

ORDINANCE NO. 8 OF 2001

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE V, SECTION 5-81 TO SECTION 5-87, DIVISION 1. GENERALLY AND SECTIONS 5-101 ET SEQ, DIVISION 2. ADVISORY COMMITTEE OF THE CITY OF OPELOUSAS CODE OF ORDINANCE ESTABLISHING A HISTORIC DISTRICT COMMISSION, DEFINING THE HISTORIC DISTRICT, SETTING PROCEDURES FOR APPLICATION OF PERMITS IN THE HISTORIC DISTRICTS, AND SETTING PENALTIES FOR VIOLATION

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 service 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 and encourage responsible economic development, and appreciation and recognition of our unique heritage;

I. NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Opelousas in legal session, as follows, to wit:

SECTION 1. Commission Established

There is hereby created a Commission to be known as the Historic District Commission of the CITY of Opelousas,

SECTION 2. Recommendation and Appointment of Members

The commission shall consist of no fewer than five members and no more than nine members, all of whom shall be residents of Opelousas or members of the Opelousas business community, and shall be appointed by the Mayor. Members may be removed for just cause.

SECTION 3. Term; Vacancies

Each of the members of the Commission shall be appointed for a term of four (4) years. The members of the Commission shall elect the Chairman. Whenever the term of a member of the Commission expires, the Mayor shall appoint his successor. The members may serve consecutive terms. The first commission shall have staggered terms; 1/4 with one (1) year terms, 1/4 with two (2) year terms, 1/4 with three (3) year terms and 1/4 with four (4) terms. All commission members shall have a demonstrated knowledge of or interest, competence, or expertise in historic preservation. The commission shall seek the advice, as needed of professionals in the related disciplines of architectures, history, architectural history, or archaeology, etc.

SECTION 4. Administration and Committees

The Director of Community Development of the City of Opelousas will serve as advisor to the Commission and will act as liaison between the Commission and the Office of the Mayor. Nominal expenses necessary to carry out the duties of the Commission will be budgeted through the aforementioned department. The director will designate the Recording Secretary for the Commission and the department will maintain all files, records, and minutes of the Commission. The Commission will 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; Meeting; Reports; Recommendations

The Commission shall make such rules and regulations as it may deem advisable and necessary for the conduct of its administrative affairs not inconsistent with the laws of the City and State. The Commission shall meet monthly, unless no application for a Certificate of Appropriateness has been submitted, however, meetings may be called at any time by the Commission on the written request of any of the Commission members or on the call of the Chairman of the Commission, or on the call of the Mayor. Copies of the rules, regulations and guidelines are available at the Code Enforcement Officer's Office and the Historic District Commission Office.

SECTION 6. Purpose

The City of Opelousas Historic District 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 areas and structures which have an architectural and historical value and which should be preserved for the benefit of the people of the City and State.

To Wit, the goals of the Opelousas Historic 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. Insure 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 of 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 Opelousas;
- G. Provide a review process for the preservation and appropriate development of the city's resources.

SECTION 7. Definition of Historic District

The following are of the City of Opelousas is designated as the "Opelousas Historic District":

Area 1

Beginning at a point which is the intersection of a point located 100 feet south of the south right-of-way of Bertheaud Avenue and the center line of the abandoned Southern Pacific Railroad; thence in a northerly direction along the centerline of the abandoned Southern Pacific Railroad to a point which is the centerline of the Missouri Pacific Railroad; thence in an easterly direction along the centerline of the Missouri Pacific Railroad to a point which is the centerline of Wallior Street; thence in a southerly direction on a line that is the centerline of Wallior Street to the point which is 100 feet south right-of-way of U.S. Hwy. 190; thence in a westerly direction along a line that is 100 feet south of a parallel to the south right-of-way of U.S. Highway 190 to a point which is the centerline of Academy Street; thence in a southerly direction along the centerline of Academy Street to a point which is 100 feet south of the south right-of-way of Madison Street; thence in a westerly direction along a line that is 100 feet south of and parallel to the south right-of-way of Madison Street to a point which is 100 feet east of the east right-of-way of Oak Street; thence in a southerly direction along a line which is 100 feet to the east of and parallel to the east right-of-way of Oak Street to a point which is 100 feet to the north of the north right-of-way of Leonard Street; thence in a westerly direction along a line that is 10 feet to the north of and parallel to the north right-of-way of Leonard Street to a point which is 100 feet to the east of the projection of the east right-of-way of Azalea Street; thence in a southerly direction along a line that is 100 feet east of and parallel to the east right-of-way of Azalea Street to a point which is 100 feet south of the projection of the south right-of-way of Willow Street; thence in a westerly direction along a line that is 100 feet south of and parallel to the south right-of-way of Willow Street to a point which is 100 feet east of the east right-of-way of Union Street, thence in a southerly direction along a line that is 100 feet east of and parallel to the east right-of-way of Union Street to a point which is centerline of Creswell Lane; thence in a westerly direction along a line that is the projection of the centerline of Creswell Lane to a point which is 100 feet to the west of the west right-of-way of Union Street; thence in a northerly direction along a line that is 100 feet to the west of and parallel to the west right-of-way of Union Street to a point which is 100 feet to the south of the south right-of-way of Bertheaud Street; thence along a line that is 100 feet south of and parallel to the south right-of-way of Bertheaud Street to its intersection with the centerline of the abandoned Southern Pacific Railroad, which is also the point of beginning.

Area 2

Beginning at the intersection of the centerline of Congress Street and the centerline of Union Street; thence in a northerly direction along the centerline of Union Street to the centerline of Perry's Lane; thence in an easterly direction along the centerline of Perry's Lane to the centerline of North Walnut Street; thence in a southerly direction along the centerline of North Walnut Street to the centerline of Congress Street; thence in a westerly direction to the centerline of Congress Street to the point of beginning.

Area 3

Beginning at the intersection of the centerline of Church Street and 100 feet west of the west right-of-way of Main Street; thence in a northerly direction along a line that is 100 feet west of the west right-of-way of Main Street to the centerline of Prudhomme Street; thence in an easterly direction along the centerline of Prudhomme Street to the centerline of Viking Lane; thence in a southerly direction along the centerline of Viking Lane to the centerline of Broussard Drive; thence in an easterly direction along the centerline of Broussard Drive to the centerline of Broussard Drive where it turns to the south at approximately 400 feet; thence in a southerly direction along the centerline of Broussard Drive to the southern boundary of the St. Landry Catholic Cemetery property; thence in a westerly direction along the southern boundary of the St. Landry Catholic Cemetery property to the centerline of Union Street; thence in a northerly direction along the centerline of Union Street to the centerline of Church Street; thence in a westerly direction along the centerline of Church Street to the point of beginning.

Area 4

Beginning at the intersection of the west right-of-way of Market Street and the south right-of-way of Church Street; thence in a westerly direction 154.8 feet along the south right-of-way of Church Street to the point of beginning; thence in a southerly direction 153.4 feet; thence in a westerly direction to the east right-of-way of Bayou Tesson; thence in a northerly direction along the east right-of-way of Bayou Tesson to the south right-of-way of Church Street; thence in an easterly direction along the south right-of-way of Church Street to the point of beginning.

Should any portion or part of a parcel of land fall within the above described boundary of the Historic District, then the whole of set portion or parcel of land shall be considered to be within the boundaries of the Historic District.

SECTION 8. Procedures for Application of Certificate of Appropriateness

A. Whenever any application for a certificate of appropriateness is filed with the Code Enforcement Officer, the Officer shall immediately notify the Opelousas Historic Commission that the application 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 specify what information an applicant shall attach to each form.

C. Members of the Commission shall establish a regular schedule for the meetings of the Commission. One meeting shall be scheduled for each month unless no application for a Certificate of Appropriateness has been submitted. However, the Commission has to meet at least once every quarter even if no applications for a Certificate of Appropriateness have been submitted.

D. The applicant shall, upon request, will have the right to a preliminary conference with the commission staff or the chairman or vice-chairman 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 six (6) days before the date set for the meeting to discuss the application, the Code Enforcement Officer shall notify the applicant at the address in the application of the date set for the

meeting.

F. At the scheduled 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.

G. The Commission, at either a preliminary conference or hearing, shall have the right to recommend changes and modifications to enable the applicant to meet the requirement 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, shall be extended by thirty (30) days in order to permit the applicant to prepare any new drawings or other submissions which prove necessary.

H. Within not more than fifteen (15) days after the hearing on an application, the Commission shall act upon it, either approving, denying, or deferring action until the next meeting of the Commission. Evidence of approval of the application should be by Certificate of Appropriateness issued by the Commission, and whatever its decision, notice in writing shall be given to the applicant and the Code Enforcement Officer.

I. Failure by the Commission to reach and render a decision 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 the applicant has requested that the Commission delay its decision beyond the forty-five (45) day period otherwise required.

J. 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 Historic District Commission in making their subsequent decisions.

K. No building permit, which affects a resource, shall be issued by the Code Enforcement Officer 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, alternation, demolition, or relocation of any resource, a Certificate of Appropriateness from the Commission is required for properties in the Historic District.

SECTION 9. Submission of Plans to Commission for Exterior Changes

A. After the date of adoption of this ordinance, the owner of any property within the Historic District shall apply for a permit or Certificate of Appropriateness from the Commission before the commencement of:

- 1. The erection of any new building or other construction in the Opelousas Historic District; or**
- 2. The alteration or addition to any existing structure in the Opelousas Historic District; or**
- 3. The repairing or demolishing of any existing building situated within the Opelousas Historic District.**
- 4. The relocation of any building into or out of the Historic District.**
- 5. No Certificate of Appropriateness is required to paint any existing or future structure or building situated within the Historic District.**
- 6. No Certificate of Appropriateness is required for fences, floodlights, overhanging balconies, signs, aerial antennas, or satellite dishes situated in the Opelousas Historic District on or before the date of passage of the ordinance.**

B. The application therefore shall be made to the Code Enforcement Officer of the City of Opelousas,

or comparable position, accompanied by the full plans and specifications thereof so far as they relate to the proposed appearance, texture of 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, courtyard, sidewalk, driveway, parking area, fence or other dependency thereof. The Code Enforcement Officer shall refer the permit request and accompanying information to the Commission for its consideration.

C. Where, by reason of topographical conditions, irregularly shaped lots, or because of unusual circumstances 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.

D. The Commission shall deny a Certificate of Appropriateness if it finds that the proposed material changes in appearance would have substantial adverse effects on the aesthetic, historic, or architectural significance and value of the historic property or the historic district. The Commission shall not grant Certificates of Appropriateness for demolition or relocation without reviewing at the same time the post-demolition or post-relocation plans for the site.

E. The requirement of a Certificate of Appropriateness shall also apply to public property which has been designated as a historic property or which is contained in the historic district, and shall also apply to all actions by public authorities which involve historic properties and properties within the Historic District.

SECTION 10. Commission Recommendation and Action Thereon

The City of Opelousas Historic District Commission shall, upon due consideration render its decision concerning the approval or disapproval of the issuance of the permit, which may include such changes, if any, as in its judgment are reasonable necessary to comply with the requirements of this Ordinance, and sent its recommendation, in writing, to the applicant and the Code Enforcement Officer. If the permit is approved, the Code Enforcement Officer shall promptly issue a permit for such work in conformance with the Commission's decision. If the permit request is denied by the Commission, the applicant shall have the right to apply in writing to the city council for reversal and modification thereof. If the Commission modifies the permit and the applicant is aggrieved by the permit modifications, the applicant shall have a right to apply in writing to the city council for reversal and modification thereof.

SECTION 11. Appeals

Any person or persons aggrieved by a decision, act or proceedings of the Opelousas Historic District Commission shall have a right to apply in writing to the City Council for reversal or modifications thereof; and the Mayor, or presiding officer of the City Council, shall have the right to stay all further action until City Council shall have had an opportunity to rule thereon. Any such appeal shall be taken in ten (10) days from date of the written decision, 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 Opelousas Historic District Commission by majority vote of all members. The City Council shall have the right to reserve, change or modify any decision of the Opelousas Historic District Commission by 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 30 days of a decision in a court of competent jurisdiction under the usual rules of procedure governing same, with the right to stay order and injunctive relief provided the situation warrants it.

SECTIONS 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 City of Opelousas 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 in or is about to engage in such act or practice, a permanent or temporary 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 all violate the City of Opelousas Historic District Ordinance or law or rules, regulations or decisions of the Commission, shall be fined not less than \$250 nor more than \$500 for each infraction every thirty (30) days thereafter.

SECTION 14. Stopping Work Commenced Without Permit

The Code Enforcement Officer 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 engage in such violation. Any officer or authorized agent of the Commission shall exercise concurrent or independent powers with the Code Enforcement Officer 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 Opelousas.

SECTION 16. New Construction

Proposals for new construction in the City of Opelousas Historic should seek compatibility with existing structures through the appropriate use site planning, materials, decorative details, architectural elements, and scale. A proposal should not draw unnecessary attention to itself in any one of these characteristics. However, a proposal should not duplicate or copy historic styles and periods. The architectural context is of primary concern.

A. Scale: *The relationship of the building and its elements (including doors and windows) to other structures in the District.* It is important in considering scale that a careful study is made of the height, width, and mass of buildings in the immediate neighborhood and district as a whole. This study should serve to confirm or deny the appropriateness of the height, width, and mass of the proposed building. Maximum height of any new structure shall conform to The Secretary of the Interior's Standards for the Treatment of Historic properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings. In no case shall a new structure exceed a height of 75 feet above the street unless approved by the Historic District Commission.

B. Siting: *The positioning of a building on a lot.* This process includes determining the setback of a building, the spacing of the building from adjacent buildings, and the locations of the walls, fences, walks, drives, and landscaping, if any of these are used in the overall design.

C. Materials: The surface building fabric, which contributes to the exterior character and appearance of a building.

D. Decorative Details: Ornamentation or embellishment.

These include cornices, lintels, arches, balustrades, chimneys, shutters, columns, and other common details. When used, details should create a unifying effect on a building and should be compatible with the context of the neighborhood.

E. Architectural Elements: Parts of buildings that are integral to its composition: These include balconies, roofs, porches, chimneys, dormers, parapets, and other parts of a building that contribute to its overall shape and silhouette. The choice and arrangement of elements of a proposed building should reflect those buildings in the neighborhood. The building should not draw unnecessary attention to itself by failing to relate to neighboring styles. But neither should it copy these styles.

The object is to compliment the context of the City of Opelousas Historic District. The City of Opelousas Historic District Commission shall follow The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings in considering all proposals for new construction and/or rehabilitation.

SECTION 17. Standards for Preservation, Rehabilitation, Restoration, and Reconstruction

A. Standards for Preservation

1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected, and if necessary, stabilized until additional work may be undertaken.

2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable, upon close inspection, and properly documented for future research.

4. Changes to properties that have acquired historic significance in their own right will be retained and preserved.

5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair of limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.

7. Chemical or physical treatments, when determined appropriate, will be undertaken using the greatest means possible. Treatments that cause damage to historical material will not be used.

8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

When the property's distinctive materials, features, and spaces are essentially intact and thus convey the historic significance without extensive repair or replacement; when depiction at a particular period of time is not appropriate; and when a continuing or new use does not require additions or extensive alterations, preservation must be considered as a treatment.

B. Standards for Rehabilitation

1. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

2. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alterations of features, spaces, and spatial relationships that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, shall not be undertaken.

4. Changes to a property that has acquired historic significance in its own right shall be retained and preserved.

5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.

7. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatment that cause damage to historic materials will not be used.

8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and shall be compatible with the historic material, features, size, and proportion, and massing to protect the integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

When repair and replacement of deteriorated features is necessary; when alterations or additions to the property are planned for a new or continued use; and when it depiction at a particular period of time is not appropriate, rehabilitation must be considered as a treatment.

C. Standards for Restoration

1. A property shall be used as it was historically or be given a new use which reflects the property's restoration period.

2. Materials and features from the restoration period shall be retained and preserved. The removal of materials or alteration of features, spaces, and spatial relationships that characterize the period shall not be undertaken.

3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period shall be physically and visually compatible, identifiable, upon close inspection, and properly documented for future research.

4. Materials, features, spaces and finishes that characterize other historical periods shall be documented prior to their alteration or removal.

5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the restoration period shall be preserved.

6. Deteriorated features from the restoration period shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and where possible, materials.

7. Replacement of missing features from the restoration period shall be substantiated by documentary and physical evidence. A false sense of history shall not be created by adding conjectural features, features from other properties, or by combining features that never existed

together historically.

8. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

9. Archeological resources affected by a project shall be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

10. Designs that were never executed historically shall not be constructed.

When the property's design, architectural, or historical significance during a particular period of time outweighs the potential loss of extant materials, features, spaces, and finishes that characterize other historical periods; when there is substantial physical and documentary evidence for the work; and when contemporary alterations and additions are not planned, restoration may be considered as a treatment. Prior to undertaking work, a particular period of time, i.e., the restoration period, should be selected and justified, and a documentation plan for restoration is developed.

D. Standards for Reconstruction

Shall be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstructions with minimal conjecture, and such reconstruction is essential to the public understanding of the property. Reconstruction of a landscape, building, structure, or object in its historic location shall be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts which are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures shall be undertaken.

Reconstruction shall include measures to preserve and remaining historic materials, features, and spatial relationships.

Reconstruction shall be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property shall recreate the appearance of the non-surviving historic properties in materials, design, color and texture.

A reconstruction shall be clearly identified as a contemporary re-creation.

Designs that were never executed historically shall not be constructed.

When a contemporary depiction is required to understand and interpret a property's historic value (including the re-creation of missing components in a historic district or site); when no other property with the same associative value has survived; and when sufficient historical documentation exists to ensure an accurate reproduction, reconstruction may be considered as a treatment.

SECTION 18. Fences

Fence design must be in harmony with the nature of the district. The following fencing materials are not recommend: barbed wire, chain-link, concrete block, stockade, plywood, hardboard, or asbestos board.

SECTION 19. Floodlights

The City of Opelousas Historic District may be illuminated by privately controlled floodlights or other illumination as approved by the Historic District Commission or as permitted specifically by this Ordinance.

SECTION 20. Overhanging Balconies

No overhanging balconies or galleries may be removed, but new or additional balconies may be erected if the conform to the distinctive architecture of the Historic District. The permit for all such new construction or any renovation shall be subject to the requirements of this Ordinance.

SECTION 21. Signs

A. Definitions

1. No portable signs may be erected or replaced within the Opelousas Historical District after the date of adoption of this ordinance.

2. A DISPLAY includes erect, paint, repaint, place, hand, re-hang, repair, maintain paint directly upon a building or other structure, inlay, embed in or otherwise exhibit in public view.

3. A BANNER is a motto, emblem, design, shape or symbol on cloth, plastic, canvas or devices of similar type or materials intended to convey a message or identification.

B. SIGNS Must Conform to Character of Section

In addition to the prohibitions contained in its section, approval of the display of a sign in the City of Opelousas Historic District 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 City of Opelousas Historic District and do not injuriously affect it or impair the value of the community of those buildings having architectural or historical worth.

C. No signs to be displayed in Certain Places

No sign shall be displayed from the parapet or roofs of any buildings in the Historic District. No sign shall be displayed in any manner whatsoever so as to conceal any significant architectural feature or detail of any building.

D. What Signs May Advertise

No sign shall be displayed in the Historic District unless such sign advertises a bona fide business conducted in or on the premises. This is exclusive of any pre-existing, historic "ghost" signs.

E. Number of Primary Signs

In general, one primary sign is allowed to each store, shop, or bona fide place of business, and this sign shall be no larger than the maximum stipulated in this Ordinance. In the case of a business operated on a corner lot that faces two streets, one primary sign on each street facing is allowed and shall be regulated as if each side were a separate storefront. In the case of a single sign being inappropriate, multiple primary signs may be used, the total face area of which may not exceed the maximum size stipulated in this article.

F. Surface Area of Signs

The surface area of any sign shall be in direct proportion to the amount of front footage of each ownership and shall be as follows:

For single faced signs, attached flat against the wall and including, painted wall signs there shall be allowed thirty (30) square inches of sign surface area to each foot of lot frontage. The exception for this rule is for decorative, non-commercial murals which also require a Certificate of Appropriateness from the Historic District Commission. For double faced signs, suspended by brackets or arms perpendicularly from the wall of a building, the surface area shall be the sum of the area of each face not to exceed thirty square inches of sign surface area to each foot of lot frontage.

In the case of multiple businesses operating at a single location, the total face area of 1-1/2 times the maximum stipulated in this article.

G. Secondary Signs

In addition to the primary sign(s) referred to in (SECTION 21, E), small secondary signs may be used to identify the following:

- Entrance doors
- Operating hours
- Temporary signs

H. Temporary Signs

Temporary signs of promotional nature may be placed on the interior of store window. A permit is not required for the placement of a temporary sign. Temporary signs may be placed on the exterior of a building for the following special situations: for the identity of real estate for sale and for political advertisement. Except for signs larger than 2' x 2' yards signs, no application is required, but the must be removed when election is over.

I. Portable and Changeable Letter Signs

No portable signs may be erected or replaced within the City of Opelousas Historic District after date of adoption of this ordinance.

J. Illuminated Signs

Illuminated signs may be constructed or erected within the City of Opelousas Historic District with the express approval of the Historic District Commission. Concealed lighting is recommended. Bulbs may not be exposed. The light should enhance the sign as well as the building on which it is mounted. Flashing of intermittent signs (exclusive of historic signs) are not permitted.

K. Signs No Longer Complying as to Advertisement to be Taken Down

Any sign displayed which no longer advertises a bona fide business (exclusive of historic or "ghost" signs) conducted upon the premises shall, upon notification by the City of Opelousas Historic District Commission or its agent (who is hereby specifically authorized to so proceed) be taken down, removed, or obliterated within fifteen (15) days after such notification and failure to so comply on the part of the owner, occupant, agent, or any 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 11.

L. Building Code Applicable to Signs

All signs under this section shall be further governed by existing regulations of the Building Code of the City which are not conflict with section.

M. Applications for Signs to be Submitted to Commission

All applications for permits to display signs within the Historic District of the City shall be submitted to the Code Enforcement Officer and then the Historic District office for approval before a permit may be issued in conformity with SECTION 9.

N. Form of Application to Display Signs; Accompanying Drawings

Application for a permit to display signs in the Historic District of the City shall be made to the Code Enforcement Officer. Such an application shall be accompanied by sketches and drawings in triplicate showing details of construction and foundation and shall delineate the size, shape, design, color of lighting and position in relation to the building from or upon which it shall be displayed.

O. The hanging or stringing of banners or streamers, decoration, or signs, of any kind of material across any public street in the Historic District is prohibited. Banners hung from poles or buildings, or other structures are not permitted in the Historic District. Banners hung from clips from designated poles in the District must receive a Certificate of Appropriateness from the Historic District Commission before they may be hung.

SECTION 22. Aerials, Antennas, etc. Prohibited

The placement of aerials, antennas or satellite dishes should be located as inconspicuously as possible.

SECTION 23. Minimum Maintenance Requirements

In order to insure 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 24. 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 City Building Inspector.**
- 2. Deterioration as determined by the City Building Inspector, of a building characterized by one or more of the following:**
 - a. Those buildings which have parts thereof which are so attached that they may fall and injure persons or property.**
 - b. Deteriorated or inadequate foundations.**
 - c. Defective or deteriorated floor supports or floor supports insufficient to carry imposed loads with safety.**
 - 1. Members of walls or other vertical supports that split, lean, list or buckle due to defective material, workmanship, or deterioration.**
 - 2. Members of walls or other vertical supports that are insufficient to carry imposed loads with safety.**
 - 3. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that sag, split, or buckle due to defective material, workmanship, or deterioration.**
 - 4. Fireplaces or chimneys that list, bulge, or settle due to defective material, workmanship, or deterioration.**
 - 5. Any fault, defect, or condition in the building which renders the same structurally unsafe or not property water-tight.**

B. If the Commission makes a preliminary determination that a resource is being demolished by neglect, it shall direct the Code Enforcement Officer to notify the owner(s) of the resource of this preliminary determination, stating the reasons therefore, and shall give the owner a 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.

- 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 insuring 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 shall 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 Code Enforcement Officer to take appropriate action, including the imposition of fines, 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.

SECTION 25. Mobile homes, mobile home parks, and portable buildings

A. Definitions

***Mobile home, manufactured home, and manufactured housing* are defined as structures, transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width or thirty (30) body feet or more in length, or when erected on the site, is two hundred forty (240) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating and air conditioning, and electrical systems contained therein except that such term shall include any structure which meets all the requirements of this paragraph except the size**

requirements and with respect to which the manufacturer voluntarily files a certification required by the fire marshal. For purposes of this ordinance, the terms “mobile home”, “manufactured home”, and “manufactured housing” may be used interchangeably.

Mobile Home Park is defined as any tract of land developed or used for the purpose of accommodating one or more mobile homes occupied for dwelling or sleeping purposes, or other uses, whether or not a charge is made for such accommodations.

Mobile Home Space is defined as a parcel of land for the placement of a mobile home and the exclusive use of its occupants.

Portable Building is defined as any structure of metal or similar material, moved onto the property to be built up on skids, or placed or built on a concrete slab.

Temporary Buildings are defined as structures intended for use of six months or less, such as construction offices on site.

Dependent Buildings are separate structures, other than the main structure on a property, such as garages and workshops.

B. No additional mobile homes or mobile home parks shall be permitted or licensed within the Historic District. Furthermore, there shall be no further expansions or additions to any existing mobile home park. Further, once a mobile home has been removed for failure to comply with city of Opelousas building codes, that mobile home nor its mobile home space shall not be replaced with another mobile home.

C. Mobile homes or mobile home parks in existence within the Historic District at the time this ordinance is passed shall have six months from date of adoption to comply with the existing city building codes used by the City of Opelousas. Refer to Chapter 17, Mobile Homes, City of Opelousas, Code of Ordinances. Failure of a mobile home owner, mobile home renter, or mobile home park owner to comply with city building codes of Opelousas within six (6) months from the date of adoption of this Ordinance shall result in the creation of public nuisance which may be abated in legal proceedings which could result in declaration of a public nuisance and ordering compliance with these provisions or removal of mobile homes from the site.

D. Any mobile home brought into the Historic District shall, after date of adoption of this ordinance, be removed by the owner at the owner’s expense within 30 days of notification from the Code Enforcement Officer. Furthermore, no utilities shall be provided by the City of Opelousas to any mobile home moved into the Historic District in violation of this section.

E. Portable buildings or temporary buildings for commercial use are only permitted within the Historical District with a Certificate of Appropriateness from the Historic District Commission.

F. Portable or temporary buildings in existence within the Historic District at the time this ordinance is passed shall have six months from date of adoption to comply with the existing city building codes used by the City of Opelousas. Failure of an owner or renter to comply with the city building codes of Opelousas within six months from the date of adoption of this Ordinance shall result in the creation of a public nuisance which may be abated in legal proceedings which could result in declaration of a public nuisance and ordering compliance with these provisions and removal of structures from the site.

G. Dependent Buildings must reflect the exterior materials of the main building on a property and be compatible to the architectural style of the area.

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 judgment 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 all Ordinances in conflict with this Ordinance are hereby repealed.

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

Said Ordinance having been introduced on October 9th, by Alderman Pefferkorn, notice of public hearing having been published, said public hearing been held, the title having been read and the ordinance considered, on a motion by Alderman Pefferkorn, and seconded by Alderman Guillory, to adopt the Ordinance, a record vote was taken and the following result was had:

YEAS: Aldermen Payne, Guillory, Pefferkorn, and McKinney

NAYS: Aldermen Castain and Charles

ABSENT: None

Whereupon, the presiding officer declared the above Ordinance duly adopted on November 13, 2001.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE

I, FRANCES CARRON, Clerk for the City of Opelousas, Louisiana do hereby certify that the above ordinance was adopted by the Board of Aldermen at a Regular Meeting on November 13, 2001.

CITY CLERK