

CITY OF DONALDSONVILLE
- CODE OF ORDINANCES
Chapter 2 - ADMINISTRATION
ARTICLE III. - BOARDS, COMMITTEES AND COMMISSIONS
DIVISION 2. HISTORIC DISTRICT COMMISSION

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Sec. 2-61. Commission established.

There is hereby created a commission to be known as the historic district commission of the City of Donaldsonville.

(Ord. of 3-28-93)

Sec. 2-62. Recommendations, appointment of members and chair selection.

The commission shall consist of seven (7) fully-appointed members and four (4) alternates. They shall be appointed by the mayor, from a list of nominees submitted by the mayor and council, as follows: qualified professionals from the disciplines of architecture, history, preservation, planning, archaeology or other related fields, and four (4) other citizens of the city who have demonstrated an interest in the preservation. Annually, the commission shall elect a chair to serve for one calendar year from the time of appointment. The chair shall manage the meeting. The chair, in his or her absence, shall appoint a temporary chair to manage the meetings of the commission.

(Ord. of 3-28-93; Ord. No. 2020-09, § I, 12-22-20)

Sec. 2-63. Term; vacancies and attendance.

Each of the fully-appointed members of the commission shall be appointed as follows: Two (2) members shall be appointed for a term of two (2) years, three (3) members for a term of three (3) years, and two (2) members for a term of five (5) years. Four (4) alternates; alternate one (1), alternate two (2), alternate three (3), or alternate four (4) shall be appointed to serve in the order available in the event quorum is unable to be obtained by one (1) of the seven (7) commissioners. Alternates shall serve as non-voting members until such time at which they are called upon to participate at which time their vote shall consist as one (1) vote on the commission. Alternates may serve in their capacity for a period of three (3) years and may be considered for full appointment upon a vacancy of a fully-appointed commissioner. Whenever the term of a member of the commission expires or is otherwise vacated, the mayor shall, within sixty (60) days, appoint his/her successor from a list of "eligibles" compiled by the mayor and council. Commissioners who miss two (2) or more regularly scheduled meetings may be removed and replaced by an alternate. Commissioners who complete an expired term may be re-nominated after a period of two (2) years.

(Ord. of 3-28-93; Ord. No. 2020-09, § II, 12-22-20)

¹Editor's note(s)—An ordinance adopted March 28, 1993, did not specifically amend this Code; hence, inclusion of §§ 1—18 as Ch. 2Editor's note(s)—, Art. III, Div. 2, §§ 2-61Editor's note(s)—2-78 was at the discretion of the editor.

Sec. 2-64. Employees and committees.

The commission council with the approval of the mayor and council, may select a city historic preservation officer (HPO) as may be necessary to carry out the purpose for which it is created. The city attorney shall be ex-officio, the attorney for the commission. The clerk of council or other designated individual shall also serve as clerk of the commission, being responsible for the official minutes of all commission meetings. The commission may designate and appoint, from among its members, various committees, with such powers and duties as the commission may have and prescribe.

(Ord. of 3-28-93; Ord. No. 2020-09, § III, 12-22-20)

Sec. 2-65. Rules and regulations; meetings; minutes; reports and recommendations.

The commission shall make such rules and regulations as it may deem advisable and necessary for the conduct of its affairs consistent, with laws of the city. A designated Donaldsonville Historic District Guideline Journal, based upon the Secretary of the Interior's Standards for Rehabilitation, as well as an updated application for a certificate of appropriateness, shall be drawn up by the commission annually, taking into consideration recommendations by the mayor building inspector and city council, to be utilized in all cases falling under the jurisdiction of the commission. The guideline and other Historic District resources shall be available for public inspection at the city hall. The commission shall meet, at a minimum, on a quarterly basis, but meetings may be held at any time by the commission on written request of any of its seven (7) members, four (4) alternates, or the mayor. All meetings shall be open to the public and shall be advertised as such at least twenty-four (24) hours prior to their commencement. The commission shall submit minutes and quarterly reports to the mayor and city council.

(Ord. of 3-28-93; Ord. No. 2020-09, § IV, 12-22-20)

Sec. 2-66. Purpose.

The Donaldsonville Historical District Commission shall have as its purpose the preservation of all such buildings and sites in the historical district section of the city as, in the opinion of the commission, shall have architectural and/or historical value and which should be preserved for the benefit of the people of the city and state.

(Ord. of 3-28-93)

Sec. 2-67. Definition of historical district.

The following area of the City of Donaldsonville is hereby designated as "Donaldsonville Historical District," to-wit:

Starting at a point where the extended midline of Lafourche Street intersects the midline of the Levee access road and following that midline in a southeasterly direction to a point one hundred eighty (180) feet beyond the intersection of the extended midline of Lee Avenue and the Levee access road; thence at a ninety (90) degree angle in a southwesterly direction to the point of intersection with the midline of Madison Street; thence southeasterly along that midline to its point of intersection with the midline of Jackson Avenue; thence at a ninety (90) degree angle in a southwesterly direction along that midline to its intersection with the midline of Monroe Street; thence northwesterly along that midline to its point of intersection with the midline of Church Street; thence in a southwesterly direction along that midline to its point of intersection with the midline of Opelousas Street; thence along that midline in a northwesterly direction for a distance of one hundred five (105) feet to the

legal boundary of the Ascension Catholic Cemetery; thence along this boundary, including one (1) ninety-degree turn in a northwesterly direction as prescribed and extending to the midline of St. Vincent Street; thence along that midline to its (extended) intersection with the railroad tracks operated by the Missouri and Pacific Company; thence along these tracks in a northwesterly direction to their intersection with the waterline of Bayou Lafourche; thence in a northerly direction along the waterline to a point at which it intersects the extended midline of Nicholls Street; thence in a southeasterly direction along this line to the point at which it intersects the midline of Lafourche Street; thence in a northeasterly direction along this midline to the point at which it intersects the midline of the Levee access road, the point of beginning.

(Ord. of 3-28-93)

Sec. 2-68. Definitions.

For the purposes of this division, the definitions of terms as listed in the "Guidelines for Louisiana's Certified Local Government Program" (Revised January 1985) shall be applicable.

(Ord. of 3-28-93)

Sec. 2-69. Application for certificate of appropriateness.

A certificate of appropriateness issued by the historic district commission shall be required before a work permit is issued for work within the jurisdiction of the commission as follows:

- (1) Demolition of an historic structure;
- (2) Moving an historic structure;
- (3) Material change in the exterior appearance of existing structures classified as historic by additions, reconstruction, alteration, or maintenance involving exterior color change;
- (4) Any new construction or a principal building or accessory building or structure subject to view from a public street;
- (5) Change in existing walls or fences, or construction of new walls and fences, if along public street right-of-way;
- (6) Material change in the exterior appearance of existing noncontributing buildings, as identified by the National Register nomination inventory of the Donaldsonville Historic District, by additions, reconstruction, alteration, or maintenance involving exterior color change, if subject to view from a public street;
- (7) Alteration or destruction of significant landscape features, such as public park areas, including, but not limited to Crescent Park, Louisiana Square and the Ascension Parish Courthouse grounds; public areas adjacent to Bayou Lafourche; live oaks within the jurisdiction of the commission which, due to their substantial size and/or age, are adjudged to be of historic and/or aesthetic value to the city and its residents.
- (8) Placing signs:
 - a. *Signs* shall include any symbol, device, image, poster, flag, banner, billboard, design or directional sign used for advertising, whether painted on, 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.

- b. *Display* includes erect, paint, repaint, place, replace, hang, rehang, repair, maintain, paint directly upon a building or other structure, inlay, imbed in or otherwise exhibit in public view.

Before the commencement of any work in the aforementioned areas, an application, along with a fifty dollar (\$50.00) application fee, shall be made to the commission, by the property owner, for a certificate of appropriateness. Each application shall be accompanied by such plans, sketches, photographs, descriptions or other information as reasonably required by the commission to make a decision. Exceptions shall be identified in the Guide for Administrative Approval—by the city's historic preservation officer (HPO) and made available upon request. Applications are due within fourteen (14) business days prior to the published meeting dates. Regular meetings are scheduled monthly unless otherwise cancelled. Applicants will be informed in writing of the scheduled regular meetings and the owner or the owner's representative (stated in writing) must be in attendance at the regularly scheduled meeting to present his/her application. Approved applicants may receive a certificate of appropriateness within seven (7) business days of the meeting to be displayed throughout the duration of the restoration or new construction period. Certificates of appropriateness are valid for a period of six (6) months of the date of receipt. Any work not completed during the period must be approved under a new application.

(Ord. of 3-28-93; Ord. No. 2020-09, § V, 12-22-20)

Sec. 2-70. Commission recommendation and action thereon.

The Donaldsonville Historical District Commission shall, upon due consideration, report thereon, within thirty (30) days after the filing of the application, its recommendations, including such changes, if any, as in its judgement are reasonably necessary to comply with the requirements of this division, by sending them, in writing, to the building inspector with the application and documents referred to in this division and if they are found by the building inspector to comply reasonably with all existing regulations, ordinances and laws of the city, the building inspector shall issue promptly a permit for such work and indicate on such permit the extent and nature of the work to be performed thereunder.

(Ord. of 3-28-93)

Sec. 2-71. Reserved.

Editor's note(s)—Ord. No. 2020-09, § VI, adopted Dec. 22, 2020 repealed § 2-71Editor's note(s)—, which pertained to when the building inspector is to submit question to council and the action of council and derived from an ordinance passed March 28, 1993.

Sec. 2-72. Stopping work commenced without certificate of appropriateness or permit.

The building inspector shall promptly, within twenty-four (24) hours of notification, stop any work attempted to be done without an approved certificate of appropriateness or contrary to a permit issued under this division and shall promptly prosecute any person responsible for such a violation of this division 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 violation of this chapter and stopping work attempted to be done without or contrary to the permits required by this division.

(Ord. of 3-28-93; Ord. No. 2020-09, § VII, 12-22-20)

Sec. 2-73. Demolition.

All applications for demolition are to be referred to the Donaldsonville Historic District Commission for action. At the first regular monthly commission meeting where the application is presented, it shall be accepted by the commission and laid over to the next regular monthly commission meeting before action is taken. Accepting the application simply requires the action of the chairman. The commission may waive the monthly layover period and take immediate action; however, only by motion to that effect.

It should be noted that the Donaldsonville Historic Commission president is to enact the monthly layover period in every case. The only exception to this procedure is a situation of eminent public danger, whereby a special permit may be issued by the chairman for an emergency demolition.

The demolition of buildings of any architectural or historical importance, or that form of demolition which takes place slowly by neglect, is not allowed. Generally, any building or portion of building which is rated as historic cannot be demolished. Structures which in the past have been rated as an intrusion or less than fifty (50) years of age may be required to be retained because of their size, scale, and growing importance to the historical context of the historical district; however, it may be demolished upon the approval of the historical district commission. Detailed plans must be submitted which show exactly what is proposed for demolition. No demolition permit shall be issued without prior conceptual approval by the historic district commission of the proposed new construction. Any person who demolishes a historical structure within the historic district without historic district commission approval shall be fined five thousand dollars (\$5,000.00).

(Ord. of 3-28-93; Ord. No. 2005-08, § I, 6-28-05)

Sec. 2-74. Protective maintenance of historic buildings and structures, remediation and fines.

Historic buildings and structures shall be maintained to meet minimum safety and stabilization requirements of the city as now practiced or as may be set forth in a building code adopted by the city or if not adopted referred to by custom. Provided, however, that notice to the owners, as required by the ordinances of the city for unsafe or unstable structures, shall further provide in the case of historic structures that this division will require a permit after approval of the historic district commission before demolition or alteration, and in the meantime, the owner shall make such repairs as will secure and stabilize the building and upon failure to do so the building inspector shall cause such building or structure or portion thereof to be secured or stabilized, the cost thereof to be charged to the owner of the premises and collected in the manner provided by law. Owners of historic buildings or structures which have been deemed by code enforcement to be unsafe or unstable in that the structure is open to natural elements such as rainwater, pests, termite infestation or at-risk for vagrancy shall be notified in writing to appear in front of the historic district commission to show cause why they should not be ordered to prevent further damage by stabilizing the exterior envelope of the structure as approved by the historic district commission. Failure to abide by the historic district commission's order to prevent further damage by stabilizing the exterior envelope of the structure shall be punished by a fine not exceeding one hundred dollars (\$100.00) per day and by imprisonment for not more than ninety (90) days or both such fine and imprisonment until the violation is remedied.

(Ord. of 3-28-93; Ord. No. 2020-09, § VIII, 12-22-20)

Sec. 2-75. Reserved.

Editor's note(s)—Ord. No. 2020-09, § IX, adopted Dec. 22, 2020, repealed § 2-75Editor's note(s)—, which pertained to signs and derived from an ordinance adopted March 28, 1993.

Sec. 2-76. Provisions of division prevail in case of conflict.

The provisions of this division shall govern and take precedence over any other provisions of any building or zoning codes of the City of Donaldsonville.

(Ord. of 3-28-93)

Sec. 2-77. General penalty; continuing violations.

Whenever in this division or in any ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense or whenever in this division or in any such ordinance of the City of Donaldsonville the doing of any act is declared to be unlawful, when no specific penalty is provided therefore, the violation of any such provision of this division or any such ordinance shall be punished by a fine not exceeding one hundred dollars (\$100.00) and by imprisonment for not more than ninety (90) days or both such fines and imprisonment. Each day that any violation of any safety ordinance or regulation contained in this division shall continue shall constitute a separate offense.

(Ord. of 3-28-93; Ord. No. 2020-09, § X, 12-22-20)

Sec. 2-78. Appeals.

- (a) Any person or persons aggrieved by any decision, act or proceeding of the historic district commission shall have the right to apply in writing to the mayor and council of the City of Donaldsonville for reversal or modification thereof; the mayor shall have the right to stay all further action until the mayor and council affirm a decision of the historic district commission by majority vote of all its members. Any such appeal shall be taken in ten (10) days from the date of decision. The mayor and council may consider said appeal at its next general or special meeting, but in any event not more than forty-five (45) days thereafter. The mayor and council shall have the right to reverse, change or modify any decision of the historic district commission only by majority vote of all its members.
- (b) Any person or persons aggrieved by any decision of the mayor and council affecting the historic district shall have the right to file a civil suit within thirty (30) days from the date of decision in a court of competent jurisdiction under the usual rules of procedure governing same, with the right to stay orders and injunctive relief provided the situation warrants same.

(Ord. of 3-28-93)

Sec. 2-79. Continuing education.

- (a) Per the Louisiana Certified Local Government guidelines, commission members are required to attend at least one (1) training session per year pertaining to the work and functions of the commission or to historic preservation. Such meetings may include those sponsored by the Louisiana Division of Historic Preservation, the National Trust for Historic Preservation, Louisiana Trust, or a local preservation organization.

(Ord. No. 2020-09, § XI, 12-22-20)

Secs. 2-80—2-89. Reserved.