

## Chapter 36 - HISTORIC PRESERVATION

### FOOTNOTE(S):

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**Editor's note**— Ord. No. 38A of 2013, adopted May 14, 2013, amended chapter 36 in its entirety to read as herein set out. Formerly, chapter 36 pertained to similar subject matter, and derived from Ord. No. 31 of 2012, adopted May 8, 2012.

### ARTICLE I. - IN GENERAL

#### Sec. 36-1. - Purpose.

The purpose of this chapter is to accomplish the goals set forth in the above findings and declarations of public policy and specifically, but not exclusively, to:

- (1) Accomplish the identification, evaluation, preservation, protection, and use of historic properties having a special character or special historic, architectural, aesthetic, or cultural interest and value to city, state and nation;
- (2) Promote the educational, cultural, economic and general welfare of the people and protect the city's history and heritage as reflected in such districts and landmarks;
- (3) Stabilize and improve property values in such districts and in the city as a whole;
- (4) Foster civic pride in the value of notable accomplishments of the past including the construction of outstanding buildings and the creation of livable neighborhoods;
- (5) Strengthen the economy of the city by encouraging the appropriate use of its historic properties;
- (6) Provide a review process to help the preservation and the use of historic properties;
- (7) Protect and enhance the city's attraction to residents, tourists, and visitors and serve as a support and stimulus to business;
- (8) Enhance the visual and aesthetic character, diversity and interest of the city;
- (9) Identify as early as possible and resolve conflicts between the preservation of historic property and alternative use of the land;
- (10) Integrate the preservation and rehabilitation of historic property into public and private land use management, planning, and development;
- (11) Encourage neighborhood conservation activities and compatible new development that will strengthen the historic properties; and
- (12) Provide services, standards, controls and incentives that encourage preservation by private owners.

(Ord. No. 38A, 2013, 5-14-13)

#### Sec. 36-2. - Definitions.

For the purposes of this chapter, unless the context clearly requires otherwise, the following definitions shall have the meaning ascribed in this chapter and be equally applicable to the masculine and feminine genders and the singular and plural forms of any of the defined terms:

*Agent* shall mean any authorized person in control of any property situated in the city who is either managing, occupying, overseeing or in custody of such property by reason of power of attorney, contract or other written agreement, from the record owner of the property.

*Alteration* shall mean any construction on or change to the exterior of a building, structure, or site determined by the commission to be a landmark or a building listed on the National Register or a structure in a historic district including—but not limited to—the changing of siding or roofing materials and the changing, eliminating or adding of doors, door frames, windows, window frames, shutters, steps, fences, railings, porches, balconies, signs or other ornamentation. Ordinary repairs and maintenance shall not be considered an alteration.

*Applicant* shall mean any person who applies for relief pursuant to any of the provisions of this chapter.

*Certificate of appropriateness* shall mean the document issued by the historic preservation commission that gives its approval for work to be done on a landmark and on historic property.

*Certified Local Government (CLG) Program* shall mean the federal program authorized by the National Historic Preservation Act 16 U.S.C. 470 et seq., that provides for the participation of local governments in a federal/state/local government preservation partnership.

*City* shall mean the territorial limits of the City of Shreveport, Louisiana, as may be limited or extended by the city from time to time.

*City council* shall mean the Shreveport City Council, as established in Article 4 of the City Charter.

*Commission* shall mean the Shreveport Historic Preservation Commission.

*Demolition* shall mean any act that destroys in whole or in part a landmark or a building listed on the National Register or a structure within a historic district including appurtenances.

*Demolition by neglect* shall mean improper maintenance or lack of maintenance of any historic structure which results in substantial deterioration of the structure and threatens its continued preservation.

*Economic hardship* shall mean the inability of an owner to obtain a reasonable return or a reasonable beneficial use from a resource.

*Emergency* shall mean any condition of an unoccupied building or structure which presents a threat of extreme hazard or immediate loss or damage to any person or property of another.

*Historic district* shall mean an area that meets one or more of the criteria contained in article III of this chapter and that is listed on any national, local or state historic register.

*Historic structure* shall mean any building or structure of historical or architectural distinction listed on any national, state or local historic register.

*Landmark* shall mean a building, structure, or site that meets one or more of the criteria contained in article III of this chapter and that is listed on any national state or local historic register.

*Historic property* shall include landmarks, historic districts, historic sites or properties, and all national registered listings.

*New construction* shall mean the act of making an addition to an existing building or structure or the erection of a principal or accessory building or structure on or to any property determined by the commission to be a historic property.

*Ordinary repairs and maintenance* shall mean any work that corrects any deterioration or damage to a building or structure in order to restore it to its condition prior to the deterioration or damage using the same materials or those materials available that are as close as possible to the original.

*Owner* shall mean the person specified in the last deed of record in the Conveyance Records of Caddo.

*Party in interest* shall mean:

- (1) Any person, including the owner of the title or a mortgage whose interest is shown of record in the Mortgage and Conveyance Records of Caddo Parish;

- (2) The person shown as owner in the records of the tax assessor of the parish in which the property is situated;
- (3) The agent of any such person and those in possession of a dwelling, dwelling unit or premises.

*Person* shall mean an individual, unincorporated association or legal entity.

(Ord. No. 38A, 2013, 5-14-13)

## ARTICLE II. - HISTORIC PRESERVATION COMMISSION

### Sec. 36-9. - Established; membership; appointment.

- (a) There is hereby established the Shreveport Historic Preservation Commission.
- (b) The commission shall consist of five members who shall each be a qualified elector and resident of the city who shall serve without compensation. Members shall be appointed by the mayor subject to confirmation by the city council. A representative of the Metropolitan Planning Commission of Shreveport/Caddo Parish shall be an ex officio member of the commission. The representative shall have a voice but no vote in the proceedings of the commission.
- (c) The members shall have a demonstrated interest in historic preservation, and at least two members shall have training or experience in a preservation-related profession (i.e.—architecture, history, archaeology, architectural history, planning). A simple majority of the members of the commission shall constitute a quorum and shall be sufficient for the commission to conduct any business authorized by law.

(Ord. No. 38A, 2013, 5-14-13)

### Sec. 36-10. - Terms of office.

Except as otherwise provided herein, the terms of office of the members shall be three years, provided however, that in regard to the appointment of the initial members, two members shall be appointed to two-year terms and two members shall be appointed to one-year terms. A commissioner shall serve until his successor is appointed and qualified. A member may be re-appointed for successive term(s). Any vacancy shall be filled by appointment of the mayor and confirmation by the city council. Vacancies on the commission shall be filled within 60 days. When a vacancy occurs during a term of office, the person selected shall be appointed for the unexpired portion of the term.

(Ord. No. 38A, 2013, 5-14-13)

### Sec. 36-11. - Officers.

The commission shall each year elect members to serve as chair, vice chair and secretary. The chair shall preside at the meetings of the commission, shall be the spokesman for the commission, and shall represent the commission in its work with other city departments. In the absence of the chair, the vice chair shall perform these duties.

The secretary shall prepare the minutes of the commission's meetings that shall be available to the public, and shall include at least: attendance, resolutions, proceedings, findings, and recommended actions. The official minutes shall be kept with the commission's official records and shall be housed at the commission's office.

(Ord. No. 38A, 2013, 5-14-13)

### Sec. 36-12. - By-laws.

The commission shall make such rules and regulations governing its operations as it may deem necessary for the conduct of its affairs not inconsistent with federal, state or local law.

(Ord. No. 38A, 2013, 5-14-13)

Sec. 36-13. - Advisory council.

The commission shall create an advisory council, which shall initially consist of one representative from each of the following historic districts: Fairfield Historic District, Highland Historic District, Shreveport Commercial Historic District, South Highlands Historic District, St. Paul's Bottoms Historic District, and Texas Avenue Buildings-800 Block Historic District. Additionally, one representative from each historic district added to the National Register of Historic Places shall be entitled to membership on the advisory council.

(Ord. No. 38A, 2013, 5-14-13)

Sec. 36-14. - Powers and duties of the commission.

The commission shall take action necessary and appropriate to accomplish the purposes of this chapter. These actions may include, but are not limited to, the following:

- (1) Conducting and maintaining a survey of historic buildings and areas within the city and preparing a plan for their preservation. In making its survey, the commission shall conduct this work in accordance with the guidelines of the Louisiana Division of Historic Preservation;
- (2) Recommending to the city council the designation of historic districts, landmarks or proprieties;
- (3) Adopting and maintaining written guidelines for making exterior changes to designated property and for undertaking new construction on designated property. Such guidelines shall be consistent with local, state and federal guidelines and regulations, including but not limited to the secretary of the interior's standards for treatment of historic properties;
- (4) Regulating alterations visible to the public that are proposed for designated property and regulating demolitions, relocations, and new construction involving designated property;
- (5) Advising and assisting federal, state, and local government on historic preservation issues;
- (6) Advising and assisting owners of historic property and other persons and groups including neighborhood organizations who are interested in historic preservation;
- (7) Reporting on the present condition of historic buildings in the city and identifying problems that may, at a later time, threaten the preservation of these buildings;
- (8) Attending informational and educational programs covering the duties of the commission and current developments in historic preservation;
- (9) Conducting educational programs including the preparation of publications and the placing of historical and architectural markers;
- (10) Recommending that the city apply for, receive, or use public and private grants or gifts to help historic preservation activities;
- (11) Authority to approve or deny a certificate of appropriateness as set forth in article III hereof;
- (12) Recommending that the city acquire by any lawful means ownership of any landmark, building, site, area, structure or district. Commission funds may be used for the acquisition of such recommended property;
- (13) Contract with the State of Louisiana or the United States of America, or any agency of either, in furtherance of the purposes of the chapter; and
- (14) Exercise such other powers and duties as the commission may deem advisable and necessary for the conduct of its affairs not inconsistent with federal, state or local law.

(Ord. No. 38A, 2013, 5-14-13)

Sec. 36-15. - Treatment of historic properties.

The commission may initiate and encourage plans for the treatment of historic properties. To achieve this goal, the commission may assist individuals and organizations who are working on historic properties.

The commission shall establish and maintain a continuing working relationship with the department of property standards to assure that historic properties with existing violations are granted priority review by the commission.

(Ord. No. 38A, 2013, 5-14-13)

Sec. 36-16. - Meetings of the commission.

The commission shall hold monthly public meetings and special public meetings, when necessary, and shall adopt and make rules for the transaction of its business. All meetings shall be conducted in accordance with the Louisiana Open Meeting Statute, R.S. 42:4.1 to R.S. 42:13.

(Ord. No. 38A, 2013, 5-14-13)

Sec. 36-17. - Annual report.

The commission shall prepare and distribute a written annual report of its activities, cases, decisions, and other work to the city council on or before October 1 of each year. The report shall include information about the current condition of the historic buildings in the city. The report shall be kept on file and made available to the public upon request.

(Ord. No. 38A, 2013, 5-14-13)

Sec. 36-18. - Right to receive and spend funds.

The commission, in addition to any appropriation made by the city, shall have the right to receive, hold, and spend funds that it may legally receive from any and every source both in and out of the state for the purpose of carrying out the provisions of this chapter in accordance with applicable provisions of state and local law.

(Ord. No. 38A, 2013, 5-14-13)

Sec. 36-19. - Other duties under the certified local government program.

In the development of the certified local government program, the city may ask the commission to perform other responsibilities that may be delegated to the city under the National Historic Preservation Act.

(Ord. No. 38A, 2013, 5-14-13)

Sec. 36-20. - Assistance for the commission.

(a) The commission shall receive assistance in the performance of its responsibilities from a designee from the office of the chief administrative officer. Other persons on the city staff may be asked to assist the commission. In addition, the city may, as needed, obtain assistance on preservation matters from a professional with expertise in historic preservation or a closely related field or from other governmental entities or a non-profit preservation organization in order to obtain the needed professional assistance.

(b) The city attorney shall be the legal advisor to the commission.

(Ord. No. 38A, 2013, 5-14-13)

ARTICLE III. - NOMINATIONS; DESIGNATIONS; DEMOLITIONS; RELOCATIONS

Sec. 36-26. - Nominations to the National Register of Historic Places.

Nomination to the National Register of Historic Places may be initiated by the commission on its own motion, by an individual, a group, organization or the city by filing a written application with the historic preservation officer of the state. If an individual who is not the owner of the property being nominated to the National Register makes the nomination, they must contact the owner and request their permission to proceed. If property being nominated is a divided interest, the majority of the stake holders or owners approval evidenced in writing, shall be required in order to advance the nomination.

(Ord. No. 38A, 2013, 5-14-13)

Sec. 36-27. - Designation of local historic properties.

- (a) *Initiation of designations.* The commission may study a property or an area in order to make a recommendation on whether it qualifies for designation as a local landmark, a local historic district or local historic site or property.
- (b) *Public hearing and notice.* The commission shall assemble information about any property or area being considered for designation and shall schedule a public hearing on the proposed designation request as provided herein.

Notice of the hearing shall be conspicuously posted on the property or in the district proposed for nomination or designation for 14 consecutive days immediately prior to the hearing. Notice of the hearing shall also be provided in writing to the owner(s) of the property under consideration at the address provided in writing by the owner(s) of the property proposed for nomination or designation and to the owner(s) of all adjoining property.

(c) *Guidelines.*

- (1) *Adoption.* The city shall adopt guidelines that shall apply to local landmarks and local historic districts that will assist owners in the treatment of their property. These guidelines shall include the secretary of the interior's standards for treatment of historic properties and may include other guidelines that will be administered by the commission to designated property in the city subject to the provisions of this chapter. These guidelines shall not limit new construction to any one architectural style and shall seek to preserve the character and integrity of the subject landmark or the historic district.
- (2) *Recommendation to the city council.*
  - a. The commission shall make its recommendation to the Metropolitan Planning Commission on the proposed guidelines in a written report. The Metropolitan Planning Commission shall forward a recommendation for approval or denial of the proposed guidelines within 60 days of receiving the recommendation and based on the considerations presented by the historic preservation commission.
  - b. The city council shall approve, modify, or deny the proposed guidelines within 60 days of receiving the recommendation from the Metropolitan Planning Commission.
- (3) *Amendments.* The commission may expand or amend the guidelines it has adopted provided it holds a public hearing on the changes and submits the proposed changes to the Metropolitan Planning Commission and the city council for their comments. The commission may adopt specific guidelines that will apply to proposed work on an individual historic property. The guidelines in force from time to time shall be available to the public at the commission's office during regular business hours.
- (d) *Criteria for designation.* A historic property shall qualify for designation when it meets one or more of the following criteria that shall be discussed in a commission report making its recommendation to the city council:
  - (1) Its value as a reminder of the cultural or archeological heritage of the city, state or nation;
  - (2) Its location as a site of a significant local, state or national event;

- (3) Its identification with a person or persons who significantly contributed to the development of the city, state, or nation;
  - (4) Its identification as the work of a master builder, designer, or architect whose individual work has influenced the development of the city, state, or nation;
  - (5) Its value as a building or buildings that are recognized for the quality of their architecture and that retain sufficient elements showing their architectural significance;
  - (6) Its distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials;
  - (7) Its character as a geographically definable area possessing a significant concentration of buildings, structures, or sites united by past events or aesthetically by plan or physical development;
  - (8) Its character as an established and geographically definable residential neighborhood, united by culture, architectural styles or physical plan and development;
  - (9) Its value as a distinct historical, geographical, archeological, or rural, or urban landscape in the city;
  - (10) Its listing on the National Register of Historic Places; and
  - (11) Its value as a unique location or its singular, physical characteristics that represents an established and familiar visual feature or landmark of the neighborhood, community, or the city.
- (e) *Notification of designation.* The commission shall notify all owners of the decision relating to their property and shall record the designation of such property as a historic property in the conveyance records of Caddo Parish. Such notification shall be deemed sufficient by correspondence to the owner's last known address via United States mail. The commission shall also give notice of the decision to the government offices in the city and parish which shall retain them for future reference.
  - (f) *Amendment or rescission of a designation.* The amendment or rescission of any designation shall be accomplished by use of the process provided in this article. A designation may be amended or rescinded when the property no longer satisfies one or more of the criteria set forth above in subsection (d) and the city council has approved of said amendment or rescission.
  - (g) *Signage.* A suitable sign, approved, purchased, and erected by the commission, designating the property as a historic property may be placed on the property once said designation is official and only with the consent of the property owner. Otherwise, the sign may be placed in the nearby public right-of-way or servitude in accordance with applicable provisions of the City Code.

(Ord. No. 38A, 2013, 5-14-13)

Sec. 36-28. - Approval of changes to historic properties.

- (a) *Requirement of a certificate of appropriateness.* A certificate of appropriateness from the commission shall be required before a person may undertake the following actions affecting a historic property. A certificate of appropriateness shall be required even when the proposed work does not require a building permit.
  - (1) Alteration of the exterior part of a building or structure that is visible to the public;
  - (2) New construction;
  - (3) Demolition; or
  - (4) Relocation.
- (b) *Application to the commission.* At a minimum, each applicant for a certificate of appropriateness shall provide:
  - (1) Scaled drawings of the proposed work, including but not limited to site plans, building elevations and roof plans;

- (2) Photographs of the existing building, structure, or site and of adjacent properties;
- (3) Information about the building material to be used;
- (4) Name of applicant and property owner;
- (5) Detailed description of the nature of the proposed exterior alteration or repair to be completed; including any necessary site plans, elevations and building facade plans;
- (6) A description of how the proposed change will be in character with the architectural or historical aspect of the structure or site;
- (7) Any circumstances or conditions concerning the property or financial disadvantages which may affect eligibility for a certificate of appropriateness;
- (8) The intended or desired starting date and completion date of the alterations to be made.

The commission may request additional information from the applicant related to the proposed work as it deems necessary. An application shall not be considered complete until all required and requested information has been submitted and the administration fee of \$50.00 reflecting the cost for processing the application has been paid in full. All city departments shall refer persons to the commission when they come for permission to undertake work affecting historic properties.

- (c) *Public hearing and notice.* The commission shall hold a public hearing on each application within 45 days after a complete application is received by the commission. Applicants shall be given written notice of the public hearing and of meetings relating to their application and shall be informed of the commission's decision. Notice of the public hearing shall also be published in the city's official journal no less than ten days prior to the date of the public hearing. At a minimum, the published notice shall contain the name of the applicant and the property owner, the address of the property subject to the public hearing, the purpose of the request to the commission and, the date, time and location of the public hearing.
- (d) *Action by the commission.* The commission shall make a decision on the application within 45 days after the public hearing(s). The commission may extend the time for its decision to nine months when the application is for a demolition or three months for new construction. The commission shall approve, approve with modifications, or disapprove each application within such 45-day period, and shall make findings for the basis of its decision using the criteria contained in this section and in its guidelines. The approval with modifications shall contain the revisions that the applicant shall accept so that a certificate of appropriateness may be issued. If the commission fails to decide on an application within the specified time period, the application shall be deemed approved.
- (e) *Criteria in deciding on applications.* In making a decision on an application, the commission shall determine whether the proposed work maintains or improves the historical and architectural features of the building, structure, or district. The commission shall use its criteria and guidelines and shall consider the following:
  - (1) The effect of the proposed work on the landmark or the property in the historic district, and
  - (2) The relationship between the proposed work and adjacent buildings or other property in the historic district. In evaluating the effect and the relationship, the commission shall consider historical and architectural significance, architectural style, design, texture, and materials. The certificate from the commission shall not relieve the property owner from complying with the requirements of other state and local laws and regulations including but not limited to requirements for permits, zoning ordinances and building codes.
- (f) *Consultation with applicants.* Before applicants prepare their plans, they may bring tentative proposals to the commission for its comments. The commission shall encourage these early consultations in order to avoid unnecessary work and to improve the review process. In making a decision on an application, the commission shall be aware of the importance of finding an appropriate way to meet the current needs of the applicant. The commission shall also recognize the importance of approving plans that will be reasonable for the applicant to carry out. All meetings of the commission shall be conducted in accordance with requirements of section 36-16



(g) *Routine alterations.*

- (1) The commission may prepare a list of routine alterations that shall receive immediate approval by the chairman of the commission without a public hearing and a vote by the commission, when an applicant and the application comply with the specifications that have been adopted by the commission using its criteria and guidelines. Applications for routine alterations shall be approved or denied by the chairman of the commission within ten days of receipt of a properly received completed application. Each historic district may submit to the commission their own list of routine alterations, subject to adoption by the commission.
- (2) At each meeting the commission shall be informed of the certificates of appropriateness that have been issued under this provision.

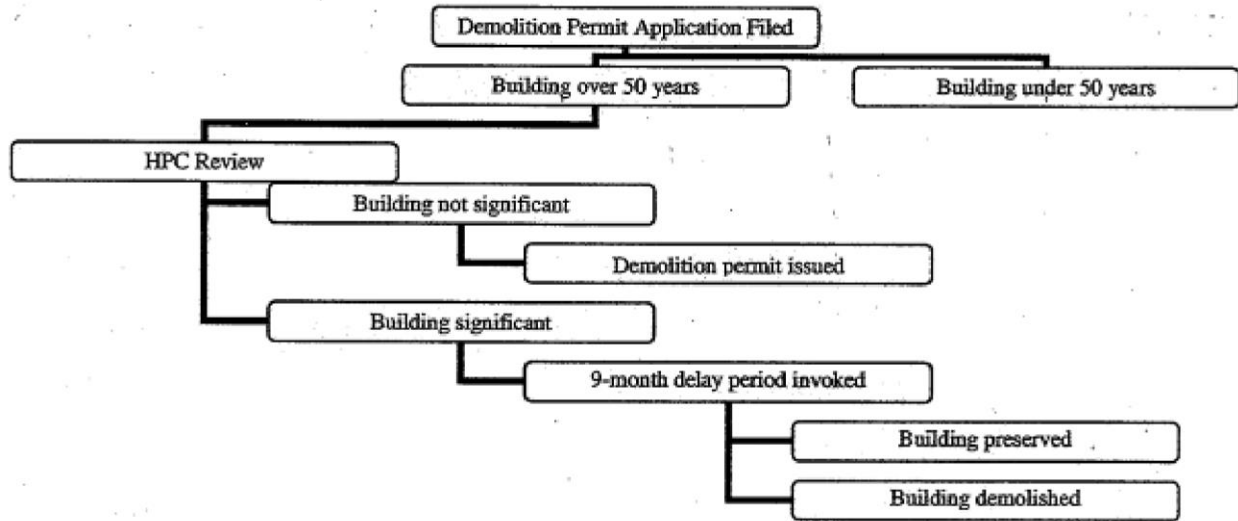
(h) *Demolition applications.* When an applicant wishes to demolish a historic property, the commission may negotiate with the applicant to see if an alternative to demolition can be found. In evaluating alternatives to demolition, the commission may, after a majority vote of the commission, opt to purchase the landmark or building, or provide financial assistance to a third party seeking to purchase the landmark or building. The commission may ask interested individuals and organizations for assistance in seeking an alternative to demolition and in obtaining estimates on rehabilitation costs for the threatened building or structure. After its public hearing, the commission may decide that the building or structure may be demolished because it does not have architectural or historical significance and value or is not a contributing element to the architectural or historic character of the district.

The commission shall study the question of economic hardship for the applicant and shall determine whether the property can be put to reasonable beneficial use without the approval of the demolition application. As used herein, a consideration of "economic hardship" shall include but shall not be limited to the following:

- (1) The nature of the ownership of the structure (individual, business, or non-profit) or legal possession, custody and control;
- (2) Financial resources of the owner and/or party(ies) in interest;
- (3) Cost of repair;
- (4) Assessed value of the land and improvements deemed to be historic or located within a historic district;
- (5) Ad valorem taxes assessed on the land and improvements deemed to be historic or located within a historic district for a period of two years prior to the date of the application.

In the case of an income-producing building, the commission shall also determine whether the applicant can obtain a reasonable return from the building. The commission shall ask the applicant for additional information to be used in making these determinations. This information shall include a report from a licensed engineer or an architect with experience in rehabilitation as to the structural condition of the building and its suitability for rehabilitation. If economic hardship or the lack of a reasonable return is not proved, the commission shall deny the demolition application unless the commission finds grounds to grant the demolition application under the considerations contained in subsection (h).

**Shreveport Demolition Review Process**



- (i) *Relocation applications.* When an applicant wishes to move a landmark or a building or structure in a historic district, or when an applicant wishes to move a building or structure to a lot containing a landmark or to a lot in a historic district, the commission shall consider the following:
- (1) The contribution that the building or structure makes to its present setting;
  - (2) Whether there are definite plans for the site to be vacated;
  - (3) Whether the building or structure can be moved without significant damage to its physical integrity;
  - (4) The compatibility of the building or structure to its proposed site and adjacent properties; and
  - (5) Plans for the proposed new location and whether the effect on such new location's surroundings will be positive.

These considerations shall be in addition to those contained in subsection (h).

(Ord. No. 38A, 2013, 5-14-13)

**Sec. 36-29. - Certificate of appropriateness; duration.**

A certificate of appropriateness shall remain valid for 365 days from the date of issuance. Approved work shall be commenced within 365 days of the date of such approval and shall be completed within 730 days from the date of issuance of the certificate of appropriateness. If the approved work has not been completed within the time period provided herein, the commission shall review the progress of the work and may require the applicant to submit an additional application for a certificate of appropriateness for the work that remains to be done.

(Ord. No. 38A, 2013, 5-14-13)

**Sec. 36-30. - Conformity with the certificate of appropriateness.**

All work performed pursuant to a certificate of appropriateness shall conform to the provisions of such certificate. It shall be the responsibility of the commission, assisted by city staff as necessary, to inspect from time to time any work being performed to assure such compliance.

(Ord. No. 38A, 2013, 5-14-13)

**Sec. 36-31. - Maintenance and repair.**

- (a) *Responsibility to maintain historic property.* Every owner of record or such owner's designee by mandate of a historic property shall keep it in good repair:
  - (1) All of the exterior portions of such building or structure, and
  - (2) All interior portions thereof which, if not so maintained, may cause it to deteriorate or to become damaged or otherwise to fall into a state of disrepair.

The purpose of this section is to prevent a person from forcing the demolition of a building or structure by neglecting it and by permitting damage to it because of weather (excluding natural disasters) or vandalism. Nothing herein shall be interpreted so as to limit any of the obligations imposed on lessors and lessees of immovable property under the Louisiana Civil Code.

- (b) *Ordinary repairs and maintenance.* Ordinary repairs and maintenance may be undertaken without a certificate of appropriateness provided that this work on a historic property does not change its exterior appearance that is visible to the public.
- (c) *Emergency conditions.* In any case where the city determines that there are emergency conditions dangerous to life or health that affect a historic property, the city shall order the remedying of these conditions without the approval of the commission. The city shall immediately notify the owner of the emergency condition(s) dangerous to life, health and property so that the owner may immediately begin the work required to make the property safe. The city shall also notify the chair of the commission emergency condition(s) and of the action to be taken by the owner to remedy same.
- (d) *Prevention of demolition by neglect.* The commission shall prepare and maintain a list of landmarks, buildings, structures in historic districts and historic sites that are not being maintained in a safe and sanitary condition. The commission shall regularly review the list and may request a meeting with the owner when a property is in poor repair or neglect. The commission shall notify the owner of record or such owner's designee by mandate of a preliminary determination of neglect, the reasons for same, and give said owner or designee 30 days to repair the problem or, within the same period, submit to the commission plans to implement changes. The commission shall discuss with the owner ways to improve the condition of the property. After a meeting with an owner, the commission shall discuss with city staff the condition of the property and steps to remedy the existing condition. The steps may include the taking of legal action against the owner.
- (e) *Other building regulations.* The provisions of this chapter shall be in addition to the provisions of the Louisiana Building Code, the city comprehensive building code and other laws regulating the maintenance, alteration, use, upkeep, and repair of buildings and structures.

Nothing contained herein shall abrogate the authority of any city department or official to enforce provisions of any statute, ordinance or regulation applicable to the erection, construction, reconstruction, alteration, conversion, maintenance, or use of a historic structure. Whenever the provisions of this chapter require higher standards than are required in any other applicable statute, ordinance, or regulation, the provisions of this chapter shall prevail; whenever the provisions of any other applicable statute, ordinance, or regulation require higher standards than are required in this chapter, the provisions of the applicable statute, ordinance, or regulation shall prevail.

(Ord. No. 38A, 2013, 5-14-13)

#### ARTICLE IV. - APPEALS; ENFORCEMENT

##### DIVISION 1. - APPEALS

##### Sec. 36-41. - Appeals.

- (a) Any person or persons aggrieved by any decision, act, or proceeding of the commission, the chairman of the commission, or the Metropolitan Planning Commission, shall file a written appeal of such decision with the clerk of council of the city for a review by the city council within ten days from

the date of such decision, act or proceeding. For purposes of this section, the applicant and/or property owner(s) may be represented by a duly authorized representative. Upon receipt of an appeal, the city council shall have the right to stay all further action pending a decision on the application. The city council either shall affirm, modify, reverse or remand the decision rendered by the commission, the chairman of the commission, or the Metropolitan Planning Commission only by a majority vote of its members within 45 days of receipt of the appeal.

- (b) Any person or persons aggrieved by any decision, act, or proceedings of the city council shall have the right to appeal the decision, act, or proceeding to a court of appropriate jurisdiction within 30 days from the date of such decision, act or proceeding.

(Ord. No. 38A, 2013, 5-14-13)

## DIVISION 2. - ENFORCEMENT

### Sec. 36-46. - Stop work order; injunction.

In the event work is being performed without the required certificate of appropriateness, the city shall issue a stop work order, upon recommendation by the commission in which case all work shall cease on the designated property. No additional work shall be undertaken on any property as long as a stop work order shall continue in effect. The city attorney may seek an injunction and any other appropriate relief in order that the intent of this section shall be carried out.

The city shall not issue a certificate of occupancy or other approvals or authorization for occupancy of the property until deficiencies cited in the stop work order have been resolved.

(Ord. No. 38A, 2013, 5-14-13)

### Sec. 36-47. - Penalty.

- (a) Any person found in violation of this chapter, or any part or portion thereof, shall, upon conviction, be punished by a fine of not exceeding \$500.00 or by imprisonment for not more than 60 days, or both such fine and imprisonment. Each day any violation of this chapter shall continue shall constitute a separate offense.

The imposition of any penalty hereunder shall not preclude the city attorney or other appropriate authority of the city or any adjacent or neighboring property owner who would be specifically damaged by such violation from instituting injunctive, mandamus, or other appropriate action or proceeding to prevent, correct or abate any unlawful violation of this chapter.

- (b) No building permit shall be issued or certificate of occupancy shall be given to operate a parking lot with respect to any premises upon which a building subject to this chapter has been voluntarily demolished. In the case of a parking lot permit there will be a waiting period of three years after the date of the completion of such demolition.
- (c) Securing the building required. Upon determination by the historic preservation commission that a building is a designated significant building, the owner shall be responsible for properly securing the building in compliance with the regulations of the department of property standards. Should the owner fail to secure the building, the loss of such building through fire or other cause shall be considered voluntary demolition.

(Ord. No. 38A, 2013, 5-14-13)