

***Editor's note--**At the discretion of the editor, Ord. No. 826, C.S., adopted, Nov. 14, 1978, as amended, has been codified as Ch. 17.3.

Cross reference(s)--Buildings and building regulations, Ch. 9; planning, Ch. 24.

ARTICLE I. IN GENERAL

Sec. 17.3-1. Definition of historical district.

The following area of the city is hereby designated as "Hammond Historical District," to wit:

Beginning at the corner of West Morris and South Spruce Streets in the city and thence running northerly along Spruce Street to its intersection with West Charles Street and thence easterly along West Charles Street to North Magnolia Street; thence northerly along North Magnolia Street to West Robert Street; thence easterly along Robert Street to North Cypress Street; thence southerly along North Cypress to East Charles Street; thence easterly to North Cherry Street; thence southerly to East Morris Street; thence westerly along East Morris Street to South Magnolia Street; thence southerly along South Magnolia Street to West Hanson Street; thence westerly along Hanson to South Spruce Street; thence northerly along Spruce Street to the said point of beginning at the corner of West Morris and South Spruce Streets.

The historical district above designated shall include all building sites or lots and all structures, houses or other buildings facing any of the streets on the perimeter of the area.

(Ord. No. 826, C.S., § 7, 11-14-78)

Sec. 17.3-2. Provisions of chapter prevail in case of conflict.

The provisions of this chapter shall govern and take precedence over any other provisions of any ordinances or codes of the city.

(Ord. No. 826, C.S., § 15, 11-14-78)

Sec. 17.3-3. Penalty; continuing violations.

Whenever in this chapter or in any ordinance of the city [sic] any act is prohibited or is made or declared to be unlawful or an offense or whenever in this chapter or any such ordinance of the city [sic] the doing of any act is declared to be unlawful, when no specific penalty is proved therefor, anyone violating any provision of this chapter shall be fined for each offense not less than twenty-five dollars (\$25.00) nor more than one hundred fifty dollars (\$150.00) or suffer imprisonment for not more than thirty (30) days, or both fine and imprisonment, not to exceed the above penalties. A provision for the revocation or refusal of a permit or other provision not imposing a fine or imprisonment shall not be deemed a provision for a specific penalty within the meaning of the foregoing sentence. Each day that any violation of any safety ordinance or regulation contained in this chapter shall continue shall constitute a separate offense.

(Ord. No. 826, C.S., § 16, 11-14-78)

Sec. 17.3-4. Injunctions.

Whenever any person has engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of this chapter, 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 [action] shall be granted without bond.

(Ord. No. 826, C.S., § 18, 11-14-78)

Secs. 17.3-5--17.3-10. Reserved.

ARTICLE II. HISTORICAL DISTRICT COMMISSION

Sec. 17.3-11. Established.

There is hereby created a commission to be known as the historical district commission of the city.

(Ord. No. 826, C.S., § 1, 11-14-78)

Sec. 17.3-12. Purpose.

The Hammond Historical District [Commission] shall have for its purpose the preservation of all such buildings in the historical 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. 826, C.S., § 6, 11-14-78)

Sec. 17.3-13. Recommendation and appointment of members.

The commission shall consist of seven (7) members, all of whom shall be residents or property owners of the city. They shall be appointed by the mayor. The members of the commission shall be appointed by the mayor as follows: Two (2) qualified architects and five (5) other citizens of the city and one ex officio member from the planning commission of the city.

(Ord. No. 826, C.S., § 2, 11-14-78)

Sec. 17.3-14. Term; vacancies.

Each of the members of the commission shall be appointed as follows: Two (2) members shall be appointed for a term of two (2) years and five (5) members shall be appointed for a term of three (3) years. Whenever the term of a member of the commission expires, the mayor shall appoint his successor. The members may serve consecutive terms.

(Ord. No. 826, C.S., § 3, 11-14-78)

Sec. 17.3-15. Employees and committees.

- (a) The commission may select existing city employees, with 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 committees with such powers and duties as the commission may have and prescribe.
- (b) The director of planning 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. 826, C.S., § 4, 11-14-78)

Sec. 17.3-16. 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 seven (7) 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 make its recommendations for the future, but recommendations may be made by the council to the commission at any time.

(Ord. No. 826, C.S., § 5, 11-14-78)

Secs. 17.3-17--17.3-20. Reserved.

ARTICLE III. PERMITS

Sec. 17.3-21. Submission of plans for exterior changes to commission.

Before the commencement of any work in the erection of any new building or in the alteration or addition to, or painting or repainting or demolishing of any existing building, any portion of which is to front on any public street or alley in the Hammond Historical 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 architectural design of the exterior, including the front, sides, rear and roof of such buildings, alteration or addition or of any outbuilding, party wall, courtyard, fence or other dependency thereof.

(Ord. No. 826, C.S., § 8, 11-14-78)

Sec. 17.3-22. Commission recommendation and action thereon.

The Hammond Historical District Commission shall, upon due consideration, make its recommendations, including such changes, if any, as in its judgment are reasonably necessary to comply with the requirements of this chapter, and thereon promptly issue a certificate of appropriateness to the applicant. The commission shall then report, in writing, its recommendations to the building inspector and, if they are found by the building inspector to conform also to all other regulations, ordinances and laws of the city, the building inspector shall then, and only then, be empowered to issue promptly a building permit for such work.

(Ord. No. 826, C.S., § 9, 11-14-78; Ord. No. 1090, C.S. 1-15-85)

Sec. 17.3-23. When building inspector is to submit question to commission; action of commission.

If the applicant for a permit shall refuse to accede to reasonable changes recommended by the commission, or if the commission shall disapprove any application, the building inspector shall, within fifteen (15) days, forward such matters to the commission for such action as in the judgement of the city attorney, 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 chapter.

(Ord. No. 826, C.S., § 10, 11-14-78; Ord. No. 1090, C.S. 1-15-85)

Sec. 17.3-24. 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 chapter and shall promptly prosecute any person responsible for such a violation of this chapter 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 chapter.

(Ord. No. 826, C.S., § 14, 11-14-78)

Secs. 17.3-25--17.3-30. Reserved.

ARTICLE IV. CONSTRUCTION AND APPEARANCE STANDARDS

Sec. 17.3-31. Removal of sheds and marquees.

There shall be no restrictions against the removal of sheds. These must be removed or repaired when in dangerous condition. But any changes may be made only after first securing a written order or permit required by this chapter and may be executed only in accordance therewith.

(Ord. No. 826, C.S., § 13, 11-14-78)

Sec. 17.3-32. Overhanging balconies.

New or additional balconies may be erected if they are at least nine (9) feet above the level of the sidewalk; and conform to the distinctive architecture of the Hammond Historical District. The permits for all such new construction or any renovation shall be subject to the requirements of this chapter.

(Ord. No. 826, C.S., § 12, 11-14-78)

Sec. 17.3-33. 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 trademarks 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* includes erect, paint, repaint, place, replace, hand, rehand, 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 district.* In addition to the prohibitions contained in this section, approval of the display of a sign in the historical 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 historical 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 historical 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) per cent 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 historical 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 17.3-3.
- (f) *Signs not to obscure or mar architectural details.* 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.
- (g) *Signs with interior illumination.* No signs with interior illumination can be constructed or erected within the historical district without the express approval of the historical district commission.
- (h) *Building code applicable to signs.* All signs under this section shall be further governed by the existing regulations of the building code of the city which are not in conflict with this section.
- (i) *Application for signs to be submitted to commission.* All applications for permits to display signs within the historical district of the city shall be submitted to the building inspector for approval before a permit therefor may be issued in conformity with section 17.3-22.
- (j) *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 size, shape, design, coloring, lighting, and position in relation to the building from or upon which it shall be displayed.

- (k) *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 provision of this section are prohibited.

(Ord. No. 826, C.S., § 17, 11-14-78; Ord. No. 867, C.S., § 2, 12-18-79)

Sec. 17.3-34. Private floodlights.

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 Hammond Historical District shall not be illuminated by privately controlled floodlights or other illumination except by express approval of the historical district commission. Compliance shall be effective within twelve (12) months after enactment of this chapter.

(Ord. No. 826, C.S., § 11, 11-14-78; Ord. No. 867, C.S., § 1, 12-18-79)

Sec. 17.3-35. Prohibition of aerials and antennas.

The construction of aerials or antennas of any type within the historical district is prohibited without the express approval of the historical district commission.

(Ord. No. 826, C.S., § 17A, 11-14-78)

Sec. 17.3-36. Prohibition against demolition by neglect.

- (a) *Demolition by neglect*

- (1) Any resource which is a landmark and all resources within the Hammond Historical District (hereinafter "District") shall be reserved by the owner or such other persons as may have the legal custody or control thereof against decay and deterioration and free from unreasonable structural defects. The owner or other person having legal custody and control thereof shall repair such resource if it is found to have one (1) or more of the following defects:

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

6. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material, workmanship, or deterioration;
7. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are insufficient to carry imposed loads with safety;
8. Fireplaces or chimneys which list, bulge, or settle due to defective material, workmanship, or deterioration; or
9. Any fault, defect, or condition in the building which renders the same structurally unsafe or not properly watertight.

(2) If the district commission makes a preliminary determination that a resource is being demolished by neglect, it shall direct the city building official to notify the owner or owners of the resource of this preliminary determination, stating the reasons therefore, and shall give the owner of record thirty (30) days from the date of mailing of such notice or the posting thereof on the property, whichever comes later, to commence work to correct the specific defects as determined by the commission. Said notice shall be given as follows:

- a. By certified mail, restricted delivery, mailed to the last known address of the record owner or owners as listed on the city and/or parish tax rolls; or
- b. If the above mailing procedure is not successful, notice shall be posted in a conspicuous, protected place on the resource.

(3) If the owner or owners fail to commence work within the time allotted as evidenced by a building permit, the district commission shall notify the owner or owners in the manner provided above to appear at a public hearing before the district commission at a date, time, and place to be specified in said notice, which shall be mailed or posted at least thirty (30) days before said hearing. For the purpose of insuring lawful notice, a hearing may be continued to a new date and time. The district commission shall receive evidence on the issue of whether the subject resource should be repaired and the owner or owners may present evidence in rebuttal thereto. If, after such hearing, the district commission shall determine that the resource is being demolished by neglect, it may make any and all appropriate recommendations to the Hammond City Council, including but not limited to the recommendation that the city building official should bring misdemeanor charges against the owner or owners if the necessary repairs are not completed within ninety (90) days of the determination by the district commission that the subject building or resource is being demolished by neglect.

(b) *Unreasonable economic hardship.* When a claim of unreasonable economic hardship is made due to effect of this section, the owner of record must present evidence sufficient to prove that as a result of the district commission's action, he is unable to obtain a reasonable return or a reasonable beneficial use. The owner of record shall submit by affidavit to the district commission for its review information which shall include but not be limited to the following:

- (1) Date the property was acquired by its current owner;
- (2) Price paid for the property (if acquired by purchase) and the relationship (if any) between the buyer and the seller of the property;
- (3) Mortgage history of the property, including current mortgage;

- (4) Current market value of the property;
- (5) Equity in the property;
- (6) Past and current income and expense statements for a two-year period;
- (7) Past capital expenditures during ownership of current owner;
- (8) Appraisals of the property obtained within the previous two (2) years;
- (9) Income and property tax factors affecting the property; and
- (10) Terms of any and all offers of purchase of said property for past five (5) years, including name, address, and telephone number of such offerors.

The district commission may require that an applicant furnish additional information relevant to its determination of unreasonable economic hardship.

The district commission may receive and consider studies and economic analysis from other city agencies and from private organizations relating to the property in question.

Should the district commission determine that the owner's present return is not reasonable, it must consider whether there are other uses currently allowed that would provide a reasonable return and whether such a return could be obtained through investment in the property for rehabilitation purposes.

- (c) *Appeals.* The applicant who desires to appeal a decision by the district commission shall file an appeal with the district court of Tangipahoa Parish within thirty (30) days after the determination of the issue by the district commission in the manner provided by law.

(Ord. No. 2399, C.S., 9-5-95)

Sec. 17.3-37. Minimum maintenance requirements.

In order to insure the protective maintenance of landmarks and/or resources within the Hammond Historical District (hereinafter "district"), the exterior features of such properties shall be maintained to meet the requirements of the city's minimum housing code and the city's building code.

The use of boarded openings is prohibited within the district. The use of boards for windows shall be permitted in cases of emergency for a period of time not to exceed fourteen (14) days consecutively.

All property owners with boarded windows at the time of adoption of this section shall be notified in writing that all such boards are to be removed within thirty (30) days of such notice.

Said notice shall be given as follows:

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

No "Grandfather Clause" shall be applicable to this section.

Any person convicted of a violation of this section shall be subject to punishment as provided in section 1-8 of the Code of Ordinances of the City of Hammond.

(Ord. No. 2398, C.S., 9-5-95)