No. 87-18, § 2, adopted Aug 25, 1987, repealed Art. XII, §§ 2-185—2-193, pertaining to the Morgan City Museum Commission, which derived from Ord. No. 83-9, § 1, adopted March 15, 1983; Ord. No. 83-12, § 1, adopted June 21, 1983 and Ord. No. 84-11, § 1, adopted Oct. 23, 1984.

Supp. No. 53

§ 2-201

MORGAN CITY CODE

§ 2-201

remove any member of the commission, after a public hearing, for inefficiency, neglect of duty, malfeasance, or the absence from four (4) consecutive meetings, or the absence from one-half of the meetings during any twelve-month period.

(d) The mayor shall appoint one councilman who shall serve as ex-officio member of the commission. (Ord. No. 86-12, 9-16-86)

Sec. 2-202. City employees; committees; officers; ex-officio members.

The commission may select existing city employees, with the mayor's approval, as may be necessary to carry out the purposes for which it is created. The city attorney shall be ex-officio the attorney for the commission. The commission may designate and appoint, from among its members, various officers and committees with such powers and duties as the commission may have and prescribe.

The chairman, planning and zoning commission of the city, shall be ex-officio the planner for the commission, but this does not preclude the commission from employing additional consultants to carry out its works. (Ord. No. 86-12, 9-16-86)

Sec. 2-203. Rules and regulations; 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 at least quarterly, but meetings may be held at any time by the commission on the written request of any of the nine (9) members or on the call of the chairman of the commission or the mayor. The commission shall make quarterly reports to the mayor and council containing a statement of its activities. It shall from time to time make its recommendations for the future, but recommendations may be made by the council to the commission at any time. (Ord. No. 86-12, 9-16-86)

Sec. 2-204. Purpose.

The historic district commission shall have for its purpose the preservation of all such buildings in the historic district section of the city, as in the opinion of the commission, shall have architectural and historical value and which should be preserved for the benefit of the people of the city and state. (Ord. No. 86-12, 9-16-86)

Sec. 2-205. Designation of historic district.

The following area of the city is hereby designated as "The City of Morgan City Historic District," to wit:

Beginning at a point of the intersection of Front and Greenwood Streets a line extending eastward on Greenwood Street to intersection of Arkansas Street; thence extending southward on Arkansas Street to intersection of Freret Street; thence extending westward on Freret Street to intersection of Second Street; thence extending southward on Second Street to a point one hundred twenty-one and one-half (121.5) feet from the center right-of-way of Freret Street; thence a line dividing Lots 10 and 11 in Square 26, and extending westward to Alabama Street; thence extending southward on Alabama Street to intersection of Everett Street; thence extending eastward on Everett Street to intersection of Arkansas Street; thence extending southward on Arkansas Street to a point of the line which comprises north borders of Lots 6, 7 and 8 in Square 5, thence said line extending westward to Second Street; thence extending southward on Second Street to intersection of Railroad Avenue; thence extending westward on Railroad Avenue to intersection of Front Street; thence extending northward on Front Street to intersection of Greenwood Street at the point of beginning.

The historic district above designated shall include all buildings sites or lots and all structures, houses or other buildings facing any of the streets or the perimeter of the area. (Ord. No. 86-12, 9-16-86)

Sec. 2-206. Submission of plans for exterior changes to commission.

Before the commencement of any work in the erection of any new building or the alteration or addition to, or painting or repairing or demolishing of any existing building, any part of which is to front on any public street or alley in the City of Morgan City Historic District, application by the owner for a permit therefor 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 archi-

tectural design of the exterior, including the front, sides, rear and roof of such buildings, alteration or addition of any out-building, party wall, courtyard, fence or other dependency thereof. (Ord. No. 86-12, 9-16-86)

Sec. 2-207. Commission recommendation and action thereon.

The City of Morgan City Historic District Commission shall, upon due consideration, report thereon promptly its recommendations, including such changes, if any, as in its judgment are reasonably necessary to comply with the requirements of this article, by sending them, in writing, to the building inspector with the application and documents referred to in this article and, if they are found by the building inspector to comply reasonably with requirements of this article and if such application and intended work shall conform also to all other regulations, ordinances and laws of the city, the building inspector shall issue promptly a permit for such work and indicate on such permit the extent and nature of the work to be performed thereunder. (Ord. No. 86-12, 9-16-86)

Sec. 2-207.1. Criteria to be used by the commission in making recommendations; uses permitted.

(a) The criteria to be used by the commission in making recommendations are as follows:

- (1) To the extent feasible with the zoning ordinance and economic realities, efforts shall be encouraged to provide compatible uses for buildings requiring minimal building, building site and environmental alteration.
- (2) Removal, destruction or alteration of original characteristics or unique architectural features of buildings shall be discouraged.
- (3) Surface cleaning of structures by the gentlest means possible shall be encouraged. Sandblasting and abrasive chemical cleaning methods that will damage historic building materials shall be avoided.

- (4) In a rehabilitation project, use of materials matching or compatible with those already used in the building as to composition, design, color, texture and other visual qualities shall be encouraged.
- (5) Contemporary design and alterations and additions to existing buildings should not destroy significant historical architectural or cultural material and such design is compatible in size, scale, material and character to the property, neighborhood and environment.
- (6) In the case of new construction, within the historic district and in those areas outside but immediately adjacent to the historic district, compatibility with surrounding buildings in scale, size and materials should be encouraged.
- (b) As to contemporary uses of buildings within the historic district, two (2) primary emphasis areas are hereby established, as follows:
 - (1) *Residential area:* Block 32, Lots 1 through 7, Block 33, Lots 1 through 7 and Lots 10 and 11; Block 34, Lots 5 through 7; and Block 26, Lots 1 through 3.
 - (2) *Commercial area:* All of the remainder of the historic district not included in the residential area.
 - (c) Within each of the two (2) primary emphasis areas, the commission shall make its recommendations as to proposed uses, based on the following principles:
 - (1) Uses shall be discouraged which will cause a material change in the exterior appearance of existing buildings by additions, reconstruction, alteration or maintenance involving exterior color changes. Uses shall be encouraged which include restoration of structures to their original design and architecture and those uses which will preserve and protect the historical character of the structure and appearances thereto, as well as fences, sheds, stone walls, steps and signs.
 - (2) Property within the residential area: Uses compatible with the zoning ordinance and uses which preserve the structure as a residence or which will return its use as a residence.

(3) Property within the commercial area: Uses compatible with the zoning ordinance and uses which preserve the identified historical or architectural feature of the structure warranting preservation.

(d) The commission shall be afforded wide discretion and flexibility when processing recommendations as to the uses of property located within the district, in consonance however with the zoning and other law. (Ord. No. 87-14, § 1, 8-25-87)

Editor's note—Ord. No. 87-14, § 1, adopted Aug 25, 1987, purported to amend the Code by adding provisions to be included as § 2-207. Inasmuch as there already existed a § 2-207, the provisions of Ord. No. 87-14 have been redesignated as § 2-207.1.

Sec. 2-208. When building inspector is to submit question to council; action of council.

If the applicant for a permit shall refuse to accede to reasonable changes recommended by the commission, if the commission shall disapprove any application or if the building inspector finds that the recommendation of the commission does not comply reasonably with the requirements of this article, the building inspector shall, not later than five (5) days, forward such matters and his written comments to the city council for such action as in its judgment, after notice and affording an opportunity to the applicant and to the commission and other protesting parties to be heard, shall effect reasonable compliance with such recommendations and this article. (Ord. No. 86-12, 9-16-86)

Sec. 2-209. Private floodlights prohibited.

The public sidewalks, places and alleys, exteriors, roofs, outer walls and fences of buildings and other constructions and signs visible from any public street, place or position in the City of Morgan City Historic District shall not be illuminated by privately-controlled floodlights or other such illumination except by express approval of the historic district commission. Compliance shall be effective within twelve (12) months after enactment of this article. (Ord. No. 86-12, 9-16-86)

Sec. 2-210. Overhanging balconies.

New or additional balconies may be erected if: (a) they are at least nine (9) feet above the level of the sidewalk; and (b) conform to the original construction and/or the distinctive architecture of the City of Morgan City Historic District. Overhanging balconies shall be maintained in a safe condition. (Ord. No. 86-12, 9-16-86)

Sec. 2-211. Alteration or removal of shed roofs, awnings and marquees.

Alteration or removal of existing shed roofs, awnings and marquees shall first be authorized and permitted in accordance with section 2-206, et seq. herein. When such shed roofs, awnings or marquees are permanently attached to the building and their removal or alteration would require damage to brick or mortar and subsequent reconstruction, then the request shall be accompanied by the plans and specifications for such alteration or removal. (Ord. No. 86-12, 9-16-86) *

Sec. 2-212. Provisions to prevail in case of conflict.

The provisions of this article shall govern and take precedence over any other provisions of any ordinances or codes of the city pertaining to buildings, construction, zoning and use of property located within the historic district. (Ord. No. 86-12, 9-16-86)

Sec. 2-213. Signs.

(a) *Definitions.* The following terms, as used in this section, are hereby defined as follows:

- (1) *Sign* shall include any symbol, device, image, poster, flag banner, billboard, 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 product,

which is visible from any public highway and is used to attract attention.

(2) *Display* means to erect, paint, repaint, place, replace, hang, rehang, repair, maintain, paint directly upon a building or other structure, inlay imbed in or otherwise exhibit in public view.

(b) *General prohibition of miscellaneous signs.* The display of signs of a miscellaneous character visible from the public streets, highways and alleys within the historic district of the city except as otherwise provided in this section and according to the rules and regulations herein provided for is prohibited.

(c) *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 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 historic district or do not injuriously affect it or impair the value of the community of those buildings having architectural or historical worth.

(d) *What signs may advertise.* No sign of any character shall be displayed in the historic district unless such sign advertises a bona fide business conducted in or on the premises and, if it does do so, not exceeding fifty (50) percent of the area of such sign may be used to advertise products or commodities actually sold on the premises.

(e) *Signs no longer complying as to advertisements to be taken down.* Any sign displayed which no longer advertises a bona fide business conducted upon the premises shall, upon the notification by the 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 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 2-218.

(f) *Only one sign per shop, etc.* One sign only shall be allowed to each store, shop or bona fide place of business, and this sign shall be no longer than the maximum stipulated in this article, regardless of the amount of front footage.

(g) *[Concealment of architectural features, etc.]* No sign shall be displayed from any building, balcony, gallery, canopy, shed, roof, door or window, or placed in any manner whatsoever so as to disfigure or conceal any architectural feature or detail of any building.

(h) *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 allowed thirty (30) square inches of sign surface area to each foot of lot frontage.
- (2) For double-faced signs, suspended by brackets or arms perpendicularly from the wall of a building there shall be allowed sixty (60) square inches of sign surface to each running foot of lot frontage. The area of such double-faced sign shall be taken to mean the sum of the areas of each face.
- (3) In no case shall the area of any one single-faced or painted wall sign exceed seventy five (75) square feet, the maximum allowable for such sign.
- (4) In no case shall the area of any one single-faced or painted wall sign be less than two (2) square feet, unless by special permission of the historic district commission.
- (5) In no case shall the area of any one double-faced sign exceed a total for both sides of fifty (50) square feet, the maximum allowable size for such sign.
- (6) In no case shall the area of any one double-faced sign be less than four (4) square feet, unless by special permission of the commission.
- (7) In the case where two (2) or more businesses are conducted on the premises of single ownership having a front footage

of twenty-five (25) feet or less, the allowable sign area shall be increased by one and one-half (1½) times.

(i) *Illuminated signs.* No illuminated signs may be constructed or erected within the historic district without the express approval of the historic district commission.

(j) *Building code applicable to signs.* All signs under this section shall be further governed by the existing regulations of the zoning ordinance of the city which are not in conflict with this section.

(k) *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 building inspector for approval before a permit therefor may be issued in conformity with section 2-207.

(l) *Form of application to display signs; accompanying drawings.* Application for a permit to display signs in the historical 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 sign, shape, coloring, lighting and position in relation to the building from or upon which it shall be displayed.

(m) *Violating signs, etc., to be removed.* Any sign or exterior illumination of walls, exteriors, roofs, or appurtenances of buildings displayed after the effective date of this section and contrary to the provisions of this section are prohibited. (Ord. No. 87-1, § 1, 3-17-87)

Sec. 2-214. Prohibition of aerials and antennas.

The construction of aerials or antennas of any type within the historical district are prohibited without the express approval of the historical district commission. (Ord. No. 86-12, 9-16-86)

Sec. 2-215. Authority to seek funding, federal and state; solicit and receive donations.

The commission may seek funding for appropriate programs and activities from all sources including federal and state. It may solicit and receive, in the name of the city, any gifts or bequests of money or other property. Subject to the availability of funds, the commission may hire professional personnel and clerical assistance as deemed necessary by the commission. (Ord. No. 86-12, 9-16-86)

Sec. 2-216. Agreements, contracts for materials, services.

Any agreement or contract by said commission for the furnishing of material and/or services must first be approved by the mayor and councilmen and must be in the name of the City of Morgan City, Louisiana. (Ord. No. 86-12, 9-16-86)

Sec. 2-217. Financial records; program fund; approval required for payment of purchases; expenditures; budget.

The financial records for all receipts and disbursements necessary for the operation of the commission shall be maintained at the city office under the administration of the proper city authorities and under the supervision of the city comptroller. However, such financial assets are to be deposited to and withdrawn from a special account properly identified as the "historic district fund". All purchases and expenditures necessary to the operation and maintenance of the commission shall be approved by the commission before payment can be made; all expenditures in excess of one thousand dollars (\$1,000.00) shall require the approval of the mayor and council. An annual budget shall be submitted in accordance with city regulations. (Ord. No. 86-12, 9-16-86)

Sec. 2-218. General penalty; continuing violations.

In case any building or structure within the historical district is erected, constructed, reconstructed, altered, or repaired in violation of this article or in violation of the plat showing the proposed lot and building to be erected or altered thereon, the building inspector, acting for and on behalf of the city, in addition to

any other remedies, may institute appropriate action or proceedings in the name of the city to prevent and prohibit such unlawful erection, construction, reconstruction or alteration or repairs. Each day such violation continues shall constitute a separate offense. (Ord. No. 86-12, 9-16-86)

Sec. 2-219. 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 article and shall promptly prosecute any person responsible for such a violation of this article 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 chapter and stopping work attempted to be done without or contrary to the permits required by this article. (Ord. No. 86-12, 9-16-86)

Sec. 2-220. Injunctive relief.

Whenever any person has engaged in or is about to engage in any act or practice which constitutes a violation of this article, the building inspector or 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, the building inspector, or the 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. (Ord. No. 86-12, 9-16-86)