

ORDINANCE NO. 558

AN ORDINANCE THAT READOPTS ORDINANCE NO. 548 IN ITS ENTIRETY IN ORDER TO MEET THE LEGAL REQUIREMENTS OF LOUISIANA REVISED STATUTE 25:753 REGARDING THE CREATION OF THE PONCHATOULA HISTORIC PRESERVATION DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PONCHATOULA, LOUISIANA that:

PART 1 FINDING OF FACT AND STATEMENT OF INTENT

Section 1.1 Prior research:

A great deal of research has been successfully completed concerning the historic significance of the buildings, structures, and sites within the geographic boundaries of the City of Ponchatoula.

Section 1.2 Report of the committee:

The report of a committee appointed by the Mayor and the City Council under authority of Louisiana Revised Statutes 25:733 has been reviewed by the Zoning Board of the City of Ponchatoula, has been reviewed by the City Council of the City of Ponchatoula, has been considered at a public hearing and is hereby adopted by the City Council.

Section 1.3 Prior creation of Ponchatoula Commercial Historic District:

The Ponchatoula Commercial Historic District was created under the rules and regulations of the United States Department of the Interior on October 5, 1982 and was accepted by the Louisiana Department of Culture and Tourism - Historic Preservation Division and by the U.S. Department of the Interior. The Ponchatoula Commercial Historic District was registered in the National Register of Historic Places. The creation of that district has no applicability to the creation of the Ponchatoula Historic Preservation District by this ordinance under authority of State law.

Section 1.4 Intent of ordinance:

It is the intent and purpose of this ordinance that the regulatory powers conferred on the Ponchatoula Historic Preservation District Commission, by this ordinance and the laws of the State of Louisiana, shall apply to all Private/Public property, buildings, appurtenances, structures and land in the area designated as the Ponchatoula Historic Preservation District. Any environmental agency of the state or local government, other than the City Council, having a responsibility for any building, structure, area, site, public way and their adjuncts and appurtenances within the Ponchatoula Historic Preservation District shall seek the advice of the Ponchatoula Historic Preservation District Commission prior to the initiation of any substantive change, modification, renovation, restoration or construction within that District.

Section 1.5 Signs and landscaping issues:

The historic district commission will be completely responsible for sign design issues and landscaping issues in the historic district.

PART 2: CREATION OF THE PONCHATOULA HISTORICAL PRESERVATION DISTRICT

Section 2.1 Creation:

The Ponchatoula Historic Preservation District is hereby established in compliance with Louisiana Revised Statutes 25:731 through 25:767.

Section 2.2: Boundaries

The Ponchatoula Historic Preservation District shall consist of an area including all of the previous Ponchatoula Commercial Historical District together with additional property. The rectangular area of the Ponchatoula Historical Preservation District is defined as that area whose northeast corner is located at the intersection of North Fifth Street and East Hickory Street; whose southeast corner is located at the intersection of South Fifth Street and East Oak Street; whose southwest corner is located at the intersection of South Seventh Street and West Oak Street; and whose northwest corner is located at the intersection of North Seventh Street and West Hickory Street.

Section 2.3 Notice to State agency:

This ordinance, when approved should be promptly filed with the Louisiana Art, Historical and Cultural Preservation Agency, as provided by Louisiana Revised Statute 25:733.

Section 2.4 Appointment of Commission members:

The Mayor shall appoint the Ponchatoula Historic Preservation District Commission consisting of not more than seven electors (four must reside in city limits), or property owners or business owners in the Historic District in the City of Ponchatoula. All appointments shall be approved by a majority vote of the City Council.

Section 2.5 The appointment of Commission members, when a vacancy occurs, shall be as follows:

- A. Three for two years
- B. Four for three years

Section 2.6 Preference in appointment of Commission members:

In making appointments, preference may be given, as far as possible, to members of historic, cultural, educational, archaeological, architectural, artistic and preservation organizations, with representation for owners of property in the Ponchatoula Historic Preservation District.

Section 2.7 Internal organization of the Commission:

The Ponchatoula Historical Preservation District Commission shall elect annually from its membership a chairperson, vice-chairperson and such other officers it deems appropriate. There will be a regular monthly meeting, date and time, to be determined by commission members.

Section 2.8 Compensation of members of the Commission:

All Commission members shall serve without compensation but shall be entitled to recover for any out of pocket expenses they incur in conducting the business of the Commission, subject to prior approval of the Administration.

Section 2.9 Expenses of the Commission:

Subject to appropriations by the City Council the Commission may retain services of compensated clerical and technical assistants. The Commission may accept donations, trusts, contributions and gifts provided they are used to further the purposes for which it exists. The City Clerk will hold these funds.

Section 2.10 Vacancies:

Vacancies shall be filled by appointment in the same manner as the original appointments. Any member may be re-appointed for another term or terms. Appointments to fill unexpired terms shall be for the period of the unexpired term.

Section 2.11 Recall of Commission members:

Any member of the Ponchatoula Historic Preservation District Commission may be recalled at any time by the City Council for gross inefficiency, fraud or neglect, but only after an open hearing by the City Council and upon notice specifying the complaint involved.

PART 3 CRITERIA TO BE USED BY THE PONCHATOULA HISTORIC PRESERVATION DISTRICT COMMISSION

Section 3.1 Published guidelines:

The Ponchatoula Historic District Commission, in order to implement the purposes of this ordinance shall use as a guideline the recommendations for historic preservation specified in the nationally-recognized and widely-employed publications: "The Secretary of the Interior's Standards for Rehabilitation, Revised, 1990"; "The Secretary of the Interior's Guidelines for Rehabilitation of Historic Buildings, Revised 1983"; "Keeping Up Appearances - Storefront Guidelines"; and "National Park Service Preservation Brief No. 11: Rehabilitating Historic Storefronts."

Section 3.2 Specific guidelines:

The Ponchatoula Historic District Commission shall adopt specific guidelines to govern their decisions as hereinafter set forth.

PART 4 AUTHORITY OF THE COMMISSION

Section 4.1 Requirement for Certificate of Appropriateness:

No Private/Public building, structure, or edifice, including fences, boundary walls, party walls, signs, exterior light fixtures, steps, and paving or other appurtenant fixtures shall be erected, altered, moved, openly stored (outside) or demolished within the Ponchatoula Historic Preservation District until after an application for a Certificate of Appropriateness as to exterior architectural features has been submitted to and approved by the Ponchatoula Historic Preservation District Commission except as

otherwise provided by rules, regulations, policies, procedures and standards adopted by the Commission.

Section 4.2 Definition of "Exterior architectural features":

"Exterior architectural features" shall include but need not be limited to the color, architectural style, general design, and general arrangement of the exterior of a structure, including the kind and texture of the building material, the type and style of all roofs, windows, doors, light fixtures, signs and appurtenant fixtures. The style, scale, material, size and location of outdoor advertising signs and posters within the Ponchatoula Historic Preservation District shall be under the control of the Commission.

Section 4.3 Expiration of Certificate of Appropriateness: The Certificate of Appropriateness will expire one year from issuance if building permit is not issued.

PART 5 RESTRICTIONS ON THE COMMISSION

Section 5.1 Exterior appearance:

The Ponchatoula Historic Preservation District Commission shall not consider interior arrangement or use but shall consider the relationship of the exterior of the building concerned with all others in the historic district, to avoid incongruity and promote harmony therewith.

Section 5.2 Compatibility of structures:

The Ponchatoula Historic District Commission shall adhere to and seek compatibility of structures in the Historic District in terms of size, texture, scale and site plan.

Section 5.3 Adoption of guidelines by the Commission:

The commission shall set forth and define specific guidelines prior to any exercise of its authority. No review, approval, disapproval or recommendation shall be made by the Ponchatoula Historic District Preservation Commission until the Commission has adopted rules, regulations, policies, procedures and standards following a public hearing.

Section 5.4 Ordinary maintenance and repairs:

Nothing in this ordinance shall be construed to prevent ordinary maintenance or repairs which do not involve a change of design, material, or of the outward appearance of a structure or property; including not to prevent the emergency correction of an unsafe or dangerous condition.

Section 5.5 Work permitted prior to ordinance:

The requirements of this ordinance shall not apply to work for which a permit has been issued prior to the establishment of the Ponchatoula Historic Preservation District Commission even though such work is begun after the creation of the Commission.

Section 5.6 Commission Responsibilities:

The Commission only considers design, materials, and outward appearance and is in no way responsible for any zoning, building codes or safety issues.

PART 6: HOW THE COMMISSION PERFORMS ITS DUTIES

Section 6.1 Public hearings:

The Ponchatoula Historic Preservation District Commission shall hold a public hearing upon each application for a Certificate of Appropriateness affecting property under its control. Notice of the time and place of the hearing shall be given by publication in the form of a legal advertisement appearing in the official journal of the City at least seven (7) days before such hearing or by the posting of such notice on or near the main entrance of any hall or room where the Commission usually meets.

Section 6.2 Time for Commission to act:

Within thirty (30) days after the filing of an application for a Certificate of Appropriateness the Commission shall act upon it, giving consideration to the factors set forth in Louisiana Revised Statutes 25:737 (A) and (B), and shall give written notice of its decision to the applicant setting forth the reasons therefor.

Section 6.3 Notice of approval and rejection:

Approval of the application by the Commission shall be evidenced by a Certificate of Appropriateness issued by the Commission. Rejection of an application shall be in writing with reasons for the rejection. If requested by the applicant, the Commission shall have the obligation to make such recommendations for changes and modifications of the application, as it may deem necessary in order to enable an amended application to be approved.

Section 6.4 Record of proceedings and applications:

The Commission shall keep a record of all applications for Certificates of Appropriateness, the date acted upon and the rulings and reasons given by the Commission for its action.

Section 6.5 Pre-condition of issuance of building permit:

No building permit shall be issued by the City, which affects a site or structure in the Ponchatoula Historic Preservation District without a Certificate of Appropriateness, except as otherwise permitted and directed by the City Council.

Section 6.6 Place of filing application:

Applications for a Certificate of Appropriateness shall be filed in writing with the city. There shall be no fee for filing such an application. All applications shall be complete.

PART 7 PENALTY PROVISIONS

Section 7.1 Violation of the ordinance:

Any owner, agent, lessee, or other person acting for or in conjunction with the applicant, who shall violate this ordinance or shall violate any of the rules, regulations, or decisions of the Commission may be fined by the City Council upon recommendation of the Ponchatoula Historic Preservation District Commission not less than fifty dollars nor more than one hundred dollars for each violation, except as hereinafter provided.

Section 7.2 Demolition of structure:

Any owner, agent, lessee, or other person acting for or in conjunction with the applicant, who shall demolish a structure or edifice without having received a Certificate of Appropriateness may be fined by the City Council a single fine of not less than one thousand dollars nor more than ten thousand dollars.

Section 7.3 Continuing violations:

For violations other than demolition without a Certificate of Appropriateness, each day that a violation continues shall constitute a separate offense.

Section 7.4 Remedy for violation:

In addition to any fine which may be imposed by the City Council for a violation, other than the violation of unauthorized demolition, the City Council upon recommendation of the Commission may order the offending property owner, lessee, agent or other responsible person to cure the violation at his or her own expense by restoring the property to its condition prior to the unauthorized work and may enforce this order in a court of law.

PART 8 APPEAL PROCESS

Section 8.1 Right and time to appeal from decision of Commission:

Any person aggrieved by any decision, act, or proceeding of the Ponchatoula Historic Preservation District Commission shall have a right to apply in writing to the City Council for reversal or modification thereof. Immediately upon the filing with the City Clerk of such a written appeal, the Mayor shall have the right to stay all further action until the City Council acts on the appeal. Any such appeal shall be filed not more than ten (10) days from the date of the action of the Commission complained of by the applicant.

Section 8.2 Consideration of the Appeal:

The City Council may consider such appeal at its next general or special meeting, but in any event, it must consider the appeal not more than thirty (30) days from the date it was filed.

Section 8.3 Action permitted by City Council:

The City Council shall have the right to affirm, reverse or modify any decision of the Ponchatoula Historic District Preservation Commission by a majority vote of all its members.

Section 8.4 Appeal to the Courts:

Any person or persons aggrieved by any decision of the City Council affecting any application for a Certificate of Appropriateness shall be permitted to file a civil suit within thirty (30) days from date of the decision of the City Council. Such person shall have the right to temporary restraining orders and to injunctive relief providing the situation warrants it and the Court will grant it.

PART 9: SEVERABILITY, REPEAL AND EFFECTIVE DATE

Section 9.1 Severability:

Should any portion of this ordinance be found to be unenforceable such finding shall not affect the enforceability of the remainder of this ordinance.

Section 9.2 Repeal:

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 9.3 Effective date:

This ordinance shall become effective immediately upon its adoption.

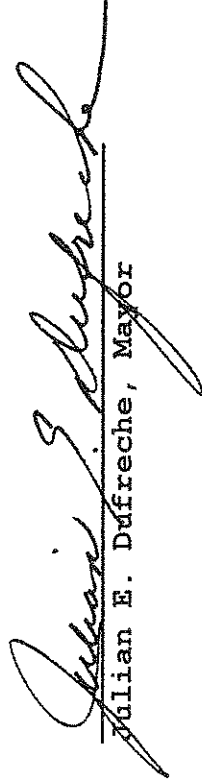
Motion was made by Mr. Stanga, duly seconded by Ms. Hawkins, and was adopted on this 8th day of March, 2001.

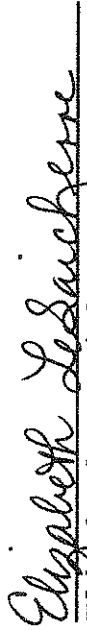
This ordinance has been introduced on February 8, 2001, by Ms Hawkins, notice of public hearing having been published, said public hearing having been held on March 8, 2001, and been read by the title at a regular meeting of the City Council and called for final passage and having been put to a vote, the vote thereon was as follows:

YEAS: Elouise Conley-Dotey, Wayne Foster, Margaret Hawkins, C. W. Kinchen, and Gary Stanga

NAYS: None

ABSENT: None


Julian E. Dufreche, Mayor


Elizabeth LeSaichere, CPA, CMC
Finance Manager/City Clerk

Date delivered to Mayor:	March 9, 2001
Date received from Mayor:	March 9, 2001
Date adopted	March 9, 2001

Sec. 70-36. Rules, regulations, bylaws.

The planning and zoning commission shall also have the power to make rules, regulations and bylaws for its own government, which shall conform as nearly as possible with those governing the mayor and city council and shall be subject to approval by the commission. Such bylaws shall include, among other items, provisions for:

- (1) Regular and special meetings, open to the public;
- (2) Records of its proceedings, to be open for inspection by the public;
- (3) Reporting to the mayor and city council and the public, from time to time and annually; and
- (4) The holding of public hearings on its recommendations.
(Code 1967, § 14-6)

Sec. 70-37. Duties.

The planning and zoning commission shall have the power and duty to:

- (1) Make and recommend for adoption a master plan, as a whole or in parts, for the future development and redevelopment of the city and its environs; and
- (2) Prepare a comprehensive plan and ordinance for zoning the city.

The mayor and city council shall perform such other duties as may be prescribed by ordinance or state law.
(Code 1967, § 14-7)

Secs. 70-38—70-60. Reserved.

ARTICLE III. HISTORIC PRESERVATION***DIVISION 1. GENERALLY****Sec. 70-61. Finding of fact and statement of intent.**

(a) *Prior research.* A great deal of research has been successfully completed concerning the historic significance of the buildings, structures, and sites within the geographic boundaries of the city.

(b) *Report of the committee.* The report of a committee appointed by the mayor and the city council under authority of R.S. 25:733 has been reviewed by the zoning board of the city, has been reviewed by the city council, has been considered at a public hearing and is adopted by the city council.

*Cross reference—HD historical district, app.A, § 2.10.

(c) *Prior creation of commercial historic district.* The Ponceatoula Commercial Historic District was created under the rules and regulations of the United States Department of the Interior on October 5, 1982, and was accepted by the state department of culture and tourism, historic preservation division, and by the U.S. Department of the Interior. The commercial historic district was registered in the National Register of Historic Places. The creation of that district has no applicability to the creation of the historic preservation district by this article under authority of state law.

(d) *Intent.* It is the intent and purpose of this article that the regulatory powers conferred on the historic preservation district commission, by this article and the laws of the state, shall apply to all private/public property, buildings, appurtenances, structures and land in the area designated as the historic preservation district. Any environmental agency of the state or local government, other than the city council, having a responsibility for any building, structure, area, site, public way and their adjuncts and appurtenances within the historic preservation district shall seek the advice of the historic preservation district commission prior to the initiation of any substantive change, modification, renovation, restoration or construction within that district.

(e) *Signs and landscaping issues.* The historic district commission will be completely responsible for sign design issues and landscaping issues in the historic district. (Ord. No. 425, pt. 1, 7-10-1991; Ord. No. 558, pt. 1, 3-9-2001)

Sec. 70-62. Violation of article.

(a) *Demolition of structure.* Any owner, agent, lessee, or other person acting for or in conjunction with the applicant, who shall demolish a structure or edifice without having received a certificate of appropriateness, may be fined by the city council a single fine of not less than \$1,000.00 nor more than \$10,000.00.

(b) *Continuing violations.* For violations other than demolition without a certificate of appropriateness, each day that a violation continues shall constitute a separate offense.

(c) *Remedy for violation.* In addition to any fine which may be imposed by the city council for a violation, other than the violation of unauthorized demolition, the city council upon recommendation of the historic district preservation commission may order the offending property owner, lessee, agent or other responsible person to cure the violation at his own expense by restoring the property to its condition prior to the unauthorized work and may enforce this order in a court of law.

(Ord. No. 425, pt. 7, 7-10-1991; Ord. No. 558, pt. 7, §§ 7.2—7.4, 3-9-2001)

Sec. 70-63. Appeal process.

(a) *Right and time to appeal from decision of commission.* Any person aggrieved by any decision, act, or proceeding of the historic preservation district commission shall have a right to apply in writing to the city council for reversal or modification thereof. Immediately upon the filing with the city clerk of such a written appeal, the mayor shall have the right to stay

all further action until the city council acts on the appeal. Any such appeal shall be filed not more than ten days from the date of the action of the commission complained of by the applicant.

(b) *Consideration of the appeal.* The city council may consider such appeal at its next general or special meeting, but in any event, it must consider the appeal not more than 30 days from the date it was filed.

(c) *Action permitted by city council.* The city council shall have the right to affirm, reverse or modify any decision of the historic district preservation commission by a majority vote of all its members.

(d) *Appeal to the courts.* Any person or persons aggrieved by any decision of the city council affecting any application for a certificate of appropriateness shall be permitted to file a civil suit within 30 days from date of the decision of the city council. Such person shall have the right to temporary restraining orders and to injunctive relief providing the situation warrants it and the court will grant it.

(Ord. No. 425, pt. 8, 7-10-1991; Ord. No. 558, pt. 8, 3-9-2001)

Secs. 70-64--70-90. Reserved.

DIVISION 2. HISTORICAL PRESERVATION DISTRICTS

Subdivision 1. In General

Sec. 70-91. Creation.

The Ponchatoula Historic Preservation District is established in compliance with R.S. 25:731--25:767.

Sec. 70-92. Boundaries.

The historic preservation district shall consist of an area including all of the previous commercial historical district together with additional property. The rectangular area of the historical preservation district is defined as that area of which the northeast corner is located at the intersection of North Fifth Street and East Hickory Street; of which the southeast corner is located at the intersection of South Fifth Street and East Oak Street; of which the southwest corner is located at the intersection of South Seventh Street and West Oak Street; and of which the northwest corner is located at the intersection of North Seventh Street and West Hickory Street.

(Ord. No. 425, § 2.2, 7-10-1991; Ord. No. 558, § 2.2, 3-9-2001)

Sec. 70-93. Notice to state agency.

This article, when approved, should be promptly filed with the state art, historical and cultural preservation agency, as provided by R.S. 25:733.

(Ord. No. 425, § 2.3, 7-10-1991; Ord. No. 558, § 2.3, 3-9-2001)

Secs. 70-94--70-110. Reserved.

*Subdivision II. Commission**

Sec. 70-111. Appointment of members.

The mayor shall appoint the historic preservation district commission consisting of not more than seven electors, or property owners or business owners in the historic district in the city. All appointments shall be approved by a majority vote of the city council. The appointment of commission members, when vacancy occurs, shall be as follows:

- (1) Three for two years.
 - (2) Four for three years.
- (Ord. No. 425, § 2.4, 7-10-1991; Ord. No. 558, §§ 2.4, 2.5, 3-9-2001; Ord. No. 568, § 2.4, 12-17-2001)

Sec. 70-112. Preference in appointment of members.

In making appointments, preference may be given, as far as possible, to members of historic, cultural, educational, archaeological, architectural, artistic and preservation organizations, with representation for owners of property in the historic preservation district.

(Ord. No. 425, § 2.6, 7-10-1991; Ord. No. 558, § 2.6, 3-9-2001)

Sec. 70-113. Internal organization.

The historical preservation district commission shall elect annually from its membership a chairperson, vice-chairperson and such other officers it deems appropriate. There will be a regular monthly meeting, date and time, to be determine by commission members.

(Ord. No. 425, § 2.7, 7-10-1991; Ord. No. 558, § 2.7, 3-9-2001)

Sec. 70-114. Compensation of members.

All commission members shall serve without compensation but shall be entitled to recover for any out of pocket expenses they incur in conducting the business of the commission, subject to prior approval of the administration.

(Ord. No. 425, § 2.8, 7-10-1991; Ord. No. 558, § 2.8, 3-9-2001)

Sec. 70-115. Expenses.

Subject to appropriations by the city council, the commission may retain services of compensated clerical and technical assistants. The commission may accept donations, trusts, contributions and gifts provided they are used to further the purposes for which it exists. The city clerk will hold these funds.

(Ord. No. 425, § 2.9, 7-10-1991; Ord. No. 558, § 2.9, 3-9-2001)

*Cross reference--Administration, ch. 2.

updated section

Sec. 70-116. Vacancies.

Vacancies shall be filled by appointment in the same manner as the original appointments. Any member may be reappointed for another term or terms. Appointments to fill unexpired terms shall be for the period of the unexpired term.

(Ord. No. 425, § 2.10, 7-10-1991; Ord. No. 558, § 2.10, 3-9-2001)

Sec. 70-117. Recall of members.

Any member of the historic preservation district commission may be recalled at any time by the city council for gross inefficiency, fraud or neglect, but only after an open hearing by the city council and upon notice specifying the complaint involved.

(Ord. No. 425, § 2.11, 7-10-1991; Ord. No. 558, § 2.11, 3-9-2001)

Sec. 70-118. Method of action.

(a) *Public hearings.* The historic preservation district commission shall hold a public hearing upon each application for a certificate of appropriateness affecting property under its control. Notice of the time and place of the hearing shall be given by publication in the form of a legal advertisement appearing the official journal of the city at least seven days before such hearing or by the posting of such notice on or near the main entrance of any hall or room where the commission usually meets.

(b) *Time for commission to act.* Within 30 days after the filing of an application for a certificate of appropriateness the commission shall act upon it, giving consideration to the factors set forth in R.S. 25:737 (A) and (B), and shall give written notice of its decision to the applicant, setting forth the reasons for the decision.

(c) *Notice of approval and rejection.* Approval of the application by the commission shall be evidenced by a certificate of appropriateness issued by the commission. Rejection of an application shall be in writing with reasons for the rejection. If requested by the applicant, the commission shall have the obligation to make such recommendations for changes and modifications of the application, as it may deem necessary in order to enable an amended application to be approved.

(d) *Record of proceedings and applications.* The commission shall keep a record of all applications for certificates of appropriateness, the date acted upon and the rulings and reasons given by the commission for its action.

(Ord. No. 425, pt. 6, 7-10-1991; Ord. No. 558, §§ 6.1—6.4, 3-9-2001)

Secs. 70-119—70-140. Reserved.

DIVISION 3. GUIDELINES

Sec. 70-141. Criteria to be used by the historic preservation district commission.

(a) *Published guidelines.* The historic district commission, in order to implement the purposes of this article shall use as a guideline the recommendations for historic preservation specified in the nationally recognized and widely employed publications: "The Louisiana Certified Local Government Program Guidelines Manual" and the "Louisiana Main Street Downtown Design Guidelines, II Edition".

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(b) *Specific guidelines.* The historic district commission shall adopt specific guidelines to govern their decisions as set forth in this division.

(Ord. No. 425, § 3.2, 7-10-1991; Ord. No. 558, § 3.2, 3-9-2001; Ord. No. 568, § 3.1, 12-17-2001)

Sec. 70-142. Authority of the commission.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Exterior architectural features includes but need not be limited to the color, architectural style, general design, and general arrangement of the exterior of the structure, including the kind and texture of the building material, the type and style of all roofs, windows, doors, light fixtures, signs and appurtenant fixtures. The style, scale, material, size and location of outdoor advertising signs and posters within the historic preservation district shall be under the control of the historic preservation district commission.

(b) *Requirement for certificate of appropriateness.* No private/public building, structure or edifice, including fences, boundary walls, party walls, signs, exterior light fixtures, steps, and paving or other appurtenant fixtures, shall be erected, altered, stored, moved or demolished within the historic preservation district commission, except as otherwise provided by rules, regulations, policies, procedures and standards adopted by the commission.
(Ord. No. 425, pt.4, 7-10-1991; Ord. No. 558, pt.4, 3-9-2001)

Sec. 70-143. Restrictions on the commission.

(a) *Exterior appearance.* The historic preservation district commission shall not consider interior arrangement or use but shall consider the relationship of the exterior of the building concerned with all others in the historic district, to avoid incongruity and promote harmony with the district.

(b) *Compatibility of structures.* The commission shall adhere to and seek compatibility of structures in the historic district in terms of size, texture, scale and site plan.

(c) *Adoption of guidelines.* The commission shall set forth and define specific guidelines prior to any exercise of its authority. No review, approval, disapproval or recommendation shall be made by the commission until it has adopted rules, regulations, policies, procedures and standards following a public hearing.

(d) *Ordinary maintenance and repairs.* Nothing in this article shall be construed to prevent ordinary maintenance or repairs that do not involve a change of design, material or of the outward appearance of a structure or property; nor to prevent the construction, reconstruction, alteration or demolition of any such feature that is required by the public safety because of an unsafe or dangerous condition.

(Ord. No. 425, pt. 5, 7-10-1991; Ord. No. 558, pt. 5, 3-9-2001)

Sec. 70-144. Certificate of appropriateness.

(a) *Precondition of issuance of building permit.* No building permit shall be issued by the city which affects a site or structure in the historic preservation district without a certificate of appropriateness, except as otherwise permitted and directed by the city council.

(b) *Place of filing application.* Application for a certificate of appropriateness shall be filed in writing with the city clerk. There shall be no fee for filing such an application. All applications shall contain a statement accurately identifying the property involved, the owner and lessee, if any, and a detailed narrative of the work to be performed. (Ord. No. 425, §§ 6.5, 6.6, 7-10-1991; Ord. No. 558, §§ 6.5, 6.6, 3-9-2001)

Secs. 70-145—70-170. Reserved.**ARTICLE IV. INDUSTRIAL PARK****Sec. 70-171. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building site means any lot or parcel of land upon which an industrial building and appurtenant structures may be erected in conformity with the requirements of this article and on any portion of the industrial park.

City means and includes the city council and/or all boards and commissions created, recognized and approved by action of the city council.

Improvements means and includes industrial buildings, appurtenant outbuildings, parking areas, loading areas, fences, masonry walls, hedges, lawns, mass plantings and new structures of any type or kind located above ground on any portion of the industrial park.

Industrial park means the immovable property purchased from Cavenham Forest Industries, Inc., on December 29, 1988, and as fully described in that conveyance recorded in COB 675 page 579 of the conveyance records of the parish. (Ord. No. 404, § 1, 3-22-1989)

Cross reference—Definitions generally, § 1-2.

Sec. 70-172. General purposes of conditions.

The immovable property comprising the industrial park is subjected to the conditions, covenants, restrictions and reservations set forth in this article to:

- (1) Ensure proper use and appropriate development and improvement of each building site in the park to protect the owners of building sites against such improper use of surrounding building sites as will depreciate the value of their property;
- (2) Guard against the erection of structures built of improper or unsuitable materials;

ORDINANCE NO. 664

AN ORDINANCE TO AMEND CODE SECTION 70-111, 70-112, 70-113, AND 70-117 (ORDINANCES 425, 558 AND 568) REGARDING THE HISTORIC PRESERVATION DISTRICT COMMISSION FOR THE CITY OF PONCHATOULA, LOUISIANA

BE IT ORDAINED by the Mayor and the City Council of the City of Ponchatoula that Sections 70-111, 70-112, 70-113 and 70-117 be amended to read as follows:

Section 70-111. Appointment of members

The mayor shall appoint the historic preservation district commission consisting of not more than seven electors, or property owners or business owners in the historic district in the city or in accordance with § 70-112. All appointments shall be approved by a majority vote of the city council. The appointment of commission members, when vacancy occurs, shall be as follows:

- (1) Three for two years.
- (2) Four for three years.
(Ord. No. 425, § 2.4, 70-10-1991; Ord. No. 558, §§ 2.4, 2, 5, 3-9-2001; Ord. No. 568, § 2.4, 12-17-2001)

Section 70-112. Preference in appointment of members.

In making appointments, preference may be given, as far as possible, to members of historic, cultural, educational, archaeological, architectural, artistic and preservation organizations, who are electors, business owners or owners of property in the historic preservation district. Should there be no eligible members of historic, cultural, educational, archaeological, architectural, artistic and preservation organizations who are electors, business owners, or owners of property in the historic preservation district the mayor may appoint members from outside the district who are not electors.
(Ord. No. 425, § 2.6, 7-10-1991; Ord. No. 558, § 2.6, 3-9-2001)

Section 70-113. Internal organization.

The historical preservation district commission shall elect annually from the membership a chairperson, vice-chairperson and such other officers it deems appropriate. There will be a regular monthly meeting, date and time, to be determined by commission members. No action may be taken by the commission unless there is a quorum of members present as provided by La. R.S. 42:4.2.
(Ord. No. 425, § 2.7, 7-10-1991; Ord. No. 558, § 2.7, 3-9-2001)

Section 70-117. Recall of Members.

Any member of the historic preservations district may be recalled at any time by the City Council for gross inefficiency, fraud, neglect or non-attendance at three (3) consecutive meetings of the Historical District Commission but only after an open hearing of the city council and upon notice specifying the complaint involved.

This ordinance having been introduced on August 10, 2009, by Mr. Higgenbotham, notice of public hearing having been published, said public hearing having been held, and been read by the title at a regular meeting of the City Council on September 14, 2009 and called for final passage and having been put to a vote, the vote thereon was as follows:

YEAS: Sandifer, LeBlanc, Higgenbotham, Pierson

NAYS: None

ABSTAIN: None

ABSENT: Elzy

That the City Clerk shall certify to the adoption of this ordinance, and cause the same to be published as required by law; and this ordinance shall take effect and be in force from and after its approval as required by law.

s/Robert F. Zabbia, Mayor
s/Tomlyn Poche, City Clerk