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## **Appendix A: Preservation Ordinance**

### **For Marksville, Louisiana Historic Preservation District**

WHEREAS, the City Council is desirous of promoting the educational, cultural and economic welfare of the public of the City by preserving and protecting historic structures and neighborhoods which serve as visible reminders of the history and heritage of the city, region, state and nation, and furthermore it is the purpose of this ordinance to strengthen the economy of the City by stabilizing and improving property values in historic areas;

I. Now therefore, be it ordained by the City Council of the City of Marksville, in legal session convened, as follows:

#### **SECTION 1. Commission Established**

There is hereby created a Historic Preservation District and Commission set forth by enabling legislation Louisiana Revised Statutes 25:731-745 as amended, to be known as the Marksville Historic Preservation District (MHPD) and the Marksville Historic Preservation Commission (MHPC), hereafter the "Commission."

#### **SECTION 2. Recommendation and Appointment of Members**

The Commission shall consist of five (5) members, all of whom shall reside in the City, and shall be appointed by the Mayor with the approval of the City Council.

#### **SECTION 3. Term; Vacancies**

Each of the members of the Commission shall be appointed for a term of four years. The Chairman shall be elected by the members of the Commission. Whenever the term of a member of the Commission expires, the Mayor shall appoint his successor. The members may serve consecutive terms. All Commission members shall have a demonstrated knowledge of or interest, competence, or expertise in education, history, architecture, building science, historic preservation, community improvement, or similar fields. The Commission shall seek the advice, as needed, of professionals in the related disciplines of architecture, history, architectural history, or archaeology, etc.

#### **SECTION 4. Administration and Committees**

The Commission, with the approval of the City Council, may select such employees as may be necessary to carry out the purpose for which it is created. Nominal expenses necessary to carry out the duties of the Commission will be budgeted through the Marksville Building and Permit Office. The recording secretary for the Commission will be designated by the Chairman, and all files, records, and minutes of the Commission will be maintained by the Building and Permit Office. The City Attorney shall be the ex officio 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.

#### **SECTION 5. Rules, Regulations and Guidelines; Meetings; Reports and Recommendations**

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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 monthly, but meetings may be held at any time by the Commission on the written request of any of the five members or on the call of the Chairman of the Commission or of the Mayor.

#### SECTION 6. Purpose

The Commission shall have for its purpose the preservation and stewardship of all structures in the designated Historic District of the City. The Commission shall have for its further purpose the guardianship of those structures which have architectural and historical value, and which should be preserved for the benefit of the people of the City and State.

The goals of the Marksville Historic Preservation District are as follows:

- A. Protect, enhance and perpetuate resources which represent distinctive and significant elements of the city's historical, cultural, social, economic, political, archaeological, and architectural identity;
- B. Ensure the harmonious, orderly, and efficient growth and development of the city;
- C. Strengthen civic pride and cultural stability through neighborhood conservation;
- D. Stabilize the economy of the city through the continued use, preservation, and revitalization of its resources;
- E. Protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
- F. Promote the use of resources for the education, pleasure, and welfare of the people of the city of Marksville.
- G. Provide a review process for the preservation and appropriate development of the city's resources.

#### SECTION 7. Definition of Marksville Historic Preservation District

The following areas of the City of Marksville, containing all properties either adjacent to or within the described boundary, is hereby designated as the "Marksville Historic Preservation District," to wit:

All areas within the boundary or along the boundary, except as otherwise specified, beginning on South Washington at the intersection with Tunica Drive, and thence northerly along South Washington Street to its intersection with East Waddill Street; thence easterly to its intersection with Patton Street; thence northerly to its intersection with East Mark Street; thence westerly to its intersection with Treasure Place, thence northerly along Treasure Place to its intersection with Ogden Street; thence westerly along Ogden Street to its intersection with North Washington Street; thence northerly along North Washington to its intersection with North Main Street; thence southerly along North Main Street to its intersection with Ogden Street; thence



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westerly along Ogden Street to its intersection with North Monroe Street; thence southerly along North Monroe Street to its intersection with South Monroe Street; thence southerly onto South Monroe Street to its intersection with West Waddill Street, thence easterly along West Waddill to its intersection with South Main Street; thence southerly along South Main Street to its intersection with Tunica Drive; thence easterly along the northern side of Tunica Drive to South Washington Street, the point of beginning. The historical district designated in this section shall include all building sites or lots and all structures, houses or other buildings.

#### SECTION 8. Procedures for Application of Certificate of Appropriateness

- A. Whenever any application for a certificate of appropriateness is filed with the Commission, the Commission shall immediately notify the Director of Building and Permits for the City of Marksville that the application has been filed. Similarly, whenever the Director Building and Permits for the City of becomes aware that an application has been filed for a permit affecting a property under the jurisdiction of the Commission, the Director of Building and Permits for the City of Marksville shall immediately notify the Chairman or Vice-Chairman, if the Chairman is unavailable, that such an action has been filed.
- B. The Commission shall have the authority to determine when a filed application is complete and contains all required information. An application deemed incomplete by the Commission shall not be considered to have been filed for the purposes of this ordinance. The Commission shall develop standard application forms and its written guidelines shall specify what information an applicant shall attach to each form.
- C. Members of the Commission shall establish a regular schedule for the hearings of the Commission. One hearing shall be scheduled for each month unless no application for a certificate of appropriateness has been submitted. However, the Commission must meet at least once every three months even if no applications for a certificate of appropriateness have been submitted.
- D. The applicant shall, upon request, have the right to a preliminary conference with the Commission Chairman, Vice-Chairman, or any Commission member for the purpose of learning whether changes or adjustments to the application could make it more consistent with the Commission's standards.
- E. Not later than seven days before the date set for the said hearing, the city building official shall mail notice thereof to the applicant at the address in the application and to all members of the Commission.
- F. Notice of the time and place of a scheduled public hearing on an application for a certificate of appropriateness shall be given by posting a notice on the front of stated building or lot, and any other method required by law or deemed advisable by the Commission.
- G. At the scheduled public hearing, the applicant for a certificate of appropriateness shall have the right to present any relevant information pertaining to the application. Likewise, the city, the commission and its staff, and members of the public shall have the right to present any additional relevant information pertaining to the application. The Commission shall issue rules of

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procedure specifying in detail how a public hearing shall be conducted and when comments and information from different sources shall be heard.

H. The Commission, at either a preliminary conference or at a public hearing, shall have the right to recommend changes and modifications to enable the applicant to meet the requirements of the Commission. If the Commission chooses to do this at a preliminary conference after an application for a certificate of appropriateness has been filed, then the time during which the Commission must render its decision, as set forth below in Paragraphs 1. and J., shall be extended by thirty (30) days in order to permit the applicant to prepare any new drawings or other submissions which prove necessary.

I. Within not more than thirty (30) days after the hearing on an application, the commission shall act upon it, either approving, denying, or deferring action, giving consideration to the factors set forth in the Commission's Design Guidelines. Evidence of approval of the application shall be via certificate of appropriateness issued by the Commission and, whatever its decision, notice in writing shall be given to the applicant and the city building official.

J. Failure by the commission to either approve or deny within forty-five (45) days of the date of filing of the application with the commission shall be taken to constitute approval of the application by the commission, unless an applicant has requested that the commission delay its decision beyond the forty-five (45) day period otherwise required.

K. The issuance of a certificate of appropriateness shall not relieve an applicant for a companion building permit, special use permit, variance, or other authorization from compliance with any other requirement or provision of the laws of the city concerning zoning, construction, repair, or demolition. In all such cases, applicants are encouraged to apply first for a certificate of appropriateness as other city agencies will be advised by the Commission in making their subsequent decisions.

L. No building permit for a location within the MHPD shall be issued by the city official prior to the issuance of a certificate of appropriateness by the commission. Even if a building permit is not otherwise required by the city ordinances for construction, alteration, demolition, or relocation of any resource, a certificate of appropriateness from the commission is still required.

#### SECTION 9. Submission of Plans to Commission for Exterior Changes

A. The owner of any property within the MHPD shall apply for a Certificate of Appropriateness from the Commission before the commencement of any work in:

1. the erection of any new building or other construction in the Marksville Historic Preservation District; or
2. the alteration or addition to any existing structure in the Marksville Historic Preservation District; or
3. repairing or demolishing of any existing building situated within the Marksville Historic Preservation District.
4. the relocation of any building into or out of the Marksville Historic Preservation District.



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B. The application therefore shall be made to the Commission, accompanied by the full plans and specifications thereof so far as they relate to the proposed appearance, texture, materials, and architectural design of the exterior, including the front, sides, rear and roof of such buildings, alterations or addition of any building or outbuilding, party wall (parting wall), courtyard, sidewalk, driveway, parking area, fence or other dependency thereof.

C. Where, by reason of topographical conditions, irregularly shaped lots, or because of unusual circumstance applicable solely to the particular applicant, strict enforcement of the provisions of this Ordinance would result in serious undue hardship peculiarly affecting said applicant, then the commission, in passing upon his application, shall have the power to vary or modify adherence to this Ordinance provided always that its requirements insure harmony with the general purposes hereof, and will not adversely affect the Historic District as a whole.

#### SECTION 10. Commission Recommendation and Action Thereon

The Commission shall, upon due consideration, render its decision concerning the approval or disapproval of the issuance of the Certificate of Appropriateness, which may include such changes, if any, as in its judgement are reasonably necessary to comply with the requirements of this Ordinance, and send its decision, in writing, to the applicant and the Building Inspector. The issuance of an approved Certificate of Appropriateness, by itself, shall not constitute approval of a work permit. Work permit approvals shall be issued solely by the Building and Permits Inspector.

#### SECTION 11. Appeals

Any person or persons aggrieved by any decision, act or proceedings of the Marksville Historic Preservation District Commission shall have a right to apply in writing to the City Council for reversal or modification thereof; and the Mayor, or presiding officer of the City Council, shall have the right to stay all further action until the City Council shall have had an opportunity to rule thereon. Any such appeal shall be taken in ten days from the date of the written decision of the Commission, and the City 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 City Council may affirm a decision of the Historic District Commission by a majority vote of all its members. The City Council shall have the right to reverse, change or modify any decision of the Commission by a majority vote of all its members. Any person or persons aggrieved by any decision of the City Council affecting said Historic District shall have the right to file a civil suit within thirty days from the date of decision in a court of competent jurisdiction under the usual rules of procedure governing the same, with the right to stay order and injunctive relief provided the situation warrants it.

#### SECTION 12. 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 Ordinance, 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 or the City that such person has engaged or is about to engage in such act or practice, a permanent or temporary

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injunction, temporary restraining order, or other appropriate order shall be granted without bond.

#### SECTION 13. Penalties

Any owner, agent, lessee or other person acting for or in conjunction with him, who shall violate the Marksville Historic Preservation District Ordinance or law or rules, regulations or decisions of the Commission, shall be notified of the violation and be required to remedy the violation without penalty within not more than sixty (60) days. If the violation is not remedied after the established sixty-day grace period, the violator shall be fined not less than fifty dollars nor more than one hundred dollars for each infraction. Each day that a violation occurs, beginning from the first day after the end of the sixty-two-day grace period, shall constitute a separate offense. The Commission shall have the authority to determine that a violation occurred, as well as determine the amount of the penalty for the offense. The Office of Building and Permits shall inform the violator of the offense and collect any fines that are assessed.

#### SECTION 14. 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 Ordinance and shall promptly prosecute any person responsible for such a violation of this Ordinance 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 Ordinance and stopping work attempted to be done without or contrary to the permits reported by the Ordinance.

#### SECTION 15. Provisions of Ordinance Prevail in Case of Conflict

The provisions of this Ordinance shall govern and take precedence over any other provisions of any ordinance or codes of the City of Marksville.

#### SECTION 16. Minimum Maintenance Requirements

In order to ensure the protective maintenance of resources, 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.

#### SECTION 17. Demolition by Neglect

A. Any resource which is a landmark and all resources within a preservation district shall be preserved by the owner or such other person or 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 or more of the following defects:

1. Deterioration to the extent that creates or permits a hazardous or unsafe condition as determined by the City Building Inspector.
2. Deterioration, as determined by the City Building Inspector, of a building characterized by one or more of the following:
3. Those buildings which have parts thereof which are so attached that they may fall and injure persons or property.



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4. Deteriorated or inadequate foundations.
  5. Defective or deteriorated floor supports or floor supports insufficient to carry imposed loads with safety.
  6. Members of walls or other vertical supports that split, lean, list, or buckle due to defective material, workmanship, or deterioration.
  7. Members of walls or other vertical supports that are insufficient to carry imposed loads with safety.
  8. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material, workmanship or deterioration.
  9. Members of ceilings, roof, ceiling and roof supports, or other horizontal members that are insufficient to carry imposed loads with safety.
  10. Fireplaces or chimneys which list, bulge, or settle due to defective material, workmanship, or deterioration.
  11. Any fault, defect, or condition in the building which renders the same structurally unsafe or not properly watertight.

B. If the Commission makes a preliminary determination that a resource is being demolished by neglect, it shall direct the City Building Inspector to notify the owner(s) 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:

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

C. If the owner(s) fail(s) to commence work within the time allotted as evidenced by a Building Permit, the Commission shall notify the owner(s) in the manner provided above to appear at a public hearing before the 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 ensuring lawful notice, a hearing may be continued to a new date and time. The Commission shall receive evidence on the issue of whether the subject resource should be repaired, and the owner(s) may present evidence in rebuttal thereto. If, after such hearing, the Commission shall determine that the resource is being demolished by neglect, it may direct the City Building Official to take appropriate action against the owner(s) if the necessary repairs are not completed within ninety (90) days of the determination by the Commission that the subject building or structure is being demolished by neglect.

II. BE IT FURTHER ORDAINED that if any provision of this Ordinance or the application thereof to any person or circumstance is declared to be unconstitutional by judgement of Court, then in that event, only that particular provision shall be deemed unconstitutional, and the remaining provisions of this Ordinance shall not be affected thereby.

III. BE IT FURTHER ORDAINED that this Ordinance shall be binding and shall go into effect after public hearing and publication in accordance with law.

IV. BE IT FURTHER ORDAINED that is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Marksville, Louisiana, and the sections of this Ordinance may be numbered to accomplish such intention.

The above Ordinance was introduced on the 10 July 2019, and a public hearing was called for 13 August 2019.

The above Ordinance having been submitted to a vote by the Mayor, the vote thereupon was recorded as follows, to-wit:

AYES: Frank Havard, Mike Gremillion, Mary Sampson, Edward Conway, Clyde Benson, and Mayor John Lemoin. NAYS: none ABSENT: none

THEREUPON, the Mayor declared the Ordinance PASSED by a vote of 6 ayes to zero nays, this 9 October 2019.

Mayor

  
Issued by

CITY OF MARKSVILLE, LOUISIANA, HISTORIC PRESERVATION DISTRICT COMMISSION