

ORDINANCE NO. 615

WHEREAS, within the Historic District of the Town of Oak Grove, there exist many vacant buildings, that if left unoccupied and unmonitored, may fall into a state of disrepair, become a haven for criminal activity, and create a blight on the area; and

WHEREAS, it the responsibility of the Town Council of the Town of Oak Grove to protect the health, safety, morals, and welfare of the citizens of the Town of Oak Grove by establishing a registration program for vacant buildings in the Historic District in order to monitor the vacant buildings and ensure that they are maintained in compliance with this code and other applicable laws and to encourage their demolition or return to occupancy in a timely manner;

NOW THEREFORE; BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF OAK GROVE, LOUISIANA THAT ORDINANCE 558 FOR THE TOWN OF OAK GROVE, LA BE AMENDED AND SUPLIMENTED TO ADD SECTION 14 AND SUPPLEMENT 12 AS FOLLOWS:

Section 12 – Minimum Maintenance Standards and Demolition by neglect

A. The standard of care for all properties in the historic district shall be subject to approval by the director, and shall include, but is not limited to:

1. **Protective treatment:** All exterior surfaces, including, but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition, weather tight and in such condition so as to prevent the entry of rodents and other pests. All exposed wood or metal surfaces subject to rust or corrosion, other than decay resistant woods or surfaces designed for stabilization by oxidation shall be protected from the elements and against decay or rust by periodic application of weather coating materials such as paint or similar surface treatment. All surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. All siding, cladding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather-resistant and water-tight.

2. **Premises identification:** The property shall have address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Numbers shall be a minimum of four (4) inches/one hundred two (102) mm high.

3. **Structure:** All structural members and foundation shall be maintained free from deterioration and shall be capable of safely supporting the imposed loads.

4. **Exterior walls:** All exterior walls shall be kept in good condition and shall be free from holes, breaks, and loose or rotting materials. Exterior walls shall be maintained weatherproof and properly surface coated where necessary to prevent deterioration.

5. **Roof and drainage:** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent accumulation, dampness or deterioration. Roof drains, gutters and downspouts shall be maintained in good repair, free from obstructions and operational, and shall properly direct rainwater towards storm drains, and prevent ponding of water next to foundation for an extended period of time.

6. **Decorative features:** All cornices, belt courses, corbels, applications, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

7. **Overhang extensions and awnings:** All overhang extensions including, but not limited to, canopies, marquees, signs, awnings, and fire escapes shall be maintained in good repair and be properly anchored and supported as to be kept in a sound and safe condition.

8. *Stairways, decks, porches and balconies*: Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

9. *Chimneys and towers*: All chimneys, cooling towers, smoke stacks and similar appurtenances shall be maintained structurally safe and sound, and in good repair.

10. *Handrails and guards*: Every exterior handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

11. *Window, skylight and door*: Every window, storefront, skylight transom, and exterior door part, including, but not limited to, the frame, the trim, window screens and hardware shall be kept in sound condition and good repair. All broken or missing windows shall be replaced with glass and secured in a manner so as to prevent unauthorized entry. All broken or missing doors shall be replaced with new doors which shall be secured to prevent unauthorized entry. All glass shall be maintained in sound condition and good repair. All exterior doors, door assemblies and hardware shall be maintained in good condition and secured. Locks at all exterior doors, exterior attic access, windows, or exterior hatchways shall tightly secure the opening. Windows and doors shall not be secured by plywood or other similar means mounted on the exterior except as a temporary securing measure, generally not to exceed a period of thirty (30) days, and such securing shall be removed within the period of time designated by the director.

12. *Basement hatchways and windows*: Every basement hatchway shall be maintained to prevent the entrance of rodents, birds, rain and surface drainage water. Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against entry of rodents.

B. All repairs shall be subject to approval by the director, or by the building official and meet the requirements set forth as standards for Historic Structures by the National Parks Service. All required permits and final inspections prior to and/or following repairs shall be in accordance with applicable laws and ordinances. Historic properties and properties within designated historic districts are additionally subject to all applicable rules and regulations provided by this Code.

C. Continued failure to maintain the structure to the standards of care required by this chapter after repeated contact by the city regarding the obligations of this chapter shall be a violation and subject to the provisions of [Section G](#).

Section 14 - VACANT STRUCTURES

A -- Definitions

1. The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

a. Historic district, or district, means the Historic District, as defined in Section 1 of Town of Oak Grove Ordinance 558

b. Owner or property owner means any person, agent, firm, partnership, limited liability company, corporation, or other entity having a legal interest in the property.

c. Department means the Office of the Mayor of the Town of Oak Grove.

d. Director refers to the City Clerk or whomever the Mayor designates to direct and enforce the Town of Oak Grove Historic District Vacant Structure Program.

e. Secured, secure, and securing SECURED means all accessible means of ingress and egress to the vacant structure, including but not limited to all exterior doorways and windows, are locked so as to prevent unauthorized entry.

f. Structure means any construction that which is built or constructed.

g. Vacant structure means that all active lawful commercial or residential activity has ceased, or reasonably appears to have ceased for a continuous period of thirty (30) days. Storage or "warehousing" is not considered an active lawful commercial activity.

h. Lawful activity is that the current use of the structure is that commercial or residential use for which the structure was built or intended to be used or is lawfully being used under the zoning ordinances of the Town of Oak Grove. Commercial use must have and keep regular published hours of operation.

B - Applicability and administration.

1. This chapter shall apply to all vacant structures, as defined herein, which are now in existence or which may hereafter be constructed or converted from other uses, and which are located within the boundaries of the district *as defined in Ordinance 558 for the Town of Oak Grove*.
2. The Mayor is authorized to administer and enforce the provisions of this chapter.
3. Subject to review and approval by the mayor the director shall have the authority to render interpretations of this chapter and to adopt policies and procedures in order to clarify the application of its provisions. Subject to review and approval by the mayor, the director may also enter into an agreement with a registered property owner to obtain compliance with this chapter by a date certain in lieu of the deadlines otherwise provided by this chapter.
4. Any objection to any determination by the director shall be reviewed by the mayor within fifteen (15) days of receipt of written notice of objection which requests a review by the mayor. An appeal of the decision of the mayor shall be heard at the next scheduled meeting of the Town Council of the Town of Oak Grove, but only if a written request for appeal is made within ten (10) days of the decision of the mayor.

C -- Registration required.

1. The property owner of any vacant structure shall have ninety (90) days in which to register from the date that written notice is issued to the property owner. Written notice shall be issued to the property owner by means of personal service, or by first class mail to their last known address according to the records of the West Carroll Parish Assessor's Office, and by posting on the property. The director may consider evidence provided to him/her that the property is listed for sale or lease for a reasonable fair market value and for a reasonable length of time for purposes of extending the length of time before the property must be registered. For the purposes of this ordinance fair market value will be determined by comparing most recent purchase price and or averages lease prices per square footage for other buildings located in the Town of Oak Grove Historic District. Current conditions of the building will also be taken into consideration in determining fair market value. In the event this evaluation is disputed both the town and the property owner, at both parties' own expense, shall conduct an appraisal by a Louisiana licensed appraiser and the average of both appraisals will be used to determine fair market value (this includes for rent and sale price.)
2. Upon the issuance of notice to register vacant structure, a property owner shall register with the department and provide the following information:
3. The address and legal description of the property.
4. The current name, physical address, mailing address, telephone number, and email information for every owner with an ownership interest in the property. Entities shall submit the same information pertaining to their registered agent, or other legal representations.
5. The contact information for a local manager of the property.
6. Proof of public liability insurance, in an amount no less than two hundred fifty thousand dollars (\$250,000,000.00) and covering the property.
7. Complete the comprehensive plan of action form provided by the department, detailing a timeline for correcting violations, rehabilitation, maintenance while vacant, and future use of the structure. The plan of action must be updated every six (6) months.

8. A complete floor plan of the property for use by first responders in the event of a fire or other catastrophic event, except Oak Grove Fire Department may waive any or all of this requirement based on their existing information and needs.

9. Vacant structure property owners shall provide written notice to the director, including providing a copy of any new deed, of any change in:

a. Ownership of the property.

b. Contact information for either the owner or the designated manager.

10. Written notice must be provided to the department no later than thirty (30) days after such changes have occurred.

11. Proper registration shall be valid for a period of six (6) months. Following expiration of six (6) months, the building owner must again register the property, and shall continue to do so each six (6) months until the structure is deemed occupied and in compliance with all relevant requirements of this Code. The director shall make this determination.

- **Section D. - Registration fees.**

1. Vacant structure property owners shall tender a registration fee at each six (6) months registration, the registration fee at the time of the first registrations shall be two hundred fifty dollars (\$250.00).

2. The registration fee for each subsequent registration shall increase by fifty percent (50%) of the registration fee paid during the previous period, with a maximum registration fee of three thousand seven hundred ninety-seven dollars (\$3,797.00).

3. All renewal fees shall be used solely to offset the costs of this program, or to improve or promote the areas affected by these provisions in ways designed to improve the ability of property owners to sell, lease or develop the properties which are subject to this program.

- **Section E - Property manager or agent.**

1. Vacant structure property owners must designate a local property manager for each property and include the relevant contact information for the designated manager upon registering the property with the department. Property managers shall act as agents for the property owner for purposes of accepting legal service, however the designation of a property manager does not limit the responsibilities of the property owner under the provisions of this chapter.

- **Section F - Fee waivers.**

1. All fee waivers must be applied for, using the forms provided, on an annual basis, and are subject to approval by the director. A fee waiver is only valid for a maximum of twelve (12) months.

2. Property which has been devastated by a catastrophe such as fire or flood significantly damaging in excess of fifty percent (50%) of the structure: The owner has thirty (30) days to register from the date of the disaster but shall be exempt from the fees. This exemption is for the duration of one year from the date of the catastrophe; thereafter all applicable fees are due.

3. Representatives of a property owner who is deceased or is no longer legally competent must register the property and are otherwise subject to this chapter but shall be exempt from the registration fees for a period of six (6) months.

4. Where the owner of the property has obtained a building permit and is progressing in an expedient manner to prepare the premises for occupancy, the owner must register the property and is otherwise subject to this chapter but shall be exempt from the registration fees.

- **Section G - Jurisdiction, enforcement and penalties.**

1. Failure to comply with the provisions of this chapter after written notice of the property owner's failure to timely comply with the provisions of this chapter shall be a misdemeanor. Written notice of violation will precede the issuance of a criminal

citation, in which the vacant property owner will be given a reasonable length of time, as determined by the director, to remedy the violation. Written notice may be issued to the vacant structure property owner by means of personal service, or by first class mail to their last known address according to records of the assessor's office and by posting a copy of that notice on the property.

2. Failure to register with the department after written notice to the vacant structure property owner, as is hereinafter specified, is a violation of this article.
3. The fine for this offense may not exceed five hundred dollars (\$500.00).
4. Administrative, civil, and criminal enforcement are alternative remedies which may be sought independently of each other. Criminal prosecution may occur regardless of pursuit of civil or administrative remedies, and vice versa.
5. Each thirty (30) days a property owner has not complied with the provisions of this chapter shall be a separate offense. Each violation shall be subject to a penalty of up to five hundred dollars (\$500.00).
6. A violation of this chapter is separate and apart from any other violation of a provision of this Code, and prosecution for a violation of this chapter shall not limit or otherwise affect actions for other violations under this Code.
7. Termination of lawful commercial or residential activity.
8. Thirty (30) days from termination of lawful commercial or residential activity become a "vacant structure."
9. Written notice to a property owner may be in person, or by U.S. mail or private mail carrier to the domicile of the owner, to the regular business address of the owner, or to the mailing address of the owner reflected on the official records of the West Carroll Parish Assessor's Office. Notice to the designated representative of an owner shall be considered as notice to the owner.
10. Ninety (90) days after notice from the city that a property has become a "vacant structure", the owner of the property must register the property with the city by properly submitting all required forms provided by the city; including a comprehensive plan of action in the form at provided by city, plus all applicable registration fees and annual inspection fees.
11. Notwithstanding the deadline provided in subsection (4) above, the director may grant an extension or extensions, each for a period of three (3) months, where the owner establishes to the satisfaction of the director that the property is being actively marketed for sale or for lease/rental, and the condition and appearance of the building substantially meet and comply with the provisions of this chapter.

A. The director shall list in detail this basis for each such extension, which shall be available to all property owners in order to assure uniform and consistent applicability of these provisions to all property owners.

Section H - SEVERABILITY CLAUSE:

1. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section I - REPEALING CLAUSE:

1. Any provision of any prior ordinance of the City whether codified or uncodified, which are in conflict with any provisions of the Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City whether codified or uncodified, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section J - Streamline:

1. This section hereby amends all mentions of Zoning Commission in Ordinance 558 and replaces it with Director as defined in Section 14-9001 (6). Appeals and objections shall be handled in the same manner as detailed in Section 14-9002 (D) of this ordinance

Section K- EFFECTIVE DATE:

1. This Ordinance shall become effective immediately upon its passage.

The above Ordinance having been read and discussed by sections was moved for adoption by Council Member Dunnahoe seconded by Council Member Gammill, and upon a vote being taken, the results were as follows:

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| YEAS: | 2 |
| NAYS: | 2 |
| ABSENT: | 1 |

The Mayor cast the tie breaking vote in favor of.

WHEREUPON the Ordinance was declared duly adopted this 14th day of October 2021.

ADAM T. HOLLAND, MAYOR

ATTEST:

MELLISSA CORLEY, CLERK