

# CHAPTER 27

## General Provisions

Section 27.1	How code designated and cited
Section 27.2	Catchlines of sections; citations
Section 27.3	Effect of repeal of ordinances
Section 27.4	Severability of parts of code
Section 27.5	Amendment to code; effect of new ordinances; amendatory language
Section 27.6	Altering code
Section 27.7	Repealed
Section 27.8	Corporate limits established
Section 27.9	Streets of municipality named
Section 27.10	Use of municipal vehicles
Section 27.11	Urban Forestry Ordinance
Section 27.12	Landmark and Heritage
Section 27.13	Smoking prohibited in municipal buildings

### **Section 27.1 How code designated and cited**

The provisions embraced in the foregoing chapters and sections shall constitute and be designated the "Code of Ordinances, Town of Brusly, Louisiana" and may be so cited.

### **Section 27.2 Catchlines of sections; citations**

The catchlines of sections of this code are intended to indicate the contents of the section and shall not be deemed or taken to be titles of the sections nor as any part of the section; nor, unless expressly so provided, shall they be so deemed when any of the sections, including the catchlines, are amended or reenacted.

### **Section 27.3 Effect of repeal of ordinances**

(a) The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

(b) The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect nor any suit, prosecution, or proceeding pending at the time of the repeal for an offense committed under the ordinance repealed.

### **Section 27.4 Severability of parts of code**

It is hereby declared to be the intention of the mayor and board that the sections, paragraphs, sentences, clauses, and phrases of this code are severable; and if any phrase, clause, sentence, paragraph, or section of this code shall be declared unconstitutional, illegal, or otherwise invalid by the valid judgment or decree of court of competent jurisdiction, the unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this code.

### **Section 27.5 Amendment to code; effect of new ordinances; amendatory language**

(a) All ordinances subsequent to this code of ordinances which amend, repeal, or in any way affect this code of ordinances may be numbered in accordance with the numbering system of this code and printed for inclusion therein. When subsequent ordinances repeal any chapter, section, or subsection or any portion thereof, the repealed portions may be excluded from this code by omission from reprinted pages.

(b) Amendments to any of the provisions of this code shall be made by amending the provisions by specific reference to the section of this code in substantially the following language:

"Be it ordained by the board of aldermen of the town of Brusly, Louisiana, that section of the code of ordinances of the town of Brusly, Louisiana, is hereby amended to read as follows:" (Set out new provisions in full.) (Amended by Ordinance No. 4 of 1986.)

(c) When the board desires to enact an ordinance of a general and permanent nature on a subject not heretofore existing in the code, which the board desires to incorporate into the code, a section in substantially the following language shall be made part of the ordinance:

ASection . Be it ordained by the board of aldermen of the town of Brusly, Louisiana, that the provisions of this ordinance shall become and be made a part of the code of ordinances of the town of Brusly, Louisiana, and the sections of this ordinance may be re-numbered to accomplish this intention." (Amended by Ordinance No. 4 of 1986.)

(d) All sections, articles, chapters, or provisions of this code desired to be repealed should be specifically repealed by section or chapter number, as the case may be.

### **Section 27.6 Altering code**

It is unlawful for any person to change or amend by additions or deletions any part or portion of this code or to insert or delete pages or portions thereof or to alter or tamper with this code in any manner whatsoever which will cause the law of the municipality to be misrepresented thereby. Any person violating this section shall be punished as provided in section 25.6 hereof.

### **Section 27.7 Repealed by Ordinance No. 7 of 1992**

### **Section 27.8 Corporate limits established**

The map of the municipality showing the territorial limits thereof is hereby designated as the official map of the municipality, and the corporate limits as shown thereon are declared to be the true and correct corporate limits of the municipality, including all annexations made through and including the date of adoption of this code.

## **Section 27.9 Streets of municipality named**

The various streets within the corporate limits of the municipality are hereby named as follows:

1. That portion of Louisiana Highway 988 running from the northern corporate limits of the municipality to the intersection with East Main Street is named North Kirkland Drive.
2. That portion of Louisiana Highway 988 running south from the intersection with East Main Street to the southern corporate limits of the municipality is named South Kirkland Drive.
3. That portion of Louisiana Highway 1 located within the corporate limits of the municipality is named Louisiana Highway 1.
4. That portion of Louisiana Highway 989-2 running west from the intersection with North Kirkland Drive and South Kirkland Drive to the intersection with Vaughan Drive is named East Main Street.
5. The street located one block north of East Main Street and running west from North Kirkland Drive to a dead-end is named River Oaks Street.
6. That street located one block north of River Oaks Street and running west from north Kirkland Drive to a dead-end is named Blanchard Street.
7. The street located one block south of East Main Street and running west from South Kirkland Drive to Landry Street is named Gwin Street.
8. The street located one block south of Gwin Street and running west from South Kirkland Drive to First Street is named Bourgeois Street.
9. That portion of the road known as Heck's Lane located one block south of Bourgeois Street and running west from South Kirkland Drive to Vaughan Drive is named East St. Francis Street.
10. The short street west of South Kirkland Drive running from East Main Street south to South Kirkland Drive near Gwin Street is named Bourg Street.
11. The street located one block west of Bourg Street and running south from East Main Street to Bourgeois Street is named Julien Street.
12. The street located on block west of Julien Street and running south from East Main Street to Bourgeois Street is named LeJeune Street.
13. The street located one block west of LeJeune Street running south from East Main Street to Bourgeois Street is named St. Matthew Street.
14. The street located on block west of St. Matthew Street and running south from East Main Street to Bourgeois Street is named St. Mark Street.
15. The street located one block west of St. Mark Street and running south from East Main Street to Bourgeois Street is named St. Luke Street.
16. The street located one block west of St. Luke Street and running south from East Main Street to Bourgeois Street is named St. John Street.
17. The street located one block west of St. John Street and running south from East Main Street to Bourgeois Street is named Landry Street.
18. The street located on block west of Landry Street and running south from East Main Street to Bourgeois street is named First Street.
19. The street located one block west of North Kirkland Drive and running north from East Main Street to a dead-end is named St. Mary Street.
20. That portion of the state access road to Louisiana Highway 1 located east of

- Louisiana Highway 1 and running north from the intersection with East Main Street to the corporate limits of the municipality is named North Vaughan Drive.
21. That portion of the state access road to Louisiana Highway 1 located east of Louisiana Highway 1 and running south from the intersection with East Main Street to the corporate limits of the municipality is named South Vaughan Drive.
  22. The street located one block north of East Main Street and running east from North Frontage Road to the intersection with Courtney Drive is named Lee Drive.
  23. The street running east from the intersection with Irma Street and intersecting with Lee Drive is named Courtney Drive.
  24. The street intersecting with Courtney Drive and running east to a dead-end is named Tullier Street.
  25. The street one block east of North Frontage Road and running north from the intersection with Lee Drive to the intersection with Courtney Drive is named Irma Street.
  26. That portion of the road known as Heck's Lane running west from Louisiana Highway 1 to the intersection with South LaBauve Avenue along the southern corporate limits of the municipality is named West St. Francis Street.
  27. That portion of Louisiana Highway 989-2 located one block north of West St. Francis Street and running west from Louisiana Highway 1 to the intersection with South LaBauve Avenue and North LaBauve Avenue is named West Main Street.
  28. The street located one block north of West Main Street and running west from Louisiana Highway 1 to a dead-end is named Hebert Street.
  29. The street located one block west of Louisiana Highway 1 and running north from West Main Street to Venzule Drive is named Anita Street.
  30. The street intersecting with Anita Street and running east and west into dead-ends is named Venzule Drive.
  31. The street located one block west of Anita Street and running north from West Main Street to a dead-end is named Richard Street.
  32. The street located one block west of Richard Street and running north from the intersection with South LaBauve Avenue and West Main Street to a dead-end is named North LaBauve Avenue.
  33. That portion of Louisiana Highway 989-2 running north from the intersection with West St. Francis Street to the intersection with North LaBauve Avenue and West Main Street is named South LaBauve Avenue.
  34. The street located one street south of West Main Street which runs west from the intersection with South LaBauve Avenue to a dead-end is named Live Oak Drive.
  35. The street one block north of Live Oak Drive and running west from North LaBauve Avenue to a dead-end is named Short Street.
  36. The street one block north of Short Street and running west from North LaBauve Avenue to a dead-end is named Pecan Street.
  37. The street located one block north of Pecan Street and running west from North LaBauve Avenue to a dead-end is named Allene Street.
  38. The street located one block north of East St. Francis Street and running east from the intersection with South Frontage Road to a dead-end is named Marshley Street.
  39. The street located one block east of South LaBauve Avenue and running south from the intersection with West Main Street to the intersection with West St. Francis

- Street is named Elaine Street.
40. The street located one block south of East St. Francis Street and running west from the intersection with Margaret Street is named Marionneaux Street.
  41. The street located one block north of Allene Street and running west from North LaBauve Avenue to a dead-end is named Orleans Quarters Drive;
  42. The street located one block west of Pin Oak Street and running south from its intersection with Ory Drive is named Black Oak Street;
  43. The street located one block west of Kirkland Street and running south from its intersection with East St. Francis Street is named Margaret Street;
  44. The street located one block south of Marionneaux Street and running west from its intersection with Margaret Street to its intersection with Floyd Street is named Gleason Street;
  45. The street located at the west end of Gleason Street and running north one block to a dead end is named Floyd Street;
  46. The street located one block south of Live Oak Drive and running west from its intersection with South LaBauve Avenue to its intersection with Black Oak Street is named Ory Drive;
  47. The street located three blocks west of South LaBauve Avenue and running north from its intersection with Ory Drive, through its intersection with Live Oak Drive to a dead end, is named Pin Oak Street;
  48. The street located one block west of South LaBauve Avenue running north from a dead end south of its intersection with Ory Drive, through its intersection with Live Oak Drive to a dead end, is named Red Oak Street;
  49. The street located one block east of Elaine Street and running north one block from its intersection with West St. Francis Street is named Clubhouse Drive;
  50. The street that begins at the north end of Clubhouse Drive and runs north to its intersection with Oak Bend Drive is named East Brusly Oaks Drive;
  51. The street that begins at the north end of East Brusly Oaks Drive and runs west to its intersection with Elaine Street is named North Brusly Oaks Drive;
  52. The street that begins at the north end of Clubhouse Drive and runs west to its intersection with Willow Oak Drive is named Spanish Oak Drive;
  53. The street that begins at the west end of Spanish Oak Drive and runs north to its intersection with Water Oak Drive is named Willow Oak Drive;
  54. The street that begins at the north end of Willow Oak Drive and runs east to its intersection with Oak Bend Drive is named Water Oak Drive;
  55. The street located one block east of Willow Oak Drive and running north from its intersection with Spanish Oak Drive to a turnaround is named Oak Leaf Court;
  56. The street located one block north of Spanish Oak Drive and running east from its intersection with East Brusly Oaks Drive is named Cypress Point;
  57. The street located one block west of Landry Street and running north from its intersection with East Main Street to a dead end is named Jay Street.
  58. The street located two blocks west of South LaBauve Avenue and running north from its dead end south of its intersection with Ory Drive, through its intersection with Live Oak Drive to a dead end, is named White Oak Street.

59. The street located one block west of Louisiana Highway 1 running north from the intersection of West St. Francis to a dead end in named Oak Plaza Boulevard.

### **Section 27.10 Use of municipal vehicles**

Municipal vehicles may be used by any Town Official or employee only for the conduct of official Town Business. No municipal vehicle may be used by any Town employee while on leave. No municipal vehicle shall leave the West Baton Rouge Parish limits nor shall anyone be permitted to use or be a passenger in the vehicle with the following exceptions:

1. Transport of Town officials and/or employees conducting official Town business.
2. Pursuit and/or apprehension of a suspect.
3. Transport of persons in custody to or from the police department or jail. (Amended by Ordinance 10 of 2011)

## **SECTION 27.11 URBAN FORESTRY ORDINANCE**

### **Sec. 27.11.1 Purpose**

The following ordinance is designed to manage town tree resources by regulating the planting, maintenance, and removal of trees in public places and establishing a tree commission. The Tree Commission shall prescribe regulations relating to planting, maintaining, and removal of trees, shrubs, and other landscape materials on public land.

### **Sec. 27.11.2 Definitions**

#### **A. Street Trees:**

Street trees are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or right of ways within the Town.

#### **B. Park Trees:**

Park trees are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the Town, or to which the public has free access as a park.

#### **C. Town Urban Forester:**

The Town Urban Forester is that person who shall carry out enforcement of this ordinance and enforce the Tree Board's written plan and regulations for the care, preservation, pruning, planting, replanting,

removal, or disposition of trees and shrubs in parks, along streets, and in other public areas.

**Sec. 27.11.3 Creation and Establishment of a Town Tree Board**

There is hereby created and established a Town Tree Board for the Town of Brusly which shall consist of five members, citizens and residents of this town, who shall be appointed by the mayor with the approval of the Town Council.

**Sec. 27.11.4 Terms of Office**

The term of the five persons to be appointed by the Mayor shall be three years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

**Sec. 27.11.5 Compensation**

Members of the board shall serve without compensation.

**Sec. 27.11.6 Duties and Responsibilities**

It shall be the responsibility of the Board to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets, and in other public areas. Such plan will be presented annually to the Town Council and upon their acceptance and approval shall constitute the official comprehensive town tree plan for the Town of Brusly.

The Board, when requested by the Town Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.

**Sec. 27.11.7 Town Urban Forester**

The Town Urban Forester shall be appointed by the Town Council of Brusly upon recommendation of the Mayor.

**Sec. 27.11.8 Operation**

The Board shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

**Sec. 27.11.9 Tree Species to be Planted**

The Town Tree Board shall develop and maintain a list of desirable trees for planting

in areas under its authority. It shall also maintain a list of trees not suitable for planting.

**Sec. 27.11.10 Spacing and Distancing**

The Town Tree Board shall establish regulations regarding spacing, placing, and distancing of plants, trees, and shrubs planted from curbs, curb lines, sidewalks, and street corners.

**Sec. 27.11.11 Public Tree Care**

The Town shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure public safety and to preserve or enhance the symmetry and beauty of such public grounds.

The Town Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is infected with any injurious fungus, insect, or other pest. This section does not prohibit planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with Sec. 27.11.9.

**Sec. 27.11.12 Interference with Town Tree Board**

It shall be unlawful for any person to prevent, delay or interfere with the Town Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this ordinance.

**Sec. 27.11.13 Review by Town Council**

The Town Council shall have the right to review the conduct, acts, and decisions of the Town Tree Board. Any person may appeal from any ruling or order of the Town Tree Board to the Town Council who may hear the matter and make final decision.

**Sec. 27.11.14 Penalty**

Any person violating any provision of this ordinance shall be, upon conviction or a plea of guilty, subject to a fine not to exceed Two Hundred and Fifty Dollars. (\$250)

**SECTION 27.12 LANDMARK AND HERITAGE ORDINANCE**

**Sec. 27.12.1 Purpose**

To provide a greater sense of relatedness and awareness of our heritage in the Town of Brusly through recognition of historic sites, encouragement of historic preservation, and promotion of development that will enhance the historic areas of the Town.



## Sec. 27.12.2 Definitions

Words and phrases as used in this article shall have the following meanings:

*Commission:* The Landmark and Heritage Commission.

*Landmark/Landmark Recognition:* Designation for properties 50 years or older which are of significant value as part of the heritage of the community.

*Certified Landmark:* A specific landmark that has met criteria for marking.

*Marking:* A bronze plaque awarded by the Town to be displayed on the site of a Certified Landmark.

*Site:* Real property, with or without improvements, which is of significant value as part of the heritage of the community.

*Improvement:* Any building, structure, sign, wall, work of art, parking facility, fence, gate, landscaping or other object constituting a physical addition to real property.

*Structure:* Any building, wall, fence, sign, utility fixtures, steps, or appurtenant elements thereof.

*Ordinance:* This Landmark and Heritage Ordinance.

*Owner of record:* The person, corporation, partnership, association, trust and/or other legal entity holding title to the real property and the improvements thereon.

## Sec. 27.12.3 Creation and Composition of Commission

**a) Voting Members** There is hereby created the Landmark and Heritage Commission which shall consist of seven (7) voting members to be appointed by the Mayor, with the approval of the Town Council. The voting members of the Commission shall be residents of the Town of Brusly. The initial voting members of the Commission shall each serve an initial term which shall expire on December 31, 2012, regardless of when said voting member is appointed to the Commission. At the conclusion of the initial terms of the initial voting members of the Commission, appointments of voting members shall be made for full terms of five (5) years. Vacancies shall be filled by appointment by the Mayor, with the approval of the Town Council, for the remainder of an unexpired term. Members shall serve without compensation.

**b) Non-voting Members:** The Mayor, with the approval of the Town Council, may appoint three (3) persons to serve as non-voting members of the Commission. Such members shall

be appointed on the basis of demonstrated expertise, experience and/or interest in the areas of anthropology, architecture, art, building construction, engineering, finance, government, historical and architectural preservation, history, law, community development, planning, real estate, and related professions. The non-voting members need not be residents of the Town of Brusly. Non-voting members shall not hold any officer's positions. Each non-voting member shall serve on the Commission for a two (2) year term, and may be re-appointed by the Mayor, with the approval of the Town Council.

#### **Sec. 27.12.4 Organization of Commission**

- a) The voting members of the Commission shall elect a Chair and a Vice-Chair from among its voting members for a term of one (1) year. The Chair shall preside over meetings. In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair.
- b) The Commission shall conduct its business based on Robert's Rules of Order. Regular scheduled meetings shall be held quarterly, on such dates and at such times as shall be determined by the Commission. The Chair alone or four (4) other members of the Commission together may call a meeting for transaction of business between the regularly scheduled dates. All meetings of the Commission shall be open to the public with notice in accordance with the Louisiana Public Meetings Law, LA R.S. 42:4.1, et seq..
- c) A quorum shall consist of four (4) voting members. The transaction of business shall be made by a majority vote of those members in attendance while a quorum is present.
- d) The Mayor, with the approval of the Town Council, may remove any member for incompetence, neglect of duty, malfeasance in office, and/or other just cause or for a member's unexcused failure to attend at least two-thirds of all meetings held during a one-year period. The Mayor shall, within ten (10) days, report in writing such removal to the Town Council with reasons therefore.
- e) The Secretary of the Planning & Zoning Commission shall also serve as Secretary of the Landmark and Heritage Commission. The Secretary shall keep, or cause to be kept a record of all proceedings and actions of the Commission, maintain all Commission files and records, receive and process applications, prepare meeting agendas, schedule meeting dates, coordinate activities and serve as liaison between the Commission and the Town Council members, Mayor's office and staff.
- f) Any member of the Commission having a financial and/or personal interest in any matter coming before the Commission shall disclose such interest to the other Commission members and such interest shall be made a matter of record. Any member having such an interest shall not participate on such matter as a member of the Commission, nor shall he or she vote or in any way use his or her personal influence on such matters nor shall he or she be counted in determining a quorum for consideration of such matter.
- g) The Commission shall submit an annual report of its activities to the Town Council.

#### **Sec. 27.12.5 Powers and Duties of Commission**

The Commission is hereby authorized:

- a) To act in an advisory capacity and make suggestions and recommendations relative to historic sites, preservation of historic properties, and promotion of development that will enhance the historic areas of the Town;
- b) To make recommendations to the Town Council for the designation of landmark sites for recognition and marking within the corporate limits of the Town in accordance with procedures and standards herein.
- c) To adopt rules and regulations, including such guidelines as may be deemed necessary for review of applications for Landmark Recognition and Landmark Certification;
- d) To keep a register of all sites which have been designated as landmarks. This register shall include the information required of each designation, along with the appropriate maps;
- e) To perform any and all functions which will foster the marking of designated landmark sites in accordance with the respect to which they are entitled;
- f) To seek, on behalf of the Town, funds from Federal, State and private sources, which funds shall be expended in accordance with procedures established by the Town Council for such purposes as are herein set forth: purchase and maintenance of markers, informational packets, publications, education, and promotion of public appeal, public relations and incentives to encourage preservation of historic sites.

#### **Sec. 27.12.6 Requirements for Designation of Landmarks**

##### **(A) Landmark Recognition Eligibility:**

In order for a property/structure/site to be eligible for recognition as a Certified Landmark, each such property/structure/site must meet all of the following requirements:

##### **(1) The property/structure/site must be fifty (50) years old or older:**

Buildings and structures although highly altered, that are part of the historical, cultural, aesthetic, artistic, social, ethnic, or other heritage of the community; or

Sites of buildings or structures no longer in existence that were of significant value as part of historical, cultural, aesthetic, artistic, social, ethnic, or other heritage of the community.

##### **(2) The property/sites must be associated with national, state, parish or local history:**

Buildings or structures of the distinguishing characteristics of an architectural type,

inherently valuable for the study of a period, style, craftsmanship, method or construction or use of indigenous materials; or

Sites identifiable as an established and familiar visual feature in the community owing to its unique location or physical characteristics.

**(3) There must be owner consent:**

The owner must consent in writing to the granting of Certified Landmark recognition and designation for the property/structure/site.

**(4) The property/structure/site must comply with all Town Ordinances:**

The property/structure/site must comply fully with all Ordinances of the Town of Brusly which govern the property/structure/site.

**(B) Certified Landmark Recognition:**

**(1) Application Process:**

The Commission, in recognizing a property/structure/site as a Certified Landmark, and the Town Council in approving said designation, shall use the following application procedure:

**(a) Application Procedure:**

Any person, group of persons, association or member of the Commission, with consent of the property owner, may apply for Certified Landmark recognition for a property/structure/site located within the corporate limits of the Town. All applications shall be filed with the Secretary on forms provided by the Commission. The priority and timing of application submission to the Town Council shall be at the sole discretion of the Commission. The application shall include or be accompanied by the following when presented for consideration by the Commission:

(1) The name and address of the owner of the property/structure/site proposed for designation, including the names of the beneficial owners of any property held in a land trust;

(2) The legal description and physical street address of the property/structure/site proposed for designation;

(3) A written statement describing the property/structure/site and setting forth reasons in support of the designation;

(4) The approximate age of the property/structure/site;

(5) Photographs of the property/structure/site;

(6) Signature of owner or designated representative indicating consent;

(7) Such other information as may be required by the Commission; and

(8) A statement from the owner that the property/structure/site is in full compliance with all Town Ordinances.

**(b) Review of Application:**

Upon receipt of an application for Certified Landmark recognition and designation, the Secretary shall notify the Commission that an application has been received, and will schedule a public review to be held at the next regular or called meeting of the Commission. The Secretary shall notify the applicant and owner(s) of the subject property/structure/site as to the date, time, place and purpose of the application review by the Commission. Before consideration of the application by the Commission, the Town Inspector shall certify in writing that the property/structure/site is in full compliance with all Town Ordinances.

**(c) Approval/Granting by Town Council of Certified Landmark Recognition:**

The recommendation of the Commission will be documented in the minutes of the Commission and presented to the Town Council for approval at their next regular scheduled meeting.

Upon approval by the Town Council of Certified Landmark recognition and designation, the Secretary shall set a date and time for the presentation and installation of the marker on the property/structure/site. The marker shall at all times remain the property of the Town, and shall be installed by the Town after due consultation with the property owner. The marker shall be maintained by the property owner after installation until such time as the marker may be removed by the Town.

**(2) Revocation of Certified Landmark Recognition:**

Upon receipt of a written report from the Town Inspector that any Certified Landmark property/structure/site is no longer in full compliance with all Town Ordinances, the Secretary shall notify the Commission that such report has been received, and will schedule a public review to be held at the next regular or called meeting of the Commission for the purpose of revocation of the Certified Landmark recognition and designation of the property/structure/site. The Secretary shall notify owner(s) of the subject property/structure/site as to the date, time, place and purpose of the revocation review by the Commission. The recommendation of the Commission with respect to revocation will be documented in the minutes of the Commission and presented to the Town Council for approval of the revocation at their next regular scheduled meeting. Upon approval of the revocation of Certified Landmark recognition and designation of the property/structure/site, the Town shall order and direct the property owner to return the marker to the Commission within five (5) days of the Council approval of the revocation. The Town may, through the Police Department, take whatever action is necessary to recover the marker if it has not been returned to the Commission within said time period.

**(3) Destruction of Property/Structure:**

In the event that a property/structure has been destroyed, either by fire, natural disaster, or otherwise, the Commission may, with the consent of the owner, recommend designation of the site on which the property/structure was located for Certified Landmark recognition.

**(4) Annual Review and Re-certification of Certified Landmark Recognition:**

The Commission shall annually, not later than the end of the fiscal year, review all Certified Landmark property/structure/site designations, and re-certify that all such Certified Landmarks continue to qualify for said designation. In the event of the non-compliance with all Town Ordinances on the part of any Certified Landmark property/structure/site, the Commission shall follow the revocation procedures outlined herein above with respect to such property/structure/site.

**Sec. 27.12.7 Applicability of other Town Ordinances**

The alteration, construction, demolition and division of property, structures and sites are not governed by this Landmark and Heritage Ordinance.

No provision of this Landmark and Heritage Ordinance shall be construed as repealing any other Code or Ordinance of the Town of Brusly. The use of property and improvements which have been designated under this Landmark and Heritage Ordinance shall be governed by the Town of Brusly Zoning Ordinance, Chapter 19, and any other applicable law and Town Ordinance. Whenever there is a conflict between the provisions of this Landmark and Heritage Ordinance and/or a regulation adopted hereunder and the provisions of any other Code or Ordinance of the Town, the more restrictive shall apply. (Ordinance No. 10 of 2007)

**Sec. 27.13 Smoking prohibited in municipal buildings**

a) As used in this section, “smoking” means the carrying of a lighted cigar, cigarette, pipe, or any form of tobacco or an exhaling of smoke by a person from any form of lighted tobacco.

b) Smoking is prohibited in every municipal building.

c) Any person who smokes in a municipal building shall be advised by the person in charge of facility of the prohibition against smoking. If the person continues to smoke, the person in charge may ask him to leave the premises. If the person refuses to do so, and continues the violation, the person in charge shall summon a law enforcement officer who shall advise the violator of the prohibition and ask him to leave the premises. If the person fails to leave the officer may issue him a summons. The summons shall be returned to the mayor’s court.

d) Any violation of this section shall be punishable by a fine of not less than twenty-five dollars nor more than fifty dollars. (Ordinance No. 1 of 1994)