

ARTICLE 3
ADMINISTRATION AND ENFORCEMENT

Section 3.01 Administration and Enforcement

3.0101 Administrative Official

The administrative official shall be Director of the Planning Department or his designee as appointed by the Parish President. He may be provided with the assistance of such other persons as necessary. If the Director of Planning finds that any of the provisions of this ordinance are being violated, he shall notify in writing the persons responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures, or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

3.0102 Fee Schedules

Fees for site plan review shall be as required by the St. Tammany Parish Code of Ordinances Section 2-009.00, Parish Fees and Service Charges

3.0103 Duties of Administrative Official and Board of Adjustments

A. Intent

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the administrative officials and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the administrative officials, and that recourse from the decision of the Board of Adjustments shall be to the courts as provided in the Louisiana Revised Statutes, as amended.

B. Enforcing Officer

The Director of the Department of Planning shall be the Chief Zoning Official responsible charged with the interpretation, administration, and enforcement of this Ordinance. The Director of Planning may designate staff members to assist in the administration or interpretation of this ordinance.

3.0104 Board of Adjustment

A. Creation of Board

There is herewith recreated and reestablished a Board of Adjustment for St. Tammany Parish pursuant to the authority granted in Act 518 of 1954.

The Board of Adjustment shall consist of (5) members who shall be freeholders and qualified voters. The membership of the first board shall serve respectively, one for one year, one for two years, one for three years, and one for four years, and one for five years.

Thereafter, members shall be appointed for terms of five years each. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

All appointments shall be made by Resolution of the Parish Council.

All members shall be removable for cause by the appointment authority upon written charges and after public hearings; provided however that any member who shall be absent for three (3) consecutive meetings, regardless of cause, shall be deemed to have removed himself or herself from membership on the Board and that appointment shall be automatically vacated as a result of such non-attendance.

The Board shall elect its own Chairman from its membership. The Chairman shall serve for one year.

The Board shall adopt rules in accordance with provisions of any ordinance adopted pursuant to this act. Meetings of the Board shall be held at the call of the Chairman and at such other times as the board may determine. Such Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the Board and shall be public record. All testimony, objections thereto and rulings thereon, shall be taken down by a reporter employed by the Board for the purpose. Appeals to the Board of Adjustment may be taken by any person aggrieved or by an officer, department, board or bureau of the Parish affected by any decision of the Department of Planning and/or the Department of Permits and Regulatory.

Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the Department from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Department from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from unless the Department Director from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril of life or property. In such case, the proceeding shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application or notice to the Officer from whom the appeal is taken and on due cause shown. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the interested parties, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

B. Powers of the Board

The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Department of Planning and/or the Department of Permits and Regulatory in the enforcement of Act 518 of 1954 of the Louisiana Legislature or of any ordinance adopted pursuant thereto.
2. To hear and decide all matters referred to it or upon which it is required to pass under such ordinance.
3. In passing upon appeals, where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of such ordinance, to vary or modify the application of any of the regulations or provisions of such ordinance relating to the construction or alteration of buildings or structures so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

In exercising the above mentioned powers such Board may, in conformity with the provisions of this act, reverse or affirm wholly or partly or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the Department from whom the appeal is taken.

C. Voting

The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

D. Secretary

The Board shall have the power and authority to appoint a secretary who shall not necessarily be a member of the Board, in which event the salary of such secretary shall be fixed by the Board. It shall be the duty of the secretary to keep a true and correct record of all proceedings at such meetings, both general and special of said Board, in a book or books, to be kept specifically for that purpose. Certified copies of the minutes of all such proceedings shall be furnished to the chairman of the Planning Commission.

E. Appeals from the Board of Adjustment

Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment, or any officer, department, board or bureau of the said Parish, may present to the district court of the Parish a petition duly verified, setting forth that such decision is illegal, in whole or part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board. Upon the presentation of such petition, the court may allow a writ of certiorati directed to the Board of Adjustment to review such decision of the Board of Adjustment and shall prescribe therein the time within which a return less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from but the court may, on application or notice to the Board and due cause shown, grant a restraining order. The Board of Adjustment

shall not be required to return certified or sworn copies thereof or such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified. If, upon the hearing, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take additional evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusion of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or in part, or may modify the decision brought up for review. Costs shall not be allowed against the Board unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from. All issues in any proceedings under this section shall have preference over all other civil actions and proceedings.

3.02 Amendment of Regulations

3.0201 Amendments or changes to the Land Use Ordinance or District Map

The St. Tammany Parish Council may, from time to time, amend, supplement or change the regulations, restrictions, zoning districts, or boundaries as subsequently established in accordance with the provisions of this section.

No amendment, supplement or change of the Land Use Ordinance shall become effective unless and until there shall have been held a public hearing in relations thereto before the Zoning Commission at which parties in interest and citizens shall have had an opportunity to be fully heard.

Notice of such public hearings by the Zoning Commission shall give the time and place of hearing and shall be published once a week in three different weeks in the official journal of the Parish, together with a similar publication in a newspaper of general circulation in the area wherein the property is located, as determined by the Director of Planning. At least thirty (30) days notice of time and date of the public hearing shall be published in the official journal. Should there be no official journal, then the publication in the newspaper of general circulation in the area wherein the property is located shall be sufficient.

3.0202 Amendments or changes may be initiated in the following ways:

- A. By action of the Parish Council itself by introduction of an Ordinance or by adoption of a resolution or motion, or,
- B. Upon recommendation by the Zoning Commission, after determination by the Planning Director that the amendment, or supplement or change to the regulations, restriction, zoning district or boundaries should be made, or
- C. On application or petition of property owners, by filing through the Planning Department, to the standards and requirements of the Planning Director a petition to amend or change the Comprehensive Zoning Ordinance, provided that no petition for change in the classification of property shall be considered or acted upon unless such petition is duly signed by the owners or authorized agents of not less than 50 percent of the area of the land for which a change of

classification is requested, provided, however, that where any lot located in the aforesaid area is owned in division, all co-owners or their authorized agents must sign and petition for that lot to be included in the fifty (50) percent provision.

3.0203 Notice Requirements

- A. For all proposed changes, except comprehensive zoning changes and text changes, a printed notice in bold type shall be posted for not less than ten (10) fifteen (15) consecutive days prior to the public hearing conducted by the Parish Zoning Commission on signs not less than one square foot in area, prepared, furnished, and placed by the Director of Planning or his designated appointee upon the principal and accessible rights-of-way adjoining the area proposed for a zoning change. Said signs shall contain the case number, the time and place of the public hearing as provided above. The Parish Council shall take no action until it has received the final report of the Zoning Commission.
- B. No such posting is required of the area within or adjoining an area to be affected by any proposed text change provided there is compliance with the publication requirements set above.
- C. Comprehensive re-zoning proposals need be posted under the requirements set out above only within the area to be affected in general geographic terms and need not list the specific zone proposed for all land within that area. The Zoning Commission may then adopt the final map after a public hearing on a Ward or Comprehensive Rezoning Area zoning change.

3.0204 Voting

- A. Any amendment that has failed to receive the approval of the Zoning Commission shall not be passed by the Parish Council except by the affirmative vote of a simple majority of the legislative body.
- B. A final ye and nay vote shall have been taken on the proposal by the Parish Council within one hundred twenty-five (125) days dated from the introduction of an ordinance in correct form.
- C. In case, however, of a protest against such change signed by the owner of twenty (20)percent or more either of the area of the lots included in such proposed change, or in those immediately adjacent, extending two-hundred (200) feet from said lot, or those directly opposite thereto extending five-hundred (500) feet from the street frontage of such opposite lots, such amendments shall not become effective except by the favorable vote of at least a simple majority of the governing body.
- D. After published notice required by Section 3.13, the Parish Council may hold any public hearing requiring by this article or the statutes of Louisiana pertaining to Land Use jointly with any public hearing required to be held by the Parish Planning Commission, but the Parish Council shall not take action until it has received the final report of the Zoning Commission.

- E. Whenever a petition or application for a site or cumulative acreage of less than twenty (20) acres is filed requesting or proposing a zoning change to this ordinance and said petition or application has been received, officially advertised and subsequently a public hearing has been held, the Parish Council shall not consider any further petition or application requesting or proposing such change for the same property within one year from the date of the Parish Council's final action on said petition or application. The provisions of the paragraph shall not apply in cases where the Parish Council wishes to consider a Comprehensive Zoning revision of an area.
- F. Whenever a proposed change has been forwarded to the Parish Council with a recommendation for approval, and no protest or appeal has been filed with the Department of Planning and Permits as outlined in this Ordinance, the proposed change shall be placed upon the Consent Agenda for Final Adoption at the next appropriate Parish Council Meeting.

3.03 Violations

3.0301 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this ordinance occurs or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the cause and basis thereof, shall be filed with an administrative official authorized to enforce the provision that is alleged to have been violated. The administrative official is to properly record such complaint, promptly investigate and take such action as is warranted under the facts and the applicable provisions of the ordinance

3.0302 ENFORCEMENT AND PENALTIES FOR VIOLATION

- A. Violations: It shall be illegal to violate any ordinance governing land use, zoning, or the construction, placement, operation and/or maintenance of buildings or other structures that either are permanently affixed to the land or considered to be a temporary component part thereof, such as, for example, a mobile home that has not become immovable pursuant to an act recorded in accordance with state law.
- B. Issuance of citation and/or summons: The Director of Permits and Regulatory, the Director of Planning, code enforcement officers and all other persons appointed as acting inspectors of the Parish of St. Tammany are empowered to post a notice of violation at the location of the violation and to issue and to serve, either by personal service, domiciliary service or by certified mail, a citation and/or summons upon persons charged with a violation of any provision contained in the Articles hereof, and of the Code of Ordinances of the Parish of St. Tammany, relative to land use, zoning and the building code ordinances and regulations. The Director of Permits and Regulatory, Director of Planning, and all persons appointed as code enforcement officers shall be so commissioned and designated by the Parish of St. Tammany for the purpose of enforcing the provisions herein.
- C. Contents of citation and/or summons: As used herein, the term "citation and/or summons" means a written or printed notice served upon the person charged with

a misdemeanor violation. Such citation and/or summons shall include the following information:

1. The name of the person cited and/or summoned.
2. The date and place of violation.
3. The number of the Section of the ordinance provision violated, followed by a short description of the violation.
4. The date and place at which the person shall appear and a notice that if the person does not appear a warrant may be issued for such person's arrest.
5. A notice that the person charged may be represented by counsel and that he has a right to a court hearing.

- D. Penalties for Violations: Unless otherwise provided in a particular section or provision of this ordinance, a violation of any provision of this ordinance, or a failure to comply with any of the requirements hereof, shall constitute a misdemeanor punishable as follows: A violation of any provision of a particular section of this ordinance, or the failure to comply with any of the requirements of such section, shall be punishable by a fine not to exceed five hundred (\$500.00) dollars per day and imprisonment in the parish jail for not more than thirty (30) days, or both such fine and imprisonment. Each day that the violation continues shall constitute a separate offense. In addition thereto, the Court may tax said violator with all costs and expenses associated with the case.
- E. The owner, occupant and/or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, or other person who either commits, participates in, aids or assists in a violation hereof, may each be cited for a violation and, in such case, shall be subject to the penalties herein provided.
- F. The filing of any application that is known, or should have been known, by an applicant to contain any materially false information shall also constitute a violation hereof and shall be subject to the penalties herein provided.
- G. Nothing herein provided shall be deemed to prevent or preclude the parish from taking such other legal action that is necessary to prevent or remedy any violation.
- H. Whenever a person has deliberately commenced a project without a building permit, the Director of Permits and regulatory may increase the applicable building permit fee by an amount up to one hundred (100) per cent.

3.0303 MISCELLANEOUS OFFENSES

- A. No structure (temporary or permanent), fill, deposit, obstruction, storage of materials, equipment, machinery, junk, trash, garbage, debris, abandoned or inoperable vehicles, and/or any other unauthorized things or materials, shall be placed, or be allowed to remain, on any Parish right-of-way, road, ditch, drainage canal or waterway of any kind.

- B. It shall further be prohibited to cause injury or endanger the comfort, repose health or safety of others. Nuisances shall include but not be limited to the following:
1. Accumulation of rubbish, trash, refuse, junk, inoperable or abandoned vehicles and other abandoned materials.
 2. Any conditions which provide harborage for rats, mice, snakes and other vermin.
 3. Any building or other structure which is in a condition that is unfit for human habitation, kept in an unsanitary condition so that it is a menace to the health and safety of residents in the area or presents a more than ordinarily dangerous fire hazard in the vicinity to where it is located.
 4. Contractor's rubble, residue from construction, building demolition or parts of whole structures, including building debris.
 5. Contractors burning within residential subdivisions shall be prohibited.

3.04 "After the Fact" Building Permits

3.0401 Notwithstanding any provisions of Section 3.03 of this ordinance, as a remedy for failure on the part of any owner, lessor, or tenant, having an interest, expressed or unexpressed in a development of land, to obtain a building permit prior to the commencement of the erection, placement or construction of any structure in an area of the Parish the following provisions shall be followed:

- A. Immediately upon obtaining knowledge of such violation, Code Enforcement Officer for the Parish of St. Tammany shall affix in a prominent place on the premises a yellow citation and/or summons briefly stating the building permit requirements of St. Tammany Parish and ordering the owner, lessor or tenant to immediately cease all construction on said premises until a fully issued building permit has been obtained from the St. Tammany Parish Department of Permits and Regulatory.
- B. Said citation and/or summons shall be executed in triplicate with the original copy being affixed to the premises, duplicate copy being retained in the permanent record of the Department of Permits and Regulatory, and the triplicate copy being forwarded within ten (10) days of the issuance to the St. Tammany Parish District Attorney's Office and or the St. Tammany Parish Bureau of Administrative Adjudication.
- C. Nothing herein shall interfere with the ability of the St. Tammany Parish District Attorney's Office to obtain an injunction at any time in order to prevent further construction on the premises and/or proceed in a civil action to collect any late penalties.

The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent or other person who commits, participates in, assists in, or

maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the parish from taking such other lawful actions as is necessary to prevent or remedy any violation.