# CODE OF ORDINANCES CITY OF ST. MARTINVILLE, LOUISIANA

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Published in 2025 by Order of the City Council

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## CITY OFFICIALS

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Jason B. Willis

*Mayor*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mike Fusilier

Carol Frederick

Jonas A. Fontenette

Janise Anthony

Florita Chatman

*City Council*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Allan Durand

*Legal Counsel*

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Lorrie M. Poirier

*City Clerk*

## PREFACE

This Code constitutes a recodification of the general and permanent ordinances of the City of St. Martinville, Louisiana.

The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate ordinances included herein, and the provisions of the 1978 Code from which certain sections were originally derived.

*Acknowledgments*

This publication was under the direct supervision of Daniel Walker, Code Attorney, and Jessica Edmison, Editor, of CivicPlus, LLC, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Lorrie Poirier, City Clerk, for her cooperation and assistance during the progress of the work on this publication. It is hoped that her efforts, those of the city staff, and those of the publisher have resulted in a Code of Ordinances which will make the active law of the city readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the city's affairs.

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# PART I  CHARTER[[1]](#footnote-1)

## [ARTICLE I.] LIMITS AND BOUNDARIES [AND GENERAL CORPORATE EXISTENCE][[2]](#footnote-2)

All the inhabitants of the Town of St. Martinville, as incorporated by Act No. 110 of the General Assembly of the State of Louisiana, approved by Act 44 of the General Assembly of the State of Louisiana, approved April 3rd, 1877, as follows to-wit:

That the limits and boundaries of said Town of St. Martinville, including the limits herein and hereby enlarged, shall be all that tract or portion of land or territory in the Parish of St. Martin, State of Louisiana, on the West and East sides of Bayou Teche and comprehended in the following limits, to-wit:

*On the West Side of Bayou Teche:*

Commencing at a point of West Bank of Bayou Teche Sproule's Canal (now known as the Cypress Island Drainage District Canal), in Section Eighty (80), at the water's edge, thence on the margin of said Canal, fifteen (15) arpents back, thence South Thirty-three and one-half (33½) degrees across Sections Eighty (80), Eighty-one (81), Eighty-two (82), Eighty-three (83), and Eighty-four (84), in Tp. 10 S. R. 6 E., thence across Township line of Tp. 10 S. R. 6 E., thence continuing South thirty-three and one-half (33½) degrees to lower line of Section Sixty-seven (67) in Township Eleven (11) South of Range Six (6) East, at a point thirty-nine and 79/100(39.79) arpents back from Bayou Teche; thence following said lower line of Section 67, Tp. 11 S. R. 6 E., to Bayou Teche, thence up said Bayou Teche, in front of said mentioned Sections, to starting point.

*On East Side of Bayou Teche:*

Commencing at a point on the East Bank of Bayou Teche at the water's edge, and upper line of Sec. 53, in Tp. 10 S. R. 6 E., thence on said upper line, ten (10) arpents back, thence in a direct line, across Secs. 53, 54, 55 and 56, in Tp. 10 S. R. 6 E. crossing said Township line and across Secs. 1 and 2 in Tp. 11 S. R. 6 E., at a point ten (10) arpents from Bayou Teche, thence on lower line of Sec. 2, Tp. 11 S. R. 6 E., to Bayou Teche, thence up in front of said mentioned Sections to starting point.

Shall constitute a body politic and corporate with the perpetual succession, by the name and style of "The Town of St. Martinville," and as such, they and their successors shall have, exercise and enjoy all the rights, immunities, powers, privileges and functions possessed and enjoyed by municipal corporations, and shall be subject to all the duties and obligations pertaining to or incumbent on said town as a corporation and may ordain and establish such acts, laws, regulations and ordinances, not inconsistent with the constitution and laws of the State of Louisiana, as shall be needful for the government, interest, welfare and good order of said body politic, and under the same shall be known in law and be capable of contracting and being contracted with, suing and being sued, and pleading and being pleaded in all courts and places, and in all matters whatever; may take, hold, purchase, lease, grant and convey and acquire by purchase, grant, donation or otherwise such real and personal or mixed property or estate, as the purposes of the corporation may require within or without the limits thereof, and may make, have and use a corporate seal and change and renew the same at pleasure; provided, that the limits of said corporation may be hereafter extended by the addition of other territory to the same on complying with the provisions of the Constitution and laws of this state relative thereto.

Editor's note(s)—The city annexed land on October 20, 1965, and September 16, 1975. A document can be found dated March 11, 1971, redescribing the city limits as of that date.

## [ARTICLE II.] OFFICERS AND THEIR ELECTION[[3]](#footnote-3)

[1.] [*Council—Generally.*] The municipal government of the Town of St. Martinville, Louisiana, and the administration of its affairs shall be vested in a town council, consisting of a mayor and five (5) councilmen.

[2.] [*Same—Quorum.*] Half of the number of the full number of councilmen and the mayor, or in the absence of the mayor, a majority of the councilmen shall constitute a quorum for the transaction of business.

[3.] [*Other officers.*] The other officers of the corporation shall be a secretary and town tax collector, chief of police, and such other officers or agents and assistant police officers as the town council may from time to time direct, who shall be appointed by the mayor and the town council and shall hold their respective offices until their voluntary resignation or removal by the mayor and town council.

[4.] [*Election—Generally.*] That an election shall be held in this town on the third Tuesday of May 1962 and then every four (4) years thereafter on the third Tuesday of the month of May at such places as the town council may direct, for the election of a mayor and five (5) councilmen.

[5.] [*Same—State Law to Govern.*] The election of a mayor and councilmen as provided for in this charter, shall be in pursuance of the general election laws, now or hereafter existing, unless the legislature by special act or a constitutional convention in its constitution provides otherwise, in which case such election will be in pursuance of next special laws.

[6.] [*Same—Commissioners, Notice of Election, Holding Generally.*] For the purpose of holding said election and others that may be ordered the mayor shall appoint commissioners of election by and with the consent of town council unless the general laws now or hereafter in existence, provides otherwise, for the appointment of such commissioners and shall give at least thirty (30) days previous notice by publication in one or more newspapers of said town of the day and hour and place at which said election is to be held. At the first election under this charter and every four (4) years thereafter on the third Tuesday of May there shall be elected by the qualified electors (voters) of the Town of St. Martinville, Louisiana, a Mayor and five (5) Councilmen who shall hold their respective offices for a term of four (4) years from the date of their election and serve until their successors are duly elected and qualified.

[7.] [*Chief of Police—Duties.*] The chief of police shall perform all police duties which may be designated by said mayor and town council for the preservation of peace and good order of said municipality.

[8.] [*Same—Control by Council.*] The said chief of police shall serve under the supervision of said mayor and town council, and said mayor and town council may suspend or remove said police officer for incompetency, neglect of duty or malfeasance in office, or any other cause.

[9] [*Salaries of Councilmembers and Mayor.*] The Council members and Mayor shall receive such salaries as the majority of the Council may determine, not to exceed the sum of $783.08 per month for each Councilperson, and the Mayor not to exceed the sum of $4,946.92 per month payable bi-weekly on his/her own warrant if the Mayor's position is full-time, which would mean the Mayor must work at least 40 hours each week; if the Mayor elects to work part-time then his salary is fixed at $800.00 per month.

**Amendment note—**In addition to all other amendments, this paragraph (designated [9] by the editor) appears as amended by resolutions of December 13, 1960, November 20, 1962, November 19, 1974, and January 21, 1975; and an ordinance of 4-20-1987, § 1.

[10.] [*Returns of Election Commissioners, When Newly Elected Officers Assume Duties.*] The commissioners of election shall make returns in the manner provided by the election laws of the votes case at each polling place and the returns of all election shall be sworn to as correct by the commissioners of election and shall be delivered to the town council for compilation and promulgation, and all of said elective officers shall enter upon the duties of their respective offices immediately after receiving their commission from the proper state authorities and taking prescribed oath of office of which proceeding due record shall be made upon the minutes of the council.

[11.] [*Elections Resulting in Ties.*] In case of a tie for mayor and councilmen a new election for said officers shall be immediately ordered, of which thirty (30) days previous notice shall be given in one of the newspapers published in the town.

[12.] [*Qualifications for Mayor or Councilman, Qualifying Fees.*] No one shall be eligible for mayor or councilman, who is not a duly qualified elector and who has not been an actual resident in said town during three (3) consecutive months previous to his election. All candidates for the office of mayor shall at the time of filing his qualification papers deposit with the mayor a qualification fee in the sum of fifty dollars ($50.00) cash. All candidates for the office of town council shall at the time of filing his qualification papers deposit with the mayor a qualifying fee of twenty-five dollars ($25.00) cash. The qualifying fees hereby described shall not be returned to any candidate should he withdraw his name as a candidate for either office.

[13.] [*Qualifications of Electors.*] Every person shall be permitted to vote who is a qualified elector under the general laws of the state and who has resided three (3) months within the corporate limits immediately preceding the election and who possess all other qualifications under the constitution of the state.

[14.] [*Organizational Meeting of Council—Generally.*] Immediately after their qualification, the council shall hold their first meeting at the town hall or such other place as may be selected at which time the mayor and councilmen having presented and filed their commissions or certificates of election and oath of office as herein provided, shall enter upon the discharge of their duties as specified in this charter, and their predecessors shall render to them a final report and turn over to them all books, papers, property, moneys and accounts pertaining to their respective offices and to the Town of St. Martinville, Louisiana.

[15.] [*Same—Selection of Officers.*] The town council shall at its first meeting after their election and qualification to office, elect a mayor pro tempore of the council who shall act in case of the absence, refusal or inability of the mayor to act, and in case of vacancy occasioned by his death, resignation or otherwise, act as mayor for the unexpired term and have the same powers and receive the same fees and compensation of the duly elected mayor.

[16.] [*Filling Vacancy in Councilmanic Office.*] Should a vacancy occur at any time in the office of any councilman by death, resignation or otherwise, the same shall be filled by appointment by the governor.

(Ord. No. 92-2, § 1, 6-1-1992; Ord. No. 94-2, § 1, 7-1-1994; Ord. No. 98-2, § 1, 4-20-1998; Char. Ord. No. 09-01, 8-17-2009)

## [ARTICLE III.] DUTIES AND POWERS OF OFFICERS[[4]](#footnote-4)

[1.] [*Mayor.*] The mayor shall be the chief executive of the town; he shall affix the seal of the corporation to all his official acts; he shall countersign all warrants drawn on the treasurer or fiscal agent; he shall see that the laws and ordinances are properly and faithfully executed; he shall have jurisdiction over offenses, misdemeanors and violations of all ordinances adopted by the council and committed within the town limits of said town, and shall have power to enforce all penalties imposed by said ordinances, provided the fines be not higher than five hundred dollars ($500.00) and imprisonment not more than thirty (30) days for each offense or both at the discretion of the mayor; he shall be ex-officio justice and conservator of the peace; he shall have general supervision over all matters relative to the discipline and efficiency of the police, the protection of the public and private property, the preservation of the public order and peace and the enforcement of the ordinances relating thereto, the houses of refuge and correction and lighting of the town. He shall call extra sessions of the council whenever he shall deem the same necessary or whenever three (3) members of the same shall, in writing, stating the object thereof request him to do so. He shall from time to time lay before the council a full statement of the affairs of the town. It shall be his duty to report to the council all officers and persons employed by the town who fail to perform their duties or who shall commit any act for which they should be removed from office and may, at his discretion, suspend any sub-officer or employee until the action of said council, to whom he shall report such suspension at their first meeting thereafter. He shall preside at the meeting of said council, but shall have no vote therein except when there is a tie, in which case he shall have the deciding vote; he shall sign and cause to be published all ordinances and all resolutions passed in due form by the council, and such ordinances and resolutions shall thereupon have the full force of law; he shall have general superintendence over the streets, alleys, wharves, landings and all public places under the police and control of the city. He shall, by and with the consent of the majority of the council, appoint all officers in the employ of the town. He shall exercise all the powers hereto vested in the mayor of the Town of St. Martinville, Louisiana, under existing laws not inconsistent or in conflict with this charter, or the laws of the State of Louisiana.

[2.] [*Secretary and Treasurer—Generally.*] It shall be the duty of the secretary and treasurer to attend every meeting of the town council and keep accurate minutes of the proceedings thereof in a book to be provided for that purpose, and to copy and enroll in a well bounded book all ordinances and resolutions of the town council; to take charge of and keep in order all books, records, papers, documents and archives of said council; he shall keep an account of all claims for or against the corporation; he shall issue warrants or checks upon the funds in the treasury, the same to be countersigned by the mayor under the seal of the corporation for the payment of all claims. All warrants and checks shall be numbered respectively and shall specify the amount, purpose and fund upon which they are drawn; provided, that in no case shall a warrant or check be drawn except against actual cash in the treasury. He shall at least once a month or oftener if ordered by the council, make a report to the council of all claims and accounts against the town, and a full and correct statement of all his receipts and payments, showing the exact condition of the town treasury since date of last report. He shall also execute and perform such other duties as may be prescribed by the town council and no[t] assigned to other officers. He shall furnish bond with solvent security to the satisfaction of the town council.

[2.1] [*Clerk of the Council.*] The office of Clerk of the City Council of the City of St. Martinville is hereby created. It shall be the duty of the Clerk of the City Council to attend every meeting of the City Council and keep accurate minutes of the proceedings thereof in a book to be provided for that purpose, and to copy and enroll in a well bounded book all ordinances and resolutions of the City Council; to take charge of and keep in order all books, papers, documents and archives of said Council; as well as any other duties which shall be assigned to the Clerk by the Mayor or by resolution of the Council.

[2.2] [*Chief Financial Officer.*] The office of Chief Financial Officer of the City of St. Martinville is hereby created. It shall be the duty of the Chief Financial Officer to keep an account of all claims for or against the corporation; the Chief Financial Officer shall issue warrants or checks upon the funds in the treasury, the same to be countersigned by the Mayor under the seal of the corporation for the payment of all claims. All warrants and checks shall be numbered respectively and shall specify the amount, purpose and fund upon which they are drawn; provided, that in no case shall a warrant or check be drawn except against actual cash in the treasury. The Chief Financial Officer shall at least once a month, or oftener if ordered by the Council, make a report to the Council of all claims and accounts against the town, and a full and correct statement of all his/her receipts and payments, showing the exact condition of the town treasury since date of last report. The Chief Financial Officer shall also execute and perform such other duties as may be assigned by the Mayor or by resolution of the City Council.

[3.] [*Chief Financial Officer—Ex-Officio Tax Collector.*] It shall be the duty of the secretary and treasurer who is ex-officio town tax collector to procure annually from the assessor of the State of Louisiana, for St. Martin Parish, or from the office of the recorder, duplicate lists of all property within the corporate limits of the town with valuation thereof, as made by the state assessor and approved by the police jury; he shall carry out on said rolls the taxes for the town as levied by ordinances of the council; he shall deposit and cause to be filed one of said rolls duly certified by himself in the office of clerk, ex-officio recorder, which when filed in said recorder's office shall operate as a lien in favor of the town on all property carried on said roll in the same manner as provided for state and parish taxes, and shall keep one in his own office. He shall collect all said taxes, in the same manner and at the same time in which state taxes shall be due and collectible. He shall collect all licenses levied by the town at the same time and in the manner prescribed by the state for the collection of licenses, and shall have for the enforcement of the collection of said taxes and licenses all the remedies and rights provided by the state for the collection of state taxes and licenses. He shall make all special assessments levied by the town council on all or any portion of property within the corporate limits of said town, for special purposes, not inconsistent with the laws of the State of Louisiana, and shall collect all levies and assessments made by the council for building of sidewalks or banquettes, the opening, widening, grading, straightening, paving or repairing the public squares. and other improvements, in accordance with the powers granted in this charter. He shall keep correct separate accounts of all licenses, taxes, special taxes and assessments, carry the amount thereof in separate columns on the town tax rolls. He shall give receipts for all taxes, levies, assessments and licenses, on the blank receipts furnished him by the town, and shall receipt to the mayor for all such blanks, and be held accountable for same. He shall make a monthly settlement with the town council, in such manner as they shall by ordinance direct; he shall daily deposit with the fiscal agent of the town, the different amounts collected, specifying each different levy or assessment and take receipts for same which shall be his vouchers, said amounts so deposited to be subject to warrants countersigned by the mayor.

[4.] [*Town Attorney—Authorized.*] The town council may and shall have power to elect or appoint a town attorney, who shall hold his office until the expiration of the term of office of the members of the council by whom he was elected or appointed, it being the true meaning and intention of this section that each incoming or new council shall have the right of electing its own officers and employees.

[5.] [*Same—Qualifications and Duties; Additional Counsel.*] The town attorney shall be licensed in law, and shall be the legal adviser of the corporation in all matters in which legal advice may be necessary; he shall represent the corporation in all judicial proceedings and actions to which it may have an interest, and shall in all cases when required by the town council, furnish a written opinion of the legality of [or] the constitutionality of the law or ordinance to be submitted to, or pending before the council, or as to any question involved in the discharge of the duties of the respective officers of the corporation; provided that the town council shall have the authority to employ such additional attorney or attorneys as they deem necessary in important cases.

[6.] [*Depository or Fiscal Agent.*] The town council shall appoint and elect one of the banks of St. Martinville, in which all moneys, bonds, notes and securities belonging to the town shall be deposited, and due account kept thereof, on the most advantageous terms and conditions that may be offered by any of said banks, provided, that if none of said banks will consent to act as such depository, the treasurer or some other person may be appointed by the council as fiscal agent; and provided further that the council may withdraw all its deposits and change its fiscal agent whenever in their opinion the public interest may require.

(Ord. No. 11-03, 2-21-2011; Ord. No. 22-08, art. III, §§ 2.1, 2.2, 3, 7-1-2022)

## [ARTICLE IV.] GENERAL PROVISIONS[[5]](#footnote-5)

[1.] [*Penalty for Ordinance Violations.*] The council may ordain and impose such fines for the breach of the by-laws, rules and ordinances of the town as they shall think proper, not exceeding five hundred dollars ($500.00) fine and not exceeding thirty (30) days imprisonment, or both, for such offenses, at the discretion of the mayor, said fine to be recoverable before the mayor or any court of competent jurisdiction, in the name and for the use of said town, and in default of the payment of any fine imposed, the person in default may be ordered to work out the same on the streets and alleys of the town, or other public works at the rate of one dollar for each day of labor performed.

[2.] [*Salaries.*] The town council shall, on or before the first day of May, fix the salaries and fees of the mayor, and other elective officers, and shall at the time establish the compensation or salary to be paid to the officers appointed by the town council.

[3.] [*Enumerated Powers of Council.*] The town council shall have full power and authority to make and pass such laws, ordinances as are necessary and proper for the government of the town:

[(1)] To regulate and make improvements to the streets, alleys, squares, wharves, sidewalks, and other public property, and to provide for the lighting and watering of the same, and to order and direct the ditching, filling, opening, widening, and continuing of any street or streets, or alley or alleys, and if for such purpose the land of any person, or body corporate, is necessary to be had, the said town council shall have the right to purchase the same at reasonable prices, or cause the same to be expropriated according to the manner and formality prescribed by existing laws on the subject; to regulate the proportion of and make and repair all common sewers, drains, canals, public roads, levees, dykes, causeways, and bridges, notwithstanding any superintendent which might be set up by any corporation or individual over such work.

[(2)] To determine the completion and dimension of the pavements of streets, sidewalks and alleys, to fix the squaring and to prevent the encroachment upon or stopping or obstructing of the streets, alleys, public squares, levies, public roads, wharves, or any part of the landing of the Port of St. Martinville, and to order any object, whatever may be its value, form or construction, which may encumber such places, or prevent and obstruct the free use of the same, to be torn down and removed or sold to whom it may concern, in the same manner and after such notices as shall be required by such resolutions.

[(3)] To provide for the cleaning of the bayou within the corporate limits of the town, for the re-opening of such natural drains has been obstructed by the owners of adjacent property; of opening or filling up of any watercourse which is not navigable, for the purpose of carrying the highways over the same; provided no unnecessary injury be occasioned thereby to the neighboring inhabitants.

[(4)] The town council shall be vested with the full power and authority to provide the means and regulations for preventing and extinguishing conflagrations; to determine in what part of the town where wooden buildings shall not be erected, and prevent persons from reconstructing in wood, old and decayed wooden buildings and adjuncts under pretenses of repairing the same in parts of the town where it is lawful to build only in brick, stone and metal.

[(5)] And, to provide for the inspection, regulation and condemnation of any buildings which may be dangerous to life and property.

[(6)] And to regulate the police, or theatres, or public halls, taverns, places for shows and exhibitions, house of public entertainment, shops for retailing liquors, houses of ill fame, and to order the same to be closed whenever public safety and tranquility shall require, and impose such regulations and duties upon persons keeping such places as they deem proper and necessary, and to punish all vagrants.

[(7)] To regulate the proper governments of carts, drays, wagons, and other vehicles of other description; freight trains and passenger trains which run in the limit of the town.

[(8)] To, every year, levy an equal tax, upon all real and personal property in said town, not to exceed for one year ten (10) mills of the assessed value thereof, which said tax shall be due and payable, and collectible and enforced in the same manner and at the same time as state taxes; and on the day annually thereafter impose an annual tax on trades, professions, business and callings, said license to expire on the thirty-first day of December in the year in which it was obtained, and which license tax shall be due and collectible from the first day of January inclusive; provided that all persons engaged in business after the first day in July, shall pay for the current year only one half of said license, which license tax shall in no instance exceed the license imposed by the state, for the same time and nor shall any levy board impose or collect any assessment, contribution, or tax on property or persons within said Town of St. Martinville, Louisiana.

[4.] [*Publishing of Financial Statement Prior to Tax Levies.*] The town shall once in every twelve (12) months, before fixing and deciding upon the amount of taxes and licenses to be assessed and imposed for one year, cause to be made out a detailed estimate exhibiting the various items of liabilities and expenditures including the probable amount of contingent expenses during said year, and shall cause the same to be published at least thirty (30) days in the newspaper published in the town and such rate of taxation not exceeding one dollar ($1.00) on every hundred of valuation shall at least thirty (30) days after first publication thereof be fixed and assessed so as with other revenues of the town, may be necessary to meet said estimated liabilities and expenditures.

[5.] [*Estimate to be Followed.*] The adoption of said detailed estimate shall be considered stated, and no money shall be drawn from the treasury except in pursuance of such appropriation.

[6.] [*Tax Due Date and Collection.*] All taxes and licenses imposed by the Town of St. Martinville, Louisiana, shall be due and exigible at the same time as the state taxes and all articles and the laws of the general assembly passed thereunder regulating and relating to the collection of state tax and tax sales shall also apply to and regulate the collection of town taxes.

[7.] [*Authority of Police Jury.*] That the Police Jury of the Parish of St. Martin shall not have or exercise any jurisdiction within the limits of the said town, except it be over the courthouse, jail, drawbridge on Bayou Teche, and other property belonging to the said parish and in said town; and the said police jury shall have no power to levy, impose or lay any tax or license within the limits of the said town and which is specially prohibited and said town is thereby exempt from parish taxes and licenses, and the inhabitants of said town shall not be liable to public road duty under the general laws of this state; and are hereby exempt from road duty, provided that the Police Jury of St. Martin, Louisiana, shall have the right to include the Town of St. Martinville, or any portion thereof in a drainage district organized by it under existing laws in the same manner that territory outside of said town is included within the confines of a drainage district by the police jury, and this and full jurisdiction of a drainage district by the police jury, and to this and full jurisdiction is vested in the Police Jury of the Parish of St. Martin, Louisiana.

[8.] [*Power of Council over Building, Repair of Sidewalks, Banquettes, or Curbing.*] The town council shall be and are hereby empowered to provide for, regulate and require the buildings and repairing of all sidewalks, banquettes, or curbing upon the streets within the corporate limits as may be hereafter provided by ordinances.

[9.] [*Improvement of Sidewalks, Banquettes, etc., After Failure of Abutting Property Owner to Do So.*] Wherever the owner of property in front of which a sidewalk, banquette or other walks shall have been ordered to be made, filled up, grading as required, shall fail to do so, within the time required by the ordinance or resolution of the town council, the town council shall order the same to be done at the expense of the owner or owners of said property and the town shall have a special lien and privilege on said property to secure the payment so due, which entitle the corporation to be paid in preference over any other claim, mortgage or encumbrance upon said property, recoverable before any court of competent jurisdiction. That all streets, except such parts as may be required to be kept up by the grantors of franchise, shall be kept in repair by the town, and all sidewalks or banquettes, shall be kept by the owners of the real property thereon.

[10.] [*Franchises.*] The town council shall have the power and authority to grant franchises over the streets of said town for the purpose of operating railways or streetcar lines, whether by steam, electricity, or other power to operate telegraph, telephone or electric light systems; to establish and maintain public market, and to provide for and maintain and establish waterworks and electric lights or to establish and maintain any of the same on their account; but any of the aforesaid franchise granted to persons or corporations shall be subject to such proper restrictions and regulations then and there after to be made as shall be preservative of public and private right; and said franchise shall not be granted except for public benefit and upon the due compensation to the town by the grantor or grantees nor for a longer period than twenty-five (25) years.

[11.] [*Other Powers.*] The enumeration of the foregoing powers shall not be understood to exclude or restrict any other power, general or specific, belonging to municipal corporations as such, or which are necessary to the proper exercise of its corporate functions nor those powers which are necessary and essential to the objects and purposes of this corporation, all of which are hereby specially reserved.

(Ord. No. 11-03, 2-21-2011)

## [ARTICLE V.] MISCELLANEOUS PROVISION[S]

[1.] [*Removal of Appointed Officers and Police Force Generally.*] The town council may suspend or remove by a vote of the majority of the members, all appointed officers for incompetency, neglect of duty, malfeasance in office, or when the services of such officer are no longer required or necessary to the public interest. The town council shall have power to organize, appoint, uniform and commission a police force, and to appoint as many officers as may be necessary, to fix the salaries and compensation of all officers and employees appointed by them, under the restrictions contained in this act.

[2.] [*Regular Council Meetings, Recording of Proceedings, Publication of Resolutions and Ordinances.*] The town council shall hold regular meetings on stated days every month; their proceedings shall be duly recorded and all resolutions and ordinances shall be published and promulgated in a newspaper published in the town.

[3.] [*Statement of Financial Condition.*] The town council shall further at least ten (10) days before the expiration of such fiscal year, cause to be published in a town newspaper, a correct and full statement of the receipts and expenditures from the date of the last annual report, the funds where derived and showing for what purpose disbursed, the condition of the Treasurer [treasury], together with such information as may be necessary, and a full statement of the financial condition of the town.

[4.] [*Special Procedures for Passage of Ordinances Levying Tax, Appropriating Over Five Hundred Dollars or Buying, Selling Real Estate.*] No ordinance levying a tax, making an appropriation over five hundred dollars ($500.00), or providing for the purchase or sale of real estate, shall be passed except by a majority of the entire Council, nor shall a final vote of same be taken except at a regular meeting, subsequent to previous regular meeting at which the same bill have been introduced and passed to its second reading and the said ordinance together with the vote on the same, and the names of the members voting yes or nay, shall be recorded and published in a newspaper of the town, except in case of invasion, insurrection, pestilence or inundation.

[5.] [*Contracts for Public Works, Materials or Supplies to be Awarded by Bid.*] All contracts for public works or materials, or supplies ordered by the town council, when the same exceed one hundred dollars ($100.00), shall be offered at public auction and given to the lowest bidder who can furnish security satisfactory to the council, or the same shall be advertised for sealed proposals in writing, to be opened by the mayor in the presence of the council, and the contract shall be given to the person making lowest proposal therefor, provided that should there be only one bid, the same may be accepted by the council, as reasonable and fair for the work advertised; provided further, that the town council shall have the rights to refuse, reject and qualify any and all bids or proposals. The minimum amount at which public works or purchases of materials or supplies shall be required to be by public bid shall be set at the same level as is required for such contract or purchase by any public entity in Louisiana under Title 38 of the Louisiana Revised Statutes.

(Ord. No. 11-03, 2-21-2011)

## [ARTICLE VI.] PUBLIC IMPROVEMENTS AND WORK[[6]](#footnote-6)

For the purpose of enabling the town to purchase, contract and pay for any improvements of a general nature not herein provided for, and for the purpose of erecting and constructing public buildings, bridges, causeways, drainage canals, wharves, quays, dykes, water works, electric lights, power and plants, sewers and sewerage disposal plants, and for the purpose of opening, building, making, improving, grading and repairing public roads, making and repairing bridges, within and without the corporate limits of the Town of St. Martinville, when conducive to the best interest and welfare of the town, and in general, any work of public utility not herein enumerated, the town council may, in the name of the Town of St. Martinville, create road districts, sub-road districts, one or more sewerage districts, within the limits of the municipality, to enlarge such districts after they are created, and to consolidate them in pursuance with the Constitution and laws of the State of Louisiana, and the said Town of St. Martinville, or road districts, sub-road districts, or sewerage districts so created, as the case may be, may incur debt and issue negotiable bonds for each and any of said purposes, subject to the conditions, provisions and limitations of the Constitution of the State of Louisiana and amendments thereto, and in accordance with the provisions, conditions and limitations of the laws of Louisiana now in force or hereafter enacted.

# CHARTER COMPARATIVE TABLE

This table shows the location of the amendments to the Charter.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Legislation | Date | | Section | Charter  Article |
| Ord. No. 92-2 | 6-1-1992 | | 1 | II |
| Ord. No. 94-2 | 7-1-1994 | | 1 | II |
| Ord. No. 98-2 | 4-20-1998 | | 1 | II |
| Char. Ord. No. 09-01 | 8-17-2009 | | — | II |
| Ord. No. 11-03 | 2-21-2011 | | — | III—V |
| Ord. No. 22-08 | 7-1-2022 | | art. III, § 2.1 | III |
|  |  | | art. III, § 2.2 | III |
|  |  | | art. III, § 3 | III |

## Chapter 1 GENERAL PROVISIONS

Sec. 1-1. How Code designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated and cited as the "Code of Ordinances, City of St. Martinville, Louisiana." This Code may also be referred to as the "St. Martinville Code."

(Code 1978, § 1-1)

State law reference(s)—Power of city to codify, R.S. 33:1361—33:1363.

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code, and of all ordinances, the following rules and definitions shall be observed, unless such construction would be inconsistent with the manifest intent of the council:

*City.* The term "city" means the City of St. Martinville, Louisiana. The terms "the city" and "this city" shall be construed as if the words "of St. Martinville, Louisiana" followed them.

*City council.* The term "city council" means the city council of the City of St. Martinville, Louisiana.

*Code.* The term "Code" means the Code of Ordinances, City of St. Martinville, Louisiana, as designated in section 1-1, as now or hereafter revised or amended.

*Computation of time.* Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which such notice is given or such act is done shall not be counted in computing the time, but the day on which such proceeding is to be had shall be counted.

*Delegation of authority.* Whenever a provision appears requiring the head of a department or some other city officer to do some act or perform some duty, it shall be construed to authorize the head of such department or other officer to designate, delegate and authorize subordinances to perform the required act or perform the duty unless the terms of the provisions of the section specify otherwise.

*Gender.* Words of one gender include all genders.

*Joint authority.* All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

*L.A.C.* The abbreviation "L.A.C." means the Louisiana Administrative Code, as now or hereafter amended, supplemented, or recodified.

*May.* The term "may" is permissive, not mandatory.

*Month.* The term "month" means a calendar month.

*Municipality.* The term "municipality" means the City of St. Martinville.

*Nontechnical and technical words.* Words and phrases shall be construed according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

*Number.* A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

*Oath.* The term "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

*Officers, boards, commissions.* Whenever reference is made to officers, boards or commissions by title only, such as mayor, secretary-treasurer, planning commission, etc., said references shall be read as though followed by the words "of the City of St. Martinville, Louisiana."

*Or, and.* The term "or" may be read "and," and the term "and" may be read "or," if the sense requires it.

*Parish.* The term "the parish" or "this parish" means the Parish of St. Martin, Louisiana.

*Person.* The term "person" shall extend and be applied to a number of persons and to associations, clubs, societies, firms, partnerships, and bodies politic and corporate, as well as to individuals.

*Property.* The term "property" includes real and personal property.

*R.S.* The abbreviation "R.S." means the Louisiana Revised Statues, as now or hereafter amended, supplemented, or recodified.

*Shall.* The term "shall" is mandatory.

*Signature* or *subscription.* The term "signature" or "subscription" includes a mark when the person cannot write.

*State.* The term "the state" or "this state" means the State of Louisiana.

*Street.* The term "street" includes streets, avenues, boulevards, roads, alleys, lanes, viaducts, and all other public highways in the city.

*Tense.* Words used in the past or present tense include the future as well as the past and present.

*Week.* The term "week" means seven days.

*Year.* The term "year" means a calendar year.

(Code 1978, § 1-2)

Sec. 1-3. Catchlines of sections.

The catchlines of the several sections of this Code, printed in boldface type, are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, or as any part of the sections, or, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

(Code 1978, § 1-3)

Sec. 1-4. 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, or any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

(Code 1978, § 1-4)

Sec. 1-5. Severability of parts of Code.

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, unenforceable or invalid by the valid judgment of any court of competent jurisdiction, such unconstitutionality, unenforceability or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the city council without the incorporation in this Code of any unconstitutional, unenforceable or invalid phrase, clause, sentence, paragraph or section.

(Code 1978, § 1-5)

Sec. 1-6. Amendments to Code; effect of new ordinances; amendatory language.

(a) All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code 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, such repealed portions may be excluded from this Code by omission from reprinted pages. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this Code and subsequent ordinances numbered or omitted are readopted as a new code of ordinances.

(b) Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code in substantially the following language: "That section \_\_\_ of the Code of Ordinances, City of St. Martinville, Louisiana, is hereby amended to read as follows: …." The provisions shall then be set out in full as desired.

(c) In the event a new section not heretofore existing in this Code is to be added, the following language may be used: "That the Code of Ordinances, City of St. Martinville, Louisiana, is hereby amended by adding a section, to be numbered \_\_\_, which said section reads as follows: …." The new section shall then be set out in full as desired.

(Code 1978, § 1-6)

Sec. 1-7. Altering Code.

It shall be unlawful for any person in the city 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 such Code in any manner whatsoever which will cause the law of the city to be misrepresented thereby. Any person violating this section shall be punished as provided in section 1-8.

(Code 1978, § 1-7)

Sec. 1-8. General penalty.

Whenever in this Code or in any city ordinance or any rule or regulation promulgated by an officer or agency thereof under the authority invested by law or ordinance, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provisions of this Code, ordinance or rule or regulation is hereby declared to be a misdemeanor and shall be punished by a fine not exceeding $500.00 or by imprisonment not exceeding 60 days or by both such fine and imprisonment. Every day any violation of this Code or of any such ordinance, rule or regulation shall continue shall constitute a separate offense.

(Code 1978, § 1-8)

Sec. 1-9. Officers and employees not to be punished for failure to do duty.

Except as specifically provided otherwise, no city officer or employee shall be subject to fine or punishment under the provisions of this Code for his failure to do any official act required by same.

(Code 1978, § 1-9)

Sec. 1-10. Certain ordinances not affected by adoption of Code.

(a) Nothing in the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of the following ordinances, in effect at the time of adoption of this Code, when not inconsistent with this Code:

(1) Any offense or act committed or done or any penalty or forfeiture incurred before the effective date of this Code;

(2) Any ordinance or resolution promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness, or any contract or obligation assumed by the city;

(3) Any right of franchise granted by any city ordinance;

(4) Any ordinance establishing, dedicating, accepting the dedication of, naming, grading, improving, locating, opening, paving, widening, vacating, etc., any street, alley, sidewalk, public way, public park or public grounds in the city;

(5) Any appropriation ordinance;

(6) Any ordinance levying or imposing taxes or special assessments, or authorizing tax fund transfers, not inconsistent with this Code;

(7) Any zoning or land development ordinance, any amendment thereto, or any ordinance rezoning specific property;

(8) Any ordinance establishing or prescribing grades in the city;

(9) Any ordinance providing for local improvements and assessing taxes therefor;

(10) Any ordinance dedicating or accepting any plat or subdivision in the city, or providing regulations for the subdivision of land;

(11) Any ordinance or resolution annexing territory or excluding territory, or any ordinance defining, extending or contracting the boundaries of the city;

(12) Any ordinance regarding the conveyance or acceptance of real property or easements in real property;

(13) Any ordinance establishing positions, classifying positions, setting salaries or retirement of city officers and employees or any personnel regulations;

(14) Any ordinance declaring certain property to be a public nuisance and authorizing procedures for demolition of same;

(15) Any ordinance adopted by reference by any provisions of this Code or any amendments to such ordinances;

(16) Any ordinance establishing fire lanes on private property, or regarding fire limits or districts;

(17) Any temporary or special ordinance not in conflict with the provisions of this Code;

(18) Any administrative ordinances not in conflict, nor inconsistent, with this Code;

(19) Any ordinance regarding storm drainage;

(20) Any traffic regulations, including, but not limited to, speed limits, stop intersections, weight and load limits, vehicle regulations, vehicle length and height and prohibition of parking on certain streets;

(21) Any ordinance concerning municipal cemeteries, parks, commons or community centers;

(22) Any ordinance regulating adult entertainment or sexually oriented businesses;

(23) Any ordinance establishing a sewer, fire protection or other service district pursuant to state law;

(24) Any ordinance establishing a board, commission or agency in existence at the time of adoption of this Code;

(25) Any ordinance or resolution establishing personnel regulations, procedures, and rules, or adopting a personnel manual;

(26) Any ordinance setting forth an exercise of the city police power, including, but not limited to, regulation of businesses;

(27) Any ordinance setting forth conditions and requirements for obtaining a building permit;

(28) Any ordinance establishing an identity theft prevention program or amending such.

(b) The provisions of this Code, so far as they are the same in substance as those heretofore existing ordinances or Code sections, are continuations of such ordinances or Code sections and are not new enactments.

## Chapter 2 ADMINISTRATION[[7]](#footnote-7)

### ARTICLE I. IN GENERAL

Sec. 2-1. Nonprofit organizations seeking city contributions; request requirements.

All nonprofit organizations seeking contributions from the city shall be required to submit a written request, with a budget detailing the proposed use of requested funds, prior to April 1 of each year. The request shall be accompanied by a brief report on how the organization contributes to the community.

(Code 1978, § 2-1; Mo. of 2-1-1999)

Sec. 2-2. Disability policy and grievance procedures.

(a) The city does not discriminate against any disabled individual or group in any of its policies, practices, programs, activities and procedures.

(b) The city has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the regulation of the Federal Department of Housing and Urban Development, 24 CFR 8, implementing section 504 of the Rehabilitation Act of 1973, as amended (Public Law 93-112). Section 504 states, in part: "No otherwise qualified handicapped individual … shall, solely by reason of his handicap be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." To further assist those who may have a grievance concerning section 504 compliance, a section 504 coordinator has been designated to coordinate the efforts of the city to comply with requirements of section 504 and its implementing regulation, 24 CFR 8.

(1) Complaints should be in writing, contain the name and address of the person filing them, and briefly describe the action alleged to be prohibited by the regulation.

(2) Complaints should be filed in the office of the section 504 coordinator within a reasonable time after the person filing the complaint became aware of the action alleged to be prohibited by the regulation.

(3) The section 504 coordinator will review the complaint and conduct such investigation of a complaint as may be appropriate to determine its validity and submit a recommendation to the city within 15 days of receiving the complaint.

(4) The city will make a decision concerning the complaint within 30 days after receiving the section 504 coordinator's recommendation.

(5) The section 504 coordinator will respond to the complaint in writing ten calendar days after the city reaches a decision.

(6) The section 504 coordinator shall maintain the files and records of the city relating to complaints filed hereunder. The section 504 coordinator may assist with the preparation and filing of complaints.

(7) The right of a person to prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a section 504 complaint with the department of housing and urban development or other federal or state agencies. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.

a. Complaints may be forwarded for disposition to:

Office of Fair Housing and Equal Opportunity   
Department of Housing and Urban Development   
Washington, D.C. 20410

b. Complaints may also be filed at any regional or field office of the department, such as:

Department of Housing and Urban Development   
Regional Office   
Fair Housing and Equal Opportunity Division   
Post Office Box 2905   
Fort Worth, TX 76113-2905

(8) Determinations made under these procedures shall be liberally constructed to protect the substantial rights of interested persons, to meet appropriate due process standards and to ensure the compliance of the city with section 504 and its implementing regulation.

(Code 1978, § 2-2; Mo. of 12-18-2000)

Sec. 2-3. Improper interference with employee assignments.

Neither the mayor nor any department head shall move and assign an employee to perform work unrelated to their job description, nor shall they move an employee from one department to another, without the prior consent of the city council at a general or special meeting thereof. This shall not apply to temporary and short-term reassignments within the public works department where extra manpower is needed as a result of emergencies or special situations, but all such instances are to be reported to the city council at the next regularly scheduled meeting.

(Ord. No. 19-06, 8-19-2019)

Sec. 2-4. Municipal immunity.

Pursuant to the authority of R.S. 33:4169.1 granting to municipalities the authority to act in the capacity of the state as sovereign with regard to the disposal of garbage or trash, the city does hereby claim, establish, and retain unto itself immunity from suit or prosecution from any and all claims related to the disposal of garbage or trash by the city under any contract or lease.

(Ord. No. 20-04, 6-15-2020)

Secs. 2-5—2-26. Reserved.

### ARTICLE II. MEETINGS AND LEGISLATION

Sec. 2-27. Meetings of council.

The regular meetings of the mayor and city council shall be on the first and third Mondays of each month at 6:00 p.m.

(Code 1978, § 2-21)

Sec. 2-28. Agenda for meetings.

(a) No business items shall be taken up for discussion or decision at any regular or special meeting of the mayor and city council unless such items of business are placed on the agenda no later than Friday, 12:00 noon, prior to the city council meeting.

(b) The city council may hear urgent matters of business only by a unanimous vote of the council.

(c) The following deadlines are adopted by ordinance for the placing of items on the agenda for regular city council meetings:

(1) The deadline for the public to submit items for the council agenda is 4:30 p.m. on the Wednesday prior to the scheduled meeting.

(2) The deadline for the mayor, council and city attorney to submit items for the council agenda is 4:30 p.m. on the Thursday prior to the scheduled meeting.

(Code 1978, § 2-22; Res. of 10-23-1978; Ord. No. 19-04, 6-24-2019)

Sec. 2-29. Procedure for enacting, recording and publishing ordinances.

(a) *Ordinances, resolutions and motions.*

(1) Any law enacted by the city council shall be by ordinance. The style of all ordinances shall be: "Be it ordained by the city council of the City of St. Martinville …," and no ordinance shall be adopted except by the affirmative vote of the majority of the members of the council.

(2) All other acts of the council which are not law shall be by either resolution or motion.

(3) A resolution shall be a proclamation by the city council. It may direct that some action be taken by a city official or it may be the statement of a position being taken by the city. A resolution shall be approved by an affirmative vote of a majority of the members of the council present at a meeting. The resolution shall require the signature of the mayor to become executive.

(4) A motion is a statement by the council which must be duly seconded and approved by the majority of the position that the council is taking on a certain subject.

(b) *Content.* An ordinance shall contain only one subject, which shall be indicated in its title.

(c) *Consideration of ordinances and voting thereon; amendments.*

(1) An ordinance must be reduced to writing prior to consideration. All ordinances shall be read and considered by sections at a public meeting of the city council; and, if adopted, shall be signed by the mayor or other officer presiding in his absence. The vote on the ordinance's final passage shall be taken by "yeas" and "nays," which shall be entered into the minutes by the secretary.

(2) Each proposed amendment to an ordinance shall be presented in writing or reduced to writing prior to its final consideration. An amendment to a proposed ordinance shall not nullify the purpose of the proposed ordinance nor, except for the ordinances involving the annual operating budget, capital improvements budget, or a codification of municipal ordinances, add new subject matter to it.

(d) *Recording and publishing.*

(1) The secretary shall keep a book entitled "Ordinances, City of St. Martinville" in which he shall file the original of every ordinance which has been adopted by the council immediately after its passage and attach a note to the ordinance stating the date of its enactment and a reference to the book and page of the council minutes containing the record of its adoption.

(2) The secretary shall publish each ordinance adopted by the council once in the official journal of the city within 20 days of its adoption and prior to its effective date, except as otherwise provided in R.S. 42:6.1(A)(5).

(e) *Effective date.* Unless an ordinance specifies an earlier or later effective date, the ordinance shall take effect on the 30th day after the meeting in which the ordinance was adopted.

(f) *Suspension.* Only the council may suspend an ordinance, and then only by the same vote and according to the same procedure and formalities required for the enactment of that ordinance. Every ordinance suspending an ordinance shall fix the period of suspension.

(Code 1978, § 2-23; Ord. of 5-4-1987, §§ A—F)

Sec. 2-30. Agenda; item placement.

(a) The mayor may place any item on the agenda.

(b) Any city councilmember may place any item on the agenda.

(c) Any citizen may place any item on the agenda by request in writing delivered to the council clerk no later than 12:00 noon on the Wednesday prior to the scheduled meeting, and the request must be made on a form provided by the city. However, a majority of the council may in writing determine that any such citizen request may be denied.

(d) Any request to place an item on the agenda may be done in writing addressed to the mayor or the council clerk, or verbally to the council clerk.

(e) All such requests must be made within the time required by the Louisiana Public Meetings Law.

(Ord. No. 18-10, 12-3-2018)

Sec. 2-31. Reduced compensation; missed meetings.

Beginning January 1, 2021, and for each calendar year thereafter, any councilmember who misses more than seven regular meetings in any calendar year shall have his compensation reduced by 50 percent of his normal monthly compensation from the city, for each additional meeting that he misses after having missed seven meetings.

(Ord. No. 20-07, 11-16-2020)

## Chapter 4 ALCOHOLIC BEVERAGES[[8]](#footnote-8)

### ARTICLE I. IN GENERAL

Sec. 4-1. Definitions.

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

*Alcoholic beverages* means any fluid or any solid capable of being converted into fluid, suitable for human consumption, and containing more than one-half of one percent alcohol by volume, including malt, vinous, spirituous, alcoholic or intoxicating liquors, beer, porter, ale, stout, fruit juices, cider or wine.

*Beverages of high alcoholic content* means alcoholic beverages containing more than six percent alcohol by volume.

*Collector* means the state collector of revenue, or his duly authorized agents.

*General retail* means a retail outlet where beverage alcohol is sold on the premises for consumption by paying customers. Such an establishment must be equipped with a back bar or similar equipment for public display and to inform the public of brands and flavors that are offered for sale. The retail establishment shall be staffed by a bartender whose primary duty is to serve alcohol beverage products for consumption on the premises by paying customers. The general retail permit holder must derive at least 75 percent of its total retail sales income from the sale of alcohol beverages for consumption on the premises.

*Handle* means to sell, use, distribute, store, consume or otherwise handle.

*Malt beverages* means beverages obtained by alcoholic fermentation of an infusion, or concoction, of barley or other grain, malt, and hops in water, including, among other things, ale, beer, stout, porter and the like.

*Package house* means a place where a person sells alcoholic beverages in closed containers, prepared for transportation and consumption off the premises.

*Restaurant establishment* means a place of business whose purpose and primary function is to take orders for and serve food and food items, which serves food on all days of operation and which grosses 60 percent of its average monthly revenue from the sale of food, food items, and nonalcoholic beverages. The restaurant establishment must operate a fully equipped kitchen used for preparation of uncooked food for service and consumption of such food on the premises.

*Retail dealer* means every person who offers for sale, exposes for sale, has in his possession for sale or distribution, or sells alcoholic beverages in any quantity to persons other than licensed wholesale or retail dealers.

*Wholesale dealer* means those persons who sell alcoholic beverages to licensed wholesale dealers or licensed retail dealers within the state or to any person for delivery beyond the borders of the state.

(Code 1978, § 3-1; Ord. No. 96-12, 10-7-1996)

State law reference(s)—Similar provisions, R.S. 26:2, 26:241.

Sec. 4-2. Permits required.

(a) No person shall engage in the business of selling beverages of high alcoholic content, at wholesale or retail, without the appropriate permit issued by the city.

(b) No person shall engage in the business of selling beverages of low alcoholic content, at wholesale or retail, without a permit issued by the city.

(Code 1978, § 3-2; Ord. of 12-12-1933, § 1)

State law reference(s)—Power of city to require permits, R.S. 26:72, 26:274.

Sec. 4-3. Permit required for each location where business is done.

Any retail liquor dealer making delivery of spirits, wine, beer or other malt liquors, at any retail dealer in malt liquors making delivery of beer or other malt liquors, at places other than the place of business specified on the permit, except pursuant to prior specific orders therefor received at such place of business, is subject to separate tax as retail liquor dealer, or retail dealer in fermented malt liquor, as the case may be, at such place where such sales are made. Each such dealer who has paid the tax at one place of business does not incur further tax for sales of beer or other malt liquors to another such dealer holding a proper tax stamp if the sales are consumed at the place of business where the latter's tax stamp is held.

(Code 1978, § 3-3; Ord. of 12-12-1933, § 3; Ord. of 1-13-1959, § 1)

Sec. 4-4. Permit fees.

(a) *Beverages of low alcoholic content.* A person desiring a permit for the sale of beverages of low alcoholic content shall pay a permit fee based on the class of permit as follows, unless established otherwise from time to time:

(1) Wholesale: $75.00.

(2) Class "A" general retailer dealer (on premises consumption): $35.00.

(3) Class "A" restaurant dealer (on premises consumption): $35.00.

(4) Class "B" retail dealer (off premises consumption): $25.00.

(b) *Beverages of high alcoholic content.* A person desiring a permit for the sale of beverages of high alcoholic content shall pay a permit fee based on the kind of permit as follows:

(1) Wholesale dealer: $250.00.

(2) Class "A" general retail dealer (on premises consumption only): $250.00.

(3) Class "A" restaurant dealer (on premises consumption only): $250.00.

(4) Class "B" retail dealer (off premises consumption only): $250.00.

(Code 1978, § 3-4; Ord. of 12-12-1933, § 3; Ord. of 1-3-1959, § 1; Ord. of 11-15-1982, § 1; Ord. No. 96-12, 10-7-1996)

State law reference(s)—Permit fees authorized, R.S. 26:73, 26:273.

Sec. 4-5. Qualifications of applicants for permits generally.

(a) Applicants for permits of all kinds required by this chapter shall meet the following qualifications and conditions. The applicant:

(1) Is a person of good character and reputation and over 18 years of age.

(2) Is a citizen of the United States and of the state and a resident of the state continuously for a period of not less than two years preceding the date of the filing of the application.

(3) Is the owner of the premises or has a bona fide written lease therefor.

(4) Has not been convicted of a felony under the laws of the United States, the state, or any other state.

(5) Has not been convicted in the state or any other state or by the United States of soliciting for prostitution, pandering, letting premises for prostitution, contributing to the delinquency of juveniles, keeping a disorderly place, or illegally dealing in narcotics.

(6) Has not had revoked a license or permit to sell or deal in alcoholic beverages issued by the United States, the state or any other state for one year prior to application, or has been convicted or had judgment against him involving alcoholic beverages by the state or any other state or the United States for one year prior to the application.

(7) Has not been convicted of a violation of the provisions of this chapter. If so, the granting or denial of a permit is within the discretion of the mayor and city council.

(8) Has not been convicted of violating any of the provisions of the state laws regulating the sale of alcoholic beverages.

(9) Is not the spouse of a person whose application has been denied or whose permit has been revoked, unless judicially separated or divorced.

(b) If the applicant is a partnership or anyone in partnership with or financed by another, all members of the partnership or all the persons furnishing the money shall also possess the qualifications required of the applicant. The application shall state the full name and address of all partners and persons financially interested and each shall furnish his affidavit showing his qualifications as required of an applicant.

(c) If the applicant is a corporation, all officers and directors and all stockholders owning in the aggregate more than five percent of the stock, and the person who shall conduct or manage the business shall possess the qualifications required of an applicant, to be shown by the affidavit of each accompanying the application.

(d) If the applicant's business is to be conducted wholly or partly by one or more managers, agents, servants, employees, or other representatives, that person shall also possess the qualifications required of the applicant, to be shown on the affidavit of each accompanying the application.

(e) If the applicant or any other person required to have the same qualifications does not possess the required qualifications, the permit shall be denied.

(Code 1978, § 3-5)

State law reference(s)—Similar provisions, R.S. 26:79, 26:279.

Sec. 4-6. Additional causes for denial of permits.

In addition to any other causes enumerated in this chapter, the city may deny any permit required by this chapter for any one of the following causes:

(1) If the holder of a permit to sell alcoholic beverages, or any of the persons who must possess the same qualifications, fails to possess the qualifications required in section 4-5.

(2) If the permit was granted to any person who is or has been engaged in an alcoholic beverage business with a person whose application for a permit has been denied or whose permit has been revoked.

(3) If there was any misstatement or suppression of fact in the application for the permit.

(4) If the holder of any permit has been convicted by any court of competent jurisdiction of any one of the following offenses:

a. Violation of the Sunday closing laws.

b. Violation of any municipal or parish ordinance providing for Sunday closing hours.

(5) If, without a proper license, a retailer allows any person to consume any alcoholic beverage on the licensed premises or on any parking lot or open or closed space within or contiguous to the licensed premises.

(6) If any dealer or any person described in section 4-5(b) through (d) violates or has violated any provision of this chapter.

(7) If any dealer fails to pay any excise taxes due by any regulated business to the state or to any parish or municipality.

(Code 1978, § 3-6)

State law reference(s)—Similar provisions, R.S. 26:89, 26:286.

Sec. 4-7. Permit transfer and expiration.

Permits issued under this chapter are not assignable or heritable and are good only from the time of issuance to December 31 of the year issued, unless sooner suspended or revoked.

(Code 1978, § 3-7; Ord. of 12-3-1933, § 2)

State law reference(s)—Similar provisions, R.S. 26:75, 26:275.

Sec. 4-8. Notation of change of location on permit.

When the location of a business for which a permit is issued pursuant to this chapter is changed, the change shall be noted on the permit by the issuing authority.

(Code 1978, § 3-8)

Sec. 4-9. Display of permit.

The permit required by this chapter shall be permanently displayed by the permittee in his place of business so as to be easily seen and read by the public.

(Code 1978, § 3-9)

State law reference(s)—Similar provisions, R.S. 26:75, 26:275.

Sec. 4-10. Applications for renewal of permits.

All applicants for the renewal of a permit issued pursuant to this chapter shall be filed with the mayor on or before November 1 of each year and the proper remittance shall accompany the application.

(Code 1978, § 3-10)

Sec. 4-11. Penalty for late application for permit.

Should any retail dealer or wholesale dealer fail to file his application for renewal of the permit required by this chapter for an ensuing year on or before November 1 of each year, a penalty shall be imposed of 25 percent of the amount due for the permit applied for. If the application for the renewal of the permit is not filed until, on or after January 1 of the year for which the permit is required, the application may be denied without notice or hearing and the applicant's right to do business suspended.

(Code 1978, § 3-11)

Sec. 4-12. Location restrictions generally.

No permit shall be granted pursuant to this chapter for any premises situated within 300 feet or less of a public playground or of a building used exclusively as a church or synagogue, public library, or school. With respect to beverages of high alcoholic content, the measurement of this distance shall be made from the nearest point of the property line of the church, synagogue, library, playground, or school to the nearest point of the property line of the premises to be licensed, or by such other method as may hereafter be prescribed by state law. With respect to beverages of low alcoholic content, this distance shall be measured as a person walks, using the sidewalk from the nearest point of the property line of the church or synagogue, library, playground or school to the nearest point of the premises to be licensed, or by such method as may hereafter be prescribed by state law. The restrictions contained in this section do not apply to premises which are maintained as a bona fide hotel, restaurant, grocery store or fraternal organization.

(Code 1978, § 3-12; Ord. of 12-12-1933, § 8; Ord. of 8-3-1981)

State law reference(s)—Location restrictions, R.S. 26:80, 26:280.

Sec. 4-13. Frontage consents.

It shall be unlawful to operate a bar, tavern, saloon, or any other retail establishment for the sale and consumption of alcoholic beverages on the premises of said establishment within 300 feet of any residence or dwelling house or other building used principally as a place of habitation, without first having obtained the consent of the majority of the property owners owning such residences, dwellings, houses or other buildings used principally as a place of habitation, which consent must be given in writing. The restrictions contained in this section do not apply to premises which are maintained as a restaurant or grocery store.

(Code 1978, § 3-13; Ord. of 8-14-1962; Ord. of 8-3-1981)

Sec. 4-14. Denial of permit for misstatement of fact in application.

Any misstatement or suppression of fact in an application or accompanying affidavit for a permit required by this chapter is a ground for denial of the permit.

(Code 1978, § 3-14)

State law reference(s)—Similar provisions, R.S. 26:82, 26:281.

Sec. 4-15. Gallonage tax.

In addition to all other taxes presently imposed, there is hereby levied a tax on beverages of low alcoholic content sold and consumed in the city of $1.50 per standard barrel of 31 gallons and at a like rate for fractional parts of a barrel, such tax to be collected for the city by the state collector of revenue as is provided in R.S. 26:493 and 26:794 and other applicable state law.

(Code 1978, § 3-15; Ord. of 8-13-1946)

Sec. 4-16. Collection of permit fees and gallonage tax by collector.

The state collector of revenue is hereby requested to collect the permit fees and gallonage tax fixed and levied herein and remit such fees and taxes collected by him quarterly to the city after deducting such collection costs as are fixed by law.

(Code 1978, § 3-16)

Sec. 4-17. Revocation of license.

Any corporation, partnership, person or other legal entity who violates any portion of this chapter may have their alcoholic beverage licenses revoked by the city council. The city police chief shall inform the council that an establishment has been in violation of this chapter, at which time a hearing will be held within two weeks or at the next regularly scheduled council meeting and at which time the license holder shall be required to show cause to the city council why the license should not be revoked for violation of this chapter.

(Code 1978, § 3-17; Ord. No. 96-12, 10-7-1996)

Secs. 4-18—4-37. Reserved.

### ARTICLE II. OPERATIONAL RULES

Sec. 4-38. Responsibility.

A violation of this article by a retail dealer's agent, associate, employee, representative, or servant shall be considered the retail dealer's act for purposes of suspension or revocation of a permit.

(Code 1978, § 3-27)

State law reference(s)—Similar provisions, R.S. 26:88, 26:285.

Sec. 4-39. Violations.

A violation of this article is sufficient cause for the suspension or revocation of a permit issued pursuant to this chapter. The council may also authorize the city attorney to seek injunctive relief in any appropriate court to prevent any ongoing violation of this chapter.

(Code 1978, § 3-28)

Sec. 4-40. Unauthorized sales.

No person holding a retail dealer's permit required by this chapter and no servant, agent, or employee of the permittee shall sell, offer for sale, possess, or permit the consumption on the licensed premises of any kind or type of alcoholic beverages, the sale or possession of which is not authorized under said permit.

(Code 1978, § 3-29)

State law reference(s)—Similar provisions, R.S. 26:88(6), 26:285(6).

Sec. 4-41. Sales to minors.

No person holding a retail dealer's permit issued pursuant to this chapter and no servant, agent, or employee of the permittee shall, upon the licensed premises, sell or serve beverages of low or high alcoholic content to any person under the age of 21 years, unless such person submits a driver's license, selective service card or other lawful identification which, on its face, establishes the age of the person as 21 years or older and there is no reason to doubt the authenticity or correctness of the identification.

(Code 1978, § 3-30; Ord. of 12-12-1933, § 7)

State law reference(s)—Similar provisions, R.S. 26:88(1), 26:285(1).

Sec. 4-42. Minors on premises.

No person holding a retail dealer's permit issued pursuant to this chapter and no servant, agent, or employee of the permittee shall invite or permit any person under the age of 18 years to visit or loiter in or about any place where alcoholic beverages are the principal commodity sold or given away.

(Code 1978, § 3-31)

State law reference(s)—Similar provisions, R.S. 26:88(3), 26:285(3).

Sec. 4-43. Minors playing pool.

No person holding a retail dealer's permit issued pursuant to this chapter and no servant, agent or employee of the permittee shall permit the playing of pool or billiards by any person under 18 years of age, or permit such person to frequent the licensed premises operating a pool or billiard hall.

(Code 1978, § 3-32)

State law reference(s)—Similar provisions, R.S. 26:88(11), 26:285(11).

Sec. 4-44. Employment of minors.

(a) No person holding a retail dealer's permit issued pursuant to this chapter and no servant, agent, or employee of the permittee shall, upon the licensed premises, employ anyone under 18 years of age when the sale of alcoholic beverages constitutes the main business. If alcoholic beverages do not constitute the main business, an employee under 18 years of age shall not handle or work with alcoholic beverages.

(b) An employee under 18 years of age shall not handle or work with alcoholic beverages.

(Code 1978, § 3-33)

State law reference(s)—Similar provisions, R.S. 26:88(9), 26:285(9).

Sec. 4-45. Sales to intoxicated persons.

No person holding a retail dealer's permit and no servant, agent, or employee of the permittee shall, upon the licensed premises, sell or serve alcoholic beverages of either low or high alcoholic content to any intoxicated person.

(Code 1978, § 3-34)

Sec. 4-46. B-girls.

No person holding a retail dealer's permit and no servant, agent, or employee of the permittee shall, upon the licensed premises, employ or permit females commonly known as B-girls to frequent the premises and solicit patrons for drinks or to accept drinks from patrons and receive therefor any commission or any remuneration in any other way.

(Code 1978, § 3-35)

State law reference(s)—Similar provisions, R.S. 26:90, 26:286.

Sec. 4-47. Prostitutes.

No person holding a retail dealer's permit issued pursuant to this chapter and no servant, agent, or employee of the permittee shall permit any prostitute to frequent the licensed premises.

(Code 1978, § 3-36)

State law reference(s)—Similar provisions, R.S. 26:90, 26:286.

Sec. 4-48. Disorderly conduct.

No person holding a retail dealer's permit issued pursuant to this chapter and no servant, agent, or employee of the permittee shall permit any disturbance of the peace or obscenity, or any lewd, immoral or improper entertainment, conduct, or practice on the licensed premises.

(Code 1978, § 3-37)

State law reference(s)—Similar provisions, R.S. 26:90, 26:286.

Sec. 4-49. Gambling.

No person holding a retail dealer's permit issued pursuant to this chapter and no servant, agent, or employee of the permittee shall intentionally conduct illegal gambling, as defined by law, on the premises described in the application for the permit.

(Code 1978, § 3-38)

State law reference(s)—Similar provisions, R.S. 26:88(7), 26:285(7).

Sec. 4-50. Drugs.

No person holding a retail dealer's permit issued pursuant to this chapter and no servant, agent, or employee of the permittee shall illegally sell, offer for sale, possess, or permit the consumption on or about the licensed premises of any kind or type of narcotics or habit-forming drugs.

(Code 1978, § 3-39)

State law reference(s)—Similar provisions, R.S. 26:88(12), 26:285(12).

Sec. 4-51. View of premises.

No person holding a retail dealer's permit and no servant, agent, or employee of the permittee shall fail to keep the licensed premises well lighted and all outside windows and doors open to view from the sidewalk or outside.

(Code 1978, § 3-40)

Sec. 4-52. Operating hours.

(a) No person holding a retail dealers permit and no associate, representative, servant, agent or employee of the permittee shall do or permit any of the following acts to be done on or about the licensed premises:

(1) Sell, offer for sale, serve or give alcoholic beverages on the premises after 3:00 a.m. on Saturday and Sunday mornings, and 12:00 midnight on Monday mornings.

(2) Allow the possession or consumption of alcoholic beverages on the premises after 3:30 a.m. on Saturday and on Sunday mornings, and 12:00 midnight Monday mornings.

(3) Allow anyone except employees to be or remain on the premises after 3:30 a.m. on Saturday and Sunday mornings and 12:00 midnight on Monday mornings when the sale or handling of alcoholic beverages constitutes 60 percent of the main business.

(b) This section exempts the following days from curfew hours: Christmas Eve, Christmas Day, New Year's Eve, New Year's Day and the Fourth of July.

(c) Retail establishments may sell alcohol and remain open until 2:00 a.m. on the mornings of Martin Luther King, Jr. Day, Memorial Day and Labor Day.

(Code 1978, § 3-41; Ord. of 7-16-1968, § 1; Ord. of 10-4-1982; Ord. of 10-18-1982; Ord. of 11-4-1982; Ord. of 1-7-1985, §§ 1, 2; Ord. No. 05-01, 5-16-2005; Ord. No. 22-10, 9-6-2022)

## Chapter 6 AMUSEMENTS[[9]](#footnote-9)

Sec. 6-1. Charitable games of bingo and raffles.

(a) The city hereby permits charitable bingo and raffles within the corporate limits of the city, provided that the minimum requirements of R.S. 4:701 et seq. are met and, provided that:

(1) Applicants for bingo and raffle permits and licenses are approved by the city.

(2) The contracts between the applicants and owners of establishments where bingo games are held meet existing statutory requirements.

(3) That no bingo games and raffles under this section are held more than three days per week at an establishment designated by the applicant.

(4) Applicants for bingo and raffle permits must file written monthly reports to the city not later than ten days after the month of operation in accordance with existing state statutory regulations.

(b) The permit will be issued at a cost as established from time to time.

(Code 1978, § 5-1; Ord. of 9-29-1986; Ord. of 10-20-1986; Ord. of 12-2-1986; Ord. of 6-15-1987)

Sec. 6-2. Exhibition or carnival—Insurance.

No license shall be issued for conducting any exhibition or carnival until the applicant therefor has placed on file with the secretary-treasurer a certificate or certificates of insurance indicating that there is in effect public liability insurance covering any damages arising out of the use and operation of any and all devices and facilities operated in connection with such carnival or exhibition. Such insurance shall be in the minimum amount of $25,000.00 for each person and $50,000.00 for each accident.

(Code 1978, § 5-21; Ord. of 11-25-1975, § 5)

Sec. 6-3. Exhibition or carnival—Bond for taxes.

No license shall be issued for conducting an exhibition or carnival until the applicant therefor has placed on file with the secretary-treasurer a cash or surety bond in the amount as established from time to time to ensure the payment of any and all sales taxes which may become due.

(Code 1978, § 5-22; Ord. of 11-25-1975, § 6)

Sec. 6-4. Exhibition or carnival—Supervision.

For the purpose of preserving and maintaining order a sufficient number of police officers shall be admitted to any and all exhibitions and carnivals free of charge.

(Code 1978, § 5-23; Ord. of 11-25-1975, § 8)

Sec. 6-5. Exemption.

This chapter shall not apply to any athletic contest or exhibition whether or not a fee is charged for admission.

(Code 1978, § 5-24; Ord. of 11-25-1975, § 7)

## Chapter 8 ANIMALS[[10]](#footnote-10)

### ARTICLE I. IN GENERAL

Sec. 8-1. Definitions.

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

*At large* means off the premises of the owner, and not under control of the owner or a member of his immediate family, either by leash, cord, chain or otherwise.

*Domesticated animals* mean animals which are kept as pets, such as dogs and cats.

*Owner* means any person owning, keeping or harboring any animal or fowl.

*Undomesticated animals* mean horses, mules, cattle, goats, swine and other animals which are not domesticated.

(Code 1978, § 6-1)

Sec. 8-2. Cruelty.

(a) Any person who intentionally or with criminal negligence commits any of the following shall be guilty of simple cruelty to animals:

(1) Overdrives, overloads, drives when overloaded, or overworks a living animal.

(2) Torments, cruelly beats, or unjustifiably injures any living animal, whether belonging to himself or another.

(3) Having charge, custody, or possession of any animal, either as owner or otherwise, unjustifiably fails to provide it with proper food, proper drink, proper shelter, or proper veterinary care.

(4) Abandons any animal. A person shall not be considered to have abandoned an animal if he delivers to an animal control center an animal which he found running at large.

(5) Impounds or confines or causes to be impounded or confined in a pound or other place, a living animal and fails to supply it during such confinement with proper food, proper drink, and proper shelter.

(6) Carries, or causes to be carried, a living animal in or upon a vehicle or otherwise, in a cruel or inhumane manner.

(7) Unjustifiably administers any poisonous or noxious drug or substance to any domestic animal or unjustifiably exposes any such drug or substance, with intent that the same shall be taken or swallowed by any domestic animal.

(8) Injures any animal belonging to another person.

(9) Mistreats any living animal by any act or omission whereby unnecessary or unjustifiable physical pain, suffering or death is caused to or permitted upon the animal.

(10) Causes or procures to be done by any person any act enumerated in this subsection.

(b) Whoever commits the crime of simple cruelty to animals shall be fined not more than $500.00, or imprisoned for not more than 60 days, or both. In addition, the court may order the offender to pay for any expenses incurred for the housing of the animal and for medical treatment of the animal, pursuant to C.Cr.P. art. 883.2.

(Code 1978, § 6-2; Ord. of 7-14-2008)

State law reference(s)—Similar provisions, R.S. 14:102.

Sec. 8-3. Running at large.

No person shall allow any animal, whether domesticated or undomesticated, or fowl to roam, run or be at large or on the premises of another within the city.

(Code 1978, § 6-3)

Sec. 8-4. Destruction of dangerous, vicious domesticated animals.

Any dangerous, vicious or fierce domesticated animal or any domesticated animal having dangerous, vicious or fierce propensities and tendencies found at large after the owner thereof has previous knowledge or notice that such domesticated animal is dangerous, vicious or fierce or has dangerous, vicious or fierce propensities and tendencies may be killed by any city police officer without such officer having to catch or impound such domesticated animal.

(Code 1978, § 6-4)

Sec. 8-5. Keeping of certain animals regulated.

No person shall keep, harbor or maintain any horse, mule, cattle or other livestock within 200 feet of any residence within the city; provided, however, that the owner of any horse shall have the right to keep, harbor and maintain said animal within 100 feet of his own residence, provided the boundaries of the property upon which said horse is maintained shall not be less than 200 feet from any other residence.

(1) *Violations.* No person shall keep, harbor or maintain any horse, mule, cattle, or other livestock of similar size within the city limits beginning August 2, 2010. Any person violating this section shall be subject to a fine of $100.00 for each day that the violation continues, and shall also be subject to having the offending animal removed at the expense of the violator. The fine will result in a lien in favor of the city against the property where the offending animal is kept.

(2) *Compliance by owner.* Any person who has previously kept, harbored, or maintained any horse, mule, cattle, or other livestock of similar size on any lots or parcels of ground within the city limits for a continuous period beginning on or before January 2, 2000, to January 1, 2011, may continue to keep, harbor or maintain any such livestock on the same lots or parcels of ground within the city limits, for so long as the relevant health and safety laws of the state, parish, and city are complied with by the owner and/or custodian of the animal.

(3) *Exemption.* Any person who is otherwise prohibited by this section from keeping or maintaining a large animal within the city limits may apply to the city council for an exemption. An exemption may be granted if:

a. At least two-thirds of the owners of the land abutting the property (including the landowners directly across the street from the property) where the large animal is kept have signed a statement of no objection to the keeping of the animal. If any of the abutting properties are under lease, then the "no objection" statement must be signed by both the owner and the tenant.

b. The animal is kept at all times in a manner and place which is both safe and presents no danger to either the animal's health, or to the safety of the surrounding residents.

c. Once an exemption is granted, the city council reserves the right to revoke the exemption if any of the requirements in subsections (3)a and b of this section are no longer being met.

(4) *Loose animals.*

a. *Exemption cancelled; costs of owner.* If a horse, cow, or mule is being kept within the city limits, and if that horse, cow, or mule is found loose within the city limits, then any exemption which may have been granted for the keeping of such animal within the city limits shall be automatically cancelled. In addition, if city police or other city employees are required to capture the loose animal to prevent injury to the animal or others, and if the owner or keeper of the animal does not retrieve the animal before the animal is turned over to the parish sheriff's office or other organization willing to care for the animal, then the owner or keeper of the animal shall be responsible for all costs in connection with the transportation, care, and keeping of the animal.

b. *Fines and penalties.* Furthermore, the city council finds that a horse, cow, or mule loose on the city streets presents such a significant danger to the residents that any person who:

1. Brings a large animal into the city; and

2. Fails to take the necessary measures to prevent the large animal from being loose within the city limits;

shall be subject to a fine of not more than $500.00 and imprisonment for not more than 60 days.

(Code 1978, § 6-5; Ord. of 10-13-1959, § 1; Ord. No. 10-02, 8-2-2010; Ord. No. 10-04, 8-16-2010; Ord. No. 12-01, 1-17-2012)

Sec. 8-6. Keeping of swine regulated.

No person shall keep, harbor or maintain swine within the city without first obtaining permission to do so from the mayor and city council. Any person desiring to keep, harbor or maintain swine within the corporate limits shall make written application for such permission to the mayor and city council setting forth the location at which the same will be maintained. No such permit shall be granted where said swine are to be maintained within a distance of 500 feet from the residence of any person other than the applicant.

(Code 1978, § 6-6; Ord. of 10-13-1959, § 1)

Secs. 8-7—8-30. Reserved.

### ARTICLE II. BIRD SANCTUARY

Sec. 8-31. Designation.

The entire area embraced within the corporate limits of the city is hereby designated as a bird sanctuary.

(Code 1978, § 6-18; Ord. of 9-8-1959, § 1)

Sec. 8-32. Protection of birds.

It shall be unlawful for any person to trap, hunt, shoot or attempt to shoot or molest in any manner any bird or wild fowl, or to rob bird nests or wild fowl nests.

(Code 1978, § 6-19; Ord. of 9-8-1959, § 2)

Sec. 8-33. Birds causing nuisance.

(a) If starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property in the opinion of the proper city authorities, then in such event said authorities shall meet with representatives of the Audubon Society, bird club, garden club or humane society, or as many of said clubs as are found to exist in the city, after having first given at least three days actual notice of the time and place of said meeting to the representatives of such clubs.

(b) If as a result of said meeting no satisfactory alternative is found to abate such nuisance, then said birds may be destroyed in such numbers and in such manner as is deemed advisable by said authorities under the supervision of the police chief.

(Code 1978, § 6-20; Ord. of 9-8-1959, § 2)

Secs. 8-34—8-54. Reserved.

### ARTICLE III. DOGS

Sec. 8-55. Definitions.

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:

*Dog* means a dog of either sex unless otherwise specified.

*Inoculated* means the administration of an anti-rabies vaccine (one which shall be approved by the parish health officer) by or under the direction of a licensed veterinarian.

(Code 1978, § 6-32; Ord. of 3-9-1976)

Sec. 8-56. Registration required.

Every person owning or having in his possession within the corporate limits of the city any dog defined as dangerous under article IV of this chapter shall register said animal with the city health officer or other designated city employee.

(Code 1978, § 6-33; Ord. of 3-9-1976, § 1-1; Ord. No. 18-05, 5-7-2018)

Sec. 8-57. Inoculation prerequisite to registration certificate; isolation after inoculation.

Before the city health officer shall register any such dog or other animal of the canine species, he shall be presented by the owner or any person having possession of such animal a certificate certifying to such inoculation, signed by a licensed veterinarian showing that such animal has been inoculated on some date previous thereto.

(Code 1978, § 6-34; Ord. of 3-9-1976, § 1-2)

Sec. 8-58. Registration tag.

The city health officer shall furnish such person owning or having charge or possession of such animal at the time of registration with a metal tag for each animal which shall be attached to said animal's collar, and which shall be numbered and shall indicate the calendar year for which such inoculation has been issued.

(Code 1978, § 6-35; Ord. of 3-9-1976, § 1-3)

Sec. 8-59. Annual registration and inoculation; expiration date for tags.

All dogs shall be registered and inoculated once every 12 months and each certificate and tag issued by the city health officer shall be issued from the date of registration and expiring 12 months from that date.

(Code 1978, § 6-86; Ord. of 3-9-1976, § 1-4)

Sec. 8-60. Running at large or creating nuisance prohibited; impounding; disposition.

(a) It shall be unlawful for any unregistered dog to run at large within the corporate limits of the city.

(b) It shall be unlawful for any owner or keeper of any dog to permit said dog, whether registered or not, to become a public nuisance. To deem said dog a public nuisance, any of the following can be used:

(1) Said animal is found overturning garbage cans;

(2) Said animal is creating a disturbance by loud barking;

(3) Said animal is attempting to bite or is biting a citizen; or

(4) Said animal is creating a general nuisance.

(c) Any dog guilty of subsection (b) of this section shall be impounded and held for a period of not to exceed five days, during which time the owner or keeper of such animal may claim same by paying the same impounding fees and costs that are imposed by the parish animal control facility, provided that, if such animal is not claimed within five days after it is impounded, the animal shall be humanely disposed of.

(d) The mayor and city council shall designate the place where such animals are to be kept, and may employ such persons as they deem necessary to enforce these provisions.

(e) This section applies to all dogs regardless of inoculation and registration or failure to do so.

(f) For a second violation of this article by the same owner, the impounding fee shall be $10.00 and $1.00 per day of impoundment, or such amount as established from time to time.

(Code 1978, § 6-37; Ord. of 3-9-1976, § 1-6; Ord. of 9-10-1992, § 1; Ord. No. 09-06, 5-4-2009)

Sec. 8-61. Impoundment required when animal bites person; animal is bitten by animal suspected of having rabies; duration; disposition.

It shall be the duty of the city health officer or such other designated city employee to impound or to cause to be impounded any dog or other animal, whether registered or not, that has bitten a human being within the corporate limits of the city or has been bitten by an animal suspected of having rabies, or any infection associated thereto for a period of ten days or longer for observation. If said animal shows indications of rabies, it shall be the duty of the city health officer or such other designated city employee to kill said animal and dispose of the same as provided by law for the disposal of other dead animals. Impounding fees as stipulated in section 8-60(c) and (f) will also be assessed under this section.

(Code 1978, § 6-38; Ord. of 3-9-1976, § 1-7)

Sec. 8-62. Appointments.

All appointments made by virtue of this article shall be by and with the consent of the mayor and city council.

(Code 1978, § 6-39; Ord. of 3-9-1976, § 1-8)

Secs. 8-63—8-82. Reserved.

### ARTICLE IV. DANGEROUS ANIMALS

Sec. 8-83. Dangerous animal committee.

The dangerous-animal committee members shall be recommended by the mayor and approved by the city council. At least one of the members shall be a veterinarian. This committee is authorized to investigate any complaint regarding any animal and determine whether or not the animal is dangerous, vicious or fierce. The city council shall act as the committee if one has not been otherwise appointed.

(Code 1978, § 6-40; Ord. No. 01-03, 2-19-2001; Mo. of 5-7-2001)

Sec. 8-84. Definitions.

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:

*Dangerous animal.*

(1) The term "dangerous animal" means any animal which, because of its aggressive nature, training or characteristic behavior, presents a risk of serious physical harm or death to human beings, or would constitute a danger to humane life, physical well-being, or property if not kept under the direct control of the owner.

(2) The term "dangerous animal" shall not apply to dogs utilized by law enforcement officers in the performance of their duties.

(Code 1978, § 6-41; Ord. No. 01-03, 2-19-2001)

Sec. 8-85. Procedure for declaring an animal dangerous, vicious, or fierce.

(a) Upon receiving a complaint, the city police department will investigate the allegation that an animal is vicious. If the police department determines that the animal is vicious, they will notify the owner of the decision in writing by certified letter or signed receipt. Once notified, if the owner disagrees with the police department's determination, the owner must request a hearing as set forth in section 8-86(a). If the complainant disagrees with the police department's decision they may request the animal control committee to review the decision.

(b) During the investigation the animal shall be impounded, and after the investigation if the animal is found not the be dangerous, vicious, or fierce it shall be released to the owner without the payment of fees; however, if the animal is found to be dangerous, vicious or fierce then the owner must pay all fees in connection with housing the animal as well as fulfill the requirement of section 8-87. If the owner fails to pay the fees within ten days the animal may be humanely destroyed at the cost of the owner. The animal will be impounded at the city facility unless the owner requests and pays for impoundment at an approved boarding facility within the city limits.

(c) The cost for impounding a dog will be $5.00 per day.

(d) If the owner chooses to remove the animal from the city limits instead of complying with requirements of section 8-87 than the animal must be microchipped at the owner's expense prior to release to the owner. If said animal is returned to within the city limits without the required permitting it will be impounded immediately and euthanized as soon as possible.

(Code 1978, § 6-42; Ord. No. 01-03, 2-19-2001)

Sec. 8-86. Hearing regarding dangerous animals.

(a) A request for hearing must be made by the owner of the animal and must be in writing. The request for hearing must be delivered to the police department secretary within five days of receipt of notice that the animal has been declared dangerous by the police department. The animal control committee will hold a hearing within 14 days. The date, time and location of the hearing will be provided to the owner of the animal by regular mail or by hand delivery.

(b) At the hearing all interested parties shall be given the opportunity to present evidence in regard to the animal's character. All suspects shall be considered dangerous until proven otherwise.

(c) Within five days after declaring an animal dangerous, the animal control committee shall notify the owner by certified mail of the animals designation as a dangerous animal and require the owner to comply with the specific restrictions and conditions to keeping the dog as set forth in this article. The animal control committee shall also notify the mayor and the police chief of the decision.

(d) If the animal owner fails to request a hearing, the animal will be considered a dangerous, vicious or fierce animal and the owner shall be required to comply with the provisions of section 8-87 regarding the keeping of dangerous animals.

(e) If the animal owner is not in agreement with the decision of the committee, the owner may appeal the decision to the district court.

(Code 1978, § 6-43; Ord. No. 2001-03, 2-19-2001; Mo. of 5-7-2001)

Sec. 8-87. Requirements applicable to keeping dangerous animals.

(a) *Leash.* No person having charge, custody, control or possession of a dangerous animal shall allow the animal to exit its kennel, pen or other proper enclosure unless such animal is securely attached to a leash strong enough to hold the animal and not more than four feet in length. No such person shall permit a dangerous animal to be kept on a chain, rope or other type of leash outside the kennel or pen unless a person capable of controlling the animal is in physical control of the leash.

(b) *Muzzle.* It shall be unlawful for any owner or keeper of a dangerous animal to allow the animal to be outside of its proper enclosure unless it is necessary for the animal to receive veterinary care or exercise. In such cases, the animal shall wear a properly fitted muzzle to prevent it from biting humans or other animals. Such muzzle shall not interfere with the animal's breathing or vision.

(c) *Confinement.* Except when leashed and muzzled as provided in this section, a dangerous animal shall be securely confined indoors or confined in a locked pen or other secure enclosure that is suitable to prevent the entry of children and is designed to prevent the animal from escaping. The enclosure shall include shelter and protection from the elements and shall provide adequate exercise room, light and ventilation. The enclosed structure shall be kept in a clean and sanitary condition and shall meet the following requirements:

(1) The structure must have secure sides and a secure top, or all sides must be at least six feet high;

(2) The structure must have a bottom permanently attached to the sides or the sides must be embedded not less than one foot into the ground; and

(3) The structure must be of such material and closed in such a manner that the animal cannot exit the enclosure on its own.

(d) *Indoor confinement.* No dangerous animal shall be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building of its own volition. In addition, no such animal shall be kept in a house or structure when the windows or screen doors are the only obstacles preventing the animal from exiting the structure.

(e) *Signs.* All owners, keepers or harborer of dangerous animals shall display in a prominent place on their premises a sign easily readable by the public using the words "beware of dog" or "approach with caution/dangerous animal."

(f) *Liability insurance, surety bond.* The owner of a dangerous animal shall present to the animal control officer, mayor or police chief proof that he has procured liability insurance or a surety bond in the amount of not less than $100,000.00 covering any damage or injury that may be caused by such dangerous animal. The policy shall contain a provision requiring that the city be notified immediately by the agent issuing the policy in the event that the insurance policy is canceled, terminated or expires. The liability insurance or surety bond shall be obtained prior to the insuring of a permit to keep a dangerous animal. The animal owner shall sign a statement attesting that he shall maintain and not voluntarily cancel the liability insurance policy during the 12-month period for which a permit is sought, unless he ceases to own or keep the animal prior to the expiration date of the permit period. In the event that the owner advises that he cannot obtain insurance he shall be ordered to surrender the animal to the city for humane destruction. The owner shall provide the city with proof of insurance every year.

(g) *Notification of escape.* The owner or keeper of a dangerous animal shall notify the animal control officer and the city police immediately if such animal escapes from its enclosure or restraint and is at large. Such immediate notification shall also be required if the animal bites or attacks a person or domestic animal. In the event that the dangerous animal escapes, the owner, handler or person that was supposed to be in charge of the animal will be personally liable for any damages that may result from the escape, as well as the cost of capturing the dangerous animal.

(h) *Failure to comply.* It shall be unlawful and a misdemeanor for any owner, handler or person, that is supposed to be in charge of a dangerous animal registered with the city, to fail to comply with the requirements and conditions set forth in this article. Any animal found to be in violation of this article shall be subject to immediate humane destruction. In addition, failure to comply with the requirements and conditions of this article shall result in the revocation of the animal permit for the keeping of such animal.

(Code 1978, § 6-44; Ord. No. 2001-03, 2-19-2001)

Sec. 8-88. Permit and tag required for a dangerous animal.

(a) The owner of a dangerous animal shall, within three days after the classification of the animal as a dangerous animal or upon acquisition of such an animal that has previously been classified as a dangerous animal, obtain an annual permit from the city to harbor or keep the animal. The fee for such permit shall be $100.00 per year, or such amount as established from time to time.

(b) The owner must have the animal microchipped by a licensed veterinarian as a permanent means of identification, and the animal shall wear a red circular collar or harness at all times at the owner's expense.

(Code 1978, § 6-45; Ord. No. 2001-03, 2-19-2001)

Sec. 8-89. Pit bulls.

(a) It is presumed that all pit bull dogs are considered dangerous animals and the owners, custodian's, handlers or keepers are required to comply with the requirements of this article. Any dog having any physical characteristics of the pit bull breed will be considered a cross breed and shall be included in this section. The breed characteristics include, but are not limited to, a muscular brick-like shape to the head, broad backed skull, wide mouth, and strong muscular jaws.

(b) Individuals may petition the police chief for a hearing to request exemption of their pit bull from this article. Periodic inspections will be made by the police chief or his representative to ensure compliance with the article.

(Code 1978, § 6-46; Ord. No. 2001-03, 2-19-2001)

Sec. 8-90. Change of ownership.

(a) Any owner of a dangerous animal who sells or otherwise transfers ownership, custody or residence of the animal shall, within ten days after such change of ownership or residence, provide written notification to the animal control officer and police chief of the name, address and telephone number of the new owner. It also shall be the responsibility of the person transferring ownership or custody of the animal to provide written notification of the animal's classification as dangerous to the person receiving the animal. The previous owner shall furnish a copy of such notification to the animal control officer and the police chief along with written acknowledgment by the new owner of his receipt of such notification. The animal control officer or his designee shall notify the mayor of any changes of ownership, custody or residence of the animal within three days after receiving the required information from the previous animal owner.

(b) Any person receiving an animal classified as dangerous must obtain the required permit, tag and enclosure prior to acquisition of the animal. The new owner shall comply fully with the provisions of this article pertaining to obtaining liability insurance, payment of fees, and maintenance, control and ownership of a dangerous animal.

(Code 1978, § 6-47; Ord. No. 2001-03, 2-19-2001)

Sec. 8-91. Penalty.

Any person, handler, harborer or controller of a dangerous animal who has been found to be in violation of any of the provisions of this article shall be subject to the imposition of the penalties as set forth in the city Charter.

(Code 1978, § 6-48; Ord. No. 2001-03, 2-19-2001)

## Chapter 10 BUILDINGS AND BUILDING REGULATIONS[[11]](#footnote-11)

### ARTICLE I. IN GENERAL

Sec. 10-1. Fees generally.

(a) *Building permit.* There shall be assessed a building permit fee of 1½ cents per square foot of building with a minimum of $5.00 per call on buildings, house trailers, mobile homes, or other structures erected, moved, added to or structurally altered, provided that this subsection shall not apply to house trailers and mobile homes moved to licensed trailer parks.

(b) *Appeals to board of adjustment.* A fee shall be paid to the building inspector at the time a notice of appeal to the board of adjustment is filed and which the building inspector shall forward to the board of adjustment.

(c) *Amendment to zoning ordinance.* The party proposing a change in the zoning ordinance with text changes or map changes shall deposit with the secretary-treasurer the sum of $25.00 for each text change not involving acreage, or $25.00 for each acre of land or portion thereof which is a change of classification, as proposed to cover the cost of the procedure. The maximum fee shall not exceed $75.00 regardless of the size of the area involved. Under no conditions shall such sum or part thereof be refunded for failure of adoption of such change by the mayor and city council.

(d) *Wrongful interpretation.* There shall be no charge assessed by the city when wrong interpretation of the zoning ordinance is made by the zoning administrator.

(Code 1978, § 7-1; Ord. of 9-20-1966, §§ 1—4; Ord. of 3-16-1976, § 1)

Sec. 10-2. Property maintenance code adopted.

The International Property Maintenance Code is hereby adopted in its current form effective as of the effective date of the ordinance from which this section is derived, and shall hereafter apply to the buildings and structures located within the city. Any and all future amendments to the code adopted by the appropriate authority shall be considered to be automatically adopted by the city.

(Ord. No. 19-08, 11-4-2019)

Secs. 10-3—10-22. Reserved.

### ARTICLE II. BUILDING CODE

Sec. 10-23. Contractor's bond.

In order to ensure the protection of public or private property and easements within the corporate limits of the city, any person undertaking construction of any nature within the city shall post a license bond of $2,000.00 prior to the commencement of any construction work.

(Code 1978, § 7-17; Ord. of 8-20-1968)

Sec. 10-24. Housemover's bond.

A surety bond deposit of $500.00 shall be provided to the city by movers of houses or buildings who are moving houses or buildings through or within the city. This section does not apply to the movement of house trailers or manufactured homes within the city.

(Code 1978, § 7-18; Ord. of 2-20-1968)

Sec. 10-25. Uniform construction code adopted.

In accordance with the requirements set forth in R.S. 40:1730.28, the following is hereby adopted as the Louisiana State Uniform Construction Code:

(1) International Building Code (IBC), 2021 edition, not including chapter 1, administration, chapter 11, accessibility, chapter 27, electrical. The applicable standards referenced in that code are included for regulation of construction within the city. Furthermore, IBC shall be amended as provided in the Louisiana Administrative Code, title 17, part I, section 103 (L.A.C. 17:I.103) and shall only apply to the IBC.

(2) International Existing Building Code (IEBC), 2021 edition, not including chapter 1, administration, and the standards referenced in that code for regulation of construction within the city. Furthermore, the IEBC shall be amended as provided in the Louisiana Administrative Code, title 17, part I, section 105 (L.A.C. 17:I.105) and shall only apply to the IEBC.

(3) International Residential Code (IRC), 2021 edition, not including parts I, administrative, and VIII, electrical, as amended by the Louisiana Administrative Code, title 17, part I, section 107 (L.A.C. 17:I.107). The applicable standards referenced in that code are included for regulation of construction within the city. The enforcement of such standards shall be mandatory only with respect to new construction, reconstruction, additions to homes previously built to the IRC, and extensive alterations. Furthermore, the IRC shall be amended as provided in the Louisiana Administrative Code, title 17, part I, section 107 (L.A.C. 17:I.107) and shall only apply to the IRC. Specifically adopted herein are appendix J of the International Residential Code, 2021 edition, entitled "Existing Buildings and Structures"; and section AJ102.5 "Flood Hazard Areas" amended as follows: "Work performed in existing buildings located in a flood hazard area as established by table R301.2(1) shall be subject to the provisions of section R105.3.1.1 and the provisions of article X drainage requirements of the Lake Charles City ordinance."

(4) International Mechanical Code (IMC), 2021 edition, and the standards referenced in that code for regulation of construction within the city as amended by the Louisiana Administrative Code, title 17, part I, section 109 (L.A.C. 17:I.109).

(5) The International Plumbing Code (IPC), 2021 edition, as amended by Louisiana Administrative Code, title 17, part I, section 111 (L.A.C. 17:I.111). The applicable standards referenced in that code are included for regulation of construction within the city. The enforcement of such standards shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within this jurisdiction. The IPC shall also regulate nonflammable medical gas, inhalation and anesthetic, vacuum piping, nonmedical oxygen systems and sanitary and condensate vacuum collections systems. The installation of fuel gas distribution piping and equipment, fuel gas fired water heaters and water heating venting systems shall be regulated by the International Fuel Gas Code.

(6) International Fuel Gas Code (IFCG), 2021 edition, and the standards referenced in that code for regulation of construction within the city as amended by the Louisiana Administrative Code, title 17, part I, section 113 (L.A.C. 17:I.113).

(7) National Electric Code (NEC), 2020 edition. The standards referenced in that code for regulation of construction within the city as amended by Louisiana Administrative Code, title 17, part I, section 115 (L.A.C.17:I.115).

Secs. 10-26—10-53. Reserved.

### ARTICLE III. VACANT BUILDINGS

Sec. 10-54. Applicability and scope.

The requirements of this article shall be applicable to every vacant building or structure in the city historic district. The term "historic district" means that portion of the city as is from time to time defined by ordinance or statue or other authorized regulatory authority as the historic district for the city.

(Ord. No. 21-01, art. 1.00, 3-1-2021)

Sec. 10-55. Definitions.

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:

*Abandoned* means deserted or discarded for more than 180 days.

*Commercial building* means a building that is used, or partially used, for commercial business activities. Commercial buildings include, but are not limited to, stores, residences, schools, churches, gymnasiums, libraries, museums, hospitals, clinics, warehouses, and jails.

*Commercial business* means any business that relates to the exchange of goods or services.

*Discarded* means cast aside as useless or undesirable.

*Garbage* means the animal, vegetable or general trash waste resulting from the handling, preparation, cooking and the consumption of food.

*Ground floor* means any occupiable floor of a building with direct access to grade, that is located less than one story above, or less than one story below grade, provided that no portion of a floor that constitutes a cellar shall constitute a ground floor.

*Habitable* means livable, with reference to this article, a structure with a hard roof and sides that is equipped with heat, electricity and functional plumbing, and is capable of being lived in without undue risk to human health and safety.

*Industrial building* means property designed for, or used by, companies or persons for manufacturing warehousing or assemblage of components.

*Industrial business* means any business that relates to the production or manufacture of goods.

(Ord. No. 21-01, art. 2.00, 3-1-2021)

Sec. 10-56. Waivers.

A waiver may be granted for the current year only if all of the following requirements are met:

(1) All local municipal fees are paid in full.

(2) A good faith effort is shown to rent, sell, or lease the space. Good faith efforts include a contract with a realtor, newspaper ads, window signs, property is updated cosmetically (painted) or other methods, provided that the effort is actually likely to generate interest in the property and the owner is actually willing to rent, sell, or lease.

(3) Pricing is consistent with other similar buildings.

(4) The building is in compliance with all city codes and ordinances and is habitable.

(Ord. No. 21-01, art. 2.00, 3-1-2021)

Sec. 10-57. Duty to amend registration statement.

If the status of the registration information changes during the course of any calendar year, it is the responsibility of the owner, his/her representative, or agent for the same to notify the city in writing within 30 days of the occurrence of such change.

(Ord. No. 21-01, art. 3.03, 3-1-2021)

Sec. 10-58. Requirement for vacant storefronts.

The responsibility for compliance with this section is any person owning, leasing, maintaining, or otherwise in possession or control of any vacant storefront or resident located within the city's historic district, or any owner of the property upon which the vacant storefront is located.

(Ord. No. 21-01, art. 4, 3-1-2021)

Sec. 10-59. Maintenance.

The vacant storefront of a commercial building/residence located in the city's historic district shall be maintained in good condition, kept neat, clean, secure, free of graffiti, and lighted.

(Ord. No. 21-01, art. 4.01, 3-1-2021)

Sec. 10-60. Window display requirement.

In order to improve the appearance of vacant storefronts and improve overall security, any vacant storefront that is located within the city's historic district shall, not more than 60 business days after the date on which the ground floor premises first become vacant, contain a window display, or other form of decorative screen, in each of the storefront windows. A variety of window displays are acceptable, provided they have a professional appearance, achieve a desired coverage of 60 to 100 percent, and are not offensive to the general public. The city shall approve all window displays.

(Ord. No. 21-01, art. 4.02, 3-1-2021)

Sec. 10-61. Signage.

Handwritten signs are not permitted. Professionally made window signs and real estate signs are permitted, provided they meet the requirements of the city's zoning ordinance. Not more than three square feet of informational signage such as real estate signs or contact information may be placed in a vacant ground floor window. Larger professional signs that function as the window display are permitted.

(Ord. No. 21-01, art. 4.03, 3-1-2021)

Sec. 10-62. Violations and penalties.

Upon being properly notified, any person who violates, or permits the violation of, any provision of this article or any ordinance affecting the historic district shall, upon conviction in a summary proceeding, be subject to a fine of $200.00, and cost of the prosecution for each offense.

(Ord. No. 21-01, art. 5.0, 3-1-2021)

Sec. 10-63. Vacant property registration fee schedule.

The fee schedule may be amended by the city council. Unpaid fees at year end will be treated as a lien against the property and added to the amount of property taxes due for the property for that year.

|  |  |
| --- | --- |
| *Years Vacant* | *Property Registration Fee* |
| 1—3 | $300.00 |
| 4—6 | $450.00 |
| 7 or greater | $700.00 |

(Ord. No. 21-01, att., 3-1-2021)

Secs. 10-64—10-84. Reserved.

### ARTICLE IV. UNSAFE STRUCTURES

Sec. 10-85. Condemnation of buildings authorized.

The city council may condemn and cause to be demolished or removed any building or structure within the city when it is in a dilapidated and dangerous condition which endangers the public welfare.

(Code 1978, § 14-56; Ord. of 8-17-1987)

State law reference(s)—Similar provisions, R.S. 33:4761.

Sec. 10-86. Notice to owner.

(a) Before the city council may condemn any building or structure there must be submitted to it a written report recommending the demolition or removal of the building signed by some city official or other person authorized to act in such matters for the city. The city shall thereupon serve notice on the owner of the building or structure requiring him to show cause at a meeting of the governing authority, regular or special, why the building or structure should not be condemned. The date and hour of the meeting shall be stated in the notice which shall be served at least five days prior to the date of the hearing, except in case of grave public emergency as provided in subsection (c) of this section. The notice may be served by registered or certified mail, postage prepaid, addressed to the owner at his last known address or the notice may be hand delivered and served by a city agent or employee. The agent or employee shall make a return showing the date of service and to whom the notice was served upon.

(b) If the owner is a nonresident of the state, then the notice shall be served by certified mail at the address listed on the tax rolls for the city. The notice shall inform the owner as to the date and hour of the hearing. If the owner is unknown, or if the owner is deceased and if the heirs are unknown, then the city shall declare, at a regular meeting, that the property is abandoned and direct that a notice of such is published in the Teche News, or the official publication for the city, for two consecutive weeks advising that the city intends to declare the property abandoned, that any structures located thereon are unsafe and must be demolished, as well as directing that any and all rubbish and noxious weeds be removed from the property. After publication, if no one appears at the meeting designated in the notice to claim the property, then the city shall order whatever action is appropriate and the cost of the same shall be a lien upon the property and if not paid after notice is given in the official publication as previously stated, the property shall be adjudicated to the city and a copy of the adjudication shall be recorded in conveyance and mortgage records of the parish.

(c) In case of grave public emergency where the condition of the building is such as to cause possible immediate loss or damage to person or property, the governing authority may condemn the building after 24 hours' notice served upon the owner or his agent or the occupant and attorney-at-law appointed to represent the absentee owner.

(d) Any notice served pursuant to this section shall be filed with the recorder of mortgages where the property is located. Once filed, the notice shall be deemed notice to all subsequent transferees. Any transferee of such property takes the property subject to all recorded liens, mortgages, and notices thereunto pertaining.

(Code 1978, § 14-57; Ord. of 8-17-1987; Ord. No. 92-7, 11-3-1992; Ord. No. 98-4, 5-4-1998; Ord. No. 99-5, 6-21-1999)

State law reference(s)—Similar provisions, R.S. 33:4762.

Sec. 10-87. Decision of city council; order to demolish or repair.

(a) After the hearing, if, in the opinion of the city council the facts justify it, an order shall be entered condemning the building and ordering that it be demolished or removed within a certain delay. If repairs will correct the dilapidated, dangerous or unsafe condition, the city council may grant the owner the option of making such repairs, but in such a case the general nature or extent of the repairs to be made, the time thereof, and the defects to be corrected shall be specified in the decision of the city council. All owners shall be granted 90 days from service of notice to complete demolition or repairs.

(b) The mayor, upon receiving the written decision of the city council, shall order the owner to comply with the decision unless the owner appeals within five days of the date of the decision as provided in section 10-88.

(Code 1978, § 14-58; Ord. of 8-17-1987; Ord. No. 98-1, § 1, 2-16-1998)

Sec. 10-88. Appeal by owner.

The owner, occupant, agent or other representative of the owner may appeal from the decision of the city council to the district court having jurisdiction over the property. The appeal shall be made by the filing of a suit against the city, setting forth the reasons why the decision or order of the city council is illegal or improper and the issue shall be tried de novo and by preference in the district court. Where a grave public emergency has been declared by the mayor and city council, the owner of the building who desires to prevent the demolition or removal thereof must file his petition within 48 hours and must, at the time of the filing of the petition, furnish such bond as may be fixed by the district judge to cover any damage that might be caused by the condition of the building. Either party may appeal from the judgment of the district court as in other cases.

(Code 1978, § 14-59; Ord. of 8-17-1987)

State law reference(s)—Similar provisions, R.S. 33:4764.

Sec. 10-89. Compliance with decision by owner; demolition by city when owner fails to comply; notice.

(a) The owner or his designated agent may proceed to demolish and remove the building, or have it repaired, in accordance with the order of the mayor, provided the owner or his agent executes a contract in writing obligating himself to have the work done within the required time and files with the mayor a copy of the contract, together with a bond to guarantee performance.

(b) If the owner or occupant of the building or structure fails or refuses to comply with the order of the mayor and fails to appeal therefrom within the legal delays provided in this article, then, in that event, the mayor may proceed with the demolition or removal of the condemned building or structure, in which case neither the mayor, city council nor the city shall be liable in damages.

(c) Prior to the demolition or removal of the building or structure by the city, the mayor or some official designated by him shall serve notice on the owner, or his agent, and on the occupant of the building, if there are any, or upon the attorney-at-law appointed to represent the minor, interdict or absentee owner, giving the time when work will begin upon demolition or the removal of the building.

(d) As an alternative to demolition or removal, the city with the approval of the city council may make the repairs necessary to correct the defects in the condemned structure within its jurisdiction.

(e) The city may take such action as provided in subsection (d) of this section, only after a demolition or removal order has been issued and the delay for a legal appeal has run, or an appeal has been denied, and when in the discretion of the city such action will restore the structure to a state of usefulness to the community.

(f) The decision of the city to repair the structure may be appealed in the same manner as provided in section 10-88.

(g) The cost of repairs made pursuant to subsection (d) of this section, and a ten percent penalty thereon shall be reimbursed by the owner of the condemned property and such costs and penalty shall operate as a lien and privilege on the property in favor of the city. Until such time as the costs and penalty have been paid, the city may lease such property and apply all revenue received to the amount owed by the owner and to the necessary maintenance of the structure.

(Code 1978, § 14-60; Ord. of 8-17-1987; Ord. No. 93-02, 2-1-1993)

State law reference(s)—Similar provisions, R.S. 33:4765.

Sec. 10-90. Lien and privilege for cost of demolition, removal and maintenance by city; interest.

(a) The city shall place a lien and privilege for the cost of demolishing, removing, or both, the building or structure and for the cost of maintaining property against the lot and improvements upon which the building or structure was situated. Maintenance costs may include grass cutting, weed abatement, and trash and garbage removal. Such lien shall be placed on property only in the event of the owner's refusal to pay any of these costs incurred by the city, and after notification of the owner and opportunity to be heard. In order to preserve the lien and privilege, it shall be the duty of the mayor to prepare and sign a sworn statement of facts, giving the description of the property and the approximate cost of demolishing, removing, or both, the building or structure and maintaining property subsequent to demolition, which he shall cause to be filed and recorded in the mortgage office of the parish in which the property is located.

(b) The city shall be entitled to recover the amount of the expenses described in subsection (a) of this section, together with all costs by assessing the same against the property and if the property owner fails to pay the assessment the city may proceed to collect the same following the procedure used for the collection of the delinquent property tax, or by ordinary process in a district court having jurisdiction of the property. Additionally, if the city deems it necessary to collect by ordinary process, the city is hereby authorized to recover unreasonable attorney fees.

(Code 1978, § 14-61; Ord. of 8-17-1987)

Sec. 10-91. Attorney to represent absentee, minor, or interdict.

If a building or structure is unoccupied and its owner is absent from the state and unrepresented therein or if the building is owned by a minor who has no tutor or an interdict who has no tutor, the mayor shall appoint an attorney-at-law to represent the absentee, minor or interdict upon whom the notices and other proceedings provided in this article may be served. The attorney shall be paid a reasonable fee to be taxed as cost and assessed against the property.

(Code 1978, § 14-62; Ord. of 8-17-1987)

State law reference(s)—Similar provisions, R.S. 33:4767.

## Chapter 12 BUSINESSES AND BUSINESS REGULATIONS

### ARTICLE I. IN GENERAL

Secs. 12-1—12-30. Reserved.

### ARTICLE II. OCCUPATIONAL LICENSE TAX[[12]](#footnote-12)

Sec. 12-31. Levy of tax.

In addition to all other licenses and excise taxes imposed by other ordinances, there is hereby levied an annual occupational license tax upon each person, association of persons, firm or corporation pursuing any trade, profession, calling or business in the city subject to municipal license under the constitution and laws of the state, which occupational license tax shall be classified and graded in the same manner and amount fixed by the state for state purposes by R.S. title 47, chapter 3, as amended. The provisions of R.S. title 47, chapter 3, both inclusive, as amended, and all other applicable laws, are made a part of this article by reference as if written herein in extenso.

(Code 1978, § 11-16; Ord. of 6-15-1987, § 1)

Sec. 12-32. Exemptions, definitions, deductions, special provisions and classifications.

For the purpose of this article, the exceptions, exemptions, definitions, deductions, special provisions and classifications provided in R.S. title 47, chapter 3, as amended, and in any act hereinafter passed amending said statutes, are hereby adopted.

(Code 1978, § 11-17; Ord. of 6-15-1987, § 2)

State law reference(s)—Similar provisions, R.S. 47:342, 47:347, 47:360—47:363.

Sec. 12-33. Amount of annual license tax to be same as due to the state.

The method of determining the amount of license tax due by each person, association, firm, or corporation shall be the same as provided in said acts, and of any acts hereinafter passed amending the same; and the license tax levied hereunder shall be the same unless otherwise provided in said acts, on the business pursued in the corporate limits of the city, as to each person, association, firm or corporation, as that levied for the state by said acts, and by any acts hereinafter passed amending the same.

(Code 1978, § 11-18; Ord. of 6-15-1987, § 3)

State law reference(s)—Similar provisions, R.S. 47:354—47:359.

Sec. 12-34. Manner of collection; rules established by state collector of revenue adopted.

(a) The occupational license taxes levied in this article shall be collected by the chief financial officer or tax collector of the city in the same manner and by the same procedure provided by state law for the collection of state occupational license taxes.

(b) The rules and regulations made and adopted by the state collector of revenue for collection of state licenses are hereby adopted as the rules and regulations necessary for the complete, proper and equitable collection of the licenses levied by this article.

(Code 1978, § 11-19; Ord. of 6-15-1987, § 4)

Sec. 12-35. Payment; date due; date delinquent.

(a) Except as otherwise expressly provided, the first license tax herein levied shall be due and payable on January 1, 1988.

(b) Annually thereafter, all license taxes levied herein shall be due and payable on January 1 of each calendar year for which the license is due, except that in the case of a new business commencing after January 1 of any calendar year, the first license due for such business shall be due and payable on the date the business is commenced.

(c) All licenses unpaid prior to the last day of February of the calendar year for which they are due, or in the case of a new business, unpaid on the date such business is commenced, shall be deemed delinquent and subject to the payment of delinquent interest and penalty.

(Code 1978, § 11-20; Ord. of 6-15-1987, § 5)

State law reference(s)—Similar provisions, R.S. 47:343.

Sec. 12-36. Failure to make timely returns; penalty and interest.

If the amount of tax due is not paid on or before the due date as set forth in section 12-35, there shall be collected, with said tax, interest upon said unpaid amount, at the rate of 12 percent per annum, or fractional part thereof, to be computed from the first day of the month in which the tax is due until it is paid. In addition to the interest that may be due, there shall also be collected a penalty equivalent to five percent for each 30 days, or fraction thereof, of delinquency, not to exceed 25 percent in aggregate, of the tax due, when such tax is not paid within the 30 days of the date the tax first becomes due and payable, and in the event of suit, attorney fees at the rate of 25 percent of the aggregate of tax, interest and penalty.

(Code 1978, § 11-21; Ord. of 6-15-1987, § 6)

Sec. 12-37. New businesses; license required before commencing.

No person shall commence any trade, profession, vocation, calling or business in the city without first paying a tentative license tax. Within 30 days after commencing the business, each person shall compute, in the manner provided by R.S. 47:348, the balance of the license tax, if any, owed for the year in which the business is begun. Prior to July 1 of any year, the tentative tax shall be the minimum annual rate for the particular class of business in cases in which the tax is based on gross receipts, sales, fees, premiums or commissions or the full annual rate in cases in which the tax is based on a specific amount per unit. When the business is begun on or after July 1 of any year, the tentative tax shall be one-half of the minimum annual rate or the specific amount per unit, as the case may be.

(Code 1978, § 11-22; Ord. of 6-15-1987, § 7)

Sec. 12-38. Special provisions for food establishments.

It shall be a prerequisite to the issuance of an occupational license to operate an eating and drinking establishment, grocery store or meat market that a certificate be procured from the parish health unit, duly signed by an empowered member of the parish health unit to the effect that the applicant for such operating license has satisfactorily passed and completed the minimum requirements of the state sanitary code. Unless such certificate is presented in due form to the city, no such operating license shall be issued.

(Code 1978, § 11-23; Ord. of 3-5-1963, § I)

Sec. 12-39. Change of ownership or lessee.

(a) The license is issued in the name of the person making application and paying the initial fee and is not transferable or assignable. If at any time during the license year a change of ownership takes place, the license period is from January 1 to the date of sale or change of lessee. A change of ownership occurs when a business is sold or leased, and does not include changes in partnership or corporate shares.

(b) The new owner or lessee shall obtain another business license, as the license issued to the former owner or lessee is not transferable or assignable. The license period for the new owner or lessee covers the date of transfer of ownership or lease to December 31 of the license year. The collector shall be notified within ten days when a change is affected.

(Code 1978, § 11-24; Ord. of 6-15-1987, § 8)

State law reference(s)—Similar provisions, R.S. 47:345.

Sec. 12-40. Separate license required for each location and each class of business.

(a) Except as otherwise expressly provided herein, any person taxed under this article having one or more places of business shall pay a separate license for each class of business at each place.

(b) A separate license for each class of business at each place of business shall not be required whereby any person has taxable annual gross sales and taxable annual gross receipts in an aggregate amount of $5,000.00, or has only taxable annual gross sales or taxable annual gross receipts in an amount less than $5,000.00. Only one license shall be required for each place of business, which license shall be based upon the classification of business which constitutes the major portion of the taxable annual gross sales or taxable annual gross receipts.

(Ord. of 6-15-1987, § 9)

State law reference(s)—Similar provisions, R.S. 47:34L.

Sec. 12-41. Period used where gross revenue is the measure of the license.

(a) The basis for determining the amount of the annual licenses provided by this article where the license is measured by gross revenue, shall be as follows:

(1) If the business has been conducted previously by the same party, or by a party to whom he or they are successors, the annual gross receipts, gross sales, gross premiums, gross fees and/or gross commissions (as the case may be) earned, regardless of whether received or accrued, during the preceding calendar year for which the license is issued shall be the basis for determining the amount of the annual license.

(2) If the business is begun during the calendar year for which the license is issued the license for the year of commencement shall be based on the gross receipts, gross sales, gross premiums, gross fees and gross commissions earned, regardless of whether received or accrued, during the first 30 days of business, multiplied by the number of months, or major fraction thereof, remaining in the calendar year, provided that any business which opens after June 30 of the year in question whose estimated gross revenue for the remainder of the year is less than one-half of the maximum rate under the classification of the particular business, shall pay for the remainder of the year at one-half of the minimum rate.

(3) If the business is begun less than 30 days before the end of the calendar year for which the license is to be issued, the tax shall be based on the gross receipts, gross sales, gross premiums, gross fees or gross commissions earned, regardless of whether received or accrued, during the calendar year, provided that one-half of the annual rate shall apply to such businesses whose gross revenue for the period operating during the calendar year is less than one-half of the minimum rate under the classification of the particular business.

(4) The license tax of a business for the calendar year following that of commencement shall be based on the gross receipts, gross sales, gross premiums, gross fees or gross commissions earned, regardless of whether received or accrued, during the previous year, divided by the number of days in operation during the year of commencement, and multiplied by 365.

(b) The date of beginning business for the purposes of this article shall depend upon the type of business involved, and shall be governed by regulations promulgated by the collector of revenue according to law.

(Code 1978, § 11-26; Ord. of 6-15-1987, § 10)

State law reference(s)—Similar provisions, R.S. 47:348.

Sec. 12-42. Taxpayers required to keep records.

Each person shall keep reasonable records as required by R.S. 47:349.

(Code 1978, § 11-27; Ord. of 6-15-1987, § 11)

Sec. 12-43. Application for occupational licenses.

(a) Every person subject to a license tax levied by this article shall apply to the city collector of revenue for a license before the same becomes delinquent, as provided in this article. The application shall state all facts necessary to determine the amount of taxes due under this article.

(b) If the city collector of revenue is not satisfied with the facts set forth in the application, or for any reason desires to audit the books or records of the taxpayer, the collector, or any of his authorized assistants, may audit and inspect all records of the taxpayer that would have any bearing upon the amount of taxes due under this article.

(c) Where an individual is an applicant for a license required by this article, the application must be signed by him; where a partnership or an association of persons, by a member of the firm; and where a corporation, by the proper officer thereof.

(d) Any intentional false statement as to any material facts in the application for license under this article shall constitute a misdemeanor.

(Ord. of 6-15-1987, § 12)

Sec. 12-44. Failure to pay tax; judgement prohibiting further pursuit of business.

Failure to pay any tax due as provided in this article shall, ipso facto, without demand or putting in default, cause said tax, interest, penalties, and costs to become immediately delinquent, and the taxing authority, on motion in a court of competent jurisdiction, to take a rule on the said dealer, to show cause in not less than two nor more than ten days, exclusive of holidays, after the service thereof, which may be tried out of term and in chambers, and shall always be tried by preference, why said person should not be ordered to cease from further pursuit of business; and in case said rule is made absolute, the order thereon rendered shall be considered a judgement in favor of the taxing authority, prohibiting such person from further pursuit of said business until such time as he has paid the said delinquent tax, interest, penalties, attorney fees and costs, and every violation of the injunction shall be considered as a contempt of court, and punished according to law.

(Code 1978, § 11-29; Ord. of 6-15-1987, § 13)

State law reference(s)—Similar provisions, R.S. 47:351.

Secs. 12-45—12-61. Reserved.

### ARTICLE III. PEDDLERS

#### DIVISION 1. GENERALLY

Sec. 12-62. Definitions.

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:

*Peddler* means any person, whether a resident of the city or not, traveling from house to house, or from street to street, for the purpose of selling or soliciting for sale, goods, wares, merchandise or services, other than agricultural products produced or processed in the state; and includes any person transacting a temporary business within the city at an established place of business. The term "peddler" includes the terms "solicitor," "transient or itinerant merchant or vendor," and "transient or itinerant photographer."

(Code 1978, § 16-1)

Sec. 12-63. Exceptions.

The provisions of this article shall not apply to the following:

(1) Sales made to dealers or permanent merchants by commercial travelers selling in the usual course of business;

(2) Sheriffs, constables, bona fide assignees, receivers or trustees in bankruptcy or other public officers selling goods, wares and merchandise according to law;

(3) Bona fide residents of the state selling fruits, vegetables, dressed meats, fowl or farm products which were produced on land within the state, owned or controlled by such vendor;

(4) Solicitations, sales or distributions made by charitable, educational or religious organizations which have their principal place of activity within the city.

(Code 1978, § 16-2)

Sec. 12-64. Refusing to leave.

Any peddler who enters upon premises owned, leased or rented by another and refuses to leave such premises after having been notified by the owner or occupant of such premises, or his agent, to leave the same and not return to such premises shall be deemed guilty of a misdemeanor.

(Code 1978, § 16-3)

Sec. 12-65. Entrance to premises restricted.

It shall be unlawful for any peddler to enter upon any private premises when the same is posted with a sign stating "no peddlers allowed" or "no solicitations allowed" or other words to such effect.

(Code 1978, § 16-4)

Sec. 12-66. Misrepresentation.

It shall be unlawful for any peddler to make false or fraudulent statements concerning the quality or nature of his goods, wares, merchandise or services for the purpose of inducing another to purchase the same.

(Code 1978, § 16-5)

Sec. 12-67. Hours of operation.

It shall be unlawful for any peddler to engage in the business of peddling within the city between the hours of one-half hour before sunset and 8:00 a.m. the following morning, or at any time on Sundays, except by specific appointment with or invitation from the prospective customer.

(Code 1978, § 16-6)

Secs. 12-68—12-86. Reserved.

#### DIVISION 2. PERMIT

Sec. 12-87. Required.

It shall be unlawful for any person to engage in business as a peddler within the city without first obtaining a permit to do so.

(Code 1978, § 16-18)

Sec. 12-88. Application.

The application for a permit required by the provisions of this division shall state or contain the following:

(1) A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any state or federal law or municipal ordinance or code; the nature of the offense; the punishment or penalty assessed therefor, if previously convicted; and the place of conviction.

(2) A written certificate of a practicing physician in the county, dated not more than five days prior to the date of filing the application, certifying that the physician has examined the applicant and has found him to be free of infectious, contagious or communicable diseases.

(3) Whether the applicant, upon any sale or order, shall demand, accept or receive payment or deposit of money in advance of final delivery.

(4) The period of time the applicant wishes to engage in business within the city.

(5) The local and permanent address of the applicant.

(6) The local and permanent address and the name of the person, if any, that the applicant represents.

(7) The kind of goods, wares, merchandise or services in which the applicant wishes to engage in such business within the city.

(8) The last five cities or towns wherein the applicant has worked before coming to the city.

(9) Such other relevant information as may be required for the investigation of the applicant.

(Code 1978, § 16-19)

Sec. 12-89. Driver's license.

At the time of filing his application for a permit required by this division, the applicant shall present his driver's license or state-issued identification card, if he has one, to the police chief.

(Code 1978, § 16-20)

Sec. 12-90. False information.

It shall be unlawful for any person to give any false or misleading information in connection with his application for a permit required by this division.

(Code 1978, § 16-21)

Sec. 12-91. Fingerprints; photographs.

At the time of making application for a permit required by this division, the applicant shall submit to fingerprinting and photographing by the police chief.

(Code 1978, § 16-22)

Sec. 12-92. Fee.

No fee shall be required for the permit required by this division.

(Code 1978, § 16-23)

Sec. 12-93. Bond required.

The application for a permit required by the provisions of this division shall be accompanied by a bond in the penal sum of $1,000.00 signed by the applicant and signed, as surety, by some surety company authorized to do business in the state, conditioned for the final delivery of goods, wares, merchandise or services in accordance with the terms of any order obtained prior to delivery and also conditioned to indemnify any and all purchasers or customers for any and all defects in material or workmanship that may exist in the division sold by the principal of such bond, at the time of delivery, and that may be discovered by such purchaser or customer within 30 days after delivery, and which bond shall be for the use and benefit of all persons that may make any purchase or give any order to the principal on such bond, or to an agent or employee of such principal.

(Code 1978, § 16-24)

Sec. 12-94. Service of process.

Before any permit shall be issued under this division, there shall also be filed with the city secretary-treasurer an instrument in writing, signed by the applicant under oath, nominating and appointing the city secretary-treasurer his true and lawful agent, with full power and authority to acknowledge service of notice of process for and on behalf of such applicant, and service of summons in any action brought upon the applicant's bond shall be deemed made when served on the secretary-treasurer.

(Code 1978, § 16-25)

Sec. 12-95. Issuance.

No permit shall be issued under the provisions of this division until the applicant shall have complied with all the provisions and requirements of this article.

(Code 1978, § 16-26)

Sec. 12-96. Limitation.

No peddler's permit shall be issued to a corporation, partnership or other impersonal legal entity, but each individual person engaging in the business of peddling within the city shall be required to have a permit whether acting for himself or as an agent or representative of another.

(Code 1978, § 16-27)

Sec. 12-97. Contents of permit.

Each permit issued under the provisions of this division shall be signed by the city secretary-treasurer, dated as of the date of its issuance and state the duration or term of such permit on the face thereof. Any permit not dated and signed as provided in this section, or which was issued in violation of this section, shall be void.

(Code 1978, § 16-28)

Sec. 12-98. Display.

Every peddler having a permit issued under the provisions of this division and doing business within the city shall display his permit upon the request of any person. Failure so to do shall be deemed a misdemeanor.

(Code 1978, § 16-29)

Sec. 12-99. Duration.

Every permit issued under the provisions of this division shall be valid for the period of time stated therein, but in no event shall any such permit be issued for a period of time in excess of 12 months.

(Code 1978, § 16-30)

Sec. 12-100. Revocation.

Any permit issued under the provisions of this division may be revoked for the violation by the permittee of any applicable provision of this Code, state law or city ordinance. Upon such revocation, such permit shall immediately be surrendered to the city secretary-treasurer and failure to do so shall be a misdemeanor.

(Code 1978, § 16-31)

Secs. 12-101—12-119. Reserved.

### ARTICLE IV. MOBILE FOOD VENDORS

Sec. 12-120. Definitions.

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:

*Franchisee* means the recipient of a mobile vending franchise under the terms and provisions of this article.

*Mobile food truck.*

(1) The term "mobile food truck" means a double-axle vehicle that is completely mobile with no permanent fixed location, the vendor of which prepares all or most of its victuals on board the vehicle to serve or distribute to customers, in a form suitable for immediate ingestion or consumption.

(2) The term "mobile food truck" excludes vendors selling only fresh, uncooked or unprepared produce or seafood, or farmers selling their own produce or value-added products (oils, jams, jellies, etc.) directly to customers from motor vehicles.

*Mobile vendor* means a person, natural or juridical, that has obtained a valid permit and/or franchise to operate a mobile food truck to serve or distribute victuals on the public right-of-way.

*Permittee* means the recipient of a mobile vending permit under the terms and provisions of this article.

*Public right-of-way* means any city street, alley, road, sidewalk, neutral ground, or other passageway whereby pedestrians or vehicles traverse.

*Serve* or *distribute* means soliciting the sale of, or offering for sale, victuals.

*Victuals.*

(1) The term "victuals" means food of any kind that is prepared, packaged or in a form that is suitable for immediate ingestion or consumption by human beings.

(2) The term "victuals" excludes the selling of fresh produce or raw or cooked seafood sold in bulk or by weight that has not been prepared, packaged or served with other prepared foods as part of a menu item.

(Ord. No. 16-04, § 1, 3-7-2016)

Sec. 12-121. Permit or franchise required and authorized.

Every person, whether natural or juridical, who desires to use the public right-of-way or public places to conduct any of the businesses or callings set forth in this article shall first apply for and be granted a mobile vending permit and/or a mobile vending franchise ordinance from the city council as provided in this article.

(Ord. No. 16-04, § 2, 3-7-2016)

Sec. 12-122. Permit requirements.

(a) A mobile vending permit shall be applied for on forms provided by the city and in the format and number of copies as required by the instructions. No permit shall be issued until all requisite approvals by the state department of health are met. All permit holders shall comply with all applicable laws and regulations of the state.

(b) Any permit that is issued shall in each instance state the occasion for which it is issued and the date upon which it will expire and shall be in addition to any other required tax or license. Permits shall be issued on an annual basis and shall expire on December 31. Renewal applications shall be made by January 31. Nothing contained herein precludes the prorating of permit fees.

(c) Permits shall be conspicuously displayed and affixed to the front windshield, lower corner, passenger side and be clearly visible from outside the mobile food truck at all times during operation.

(d) Except as otherwise provided in this article, permits issued under this article are valid for use in business, commercial, industrial and mixed use zoning districts. Nothing contained herein shall be construed to authorize the use of any permit on the streets surrounding or adjoining any church or school.

(e) Permits issued under this article are not valid when the city requires the use of its public right-of-way to facilitate projects or events within the right-of-way.

(Ord. No. 16-04, § 3, 3-7-2016)

Sec. 12-123. Permit issuance.

(a) A valid mobile permit with the city shall be obtained in such a manner pursuant to this section for a mobile vendor to lawfully operate.

(b) Each application for a mobile vending franchise shall provide a photo and the dimensions of the mobile food truck to be used in the sale of items specified in this article.

(c) Standards and criteria.

(1) The following standards and criteria shall be utilized by the city council relative to the appropriateness of an applicant's desired location, day and time:

a. Creation of a pedestrian or vehicular safety hazard;

b. Road, sidewalk and public right-of-way geometrics, including, but not limited to, design, alignment, configuration, width, and vehicle site-line distance;

c. Impediments to traffic flow;

d. Traffic congestion, patterns circulation, movements and average daily trip volumes;

e. Speed limits and traffic speeds;

f. Traffic studies and accident rates;

g. On-street parking requirements;

h. The geographic make-up of the area;

i. Impact on any nearby residential uses; and

j. Any other factor deemed to be a potential safety hazard by the department of public works.

(2) Upon evaluating an application for a mobile vending franchise, the department of public works shall recommend approval or denial in a written report to the city council. The department of public works shall recommend denial of a franchise request that has a significant adverse impact on vehicular or pedestrian flow, movement or safety.

(d) If approved by the council, a serial-numbered permit shall be issued. Said serial number shall appear on the mobile vending franchise permit. The mobile vending permit shall be conspicuously displayed and affixed to the front windshield, lower corner, passenger side and be clearly visible from outside the mobile food truck at all times during operation.

(e) The city council may prescribe such other policies and procedures as to the processing of franchise applications as may be required to carry out the full intent and purpose of this article.

(Ord. No. 16-04, § 4, 3-7-2016)

Sec. 12-124. Permit and franchise fees.

There shall be a permit fee as established from time to time, which shall be submitted to the department of finance along with the permit, and which shall be renewed annually to reasonably compensate the city for the cost of the restricted use of the public right-of-way. Payment shall be by check or money order payable to the city.

(Ord. No. 16-04, § 5, 3-7-2016)

Sec. 12-125. Rules and regulations for all mobile food vendors.

In addition to all other applicable laws pertaining to permits and franchises, all mobile vendors operating pursuant to this article shall also be subject to the following provisions:

(1) All mobile food trucks shall be registered in the state. Any driver of a mobile food truck shall possess a valid state driver's license.

(2) All mobile vendors shall comply with all applicable parking, traffic and vehicle safety laws, regulations and restrictions, but in no event shall any mobile vendor remain in any one location for more than four hours, unless otherwise permitted by law.

(3) No mobile vendor shall operate within 20 feet of any intersection.

(4) No mobile vendor shall operate within 20 feet of any stop sign, flashing beacon, yield sign or other traffic control signal located on the side of a roadway.

(5) No mobile vendor shall operate within three feet of any public or private driveway, wheelchair ramp or bicycle ramp.

(6) No mobile food truck shall be more than 26 feet in length or eight feet in width.

(7) No mobile vendor shall sell alcoholic beverages, controlled substances, or any other item the possession or use of which is deemed illegal under any federal, state or local law.

(8) No mobile vendor shall sell goods, wares or other items of merchandise other than victuals.

(9) No mobile vendor shall place any chairs, stools, tables or other fixtures, furniture or other obstructions on any portion of the public street, sidewalk or right-of-way, except as provided in subsection (10) of this section.

(10) All mobile vendors shall provide a trash receptacle within three feet of the front or back of the mobile food truck on the public street, which shall be large enough to contain all refuse generated by operation. The location shall be kept clean and free of trash and debris. All mobile vendors shall be responsible for cleaning all debris and refuse generated by such operation within a 50-foot radius of the mobile food truck upon ceasing operation. It shall be a misdemeanor for any mobile vendor to leave any location without first picking up, removing and properly disposing of all trash or refuse remaining at a location. Any trash, garbage, refuse or other debris generated by the mobile vendor or relating to the operation of the mobile vendor shall be disposed of at approved locations. Nothing contained herein shall permit the placement of a trash receptacle on any sidewalk.

(11) It shall be unlawful for any mobile vendor to operate a mobile food truck in any manner that impedes the flow of vehicular or pedestrian traffic on any public right-of-way.

(12) No mobile food vendor shall operate a mobile food truck in any manner that impedes the ingress or egress of a building or structure during its operating hours.

(13) It shall be unlawful for any mobile vendor to operate a mobile food truck that is in a defective, unsafe or unsanitary condition in violation of any applicable law or regulation.

(14) No mobile vendor shall operate any horn, sound amplification system, or other sound-producing device or music system which can be heard outside the mobile food truck when such mobile food truck is moving, stopped, standing or parked, or is being operated as allowed under this article.

(15) No advertising shall be permitted on any mobile food truck, except to post prices and to identify the name of the product or name of the lawful mobile food vendor.

(16) All mobile vendors must comply with all other applicable conditions and requirements imposed upon mobile vendors under the law, and must comply with all applicable city and state health laws and regulations and shall make such sales tax returns and other reports as required by law.

(17) All mobile vendors shall immediately notify the city if the state department of health revokes a vendor's ability to operate.

(Ord. No. 16-04, § 6, 3-7-2016)

Sec. 12-126. Insurance requirements.

(a) At the time of application for, and prior to the issuance of, any permit or franchise pursuant to this article, each and every applicant shall provide a bond in the amount of $5,000.00 for any and all claims against the applicant and/or the city arising out of or in any way connected to or associated with the vendor or any of its operations, including, but not limited to, bodily injuries, personal injuries, and injuries to property, and shall name the city as an additional insured. In lieu of furnishing a bond, the applicant may furnish a liability insurance policy covering the applicant's food truck operations in an amount of not less than $250,000.00.

(b) At the time of application for, and prior to the issuance of, any permit or franchise pursuant to this article, each and every applicant shall provide written proof of commercial vehicle insurance coverage in compliance with state law.

(Ord. No. 16-04, § 7, 3-7-2016; Ord. No. 16-05, 3-21-2016)

Sec. 12-127. Fines and forfeitures; process and procedure.

Any violation of any applicable provision of this article may be grounds for revocation of any permit or franchise issued under this article and shall be an infraction punishable by a fine not to exceed $500.00 per violation.

(Ord. No. 16-04, § 8, 3-7-2016)

## Chapter 14 COURT

### ARTICLE I. IN GENERAL

Sec. 14-1. Additional court costs.

A fee of $5.00 shall be assessed to city court costs, the proceeds of which will be used for the specific purpose of purchasing police department equipment.

(Code 1978, § 8.3-1; Mo. of 6-7-1993)

Secs. 14-2—14-20. Reserved.

### ARTICLE II. MAYOR'S COURT[[13]](#footnote-13)

#### DIVISION 1. GENERALLY

Secs. 14-21—14-43. Reserved.

#### DIVISION 2. MAGISTRATE

Sec. 14-44. Appointment.

The city council shall, upon request of the mayor, appoint an attorney who shall be designated as court magistrate, and who shall serve as the presiding official over the mayor's court. The magistrate shall exercise the powers and authority of the mayor over said court.

(Code 1978, § 8.3-21; Ord. No. 92-3, § 1, 7-20-1992; Ord. No. 04-2, 8-2-2004)

Sec. 14-45. Term of office.

Term of office for the magistrate shall be the same as that of the mayor.

(Code 1978, § 8.3-22; Ord. No. 92-3, § 2, 7-20-1992)

Sec. 14-46. Compensation.

The magistrate shall serve at a salary fixed and paid by the city council.

(Code 1978, § 8.3-23; Ord. No. 92-3, § 3, 7-20-1992)

Sec. 14-47. City prosecutor.

In those cases in which the magistrate determines that it would be in the best interests of the city to have the city represented by an attorney in the presentation of the case for the prosecution, the city attorney shall act as the city prosecutor in all such cases.

(Ord. No. 11-02, § 8.3-24, 2-21-2011)

Sec. 14-48. Subpoena authority.

To the extent that either the magistrate or the city prosecutor determines that it is necessary to issue a subpoena for the attendance of a witness (or for the production of any documents) deemed necessary or useful in connection with any proceedings before the magistrate, the magistrate shall have full and complete authority to issue either a subpoena or a subpoena duces tecum to compel the attendance of any such witnesses or the production of any such documents.

(Ord. No. 11-02, § 8.3-25, 2-21-2011)

Sec. 14-49. Contempt of court.

Any act, action, utterance or activity which would constitute civil or criminal contempt of court in any criminal proceeding being conducted in the district courts of the state shall likewise constitute contempt of court in the mayor's court. The magistrate shall have the same discretion with regard to assessment fines, penalties, or other appropriate action (up to the jurisdictional limits of the mayor's court) in response to any contempt of court which a district judge would have in the district courts of the state.

(Ord. No. 11-02, § 8.3-26, 2-21-2011)

Sec. 14-50. Verification of court records, authority, or actions.

The magistrate shall be authorized to designate one or more persons to act as a clerk of the mayor's court, and any such person designated shall have full and complete authority to certify copies of any records, orders, or judgments issued by the magistrate, or involved in any proceeding in the mayor's court. The magistrate shall have authority to designate and authorize any formal means of identification for himself as magistrate, or for the city prosecutor, which the magistrate declares to be useful or necessary to aid in the performance of their duties.

(Ord. No. 11-02, § 8.3-27, 2-21-2011)

Sec. 14-51. Utility bill suits.

This provision is intended to facilitate the processing of civil suits by the city to collect unpaid utility bills owed to the city, as authorized by R.S. 33:441. The procedures provided by the state code of civil procedure for suits in the city or parish courts shall apply in such suits. The authority of the magistrate of the mayor's court is hereby supplemented to include presiding over and ruling on all such suits.

(Ord. No. 21-08, 8.3-28, 11-15-2021)

## Chapter 16 ELECTIONS

Sec. 16-1. Number of councilmembers.

One councilmember shall be elected from each of the five election districts set forth from time to time by ordinance.

(Code 1978, § 8.5-1; Ord. of 1-16-1978, § 1)

Sec. 16-2. Registration and residence requirements.

Each candidate for councilmember must be registered to vote and must reside in the election district for which he qualifies.

(Code 1978, § 8.5-2; Ord. of 1-16-1978, § 2)

Sec. 16-3. District boundaries.

Each of the five election districts are as established from time to time by ordinance.

(Code 1978, § 8.5-3; Ord. of 1-16-1978, § 3; Ord. No. 2001-5, § 1, 6-27-2001)

## Chapter 18 EMERGENCY MANAGEMENT[[14]](#footnote-14)

(RESERVED)

## Chapter 20 EMERGENCY SERVICES

(RESERVED)

## Chapter 22 ENVIRONMENT

### ARTICLE I. IN GENERAL

Secs. 22-1—22-18. Reserved.

### ARTICLE II. TREES

Sec. 22-19. Purpose.

The purpose of this article is to promote preservation, protect public health, safety and general welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs and other plants within the city limits, to promote aesthetic environment and energy conservation to demonstrate a feeling of continuity with the past and anticipation for the future.

(Code 1978, § 10.7-21; Ord. No. 98-5, § I, 9-8-1998)

Sec. 22-20. Tree board created.

A city tree board is hereby created by the city, which consists of five members, citizens appointed by the mayor and city council. Members of this board will serve without compensation. In the absence of an appointed board, the city council shall serve as the tree board. The council has the right to prune any portion of any trees that extend into any city right-of-way.

(Code 1978, § 10.7-22; Ord. No. 98-5, § II, 9-8-1998)

Sec. 22-21. Tree board membership; term of office.

The members of this board shall serve for three years. Members may be reelected for another term, but in the event of a vacancy, a successor shall be appointed to the unexpired portion of the term.

(Code 1978, § 10.7-23; Ord. No. 98-5, § III, 9-8-1998)

Sec. 22-22. Applicability.

This article provides full power and authority over all trees, plants, and shrubs located within street rights-of-way, city parks and public places and to trees, plants and shrubs located on private property that present a hazard to others.

(Code 1978, § 10.7-24; Ord. No. 98-5, § IV, 9-8-1998)

Sec. 22-23. Landscaping.

The landscaping of the public rights-of-way and parks is under the management of the main street program and the local garden club. The design, planting and maintenance is controlled by the design committee volunteers and an employed grounds keeper. The St. Martin de Tours Church Square landscape and maintenance are funded and maintained by the St. Martin de Tours Landscape Committee.

(Code 1978, § 10.7-25; Ord. No. 98-5, § IV, 9-8-1998)

Sec. 22-24. Tree planting, maintenance, and removal.

Pruning and preservation shall be the responsibility of a licensed and insured arborist retained by the city to care for the public trees, plants and shrubs. The daily maintenance of public trees, plants and shrubs on public rights-of-way and parks shall be the responsibility of the groundskeeper on staff for the city or trustees being under employment for the city.

(Code 1978, § 10.7-26; Ord. No. 98-5, § IV, 9-8-1998)

Sec. 22-25. Adjacent landowner responsibility.

The tree board will have the authority to protect all trees that have been declared historical or are listed with a historical tree society. The removal or destruction of these trees shall be determined by the tree board. Conservation and preservation will be the determining factor.

(Code 1978, § 10.7-27; Ord. No. 98-5, § IV, 9-8-1998)

Sec. 22-26. Enforcement.

Enforcement of this article is under the jurisdiction of the appointed tree board and the city council.

(Code 1978, § 10.7-28; Ord. No. 98-5, § IV, 9-8-1998)

Secs. 22-27—22-55. Reserved.

### ARTICLE III. NUISANCES

#### DIVISION 1. GENERALLY

Sec. 22-56. Definitions.

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:

*Nuisance* means any person doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

(1) Injures or endangers the comfort, repose, health or safety of others; or

(2) Offends decency; or

(3) Is offensive to the senses; or

(4) Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage; or

(5) In any way renders other persons insecure in life or the use of property; or

(6) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

(Code 1978, § 14-1)

Sec. 22-57. Illustrative enumeration.

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are hereby declared to be and constitute a nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive.

(1) Noxious weeds and other rank vegetation.

(2) Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber or other things.

(3) Any condition which provides harborage for rats, mice, snakes and other vermin.

(4) Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located.

(5) All unnecessary or unauthorized noises and annoying vibrations, including animal noises.

(6) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches.

(7) The carcasses of animals or fowl not disposed of within a reasonable time after death.

(8) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.

(9) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.

(10) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.

(11) Dense smoke, noxious fumes, gas, soot or cinders in unreasonable quantities.

(12) Any condition that allows infiltration of any substances into the city sewer collection system (i.e., broken or improperly maintained sewer drainage pipes).

(Code 1978, § 14-2; Ord. No. 07-01, § 1, 2-26-2007)

Sec. 22-58. Prohibited.

It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of a nuisance.

(Code 1978, § 14-3)

Sec. 22-59. Notice to abate.

Whenever a nuisance is found to exist within the city or within the city's extraterritorial jurisdiction, a duly designated city officer shall give written notice to the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance.

(Code 1978, § 14-4)

Sec. 22-60. Contents of notice.

The notice to abate a nuisance issued under the provisions of this article shall contain:

(1) An order to abate the nuisance or to request a hearing within a stated time, which shall be reasonable under the circumstances.

(2) The location of the nuisance, if the same is stationary.

(3) A description of what constitutes the nuisance.

(4) A statement of acts necessary to abate the nuisance.

(5) A statement that if the nuisance is not abated as directed and no request for hearing is made within the prescribed time, the city will abate such nuisance and assess the cost thereof against such person.

(Code 1978, § 14-5)

Sec. 22-61. Service of notice.

The notice to abate a nuisance shall be served as any other legal process may be served pursuant to law.

(Code 1978, § 14-6)

Sec. 22-62. Abatement by city.

Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of this article to abate the same, a duly designated city officer shall proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof.

(Code 1978, § 14-7)

Sec. 22-63. Bases for determining costs of abatement by city.

(a) The costs of the city to perform grass cutting or debris removal on private property shall be $175.00 per hour when performed by the city, with the cost to be prorated for all work performed in less than an hour. When the nuisance abatement is provided by private contractors via lowest acceptable bid, the costs shall be equal to the contract price.

(b) The costs of the city, or contractors hired by the city through the bid process, to perform repairs of sewer pipes on private property shall be based on the cost incurred by the city, for total amount billed by a contractor or if work is performed by the city, the cost shall include labor; fringe benefits presently adopted by the city; the cost of material and supplies based upon the purchased price; and the cost for the use of equipment to accomplish the task, which said cost shall be at a rate established by the city for the current year.

(c) All contractors shall be licensed and shall be required to take pictures of the property before and after work is performed as a prerequisite to receiving payment.

(Code 1978, § 14-7.1; Ord. No. 2002-5, §§ 1—3, 8-19-2002; Ord. No. 07-02, § 1, 2-26-2007; Ord. No. 08-03, 9-15-2008; Ord. No. 19-09, 12-16-2019)

Sec. 22-64. City's costs declared lien.

Any and all costs incurred by the city in the abatement of a nuisance under the provisions of this article shall constitute a lien against the property upon which such nuisance existed, which lien shall be filed, proven and collected as provided for by law. Such lien shall be notice to all persons from the time of its recording, and shall bear interest at the legal rate thereafter until satisfied.

(Code 1978, § 14-8)

Sec. 22-65. Article to be supplemental.

The provisions of this article shall be supplemental to all other ordinances.

(Code 1978, § 14-9)

Secs. 22-66—22-88. Reserved.

#### DIVISION 2. ABANDONED VEHICLES

Sec. 22-89. Definitions.

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

*Abandoned motor vehicle* means a motor vehicle that is inoperable and is left unattended on public property for more than five days, or a motor vehicle that has remained illegally on public property for a period of more than five days, or a motor vehicle that has remained on private property without the consent of the owner or person in control of the property for more than five days.

*Derelict or junk motor vehicle* means a motor vehicle located on private property, in view of any street, which inoperable and whose cost of repair would exceed the value of the vehicle.

*Policing authority* or *authority* means the city police department, who shall enforce this division, under the guidance and direction of the mayor and city council.

(Code 1978, § 14-20; Ord. of 4-18-1972, § I(1), (2); Ord. No. 16-08, § 14-20, 6-20-2016)

State law reference(s)—Similar provisions, R.S. 32:471.

Sec. 22-90. Impoundment authorized.

(a) The city police department, acting through the police chief, shall notify the city council when any vehicle is discovered within the city limits which the chief believes is a vehicle which is covered by this division.

(b) Upon a finding by the city council that the vehicle in question is either an abandoned motor vehicle or a derelict or junk motor vehicle, the policing authority shall take into custody any such vehicle which is found on public or private property. Said policing authority may employ its own personnel, equipment and facilities or may employ persons, equipment and facilities of others for the purpose of removing, preserving and storing such vehicles.

(Code 1978, § 14-21; Ord. of 4-18-1972, § II; Ord. No. 16-08, § 14-21, 6-20-2016)

State law reference(s)—Similar provisions, R.S. 32:474.

Sec. 22-91. Notice to owners and mortgage holders.

(a) When any abandoned motor vehicle is found by the policing authority by reason of the illegal parking or the stationing of such motor vehicle for a period of more than five days on a public street, way, road or highway within the city, the policing authority shall send a registered or certified letter, return receipt requested, to the last known owner of said vehicle at his last known address informing him to remove said vehicle within ten working days from date of receipt of notice. The policing authority shall notify the owner of such vehicle that, in lieu of removal, said owner may remit $15.00, or such other fee amount as is established from time to time, together with a complete certificate of authority to the policing authority to remove and dispose of the abandoned motor vehicle. The certificate of authority shall be on a form prescribed and furnished by the policing authority, along with a self-addressed return envelope.

(b) When any junk or derelict motor vehicle is directed to be removed by the city council, the policing authority shall send a registered or certified letter, return receipt requested, or hand delivered, to the owner of the property where the vehicle is located informing him to remove said vehicle within ten working days from the date of receipt of notice.

(Code 1978, § 14-22; Ord. of 4-18-1972, § III; Ord. No. 16-08, § 14-22, 6-20-2016)

State law reference(s)—Similar provisions, R.S. 32:475(A).

Sec. 22-92. Removal by policing authority.

If the abandoned motor vehicle or the junk or derelict motor vehicle is not removed within ten working days from date of receipt of the required notice and, where applicable, the $15.00 removal fee, or such other fee amount as is established from time to time, has not been returned as provided in this division, the abandoned motor vehicle or the junk or derelict motor vehicle may be removed and disposed of by the policing authority forthwith, and, in such case, the policing authority may assess a penalty in the amount of the actual cost of removal for the failure of an owner to remove an abandoned motor vehicle.

(Code 1978, § 14-23; Ord. of 4-18-1972, § III; Ord. No. 16-08, § 14-23, 6-20-2016)

State law reference(s)—Similar provisions, R.S. 32:475(B).

Sec. 22-93. Disposal by city authorized.

(a) Whenever any abandoned motor vehicle has been seized pursuant to this division and has not been claimed for a period of six months or more, then the motor vehicle shall be considered as having been abandoned to the city and may be disposed of as provided in this division.

(b) Any junk or derelict motor vehicle will be considered as having been abandoned upon removal from its location by the police.

(Code 1978, § 14-24; Ord. No. 16-08, § 14-24, 6-20-2016)

State law reference(s)—Similar provisions, R.S. 32:476(A).

Sec. 22-94. Notice of sale.

(a) After the required six-month period, provided in section 22-93, has elapsed, the policing authority shall send a registered or certified letter, return receipt requested, to the last known owner of said vehicle at his last known address informing him that the policing authority is holding the abandoned motor vehicle and will sell the vehicle to the highest bidder unless said owner, on or before the date of the sale, claims the vehicle and pays to the policing authority all costs and charges imposed by the policing authority for the removal and detention of the vehicle. A copy of said letter shall also be sent to any person known to be the holder of a mortgage on said vehicle.

(b) Any junk or derelict motor vehicle may be sold or disposed of by the city in any feasible method.

(Code 1978, § 14-25; Ord. of 4-18-1972, § IV; Ord. No. 16-08, § 14-25, 6-20-2016)

State law reference(s)—Similar provisions, R.S. 32:476(A)(1).

Sec. 22-95. Appraisal prior to sale.

Before the sale of any vehicles pursuant to this division, the policing authority shall have them appraised by a competent appraiser and shall publish a notice of the proposed sale of said vehicle in the official journal of the city not less than three times within a ten-day period prior to the date of said sale. The published notice shall contain a complete list of the vehicles to be sold, the date and place of said sale, and notification that said vehicles will be sold either individually or in toto to the highest bidder therefor, all in the discretion of the policing authority.

(Code 1978, § 14-26; Ord. of 4-18-1972, § IV)

State law reference(s)—Similar provisions, R.S. 32:476(A)(2).

Sec. 22-96. Proceeds of sale.

All funds received from the sale of a motor vehicle under the provisions of this division shall be set aside and placed in a separate account established therefor by the policing authority. If, within one year following the date of the sale, the owner or lien holders of any of said vehicles shall present sufficient proof to the policing authority of his ownership or lien, the said owner or lien holder shall be entitled to the amount received for his individual vehicle less his pro rata share of the costs and expenses of the sale, as well as all charges and costs due endowing for removal and storage of said vehicle. Any funds not claimed within one year following the date of sale shall be deposited to the general fund of the city.

(Code 1978, § 14-27; Ord. of 4-18-1972, § IV)

State law reference(s)—Similar provisions, R.S. 32:4476(A)(3).

Secs. 22-97—22-120. Reserved.

#### DIVISION 3. JUNK

Sec. 22-121. Definitions.

For the purpose of this division, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense shall include the future words; words used in the plural number include the singular number; and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

*Chief of police* means the police chief for the city police department.

*City* means the City of St. Martinville, Louisiana, a municipal corporation organized under the laws of the state, acting pursuant to and under the police power vested in the city.

*Junked item* means:

(1) Any unused major electrical appliance and/or parts thereof, including, but not limited to, washing machines, clothes dryers, refrigerators, and freezers.

(2) Machinery and/or equipment or parts thereof other than junked motor vehicles and unused major electrical appliances which, by reason of deterioration through rusting, rotting or otherwise, have become inoperable and/or unreasonable for the purposes for which they are intended.

(3) Construction debris.

(4) Wastepaper, boxes and crates and/or parts thereof.

*Junked motor vehicle.*

(1) The term "junked motor vehicle" means any motor vehicle which does not have lawfully affixed thereto, both an unexpired license plate and a valid motor vehicle safety inspection certificate, and the condition of which is one or more of the following:

a. Wrecked;

b. Dismantled;

c. Partially dismantled;

d. Inoperative;

e. Abandoned; or

f. Discarded.

(2) Exceptions. The provisions set forth in subsection (1) of this definition shall not apply to:

a. Any motor vehicle in operable condition specifically adapted or constructed for racing or operation on privately owned drag strips or raceways.

b. Any motor vehicle retained by the owner for antique collection purposes, provided that the vehicle is registered with the state as an antique automobile, rather than retained by the owner for salvage or for transportation.

c. Any motor vehicle stored as the property of a member of the Armed Forces of the United States who is on active duty assignment.

d. Any motor vehicle under repair for 90 days.

*Person* means any individual, firm partnership, association, corporation, company or organization of any kind.

(Code 1978, § 14-31; Ord. No. 03-03, 2-17-2003)

Sec. 22-122. Junked motor vehicle and/or junked items declared as public nuisance.

The presence of any junked motor vehicle and/or any junked item on any private lot, tract or parcel of land, or portion thereof, occupied or unoccupied, improved or unimproved, within the city shall be deemed and is hereby declared a public nuisance. It shall be unlawful for any person to cause or maintain such a public nuisance by wrecking, dismantling, partially dismantling, rendering inoperable, abandoning or discarding any motor vehicle and/or junked item on the real property of another or to suffer, permit or allow any junked motor vehicle and/or junked item to be parked, left or maintained on his real property, provided that this section shall not apply with regard to:

(1) Any junked motor vehicle and/or junked item in an enclosed building.

(2) Any junked motor vehicle and/or junked item in an appropriate storage place or depository maintained at a location where such business is authorized under city regulatory ordinances.

(Code 1978, § 14-32; Ord. No. 03-03, 2-17-2003)

Sec. 22-123. Notice to owner or occupant to abate public nuisance on occupied premises.

(a) Whenever any such public nuisance exists on occupied premises within the city in violation of section 22-122, the police chief or his duly authorized agent shall order the owner of the premises, if in possession thereof, or the occupant of the premises whereon such public nuisance exists to abate or remove the same or require that any vacant lot or other parcel of property, or any unused portion of any occupied lot or other parcel of property, used for the storage of junked vehicles and/or junked item, as described and defined, shall be surrounded or enclosed by a board fence or other nontransparent enclosure or uniform material, design and construction at least six feet in height from ground level, which board fence or other nontransparent enclosure shall be maintained by the owner or the lessee of the premises at his cost; further, the owner or lessee of the premises shall be required to take such action as may be recommended by the parish health department, or the state health department, to prevent the breeding of flies, mosquitoes, snakes, rats or other pests and vermin in or on the premises. The order shall:

(1) Be in writing.

(2) Specify the public nuisance and its location.

(3) Specify the corrective measures required.

(4) Provide for compliance within ten days from service thereof.

(b) The order described in subsection (a) of this section shall be served upon the owner of the premises or the occupant by serving him personally or by sending the order by certified mail, return receipt requested, to the address of the premises. If the owner or occupant of the premises fails or refuses to comply with the order of the police chief or his duly authorized agent within the ten-day period after service thereof, as provided in this subsection, the police chief or his duly authorized agent shall take possession of the junked motor vehicle and/or junked item and remove it from the premises. The police chief or his duly authorized agent shall remove and dispose of the junked motor vehicle and/or junked item in the following manner:

(1) Prior to the disposition of any junked vehicle and/or junked item, the police department shall place on an abandoned, stripped or junked motor vehicle and/or junked item a notice of removal, which shall be placed on the vehicle and/or item at least 24 hours prior to its removal. The notice shall state that the vehicle and/or item, unless corrective measures outlined by the police chief are taken within ten days, shall be considered public property and removed and sold for junk.

(2) The notice shall further state the following:

a. The date of notice was placed on the junked motor vehicle and/or junked item and served upon the property owner.

b. The date the ten days' notice will expire.

c. The authority to be contacted by any person claiming to have an adverse interest in the vehicle and/or item, or to evidence that the required corrective measures have been taken or performed.

d. Such notice shall be placed in a prominent place on the abandoned, stripped or junked motor vehicle and/or junked item so as to be plainly in the public view, and a copy also served on the owner of the property where the junked motor vehicle and/or junked item is located.

(3) The police department, after the time provided for in subsection (b)(2) of this section has expired, shall remove or cause to be removed, the abandoned, stripped or junked motor vehicle and/or junked item from the property where located, and is hereby authorized to convey the vehicle and/or item to a scrap iron dealer approved or other approved depository by the police chief and the purchasing agent, for sale as scrap iron or otherwise.

(4) All abandoned, stripped or junked motor vehicles and/or junked item removed from the city streets in accordance with this section shall be subject to a towing charge, service charge and/or removal charge of $50.00, or such other fee amount as is established from time to time, which charge shall be due by the owner of or any person claiming an interest in the abandoned, stripped or junked motor vehicle and/or junked item.

(5) If applicable, the police department shall furnish a report to the state director of the motor vehicle division of the department of revenue each month, with the following information:

a. Location where the junked or stripped motor vehicle was abandoned.

b. All identification information available.

c. Date of transfer and name and address of scrap iron dealer, towing service or dismantler to whom vehicle was transferred for final disposition.

(Code 1978, § 14-33; Ord. No. 03-03, 2-17-2003)

Sec. 22-124. Record of sales of abandoned, stripped or junked vehicles or junked items.

The police department shall keep a complete record of all abandoned, stripped or junked motor vehicles and/or junked items removed from private property or city streets, with details as to the date of placing a ten-day notice, date of removal from private property or city streets, name and address of scrap iron dealer, towing service, dismantler or depository to whom the stripped or junked motor vehicle and/or junked item was taken.

(1) For the purpose of carrying out the provisions of this article, the city is authorized to enter into a contract with an approved towing service, scrap dealer, dismantler or depository. After compliance with this article and 48 hours after removal, title to any junked motor vehicle and/or junked item shall pass to the contractor. The junked motor vehicle and/or junked item after compliance herewith, shall be disposed of by the contractor. Forty-eight hours after the junked motor vehicle and/or junked item is transferred to the contractor, the city shall be relieved from all liability for the vehicle and/or item.

(2) All contractors under this article shall carry liability insurance in amounts provided by the purchasing agent, shall own such equipment as may be required or necessary to properly carry out the contract and shall agree to hold the city free and harmless from any claims arising out of the work performed. The contracts to be so executed shall be approved by the office of the city attorney as to form.

(3) In the event contracts are executed with more than one contractor, the police chief shall make assignments on an approved rotating basis so that all contractors will be given an equal number of assignments to the extent feasible and practical.

(Code 1978, § 14-34; Ord. No. 03-03, 2-17-2003)

Sec. 22-125. Notice to owner to abate public nuisance on unoccupied premises.

(a) Whenever any such public nuisance exists on unoccupied premises within the city, and the owner thereof can be found, the police chief or his duly authorized agent shall order the owner of the premises whereupon such public nuisance exists, to abate or remove the same. The order shall:

(1) Be in writing;

(2) Specify the public nuisance and its location;

(3) Specify the corrective measures required; and

(4) Provide for compliance within ten days from service thereof.

(b) The order provided in subsection (a) of this section shall be served upon the owner of the premises by serving him personally or by sending the order by certified mail, return receipt requested, to this address as shown on the current tax rolls. If the owner of the premises fails or refuses to comply with the order of the police chief or his duly authorized agent within the ten-day period after service thereof, as provided herein, the police chief or his duly authorized agent shall take possession of the junked motor vehicle and/or junked item and remove it from the premises. The police chief or his duly authorized agent shall remove or dispose of the junked motor vehicle and/or junked item as provided in section 22-123.

(c) If the owner of the premises so desires, he may, within the ten-day period after service of notice to abate the nuisance, request of the city clerk, either in person or in writing and without the requirement of bond, that a date and time to be set when he may appear before the city council to determine whether or not he is in violation of this article, and whether or not the location and continued existence of the junked motor vehicle and/or junked item on this property constitutes a public nuisance.

(Code 1978, § 14-35; Ord. No. 03-03, 2-17-2003)

Sec. 22-126. Decision of the city council.

Upon a finding that the owner or occupant is in violation of this article, the city council shall order the owner or occupant to remove and abate the nuisance within ten days, the same being a reasonable time, or render such other judgment or order as may be appropriate under the circumstances. If the owner or occupant shall fail and refuse, within the ten days to abate or remove the nuisance, the city council may issue an order directing the police chief to have the same removed, and the police chief or his duly authorized agent shall take possession of the junked motor vehicle and/or junked item and remove it from the premises. The police chief or his duly authorized agent shall thereafter dispose of the junked motor vehicle and/or junked item in the manner provided in section 22-123.

(Code 1978, § 14-36; Ord. No. 03-03, 2-17-2003)

Sec. 22-127. Removal with permission of owner or occupant.

If, within ten days after receipt of notice form the police chief, or his duly authorized agent, to abate the nuisance, as herein provided, the owner or occupant of the premises shall give his written permission to the police chief, or his duly authorized agent, for removal of the junked motor vehicle and/or junked item from the premises, the giving of such permission shall be considered in compliance with the provisions of this article.

(Code 1978, § 14-37; Ord. No. 03-03, 2-17-2003)

Sec. 22-128. Removal from unoccupied premises by order of the city council.

If there is a junked motor vehicle and/or junked item, as herein defined, on premises that are unoccupied, and neither the owner of the premises nor the owner of the vehicle can be found and notified to remove the junked vehicle and/or item, upon a showing of such facts to the city council, the city council may issue an order directing the police chief to have the junked vehicle and/or junked item removed, and the police chief or his duly authorized agent shall take possession of the junked motor vehicle and/or junked item and remove it from the premises. The police chief or his duly authorized agent shall thereafter dispose of the junked motor vehicle and/or junked item in the same manner as provided in section 22-123.

(Code 1978, § 14-38; Ord. No. 03-03, 2-17-2003)

Sec. 22-129. Evidence of abandonment.

If a junked motor vehicle and/or junked item, as defined in section 22-121, has been situated on the private property of another, without that person's permission, for a period of 60 days or longer, this fact shall be prima facie evidence that the owner of the vehicle and/or item has abandoned same.

(Code 1978, § 14-39; Ord. No. 03-03, 2-17-2003)

Sec. 22-130. Notice to owners; duties of city; charging cost to owner.

(a) If any person shall fail to remove any junked motor vehicle and/or any junked item on any private lot, tract or parcel of land, or portion thereof, occupied or unoccupied, improved or unimproved, within the city, notice shall be given to the owner of the lot, place or area, as shown on the last assessment roll of the city, which notice shall be given by registered mail, addressed in accordance with the city tax rolls. Notice will be sent to the owner once per calendar year.

(b) If no action has been taken by the owner of the property within ten days after notice has been given as provided in subsection (a) of this section, or the registered mail is returned to the city with no forwarding address, then the mayor shall employ the necessary labor and proceed to perform the necessary work to remove the junked motor vehicle and/or junked item as stated in section 22-128, and charge the owner thereof the actual expenses for the work performed together with the charged authorized to tow junked motor vehicles by section 22-123.

(c) If, after the removal of the junked motor vehicle and/or junked item by the city after due notice as provided in subsections (a) and (b) of this section, the costs or expense thereof has not been paid within ten days, the city tax collector shall furnish the owner, as shown on the last assessment rolls of the city, by registered mail, a written statement showing the cost or expense incurred for the work, together with the charges authorized by section 22-123, of the place or property on which the work was done. If the statement is not paid within the one month thereafter, the amount thereof shall be included in and shall form part of the taxes due by the owner of the property and, when collected, shall be credited to the general fund for the city.

(Code 1978, § 14-40; Ord. No. 03-03, 2-17-2003)

Sec. 22-131. Yard waste and other waste removal.

(a) The city is hereby authorized to remove yard waste and other waste, such as tree branches, trunks, trash, or other deleterious, unhealthful, or noxious growths, on any sidewalks or banquettes and on any lot, place, or area within the city. The charges, costs, and expenses incurred by the city in enforcing such ordinances, shall, to the extent of the actual cost thereof to the city, be a charge, cost, or expense of the property abutting the sidewalk or banquette or of the lot, place, or area, and the owner thereof, and the provisions of R.S. 33:5062 are hereby adopted.

(b) No such work shall be undertaken by the city pursuant to this section until the owner of the lot, place, or area, or the owner of the abutting property where the yard waste or other waste, weeds, or growths are to be removed, as shown on the last assessment roll of the city, has either of the following:

(1) An opportunity of doing the work himself within at least ten days after date notice has been received by him, and the return receipt by registered mail has been returned to the city verifying date received, addressed in accordance with the tax rolls of the city; or

(2) An opportunity of doing the work himself within at least five days after date the return receipt by registered mail has been returned unclaimed or not received by owner to the city verifying last date marked on the return envelope and/or receipt and that the notice was addressed in accordance with the tax rolls of the city.

(c) However, the city may undertake the cutting, destruction, or removal of yard waste or other waste, noxious weeds, grass or other deleterious, unhealthful, or noxious growths on any property within the city on a monthly basis without the notice required in subsection (b) of this section if the property owner liable has been notified pursuant to subsection (b) of this section at any time during the immediately preceding 12 months and has failed to do the work himself after opportunity to do so. However, prior to undertaking such work, the city shall file and record an affidavit, signed by the mayor of the city or his designee, at its administrative office. Such affidavit shall include the following:

(1) A description of the property sufficient to reasonably identify it.

(2) A photograph of the property sufficient to reasonably identify its unsafe or unsanitary condition and to justify the necessity for cutting, destroying, or removing yard waste or other waste, weeds, grass, or other noxious growths.

(3) A statement that the property owner liable has within the past 12 months failed to do such work after notification and opportunity to do so pursuant to subsection (b) of this section.

(d) The following is an illustrative enumeration which are hereby declared to be violations of this division, but all inspections and violations shall be determined by the superintendent of public works, and this enumeration is not exclusive, limiting, or restrictive:

(1) Any pile of branches over six cubic yards shall be charged at $7.00 per cubic yard for removal of the entire pile.

(2) Any pile of trash over six cubic yards shall be charged at $20.00 per cubic yard for removal of the entire pile.

(3) Any pile of construction material, including, but not limited to, remodeling, new construction, demolishing of existing structures, and structures covered by insurance destroyed by fire, whereby the resident must purchase a dumpster at their own expense or the city will remove said pile and the landowner shall be charged at $20.00 per cubic yard for removal of the entire pile.

(4) Any uninsured structure destroyed by fire allows for the resident to request the city council to approve for the city to remove the debris; the city may require the resident to bring the pile to the road.

(5) Any and all trees cut by a contractor hired by resident must be picked up by the contractor.

(6) Any and all material, clothes, furniture, appliances, and other personal effects, when a landowner evicts a lessee from the landowner's premises, and/or involuntarily removes the personal belongings of a lessee by force from the house and/or building and places of the personal belongings onto the landowner's property and/or sidewalk or street; the city will remove said pile and the landowner shall be charged at $20.00 per cubic yard for removal of the entire pile.

(7) Any and all piles shall be separated into piles of furniture, white goods, and other trash, and any and all piles not picked up by the city garbage contractor shall be considered in noncompliance and a violation of this division.

(e) Anyone placing piles on property they do not own shall be prosecuted under the city litter laws, and shall be reported to the department of environmental quality for any possible violations of the environmental laws of the state.

(f) There shall be an administrative charge of $25.00 per violation.

(g) Any and all costs incurred by the city, including reasonable attorney fees, after removal of the yard waste and/or other waste, shall be furnished by the city tax collector to the owner, as shown on the last assessment rolls of the city, by registered mail, a written statement showing the cost or expense incurred for the work, together with charges authorized under the provisions of this division. If the statement is not paid within one month thereafter, the amount thereof, including ten percent interest from receipt until paid, shall be included in and shall form part of the taxes due by the owner of the property, and when collected shall be credited to the general fund for the city.

(h) No garbage container shall be placed in the city street right-of-way more than 24 hours before garbage service is scheduled, and all containers must be removed from the street right-of-way within 24 hours after pickup by the garbage service in the city. For this particular subsection, there shall be a warning issued for a first and a second violation. Beginning with a third violation, and for every violation thereafter, there shall be an administrative charge of $25.00 per violation.

(Ord. No. 08-01, § 14-41, 6-2-2008; Ord. No. 09-04, 3-16-2009; Ord. No. 16-12, 11-21-2016)

Secs. 22-132—22-160. Reserved.

#### DIVISION 4. WEEDS AND NOXIOUS GROWTHS

Sec. 22-161. Weeds, tall grass, noxious growth; prohibited.

(a) No owner, tenant or occupant of any lot, place or area not leased or occupied by another person shall permit any noxious weeds, grass or deleterious, unhealthful or noxious growths to grow or stand on any lot, place or area owned by said person, or on any sidewalks or banquettes abutting any lot or place or area owned by said person.

(b) Any noxious weeds, grass or other deleterious, unhealthy or noxious growths in excess of 12 inches in height shall be presumed to be in violation of this division.

(Code 1978, § 14-52; Ord. of 4-12-1976, §§ I, II; Ord. No. 16-07, § 14-52, 6-20-2016; Ord. No. 16-11, § 14-52, 10-4-2016)

Sec. 22-162. Abatement by city.

(a) The city is hereby authorized to cut, destroy or remove any noxious weeds or grass or deleterious, unhealthful or noxious growth growing or standing on any sidewalk or banquette, or on any lot, place or area, provided no such work shall be undertaken by the city until the owner of said lot, place or area or the owner of the property abutting the sidewalk or banquette shall have had the opportunity to do the work himself within at least ten days after notice has been given him by advertisement in the official journal of the city or by registered mail. The owner of said lot, place or area shall be charged a fee of $50.00, or such amount as established from time to time, for the cost of notification to cut grass and weeds. Each councilmember will be notified prior to letters being mailed out to residents of their districts.

(b) The city may undertake the cutting, destruction or removal of noxious weeds or tall grass on a monthly basis without the notice required in subsection (a) of this section if the property owner has been notified as provided in subsection (a) of this section at any time during the immediately preceding 12 months and has failed to do the work himself after opportunity to do so.

(Code 1978, § 14-53; Ord. of 4-12-1976, § III; Ord. of 11-7-1983, § 1; Ord. of 12-5-1983, § 1; Mo. of 7-20-1992; Ord. No. 16-07, § 14-53, 6-20-2016; Ord. No. 16-11, § 14-53, 10-4-2016; Ord. No. 19-07, 10-7-2019)

State law reference(s)—Similar provisions, R.S. 33:5062.

Sec. 22-163. Costs of city doing work.

(a) All costs to the city in having work performed pursuant to this division is hereby declared to be a charge, cost or expense of the property abutting the sidewalk or banquette or of the lot, place or area, where such noxious weeds, grass, deleterious, or unhealthful growths have been cut, destroyed or removed. The cost to cut such grass and weeds shall be set at a minimum of $100.00, including the cost of notification.

(b) The costs of the city, or contractors hired by the city, to cut grass or remove debris on private property shall be based on the provisions set out in section 22-63.

(c) Said costs and expenses shall be collected in the manner fixed by law for the collection of property taxes and shall be subject to the same penalties for delinquencies. After the cutting, destruction or removal of such weeds, grass or growths as shall have been done by the city, after due notice as stated in section 22-162, if the costs or expenses thereof shall not have been paid within ten days after demand, the city shall add the amount of said bill to the next property tax bill of the owner. The city shall cause to be recorded in the mortgage office of the parish an attested bill showing the cost and expense incurred for the work and the place or property on which said work was done, so as to establish for the city a lien and privilege securing the payment by the property owner of said charges, costs and expenses.

(Code 1978, § 14-54; Ord. of 4-12-1976, § IV; Mo. of 7-20-1992; Ord. No. 2002-5, § 1, 8-19-2002)

State law reference(s)—Similar provisions, R.S. 33:5063.

Sec. 22-164. Corporations.

For the purpose of enforcing the provisions of this division, a corporation shall be deemed to be represented by any officer or individual in charge of the affairs of the corporation.

(Code 1978, § 14-55; Ord. of 4-12-1976, § IV)

## Chapter 24 FIRE PREVENTION AND PROTECTION

### ARTICLE I. IN GENERAL

Sec. 24-1. Obstruction of firefighter.

It shall be unlawful for any person to in any way interfere with, meddle with, or obstruct a firefighter in the discharge of his duties at a fire or on the way to a fire.

(Code 1978, § 9-1)

State law reference(s)—Similar provisions, R.S. 14:327.

Sec. 24-2. Obstruction of fire prevention.

It shall be unlawful to interfere with fire prevention by the intentional performance of any of the following acts:

(1) Defacing or destroying fire warning notices or posters.

(2) Injuring, destroying, removing or in any manner interfering with the use of any tools, equipment, towers, buildings or telephone lines used in the detection, reporting or suppression of fire.

(Code 1978, § 9-2)

Sec. 24-3. Burning of yard waste.

(a) It is hereby authorized that private landowners may burn any trees, brush, grass, or other vegetable material between the hours of 8:00 a.m. and 5:00 p.m., as long as the fire or burn is at least 500 feet from any structure or dwelling, and is attended by an adult at all times.

(b) It is hereby authorized that private landowners may burn any brush, grass, small tree branches, or other vegetable material between the hours of 8:00 a.m. and 5:00 p.m., as long as the fire is at least 100 feet from any structure or dwelling, and:

(1) The yard waste must come from the property of the person burning the waste; and

(2) The burning must be for noncommercial purposes only; and

(3) The owner must attend the fire with a hose capable of spraying water on the fire site until the fire is out; and

(4) The pile of material being burned must not exceed six feet in diameter.

(c) Any violation of this section shall be considered a misdemeanor and punishable by the maximum penalty allowable under the Charter.

(Code 1978, § 9-3)

Sec. 24-4. Exemption for burn pits.

This chapter does not prohibit fires, fueled by wood or artificial logs, made for social or recreational purposes, and which are contained within a metal or concrete burn pit; however, section 24-3(b)(3) applies to such fires.

(Code 1978, § 9.3-1; Ord. No. 98-3, 12-21-1998; Ord. No. 20-01, 2-10-2020)

Sec. 24-5. Trash fires.

(a) Except as provided in sections 24-3 and 24-4, it shall be unlawful for any person, corporation or other entity to burn paper, trash, or any other items within the corporate limits of the city unless such burning is in an approved furnace or incinerator.

(b) Any violation of this section shall be considered a misdemeanor and punishable by the maximum penalty allowable under the Charter.

(Code 1978, § 9-4; Ord. No. 98-3, 12-21-1998; Ord. No. 20-01, § 9-4, 2-10-2020)

Secs. 24-6—24-28. Reserved.

### ARTICLE II. FIRE PREVENTION CODE[[15]](#footnote-15)

Sec. 24-29. Adopted.

(a) There is hereby adopted by reference that certain publication known as the Standard Fire Prevention Code, 1991 edition, together with all appendices and additions or revisions thereto, as published by the Southern Building Code Congress International, Inc.

(b) It shall be unlawful for any person to violate any of the provisions of the code adopted by this section.

(Code 1978, § 9-16; Ord. of 9-19-1967, § 1; Mo. of 10-19-1992)

State law reference(s)—Power of city to adopt by reference, R.S. 33:1368 et seq.

## Chapter 26 FLOOD DAMAGE PREVENTION[[16]](#footnote-16)

### ARTICLE I. IN GENERAL

Sec. 26-1. Definitions.

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

*Alluvial fan flooding* means the following:

(1) Flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows;

(2) Active processes of erosion, sediment transport, and deposition; and

(3) Unpredictable flow paths.

*Apex* means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

*Appurtenant structure* means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

*Area of future conditions flood hazard* means the land area that would be inundated by the one percent annual chance (100-year) flood based on future conditions hydrology.

*Area of shallow flooding* means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

*Area of special flood hazard* means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the flood hazard boundary map (FHBM). After detailed rate-making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, Al-30, AE, A99, AR, AR/Al-30, AR/AE, AR/AO, AR/AH, ARIA, VO, VI-30, VE or V.

*Base flood* means the flood having a one percent chance of being equaled or exceeded in any given year.

*Base flood elevation* means the elevation shown on the flood insurance rate map (FIRM) and found in the accompanying flood insurance study (FIS) for Zones A, AE, AH, Al-A30, AR, VI-V30, or VE that indicates the water surface elevation resulting from the flood that has a one percent chance of equaling or exceeding that level in any given year, also called the base flood.

*Basement* means any area of the building having its floor subgrade (below ground level) on all sides.

*Breakaway wall* means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

*Critical feature* means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

*Development* means any man-made change to improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

*Elevated building* means, for insurance purposes, a non-basement building, which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

*Existing construction* means for the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. The term "existing construction" may also be referred to as existing structures.

*Existing manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

*Expansion to an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

*Flood* or *flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

*Flood elevation study* means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

*Flood insurance rate map (FIRM)* means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

*Flood insurance study (FIS).* See *Flood elevation study.*

*Flood protection system* means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

*Floodplain* or *floodprone area* means any land area susceptible to being inundated by water from any source. (See *Flooding.*)

*Floodplain management* means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

*Floodplain management regulations* means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term "floodplain management regulations" describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

*Floodproofing* means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

*Floodway.* See *Regulatory floodway.*

*Functionally dependent use.*

(1) The term "functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

(2) The term "functionally dependent use" includes only docking facilities, port facilities, that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities.

(3) The term "functionally dependent use" does not include long-term storage or related manufacturing facilities.

*Highest adjacent grade* means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

*Historic structure* means any structure that is:

(1) Listed individually in the national register of historic places (a listing maintained by the Department of Interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the national register;

(2) Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of interior; or

(4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

a. By an approved state program as determined by the secretary of the interior; or

b. Directly by the secretary of the interior in states without approved programs.

*Levee* means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

*Levee system* means a flood protection system which consists of a levee and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

*Lowest floor* means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of 44 CFR 60.3 of the National Flood Insurance Program Regulations.

*Manufactured home.*

(1) The term "manufactured home" means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

(2) The term "manufactured home" does not include a recreational vehicle.

*Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*Mean sea level* means for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAYD) of 1988 or other datum, to which base flood elevations shown on a community's FIRM are referenced.

*New construction.*

(1) The term "new construction" means, for the purpose of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

(2) For floodplain management purposes, the term "new construction" means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

*New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

*Recreational vehicle* means a vehicle which is:

(1) Built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projections;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

*Regulatory floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

*Riverine* means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

*Special flood hazard area.* See *Area of special flood hazard.*

*Start of construction* (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)) includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Structure,* for floodplain management purposes, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

*Substantial improvement.*

(1) The term "substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before start of construction of the improvement.

(2) The term "substantial improvement" includes structures which have incurred substantial damage, regardless of the actual repair work performed.

(3) The term "substantial improvement" does not include either:

a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions; or

b. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

*Variance* means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see 44 CFR 60, section 60.6 of the National Flood Insurance Program Regulations.)

*Violation* means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60, section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance Program Regulations is presumed to be in violation until such time as that documentation is provided.

*Water surface elevation* means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ord. No. 10-07, art. 2, 10-4-2010)

Sec. 26-2. Statutory authorization.

The state legislature has in R.S. 38:84 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses.

(Ord. No. 10-07, art. I(A), 10-4-2010)

Sec. 26-3. Findings of fact.

(a) The flood hazard areas of the city are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands, because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

(Ord. No. 10-07, art. I(B), 10-4-2010)

Sec. 26-4. Statement of purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Protect human life and health;

(2) Minimize expenditure of public money for costly flood control projects;

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business interruptions;

(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(6) Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and

(7) Ensure that potential buyers are notified that property is in a flood area.

(Ord. No. 10-07, art. I(C), 10-4-2010)

Sec. 26-5. Methods of reducing flood losses.

In order to accomplish its purposes, this chapter uses the following methods:

(1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities.

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

(4) Control filling, grading, dredging and other development which may increase flood damage.

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(Ord. No. 10-07, art. I(D), 10-4-2010)

Sec. 26-6. Lands to which this article applies.

The article shall apply to all areas of special flood hazard within the jurisdiction of the city.

(Ord. No. 10-07, art. 3(A), 10-4-2010)

Sec. 26-7. Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for the Parish and Incorporated Areas," dated November 4, 2010, with accompanying flood insurance rate maps (FIRM) dated November 4, 2010, and any revisions thereto are hereby adopted by reference and declared to be a part of this chapter.

(Ord. No. 10-07, art. 3(B), 10-4-2010)

Sec. 26-8. Establishment of development permit.

A floodplain development permit shall be required to ensure conformance with the provisions of this chapter.

(Ord. No. 10-07, art. 3(C), 10-4-2010)

Sec. 26-9. Compliance.

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations.

(Ord. No. 10-07, art. 3(D), 10-4-2010)

Sec. 26-10. Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 10-07, art. 3(E), 10-4-2010)

Sec. 26-11. Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 10-07, art. 3(F), 10-4-2010)

Sec. 26-12. Warning and disclaimer or liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the community or any city official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(Ord. No. 10-07, art. 3(G), 10-4-2010)

Secs. 26-13—26-42. Reserved.

### ARTICLE II. ADMINISTRATION

Sec. 26-43. Designation of the floodplain administrator.

The zoning administrator is hereby appointed the floodplain administrator to administer and implement the provisions of this chapter and other appropriate sections of 44 CFR (Emergency Management and Assistance, National Flood Insurance Program Regulations) pertaining to floodplain management.

(Ord. No. 10-07, art. 4(A), 10-4-2010)

Sec. 26-44. Duties and responsibilities of the floodplain administrator.

Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

(1) Maintain and hold open for public inspection all records pertaining to the provisions of this chapter.

(2) Review the permit to the application, to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.

(3) Review, approve or deny all applications for development permits required by adoption of the ordinance from which this chapter is derived.

(4) Review permits for proposed development to ensure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404 of the federal Water Pollution Control Act Amendments of 1972, 33 USC 1334) from which prior approval is required.

(5) Make the necessary interpretation, where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).

(6) Notify, in riverine situations, adjacent communities and the state coordinating agency, which is the department of transportation and development, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(7) Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(8) Obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of article III of this chapter, when base flood elevation data has not been provided in accordance with section 26-7.

(9) Must require, when a regulatory floodway has not been designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones Al-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(10) Under the provisions of 44 CFR 65.12 of the National Flood Insurance Program Regulations, a community may approve certain development in Zones Al-30, AE, AH, on the community's FIRM, which increases the water surface elevation of the base flood by more than one foot, provided that the community first completes all of the provisions required by 44 CFR 65.12.

(Ord. No. 10-07, art. 4(B), 10-4-2010)

Sec. 26-45. Permit procedures.

(a) Application for a floodplain development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

(1) Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures.

(2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed.

(3) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of section 26-67(2).

(4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

(5) Maintain a record of all such information in accordance with section 26-44(1).

(b) Approval or denial of a floodplain development permit by the floodplain administrator shall be based on all of the provisions of this chapter and the following relevant factors:

(1) The danger to life and property due to flooding or erosion damage.

(2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(3) The danger that materials may be swept onto other lands to the injury of others.

(4) The compatibility of the proposed use with existing and anticipated development.

(5) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(6) The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems.

(7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

(8) The necessity to the facility of a waterfront location, where applicable.

(9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

(Ord. No. 10-07, art. 4(C), 10-4-2010)

Sec. 26-46. Variance procedures.

(a) The appeal board, as established by the city, shall hear and render judgment on requests for variances from the requirements of this chapter.

(b) The appeal board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter.

(c) Any person aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.

(d) The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(e) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this chapter.

(f) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in section 26-45(b) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(g) Upon consideration of the factors noted in subsections (e) and (f) of this section and the intent of this chapter, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of section 26-4.

(h) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(i) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(j) Prerequisites for granting variances are as follows:

(1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(2) Variances shall only be issued upon:

a. Showing a good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(3) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(k) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:

(1) The criteria outlined in subsections (a) through (j) of this section are met; and

(2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ord. No. 10-07, art. 4(D), 10-4-2010)

Secs. 26-47—26-65. Reserved.

### ARTICLE III. PROVISIONS FOR FLOOD HAZARD REDUCTION

Sec. 26-66. General standards.

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(Ord. No. 10-07, art. 5(A), 10-4-2010)

Sec. 26-67. Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 26-7, 26-44(8), or 26-68(c), the following provisions are required:

(1) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection, as proposed in section 26-45(a), is satisfied.

(2) *Nonresidential construction.* New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.

(3) *Enclosures.* New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a. A minimum of two openings on separate walls having a total net area of not less than one square inch for every square-foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

(4) *Manufactured homes.* The following shall be required for manufactured homes:

a. All manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

b. Manufactured homes that are placed or substantially improved within Zones Al-30, AH, and AE on the community's FIRM on sites outside of a manufactured home park or subdivision; in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood, are to be elevated on a permanent foundation such that the bottom of the longitudinal structural I-beam of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

c. Manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones Al-30, AH and AE on the community's FIRM that are not subject to the provisions of this subsection be elevated so that either:

1. The bottom of the longitudinal structural I-beam of the manufactured home is at or above the base flood elevation; or

2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(5) *Recreational vehicles.* It is required that recreational vehicles placed on sites within Zones Al-30, AH, and AE on the community's FIRM either be on the site for fewer than 180 consecutive days; or be fully licensed and ready for highway use; or meet the permit requirements of section 26-45(a), and the elevation and anchoring requirements for manufactured homes in subsection (4) of this section. A recreational vehicle is considered ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(Ord. No. 10-07, art. 5(B), 10-4-2010)

Sec. 26-68. Standards for subdivision proposals.

(a) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with sections 26-3 through 26-5.

(b) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet floodplain development permit requirements of sections 26-8 and 26-45, and the provisions of sections 26-66 through 26-71.

(c) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to section 26-7 or 26-44(8).

(d) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(e) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(Ord. No. 10-07, art. 5(C), 10-4-2010)

Sec. 26-69. Standards for areas of shallow flooding (AO and AH zones).

Located within the areas of special flood hazard established in section 26-7 are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the city's FIRM (at least two feet if no depth number is specified); or

(2) All new construction and substantial improvements of nonresidential structures shall:

a. Have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the city's FIRM (at least two feet if no depth number is specified); or

b. Together with attendant utility and sanitary facilities, be designed so that below the base specified flood depth in an AO zone, or below the base flood elevation level in an AH zone, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads or effects of buoyancy.

(3) A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in section 26-45 are satisfied.

(4) Zones AH and AO require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

(Ord. No. 10-07, art. 5(D), 10-4-2010)

Sec. 26-70. Floodways.

Located within areas of special flood hazard established in section 26-7 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

(1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) If subsection (1) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter.

(3) Under the provisions of 44 CFR 65.12 of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by 44 CFR 65.12.

(Ord. No. 10-08, exh. A(art. 5, § E), 11-8-2010)

Sec. 26-71. Penalties for noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $500.00 or imprisoned for not more than 60 days, or both, for each violation. Each day the violation continues shall be deemed a new violation. In addition, the violator shall pay all costs and expenses involved in the case. Nothing contained in this chapter shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 10-07, art. 5(F), 10-4-2010)

## Chapter 28 HISTORIC PRESERVATION

Sec. 28-1. Statement of purpose.

The city historic district commission shall have for its purpose the preservation and stewardship of all structures in the designated city historic district. The commission shall have for its further purpose the guardianship of those structures which have architectural and historical value, and which should be preserved for the benefit of the people of the city and state. To wit, the goals of the city historic district are as follows:

(1) Protect, enhance, and perpetuate resources which represent distinctive and significant elements of the city's historical, cultural, social, economic, political, archaeological, and architectural identity.

(2) Ensure the harmonious, orderly, and efficient growth and development of the city.

(3) Strengthen civic pride and cultural stability through neighborhood conservation.

(4) Stabilize the economy of the city through the continued use, preservation, and revitalization of its resources.

(5) Protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided.

(6) Promote the use of resources for the education, pleasure, and welfare of the people of the city.

(7) Provide a review process for the preservation and appropriate development of the city's resources.

(Ord. No. 22-15, § 10.5-1A, 12-19-2022)

Sec. 28-2. Name and principal office of entity.

(a) The city government division charged with the preservation of historic buildings and landmarks within the divisional confines of the historic district is presently referred to as the city historic district advisory commission. By ratification of the city council, the organization is renamed and referred henceforth as the commission, and all previous city historic district codes, ordinances, and decrees will be replaced by revised codes, ordinances, and decrees as outlined in this chapter.

(b) The commission will consist of seven private citizens with no political affiliation, thus avoiding any pressure from constituents in the fair and unbiased enforcement of the ordinances proposed by the commission and approved by the city council. The commission will operate as a division of the city government, and as so will be tasked with the levying of fines for infractions against the chapter, thus no part of the net earnings of the program shall benefit any of its members or other individuals associated with the program, and the program shall not participate in, or intervene in any political campaign on behalf of any candidate for public office. Through the remainder of this chapter the commission may be referred to as the commission, organization, or program. The commission has no formal offices at this time, with all records, memorandums, and written decisions maintained at the city hall, with secondary copies maintained by the commission secretary.

(Ord. No. 22-15, § 10.5-1B, 12-19-2022)

Sec. 28-3. City nationally recognized historic district geographic boundaries.

(a) The boundaries of the nationally recognized city historic district begin at 214 South Main Street moving northerly to 101 North Main Street, thence easterly beginning at 101 East Bridge Street to 225 East Bridge Street to 225 East Bridge Street, thence southerly at the Church Green, including the St. Martin de Tours Parish Hall, the St. Martin de Tours Catholic Church, and the St. Martin de Tours Rectory, thence to 201 Main Street, and ending at 219 South Main Street.

(b) The geographic area described in subsection (a) of this section is the area that was entered into the National Register of Historic Places under the provisions of the National Historic Preservation Act of 1966, on January 27, 1983. The state historic sites survey of 1982 lists 42 buildings within the boundaries of the historic district, three-fourths of which date from circa 1820 to circa 1910. The two major elements in the district are the church square and the surrounding historical commercial and residential sector.

(Ord. No. 22-15, § 10.5-2, 12-19-2022)

Sec. 28-4. Significance of the city historic district.

The city historic district is significant to the city in the following respects:

(1) The historic district exemplifies it is the only city in the state whose main city district developed on property which had been donated to the Roman Catholic Church and which was later acquired by the individual owners not by virtue of an outright sale but only through a unique leasing arrangement.

(2) It is a quintessential example of an urban community originally settled by Acadian exiles and their relationship with the indigenous Atakapa Indian tribe.

(3) It is historically and architecturally significant on a local and state level as a quintessential example of an urban community with commercial development tied to steamboat commerce.

(4) It is architecturally significant on the state level due to the preservation of the central church square and its relationship to the surrounding city.

(5) It is the center of city tourism, with its preservation and commercial development crucial to the commerce development and improving city tax revenue.

(Ord. No. 22-15, § 10.5-3, 12-19-2022)

Sec. 28-5. Definitions.

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

*Abandoned* means buildings, properties, equipment, or vehicles that have clearly been left to neglect with no indication of maintenance or preservation efforts. In the case of vehicles of any type, vehicles will be considered abandoned if not being utilized, are not street worthy, or lack current inspection or licenses.

*Alteration* means any change to any portion of a historic structure or landmark that is visible from any public street, alley, sidewalk, or lot due to construction, repair, maintenance or by other means.

*Applicant* means the owner of record of properties or structures within the city historic district, the lessee with the approval of the owner of record in notarized form, or a person holding a bona fide contract to purchase a property deemed as historic.

*Appurtenance* means a feature relative to a parcel of land or to a building, structure, object, site, or a related group thereof.

*Architectural elements* mean exterior parts of a building that are integral to its composition, including, but not necessarily limited to, balconies, roofs, porches, chimneys, dormers, parapets, and other parts of the building that contribute to its overall shape and silhouette. The choice and arrangement of elements utilized in renovation or new construction shall reflect those of other buildings within the historic district.

*Building* means any covered structure intended for shelter, housing, enclosure, or economic activities relative to persons, animals, or personal possession. The term "building" includes and is interchangeable with the term "structure."

*Certificate of appropriateness* means a signed and dated document evidencing the approval of the commission for work proposed by an applicant within the boundaries of the geographically defined areas of the historic district.

*Code* means a systematic collection of laws or regulations governing construction, renovation, plumbing, electrical, fire safety, and health board laws.

*Color palette* means a list of historic colors utilized for the painting of structures and buildings within the boundaries of the historic district that create a unifying environment within the district.

*Commission* means the city historic district regulatory commission.

*Construction* means the addition or placement of any improvement onto a real property within the boundaries of the historic district.

*Decorative details* mean ornamentation or embellishment, including, but not limited to, cornices, lintels, arches, balustrades, chimneys, shutters, and columns that were original to a historic building construction. When replaced or added, the components will create a unifying effect on the building and will be compatible with the context of the historic district.

*Demolition* means the complete or partial removal of buildings, structures, objects, elements, or sites, including appurtenances or proposed improvements.

*Demolition by neglect* means substantial deterioration through owner neglect or improper construction which leads to the demolition of a structure or building with historic significance.

*Display* includes erect, paint, repaint, place, replace, hand, re-hang, repair, maintain, paint applied directly upon a building or structure, inlay, embed in, or otherwise exhibits public view.

*Downtown design guidelines* mean a set of guidelines conforming with the secretary of the interior standards, available from the Louisiana Main Street Association and adopted by the commission to assist property owners in making improvements on historic properties.

*Empty lots* mean any empty parcel of property without structure that is within the defined boundaries of the city historic district.

*Façade* means the front or face of the building usually facing a street front that exhibits the historic charm of the building through architectural and decorative elements exemplifying the historic era by which the building was built.

*Historic* means a building or structure can be classified as historic if it is at least 50 years of age, and is of significant local, regional, historic, architectural, or cultural value, though in some cases the term "historic" may extend to outside categories; for example, the Evangeline Oak.

*Historic district* means an established district with defined boundaries, which shall include its appurtenances, environmental components, and setting which can be linked historically through location, design, setting, materials, workmanship, and association, and which is significant in national, local, or state history, architectural design, or culture.

*Industrial operations* mean operations that involve the use, mobilization, and/or storage of industrial trucks, equipment, trailers, campers, or mobile offices within the geographic boundaries of the historic district.

*Material alteration* means a significant change to any portion of a real structure or building which is visible from the public street, alley, or adjacent lot. Replacement of windows, doors, façade materials, and roofing must be compatible with both the existing structure and surrounding historic buildings or structure.

*Materials* means basic building materials utilized on the exterior surfaces of a structure or building which defines its appearance or character.

*Nonmaterial alteration* means an alteration having relatively minor importance to or any consequence to a portion of a historic property that is visible from any public street, alley, sidewalk, or lot, and shall include, but is not limited to, ordinary maintenance, repair, or painting.

*Nuisance law* refers to one's use of a property by either the owner or lessee of the property that interferes with or infringes upon the previous peaceful use and enjoyment of neighboring properties, or the actions have a negative effect on neighboring property values.

*Ordinary repairs* or *maintenance* means work done on periodic basis to prevent deterioration or maintain the beauty of a building or structure, therefore returning the structure or property to as near-original condition as possible prior to deterioration, decay, damage, or degradation of paint or stain.

*Owner of record* means the owner of a parcel of land, improved or unimproved, as reflected on the city tax roll and in parish deed records.

*Preservation* means the maintenance of a site or structure in its present condition or in a manner by which originally constructed. Preservation aims at halting the deterioration and providing structural safety but does not construe further building or significant alterations of the building or structure. Preservation utilizes restoration techniques to maintain the original character of the building and structure and precludes any significant change in the structure or building.

*Public sidewalk* means a pathway, regardless of construction materials, utilized by the public and maintained by the city by which pedestrians utilize for foot transportation.

*Relocation* means any changes in the location of the building or structure from its present setting to an alternate location.

*Rhythm.* The character or flow of the historic district is defined by the rhythm or the street scape, as influenced by the pattern and spacing of the buildings and building features such as doors, windows, porches, balconies, etc., and should be maintained in compatible fashion with the surrounding buildings and structures within the boundaries of the historic district.

*Scale* means the size of a building or structure relative to its surroundings. The term "scale" refers to the visual perception of the size of the building and its elements in relation to other buildings or structure, with maximum height of any new construction within the historic district conforming to Federal Department of the Interior guidelines for historic districts.

*Signage* means any symbol, device, image, poster, flag, banner, billboard, design or directional sign utilized for advertising purposes, whether painted on, attached to, erected on, or otherwise maintained on any premises containing any words, letters, figures, numerals, phrases, sentences, emblems, devices, trade names, or trademarks by which anything is made known, such as are used to designate an individual, a firm, an association, a profession, a business, or a commodity or product which is visible from any public street and is used to attract attention.

*Site planning* means the positioning of a building or lot, including the setback of a building, the spacing of a building from an adjacent building, the location of the walls, fences, walks, drives, parking, and landscaping as it pertains to overall design.

*Structure* means a work consisting of interdependent and interrelated parts and components in a definitive pattern or organization.

*Texture* means the texture of a building or structure and refers to the physical texture of its surface materials as well as its visual and cosmetic texture.

*Trailers, mobile homes,* and *transportable* mean a structure, trailer, semitrailer, camper trailer, or transportable, in one or more sections which is designed, constructed, or equipped as a dwelling place, living adobe, office, sleeping place, or is either equipped for use as a conveyance on highways or which is built on a permanent chassis and designed to be used as a dwelling, office, or for the transportation of equipment, with or without a permanent foundation.

*Violation* means any action that does not involve structure or building integrity or historic value compliance but violates specific ordinances as approved by the city council; interferes with the public enjoyment of the historic district and the maintaining of its historic value.

(Ord. No. 22-15, § 10.5-4, 12-19-2022)

Sec. 28-6. Purpose and responsibilities of the city historic district regulatory commission.

The purpose of the organization is to ensure the preservation and maintenance of historic buildings and landmarks within the defined city historic district through the following:

(1) The commission will identify and direct unbiased efforts in protecting buildings and structures which meet the classification requirements defined as historic.

(2) The commission shall carry out the intent of the ordinance from which this chapter is derived by reviewing applications for a certificate of appropriateness for any demolition, relocation, renovation, addition, or construction of any exterior feature or building within the historic district that is visible from any public street, alley, or sidewalk.

(3) The commission will be tasked with the duty, upon consideration, grant or deny certificates of appropriateness contingent upon the applicant's submitted plans or request.

(4) The commission will grant or deny certificates of appropriateness based on the prevalence of the historic significance of the building or structure, preservation of the building or structure's architectural elements, decorative details, and ensure that the building or structure color palette is within color selections deemed by the paint supplier as historic. The commission will consider exterior architectural features, which shall include color, architectural style, general design, and general arrangement of the exterior of a structure, including the kind and texture of the building material, the type and style of all roofs, windows, doors, light fixtures, signs, and other appurtenant fixtures. The commission shall not consider interior arrangement. The decisions of the commission will in no way supersede or interfere with those of the city building and constructions codes, fire marshal regulations, and/or those codes that regulate health and safety, nor advise in any matters that involve code.

(5) The commission will maintain an inventory of historic structures, neighborhoods, and boundaries in the form of a map identifying historical sites and landmark areas.

(6) The commission will establish uniform procedures for the protection, enhancement and perpetuation of places, districts, site, buildings, structures and works of art having a special historical, cultural, or aesthetic significance, interest, or value, in accordance with the provisions of this section.

(7) The commission shall promote community awareness of historic preservation and its value to the city.

(8) The commission and its members serve at the pleasure of the city council and as such are appointed positions.

(9) The commission shall participate when requested in any activity or forum of public awareness that has value in promoting the city historic district and the restoration of properties designated as landmarks or historic in nature.

(10) The commission will review zoning for areas affecting historic sites, districts, and neighborhoods.

(11) The commission will remain aware of current available tax incentives and restoration grant funds.

(12) The commission will recommend application, with the approval of the city council for federal and state funds when appropriate and available.

(13) The commission will perform duties in a selfless manner with no intent of personal or financial gain.

(Ord. No. 22-15, § 10.5-5, 12-19-2022)

Sec. 28-7. Approval and appointment of the city historic district regulatory commission.

(a) *Composition and terms.* The bylaws of the commission will require approval of the city council. Once approvals have been met by the city council, the commission will operate as a division of the city government at the pleasure of the city council, with all members of the commission providing services on a voluntary basis, with no expectation of salary or benefits. The commission shall consist of seven members, all of which reside within the city limits, with at least one member coming from each of the following organizations: the St. Martinville Main Street Association, city chamber of commerce, city tourist commission and the city zoning commission. To maintain consistency within commission processes, members of the commission will serve staggered terms with two members serving a two-year term, three members serving a three-year term, and with the remaining two members serving a four-year term. Terms will be determined by the drawing of lots. Reappointments or replacement commission members will serve a four-year term. All members shall be appointed by the mayor and approved by the city council.

(b) *Chairperson.* The commission chairperson is an elected position by the members of the commission and will preside on all meetings of the commission. The chairperson shall perform such duties as are incumbent upon that office, conduct the meetings, maintain orderly delegation of the meeting agenda, and is allotted one vote in matters as they pertain to commission business.

(c) *Vice-chairperson.* The vice-chairperson will be an elected position by members of the commission and will have such duties and responsibilities as the chairperson during any periods as required. The vice-chairperson will conduct meetings in the absence of the commission chairperson and will vote on all matters as they pertain to commission business.

(d) *Secretary.* The secretary will be a position elected by the members of the commission and will maintain in good order all records, correspondence, memorandums, and meeting minutes of the commission. The secretary will also be tasked with the duties of providing a concise reading of the minutes of the previous meeting and provide a summary of the meeting agenda, as well as conduct member roll call and maintain attendance records. The secretary will vote on all matters as they pertain to commission business.

(e) *Treasurer.* As the commission presently has no funding or maintains no moneys requiring regulation, the office of treasurer will be suspended for the present. At which time funding is made available, the commission members will hold a special election to fill the office. When it becomes applicable, the treasurer will provide the commission officers and members with a valuation of available moneys to fund commission projects, maintain checking accounts, and distribute payments as required.

(f) *Members.* Commission members, in conjunction with commission officers will perform research, assist in commission business, sit on committees, and perform duties as required in the normal course of commission regulatory actions. Each commission member will vote on all matters as they pertain to commission business.

(Ord. No. 22-15, § 10.5-6, 12-19-2022)

Sec. 28-8. Commission member qualifications.

Qualifications to become members of the city historic district regulatory commission are as follows:

(1) Members shall reside within the city limits, with at least one member coming from each of the following organizations: the St. Martinville Main Street Association, city chamber of commerce, city tourist commission and the city zoning commission.

(2) Members shall have an interest, passion, competence, or knowledge in historic preservation.

(3) Members should include, to the extent by which such professionals are available, commercial business owners, architects, historians, government planning, and legal.

(4) All members shall be formally appointed by the city council prior to the conducting of officer elections.

(5) Commission members shall report any possible violations or transgressions within the boundaries of the city historic district as they pertain to the historic district commission ordinances that have been passed by the city council so that they may be addressed in the normal course of commission meetings.

(Ord. No. 22-15, § 10.5-7, 12-19-2022)

Sec. 28-9. City historic district commission public meetings.

(a) Historic commission meetings will be held on a 45-day basis, will be open to the public, and meetings will be subject to Robert's Rules of Order.

(b) Meeting dates, time, and location will be posted in the local newspaper seven days in advance of meetings for public awareness, listing location and time of meeting.

(c) The meeting will then be called to order by the commission chairperson, who will ask for the reading of the minutes of the last meeting by the commission secretary and the meeting will be called to order.

(d) The secretary will then provide a list of commission meeting agenda items, and each will be addressed in sequential order.

(e) The next meeting date will be announced and recorded by the commission secretary.

(f) The meeting will then be open to public forum and questions.

(g) The meeting will then be adjourned.

(Ord. No. 22-15, § 10.5-8, 12-19-2022)

Sec. 28-10. Terms, members, and vacancies.

Commission officers and members are providing services on a voluntary basis, indicative of their concern for the preservation of the city historic district. The commission will consist of seven members, serving at the pleasure of the city council, hence:

(1) Any commission officer or member can be replaced by the council for any reason.

(2) Officers and members will be expected to attend regular meetings on a timely basis, with notification to the mayor of any commission officer or member that has been absent for more than 50 percent of meetings within a calendar year, and requesting replacement.

(3) Any commission vacancy will be filled by the city council.

(Ord. No. 22-15, § 10.5-9, 12-19-2022)

Sec. 28-11. City historic district regulatory commission regulations.

(a) *Certificates of appropriateness.*

(1) *Required for demolition, relocation, renovation, etc.* Certificates of appropriateness are required for any demolition, relocation, renovation, addition, alteration, or construction on exterior features of a structure or building that is visible from any public street, alley, or sidewalk within the geographic boundaries of the city historic district.

(2) *Required for new construction.* Certificates of appropriateness are required for any new construction, repurposing of any empty parcels of land, or existing parking lots.

(3) *Criteria for issuance.* The commission is to issue certificates of appropriateness to encourage the preservation, rehabilitation, renovation, additions, alterations, or construction or exterior features of the building or structure to be compatible with the scale, materials, texture, colors, and rhythm of the historic district streetscape.

(4) *Exemptions.* Certificates of appropriateness are not required for interior work, work not visible from a public street, alley, or sidewalk, or work that does not significantly change the proportion, scale, type of materials, color, or structural details of the building. Certificates are also not required for in-kind replacement materials, or ordinary repairs or maintenance.

(b) *Procedure for certificate of appropriateness issuance.*

(1) A certificate of appropriateness must be granted before a building permit is issued by the city building inspector.

(2) Certificates of appropriateness applications will be made available at the city hall, along with written instructions upon properly completing the application.

(3) Once completed, the certificate of appropriateness shall be considered by the commission, which will grant or deny an application of appropriateness no later than 45 days after the application has been filed with the city hall. In the event the commission fails to provide a decision within 45 days from application filing, the application for a certificate of appropriateness will be granted by default.

(4) The commission shall promptly report its decisions, including recommendations, if any, to the city building inspector. If the certificate of appropriateness is approved, the city building inspector shall issue a building permit for such work in conformance with the commission decision.

(5) In the case by which the application for a certificate of appropriateness has been denied, the commission will attempt to resolve the differences between the applicant and the commission, though under no circumstances will any member of the commission individually meet or discuss the commission's decisions or recommendations. Any resolution discussions with an applicant will be in the form of a quorum consisting of no less than four commission members, with the meeting to be held at the site for which the application was applied.

(c) *Designation of local historic landmarks.* The commission shall adopt the following procedures for review and designation of a building, structure, or other feature of historic significance based on the following criteria:

(1) It was the site of a significant local event.

(2) The property is identified with a person who significantly contributed to the history, culture, or development of the city, the parish, or the state.

(3) The property exemplifies the cultural, economic, social, or aesthetic heritage of the city.

(4) The property occupies a unique location or possesses a singular physical characteristic that makes it an established or familiar visual feature in the city community.

(5) The property is a group of related properties in an area which represents a significant aesthetic or visual character or exemplifies a historical period, cultural connection, or architectural motif unique to the city and its historic development.

(6) The building must be at least 50 years old to be considered for nomination for local landmark designation, however properties which have achieved particular significance in the community within the past 50 years may be considered for historic designation at the discretion of the commission.

(7) There is architectural or historic significance of the property, structure, or building.

(8) The interior design, arrangement, or use of a property shall not be considered in the designation of local historic landmarks.

(d) *Documentation of historic landmarks.*

(1) Written documentation shall be provided to the commission supporting a site designation for consideration as a local historic landmark.

(2) The commission shall maintain a record of all local historic landmarks.

(3) The property owner of record will be provided notification that the property, structure, or building is being considered for local historic landmark designation and added to the record as such.

(4) The property owner of record will be provided an opportunity to furnish the commission with a written statement declaring support or opposition to the designation of the property as a local historic landmark.

(e) *Historic landmark or properties within the city historic district.*

(1) *Commission determination.* The commission shall determine that a property has been either designated as a local historic landmark or is within the geographic boundaries of the city historic district and hence falls under the rules of this section.

(2) *Stopping work commenced without a certificate of appropriateness.* The city building inspector shall enforce the provisions of this section and shall properly stop any work that is in violation of these provisions.

(f) *Demolition and construction.*

(1) *Demolition of structure.* No building or structure located in the historic district shall be demolished or otherwise removed until which time the owner has applied and been granted a certificate of appropriateness for demolition or removal. If the historic district commission determines that the property does not contribute to the character of the historic district because of lack of age, structural condition, or lack of architectural value, the commission may grant a certificate of appropriateness for demolition or removal. However, if the property is deemed by the commission to be a contributing historic district element, the commission may delay demolition or removal for no more than 90 days, at which time the commission shall publish three notifications in the local newspaper to afford the city, interested persons, civic groups, historic societies, and organizations to acquire and arrange for the preservation of the building. If no arrangements for the preservation of the building have been agreed or is in the process of negotiation, the certificate of appropriateness shall be granted the property owner of record.

(2) *Demolition by neglect; responsibility of property owner in property maintenance.*

a. The owners of buildings within the historic district shall preserve any real property against decay, deterioration, and structural defects that would eventually compromise the integrity of the structure. The owner shall repair such real property if it is deteriorated to the extent that it creates a hazardous or unsafe condition as determined by the building inspector.

b. Demolition by neglect shall mean neglect in the maintenance and/or repair of a site or structure, resulting in, but not limited to, any of the following conditions: the deterioration of exterior walls, foundations, structural members, chimneys, siding, cement, plaster, masonry, windows, doors, roofing materials, or any feature that would create or permit the creation of any hazardous or unsafe condition.

(3) *Demolition by neglect; actions allowed by the commission.*

a. If the commission determines that neglect is demolishing a real property, it shall direct the building inspector to notify the owner of record. The owner shall be awarded 120 days to commence work to correct the specific defects, though the allotted time may be adjusted should the building inspector consider the situation emergency in nature.

b. Said notification shall be delivered to the owner of record in the form of certified mail to the last know recorded address. If the mailing procedure is not successful, notification will be posted in a protected, yet conspicuous place on the real property and notification will be published in the local newspaper.

(4) *Demolition by neglect; penalties and fines.* If the owner fails to commence work within the time allotted as evidenced by the building inspector's notification, the commission shall notify the owners in the manner as provided in subsection (f)(3)b of this section, 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 30 days before the hearing date. For the purpose of ensuring lawful notification, the hearing may be continued to a new date and time, in the case of extenuating circumstances. The commission shall receive evidence from the building inspector on the issue of whether the subject real property should be repaired, and the owner may present evidence in rebuttal thereof. If after such hearing, the commission shall determine that the real property is being demolished by neglect, it will direct the building inspector to levy a fine of $100.00 for each day by which the property remains in violation, until the necessary repairs are completed as per building code specifications.

(g) *New construction.*

(1) New construction within the geographic boundaries of the city historic district will be compatible with existing structures through the harmonious use of site planning, materials, decorative details, architectural elements, and scale.

(2) The commission shall follow guidelines established by the Federal Department of the Interior, and the state's Main Street design guidelines in considering all applications of appropriateness for new construction in the historic district.

(h) *Metal buildings, manufactured housing, and trailers.*

(1) Metal buildings may be approved for construction within the historic district, if the exterior façade of the building that is visible from any street, alley, or walkway, utilizes materials compatible with the historic district, is accompanied by a certificate of appropriateness, approved by the commission.

(2) No mobile home, manufactured home, transportable or manufactured housing shall be located or placed in the historic district, except for temporary use during construction, reconstruction, or demolition of any site with the approval of the building inspector.

(i) *Industrial operations.* No industrial operations, staging of industrial equipment, or the storing of industrial equipment will be allowed within the boundaries of the historic district, except during normal city or building maintenance. The term "industrial equipment" means for the purposes of this section, as any vehicle exceeding four wheels, work boxes, piping, industrial work equipment, campers, work trailers, and heavy equipment.

(j) *Repurposing of empty lots, parking lots.* Any proposed repurposing of empty lots, land parcels, or parking lots within the historic district will be subject to approval by the commission, as well as any applicable permits required by the city.

(k) *Fences.* Fence design shall maintain the harmony of the historic district, with acceptable fencing materials being iron picket, ornamental cast iron, brick, concrete block with plaster coating, combinations of iron and masonry, wood picket flat boards, solid wood, flat top or capped. Unacceptable fencing materials are barbed wire, chain-link, concrete block with no plaster coating, stockage, plywood, composite board, hardboard, vinyl, or plastic.

(l) *Floodlights.* The historic district shall not be illuminated by privately controlled floodlights or other illuminations, except as approved by the commission.

(m) *Overhanging balconies or galleries.* Overhanging balconies or galleries of historic period wrought or cast iron shall not be removed, except temporarily during periods of repair, at which time the wrought or cast-iron elements shall be replaced during reconstruction. Any replaced or erected balconies will conform to the character of the surrounding historic district as approved by the commission and will adhere to building code specifications and required permits.

(n) *Signs and advertisements.*

(1) *Signs must conform to the character of the historic district.* The display of a sign in the historic district shall conform to the character of the historic district and shall require approval by the commission.

(2) *Signs to be displayed in certain place.* No sign shall be displayed from the parapet or roof of any building in the historic district. No sign shall be displayed in a manner whatsoever that would disfigure or conceal any significant architectural feature or detail of the building.

(3) *What signs may advertise.* No sign of any character shall be displayed in the historic district, unless the sign advertises a bona fide business conducted in or on the premises and if it does so, no more than 50 percent of the sign area may be used to advertise products or commodities or services sold on the premises.

(4) *Construction of signs.* Signs within the historic district will be professionally constructed and/or painted. Hand painted or stenciled signs, banners, etc., are prohibited within the historic district.

(5) *Number of 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 subsection (n)(6) of this section. In the case of a business operating on a corner lot that faces two streets, one primary sign on each street facing is allowed and will be regulated as if each side were a separate storefront.

(6) *Surface area of signs.*

a. The surface area of any attached or painted signage, including storefront windows shall be in direct proportion to the amount of front footage of the building.

b. Single-faced signs, attached to the wall and including painted wall signs, shall be allowed 30 square inches sign surface area per each foot of structure frontage, double faced signs suspended by brackets or arms perpendicular from the wall of a building, the surface area shall be the sum of the areas of each face not to exceed 30 square inches per building frontage in feet. In the case of multiple businesses operating at a single location, the total face of the allowed signage may be increased to one times the maximum as stipulated in this section. For example, the building in question operating multiple businesses has a frontage space of 25 feet, which would equate to an acceptable surface area for signage of 1,125 square inches for an attached or painted sign.

(7) *Secondary signs.* In addition to the primary signs as referred to in subsection (n)(5) of this section, small secondary signs may be used to identify entrance doors, operating hours, directional signs, or plaques designating the building as having historic significance.

(8) *Temporary signs.* Temporary signs of a promotional nature may be placed on the interior of store windows, though they cannot remain for more than 60 days, at which time promotional signs must be removed and can be exchanged for new promotional signs. Promotional signs must be displayed in orderly fashion and cannot interfere with maintaining storefront windows in clean fashion. Temporary signs may be placed on the exterior of the building under the following situations, in consideration of the fact that the sign does not exceed two feet by two feet and does not remain for more than 60 days:

a. Real estate signs listing property for sale.

b. Political campaign advertisement.

c. Promotion for registered nonprofit organizations.

(9) *Portable and changeable letter signs.* No portable or changeable letter signs may be erected or allowed to remain within the historic district, except for temporary caution signs utilized by city or state government maintenance divisions.

(10) *Illuminated signs.* No illuminated signs may be constructed or erected within the historic district without the express approval of the commission, with concealed lighting the recommendation and exposed bulbs prohibited. The light should enhance the sign as well as the building by which it is mounted. Neon or flashing signs are not permitted.

(11) *Signs no longer complying to be removed.* Any displayed sign which no longer advertises a bona fide business conducted upon the premises shall be taken down and removed.

(12) *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 in conflict with the provisions as listed in this section.

(13) *Painted or vinyl letter window front signs.* Painted and/or vinyl window front signs which are permanent or temporary in nature are not subject to subsection (n)(8) of this section, in consideration of the fact that it is professionally produced and applied, does not encompass more than 50 percent of the window front, and does not include any offensive verbiage. Vinyl lettering applied to a storefront is an acceptable method of storefront advertising, though the script and letter charactering will reflect the historic era of the building. Any vinyl lettering previously adhered to storefront windows that is peeling from windows will require removal.

(14) *Murals.*

a. Murals applied to any exterior building wall within the historic district are prohibited under this subsection unless approved by the commission.

b. For the purposes of this subsection (14), the term "mural" means any art, work of art, or advertisement applied directly to a wall. This subsection (14) refers to exterior buildings or structure walls, in either permanent, semi-permanent, or temporary fashion.

(15) *Application for signs to be submitted to commission.* All applications for permits to supply signs within the historic district shall be submitted to the commission for approval before a permit may be issued. Application for permit to display signs in the historic district shall be made to the commission upon forms furnished by the commission. Such an application shall be accompanied by sketches and drawings showing details of construction and shall delineate the size, shape, design, coloring, lighting, and position in relationship to the building from or upon which it shall be displayed.

(16) *Sidewalk display items.* Sidewalk display items are acceptable in consideration of the following:

a. The items are neatly and professionally displayed against the front wall of the building.

b. The total sum of the display items does not encompass more than ten percent of the sidewalk square footage in relationship to the building front footage. For example, should the building frontage measure 30 feet in length and the sidewalk is five feet wide, the sidewalk displays may not encompass greater than 15 total square feet.

c. The display items do not encumber public sidewalk foot traffic.

d. The items are removed from storefront prior to closing of establishment at end of business day.

e. Exemptions are weekend pop-up display sale items as sanctioned by the St. Martinville Main Street Association and any approved vendor displays during permitted city celebrations or festivals.

(o) *Storefront window and sidewalk maintenance within the historic district.*

(1) Windows in the historic district will be cleaned on a regular basis, disallowing visible dust or dirt to accumulate.

(2) Vacant buildings with applied paper covering will maintain covering in orderly fashion and ensure that the outside of windows are cleaned on a regular basis, disallowing visible dust or dirt to accumulate.

(3) Any broken windows visible to the public view will be replaced with actual glass. Plexiglass, plywood, and any other alternate replacement material is not acceptable, except in the case of awaiting arrival of replacement glass.

(4) Sidewalks will be cleaned on a regular basis, with any accumulated rubbish or trash removed by the owner.

(p) *Deteriorated, peeling paint within the historic district.*

(1) Structures, buildings, and façades within the historic district will be cleaned on a regular basis and maintained free of vegetation, vines, etc.

(2) Any structure, building, or façade within the historic district with peeling paint or deteriorated paint will be cleaned and painted with colors within the historic paint color palette available from the paint supplier.

(q) *Accumulated trash, rubbish, discarded items.*

(1) Sidewalks, alleys, and back properties in the historic district will be maintained by property owners free of rubbish, garbage, and accumulated discarded items.

(2) Rubbish, garbage, or any accumulated items that clearly have no value will be removed at the property owners' expense and properly disposed.

(3) During building maintenance, construction, or reconstruction, any discarded wood, nails, screws, accumulated sawdust, and empty cans/containers will be placed in an approved dumpster and the work site left in a clean and orderly fashion prior to discontinuing of work for the day. Storage of building materials will be maintained in clean and orderly fashion outside of public view and will not encumber sidewalk space.

(4) All maintenance, construction, or reconstruction activities will adhere to city building and safety code regulations.

(r) *Maintaining property lines and lots within the historic district.*

(1) Property lines and green areas within the historic area will be maintained in clean and orderly fashion, with grass cutting and landscape maintenance performed on a regular basis.

(2) Any maintenance on shared property lines will be agreed upon by both adjacent property owners. If one property owner has attempted to contact the adjacent property owner to perform maintenance and has not received response, the property owner may contact the commission for assistance in procuring such response.

(s) *State nuisance law.* Under the guidelines of the state nuisance law, no businesses or private enterprises will operate in the city historic district, or maintain properties in a manner that:

(1) Interferes with private neighbors enjoying their property or conducting in the manner by which it was intended.

(2) Changes the rhythm of the historic district.

(3) Results in a reduction in value of adjacent properties.

(4) Interferes with the ability of neighboring businesses to conduct daily activities.

(5) Degrades the quintessential nature or value of the city historic district.

(Ord. No. 22-15, § 10.5-10, 12-19-2022)

Sec. 28-12. Ordinary maintenance and public safety.

Nothing in these provisions should be construed to prevent the ordinary maintenance of a real property. These provisions shall not be construed to prevent any action of construction, alteration, or demolition necessary to abate the unsafe or dangerous condition or any real property, or part thereof, where such condition has been declared unsafe or dangerous by the building inspector or fire departments and where the proposed actions have been declared necessary by such authorities to correct the said condition; provided, however, that only work as is necessary to correct the unsafe or dangerous condition may be performed, pursuant to this section.

(Ord. No. 22-15, § 10.5-11, 12-19-2022)

Sec. 28-13. Appeals, injunctions, and penalties.

(a) *Appeals.* Any person aggrieved by any decision, act, or proceeding of the commission shall have the right to appeal, in the form of a written letter to the city council and will be voted upon by the city council at its next regular meeting, not to exceed 45 days from the original appeal date. Should a decision not be granted within the 45 days from the original appeal date, the appeal will be granted by default. Any person aggrieved by any decision of the city council affecting said commission shall have the right to file a civil suit within 30 days from date of 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.

(b) *Penalties.* Once provided notification by the commission, and allowed a reasonable time by which to correct the violation, any owner, agent, lessee or other person who shall continue to violate the provisions of this chapter or the rules, regulations, or decisions of the commission will be fined not less than $50.00 nor more than $100.00 for each infraction except as provided for in section 28-5 defining demolition by neglect, with each day that a violation continues constituting a separate offense. Should a historic structure be demolished without the permission of the commission, fines will range from a minimum of $1,000.00 to a maximum of $10,000.00.

(c) *Appeals to avoid penalties.* During any periods of appeal, violation penalties will continue to accumulate. Should the appeal be granted, all penalties will be reversed, and the appellant will be notified of such by commission written correspondence. Should the appeal be dismissed by the city council, aggregate penalties from the date of appeal will be applied and continue until which time violations or infractions are resolved.

(d) *Payment of fines and penalties.* Fines and penalties will be paid to the city as directed on penalty documents. Failure to pay fines or penalties within 30 days of receipt will result in the aggregate sum of said fines to be added to and will become a legally binding portion of the property taxes associated with the property, structure, or building deemed to be in violation.

(Ord. No. 22-15, § 10.5-12, 12-19-2022)

Sec. 28-14. Authorized parties to apply for certificates of appropriateness.

Certificates of appropriateness constitute an agreement between the property owner of record and the commission, thus only the property owner of record can submit a certificate of appropriateness for approval. Individuals with rental, rent-to-own, or any other form of property residency agreement, other than that of recorded ownership, are not authorized to submit a certificate of appropriateness, unless the owner of record and the secondary party enter a legally binding agreement by which the owner of record and the secondary party agree that the secondary party is authorized to enter such agreements, and understands by doing so, is taking responsibility for required repairs and restoration, as per the articles of the commission. Furthermore, the owner of record understands and agrees that by entering such an agreement, they forfeit the right of directive in terms of materials, methods, and color palette utilized in fulfilling the required restoration. Any form of agreement will require witness and authorization by a legally recognized notary public.

(Ord. No. 23-05, 10-2-2023)

Sec. 28-15. Window tinting and window coverings.

Window tinting is acceptable in the historic district under the following guidelines:

(1) The degree of window tint will not exceed 35 percent and the window tinting will not obscure the sidewalk view of the building interior, with the only acceptable means being curtains, blinds, or shades with the ability to be opened and closed.

(2) The color of the window tinting will be charcoal grey, bronze, or within a similar color palette. Under no circumstances is colored window tinting acceptable (i.e., red, blue, green, purple, etc.).

(3) During periods of construction, cardboard or paper covering over windows is acceptable, though it will be immediately removed once construction is completed and replaced with an acceptable means of window covering (i.e., tinting, curtains, blinds, or shades). Under no circumstances is paper covering to be maintained on buildings during periods of soliciting rental, sale, occupancy, or periods of vacancy.

(Ord. No. 23-05, 10-2-2023)

## Chapter 30 MANUFACTURED HOUSING AND TRAILERS[[17]](#footnote-17)

### ARTICLE I. IN GENERAL

Sec. 30-1. Definitions.

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

*Mobile home* or *manufactured home.*

(1) The term "mobile home" or "manufactured home" means a movable detached single-family dwelling unit with all the following characteristics:

a. Designed for long term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems;

b. Designed and constructed on a chassis that is capable of being transported after fabrication on its own wheels or detachable wheels bearing a label certifying it is built in compliance with the federal Manufactured Home Construction and Safety Standards Act of 1974 (42 USC 501) which became effective June 15, 1976;

c. Arrive at a site where it is to be occupied as a dwelling complete and ready for occupancy except for minor incidental unpacking and assembly operations, installed by a licensed installer, connections to utilities; and

d. Not required to be placed on a foundation.

(2) The term "mobile home" or "manufactured home" does not refer to travel trailers, truck campers, camping trailers, or similar units designed for recreation or other short-term use.

*Modular home* means any home factory-built to a local state code. In some cases, a state may have adopted one of the uniform construction codes (i.e., UBC, IRC, etc.). Modular homes will not have the red certification label, but will have a label attached to the home identifying the code with which it complies. A modular home can be labeled as an "on-frame" or "off-frame" modular. An on-frame will be built on a permanent chassis, whereas the off-frame modular will be built with removal of the chassis frames in mind. An off-frame modular will usually require additional cranes to assist with home placement. Any modular home not placed on a cement or concrete slab shall be considered as a mobile home.

*Trailer or mobile home park* includes an area of land on which two or more occupied trailers or mobile homes are harbored, either free of charge or for revenue, together with any building, structure or enclosures used as part of the equipment of such park.

(Code 1978, § 19-1; Ord. of 10-21-1975, § 1; Ord. No. 18-02, 3-5-2018; Ord. No. 2019-05, §§ A, B, 8-5-2019)

Sec. 30-2. Permanent location of trailers.

(a) It shall be unlawful for any person to remove the wheels or other transporting device from any trailer or mobile home or otherwise to affix said trailer or mobile home permanently to the ground so as to prevent ready removal of such trailer or mobile home, unless a permit to do so is obtained as required for the construction of a new building. Any such alteration shall be construed as converting the trailer or mobile home into a building and subject to the requirements of the zoning and building ordinances.

(b) It shall be unlawful to occupy for sleeping or other residence purposes any trailer or mobile home which has been rendered immobile by the removal of wheels, or placing the same on a foundation, or on the ground, unless such trailer or mobile home in construction and location complies with the ordinances relating to the construction, wiring, plumbing, sewer facilities and other regulations applicable to single-family dwellings.

(Code 1978, § 19-2; Ord. of 10-21-1975, § 12)

Sec. 30-3. Anchoring.

All trailers or mobile homes in the city shall be anchored in accordance with the following minimum standards:

(1) The mobile home shall be anchored with tie-downs over the top or to the frame. The use of both is recommended.

(2) Trailers or mobile homes up to 30 feet long shall require two sets of tie-downs with four ground anchors.

(3) Trailers or mobile homes between 30 feet and 50 feet long shall require three sets of tie-downs with six ground anchors.

(4) Trailers or mobile homes over 50 feet long require four sets of tie-downs with eight ground anchors.

(5) Anchors.

a. Minimum diameter: six inches (auger or concrete);

b. Minimum arrowhead size: eight inches;

c. Minimum depth of anchor: six feet;

d. Minimum diameter of anchor rod: five-eighths of an inch;

e. Celled concrete blocks is not approved for dead-man anchor;

f. Steel rods anchored in concrete dead-man anchors must have the top bent to form an eye and welded.

(6) Cable.

a. Minimum diameter galvanized steel cable: three-eighths of an inch (seven by seven);

b. Minimum diameter galvanized aircraft cable: one-fourth of an inch (seven by 19);

c. Minimum steel strap size: 1¼ inch by 0.035 inches (must be galvanized).

(7) Cable ends must be secured with at least two "U-bolt" type clamps.

(8) When steel rods are used in place of cables, they must have a minimum diameter of one-half of an inch and the bent ends shall be closed to form an eye and welded.

(9) Turnbuckles (if used).

a. Drop forged with minimum shank diameter of one-half of an inch.

b. Ends should be eyes or jaws (like clevis).

c. Hook ends must be wrapped with soft galvanized wire to prevent drop-out if cable should loosen. A Minute Man patented cable tightener is approved.

(10) Patio awnings and cabana roofs.

a. Two rows of vertical support posts required, with maximum 12-foot spacing. The second row can be either down the middle or on the mobile home edge of roof. These posts must be secured to the roof and concrete patio or equivalent footing for hold-down purpose during storm warning periods.

b. Other structures on lot shall be secured and approved by the city building inspector.

(Code 1978, § 19-3; Ord. of 10-21-1975, § 21)

Sec. 30-4. Scope of article.

The provisions of this article shall apply to trailers or mobile homes regardless of their location.

(Code 1978, § 19-4)

Sec. 30-5. Installation of mobile homes.

The installation and placement of more than one mobile home on a lot or parcel of land shall be reviewed and considered a mobile home park by the city's building official.

(Ord. No. 22-09, § 19.4.1, 8-15-2022)

Sec. 30-6. Setback and open areas.

(a) *Minimum setbacks.* There shall be a minimum of 20 feet of distance in all directions between a mobile home and any permanent building or other mobile home. For the purpose of this section, covered patios, carports, or individual storage buildings shall not be considered as permanent buildings, provided that no such patio roof, carport, or storage building shall be located closer than five feet to any lot boundary line.

(b) *Mobile home units.* Mobile home units shall be located at least 20 feet from any front boundary line and 20 feet from all other boundary lines; provided, however, that at any intersection of public streets, no mobile home, or structure of any kind shall be located within a triangle formed by a diagonal line connecting points on the two street property lines measured 20 feet along the property lines of each of the street corner intersections.

(c) *Accessory structures.* Units together with accessory structures such as storage buildings and roofed-over patios or carports shall not cover more than 75 percent of a lot.

(d) *Driveways.* Paved driveways shall be provided on spaces for convenient access to living units. The minimum width shall be ten feet. Driveways shall be solid or strips not less than two feet, six inches in width each.

(e) *Parking areas.* The design criteria for automobile parking shall be based upon two parking slots for each space. Parking make be tandem.

(f) *Trailer parks.* These setbacks do not apply to mobile homes in approved trailer parks.

(g) *Grandfather clause.* These provisions shall not apply to any existing mobile homes within the city limits which are present as of the date of the ordinance from which this section is derived. However, if such a mobile home is moved to a new lot, or replaced by a new mobile home, the requirements in subsections (a) through (f) of this section shall apply.

(Ord. No. 22-09, § 19.4.2, 8-15-2022)

Sec. 30-7. Exceptions.

(a) Nothing in this chapter shall be construed to prohibit the storage of any trailer or mobile home for any length of time when said trailer or mobile home is not used for living or sleeping purposes.

(b) However, nothing in this section shall be construed to permit the storage of any trailer or mobile home whose deteriorated or dilapidated condition would constitute a nuisance under this Code or state law.

(Code 1978, § 19-5; Ord. of 10-21-1975, § 13; Ord. No. 2019-05, § C, 8-5-2019)

Sec. 30-8. Preexisting uses.

All trailer and mobile home parks which are lawfully existing in the city on the effective date of the ordinance from which this chapter is derived, although such trailer or mobile home parks do not conform to the requirements of this chapter provided such nonconforming uses shall not be enlarged or extended to occupy a greater area of land than occupied on such effective date and no additional structures shall be erected nor any mobile home park in conjunction with such nonconforming use. All additions and extensions to existing parks will have to comply with this chapter.

(Code 1978, § 19-6; Ord. of 10-21-1975, § 20)

Sec. 30-9. Mobile home moving permit.

(a) It shall be unlawful for any person, firm, trust, association, partnership or corporation to move or cause to be moved any mobile home or building measuring more than ten feet in width or ten feet in length, into, through or from the corporate limits of the city without first obtaining from the city a permit therefor, at a cost of $25.00, or such amount as established from time to time. Said permit shall be visible from the outside of the mobile home or building. Any mobile home or building moved into, through or from the corporate limits of the city shall only be moved by movers who are licensed in the state.

(b) The application for the permit required by subsection (a) of this section shall be by written letter of request from the applicant or on a form furnished by the city, and shall be signed by the owner of the mobile home or building. All applications shall include a color photo of all four sides of the mobile home or building; said photograph to be a minimum size of three inches by five inches.

(c) The permit required in subsection (a) of this section shall not be issued unless the mobile home proposed to be installed within the corporate limits of the city has been first inspected by the city inspector. The inspection fee shall be $50.00, or such amount as established from time to time, for those mobile homes located within the parish at the time of inspection, and $150.00, or such amount as established from time to time, for those located outside of the parish at the time of inspection. At the time of inspection each such mobile home must meet the national manufactured home construction and safety standards, and must display a seal certifying that it was built in accordance with said standards, and built within the previous 15 years. (The mobile home owner must provide proof of age.) Further, all such mobile homes must be found, upon said inspection, to be safe and fit for occupancy.

(d) Before the issuance of the permit required in subsection (a) of this section, the mayor or his designee shall approve the application indicating compliance with all of the requirements of this article. The permit fee shall be due and nonrefundable regardless of whether approval is granted and a resulting permit is issued.

(Ord. No. 2019-05, § D(19-7), 8-5-2019)

Sec. 30-10. Installation standards.

A mobile home moved into the corporate limits of the city pursuant to the permit required by the city must meet the following requirements within 30 days of installation, to wit:

(1) All mobile homes must be provided with manufacturer approved, vented skirting from the bottom of the mobile home floor to the ground. The area enclosed by skirting may not be used for storage and must be kept free of debris at all times.

(2) All entrances shall have permanent steps of precast concrete, properly laid, and/or cemented bricks or treated lumber. The entrance to an attached deck or similar extension shall be considered as an entrance to a mobile home.

(3) All mobile homes must meet the foundation and tie down requirements of city ordinances. Additions to a mobile home may not use the mobile home for structural support. The lot or parcel of ground upon which the mobile home is installed shall have a parking area for no less than two vehicles.

(4) All mobile homes installed in a special flood hazard area must comply with all federal, state and local requirements pertaining to the National Flood Insurance Program, regardless of whether flood insurance is purchased. As regards base flood elevation, the lowest floor shall mean the bottom of the longitudinal structural I-beam in Zones A and AE, and the lowest level shall be at or above the base flood elevation.

(Ord. No. 2019-05, § E(19-8), 8-5-2019)

Secs. 30-11—30-38. Reserved.

### ARTICLE II. MOBILE HOME AND TRAILER PARKS

#### DIVISION 1. GENERALLY

Sec. 30-39. When trailers are to be in park.

It shall be unlawful for any person to maintain more than one trailer home, used for human habitation, upon any plot of ground in the city except in a licensed trailer park.

(Code 1978, § 19-18; Ord. of 10-21-1975, § 12)

Sec. 30-40. Maximum density per acre in parks.

The maximum density of trailers or mobile homes shall be 12 trailer sites per acre.

(Code 1978, § 19-19; Ord. of 10-21-1975, § 14)

Sec. 30-41. Minimum lot size.

The minimum lot size of trailer sites shall be 35 feet front by 100 feet depth.

(Code 1978, § 19-20; Ord. of 10-21-1975, § 16)

Sec. 30-42. Spaces.

(a) Each new trailer or mobile home shall be allotted a site of not less than 3,500 square feet. No trailer or mobile home shall be parked closer than five feet to the side lot lines of a trailer or mobile home park, if the abutting property is improved property, or closer than 15 feet to a public street, alley or building.

(b) Each individual trailer site shall abut or face on a driveway or clear unoccupied space of not less than 30 feet in width, which space shall have unobstructed access to a public highway or alley. There shall be an open space of at least ten feet between the sides of every trailer or mobile home and at least ten feet between the ends of every trailer or mobile home.

(Code 1978, § 19-21; Ord. of 10-21-1975, § 7)

Sec. 30-43. Compliance with technical codes; electrical and gas lines.

Each trailer or mobile home park shall comply with all provisions of the technical codes of the city, such as building, plumbing and electrical codes. All electrical service shall come from a pole; there shall be no hot wire running from ground. Gas lines must not stick out of ground without being protected by a post, so as to avoid lines from being damaged.

(Code 1978, § 19-22; Ord. of 10-21-1975, § 9)

Sec. 30-44. Water supply.

An adequate supply of pure water for drinking and domestic purposes from the city water supply system shall be supplied to meet the requirements of a trailer or mobile home park. Said water shall be obtained from faucets only, conveniently located in said park. No common drinking cups shall be permitted. A water meter shall be installed in each such park.

(Code 1978, § 19-23; Ord. of 10-21-1975, § 8)

Sec. 30-45. Sewage facilities.

Each trailer or mobile home site shall be provided with a sanitary sewer connection and each trailer or mobile home park shall be provided with a collection and treatment system and public water supply in compliance with the standards of the parish health unit and the state health department.

(Code 1978, § 19-24; Ord. of 10-21-1975, § 18)

Sec. 30-46. Garbage.

It shall be the duty of the owner, his agent or caretaker, to provide for the collection and removal of garbage or other waste material and to otherwise maintain the park in a clean and sanitary condition.

(Code 1978, § 19-25; Ord. of 10-21-1975, § 10)

Sec. 30-47. Lights.

The parks shall be kept properly and adequately lighted at all times so that the grounds shall be safe for occupants and visitors.

(Code 1978, § 19-26; Ord. of 10-21-1975, § 11)

Sec. 30-48. Facilities for overnight campers.

Trailer or mobile home parks may have a separate or optional area for overnight campers. Such area shall be provided with central public facilities.

(Code 1978, § 19-27; Ord. of 10-21-1975, § 19)

Sec. 30-49. Supervision.

Each trailer or mobile home park, while operated, shall be in the charge of a responsible attendant or caretaker at all times, who shall be responsible, with the licensee, for compliance with the provisions of this article relating to the conduct of such parks.

(Code 1978, § 19-28; Ord. of 10-21-1975, § 6)

Sec. 30-50. Areas to turn vehicles around.

Where only one drive is to be provided, each trailer or mobile home park shall include an adequate circular turnaround at the rear of the property with a minimum radius of 30 feet for garbage trucks and other vehicles.

(Code 1978, § 19-29; Ord. of 10-21-1975, § 15)

Sec. 30-51. Concrete runners required on sites.

Each trailer or mobile home site shall have two, two-foot wide concrete runners six inches thick and 50 feet long for the trailer location.

(Code 1978, § 19-30; Ord. of 10-21-1975, § 17)

Sec. 30-52. Scope of division.

The provisions of this division shall apply only to trailers or mobile homes which are located in a trailer or mobile home park.

(Code 1978, § 19-31)

Sec. 30-53. Camper trailers and recreational vehicles.

Camper trailers and recreational vehicles may not be placed into mobile home or trailer parks, and used as living accommodations.

(Ord. No. 2019-05, § F(19-32), 8-5-2019)

Secs. 30-54—30-79. Reserved.

#### DIVISION 2. LICENSE REQUIREMENT FOR PARKS

Sec. 30-80. Required.

It shall be unlawful to establish, maintain or operate any trailer or mobile home park in the city without a license.

(Code 1978, § 19-38; Ord. of 10-21-1975, § 2)

Sec. 30-81. Application.

Applications for the license required in this division shall be made in writing to the secretary-treasurer in compliance with the ordinances relating to license applications, and shall contain the name of the applicant, the location of the proposed park, the number of trailers to be accommodated, and evidence of compliance with the provisions hereof. Each such application shall also be accompanied by a plat or sketch showing the size and location of all buildings, structures, trailer sites, roadways and utility lines.

(Code 1978, § 19-39; Ord. of 10-21-1975, §§ 2, 3)

Sec. 30-82. Fee.

The annual fee for a license required by this division shall be established from time to time for each trailer accommodation.

(Code 1978, § 19-40; Ord. of 10-21-1975, § 4)

Sec. 30-83. Character of licensee.

No license required by this division shall be issued to any but a person of good character, nor to any corporation if any officer thereof is not a person of good character.

(Code 1978, § 19-41; Ord. of 10-21-1975, § 5)

## Chapter 32 OFFENSES AND MISCELLANEOUS PROVISIONS

Sec. 32-1. Certain state criminal offenses adopted by reference.

(a) In the provisions adopted from R.S. title 14 by this section, unless the context requires otherwise:

*Crime* means an offense which is a violation of municipal ordinance.

*R.S. title 14* means title 14 of the Louisiana Revised Statutes of 1950, as amended, whether current with or subsequent to the effective date of this section.

*State* means the city.

(b) Except as otherwise provided in subsection (c) of this section, the provisions of R.S. title 14 are hereby adopted as code provisions regarding offenses occurring within the city.

(c) This section does not adopt any provision of R.S. title 14 which is either:

(1) Declared unconstitutional in a final judgment by a court of competent jurisdiction.

(2) Prohibited from being adopted or enforced as a municipal ordinance by federal or state law, or is preempted by federal or state law.

(3) Not applicable within the city.

(d) No offense shall be prosecuted nor sentence applied as a second or subsequent conviction of the same offense, unless the offenses are prosecuted in a court of record.

(e) No person who violates a provision adopted by this section shall be fined more, imprisoned longer, or both, than the penalty provided for violation of the same offense in R.S. title 14, and in no case shall the maximum penalty for a violation of this section exceed a fine more than $500.00 and/or imprisonment for more than 60 days.

Sec. 32-2. Curfew for minors.

(a) It shall be unlawful for any person who has not completed his or her 16th year to be or remain in or upon any street, alley, or public place or establishment privately owned, place of business which is operated for private or any place of amusement or entertainment to which the public is invited between the hours of 9:00 p.m. and 6:00 a.m. of the following day from Sunday through Thursday, and from 10:00 p.m. to 6:00 a.m. of the following day on Friday and Saturday, unless such person is accompanied by a parent, guardian, or other person having legal custody of such minor. This subsection shall not apply in the event the minor is employed and employment requires the minor to work beyond the curfew. The minor shall have 30 minutes from the close of work in which to go to his or her residence. The minor must have a written statement from the employer verifying employment and work hours.

(b) It shall be unlawful for any person who is over four years of age and has not completed his or her 16th year to be or remain in or upon any street, alley, public place, or establishment privately owned or operated for profit or any place of amusement, entertainment in which the public is invited during the hours of 9:00 a.m. to 3:30 p.m. from Monday through Friday. This subsection shall not apply during school holidays and during summer vacation.

(c) This section shall not apply to a minor who is accompanied by the minor's parent, guardian, or other person having legal care, custody, or control of the minor such as a school official, religious leader, or other adult authorized to supervise the minor in connection with any official school activity, religious activity, or other recreational activity sponsored by a governmental authority or civic organization.

(d) This section shall not apply to minors during the daylight hours who are going to and from preapproved medical or dental appointments, on official business approved by the parent or official school business, and shall not apply in the event of a bona fide emergency.

(e) It is unlawful for any parent, guardian, or other person having legal care and custody of any person who has not completed his or her 16th year to allow, suffer, or permit any such minor under said age while in such legal custody to violate this section.

(f) Any parent, guardian, or other person having legal care and custody of the minor who is found to be in violation of this section may be fined not more than $50.00, plus cost of court, sentenced to serve not more than 30 days of community service, and sentenced to serve 30 days in the parish jail.

(g) Any minor found to be in violation of this section shall be guilty of a misdemeanor and sentenced in accordance with state law; the minor shall be referred to juvenile court for adjudication.

(Code 1978, § 15-138; Ord. of 10-15-1968; Ord. No. 94-7, § 1, 11-1-1994; Ord. No. 21-03, 6-7-2021)

## Chapter 34 PARKS AND RECREATION

### ARTICLE I. IN GENERAL

Sec. 34-1. Rules and regulations.

(a) Each organization will be responsible for enforcement of all park policies (rules and regulations).

(b) Each organization will have to secure a law enforcement official to be on duty at times coinciding with the use of the facilities.

(c) No alcoholic beverages are to be sold to minors.

(d) No glass containers allowed in city parks.

(e) A fee as established from time to time will be charged for the use of baseball facilities on the first day; and another fee as established from time to time will be charged for the second day and each day thereafter.

(f) A litter fee in an amount established from time to time must be deposited in advance to the director. This litter deposit shall be refunded if in the opinion of the city recreation director, the park is in a condition equal to its condition prior to the event.

(g) Each organization shall be responsible for the enforcement of all parking regulations.

(h) Effective April 2, 2007, each organization may be responsible for carrying insurance for any injuries incurred in conjunction with their sponsored function.

(i) Concessions will be sold in designated areas only.

(Code 1978, § 15.5-1; Ord. of 11-6-1978; Ord. No. 07-03, 4-2-2007)

Sec. 34-2. Northside and southside city parks, closing time.

The closing hour for northside and southside city parks shall be 10:00 p.m. year-round.

(Code 1978, § 15.5-2; Mo. of 1-16-1996)

Sec. 34-3. Exemption of rental fee; restricted conditions.

The family of any deceased full-time city employee may obtain the use of any city recreational facility to hold a funeral repast for a deceased city employee, upon making the normal security deposit for such an event, but without payment of any rental fee. Any such request shall be presented to the mayor to ensure compliance with the intent and purpose of this section.

(Ord. No. 23-04, 9-5-2023)

Secs. 34-4—34-24. Reserved.

### ARTICLE II. PARK AND RECREATION COMMISSION

Sec. 34-25. Generally.

(a) *Composition and terms.* A park and recreation commission, hereinafter referred to as the commission, is hereby created. This commission shall be composed of seven members, who shall be citizens and residents of the city, and who shall serve without compensation. The mayor and the parks and recreation superintendent, hereinafter provided for and referred to as superintendent, shall be ex officio members of the commission. The other seven members of the commission shall be appointed by the mayor with the approval of the city council, for the following terms, beginning from the date of their respective appointments, as follows:

(1) Three members shall be appointed for one year.

(2) Two members shall be appointed for two years.

(3) Two members shall be appointed for three years.

(b) *Term expiration.* At the end of the members' terms, their successors shall be appointed for three years. All members shall continue to hold their offices, until their successors are appointed and qualified.

(c) *Vacancies.* Vacancies for unexpired terms shall be filled by appointment by the mayor as in subsection (a) of this section. Any appointed member of the commission who announces as a candidate for any elective office shall ipso facto vacate his membership in the commission.

(d) *Removal of members.* Any appointed member of the commission may be removed at any time, for cause, by the mayor with the approval of the city council.

(e) *City council.* The council shall act as the commission if one has not been otherwise appointed.

(Code 1978, § 15.5-16; Ord. of 5-16-1977, §§ 1, 2)

Sec. 34-26. Adoption of rules and regulations; selection of chairperson.

The commission, at its first meeting and annually thereafter, shall elect from its members a chairperson and vice-chairperson. The commission shall have the power to adopt bylaws, rules and regulations, subject to the approval of the city council.

(Code 1978, § 15.5-17; Ord. of 5-16-1977, § 3)

Sec. 34-27. Recommendations for improvements.

(a) The commission shall, from time to time, make recommendations to the mayor and city council concerning parks, playgrounds and of the activities thereon.

(b) It shall also have the power to recommend any form of recreational or cultural activity that will employ the leisure time of the children and citizens of the city in a constructive and wholesome manner.

(Code 1978, § 15.5-18; Ord. of 5-16-1977, § 4)

Sec. 34-28. Reports.

The commission shall forward all annual reports to the city council through the mayor, together with its own comment and/or recommendations.

(Code 1978, § 15.5-20; Ord. of 5-16-1977, § 6)

Sec. 34-29. Appropriations.

It shall be the duty of the commission, through an appointed committee, to appear before the city council prior to the adoption of the city's annual budget, to discuss the needs and appropriations for recreational purposes. The commission, upon being advised of the appropriations made for the purposes, will adopt a budget allocating such appropriations to the various recreational activities as they may deem necessary and advisable, same to be submitted to the city council for approval.

(Code 1978, § 15.5-21; Ord. of 5-16-1977, § 7)

Sec. 34-30. Donations, legacies and bequests.

The commission, for and on behalf of the city, may receive grants, donations, legacies or bequests for the creation, maintenance, or improvement of such playgrounds and recreational properties as are now or may be owned by the city.

(Code 1978, § 15.5-22; Ord. of 5-16-1977, § 8)

Secs. 34-31—34-50. Reserved.

### ARTICLE III. RECREATION CENTER

Sec. 34-51. Rental fees.

(a) The rental rate for the recreation center shall be as established from time to time.

(b) All qualifying nonprofit organizations as determined by the city council shall be granted use of the recreation center for a rental fee and a deposit, in amounts as established from time to time and refundable upon cleanup of the recreation center after said function.

(Code 1978, § 15.5-31; Mo. of 2-7-1994)

## Chapter 36 PLANNING AND DEVELOPMENT

### ARTICLE I. IN GENERAL

Sec. 36-1. Regional planning.

(a) Pursuant to the provision of R.S. 33:131, there is to be created a regional planning area, which may include, but is not limited to, the area shown on the map attached to the ordinance from which this section is derived and which is identified as Acadiana Regional Planning Area. The minimum number of parishes to comprise the Acadiana Regional Planning Area shall be two in number.

(b) As soon as two or more of the contiguous parishes included in the Acadiana Regional Planning Area have adopted an identical ordinance to the ordinance from which this section is derived, then the existence of the Acadiana Regional Planning Area shall be created, effective immediately upon adoption by the first two parishes, within Acadiana Regional Planning Area, as per R.S. 33:131.

(c) For the purpose of exercising the powers and duties set forth in R.S. 33:131 through 140, inclusive, and R.S. 31:1321 through 31:1332, inclusive, there is to be hereby created the Acadiana Planning and Development District. As soon as two or more of the contiguous parishes included in the Acadiana Regional Planning Area have adopted an identical ordinance to the ordinance from which this section was derived, then the existence of the Acadiana Planning and Development District shall be created, effective immediately upon adoption by the first two parishes, within the Acadiana Regional Planning Area, as per R.S. 33:131.

(d) In accordance with R.S. 33:132(C), the governing body of the Acadiana Planning and Development District is hereby designated to be the board of directors of the Evangeline Economic Development District (EEDD), an economic development district duly authorized by the governor of the state, and duly designated by the United States Department of Commerce, Economic Development Administration. It is expressly understood that the privilege to act or vote on matters coming before the Acadiana Planning and Development District shall be limited to the Evangeline Economic Development District board members who represent parishes and municipalities that have adopted the identical ordinance to the one from which this section is derived, and EEDD members-at-large who reside in parishes and municipalities that have adopted such an identical ordinance.

(e) The ordinance from which this section is derived shall be effective in and for the Acadiana Regional Planning Area described in subsections (a) through (c) of this section upon the adoption of the ordinance from which this section was derived and one more identical ordinance by one more governing authority of an adjacent parish within the Acadiana Regional Planning Area. As and when such ordinance becomes effective, it shall be filed, together with its accompanying map and copies of the other identical ordinances adopted by governing authorities, in the official offices of the member units of government as per R.S. 33:131.

(f) The Acadiana Planning and Development District may be expanded to include additional parishes and incorporated areas, by passage of the identical ordinance to the ordinance from which this section is derived.

(g) A true and correct list of all governing bodies passing the identical ordinance to the ordinance from which this section is derived shall be filed with the official office of each such governing body.

(Code 1978, § 17-1; Ord. of 7-1-2015, §§ 1—7)

Sec. 36-2. Street or property dedications.

(a) All street or property dedications to the city shall not be accepted without a fee title being granted to the city.

(b) Before any street can be accepted by the city the street must be at least 50 feet wide and shall have an improved surface which may be made up of shell, gravel, or limestone.

(c) Alleys are rights-of-way which are narrow passages between buildings or property. Alleys may be accepted by the city as such if they meet the minimum requirements of being at least 15 feet wide and have an improved surface of shell, gravel, or limestone.

(d) The city is authorized to obtain rights-of-way and construct streets where the city deems it necessary to do so in order to improve the flow of traffic from one existing street to another, to promote economic or residential development or whenever it is deemed to be in the best interest of the city to do so.

(e) The city, by accepting a street, alley, or right-of-way, will maintain the same if the city is financially able to do so.

(f) The provisions of this section shall not apply to streets that are to be located solely within new subdivisions. The requirements for streets or alleys are set forth in appendix B, subdivision regulations.

(Code 1978, § 17-2; Ord. of 5-21-1968; Ord. No. 97-4, 8-4-1997)

Sec. 36-3. Subdivisions.

All subdivisions shall comply with the city subdivision regulations found in appendix B.

(Code 1978, § 17-3)

Secs. 36-4—36-24. Reserved.

### ARTICLE II. MUNICIPAL PLANNING COMMISSION

Sec. 36-25. Municipal planning commission creation; appointment of members; removal.

There is hereby created a municipal planning commission which shall consist of five members all to be appointed by the mayor, with the advice and consent of the city council. The members may be removed by the city council after 24 hours' written notice, at a regular or special city council meeting for any inefficiency which include failure to attend meetings, neglect of duties, or malfeasance.

(Code 1978, § 17-15; Ord. of 2-7-1963, art. I; Ord. No. 94-5, art. I, 9-6-1994)

Sec. 36-26. Compensation and term of office.

All members of the municipal planning commission shall serve without compensation and shall hold no other public office. The members of the commission first appointed shall hold office for terms of one, two, three, four, and five years, respectfully; their successors shall be appointed for a term of five years from and after the expiration of the term of their predecessors in office. If a vacancy occurs otherwise than by an expiration of a term it shall be filled by appointment by the mayor with the advice and consent of the city council for the unexpired term.

(Code 1978, § 17-16; Ord. of 2-7-1963, arts. I, II; Ord. No. 94-5, art. II, 9-6-1994)

Sec. 36-27. Organization, meetings and rules.

The municipal planning commission shall elect a chairperson and vice-chairperson from its members and create and fill such other of its offices as it may determine. The term of the chairperson shall be for one year from the date of his election, with eligibility for reelection. The commission shall hold at least one regular meeting in each month. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.

(Code 1978, § 17-17; Ord. of 2-7-1963, art. II)

State law reference(s)—Similar provisions, R.S. 33:104.

Sec. 36-28. Service as zoning commission.

The municipal planning commission shall also serve as a municipal zoning commission, and when acting as such, it shall appropriately and clearly indicate in its minutes and records that it is then acting as a zoning commission. When acting as the municipal zoning commission, it shall exercise all of the powers and duties conferred by R.S. 33:4721 through 33:4729, as amended.

(Code 1978, § 17-18; Ord. of 2-7-1963, art. VI)

State law reference(s)—Similar provisions, R.S. 33:4726.

## Chapter 38 SOLID WASTE

### ARTICLE I. IN GENERAL

Secs. 38-1—38-18. Reserved.

### ARTICLE II. LITTER

Sec. 38-19. Definitions.

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:

*Aircraft* means any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The term "aircraft" includes helicopters and lighter-than-air dirigibles and balloons.

*Authorized private receptacle* means a litter storage and collection receptacle as required in this article.

*Garbage* means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

*Litter* means garbage, refuse and rubbish as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

*Park* means a park, reservation, playground, recreation center or any other public area in the city devoted to active or passive recreation.

*Private premises* means any dwelling, house, building, or other structure, designed or used, either wholly or in part, for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

*Public place* means any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

*Refuse* means all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

*Rubbish* means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrapping, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, plastic, metal, and similar materials.

*Vehicle* means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

(Code 1978, § 12-2; Ord. of 8-19-1975, § 2)

Sec. 38-20. Requirements of owner or occupants, generally.

(a) Every owner and occupant of any building, house, structure or grounds within the corporate limits of the city, where garbage, refuse or rubbish accumulates, shall provide a sufficient number of containers of not less than five nor more than 30 gallons capacity, constructed of some substantial metal or plastic material, with a tight-fitting lid or cover which will prevent the contents from being carried or deposited by the sun, wind, rain or snow upon any street, sidewalk or other public place or upon any private property, and with handles sufficiently strong for workmen to empty conveniently.

(b) All commercial establishments, institutions and schools which need more than the equivalent of three 30 gallon containers for disposal of garbage and all apartment buildings or groups of buildings containing 12 or more units shall provide containers of one-yard capacity which are mounted on wheels and designed to be dumped mechanically by attachments on the rear of garbage trucks.

(c) In lieu of garbage containers as provided in this section, the use of commercial type disposable bags is permissible, provided such bags are securely sealed so as to prevent the contents from being carried or deposited by the sun, wind, rain or snow upon any street, sidewalk or other public place or upon any private property.

(d) The lids or covers of all cans or containers shall at all times be kept secure and fastened so as to prevent the contents from being carried or deposited by the sun, wind, rain or snow upon any street, sidewalk or other public place or upon any private property.

(Code 1978, § 12-3; Ord. of 8-19-1975, § 3)

Sec. 38-21. Litter in public places.

No person shall throw, cast, dump, leave or deposit litter in or upon any street, sidewalk or other public place within the city except in public receptacles or in authorized private receptacles for collection.

(Code 1978, § 12-4; Ord. of 8-19-1975, § 4)

Sec. 38-22. Placement of litter in receptacles to prevent scattering.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the action of the sun, wind, rain or snow upon any street, sidewalk or other public place or upon private property.

(Code 1978, § 12-5; Ord. of 8-19-1975, § 5)

Sec. 38-23. Sweeping litter into gutters prohibited.

No person shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

(Code 1978, § 12-6; Ord. of 8-19-1975, § 6)

Sec. 38-24. Merchant's duty to keep sidewalks, etc., free of litter.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the city shall keep all premises, including sidewalks, service alleys and parking areas of their business, free of litter.

(Code 1978, § 12-7; Ord. of 8-19-1975, § 7)

Sec. 38-25. Litter thrown by persons in vehicles.

No person, while a driver or passenger in a vehicle, shall throw, cast, dump, leave or deposit litter upon any street or other public place within the city or upon private property.

(Code 1978, § 12-8; Ord. of 8-19-1975, § 8)

Sec. 38-26. Truck loads causing litter.

No person shall drive or move any truck or other vehicle within the city unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown, spilled, dropped or deposited upon any street, alley or other public place. No person shall drive or move any vehicle or truck within the city, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.

(Code 1978, § 12-9; Ord. of 8-19-1975, § 9)

Sec. 38-27. Litter in parks.

No person shall throw, cast, dump, leave or deposit litter in any park within the city except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the sun, wind, rain or snow upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.

(Code 1978, § 12-10; Ord. of 8-19-1975, § 10)

Sec. 38-28. Dropping litter from aircraft.

No person in an aircraft shall throw out, drop, cast, dump or deposit within the city any litter, handbill or any other object.

(Code 1978, § 12-11; Ord. of 8-19-1975, § 11)

Sec. 38-29. Litter on occupied private property.

No person shall throw, cast, dump, leave or deposit litter on any occupied private property within the city, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the sun, wind, rain or snow upon any street, sidewalk or other public place or upon any private property.

(Code 1978, § 12-12; Ord. of 8-19-1975, § 12)

Sec. 38-30. Owner to maintain premises free of litter.

The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

(Code 1978, § 12-13; Ord. of 8-19-1975, § 13)

Sec. 38-31. Litter on vacant lots.

No person shall throw, cast, dump, leave or deposit litter on any open or vacant private property within the city whether owned by such person or not.

(Code 1978, § 12-14; Ord. of 8-19-1975, § 14)

Sec. 38-32. Posting of signs notifying public of article.

The director of public utilities shall install and maintain adequate signs at appropriate places throughout the city outlining the substance of this article, the prohibitions set forth herein, and the penalties prescribed hereinafter, said signs warning the public that any violations hereof will be prosecuted.

(Code 1978, § 12-15; Ord. of 8-19-1975, § 15)

Secs. 38-33—38-53. Reserved.

### ARTICLE III. GARBAGE[[18]](#footnote-18)

Sec. 38-54. Generally.

The city's garbage collection shall be governed as provided by the mayor and council and all persons desiring service from it shall apply as required by the mayor and council and be subject to such rules and regulations as are promulgated by said mayor and council.

(Code 1978, § 20-31)

Sec. 38-55. Rates, charges and deposits generally.

(a) All persons receiving garbage service from the city shall pay such rates and charges as are established by the mayor and council under such regulations as said mayor and council may promulgate.

(b) All persons desiring to receive garbage service from the city shall pay such fees and deposits as are established by the mayor and council under such regulations as said mayor and council promulgate.

(Code 1978, § 20-32)

Sec. 38-56. Rates schedule.

In order to provide for the health and welfare of the citizens of the city, there is hereby levied a service charge to defray the expenses of the collection and disposal of garbage, trash and other refuse and the expenses of the maintenance of the general cleanliness and sanitation of the city, to be assessed and collected monthly as established from time to time by ordinance.

(Code 1978, § 20-33; Ord. of 5-21-1979, § 2; Ord. of 1-3-1984, §§ 1, 2)

Sec. 38-57. Use of income derived.

Income derived from garbage, trash and other refuse collection shall be used solely to defray the costs of the collection and disposal of garbage, trash and refuse of the city.

(Code 1978, § 20-34; Ord. of 5-21-1979, § 3)

Sec. 38-58. Trash pickup; branches, leaves, etc.

(a) Branches and twigs shall be cut not more than four feet long and tied in bundles of not more than 35 pounds.

(b) Leaves and other small objects will be placed in plastic bags.

(c) None of the limbs or leaves will be placed on any sidewalks or ditches of the city.

(Code 1978, § 20-35; Ord. of 9-21-1981)

Sec. 38-59. Garbage containers; definitions, requirements and penalty.

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

*Container* means a receptacle with a capacity of greater than 20 gallons but less than 35 gallons constructed of plastic, metal or fiberglass, having handles of adequate strength for lifting, and having a tight-fitting lid capable of preventing entrance into the container by vectors. The mouth of the container shall have a diameter greater than or equal to that of the base; the weight of a container and its contents shall not exceed 75 pounds.

(b) *Requirements.* All owners or occupants of dwellings and business places where garbage, paper, trash, etc., accumulates shall be required to provide and have on hand at least one garbage container. When the state department of health deems that more than one garbage container is necessary to adequately take care of the garbage, then a sufficient number of containers shall be provided.

(1) Occupants of all residences and premises shall be required to keep all garbage, paper, trash and tin cans in garbage containers and at all times keep the lids on the containers so that flies and rain will be excluded.

(2) Upon instruction by the state department of health all owners or occupants of premises where garbage containers are required shall provide suitable racks to hold them so that they will not likely be turned over by dogs or other animals. Owners or occupants will be required to locate garbage containers and racks at points approved by the state department of health.

(3) All occupants or owners of premises shall be required to pick up any garbage, trash, litter, rubbish, tin cans, etc., and place these materials in garbage containers at all times.

(4) All occupants of residences and business places shall be held responsible for the cleanliness of their premises and of alleys immediately adjacent to their premises.

(5) It is hereby unlawful for any person to salvage material from garbage containers, except by permission from the owner.

(6) All owners or managers of stores, restaurants, markets or stands, shall be responsible for keeping sidewalks in front of the building occupied by them in a clean condition. It is hereby declared unlawful to sweep paper, trash, litter, dirt or other material into streets.

(7) All owners or managers of lunch stands, drug stores or other businesses, serving persons outside the building and using paper napkins, shall be required to provide one or more garbage containers outside the front of the building and attendants shall at all times keep all paper napkins or other litter picked up and put into these containers. Owners or managers are held responsible for the carrying out of these regulations.

(c) *Penalty.* Any person, firm or corporation who shall violate any provisions of this section shall, upon conviction, be fined not less than $5.00 nor more than $25.00, or imprisonment for not less than one day nor more than ten days, or shall suffer both fine and imprisonment as the court may direct.

(Code 1978, § 20-36; Ord. of 10-14-1958, §§ 1—10; Ord. of 7-1-1985, § 1)

## Chapter 40 STREETS, SIDEWALKS, AND OTHER PUBLIC PROPERTY[[19]](#footnote-19)

### ARTICLE I. IN GENERAL

Sec. 40-1. Obstruction of street.

It shall be unlawful to obstruct a highway of commerce intentionally or in a criminally negligent manner by the placing of anything or performance of any act on any railway, railroad, navigable waterway, road, street, highway, thoroughfare, or runway of an airport which will render movement thereon more difficult.

(Code 1978, § 18-1)

Sec. 40-2. Obstruction of public walkways.

It shall be unlawful to willfully obstruct the free, convenient and normal use of any public sidewalk, street, alley, road or other passageway, or the entrance, corridor of passage of any public building, structure, watercraft or ferry, by impeding, hindering, stifling, retarding or restraining traffic or passage thereon or therein, except for businesses with a valid occupational license on Main Street that have over 50 percent of their sales from food may sell on the sidewalk, provided they do not obstruct more than 50 percent of the sidewalk. These sales are allowed on any day except for the day of a parade. Said business shall purchase a designated parade booth permit in order to sell on the sidewalk on the day of a parade in accordance with the parade ordinances.

(Code 1978, § 18-2; Ord. No. 03-2, 2-3-2003; Ord. No. 09-03, 1-20-2009)

Sec. 40-3. Business operations on city property.

No person or entity may enter upon, traverse, either above ground or below, or otherwise utilize any property, servitude, or other property right, owned, leased, possessed, or controlled by the city (herein referred to as city property) for the conduct of business operations without first being issued a permit to enter city property for business operations as more fully set forth hereafter.

(1) *Permit required.* Location of any system for business operations within city property without a valid permit from the city pursuant to this section presents a threat to the health, safety, and welfare of the city's citizens and their property and is expressly forbidden.

(2) *Regulation of city property.* The city recognizes and reserves any and all rights available to it to regulate use of any city property.

(3) *Authorization.* The granting of any city license, permit, or other requirement for doing business within the city shall not be construed as authorizing any such person or entity the right to utilize city property for the conduct of business operations.

(4) *Written request for permit.* Any person or entity desiring to operate a system occupying city property, herein referred to as applicant, shall make a written request to the city for a permit, which shall include the following information:

a. Name, address, telephone number, and contact information of the applicant;

b. Necessary corporate information, if applicable;

c. Name, address, email address, and home, office and cell telephone numbers of a person with authority to act on behalf of the applicant in case of emergency;

d. Description of the proposed activity;

e. Identification of the city property which applicant's system will occupy; and the identification shall include the following:

1. Map drawn to scale of the location of all of applicant's system presently occupying city property;

2. Inventory of all equipment, structures, and facilities comprising applicant's system occupying city property; and

3. Description of all anticipated construction, major maintenance, and major installation activities which shall include the specific locations and the beginning and ending dates of all projects to be commenced during the next calendar year; and the tentative locations and beginning and ending dates for all projects contemplated for the two-year period following the next calendar year;

f. Proof of comprehensive general liability insurance covering and affecting the applicant's business operations occupying city property. Applicant shall notify the city of cancellation of such policy at least 30 days in advance of such cancellation; and

g. Name of all contractors acting or working on behalf of applicant within city property along with the name and home, office, and cell telephone numbers of a person with authority to act on behalf of the contractor in case of emergency.

(5) *Issuance of permit.* Upon provision of all of the information required by subsection (4) of this section, the city shall issue a permit allowing the applicant/permittee to enter city property to conduct business operations in accordance with the specific information provided to the city by the applicant/permittee.

(6) *Provisions granted.* Standard provisions of each permit granted pursuant to this section shall include the following:

a. *Conditions of occupancy.* The system shall be located so as to cause minimum interference with the public uses use of city property and with the rights and reasonable convenience of property owners who own property that adjoins city property.

b. *Restoration of public ways.* If, during the course of the permittee's construction, installation, or maintenance of the system, there occurs a disturbance of any city property by the permittee, the permittee shall replace and restore such city property to a condition reasonably comparable to the condition of the city property existing immediately prior to such disturbance.

c. *Relocation at request of the city.* If the city shall lawfully elect to vacate, relocate, abandon, alter, reconstruct or change any city property, the permittee, upon 30 days written notice by the city via certified mail to the permittee, shall remove, relay and relocate its structure, equipment, and facilities at its own expense. Should the permittee refuse or fail to remove the system within 30 days after written notification, the city shall have the right to remove the component parts of the system and charge the permittee for the costs of removal.

d. *Relocation at request of third party.* The permittee shall, on the request of any person holding a lawful building moving permit, protect, support, raise, lower, temporarily disconnect, relocate in or remove from any city property, as necessary, any property of the permittee, provided:

1. The expense of such is paid by said person benefiting from the relocation, including, if required by the permittee, making such payment in advance; and

2. The permittee is given reasonable advance written notice to prepare for such changes. For purposes of this section, reasonable advance written notice shall be no less than 30 days in the event of a temporary relocation, and no less than 120 days for a permanent relocation.

e. *Interference with use of right-of-way.* When working within city property, permittee shall not unreasonably interfere with public uses of said city property and the safety, health, and convenience of the public in the public's use thereof for ordinary travel.

(7) *Unreasonable inference.* No less than three business days prior to commencement of construction, installation or maintenance activities within city property, the permittee shall notify the city of the specific locations and beginning and ending dates of said construction, installation, or maintenance project and shall provide current, accurate contact information for both the permittee and the contractor as outlined in subsection (4) of this section. Upon receipt of this notification, the city shall determine whether the proposed construction, installation, or maintenance activities shall pose an unreasonable inference with public uses. If the city determines the proposed activity presents no such unreasonable interference, it shall issue the permittee a notice to proceed. If the permittee receives no written notification from the city within 24 hours of the proposed commencement of activities, the proposed activities may be deemed approved. This subsection shall not apply to emergency repair projects or utility service extension projects which the permittee could not have anticipated.

(8) *Notice of changes.* The permittee shall keep all of the information required by subsection (4) of this section current at all times by immediately providing the city written notice of changes.

(9) *Penalties.* Any person or entity whose system occupies city property for business operations without obtaining the permit required in this section, who fails to provide the 72-hour notice prior to commencement of construction, installation, or maintenance activities as required in subsection (6) of this section, or who fails to maintain current, accurate information required by subsection (4) of this section concerning any system occupying city property may have any permit granted pursuant to this section revoked and may be denied future authorization for construction, installation, or maintenance activities for a period of two years.

(10) *Violations.* Any violation of this section shall afford the city the full range of remedies available under any applicable law or regulation including the levying of fines. The election of one or more remedies shall not be construed as a waiver of any other legal and/or equitable remedy, including, but not limited to, the city's right to seek injunctive relief, damages, and attorney fees as the law might allow.

(11) *Valid franchise agreement.* Business operations specifically authorized by a fully executed, valid franchise agreement or ordinance with the city shall not be subject to the provisions of this section and the provisions of said franchise agreement or ordinance shall continue to govern.

(Ord. No. 08-04, 10-20-2008)

Secs. 40-4—40-24. Reserved.

### ARTICLE II. EXCAVATIONS

Sec. 40-25. Compliance required.

It shall be unlawful for any person to do, cause or permit any digging, cutting or excavating into or upon any street, alley, tree, lawn or public place, or into or through any pavement thereon, except in compliance with the provisions of this article.

(Code 1978, § 18-14)

Sec. 40-26. Permit required.

(a) No excavation shall be made into any street, sidewalk, alley, tree, lawn or public place, or into or through any pavement thereon, until an opening permit therefor shall be granted by the mayor or his delegate. The permit shall define the nature of the work to be done.

(b) A separate breakage permit shall be required whenever breaks more than 50 feet apart are required.

(Code 1978, § 18-15; Ord. of 2-18-1964, §§ 1, 4)

Sec. 40-27. Permit application; fee.

Any person desiring to make an excavation shall file with the secretary-treasurer an application for a permit, which shall definitely state the location for the proposed opening, the purpose thereof, and which shall define the nature of the work to be done, together with a fee of $2.00, or such amount as established from time to time.

(Code 1978, § 18-16)

Sec. 40-28. Bond.

As prerequisite to the issuance of a street excavation permit, the person applying for the permit shall file with the secretary-treasurer a surety bond in an amount to be determined by the mayor or his delegate to be sufficient to defray the cost of maintaining and making the final repairs at the excavation point. The bond shall have sureties satisfactory to the mayor or his delegate and shall be conditioned on the permittee performing all duties required by this article.

(Code 1978, § 18-17)

Sec. 40-29. Repairs.

All final repairs to a street or alley after an excavation in same and the maintenance period thereof shall be done by the person who did such excavation.

(Code 1978, § 18-18)

Sec. 40-30. Restoration.

All openings shall be closed immediately after completion of the work for which the opening is made and openings must be compacted as filled. Tree lawns shall be filled with soil, topsoil and either resodded or reseeded and all other openings shall be backfilled and restored to the condition existing prior to opening.

(Code 1978, § 18-19)

Sec. 40-31. Method, safety requirements.

All material removed from an excavation shall be immediately removed from the site if it is not to be reused as fill, and material to be reused as fill shall be laid in a neat pile adjacent and parallel to such excavation extending not more than eight feet to the street from the curb without scattering. All openings must be maintained by the person licensed to make the opening, and proper barricades and danger lights shall be maintained by such person until the excavation has been restored.

(Code 1978, § 18-20)

Secs. 40-32—40-50. Reserved.

### ARTICLE III. PARADES

Sec. 40-51. Definitions.

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:

*Parade* means any parade, march, rally, pageant, or other type procession of any kind, in or upon any street, park or other public place in the city. A procession sponsored by a church and led by the priest or pastor of such church which will not involve any floats, tractors, trailers or other motorized vehicles of any type shall not constitute a parade under this article. However, any such procession which intends to use the streets of the city must coordinate the route with the city police chief.

*Parade permit* means a permit as required by this article.

(Code 1978, § 18-33; Ord. No. 01-9, 12-3-2001; Ord. No. 16-02, § 18-33, 2-18-2016; Ord. No. 16-09, 8-1-2016)

Sec. 40-52. Permit required.

No person shall engage in, participate in, aid, form or start any parade, unless a parade permit has been obtained from the city after approval by the city council.

(Code 1978, § 18-34; Ord. No. 01-9, 12-3-2001; Ord. No. 16-02, § 18-34, 2-18-2016)

Sec. 40-53. Permit application.

(a) A person seeking issuance of a parade permit shall file an application with the city not less than 60 days before the date on which it is proposed to conduct the parade.

(b) The application for a parade permit shall set forth the following information:

(1) The name, address, and telephone number of the person seeking to conduct such parade.

(2) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of the headquarters of the organization, the tax and profit/nonprofit status of the organization, and of the authorized and responsible heads of such organization.

(3) The name, address and telephone number of the person who will be the parade chairperson and who will be responsible for its conducts.

(4) The date when the parade is to be conducted.

(5) The route to be traveled, the starting point and the termination point.

(6) The approximate number of persons who, and animals and vehicles which, will constitute such parade, and, the type of animals and description of the vehicles.

(7) The hours when such parade will start and terminate.

(8) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed.

(9) The location of bystreets of any assembly areas for such parades.

(10) An acknowledgment that units of parade will begin to assemble at such assembly area or areas at least one hour before the time to start the parade.

(11) If the parade is designated to be held by, on behalf of, or for, any person other than the applicant, the applicant for such permit shall file with the city a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf.

(12) Any additional relevant and material information, with regard to public safety and security, which the city council shall find necessary to a fair determination as to whether a permit should issue. Such request by the council for such additional information shall be made within 20 days of the application for the permit.

(c) The city council, where good cause is shown therefor and all requirements of this article can be complied with, shall have the authority to consider any application hereunder which is filed less than 60 days before the date such parade is proposed to be conducted. Good cause shall include proof that the applicant was prevented from applying earlier by circumstances beyond its control.

(Code 1978, § 18-35; Ord. No. 01-9, 12-3-2001; Ord. No. 16-02, § 18-35, 2-18-2016)

Sec. 40-54. Permit fee and other costs.

(a) *Permit fee.* There shall be paid, at the time of filing the application for a parade permit, a fee of $25.00, or such amount as established from time to time.

(b) *Costs and expenses.*

(1) The city will not charge for the services of any on-duty police personnel who provide security services in connection with the parade, nor will the city charge for the use of any barricades owned by the city.

(2) However, an additional fee shall be charged for those parades for which the council has determined, based on the recommendation of the police chief, that is necessary for the city to rent barricades, pay overtime pay to its police officers, or pay law enforcement officers from other jurisdictions to assist in providing security for the parade.

(3) The additional fee shall be the amount of any such extra costs that the city incurs. The city shall give the applying organization an estimate of such charges (with documentation as to such costs) as soon as the city can make such an estimate, and the estimate must be paid at least ten days before the scheduled date of the parade.

(Code 1978, § 18-36; Ord. No. 01-9, 12-3-2001; Ord. No. 16-02, § 18-36, 2-18-2016)

Sec. 40-55. Standards for issuance of permits.

(a) Upon application for a parade permit, the council shall refer the matter to the police chief to assess the safety and security issues related to the proposed parade, and make a written assessment to the council on the level of security which the police chief, considering all relevant factors, believes would be necessary for the safe conduct of the parade. Such assessment shall be considered but not a controlling factor by the council. In making such assessment, the police chief shall consider:

(1) Whether the organization has held any similar parades in the past, and if so, the experience with such parades.

(2) Whether the parade is primarily intended to be for children or adults, or a combination thereof.

(3) If such a parade has previously been held by the applying organization, whether alcohol was normally consumed at such previous parades, whether any arrests were made at such previous parades, and whether any weapons were confiscated at any such previous parades.

(4) The size of the crowd at any such previous parades, and whether there is any reason to believe that the crowd at the current parade would be any smaller or larger.

(5) For first-time parades, the best estimate of the size and composition of the crowd.

(6) The start and end time of the event.

(7) The route and time point of the event.

(8) The existence of a route for emergency vehicles.

(9) The number of persons, animals, and vehicles that will participate in the parade.

(10) The type and amount of security utilized by a similar parade in the past.

(b) (1) The city council shall issue a permit for a parade if, from a consideration of the application, the safety and security assessment of the police chief, and such other information as the council may determine to be relevant, and material, the council finds that:

a. The conduct of a parade will not substantially interrupt the safety and orderly movement of other traffic on any other adjacent streets.

b. The conduct of such parade will not require the diversion of so great a number of police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the rest of the city.

c. The concentration of persons, animals and vehicles at the assembly areas of the parade will not unduly interfere with proper fire and police protection of or ambulance service to areas contiguous to such assembly areas.

d. The conduct of such parade will not prevent the movement of firefighting equipment enroute to a fire.

e. The conduct of such parade is not reasonably likely to cause injury to persons or property.

f. Such parade will move from its point of termination in two hours or less.

g. The conduct of such parade will not obstruct any construction or maintenance work scheduled to take place upon the public streets.

h. The applicant meets with all the requirements of this article.

(2) The police chief is directed to provide such pre-parade route clearance as he determines to be useful and necessary to clear the commencement portion of the route to allow for safe and orderly staging and beginning of the parade.

(c) The U.S. Supreme Court has recognized that a city may impose reasonable restrictions on the time, place, or route of a parade in the interest of public safety and security, and the city council reserves the right to impose such restrictions in appropriate circumstances, based on the factors and considerations set forth in this section.

(Code 1978, § 18-37; Ord. No. 01-9, 12-3-2001; Ord. No. 16-02, § 18-37, 2-18-2016)

Sec. 40-56. Minimum rules for the conduct of parades; rules for conducting a parade.

The following are the minimum rules for conduct during parades and for conducting a parade:

(1) No profanity or illegal throws.

(2) No person participating in the parade shall leave the vehicle or float in which they are riding.

(3) No person who is operating any vehicle that is in the parade, or anyone else in the cab of such vehicle, shall consume any alcoholic beverage or have any alcoholic beverage in an open container.

(4) The operator of any vehicle shall not permit anyone regardless of age to sit on their lap during the parade; nor is he/she allowed to throw anything from the vehicle.

(5) No vehicle that is equipped with hydraulic lifts will be permitted to participate in the parade.

(6) No glass bottles or containers or other glass items are allowed on any float.

(7) Only bands, drill teams, and dance groups will be allowed to stop at designated areas for the purpose of performance only.

(8) All participants in the parade will be present and lined up one hour before the start time.

(9) Any violation of these rules will authorize the removal of any participant or float.

(10) Only street legal vehicles may participate in the parade; ATVs, four-wheelers, etc., are prohibited, except for tractors pulling floats.

(11) Once the parade permit is granted, every operator of any vehicle in the parade must have a parade float vehicle permit issued by the city police department. Such a permit will be issued upon presentation of a valid operator's permit/license by the proposed operator of the vehicle, and proof of liability insurance (unless the insurance required in section 40-3(4)f specifically covers all parade vehicles).

(12) Horses will not be permitted unless the entire parade route is barricaded.

(Ord. No. 16-02, § 18-38, 2-18-2016)

Sec. 40-57. Contents of permit.

Each parade permit shall state the following information:

(1) Starting time, starting point, and ending point.

(2) The portions of the streets to be traversed that may be occupied by the parade.

(3) Such other information as the city council shall find necessary to the enforcement of this article.

(Code 1978, § 18-40; Ord. No. 01-9, 12-3-2001; Ord. No. 16-02, § 18-40, 2-18-2016)

Sec. 40-58. Permit revocation.

(a) Any permit issued hereunder is automatically revoked if the applicant fails to pay any of the extra charges required under this chapter, by the due date, or fails to provide evidence of the required insurance coverage by the due date.

(b) In addition, the city council shall retain the authority to revoke a parade permit issued hereunder, after notice and an opportunity to be heard, in the following circumstances, the city council determines that:

(1) The parade will present a danger to the residents of the city, persons attending the parade, or their property; or

(2) Some unforeseen catastrophic weather or similar uncontrollable event makes it unsafe to conduct the parade.

(Code 1978, § 18-41; Ord. No. 01-9, 12-3-2001; Ord. No. 16-02, § 18-41, 2-18-2016)

Sec. 40-59. Possession of permit.

The parade chairperson or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.

(Code 1978, § 18-42; Ord. No. 01-9, 12-3-2001; Ord. No. 16-02, § 18-42, 2-18-2016)

Sec. 40-60. Compliance with all laws.

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(Code 1978, § 18-43; Ord. No. 01-9, 12-3-2001; Ord. No. 16-02, § 18-43, 2-18-2016)

Sec. 40-61. Exemptions.

The article shall not apply to:

(1) Funeral processions;

(2) Parades by the Armed Forces of the United States, the military forces of the state, or the city police department.

(Code 1978, § 18-44; Ord. No. 01-9, 12-3-2001; Ord. No. 16-02, § 18-44, 2-18-2016)

Sec. 40-62. Penalty.

Any person who violates any provision of this article shall be guilty of a misdemeanor and subject to the maximum penalty for misdemeanors under the Charter and section 1-8.

(Code 1978, § 18-45; Ord. No. 01-9, 12-3-2001; Ord. No. 16-02, § 18-45, 2-18-2016)

Sec. 40-63. Insurance.

The organizer of the parade shall provide proof of liability insurance which covers claims related to the parade in the amount of $1,000,000.00 and shall designate the city as co-insured and loss payee.

(Code 1978, § 18-46; Ord. No. 01-9, 12-3-2001; Ord. No. 16-02, § 18-46, 2-18-2016)

Sec. 40-64. Restrictions on sale of food and alcohol on parade days.

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

*Nonresident* means any person who does not hold a current occupational license to do business in the city.

(b) *Prohibited sales.* Persons who are not residents of the city are prohibited from sales of food or alcohol on city sidewalks, streets, or other public property on days on which a parade is being held in the city, pursuant to a permit or other consent by the city council.

(c) *Violations.* Any person violating this section shall be subject to a fine of not more than $500.00.

(Ord. No. 23-05, 12-4-2023)

Sec. 40-65. Parade booth permits.

(a) It shall be unlawful for vendors to sell items outside on the day of any parade without submitting a qualifying application to the city police department and obtaining a parade booth permit. Each such application shall contain the following:

(1) Name, telephone number, and address of the organization.

(2) Name, telephone number, and address of the person in charge of booth.

(3) Location of booth and permission from the property owner to use booth.

(4) Items to be sold.

(5) Agreement to not to use and/or sell glass bottles or containers.

(6) Agreement to not to sell alcoholic beverages.

(7) Agreement that a one-day permit is good from 10:00 a.m. until 4:30 p.m. only.

(8) Acknowledgment that each vendor shall not be on the street, but shall be on the property and shall obstruct and/or block no more than 50 percent of the sidewalk.

(9) Payment of a permit fee in an amount as established from time to time.

(10) Payment of a permit fee in an amount as established from time to time, if selling item on parade day without a permit required under this section.

(b) All businesses wishing to sell items outside of their business shall purchase a parade booth permit and must have over 50 percent of their sales from food. Business shall not obstruct more than 50 percent of the sidewalk.

(Ord. No. 09-02, § 18-47, 1-20-2009)

Secs. 40-66—40-88. Reserved.

### ARTICLE IV. FESTIVALS ON PUBLIC PROPERTY

Sec. 40-89. Restrictions on sale of food and alcohol on parade days.

(a) Persons who are not residents of the city are prohibited from sales of food or alcohol on city sidewalks, streets, or other public property on days on which a parade is being held in the city, pursuant to a permit or other consent by the city council. The term "nonresident" means any person who does not hold a current occupational license to do business in the city.

(b) Any person violating this section shall be subject to a fine of not more than $500.00.

(Ord. No. 23-05, 12-4-2023)

Sec. 40-90. Festival permit process.

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

*Festival* means any organized gathering of any kind, other than a parade as defined in section 40-51, in or upon any park or other public place in the city.

*Festival permit* means a permit as required by this article.

(b) *Permit required.* No person shall engage in, participate in, aid, form or start any festival on any public property in the city, unless a permit has been obtained from the city after approval by the city council.

(c) *Permit application.*

(1) A person seeking issuance of a permit shall file an application with the city not less than 30 days before the date on which it is proposed to conduct the festival.

(2) The application for a festival permit shall set forth the following information:

a. The name, address, and telephone number of the person seeking to conduct such festival.

b. If the festival is proposed to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of the headquarters of the organization, the tax and profit/nonprofit status of the organization, and of the authorized and responsible heads of such organization.

c. The name, address and telephone number of the person who will be the festival chairperson and who will be responsible for its conducts.

d. The date when the festival is to be conducted.

e. A statement as to whether the festival will occupy all or only a portion of the area where it is proposed to be held.

f. The approximate number of persons who, and animals and vehicles which, will attend such festival; and, the type of animals and description of the vehicles.

g. The hours when such festival will start and terminate.

h. If the festival is designated to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the city a communication in writing from the person proposing to hold the festival, authorizing the applicant to apply for the permit on his behalf.

i. Any additional relevant and material information, with regard to public safety and security, which the city council shall find necessary to a fair determination as to whether a permit should issue. Such request by the council for such additional information shall be made within 20 days of the application for the permit.

(3) The city council, where good cause is shown therefor and all requirements of this article can be complied with, shall have the authority to consider any application hereunder which is filed less than 30 days before the date such festival is proposed to be conducted. Good cause shall include proof that the applicant was prevented from applying earlier by circumstances beyond its control.

(d) *Permit fee and other costs.*

(1) *Permit fee.* There shall be no permit fee.

(2) *Costs and expenses.*

a. The city will not charge for the services of any on-duty police personnel who provide security services in connection with the festival, nor will the city charge for the use of any barricades owned by the city.

b. An additional fee shall be charged for those festivals for which the council has determined, based on the recommendation of the police chief, that is necessary for the city to rent barricades, pay overtime pay to its policemen, or pay law enforcement officers from other jurisdictions to assist in providing security for the festival.

c. The additional fee shall be the amount of any such extra costs that the city incurs. The city shall give the applying organization an estimate of such charges (with documentation as to such costs) as soon as the city can make such an estimate, and the estimate must be paid at least ten days before the scheduled date of the festival.

(e) *Standards for issuance of permits.*

(1) Upon application for a festival permit, the council shall refer the matter to the police chief to assess the safety and security issues related to the proposed festival, and make a written assessment to the council on the level of security which the police chief, considering all relevant factors, believes would be necessary for the safe conduct of the festival. Such assessment shall be considered, but not controlling by the council. In making such assessment, the police chief shall consider:

a. Whether the organization has held any similar festivals in the past, and if so, the experience with such festivals.

b. Whether the festival is primarily intended to be for children or adults, or a combination thereof.

c. If such a festival has previously been held by the applying organization, whether alcohol was normally consumed at such previous festivals, whether any arrests were made at such previous festivals, and whether any weapons were confiscated at any such previous festivals.

d. The size of the crowd at any such previous festivals, and whether there is any reason to believe that the crowd at the current festival would be any smaller or larger.

e. For first time festivals, the best estimate of the size and composition of the crowd.

f. The start and end time of the event.

g. If the festival has any religious affiliation or purpose, a description of any such affiliation or purpose.

h. Whether fireworks are to be employed at the festival.

i. The type and amount of security utilized by a similar festival in the past.

j. Whether any street closure will be required.

(2) The city council shall issue a permit for a festival if, from a consideration of the application, the safety and security assessment of the police chief, and such other information as the council may determine to be relevant, and material, the council finds that:

a. The conduct of a festival will not substantially interrupt the safety and orderly movement of traffic on any other adjacent streets.

b. The conduct of such festival will not require the diversion of so great a number of police officers to properly police the festival as to prevent normal police protection to the rest of the city.

c. The concentration of persons and vehicles at the area of the festival will not unduly interfere with proper fire and police protection of or ambulance service to areas contiguous to such assembly areas.

d. The conduct of such festival will not prevent the movement of firefighting equipment enroute to a fire.

e. The conduct of such festival is not reasonably likely to cause injury to persons or property.

f. The applicant is a resident of the city, and meets with all the requirements of this section.

(3) The U.S. Supreme Court has recognized that a city may impose reasonable restrictions on the time and location of a festival in the interest of public safety and security, and the city council reserves the right to impose such restrictions in appropriate circumstances, based on the factors and considerations set forth in this section.

(f) *Minimum rules for the conduct of festivals.* The following are the minimum rules for conducting a festival:

(1) No violation of any laws or ordinances.

(2) No sale of alcohol without a special permit.

(3) Compliance with all noise ordinances.

(g) *Contents of permit.* Each festival permit shall state the following information:

(1) Starting and ending time;

(2) Such other information as the city council shall find necessary to the enforcement of this article.

(h) *Permit revocation.*

(1) Any permit issued hereunder is automatically revoked if the applicant fails to pay any of the extra charges described in subsection (d) of this section, by the due date, or fails to provide evidence of the required insurance coverage by the due date.

(2) In addition, the city council shall retain the authority to revoke a festival permit issued hereunder, after notice and an opportunity to be heard, in the following circumstances, the city council determines that:

a. The festival will present a danger to the residents of the city, persons attending the festival, or their property; or

b. Some unforeseen catastrophic weather or similar uncontrollable event makes it unsafe to conduct the festival.

(i) *Possession of permit.* The festival chairperson or other person heading or leading such activity shall carry the festival permit upon his person during the conduct of the festival.

(j) *Compliance with all laws.* A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(k) *Penalty.* Any person who violates any provision of this article shall be guilty of a misdemeanor and subject to the maximum penalty for misdemeanors under the Charter and section 1-8.

(l) *Insurance.* The organizer of the festival shall provide proof of liability insurance which covers claims related to the conduct of the festival in the amount of $1,000,000.00 and shall designate the city as co-insured and loss payee.

(m) *Deposit for expenses of clean up.* For all permits granted, the permit recipient shall deposit $150.00 with the city in cash at least seven days prior to the event. If the city does not incur any expenses to clean the property after the event occurs, then the deposit will be returned in full. If the city incurs any expenses, the deposit shall be applied to the expenses. If the deposit is insufficient to cover all such expenses, the permit recipient remains responsible for the excess.

(Ord. No. 16-03, § 18-47, 3-7-2016; Ord. No. 16-06, 4-4-2016)

Secs. 40-91—40-108. Reserved.

### ARTICLE V. EXHIBITIONS AND CARNIVALS

Sec. 40-109. Definitions.

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:

*Exhibitions* includes circuses, menageries, carnivals, side shows and other similar amusement enterprises which are open to the public and for admission to which a fee is charged.

(Code 1978, § 5-16)

Sec. 40-110. License required.

It shall be unlawful to conduct or operate within the city any exhibitions or carnivals which are open to the public without a license.

(Code 1978, § 5-17; Ord. of 11-25-1975, § 1)

Sec. 40-111. License application.

Any person desiring the license required by the provisions of this article shall apply to the secretary-treasurer upon forms furnished by the clerk giving such information as is required on the form.

(Code 1978, § 5-18)

Sec. 40-112. License fees.

Upon satisfactory application being made the city shall issue the license required by this article and collect a fee, in an amount as established from time to time, from the applicant.

(Code 1978, § 5-19; Ord. of 11-25-1975, § 4)

Sec. 40-113. Conditions of license.

(a) In addition to other requirements set forth in this article, the applicant for a permit required by this article shall furnish suitable evidence of his intention and ability to comply with the following conditions:

(1) The operator or sponsor of the carnival or exhibition shall each be wholly responsible for maintaining order, for keeping the site clean, free of trash, papers and other debris and litter.

(2) Trash containers in adequate number shall be placed in convenient locations for the use of the public.

(3) No ride shall be placed in operation unless adequate safeguards have been placed to protect both operators and the general public from inadvertently coming into contact with moving parts, belts, motors, gears, electrical switches and other possible and potential hazards.

(b) It shall be unlawful for any person holding such a permit to violate any of such conditions.

(Code 1978, § 5-20; Ord. of 11-25-1975, § 3)

## Chapter 42 TAXATION

### ARTICLE I. IN GENERAL

Sec. 42-1. Video services and cable franchise fee.

Pursuant to the provisions of R.S. 45:1361 et seq., providers of cable or video services holding a state-issued certificate of franchise authority as provided in R.S. 45:1361 et seq., and operating within the city's municipal limits, the franchise fee due to the city under the provisions of R.S. 45:1366 is hereby fixed in an amount equal to three percent of the cable or video service provider's gross revenues as that term is defined by the Consumer Choice for Television Act of 2008, with regard to such gross revenues derived from operations within the city's municipal boundaries and limits.

(Ord. No. 08-06, 10-20-2008; Ord. No. 14-01, 4-7-2014)

Secs. 42-2—42-20. Reserved.

### ARTICLE II. CHAIN STORE TAX

Sec. 42-21. Levied.

There is hereby levied an annual license tax upon each person engaged in the business of operating or maintaining, as part of a group or chain, any store within the city, where goods, wares, merchandise or commodities of every description whatsoever are sold or offered for sale at retail under the same general management, supervision, ownership and control, and who are commonly recognized as a member of a chain and as a branch store.

(Code 1978, § 11-32; Res. of 11-5-1974)

State law reference(s)—Chain store tax authorized, R.S. 47:10(A).

Sec. 42-22. Amount of tax.

(a) The license tax levied by the provisions of this article shall be based on the number of stores or merchandise establishments included under the same general management, supervision, ownership and control, whether within the city or not, and shall be as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| *Number of Stores in Group* | | *License* | | |
| *At Least* | *But Not More Than* | |  |
| 2 | 10 | | $10.00 | |
| 11 | 35 | | $15.00 | |
| 36 | 50 | | $20.00 | |
| 51 | 75 | | $25.00 | |
| 76 | 100 | | $30.00 | |
| 101 | 125 | | $50.00 | |
| 126 | 150 | | $100.00 | |
| 151 | 175 | | $150.00 | |
| 176 | 200 | | $200.00 | |
| 201 | 225 | | $250.00 | |
| 226 | 250 | | $300.00 | |
| 251 | 275 | | $350.00 | |
| 276 | 300 | | $400.00 | |
| 301 | 400 | | $450.00 | |
| 401 | 500 | | $500.00 | |
| 501 and over |  | | $550.00 | |

(b) The tax for any store opened after June 30 of any year shall be one-half of the annual license.

(Code 1978, § 11-33; Res. of 11-5-1974)

State law reference(s)—Maximum amount of tax, R.S. 47:10(B).

Sec. 42-23. Reports.

(a) Every person engaged in a business in the city upon which a tax is levied by the provisions of this article shall, on or before February 1 of each year, render to the secretary-treasurer a report containing a true and complete statement showing:

(1) The number of stores or establishments operated or maintained in the city.

(2) The name, location and street address of each store.

(3) The total number of such stores, whether in the state or not, as of the report date.

(4) Such other information as may be required by the mayor and city council.

(b) When a new store is opened which was not included in the report required by subsection (a) of this section, a supplemental report setting forth the required information shall be filed prior to the expiration of 30 days after the date of opening.

(Code 1978, § 11-34; Res. of 11-5-1974)

State law reference(s)—Similar provisions, R.S. 47:10(D).

Sec. 42-24. Payment, interest, penalties, etc.

Payment of the license tax levied by the provisions of this article shall accompany the report required herein and shall become delinquent if not paid when due. Interest and penalties shall be assessed and collected together with all taxes due in the same manner as other taxes due to the city.

(Code 1978, § 11-35; Res. of 11-5-1974)

State law reference(s)—Similar provisions, R.S. 47:10(E).

Sec. 42-25. License issuance and posting.

Upon the payment by a person of the tax required by the provisions of this article the secretary-treasurer shall issue such person a license. A separate license shall be issued for each store for which the proper license fee has been paid as provided herein. The licensee shall post the license in a conspicuous place in each store.

(Code 1978, § 11-36; Res. of 11-5-1974)

State law reference(s)—Similar provisions, R.S. 47:10(E).

Sec. 42-26. Supplemental nature of tax.

The tax authorized by the provisions of this article shall be in addition to ad valorem taxes and any other licenses prescribed or authorized.

(Code 1978, § 11-37; Res. of 11-5-1974)

State law reference(s)—Similar provisions, R.S. 47:10(A).

Secs. 42-27—42-55. Reserved.

### ARTICLE III. ONE PERCENT SALES AND USE TAX[[20]](#footnote-20)

#### DIVISION 1. GENERALLY

Sec. 42-56. Definitions.

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:

*Agricultural commodity* means horticultural, viticultural, poultry, farm and range products and livestock and livestock products.

*Business* includes any activity engaged in by any person or caused to be engaged in by him with the object of gain, benefit, or advantage, either direct or indirect. The term "business" does not include the occasional and isolated sales or transactions by a person who does not hold himself out as engaged in business.

*Collector* means the secretary-treasurer of the city or the duly authorized assistants thereof designated by the mayor and city council for the purpose of collecting the tax provided for in this article.

*Cost price* means the actual cost of the articles of tangible personal property without any deductions therefrom on account of the cost of materials used, labor or service cost, transportation charges or any other expenses whatsoever.

*Dealer* includes every person who:

(1) Manufactures or produces tangible personal property from any state, or other political subdivision of the state, or foreign country, for sale at retail, for use or consumption, or distribution, or storage to be used or consumed in the city;

(2) Imports, or causes to be imported, tangible personal property from any state, or other political subdivision of the state, or foreign country, for sale at retail, for use or consumption, or distribution, or storage to be used or consumed in the city;

(3) Sells at retail, or who offers to sell at retail, or who has in his possession for sale at retail, or for use, or consumption, or distribution, or storage to be used or consumed in the city tangible personal property;

(4) Has sold at retail, or used, or consumed, or distributed or stored for use or consumption in the city tangible personal property and who cannot prove that the tax levied by this article has been paid on the sale at retail, the use, the consumption, the distribution, or the storage of said tangible personal property;

(5) Leases or rents tangible personal property for a consideration, permitting the use or possession of such property without transferring title thereto;

(6) Is the lessee or rentee of tangible personal property and who pays to the owner of such property a consideration for the use or possession of such property without acquiring title thereto;

(7) Sells or furnishes any of the services subject to the tax under this article or purchases or receives any of the services subject to tax under this article; or

(8) Is engaging in business in the city.

*Distraint* or *distrain* means the right to levy upon and seize and sell, or the levying upon or seizing and selling, any property or rights to property of the delinquent dealer by the officer charged with the collection of the tax for the purpose of satisfying any tax, interest or penalties due under the provisions of this article.

*Engaging in business in the city* includes any of the following methods of transacting business:

(1) Maintaining, directly, indirectly or through a subsidiary, an office, distribution house, sales house, warehouse, or other place of business; or by

(2) Having an agent, salesman, solicitor or employee operating within the city under the authority of the seller or its subsidiary, irrespective of whether such place of business, agent, salesman, solicitor, or employee is located in the city permanently or temporarily, or whether such a seller or subsidiary is qualified to do business in the city; or by

(3) Having within the city any choses in or causes of action, or any property, or any liens on property, or any indebtedness due it in the city, protected by the laws and courts of the city.

*Governing authority* means the city mayor and city council.

*Gross sales* means the sum total of all sales of tangible personal property, as hereinafter provided and defined, and sales of services without any deductions whatsoever of any kind or character, except as provided in this article.

*Hotel* includes any establishment engaged in the business of furnishing sleeping rooms primarily to transient guests where such establishment consists of ten or more guest rooms under a single roof.

*Lease* or *rental* means the leasing or renting of tangible personal property and the possession or use thereof by the lessee or rentee for a consideration, without transfer of the title of such property.

*New article* means the original stock-in-trade of the dealer and shall not be limited to newly manufactured articles. The original stock or article, whether it be a used article or not, shall be subject to the tax.

*Purchaser* means any person who acquires or receives any tangible personal property or the privilege of using any tangible personal property or receives any services pursuant to a transaction subject to taxes under this article.

*Retail sale* or *sale at retail.*

(1) The term "retail sale" or "sale at retail" means a sale to a consumer or to any person for any purpose other than for resale in the form of tangible personal property and a sale of services, as hereinafter set forth, and includes all such transactions as the collector, upon investigation, finds to be in lieu of sales, provided that sales for resale must be made in strict compliance with the rules and regulations issued by the collector. Any dealer making a sale for resale which is not in strict compliance with the rules and regulations shall himself be liable for payment of the tax.

(2) The term "retail sale" or "sale at retail" does not include sales of materials for further processing into articles of tangible personal property for sale at retail, nor does it include an isolated or occasional sale of tangible personal property by a person not engaged in such business, except the isolated or occasional sale of vehicles which are hereby defined to be sales at retail and as such are subject to the tax.

*Retailer* includes every person engaged in the business of making sales at retail or for distribution, or use or consumption, or storage to be used or consumed in the city or any person rendering services taxable hereunder.

*Sale.*

(1) The term "sale" means any transfer of title or possession, or both, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means, whatsoever, of tangible personal property, for a consideration, and includes the fabrication of tangible personal property for consumers who furnish, either directly or indirectly, the materials used in fabrication work, and the furnishing, preparing, or serving, for a consideration, of any tangible personal property, consumed on the premises of the person furnishing, preparing or serving such tangible personal property. A transaction whereby the possession of property is transferred but the seller retains title as security for the payment of the price shall be deemed a sale.

(2) The term "sale" also includes the term "sales of services," which includes the following:

a. The furnishing of rooms by hotels and tourist camps.

b. The sale of admissions to places of amusement, to athletic entertainment other than that of schools, colleges and universities, and recreational events, and the furnishing, for dues, fees, or other consideration, of the privilege of access to clubs or the privilege of having access to or the use of amusement, entertainment, athletic or recreational facilities.

c. The furnishing of storage or parking privileges by auto hotels and parking lots and trailer parks.

d. The furnishing of printing or overprinting, lithographic, multilith, blueprinting, photostating or other similar services of reproducing written or graphic matter.

e. The furnishing of laundry, cleaning, pressing, and dyeing services, including, by way of extension and not of limitation, the cleaning and renovation of clothing, furs, furniture, carpets and rugs, and the furnishing of storage space for clothing, furs and rugs.

f. The furnishing of cold storage space and the furnishings of the service of preparing tangible personal property for cold storage, where such service is incidental to the operation of storage facilities.

g. The furnishing of repairs to tangible personal property, including, by way of illustration and not of limitation, the repair and servicing of automobiles and other vehicles, electrical and mechanical appliances and equipment, watches, jewelry, refrigerators, radios, shoes, and office appliances and equipment.

*Sale price* means the total amount for which tangible personal property is sold, including any services, except services for financing, that are a part of the sale valued in money, whether paid in money or otherwise, and includes the cost of material used, labor or service costs, except costs for financing which shall not exceed the legal interest rate and a service charge not to exceed six percent of the amount financed, and losses, provided that, cash discounts allowed and taken on sales shall not be included, nor shall the sales price include the amount charged for labor or services rendered in installing, applying, remodeling or repairing property sold.

*Storage* includes any keeping or retention in the city of tangible personal property for use or consumption in the city or for any other purpose other than for sale at retail in the regular course of business.

*Tangible personal property* includes personal property which may be seen, weighed, measured, felt or touched, or is in any other manner perceptible to the senses. The term "tangible personal property" does not include stocks, bonds, notes, or other obligations or securities.

*Tourist camps* includes any establishment engaged in the business of furnishing rooms, cottages or cabins to tourists or other transient guests, where the number of guest rooms, cottages or cabins at a single location is six or more.

*Treasurer* means the clerk-treasurer of the governing authority, or his duly authorized assistants.

*Use* means the exercise of any rights or power over tangible personal property incident to the ownership thereof, except that it shall not include the sale at retail of that property in the regular course of business.

*Use tax* includes the use, consumption, distribution and storage for use or consumption, as herein defined.

(Code 1978, §§ 11-51—11-74; Ord. of 8-5-1975, §§ 1.01—1.26)

Secs. 42-57—42-85. Reserved.

#### DIVISION 2. IMPOSITION OF TAX

Sec. 42-86. Tax levied.

There is hereby levied from and after August 5, 1975, for the purposes stated in the proposition set forth in the preamble to the ordinance from which this article is derived, a tax upon the sale at retail, the use, the lease or rental, the consumption and the storage for use or consumption of tangible personal property and upon the sale of services within the city, as defined in this article. The levy of such tax shall be as follows:

(1) At the rate of one percent of the cost price of each item or article of tangible personal property when sold at retail in the city; the tax to be computed on gross sales for the purpose of remitting the amount of tax due the governing authority and to include each and every retail sale.

(2) At the rate of one percent of the cost price of each item or article of tangible personal property when the same is not sold, but is used, consumed, distributed, or stored for use or consumption in the city, provided that there shall be no duplication of the tax.

(3) At the rate of one percent of the gross proceeds derived from the lease or rental of tangible personal property, as defined in this article, where the lease or rental of such property is an established business, or part of an established business or the same is incidental or germane to the said business.

(4) At the rate of one percent of the monthly lease rental price paid by lessee or rentee, or contracted or agreed to be paid by lessee or rentee to the owner of the tangible personal property.

(5) At the rate of one percent of the gross proceeds derived from the sale of services, as defined herein.

(Code 1978, § 11-81; Ord. of 8-5-1975, § 2.01)

Sec. 42-87. Special provisions for rentals.

(a) Sale or use taxes paid to this governing authority on the purchase of new motor trucks and new motor tractors licensed and registered for 12,000 pounds or more, under the provisions of R.S. 47:462, new trailers and new semitrailers licensed and registered for 16,000 pounds or more under the provisions of said section for rental may be deducted as a credit against the tax due on the rental of that item of property so that no tax is payable on rental income until the tax paid on the purchase price has not been exceeded. The sales tax paid to another city on the purchase price of property is not deductible from the tax subsequently due on the rental of such property in the city. Property imported by the lessee for use in the city that has been previously used by him in another parish is not subject to any tax on the value when imported, but is only subject to the tax that applies on rental payments.

(b) If the tax on rental income fails to exceed the credits for sale or use tax paid, no refund is due the purchaser.

(c) A dealer in the city who ordinarily purchases personal property for sale and who withdraws a piece of property from stock for rental is not liable for a sales or use tax on the purchase price of the property when withdrawn from stock. Such person is liable only for the tax applicable on the rental income.

(d) Any sales tax paid on any maintenance or operation expenses of a rental business is not deductible as a credit against the tax due on rental income; such expenses are part of the cost of doing business and do not constitute a part of the cost of the identical property being rented.

(Code 1978, § 11-82; Ord. of 8-5-1975, § 2.02)

Sec. 42-88. Collection and payment generally.

The tax shall be collected from the dealer and paid at the time and in the manner provided in section 42-90.

(Code 1978, § 11-83; Ord. of 8-5-1975, § 2.03)

Sec. 42-89. Tax is additional.

The tax so levied is, and shall be in addition to all other taxes, whether levied in form of excise, or license, privilege or property taxes levied by any other ordinance or resolution of the governing authority.

(Code 1978, § 11-84; Ord. of 8-5-1975, § 2.04)

Sec. 42-90. Schedule.

The dealer shall collect the tax levied by this article together with any other applicable sales and use taxes in accordance with the integrated bracket schedule prepared by the state collector of revenue under the authority of R.S. 47:304. The dealer will remit that portion representing the tax levied by this article to the collector. Copies of said integrated bracket schedules are available to dealers on request to the city.

(Code 1978, § 11-85; Ord. of 8-5-1975, § 2.05)

Sec. 42-91. Collection to be in name of city.

The collection of the tax herein levied shall be made in the name of the city by the collector.

(Code 1978, § 11-86; Ord. of 8-5-1975, § 2.06)

Secs. 42-92—42-110. Reserved.

#### DIVISION 3. EXEMPTIONS AND EXCLUSIONS

Sec. 42-111. Tangible personal property.

The taxes imposed by this article shall not apply to transactions involving the following tangible personal property:

(1) The gross proceeds derived from the sale in the city of livestock, poultry and other farm products direct from the farm, provided that such sales are made directly by the producers. When sales of livestock, poultry, and other farm products are made to consumers by any person, other than a producer, they are not exempted from the tax imposed by this article; provided, however, that every agricultural commodity sold by any person, other than a producer, to any other person who purchases not for direct consumption but for the purpose of acquiring raw products for use or for sale in the process of preparing, finishing or manufacturing such agricultural commodity for the ultimate retail consumer trade, shall be exempted from any and all provisions of this article, including payment of the tax applicable to the sale, storage, use, transfer or any other utilization of or handling thereof, except when such agricultural commodity is actually sold as a marketable or finished product to the ultimate consumer, and in no case shall more than one tax be exacted.

(2) The use tax shall not apply to livestock products, to poultry and poultry products, to farm, range and agricultural products when produced by the farmer and used by him and members of his family.

(3) Where a part of the purchase price is represented by an article traded in, the sales tax is payable on the total purchase price less the market value of the article traded in.

(4) The sale at retail, the use, consumption, distribution, and storage to be used or consumed in the city of the following tangible personal property is hereby specifically exempted from the tax imposed by this article: gasoline, steam, water (not including mineral water or carbonated water or any water put up in bottles, jugs, or containers, all of which are not exempted), electric power or energy, newspapers, fertilizer and containers used for farm products when sold directly to the farmer, natural gas, and new automobiles withdrawn from stock by factory authorized new automobile dealers, with the approval of the state collector of revenue and titled in the dealer's name for use as demonstrators.

(5) The sales of materials, equipment and machinery which enter into and become component parts of ships, vessels, including commercial fishing vessels, or barges, of 50 tons load displacement and over, built in the state, nor to the gross proceeds from the sale of such ships, vessels or barges when sold by the builder thereof.

(6) The sales of materials and supplies to the owners or operators of ships or vessels operating exclusively in foreign or interstate coastwise commerce:

a. Where such materials and supplies are loaded upon the ship or vessel for use or consumption in the maintenance and operation thereof; nor to repair services performed upon ships or vessels operating exclusively in foreign or in interstate coastwise commerce; nor to the materials and supplies used in such repairs where such materials and supplies enter into and become a component part of such ships or vessels; nor to laundry services performed for the owner or operators of such ships or vessels operating exclusively in foreign or interstate coastwise commerce, where the laundered articles are to be used in the course of the operation of such ships or vessels.

b. The provisions of subsection (6)a of this section do not apply to drilling equipment used for oil exploitation or production unless such equipment is built for exclusive use outside the boundaries of the state and is removed forthwith from the state upon completion.

(7) The sale at retail of seeds for use in the planting of any kind of crops.

(8) The sale of casing, drill pipe and tubing in the city for use offshore beyond the territorial limits of the state for the production of oil, gas, sulfur and other minerals.

(9) The sale or use of any materials, supplies or products for use in connection with any phase of the construction of the Toledo Bend Dam Project on the Sabine River.

(10) The sale of admission tickets by little theatre organizations.

(11) The sale of admission tickets by domestic nonprofit corporations or by any other domestic nonprofit organization known as a symphony organization or a society or organization engaged in the presentation of musical performances, provided that this exemption shall not apply to performances given by out-of-state or nonresident symphony companies, nor to any performance intended to yield a profit to the promoters thereof.

(12) The amount paid by the operator of a motion picture theatre to a distributing agency for use of films or photoplay.

(13) The sale at retail of pesticides used for agricultural purposes, including particularly, but not limited to, insecticides, herbicides, and fungicides.

(14) The sale at retail of tangible personal property purchased within the city and delivered outside the city for use exclusively beyond the territorial limits of the city. If tangible personal property purchased tax free under the provisions of this section is later brought into the city for use herein, the property shall be subject to the use tax as of the time it is brought into the city for use herein, subject to the credit provided in section 42-177.

(15) The amounts paid by radio and television broadcasters for the right to exhibit or broadcast copyrighted material and the use of film, video or audio taxes, records or any other means supplied by licensors thereof in connection with such exhibition or broadcast.

(16) No new or additional sales or use tax shall be applicable to sales of materials or services involved in lump sum or unit price construction contracts entered into and reduced to writing prior to the effective date of the ordinance from which this article is derived, which levies the same or to sales or services involved in such contracts entered into and reduced to writing within 90 days thereafter, if such contracts involve contractual obligations undertaken prior to such effective date of the ordinance from which this article is derived and where computed and bid on the basis of sales taxes at the rates effective and existing prior to such effective date.

(17) Purchases of equipment used in firefighting by bona fide organized public volunteer fire departments.

(18) The sale of admissions to entertainment events furnished by recognized domestic nonprofit charitable, educational and religious organizations when the entire proceeds from such sales, except for necessary expenses in connection with the entertainment events, are used for the purposes for which the organizations furnishing the events were organized.

(19) Sales of tangible personal property at, or admission charges for, events sponsored by domestic, civic, educational, historical, charitable, fraternal or religious organizations, which are nonprofit, when the entire proceeds, except for the necessary expense connected therewith, are used for educational, charitable, religious or historical restoration purposes.

a. The exemption provided herein shall not apply to any event intended to yield a profit to the promoter or to any individual contracted to provide services or equipment, or both, for the event.

b. This subsection shall not be construed to exempt any organization or activity from the payment of sales or use taxes otherwise required by law to be made on purchases made by these organizations.

c. This subsection shall not be construed to exempt regular commercial ventures of any type such as bookstores, restaurants, gift shops, commercial flea markets and similar activities that are sponsored by organizations qualifying hereunder which are in competition with retail merchants.

(20) Sales or purchases made by blind persons in the conduct of a business which is exempt from license taxes by R.S. 46:371 through 46:373.

(21) Necessary fees incurred in connection with the installation and service of cable television. Such exemption shall not apply to the purchases made by any cable television system, but shall only apply to funds collected from the subscriber for regular service, installation and repairs.

(22) The sale of tangible personal property to the city.

(Code 1978, § 11-93; Ord. of 8-5-1975, § 3.01; Ord. of 11-7-1983, § 1)

Sec. 42-112. Special provisions where first use is not to be in city.

If the first use of tangible personal property purchased in the city for use beyond the territorial limits of the city occurs in a city or parish of the state or in a city or county in a state other than Louisiana which imposes a sales or use tax, the exemption provided herein shall apply only if:

(1) The purchaser is properly registered for sales and use tax purposes in a city or parish in the state or in a city or county in a state other than Louisiana, wherein such tangible personal property is used, and regularly reports and pays sales and use tax in such other city or parish in the state or in a city or county in a state other than Louisiana; and

(2) The city or parish in the state or the city or county in a state other than Louisiana in which the first use occurs grants on a reciprocal basis a similar exemption on purchases within that city or parish in the state or city or county in a state other than Louisiana for use in the city; and

(3) The purchaser obtains from the city a certificate authorizing him to make the nontaxable purchases authorized under this section.

(Code 1978, § 11-94; Ord. of 8-5-1975, § 3.01)

Sec. 42-113. Interstate commerce and special credit.

It is not the intention of this article to levy a tax upon articles of tangible personal property imported into the city or produced or manufactured in the city for export; nor is it the intention of this article to levy a tax on a bona fide transaction in interstate commerce. It is, however, the intention of this article to levy a tax on the sale at retail, the use, consumption, distribution, and storage to be used or consumed in the city of tangible personal property after it has come to rest in the city and has become a part of the mass of property in the city. The provisions of this article shall not apply in respect to the use, consumption, distribution, or storage of tangible personal property for use or consumption in the city upon which a like tax equal to, or greater than the amount imposed by this article has been paid in another city in the state, or in a county in a state other than Louisiana, the proof of payment of such tax to be according to rules and regulations made by the city. If the amount of the tax paid in a city or parish in the state, or in a city or county in a state other than Louisiana is not equal to, or greater than, the amount of tax imposed by this article, then the dealer shall pay to the governing authority an amount sufficient to make the tax paid in the other city or parish in the state, or in the other city or county in a state other than Louisiana, and in the city equal to the amount of tax imposed by this article.

(Code 1978, § 11-95; Ord. of 8-5-1975, § 3.02)

Sec. 42-114. No extraterritorial application of tax.

No tax shall be due under this article on the sale of any goods or personal tangible property delivered or services performed outside the territorial limits of the city.

(Code 1978, § 11-96; Ord. of 8-5-1975, § 3.03)

Sec. 42-115. International tourists.

International tourists are hereby exempt from city sales tax in accordance with the guidelines of the state tax free shopping program.

(Code 1978, § 11-97; Mo. of 6-21-1993)

Secs. 42-116—42-143. Reserved.

#### DIVISION 4. COLLECTION BY DEALER

Sec. 42-144. Collection from purchaser or consumer.

The tax levied by this article shall be collected by the dealer from the purchaser or consumer, except as provided for the collection of the tax on motor vehicles in section 42-149. The dealer shall have the same right in respect to collecting the tax from the purchaser, or in respect to nonpayment of the tax by the purchaser, as if the tax were a part of the purchase price of the property, or charges for services and payable at the time of the sale; provided, however, that the governing authority shall be joined as a party plaintiff in any action or proceeding brought by the dealer to collect the tax.

(Code 1978, § 11-103; Ord. of 8-5-1975, § 4.01)

Sec. 42-145. Collection by dealers located outside city.

Every dealer located outside the city making sales of tangible personal property for distribution, storage, use, or other consumption in the city shall, at the time of making sales, collect the tax imposed by this article from the purchaser.

(Code 1978, § 11-104; Ord. of 8-5-1975, § 4.02)

Sec. 42-146. Tax to be part of purchase price.

The dealer shall, as far as practicable, add the exact amount of the tax imposed under this article, or the average equivalent thereof, in conformity with the rules and regulations to be issued by the collector, to the sale price or charge, and, when added, such tax shall constitute a part of such price or charge and shall be a debt from the purchaser or consumer to the dealer, until paid, and shall be recoverable at law, in the same manner as other debts.

(Code 1978, § 11-105; Ord. of 8-5-1975, § 4.03)

Sec. 42-147. Registration and certification of dealers.

In order to aid in the administration and enforcement of the provisions of this article, and to collect all of the taxes imposed by this article, in the case of dealers commencing business after August 6, 1975, or opening new places of business after such date, within three days after such commencement or opening, every dealer purchasing or importing tangible personal property for resale shall file with the collector a certificate of registration in a form prescribed by him. The collector shall, within five days after such registration, issue without charge to each dealer who purchases or imports for resale a certificate of authority empowering such dealer to collect the tax from the purchaser, and the duplicates thereof, for each additional place of business of such dealer. Each certificate or duplicate shall state the place of business of which it is applicable. The certificate of authority shall be prominently displayed in all places of business of the dealer. A dealer who has no regular place of doing business shall attach such certificate to his cart, stand, truck or other merchandising device. The certificate shall be non-assignable and nontransferable and shall be surrendered immediately to the collector upon the dealer's ceasing to do business at the place therein named.

(Code 1978, § 11-106; Ord. of 8-5-1975, § 4.04)

Sec. 42-148. Requirements of wholesalers, jobbers, etc.

A manufacturer, wholesale dealer, jobber or supplier shall refuse to accept a certificate that any property upon which a tax is imposed by the article is purchased for resale, and shall collect the tax imposed by this article, unless the purchaser shall have filed a certificate of registration and received a certificate of authority to collect the tax imposed by this article; provided, however, that the payment of the tax by such purchaser shall not relieve the purchaser of the duty herein imposed upon such purchaser to collect the tax upon any resale made by him; but such purchaser who shall thereafter file a certificate of registration and receive a certificate of authority to collect the tax may, upon application therefor, receive a refund of the taxes paid by him upon property thereafter resold by him, and upon the receipts from which he shall have collected and paid over to the governing authority the tax herein imposed.

(Code 1978, § 11-107; Ord. of 8-5-1975, § 4.05)

Sec. 42-149. Collection of tax on vehicles.

The tax imposed by this article upon the sale or use of any motor vehicle, automobile, motorcycle, truck, truck tractor, trailer, semitrailer, motor bus, house trailer, or any other vehicle subject to the state vehicle registration license tax shall be collected as provided in this section.

(1) The tax levied by this article on any such vehicle shall be paid to the state collector of revenue at the time of application for a certificate of title or vehicle registration license and no certificate of title or vehicle registration license shall be issued until the tax has been paid.

a. The tax levied by this article on the sale of any such vehicle shall be due at the time registration or any transfer of registration is required by the state vehicle registration license tax law (R.S. 47:451).

b. The tax levied by this article on the use of any such vehicle in the city shall be due at the time first registration in the city is required by the state vehicle registration license tax law (R.S. 47:451).

(2) Every vendor of such a vehicle shall furnish to the purchaser at the time of sale a sworn statement showing the serial number, motor number, type, year and model of the vehicle sold, the total sales price, any allowance for and description of any vehicle taken in trade, and the total cash difference paid or to be paid by the purchaser between the vehicles purchased and traded in and the sales or use tax to be paid, along with such other information as may be required. All labor, parts, accessories and other equipment which are attached to the vehicle at the time of the sale and which are included in the sale price are to be considered a part of the vehicle.

(3) It is not the intention of this section to grant an exemption from the tax levied by this article to any sale, use, item or transaction which has heretofore been taxable and this section shall not be construed as so doing. It is the intention of this section to transfer the collection of sales and use tax on vehicles from the vendor to the state collector of revenue, and to provide a method of collection of the tax directly from the vendee or user by the collector of revenue in accordance with an agreement by and between the collector of revenue and the collector, the execution of which agreement is hereby authorized. Said tax so collected by said collector of revenue shall be paid to the collector and sent to him as soon as possible, and in any event at least once each quarter, all in accordance with the said agreement.

(4) The provisions contained in section 42-56 regarding retail sale or sale at retail and which excludes isolated or occasional sales from the definition of a sale at retail is not to apply to the sale of vehicles which are the subject to this subsection. Isolated or occasional sales of vehicles are hereby defined to be sales at retail and as such are subject to the tax.

(Code 1978, § 11-108; Ord. of 8-5-1975, § 4.06)

Sec. 42-150. Offering to absorb tax prohibited; separate statement and collection of tax required.

A person engaged in any business taxable under this article shall not advertise or hold out to the public, in any manner, directly or indirectly, that he will absorb all or any part of the tax, or that he will relieve the purchaser from the payment of all or any part of the tax. The dealer shall state and collect the tax separately from the price paid by the purchaser, but his failure to do so shall not be available as a defense to the purchaser in any proceedings brought under this article.

(Code 1978, § 11-109; Ord. of 8-5-1975, § 4.07)

Sec. 42-151. Excess collections.

Where the tax collected for any period is in excess of one percent, the total collected must be paid over to the collector less the commission to be allowed the dealer as hereinafter set forth.

(Code 1978, § 11-110; Ord. of 8-5-1975, § 4.08)

Sec. 42-152. Collection when purchaser fails to pay dealer.

Where the purchaser has failed to pay and a dealer has failed to collect a tax upon a sale, as imposed by this article, then in addition to all other rights, obligations and remedies provided, such tax shall be payable by the purchaser directly to the collector and it shall be the duty of the purchaser to file a return thereof with the collector and to pay the tax imposed thereon to the collector within 15 days after such sale was made or rendered.

(Code 1978, § 11-111; Ord. of 8-5-1975, § 4.09)

Sec. 42-153. Dealer's commission.

For the purpose of compensating the dealer in accounting for and remitting the tax levied by this article, each dealer shall be allowed two percent of the amount of tax due and accounted for and remitted to the collector in the form of a deduction in submitting his report and paying the amount due by him if the amount due was not delinquent at the time of payment.

(Code 1978, § 11-112; Ord. of 8-5-1975, § 4.10)

Secs. 42-154—42-174. Reserved.

#### DIVISION 5. COLLECTION FROM DEALER

Sec. 42-175. Duties and authority of collector.

(a) The tax imposed by this article shall be collectible by the collector on behalf of the governing authority from all persons engaged as dealers.

(b) The collector is duly authorized and empowered to carry into effect the provisions of this article, and in pursuance thereof to make and enforce such rules as he may deem necessary. Such regulations when promulgated shall have the full force and effect of law. Promulgation shall be accomplished by publication at least one time in the official journal of the governing authority.

(c) The collector may employ such personnel, including legal counsel on a fee or salary basis, as are necessary to assist in the collection of the taxes imposed hereunder.

(d) Any duly authorized representative or deputy of the collector, when acting under his authority and direction, shall have the same power as if conferred upon the collector by this article.

(e) The collector may conduct hearings and administer oaths, and examine under oath, any dealer and the directors, officers, agents and employees of any dealer, and any other witness, relative to the business of such dealer in respect to any matter incident to the administration of this article.

(Code 1978, § 11-119; Ord. of 8-5-1975, § 5.01)

Sec. 42-176. Collection of tax on imported personal property used by dealer.

On all tangible personal property imported, or caused to be imported, from other states or other political subdivisions of the state, or any foreign country, and used by him, the dealer shall pay the tax imposed by this article on all articles of tangible personal property so imported and used, the same as if the said articles had been sold at retail for use or consumption, in the city. For the purpose of this article, use, consumption, distribution, or storage of tangible personal property shall each be equivalent to a sale at retail, and the tax shall thereupon immediately be levied and be collected in the manner provided herein, provided there shall be no duplication of the tax in any event.

(Code 1978, § 11-120; Ord. of 8-5-1975, § 5.02)

Sec. 42-177. Credit against use tax paid elsewhere.

A credit against the use tax imposed by this article shall be granted to taxpayers who have paid a similar tax upon the sale or use of the same tangible personal property in another city or parish in the state or city or county in a state other than Louisiana. The credit provided herein shall be granted only in the case where the city or parish in the state, or the city or county in a state other than Louisiana to which a similar tax has been paid grants a similar credit as provided herein. The proof of payment of the similar tax to another city or parish in the state, or to a city or county in a state other than Louisiana shall be made according to rules and regulations promulgated by the collector. In no event shall the credit be greater than the tax imposed by the governing authority upon the said tangible personal property which is the subject of the use tax imposed by this article.

(Code 1978, § 11-121; Ord. of 8-5-1975, § 5.03)

Secs. 42-178—42-207. Reserved.

#### DIVISION 6. RETURNS AND PAYMENT OF TAX

Sec. 42-208. Monthly payment required.

The taxes levied under this article shall be due and payable by all dealers monthly on the first day of the month.

(Code 1978, § 11-128; Ord. of 8-5-1975, § 6.01)

Sec. 42-209. Returns required.

For the purpose of ascertaining the amount of tax payable under this article, it shall be the duty of all dealers on or before the 20th day of the month following the month in which the tax shall become effective to transmit to the collector upon forms prescribed, prepared and furnished by him, returns, showing the gross sales, purchases, gross proceeds from lease or rental, gross payments for lease or rental, gross proceeds derived from sales or services, or gross payment for services, as the case may be, arising from all taxable transactions during the preceding calendar month or during the part of the preceding calendar month, running from the effective date of the ordinance from which this article is derived to the end of such month. Thereafter, like returns shall be prepared and transmitted to said collector by all dealers, on or before the 20th day of each month, for the preceding calendar month. Said returns shall show such further information as the collector may require to enable him to correctly compute and collect the tax herein levied. Such returns shall be signed by the dealer filing the same, and his signature thereon shall constitute a warranty on the part of the dealer that he has read and examined the said returns and that, to the best of his knowledge and belief, the same are true, correct and complete. Every dealer at the time of making the return required hereunder shall compute and remit to the collector the required tax due for the preceding calendar month.

(Code 1978, § 11-129; Ord. of 8-5-1975, § 6.02)

Sec. 42-210. Tax to be remitted with return.

(a) At the time of transmitting the return required hereunder to the collector the dealer shall remit to the collector therewith, the amount of the tax due under the applicable provisions of this article, and failure to so remit such tax, shall cause said tax to become delinquent.

(b) All taxes, interest and penalties imposed under this article shall be paid to the governing authority in the form of remittance required by the collector.

(Code 1978, § 11-130; Ord. of 8-5-1975, § 6.03)

Sec. 42-211. Reports of gross proceeds of rentals from personal property.

Gross proceeds from rentals or leases of tangible personal property where the lease or rental is part of a regularly established business, or the same is incidental or germane thereto shall be reported and the tax shall be paid with respect thereto, in accordance with such rules and regulations as the collector may prescribe.

(Code 1978, § 11-131; Ord. of 8-5-1975, § 6.04)

Sec. 42-212. Extensions of time for filing return.

The collector, for good cause, may extend for not to exceed 30 days the time for making any returns required under the provisions of this article.

(Code 1978, § 11-132; Ord. of 8-5-1975, § 6.05)

Sec. 42-213. Dealer to be agent of governing authority.

For the purposes of collecting and remitting to the governing authority the tax imposed by this article, the dealer is hereby declared to be the agent of the governing authority.

(Code 1978, § 11-133; Ord. of 8-5-1975, § 6.06)

Secs. 42-214—42-234. Reserved.

#### DIVISION 7. RECORDS AND INSPECTIONS

Sec. 42-235. Records to be kept by dealers.

It shall be the duty of every dealer to make a report and pay any tax under this article, to keep and preserve suitable records of the sales or purchases or sales of services, as the case may be, taxable under this article, and such other books of account as may be necessary to determine the amount of tax due hereunder, and other information as may be required by the collector. It shall be the duty of every such dealer, moreover, to keep and preserve, for a period of three years, all invoices and other records of goods, wares and merchandise or other subjects of taxation under this article. All such books, invoices, and other records shall be open to examination at all reasonable hours, by the collector or any of his duly authorized agents.

(Code 1978, § 11-141; Ord. of 8-5-1975, § 7.01)

Sec. 42-236. Records to be kept for three years; inspection.

Each dealer shall secure, maintain and keep, for a period of three years, a complete record of sales of services and tangible personal property received, used, sold at retail, distributed, or stored, leased or rented within the city by said dealer, together with invoices, bills of lading, and other pertinent records and papers as may be required by the collector for the reasonable administration of this article. All such records shall be open for inspection to the collector at all reasonable hours.

(Code 1978, § 11-142; Ord. of 8-5-1975, § 7.02)

Sec. 42-237. Wholesale dealers and jobbers to keep records of cash or credit sales; required information.

In order to aid in the administration and enforcement of the provisions of this article, and to collect all of the tax imposed by this article, all wholesale dealers and jobbers in the city are hereby required to keep a record of all sales of tangible personal property made, in the city, whether such sales be for cash or on terms of credit. The record required to be kept by all wholesale dealers and jobbers shall contain and include the name and address of the purchaser, the date of the purchase, the article purchased and the price at which the article is sold to the purchaser. These records shall be open to inspection of the collector or his duly authorized assistants or deputies at all reasonable hours.

(Code 1978, § 11-143; Ord. of 8-5-1975, § 7.03)

Sec. 42-238. Examination, investigation by collector.

For the purpose of administering this article, the collector, whenever he deems it expedient, may make or cause to be made, by an employee of the department engaged in the administration of this article, an examination or investigation of the place of business, if any, the tangible personal property, and the books, records, papers, vouchers, accounts, and documents of any dealer. It shall be the duty of every dealer, and every director, official, agent, or employee of every dealer, to exhibit to the collector or to any such employee of his department charged with the collection of the tax imposed by this article, hereafter referred to as a "deputy," the tangible personal property and all of the books, records, papers, vouchers, accounts, and documents of the dealer and to facilitate any such examination or investigation as far as it may be in his or their power so to do.

(Code 1978, § 11-144; Ord. of 8-5-1975, § 7.04)

Sec. 42-239. Examination of records of transportation companies.

For the purpose of enforcing the collection of the tax levied by this article, the collector is hereby specifically authorized and empowered to examine, at all reasonable hours, the books, records and other documents of all transportation companies, agencies or firms operating in the city whether said companies, agencies or firms conduct their business by truck, rail, water, airplane, or otherwise, in order to determine what dealers, as provided in this article, are importing or are otherwise shipping articles of tangible personal property which are liable for said tax.

(Code 1978, § 11-145; Ord. of 8-5-1975, § 7.05)

Sec. 42-240. Collector to keep records; authentication.

The collector shall keep a record of all of his official acts and shall preserve copies of all rules, decisions and orders made by him or by any deputy of his department in charge of the collection of the tax imposed by this article. Copies of such rules, decisions or orders and of any papers filed in any office maintained by him in the administration of this article may be authenticated under his official signature and, when so authenticated, shall be evidence in all courts of the state of the same weight and force as the original thereof.

(Code 1978, § 11-146; Ord. of 8-5-1975, § 7.06)

Sec. 42-241. Files, records of collector to be confidential.

The records and files of the collector respecting the administration of this article shall be considered confidential and privileged and neither the collector nor any employee engaged in the administration thereof or charged with the custody of any such records or files shall divulge or disclose any information obtained from such records or files or from any examination or inspection of the premises or property of any dealer. Neither the collector nor any employee engaged in such administration or charged with the custody of any such records or files shall be required to produce any of them for the inspection of any person or for use in any action or proceeding except:

(1) In an action or proceeding under the provisions of this article; and

(2) When the records, files or the facts shown thereby are directly involved in such action or proceedings.

(Code 1978, § 11-147; Ord. of 8-5-1975, § 7.07)

Sec. 42-242. Permissible use of returns, records, files.

Nothing contained in this article shall be construed to prevent:

(1) The delivery to a dealer or his duly authorized representatives of a copy of any return, report or other paper filed by him pursuant to the provisions of this article;

(2) The publication of statistics so classified as to prevent the identification of any return or report and the items thereof;

(3) The inspection by the collector or other legal representative of the governing authority of the returns, reports or files relating to the claim of any dealer who shall have brought an action to review or set aside any tax imposed under this article or against whom an action or proceeding has been instituted in accordance with the provisions hereof;

(4) The examination of the records and files by the collector or by his duly authorized agents; or

(5) The furnishing, in the discretion of the collector, of any information disclosed by the records or files to any official person or body of any state or of the United States who shall be concerned with the administration of any similar tax by that state or the United States.

(Code 1978, § 11-148; Ord. of 8-5-1975, § 7.08)

Secs. 42-243—42-262. Reserved.

#### DIVISION 8. IMPORTED GOODS

Sec. 42-263. Permit to import goods.

In order to prevent the illegal importation into the city of tangible personal property which is subject to the tax, and to strengthen and make more effective the manner and method of enforcing payment of the tax imposed by this article, the collector is hereby authorized and empowered to put into operation a system of permits whereby any person, or dealer, may import tangible personal property by truck, automobile, or other means of transportation other than a common carrier, without having said truck, automobile or other means of transportation seized and subjected to legal proceedings for its forfeiture. Such system of permits shall require the person, or dealer who desires to import tangible personal property into the city which property is subject to tax imposed by this article, to apply to the collector or his assistant for a permit stating the kind of vehicle to be used, the name of the driver, the license number of the vehicle, the kind or character of tangible personal property to be imported, the date, the name and address of the consignee, and such other information as the collector may deem proper or necessary. Such permits shall be free of cost to the applicant and may be obtained at the office of the collector.

(Code 1978, § 11-155; Ord. of 8-5-1975, § 8.01)

Secs. 42-264—42-289. Reserved.

#### DIVISION 9. COLLECTION REMEDIES

Sec. 42-290. Presumption that property is for sale, use, consumption, etc., in city.

For the purpose of the enforcement of this article, and the collection of the tax levied hereunder, it is presumed that all tangible personal property, subject to the provisions of this article, imported into the city or held in the city by any dealer is to be sold at retail, used or consumed, or stored for use or consumption in the city, and is subject to the tax herein levied, provided that such presumption shall be prima facie only, and subject to proof furnished to the collector.

(Code 1978, § 11-162; Ord. of 8-5-1975, § 9.01)

Sec. 42-291. Failure to pay deemed delinquency; judgment prohibiting doing business.

Failure to pay any tax due as provided in this article shall, ipso facto, without demand or putting in default, cause said tax, interest, penalties, and costs to become immediately delinquent; and the governing authority is hereby vested with authority, on motion in a court of competent jurisdiction, to take a rule on the said dealer, to show cause in not less than two or more than ten days, exclusive of holidays, after the service thereof, which may be tried out of term and in chambers, and shall always be tried by preference, why said dealer should not be ordered to cease from further pursuit of business as a dealer. In the case said rule is made absolute, the order thereon rendered shall be considered a judgment in favor of the governing authority prohibiting such dealer from the further pursuit of said business until such time as he has paid the said delinquent tax, interest, penalties, costs, and a cash bond equivalent to the total amount of tax due for the last six months. Every violation of the injunction shall be considered as a contempt of court and punished according to law.

(Code 1978, § 11-163; Ord. of 8-5-1975, § 9.02; Ord. of 9-6-1983, § 1)

Sec. 42-292. Interest, penalties, attorney fees for failure to pay tax.

If the amount of tax due by the dealer is not paid on or before the 20th day of the month following the month for which the tax is due, there shall be collected, with said tax, interest upon said unpaid amount, at the rate of six percent per annum, or fractional part thereof, to be computed from the first day of the month following the month for which the tax is due until it is paid. In addition to the interest that may be due, there shall also be collected a penalty equivalent to five percent for each 30 days, or fraction thereof, of delinquency, not to exceed 25 percent in aggregate, of the tax due, when such tax is not paid within 30 days of the date the tax first becomes due and payable, and in the event of suit, attorney fees at the rate of ten percent of the aggregate of tax, interest and penalty.

(Code 1978, § 11-164; Ord. of 8-5-1975, § 9.03)

Sec. 42-293. Estimation, assessment of tax by collector when dealer fails to report; presumption of correctness; specific penalty.

(a) In the event any dealer fails to make a report and pay the tax as provided by this article, or in case the dealer makes a grossly incorrect report, or a report that is false or fraudulent, it shall be the duty of the collector to make an estimate for the taxable period of the retail sales, or sales of services, of such dealer, or of the gross proceeds from rentals or leases of tangible personal property by the dealer, and an estimate of the cost price of all articles of tangible personal property imported by the dealer for use, consumption, distribution or storage to be used or consumed in the city and assess and collect the tax and interest, plus penalty, if such have accrued, on the basis of such assessment, which shall be considered prima facie correct, and the burden to show the contrary shall rest upon the dealer. In the event such estimate and assessment requires an examination of books, records, or documents, or an audit thereof, then the collector shall add to the assessment the cost of such examination, together with any penalties accruing thereon. Such costs and penalties when collected shall be placed to the city sales tax fund in the manner as are the taxes collected under this article.

(b) If any dealer fails to make any return required by this article or makes an incorrect return, and the circumstances indicate willful negligence or intentional disregard of rules and regulations, but no intent to defraud, there shall be imposed, in addition to any other penalties provided herein, a specific penalty of five percent of the tax or deficiency found to be due, or $10.00, whichever is greater. This specific penalty shall be an obligation to be collected and accounted for in the same manner as if it were a part of the tax due and can be enforced either in a separate action or in the same action for the collection of the tax.

(Code 1978, § 11-165; Ord. of 8-5-1975, § 9.04)

Sec. 42-294. Final return of dealer selling, quitting business; purchasers to withhold taxes from purchase price; personal liability of purchaser.

If any dealer liable for any tax, interest or penalty hereunder shall sell out his business or stock of goods or shall quit the business, he shall make a final return and payment within 15 days after the date of selling or quitting business. His successor or assigns, if any, shall withhold sufficient of the purchase money to cover the amount of such taxes, interest and penalties due and unpaid until such time as the former owner shall produce a receipt from the collector showing that they have been paid, or a certificate stating that no taxes, interest, or penalties are due. If the purchaser of a business or stock of goods shall fail to withhold purchase money as provided, he shall be personally liable for the payment of the taxes, interest and penalties accrued and unpaid on account of the operation of the business by any former owner or assignors.

(Code 1978, § 11-166; Ord. of 8-5-1975, § 9.05)

Sec. 42-295. Notice to be given creditors, holders of personalty, debtors of delinquent dealer; consent of collector required prior to transfer or disposition.

In the event that any dealer is delinquent in the payment of the tax provided for, in this article the collector may give notice of the amount of such delinquency by registered mail to all persons having in their possession, or under their control, any credits or other personal property belonging to such dealer, or owing any debts to such dealer at the time of receipt by them of such notice and thereafter any person so notified shall neither transfer nor make any other disposition of such credits, other personal property, or debts until the collector shall have consented to a transfer or disposition, or until 30 days shall have elapsed from and after the receipt of such notice. All persons so notified must, within five days after receipt of such notice, advise the collector of any and all such credits, other personal property, or debts, in their possession, under their control or owing by them, as the case may be.

(Code 1978, § 11-167; Ord. of 8-5-1975, § 9.06)

Sec. 42-296. Collector to ascertain true cost of imported goods and assess tax when dealer's invoice does not reflect same; presumption of correctness.

In the event the dealer has imported tangible personal property and he fails to produce an invoice showing the cost price of the articles which are subject to tax, or the invoice does not reflect the true or actual cost price, then the collector shall ascertain, in any manner feasible, the true cost price and assess and collect the tax with interest, plus penalties, if such have accrued, on the true cost price as assessed by him. The assessment so made shall be considered prima facie correct, and the burden shall be on the dealer to show the contrary.

(Code 1978, § 11-168; Ord. of 8-5-1975, § 9.07)

Sec. 42-297. Collector authorized to fix consideration of leases and rentals when false.

In the case of the lease or rental of tangible personal property, if the consideration given or reported by the dealer does not, in the judgment of the collector, represent the true or actual consideration, then the collector is authorized to fix the same and collect the tax thereon for the governing authority in the same manner as provided in section 42-296 with interest plus penalties, if such have accrued.

(Code 1978, § 11-169; Ord. of 8-5-1975, § 9.08)

Sec. 42-298. Remedy of collector when transportation company refuses examination of records.

In the event any transportation company, agency, or firm shall refuse to permit examination of its books, records and other documents by the collector, the collector may proceed by rule, in term or in chambers, in any court of competent jurisdiction and require said transportation company, agency or firm to show cause why the collector should not be permitted to examine its books, records or other documents, and in case said rule be made absolute, the same shall be considered a judgment of the court and every violation of said judgment as a contempt thereof and punished according to law.

(Code 1978, § 11-170; Ord. of 8-5-1975, § 9.09)

Sec. 42-299. Late, fraudulent return by dealer; notice to appear; hearing.

If any dealer who is subject to make and file a return required by any of the provisions of this article fails to render such return within the time required, or renders a return which is false or fraudulent, in that it contains statements which differ from the true gross sales, purchases, leases, or rentals, or other transactions, taxable under this article, or otherwise fails to comply with the provisions of this article, for the taxable period for which said return is made, the collector shall give such dealer 15 days' notice, in writing, requiring such dealer to appear before him or his assistant, with such books, records and papers as he may require, relating to the business of such dealer, for such taxable period. Said collector may require such dealer, or other agents or employees of such dealer, to give testimony or to answer interrogatories, under oath administered by the collector or his assistants, respecting the sale at retail, the use, consumption, distribution, or storage for use or consumption, in the city or lease or rental of tangible personal property, or other transactions, subject to tax, or the failure to make report thereof, as provided in this article.

(Code 1978, § 11-171; Ord. of 8-5-1975, § 9.10)

Sec. 42-300. Collector authorized to apply for court order to enforce provisions.

If any dealer fails to make a return, or refuses to permit an examination of the dealer's books, records, or papers, or to appear and answer questions within the scope of such investigation relating to the sale, use, consumption, distribution, storage, lease or rental of tangible personal property, on sale of services, the collector may apply to any court of competent jurisdiction for an order requiring such dealer to make such return or requiring the dealer, or his agents or employees, to appear and answer any such questions or permit such examination, and the court or any judge thereof shall thereupon issue an order, upon such reasonable notice as shall be prescribed therein, to be served upon said dealer or the agents or employees of such dealer, directing him or them to so appear and testify, and to produce such books, records and papers as may be required. Any person, or any member of any firm, copartnership, joint venture, association, or corporation, or any agent or employee thereof, failing to comply with any such order shall be guilty of contempt, and shall be punished as provided by law in cases of contempt.

(Code 1978, § 11-172; Ord. of 8-5-1975, § 9.11)

Sec. 42-301. Importing taxable property in vehicle without permit deemed attempt to evade; seizure of vehicle and property.

The importation into the city of tangible personal property which is subject to tax, by truck, automobile, or other means of transportation other than a common carrier, without having first obtained a permit as described in section 42-263 (if the tax imposed by this article on said tangible personal property has not been paid), shall be construed as an attempt to evade payment of said tax and the same is hereby prohibited, and the said truck, automobile, or means of transportation other than a common carrier, and said taxable property may be seized by the governing authority in order to secure the same as evidence in a trial and the same shall be subject. to forfeiture and sale in the manner provided for in this article.

(Code 1978, § 11-173; Ord. of 8-5-1975, § 9.12)

Sec. 42-302. Attaching imported property for noncompliance; violations; penalty.

(a) The failure of any dealer who imports tangible personal property from outside the city into the city for use, consumption, distribution or storage to be used or consumed in the city or who imports for lease or rental any tangible personal property subject to the provisions of this article, to pay any tax, interest, penalties and costs delinquent and shall be construed as an attempt to avoid the payment of same which shall be sufficient grounds for attachment of such tangible personal property wherever the same may be located or found, whether said delinquent dealer be a resident or nonresident of the city and whether said tangible personal property is in the possession of said delinquent dealer or in the possession of other persons, provided that it is the intention of this article to prevent the disposition of said tangible personal property in order to ensure payment of the tax imposed by this article, together with interest, penalties, and costs, and authority to attach is hereby specifically authorized and granted to the governing authority.

(b) In addition to the penalties prescribed in this section and section 42-301, any person or dealer who shall violate the provisions thereof, upon conviction, shall be fined in a sum of not more than $100.00 or imprisonment in jail for a period of not more than 90 days, or by both such fine and imprisonment, in the discretion of the court. And each importation or shipment by truck, automobile, or other means of transportation, other than a common carrier, found to be in violation of the provisions of this section shall constitute a separate offense.

(Code 1978, § 11-174; Ord. of 8-5-1975, § 9.13)

Sec. 42-303. Personal liability of dealers; lien declared; priority.

The liability of any person or dealer arising from any tax, interest and penalty, or any of them, imposed by this article, from the time they are due, shall be a personal debt of such person, or dealer, to the governing authority recoverable in any court of competent jurisdiction in an action at law by the governing authority. Such debts, whether sued upon or not, shall be a lien on all the property of such delinquent person, or dealer, except as against an innocent purchaser for value without notice in the actual course of business, and shall have preference in any distribution of the assets of the person, or dealer, whether in bankruptcy, insolvency, or otherwise. The proceeds of any judgment or order obtained hereunder shall be paid to the governing authority.

(Code 1978, § 11-175; Ord. of 8-5-1975, § 9.14)

Sec. 42-304. Authority to require bond or security.

The governing authority may require a bond or other security satisfactory to the collector for the payment of any taxes, fees, interest and penalties, or any of them, imposed pursuant to this article when he shall find that the collection thereof may be prejudiced without such security.

(Code 1978, § 11-176; Ord. of 8-5-1975, § 9.15)

Sec. 42-305. Estimation, assessment by collector when dealer fails to make returns; notice demand; prescription of claim.

If any person or dealer shall fail to make a return or report as required by this article, the collector, within five years after the last day on which the omitted report could have been filed without penalty, may make an estimate of the amount of taxes such person, or dealer, is liable to pay under the terms of this article, from any information he is able to conveniently obtain, and according to such estimate so made by him, assess the taxes, fees, penalties and interest due the governing authority from such person, or dealer, give notice of such assessment to such person, or dealer, and must make demand upon him for payment, or otherwise as the claim shall prescribe.

(Code 1978, § 11-177; Ord. of 8-5-1975, § 9.16)

Sec. 42-306. Examination, audit of returns; assessment, demand of deficiency.

After a return or report is filed under the provisions of this article, the collector shall cause to be examined and make such further audit or investigation as he may deem necessary, and, if therefrom he shall determine that there is a deficiency with respect to the payment of any tax due under this article, he shall assess the additional amount of tax, and any penalties and interest, or either of them due the governing authority from such person, or dealer, and make demand upon him for payment.

(Code 1978, § 11-178; Ord. of 8-5-1975, § 9.17)

Sec. 42-307. Jeopardy assessments; payment of assessments.

(a) If the collector finds that any person or dealer liable for the payment of any tax under this article designs quickly to depart from the city or to remove therefrom his or its property, subject to any lien under the provisions of this article, or to discontinue business, or to do any other act tending to prejudice or render wholly or partly ineffectual any proceedings that might be instituted to collect such tax, whereby it shall have become important that such proceedings be instituted without delay, the collector may make an arbitrary assessment as herein provided, whether or not any return or report is then due by law, and may proceed under such arbitrary assessment to collect the tax, or demand security for it, and thereafter shall cause notice of such findings to be given to such a dealer, together with a demand for an immediate return or report, and immediate payment of such tax.

(b) All taxes, penalties and interest assessed pursuant to the provisions of sections 42-304 through 42-306 shall be paid within 15 days after notice and demand shall have been mailed to the dealer liable therefor by the governing authority. If such taxes, penalties and interest so assessed shall not be paid within such 15 days, there shall be added to the amount assessed, in addition to interest as hereinabove provided and any other penalties provided by this article, a sum equivalent to five percent of this tax.

(Code 1978, § 11-179; Ord. of 8-5-1975, § 9.18)

Sec. 42-308. Collection by distraint and sale.

If any dealer against whom taxes have been assessed under the provisions of this article shall refuse or neglect to pay such taxes within the time prescribed in this article, it shall be lawful for the collector, or his duly authorized representative, who is charged with the enforcement of collection of such taxes, to enforce collection of such taxes, together with such interest and other additional amounts as are added by law, by distraint and sale of any property or rights to property belonging to the delinquent dealer.

(Code 1978, § 11-180; Ord. of 8-5-1975, § 9.19)

Sec. 42-309. Dealer liable for all uncollected taxes.

Any dealer who shall neglect, fail or refuse to collect the tax as provided in division 4 of this article, upon any, every and all retail sales made by him, his agent, or employee, which is subject to tax, shall be liable for and pay the tax himself.

(Code 1978, § 11-181; Ord. of 8-5-1975, § 9.20)

Sec. 42-310. Violations and penalties.

For any one of the following violations, in addition to being liable for the other penalties provided in this division, the party named shall be guilty of a misdemeanor and, upon conviction, be punished by a fine of not more than $100.00, or imprisonment in jail for not more than three months, or both, in the discretion of the court:

(1) Any person who as a purchaser is obligated to report and pay the tax imposed upon any purchase made by him under division 4 of this article and who fails, neglects, and refuses to file a return thereof with the collector and pay the tax imposed thereon, within the time stated after such sale is made;

(2) Any dealer who shall fail, neglect, or refuse to collect the tax as provided in division 4 of this article, whether by himself or through his agents or employees;

(3) Any dealer violating the provisions of sections 42-294 and 42-295;

(4) Any dealer who fails to permit an inspection of records by the collector as provided in section 42-235;

(5) Any wholesale dealer or jobber in the city who fails to keep records, or fails to permit an inspection thereof by the collector as provided in section 42-237;

(6) Any dealer, wholesale dealer or jobber who violates the provisions of sections 42-147 and 42-148;

(7) Any dealer who violates the provisions of section 42-236;

(8) Any dealer failing or refusing to furnish any return as provided in division 6 of this article, or failing or refusing to furnish a supplemental return, or other data required by the collector;

(9) Any dealer required to make, render, sign or verify any return as provided in division 6 of this article, who makes a false or fraudulent return, with intent to evade a tax hereby levied;

(10) The presidents, executive officers, managers and directors of any corporation, who shall violate the provisions of section 42-311, provided that such fine and imprisonment shall not prevent other action against the corporation as otherwise provided in this article for the recovery of the tax, interest and penalties that may be due; and

(11) Any person who shall violate any other provisions of this article, punishment for which is not otherwise herein provided.

(Code 1978, § 11-182; Ord. of 8-5-1975, § 9.21)

Sec. 42-311. Corporation not to dissolve, merge, reorganize, withdraw from state until amount due is paid.

No corporation organized under the laws of the state shall hereafter be dissolved, or effect a merger, reorganization, or consolidation under any law of the state by the action of the stockholders or by the decree of any court until all taxes, fees, penalties and interest imposed on the corporation in accordance with provisions of this article shall have been paid in full. No foreign corporation which has obtained authority from the state to transact business in the city may surrender such authority and withdraw from the state until all taxes, fees, penalties, interest, and other charges imposed upon said corporation in accordance with the provisions of this article shall have been fully paid.

(Code 1978, § 11-183; Ord. of 8-5-1975, § 9.22)

Sec. 42-312. Payments of interest, penalties.

(a) Any person or dealer who shall fail to pay any tax levied by this article on or before the day when such tax shall be required by this article to be paid, shall pay in addition to the tax, interest on the tax at the rate specified in section 42-292, for each month or fraction thereof that the tax remains unpaid, to be calculated from the date the tax was originally due to the date of actual payment.

(b) In addition, such person or dealer shall pay any special penalty provided by this article.

(Code 1978, § 11-184; Ord. of 8-5-1975, § 9.23)

Sec. 42-313. Penalties, interest deemed part of tax; waiver for satisfactory explanation.

All penalties and interest imposed by this article shall be payable to and recoverable by the governing authority in the same manner as if they were part of the tax imposed. If the failure to pay any such tax when due is explained to the satisfaction of the collector, he may remit or waive payment of the whole or any part of any penalty, and may remit and waive payment of any interest charged in excess of the rate of one-half of one percent per month.

(Code 1978, § 11-185; Ord. of 8-5-1975, § 9.24)

Secs. 42-314—42-344. Reserved.

#### DIVISION 10. REFUNDS AND REIMBURSEMENTS

Sec. 42-345. Tax credit for returned goods.

In the event purchases are returned to the dealer by the purchaser or consumer after the tax imposed by this article has been collected or charged to the account of the consumer or user, the dealer shall be entitled to reimbursement of the amount of tax so collected or charged by him, in the manner prescribed by the collector and in case the tax has not been remitted by the dealer to the governing authority, the dealer may deduct the same in submitting his return. Upon receipt of a sworn statement of the dealer as to the gross amount of such refunds during the period covered by such sworn statement, which period shall not be longer than 90 days, the governing authority, through the collector, shall issue to the dealer an official credit memorandum equal to the net amount remitted by the dealer for such tax collected. Such memorandum shall be accepted by the governing authority at full face value from the dealer to whom it is issued, in the remittance for subsequent taxes accrued under the provisions of this article.

(Code 1978, § 11-192; Ord. of 8-5-1975, § 10.01)

Sec. 42-346. Claim for refund.

If any dealer shall have given to the collector notice within the time provided in section 42-345, such dealer thereafter, at any time within two years after the payment of any original or additional tax assessed against him, may file with the collector a claim under oath for refund, in such form as the collector may prescribe, stating the grounds thereof. However, no claim for refund shall be required or permitted to be filed with respect to a tax paid, after protest has been filed with the collector as hereinafter provided, or after proceeding on appeal has been finally determined.

(Code 1978, § 11-193; Ord. of 8-5-1975, § 10.02)

Sec. 42-347. Overpayment credited against dealer's liability; refund; notice of rejection.

If, upon examination of such claim for refund, it shall be determined by the collector that there has been an overpayment of tax, the amount of such overpayment shall be credited against any liability of any dealer under this article, and if there be no such liability, the said dealer shall be entitled to a refund of the tax so overpaid. If the collector shall reject the claim for refund in whole or in part he shall make an order accordingly and serve notice upon such dealer.

(Code 1978, § 11-194; Ord. of 8-5-1975, § 10.03)

Sec. 42-348. Refund for erroneous, illegal collection of tax; certification by collector.

Where no question of fact or law is involved, and it appears from the records of the governing authority that any moneys have been erroneously or illegally collected from any dealer, or have been paid by any dealer under a mistake of fact or law, the collector may, at any time within two years of payment, upon making a record in writing his reasons therefor, certify that any dealer is entitled to such refund and thereupon the collector shall authorize the payment thereof from any appropriation available for such purposes.

(Code 1978, § 11-195; Ord. of 8-5-1975, § 10.04)

Sec. 42-349. Repayment of dealer's deposit.

When, to secure compliance with any of the provisions of this article any moneys shall have been deposited with the governing authority by any dealer, and shall have been paid over to the governing authority and the collector shall be satisfied that such dealer has fully complied with all such provisions, the collector shall so certify and authorize repayment from any appropriations available for such purpose to such dealer of such moneys, or such part thereof as the collector shall certify has not been applied by him to the satisfaction of any indebtedness arising under this article.

(Code 1978, § 11-196; Ord. of 8-5-1975, § 10.05)

Secs. 42-350—42-371. Reserved.

#### DIVISION 11. REMEDIES OF DEALER

Sec. 42-372. Right of action created; procedure; interest on refunds.

A right of action is hereby created to afford a remedy at law for any dealer aggrieved by the provisions of this article; and in case of any such dealer resisting the payment of any amount found due, or the enforcement of any provisions of such laws in relation thereto, such dealer shall pay the amount found due by the collector and shall give the collector notice, at the time, of his intention to file suit for the recovery of the same; and upon receipt of such notice the amount so paid shall be segregated and held by the collector for a period of 30 days; and if suit be filed within such time for recovery of such amount, such funds so segregated shall be further held, pending the outcome of such suit. If the dealer prevails, the collector shall refund the amount to the claimant, with interest at the rate of two percent per annum covering the period from the date the said funds were received by the governing authority to the date of refund.

(Code 1978, § 11-203; Ord. of 8-5-1975, § 11.01)

Sec. 42-373. Nature of remedy; service of process.

This division shall afford a legal remedy and right of action in any state, city or federal court having jurisdiction of the parties and subject matter, for a full and complete adjudication of any and all questions arising in the enforcement of this article, as to the legality of any tax accrued or accruing or the method of enforcement thereof. In such actions, service shall be upon the collector.

(Code 1978, § 11-204; Ord. of 8-5-1975, § 11.02)

Sec. 42-374. Legal remedy for certain causes of action; effect of payment under protest.

This division shall be construed to provide a legal remedy in the state, city or federal courts, by action of law, in case such taxes are claimed to be an unlawful burden upon interstate commerce, or the collection thereof, in violation of any act of Congress or the United States Constitution, or the state constitution, or in any case where jurisdiction is vested in any of the federal courts, provided that upon request of the dealer and upon proper showing by such dealer that the principle of law involved in an additional assessment is already pending before the courts for judicial determination, the said dealer, upon agreement to abide by the decision of the courts, may pay the additional assessment under protest, but need not file an additional suit. In such cases, the tax so paid under protest shall be segregated and held by the collector until the question of law involved has been determined by the courts and shall then be disposed of as therein provided.

(Code 1978, § 11-205; Ord. of 8-5-1975, § 11.03)

Sec. 42-375. Grievance procedure.

If any dealer shall be aggrieved by any finding or assessment of the collector, he may, within 30 days of the receipt of notice of the assessment or finding, file a protest in writing signed by him or his duly authorized agent, which shall be under oath and shall set forth the reasons therefor, and he may request a hearing. Thereafter, the collector shall grant a hearing to such dealer, if a hearing has been requested, and may make an order confirming, modifying, or vacating any such finding or assessment. The filing of any such protest shall not abate any penalty for nonpayment, nor shall it stay the right of the collector to collect the tax in any manner provided in this article unless the dealer shall furnish security of a kind and in an amount satisfactory to the collector. Appeals from the decision of the collector shall be direct to any state, city or federal court of competent jurisdiction as provided for in section 42-373.

(Code 1978, § 11-206; Ord. of 8-5-1975, § 11.04)

Secs. 42-376—42-393. Reserved.

#### DIVISION 12. OTHER ADMINISTRATIVE PROVISIONS

Sec. 42-394. Tax to be collected if sale is consummated after effective date of provisions.

(a) In any case where tangible personal property is sold at retail under a contract providing for such retail sale, made and entered into prior to the effective date of the ordinance from which this article is derived and containing the sale price, and delivery is made after such effective date, and such sale is taxable under this article, the seller shall add the tax imposed by this article to said sale price, and collect it from the buyer.

(b) The provisions of this section shall also apply where such tangible personal property is not sold, but is used, consumed, distributed, stored, leased or rented, and where services taxable hereunder are contracted for before such effective date, but are actually furnished after the effective date of the ordinance from which this article is derived.

(c) The provisions of this section shall not apply to tangible personal property actually imported or caused to be imported into, or stored within, the territorial limits of the city prior to such effective date of the ordinance from which this article is derived, if the said tangible personal property is actually used or consumed by the person who imported and stored said tangible personal property.

(Code 1978, § 11-213; Ord. of 8-5-1975, § 12.01)

Sec. 42-395. Collector, deputy authorized to receive written oaths.

It shall be lawful for the collector or any duly designated deputy, to receive the written oath of any person signing any application, disposition, statement, or report required by the collector in the administration of this article.

(Code 1978, § 11-214; Ord. of 8-5-1975, § 12.02)

Sec. 42-396. Collector, deputy authorized to conduct examinations or hearings.

The collector, or any duly designated deputy, may conduct hearings, and have administered and examined under oath, any dealer and the directors, officers, agents and employees of any dealer, and any other witnesses, relative to the business of such dealer in respect to any matter incident to the administration of this article. Such examinations or hearings shall be at a time convenient to the dealer within 14 days after being requested by the collector in writing.

(Code 1978, § 11-215; Ord. of 8-5-1975, § 12.03)

Sec. 42-397. Method of giving notice to dealers.

Any notice required to be given by the collector pursuant to this article may be given by personal service on the dealer for whom it is intended, or be mailed to the dealer for whom it is intended, addressed to such dealer at the address given in the last report filed by him pursuant to the provisions of this article, or if no report has been filed, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of its receipt by the dealer to whom it is addressed.

(Code 1978, § 11-216; Ord. of 8-5-1975, § 12.04)

Sec. 42-398. Records of collector; authentication; fee.

The collector shall keep a record of all of the official acts, and shall preserve copies of all rules, decisions, and orders made by him and by any deputy of his department in charge of the collection of the tax imposed by this article. Copies of such rules, decisions, or orders and of any papers filed in any office maintained by him in the administration of this article may be authenticated under his official signature, and, when so authenticated, shall be evidence in all courts of the state of the same weight and force as the original thereof. For authenticating any such copy, he shall be paid a fee of $1.00, or such amount as established from time to time, which shall be deposited in the city sales tax fund.

(Code 1978, § 11-217; Ord. of 8-5-1975, § 12.05)

Sec. 42-399. Article not to alter legal remedies.

Nothing in this article shall be construed to deprive the dealer of any remedy in the review of any tax, or in any proceedings to collect the tax given such dealer by any other law, or to deprive the governing authority of the city of any remedy for the enforcement of this article through any procedure or remedies expressly provided in this article imposing the tax herein levied or in any other law, nor shall this article be construed as repealing or altering any such laws, ordinances, or resolutions.

(Code 1978, § 11-218; Ord. of 8-5-1975, § 12.06)

Sec. 42-400. Supplemental nature of article.

The tax levied herein is declared to be supplemental and in addition to all other taxes levied by and under the authority of the governing authority of any kind or nature.

(Code 1978, § 11-219; Ord. of 8-5-1975, § 12.08)

Sec. 42-401. Enforcement contracts authorized.

Any provision of this article to the contrary notwithstanding, this governing authority may contract with anyone for the performance of any or all of the duties of the collector provided for herein.

(Code 1978, § 11-220; Ord. of 8-5-1975, § 14.01)

Sec. 42-402. Short title.

This article may be cited or otherwise referred to as the "City of St. Martinville Sales and Use Tax Ordinance."

(Code 1978, § 11-221; Ord. of 8-5-1975, § 12.09)

Secs. 42-403—42-432. Reserved.

#### DIVISION 13. DISPOSITION OF TAX PROCEEDS AND REVENUES

Sec. 42-433. Special fund.

All taxes, revenues, funds, assessments, moneys, penalties, fees or other income which may be collected or come into the possession of the collector, as an agent of the governing authority, under any provision of this article, shall be promptly deposited by the collector for the account of the governing authority, in a special fund designated "Sales Tax Fund," which fund shall be a separate bank account established and maintained with the regularly designated fiscal agent of the governing authority; provided, however, any amount which is paid under protest or which is subject to litigation may be transferred to a separate account established by the collector with said fiscal agent pending final determination of the protest or litigation.

(Code 1978, § 11-228; Ord. of 8-5-1975, § 13.01)

Sec. 42-434. Payment of administrative costs.

Out of the funds on deposit in the sales tax fund, the collector shall first pay all reasonable and necessary costs and expenses of collecting the tax levied hereby and administering the provisions of this article, as well as the various administrative procedures established herein; and, such costs and expenses shall be reported by the collector monthly to the governing authority.

(Code 1978, § 11-229; Ord. of 8-5-1975, § 13.02)

Sec. 42-435. Use of proceeds after paying administrative costs.

In compliance with the special election of June 28, 1975, authorizing said tax, after all commissions to dealers and the cost of collection of the tax have been paid as provided for in section 42-153, the remaining balance in the city sales tax fund shall be available for appropriation and expenditure by the governing authority solely for the purposes designated in the proposition authorizing the levy of the tax (said proposition set forth in the preamble to the ordinance from which the article is derived) and having been approved by a majority of the qualified electors of the city voting at a special election held on Saturday, June 28, 1975.

(Code 1978, § 11-230; Ord. of 8-5-1975, § 13.03)

Secs. 42-436—42-454. Reserved.

### ARTICLE IV. ONE-HALF PERCENT SALES AND USE TAX

Sec. 42-455. Imposition.

Pursuant to the authority of a special election held in the city on November 18, 2023, the sales and use tax is hereby levied upon the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption, of tangible personal property, and upon the lease or rental of tangible personal property and on the sales of services in the city, and the state, as defined by law. The Uniform Local Sales Tax Code, as enacted by Act 73 of the 2003 regular session of the state legislature, and as it may be amended, shall apply in the assessment, collection, administration and enforcement of the tax, the provisions of which are hereby incorporated by reference.

(Ord. No. 23-07, § 1, 12-18-2023)

Sec. 42-456. Rate of tax.

The sales and use tax is levied at the rate of one-half percent of the sales price of each item or article of tangible personal property when sold at retail in the city, the tax to be computed on gross sales for the purpose of remitting the amount of tax due to the city, and to include each and every retail sale. The tax is levied at the rate of one-half percent of the cost price of each item or article of tangible personal property when the same is not sold but is used, consumed, distributed, or stored for use or consumption in the city, provided there shall be no duplication of the tax. The tax is levied at the rate of one-half percent of the gross proceeds derived from the lease or rental of tangible personal property, as defined by law, where the lease or rental of such property is an established business, or part of an established business, or the same is incidental or germane to the said business, or of the monthly lease or rental price paid by lessee or rentee, or contracted or agreed to be paid by lessee or rentee to the owner of the tangible personal property. The tax is levied at the rate of one-half percent of the amount paid or charged for taxable services, as defined by law, performed in the city.

(Ord. No. 23-07, § 2, 12-18-2023)

Sec. 42-457. Term.

The tax shall remain in effect without limit as to term or duration.

(Ord. No. 23-07, § 4, 12-18-2023)

Sec. 42-458. Purposes.

The proceeds of the tax shall be used for the purposes set forth in the proposition approved by the voters in the special election held in the city on November 18, 2023, authorizing the tax, which proposition is set forth in the preamble of the ordinance from which this article is derived.

(Ord. No. 23-07, § 5, 12-18-2023)

Sec. 42-459. Vendors' compensation.

For the purpose of compensating the dealer in accounting for and remitting the tax levied by this article, each dealer shall be allowed 1 ⅒percent of the amount of tax due and accounted for and remitted to the city collector in the form of a deduction in submitting its report and paying the amount due by the dealer, provided the amount due was not delinquent at the time of payment, and provided the amount of any credit claimed for taxes already paid to a wholesaler shall not be deducted in computing the commission allowed the dealer hereunder.

(Ord. No. 23-07, § 6, 12-18-2023)

Sec. 42-460. Exclusions and exemptions.

The governing authority adopts none of the optional exclusions or exemptions allowed by state sales and use tax law, nor does the governing authority adopt any exclusions or exemptions authorized by legislation enacted under La. Const. art. IV, § 29(D)(1) that are not allowed as an exclusion or exemption from state sales and use tax. Included within the base of the tax is every transaction, whether sales, use, lease or rental, consumption, storage or service, with no exclusions or exemptions except for those mandated upon political subdivisions by the state constitution or state statutes, including the act.

(Ord. No. 23-07, § 7, 12-18-2023)

Sec. 42-461. Interest on unpaid amount of tax due.

The interest on unpaid amounts of the tax which are due shall be at the maximum rate of interest provided for in R.S. 47:337.69 and any subsequent amendments that may be made thereto.

(Ord. No. 23-07, § 8, 12-18-2023)

Sec. 42-462. Delinquency penalty.

The delinquency penalty shall be at the maximum rate provided for in R.S. 47:337.70 and any subsequent amendments that may be made thereto.

(Ord. No. 23-07, § 9, 12-18-2023)

Sec. 42-463. Penalty for false, fraudulent or grossly incorrect return.

The penalty for false, fraudulent or grossly incorrect returns as authorized by R.S. 47:337.72 shall be 50 percent of the amount of the tax found to be due.

(Ord. No. 23-07, § 10, 12-18-2023)

Sec. 42-464. Negligence penalty.

The negligence penalty as authorized by R.S. 47:337.73 shall be five percent of the unpaid amount of the tax found to be due, or $10.00, whichever is greater.

(Ord. No. 23-07, § 11, 12-18-2023)

Sec. 42-465. Penalty for insufficient funds check.

The penalty for insufficient funds of checks as authorized by R.S. 47:337.74 shall be an amount equal to the greater of one percent of the check or $20.00.

(Ord. No. 23-07, § 12, 12-18-2023)

Sec. 42-466. Attorney fees.

The collector is authorized to employ private counsel to assist in the collection of any taxes, penalties or interest due under this article, or to represent him in any proceeding under this article. If any taxes, penalties or interest due under this article are referred to an attorney at law for collection, an additional charge of attorney fees, in the amount of ten percent of the taxes, penalties and interest due, shall be paid by the tax debtor.

(Ord. No. 23-07, § 13, 12-18-2023)

Sec. 42-467. Penalty for costs incurred.

As provided by R.S. 47:337.75, and under the circumstances set forth therein, a penalty shall be added to the amount of tax due in an amount as itemized by the collector to compensate for all costs incurred in making an examination of books, records or documents, or an audit thereof, or in the holding of hearings or the subpoenaing and compensating of witnesses.

(Ord. No. 23-07, § 14, 12-18-2023)

Sec. 42-468. Distraint penalty.

The distraint penalty as provided by R.S. 47:337.76 in cases where the distraint procedure is used in the collection of the tax shall be $10.00.

(Ord. No. 23-07, § 15, 12-18-2023)

Sec. 42-469. Limits on interest, penalty and attorney fees.

Should the interest, penalties or attorney fees herein, or the combined interest, penalties and attorney fees be declared to be in excess of limits provided by other law, including relevant jurisprudence, then the maximum interest, penalties and attorney fees allowed by such other law shall apply.

(Ord. No. 23-07, § 16, 12-18-2023)

Sec. 42-470. Collector.

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

*Collector* means the parish school board office, sales tax department.

(b) *Authorization.* The tax levied by this article is authorized to be collected by a collector.

(Ord. No. 23-07, § 17, 12-18-2023)

Sec. 42-471. Powers of collector.

The collector is hereby authorized, empowered and directed to carry into effect the provisions of this article, to appoint deputies, assistants or agents to assist it in the performance of its duties, and in pursuance thereof to make and enforce such rules as it may deem necessary.

(Ord. No. 23-07, § 18, 12-18-2023)

Sec. 42-472. Agreement to collect tax on vehicles.

With regard to the collection of the tax on any motor vehicle, automobile, truck, truck trailer, trailer, semitrailer, motor bus, home trailer, or any other vehicle subject to the vehicle registration license tax, the city, acting through its mayor, is authorized to enter into an agreement on behalf of the city with the vehicle commissioner, department of public safety and corrections, for the collection of the tax on such vehicles, as provided by R.S. 47:303(B).

(Ord. No. 23-07, § 19, 12-18-2023)

Sec. 42-473. Revenues of tax.

(a) All taxes, revenues, funds, assessments, moneys, penalties, fees or other income which may be collected or come into the possession of the collector under any provision of this article relating to the tax shall be promptly deposited by the collector for the account of the city in the special fund to be established and maintained for the deposit of such proceeds, which fund shall be a separate bank account established and maintained with the regularly designated fiscal agent of the city; provided, however, any amount which is paid under protest or which is subject to litigation may be transferred to a separate account established by the collector with said fiscal agent pending the final determination of the protest or litigation.

(b) In compliance with the special election of November 18, 2023, authorizing the tax, after all reasonable and necessary costs and expenses of collecting and administration of the tax have been paid as provided for in subsection (a) of this section, the remaining balance in said special fund shall be available for appropriation and expenditures by the governing authority solely for the purposes designated in the proposition authorizing the levy of the tax.

(Ord. No. 23-07, § 20, 12-18-2023)

Sec. 42-474. Uniform sales tax controlling.

If any provision of this article shall be in conflict with the provisions of the Uniform Local Sales Tax Code, the provisions of the Uniform Local Sales Tax Code shall be controlling.

(Ord. No. 23-07, § 22, 12-18-2023)

Secs. 42-475—42-501. Reserved.

### ARTICLE V. LICENSE TAX ON INSURERS[[21]](#footnote-21)

Sec. 42-502. Imposed and levied.

There is hereby imposed and levied an annual license tax on any insurer engaged in the business of issuing any form of insurance policy or contract, which may now or hereafter be subject to the payment of any license tax for state purposes, all as authority by R.S. 22:1076 on risks located in the city as follows:

(1) *Life, accident health insurance policies.* On any insurer engaged in the business of issuing life or accident health insurance policies, other than programs of benefits authorized or provided pursuant to the provisions of R.S. title 42, ch. 12, pts. I and II, or other forms of contracts or obligations covering such risks, or issuing endowment or annuity policies, or contracts, or other similar forms of contract obligations in consideration of the payment of a premium or other consideration for the issuance of such policies, contracts or obligations whether such insurer by operating in the state through an agent or other representative otherwise:

a. $10.00 on gross annual premiums up to $2,000.00 and an additional license thereafter of $70.00 on each $10,000.00, or fraction thereof, of gross annual premiums in excess of $2,000.00.

b. The maximum license of such business, payable to the city by any one insurer, shall be $21,000.00.

(2) *Other forms of obligation.* On any insurer, engaged in the business of issuing policies, contracts or other forms of obligations covering the risk of fire, marine, transportation, surety, fidelity, guaranty, worker's compensation, employers' liability, property damage, livestock, vehicle, automatic sprinkler, burglary, or insurance business of any other kind whatsoever in the state, whether such insurer is operating in the state through agents or other representative otherwise, not more than the following:

a. *First class.* When the receipts are not more than $2,000.00, the license shall be $40.00.

b. *Second class.* When the gross receipts are more than $2,000.00, and not more than $4,000.00, the license shall be $60.00.

c. *Third class.* When the gross receipts are more than $4,000.00, and not more than $6,000.00, the license shall be $80.00.

d. *Fourth class.* When the gross receipts exceed $6,000.00, the additional license thereafter shall be $70.00 for each $10,000.00, or fraction thereof, in excess of $6,000.00.

e. *Maximum license tax on business.* The maximum license tax on such business, payable to the city by any insurer shall be $9,000.00, provided that plate glass and steam boiler inspection insurers shall pay only one-third of the rates provided in this subsection (2).

(3) *Qualifying state investments.* The amount of license payable to the city as fixed by this article, shall be one-third of the amount so fixed if the payer shall file a sworn statement with the annual report required by R.S. title 22, ch. 1, pt. XXIII, showing that at least one-sixth of the total admitted assets of the payer, are invested and maintained in qualifying state investments as defined in R.S. 22:1068(C).

(Code 1978, § 11-251; Ord. No. 01-12, § 1, 12-17-2001)

Sec. 42-503. Delinquency; penalty.

All license taxes levied herein shall be due and payable on January 1 of each year and all unpaid license taxes shall become delinquent on June 1. A penalty of five percent per month shall be added to the amount of tax due and payable to the city along with the tax due. The amount of any monetary penalty assessed pursuant to this section shall not be greater than 25 percent of the total amount of the tax due. The collection of delinquent accounts shall be enforced in accordance with R.S. 22:1076 and 47:1601.

(Code 1978, § 11-252; Ord. No. 01-12, § 2, 12-17-2001)

Sec. 42-504. Collection.

Pursuant to R.S. 33:361, the agreement with the state municipal advisory and technical services bureau corporation for collection of current and delinquent license taxes in the form attached to the ordinance from which this article is derived, and the mayor is authorized to execute it.

(Code 1978, § 11-253; Ord. No. 01-12, § 5, 12-17-2001)

## Chapter 44 TRAFFIC AND VEHICLES

### ARTICLE I. IN GENERAL

Sec. 44-1. State law adopted.

There is hereby adopted by reference the provisions of R.S. title 32, ch. 1, the Highway Regulatory Act, and all regulations of the state department of highways and the director of public safety adopted pursuant thereto, except for such provisions and regulations as by their nature can have no application in the city, and except as otherwise provided in this Code or by city ordinance. Any person violating said provisions or regulations shall be guilty of a misdemeanor.

(Code 1978, § 13-1)

State law reference(s)—Power of city to adopt traffic code by reference, R.S. 32:41.

Sec. 44-2. Traffic control signs, signals, etc.—Generally.

The location and existence of all traffic control signs, signals, devices and markings which are in place on the adoption date of the ordinance from which this chapter is derived is hereby ratified and confirmed and such signs, signals, etc., shall be considered to have been authorized by the mayor and city council.

(Code 1978, § 13-2)

State law reference(s)—Motor vehicles generally, R.S. title 32; powers of local authorities, R.S. 32:41.

Sec. 44-3. Traffic control signs, signals, etc.—Erection and maintenance.

(a) The police chief is hereby authorized and directed to erect such official traffic control signs, signals, devices and markings as are necessary to enforce all ordinances, resolutions and laws.

(b) The police chief is hereby authorized and directed to maintain all traffic control signs, signals, devices and markings which are erected pursuant to this chapter.

(Code 1978, § 13-3)

Sec. 44-4. Traffic control signs, signals, etc.—Obedience required.

Except as otherwise directed by police officers, no person shall fail or refuse to comply with the instruction or direction of any traffic control sign, signal, device or marking erected under authority of ordinance, resolution or law.

(Code 1978, § 13-4)

State law reference(s)—Similar provisions, R.S. 32:56.

Sec. 44-5. Traffic control signs, signals, etc.—Injury.

No person shall without lawful authority attempt to or in fact alter, deface, injure, tear down, or remove any official traffic control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof.

(Code 1978, § 13-5; Ord. of 1-20-1959, § 14)

Sec. 44-6. Obedience to police officers.

No person shall fail or refuse to comply with any lawful order or direction of any police officer invested by law with the authority to direct, control or regulate traffic.

(Code 1978, § 13-6)

State law reference(s)—Similar provisions, R.S. 32:56.

Sec. 44-7. Authority of police to direct traffic.

All law enforcement officers are hereby authorized to direct, control or regulate traffic.

(Code 1978, § 13-7)

Sec. 44-8. Roller skates, toy vehicles, etc.

No person upon roller skates, or riding in or by means of any sled, coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street in a crosswalk and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street.

(Code 1978, § 13-8; Ord. of 1-20-1959, § 63)

Sec. 44-9. Removal of glass from street.

Any person removing a wrecked or damaged vehicle from a street, highway, sidewalk, or alley, shall remove any glass or other injurious substance dropped upon the street, highway, sidewalk, or alley from such vehicle.

(Code 1978, § 13-9; Ord. of 1-20-1959, § 74)

Sec. 44-10. Clinging to vehicles.

No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

(Code 1978, § 13-10; Ord. of 1-20-1959, § 57)

Sec. 44-11. Boarding vehicles which are in motion.

No person shall board or alight from any vehicle while such vehicle is in motion, and no driver shall permit the same.

(Code 1978, § 13-11; Ord. of 1-20-1959, § 84)

Sec. 44-12. Horses and horse-drawn vehicles.

(a) A horse shall not be left unbridled nor unattended in a street or unenclosed space, public or private, without being securely fastened, unless harnessed to a vehicle with wheels so secured as to prevent its being dragged faster than a walk.

(b) Every horse-drawn vehicle engaged in carrying loads on the streets and highways of the city shall be equipped with an effective brake. Such brake shall be deemed effective when same will hold the vehicle on any grade which the vehicle can ascend with full load.

(Code 1978, § 13-12; Ord. of 1-20-1959, § 83)

Sec. 44-13. Removal and impoundment of vehicles.

(a) Members of the police department are hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage maintained by the police department, or otherwise maintained by the city under the following circumstances:

(1) When any vehicle is left unattended upon any bridge, viaduct, or causeway, or in any tube or tunnel where such vehicle constitutes an obstruction to traffic.

(2) When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

(3) When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.

(4) When any vehicle is left unattended for a continuous period of 24 hours or more on any roadway.

(b) All expenses of towing and storage of any vehicle impounded by the police under this section shall be collectible in advance of the return of the vehicle to the owner or other person in whose custody the vehicle may have been at the time of impounding.

(Code 1978, § 13-13; Ord. of 1-20-1959, §§ 95, 96)

Sec. 44-14. Pedestrians.

No pedestrian shall cross a roadway at any place other than a route at right angles to the curb or by the shortest route to the opposite curb, except in a crosswalk.

(Code 1978, § 13-14; Ord. of 1-20-1959, § 52)

Sec. 44-15. Application to bicycles.

The provisions of this chapter that apply to bicycles shall apply whenever a bicycle is operated upon any street, highway, alley or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

(Code 1978, § 13-15; Ord. of 1-20-1959, § 53)

Sec. 44-16. Parental responsibility.

The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter.

(Code 1978, § 13-16; Ord. of 1-20-1959, § 53)

Sec. 44-17. Procedure for installation and removal of speed bumps on city streets.

(a) There shall be a list of residents obtained from the city utility department for the installation of speed bumps on the designated street.

(b) The superintendent of public improvements and work shall be given the list of residents to determine whether any residents who live adjacent to the designated street have driveways that enter onto the designated street. These adjacent residents shall be added to the list of residents on the designated street.

(c) A survey shall be mailed by the city to all of the residents on the list of residents as determined in subsections (a) and (b) of this section.

(d) The residents shall be allowed a maximum of 30 days to respond to the survey.

(e) The speed bumps shall be installed upon receipt of at least 50 percent of the residents being in favor of the speed bumps.

(f) The speed bumps shall not be removed unless 60 percent of the residents request the removal of the speed bumps.

(Ord. No. 06-01, § 1, 5-15-2006)

Secs. 44-18—44-37. Reserved.

### ARTICLE II. VEHICLE OPERATION

Sec. 44-38. Reckless operation of a vehicle.

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

*Reckless operation of a vehicle* means the operation of any motor vehicle, aircraft, vessel or other means of conveyance in a criminally negligent or reckless manner.

(b) *Penalty.* Whoever operates a vehicle recklessly shall be guilty of a misdemeanor.

(Code 1978, § 13-28)

State law reference(s)—Similar provisions, R.S. 14:99.

Sec. 44-39. Hit-and-run driving.

(a) Hit-and-run driving is the intentional failure of the driver of a vehicle involved in or causing any accident, to stop such vehicle at the scene of the accident, to give his identity and to render reasonable aid.

(b) For the purpose of this section, the term "to give his identity," means that the driver of any vehicle involved in any accident shall give his name, address and the license number of his vehicle, or shall report the accident to the police.

(c) Whoever commits hit-and-run driving shall be guilty of a misdemeanor.

(Code 1978, § 13-29)

State law reference(s)—Similar provisions, R.S. 14:100.

Sec. 44-40. Speed.

(a) Except as otherwise provided, it shall be unlawful for the driver of any vehicle to exceed a speed limit of 25 miles per hour upon the city streets.

(b) Within the limits of all school zones where authorized signs designating such school zones are erected or placed it shall be unlawful for the driver of any vehicle to exceed a speed limit of 15 miles per hour.

(c) Within the limits of all hospital and playground zones where authorized signs designating such as hospital or playground zones are posted, it shall be unlawful for the driver of any vehicle to exceed a speed limit of 15 miles per hour; providing that, on North Main Street, the speed limit shall not exceed 25 miles per hour.

(Code 1978, § 13-30; Ord. of 1-20-1959, § 4; Ord. of 11-18-1975, § 1; Ord. of 9-7-1982, § 1)

Sec. 44-41. Turning around.

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without interfering with other traffic.

(Code 1978, § 13-31; Ord. of 1-20-1959, § 38)

Sec. 44-42. Driving across sidewalks.

The driver of a vehicle shall not drive within or across any sidewalk area, except at a permanent or temporary driveway.

(Code 1978, § 13-32; Ord. of 1-20-1959, § 78)

Sec. 44-43. Blocking driveways.

No person shall park or leave standing any vehicle across a private driveway. Whenever a police officer shall find a vehicle blocking a driveway, in violation of the provisions of this section, he is hereby authorized to remove and impound said vehicle from the blocked driveway.

(Code 1978, § 13-33; Ord. of 10-30-1962)

Sec. 44-44. Parking—Generally.

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.

(Code 1978, § 13-34; Ord. of 1-20-1959, § 68)

Sec. 44-45. Parking—Truck tractor, semitrailers and tandem semitrailer.

No person shall park a truck-tractor, semitrailer or tandem semitrailer (all as defined by the state highway regulatory act) on any city street or its shoulder, except when in the process of loading or unloading said vehicle.

(Code 1978, § 13-34.1; Ord. of 12-3-1984, § 1)

Sec. 44-46. Oversize trucks prohibited on certain streets; exceptions.

(a) No trucks larger than a 11,000 pounds gross vehicle weight or one-ton pickup truck shall be operated on the following streets within the corporate limits of the city: Maraist Street.

(b) Garbage trucks and delivery trucks that are being operated for a business purpose are excluded from this section.

(Code 1978, § 13-34.2; Ord. of 7-3-1989, § 1)

Sec. 44-47. Vehicle doors.

No vehicle shall be operated with front doors, side doors, or rear doors tied open or swinging.

(Code 1978, § 13-35; Ord. of 1-20-1959, § 81)

Sec. 44-48. Improper vehicles.

No person shall ride on any vehicle upon any portion thereof not designed or created for the use of passengers, and no driver of a vehicle shall permit the same. This section shall not apply to any employee engaged in the necessary discharge of his duty, or to persons riding within truck bodies in space intended for materials.

(Code 1978, § 13-36; Ord. of 1-20-1959, § 80)

Sec. 44-49. Special load limit.

A load limit of five tons is hereby established for trucks, tractors and heavy mobile equipment trafficking West Park Street. Such limit shall not be applied to state department of transportation and development mobile equipment which must have ingress and egress to the state department of transportation and development motor pool situated on West Park Street.

(Code 1978, § 13-37; Ord. of 6-6-1972)

Sec. 44-50. Special permit for overweight vehicles.

(a) The mayor is hereby authorized to issue a special permit for the operation of vehicles or combinations thereof having dimensions in excess of the limits imposed by state law, if in his discretion the interest of the city requires it.

(b) When application for such permit is made the mayor is hereby authorized to require such information to be supplied as he deems necessary for the protection of the interests of the city and the public.

(c) The mayor may impose conditions upon the issuance of such permits and to make requirements upon their use, such as the:

(1) Use of means of transportation other than the streets or highways in said city from the point of origin to a point closer to the destination;

(2) Routing over the streets of the shipment under the permit;

(3) Date, time of day or night and speed limits;

(4) Furnishing of a bond with good and solvent surety to protect the city from all liability and damage resulting from use of the permit;

(5) Accompaniment of the shipment by a proper escort, city police or otherwise, all at the expense of the user; and

(6) Such other conditions or requirements as the mayor deems necessary and proper.

(d) For each permit the permittee shall pay a fee of $10.00, or such amount as established from time to time. Every special permit is issued upon the condition that the permittee acknowledges and uses it at his own risk, even though the directions and instructions of the mayor, and particularly such instructions and requirements as those relating to routing, are complied with.

(e) Any such special permit must be carried with the vehicle using the same and be available at all times for inspection by the proper authorities.

(f) When used as permitted in subsections (c) and (d) of this section the combination of vehicles shall not be operated at a speed exceeding 20 miles per hour and the semitrailers shall be protected by chain connections.

(g) When it is considered necessary to protect city property or bridges or sections thereof, or the persons and property of the travelling public, the mayor may make reasonable regulations affecting the use of vehicles authorized in this article including regulations fixing and establishing reasonable weight limitations and safety precautions.

(Code 1978, § 13-38; Ord. of 1-20-1959, § 106)

Sec. 44-51. General traffic law adopted by reference.

It shall be unlawful for any person to violate the motor vehicle and traffic regulations of the state as set forth in R.S. title 32 which are hereby adopted as the laws of the city by reference.

(Code 1978, § 13-39; Ord. No. 93-5, 7-20-1993)

Sec. 44-52. Brakes using recycled exhaust air unlawful.

It shall be unlawful for any tractor-trailer truck, semi-tractor vehicle, or other truck-tractor as defined in R.S. 32:1 to employ and/or use any braking device which utilizes the power from recycling the exhaust from the vehicle engine to produce a power absorbing and retarding effect to assist the slowing or braking of the vehicle in such a way which increases engine noise and sound through the exhaust system when used (a system commonly referred to as "Jake brakes," as opposed to standard air brakes) from 6:00 p.m. to 6:00 a.m. The operator of any vehicle who violates this section shall, upon conviction, be subject to a fine of not less than $100.00 nor more than $500.00, and may be incarcerated for not more than 30 days in jail, or both.

(Ord. No. 11-01, § 13-40, 2-21-2011)

Secs. 44-53—44-77. Reserved.

### ARTICLE III. PROCESSIONS

Sec. 44-78. Generally.

A funeral composed of a procession of vehicles, in order to be recognized as such, must have displayed on each vehicle, two illuminated headlights. The leading vehicle in a funeral procession shall stop at any intersection where the traffic control device requires such stop, but after the leading vehicle has entered the intersection, all vehicles in the funeral procession shall continue their passage. Processions when returning from funerals shall not display headlights, except during the hours when lights are required to be displayed on all motor vehicles.

(Code 1978, § 13-50; Ord. of 1-20-1959, § 77)

Sec. 44-79. Manner of proceeding.

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe.

(Code 1978, § 13-51; Ord. of 1-20-1959, § 76)

Sec. 44-80. Conduct of other vehicles.

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required by these regulations. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers, except as otherwise provided.

(Code 1978, § 13-52; Ord. of 1-20-1959, § 75)

Secs. 44-81—44-103. Reserved.

### ARTICLE IV. BICYCLES

Sec. 44-104. Obedience to signs.

Any person operating a bicycle shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.

(Code 1978, § 13-64; Ord. of 1-20-1959, § 55)

Sec. 44-105. Packages.

No person operating a bicycle shall carry any package, bundle, or article which prevents the driver from keeping at least one hand upon the handlebars.

(Code 1978, § 13-65; Ord. of 1-20-1959, § 59)

Sec. 44-106. Speed.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

(Code 1978, § 13-66; Ord. of 1-20-1959, § 61)

Sec. 44-107. Right-of-way.

The operator of a bicycle emerging from or entering an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on the sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.

(Code 1978, § 13-67; Ord. of 1-20-1959, § 62)

Sec. 44-108. Parking.

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at a curb, in such manner as to afford the least obstruction to pedestrian traffic.

(Code 1978, § 13-68; Ord. of 1-20-1959, § 64)

Sec. 44-109. Riding on sidewalks.

No person shall ride a bicycle upon a sidewalk.

(Code 1978, § 13-69; Ord. of 1-20-1959, § 65)

Secs. 44-110—44-131. Reserved.

### ARTICLE V. PARKING

Sec. 44-132. Post office.

The parking on the property of the United States located between Main and Washington Streets presently being utilized as a post office shall be restricted as follows:

(1) Parking lot with entrance from Main Street.

a. Parking only within spaces designated by parallel yellow lines.

b. From 8:00 a.m. to 4:30 p.m. on Monday through Friday no vehicle shall remain parked for more than 15 minutes.

c. From 8:00 a.m. to 11:00 a.m. on Saturday no vehicle shall remain parked for more than 15 minutes.

d. In addition to the times mentioned in subsections (1)b and c of this section, the 15 minute parking restriction shall apply to the five northernmost parking spaces on the west side of the parking lot 24 hours each day, seven days each week.

(2) Parking lot with entrance from Washington Street. No vehicle shall be parked or operated on this lot except:

a. Private vehicles owned by United States Postal Service employees; and

b. Vehicles owned by the United States Postal Service.

(Code 1978, § 13-75; Ord. of 12-1-1980)

Sec. 44-133. Authority to tow away.

(a) The police department is authorized to tow away or have towed away by a privately owned wrecker any vehicle illegally parked.

(b) The owner of any towed vehicle is responsible for the costs incurred in towing the vehicle.

(Code 1978, § 13-76; Ord. of 12-1-1980)

Sec. 44-134. City park; penalty.

(a) Parking in the city park shall be restricted as follows:

(1) Parking of vehicles in the city park (north side) leased from the state park commission shall be only in areas designated for parking by appropriate parking signs.

(2) Parking of automobiles, trucks, vans, etc., shall be prohibited on the south side of the north end of City Park Street from Louisiana Route 31 (North Main St.) to the recreation center building.

(b) Violators of the provisions of this section shall be subject to such fine as may be legally assessed by the mayor's city court.

(Code 1978, § 13-77; Ord. of 10-23-1978; Ord. of 6-21-1982)

Sec. 44-135. City hall.

Two no-parking automobile or truck spaces are hereby established to be located at the front entrance of the new city hall building.

(Code 1978, § 13-78; Ord. of 4-21-1986, § 1)

Secs. 44-136—44-153. Reserved.

### ARTICLE VI. ELECTRONIC TRAFFIC ENFORCEMENT

Sec. 44-154. Definitions.

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:

*Administrative adjudication hearing* means an administrative hearing of violations conducted by the mayor's court magistrate or the mayor's designee.

*Chief* means the city police chief or his designee.

*Department* means the city police department, its successor, or an authorized representative as determined by the city police chief.

*Magistrate/hearing officer* means a licensed attorney who meets the qualifications contained within this article and who is designated by the mayor or the mayor's designee to preside over the mayor's court.

*Mayor* means the city mayor.

*Owner* means the owner of a vehicle as shown on the vehicle registration records of the state department of public safety, department of motor vehicles, or the analogous department or agency of another state or county.

*Photographic vehicle speed enforcement or system* means a system consisting of an electronic process that is capable of producing one or more recorded images depicting the license plate attached to the rear of a vehicle being operated at a speed in excess of the speed limit. The speed measurement component of the system shall be properly calibrated on a regular basis as determined by the police chief and the records of such calibration shall be maintained with the department.

*Recorded image* means an image recorded by the system depicting the rear of a vehicle which is automatically recorded on a photograph or digital image, which also depicts the recorded speed, date, location, and time of the recorded image.

*Speed limit* means the established regulatory speed limit on the subject roadway.

*System location* means the highway location toward which a photographic vehicle speed enforcement system is directed and in operation or a segment of roadway on which a vehicle speed enforcement system is in operation.

*Violation* means the notice of civil violation for speeding.

(Ord. No. 2022-12, § 2(13-80), 11-7-2022)

Sec. 44-155. Imposition of civil violation penalty for violations enforced by a photographic vehicle speed enforcement system.

(a) The council finds and determines a vehicle traveling over the speed limit for the vehicle's direction of travel damages the public by endangering vehicle operators, passengers, and pedestrians alike, by increasing the number of serious traffic crashes and causing public safety agencies to respond at the expense of the taxpayers, thereby decreasing the efficiency of traffic control and traffic flow efforts.

(b) Except as provided in subsections (c) and (d) of this section, the owner of a vehicle is responsible for a civil violation penalty as shown in the following tables, if the vehicle was traveling at a speed in miles per hour (mph) greater than the speed limit as shown when captured by the system in accordance with the vehicle's recorded speed and the corresponding speed limit of the roadway where the notice of civil violation was issued.

(1) *Fines, miles per hour over speed limit.*

a. One to ten miles per hour = $130.00.

b. 11 to 20 miles per hour = $140.00.

c. 21 to 30 miles per hour = $160.00.

d. 31 to 100-plus miles per hour = $190.00.

(2) *Fines, miles per hour speed limit in school zone.*

a. One to ten miles per hour = $188.00.

b. 11 to 15 miles per hour = $212.00.

c. 16 to 20 miles per hour = $237.00.

d. Over 20 miles per hour = $267.00.

(c) Following the guidelines as established by the state department of transportation and development (DOTD), the following thresholds shall be established:

|  |  |  |
| --- | --- | --- |
| Posted Speed Limit  (miles per hour) | Minimum Speed for Violation to be Issued in a School Zone  (miles per hour) | Minimum Speed for Violation to be Issued  (miles per hour) |
| 15 | ≥21 | ≥21 |
| 20 | ≥26 | ≥26 |
| 25 | ≥31 | ≥31 |
| 30 | ≥36 | ≥36 |
| 35 | ≥41 | ≥43 |
| 40 | ≥46 | ≥48 |
| 45 | ≥51 | ≥55 |
| 50 | ≥58 | ≥60 |
| 55 | ≥63 | ≥65 |
| 60 |  | ≥70 |
| 65 |  | ≥75 |
| 70 |  | ≥80 |
| 75 |  | ≥85 |

(d) Any photographic vehicle speed enforcement system which is hand-held, mounted in or on a trailer or in a fixed position shall be deployed at the discretion of the police chief, who shall deploy such systems in his discretion within the city.

(Ord. No. 2022-12, § 2(13-81), 11-7-2022)

Sec. 44-156. Late payments.

An owner who fails to pay a civil violation penalty within 30 calendar days from the date of receipt of the civil notice of violation, inclusive of weekends and legal holidays, shall be subject to a late payment penalty of $30.00 (e.g., original civil violation plus $30.00 equals the total civil violation amount including late payment penalty). A notice of civil violation under this article is presumed to have been received on the tenth calendar day, inclusive of weekends and legal holidays, after the date the notice of civil violation is mailed.

(Ord. No. 2022-12, § 2(13-82), 11-7-2022)

Sec. 44-157. Enforcement; procedures.

(a) The department is responsible for the enforcement and administration of this article or the department may enforce and administer this article in part or in whole, through one or more contractors selected in accordance with applicable law. The actions which can be used to enforce the payment of this civil penalty and related fees include, but are not limited to, referring the debt to collection agencies, and/or initiating actions through a court of competent jurisdiction, or any other lawful means, all in accordance with applicable authority, laws, and procedure.

(b) In order to impose a civil violation penalty under this article, the department shall mail a notice of civil violation to the owner of the vehicle responsible for the civil violation penalty not later than 30 calendar days, inclusive of weekends and legal holidays, after the date the department reviews and inspects the recorded images, and an alleged civil violation is determined by the department to have occurred.

(c) A notice of civil violation issued under this article shall contain the following:

(1) A description of the violation alleged;

(2) The date, time, and location of the violation;

(3) A copy of a recorded image of the vehicle involved in the violation;

(4) The amount of the civil violation penalty to be imposed for the violation;

(5) The date by which the civil violation penalty must be paid;

(6) A statement indicating that the person named in the notice of civil violation may pay the civil violation penalty in lieu of appearing at an administrative adjudication hearing;

(7) Information informing the person named in the notice of civil violation:

a. Of the right to contest the imposition of the civil violation penalty in an administrative adjudication hearing;

b. Of the manner and time in which to contest the imposition of the civil violation penalty; and

c. That failure to pay the civil violation penalty or to contest liability within 40 calendar days from the date of receipt of the civil notice of violation, inclusive of weekends and legal holidays, is a waiver of the right to appeal;

(8) A statement that a recorded image is evidence in a proceeding for the imposition of a civil violation penalty; and

(9) A statement indicating failure to pay the civil violation penalty within the time allowed shall result in the imposition of an additional late penalty for each such violation.

(d) A notice of civil violation under this article is presumed to have been received on the tenth calendar day, inclusive of weekends and legal holidays, after the date the notice of civil violation is mailed.

(Ord. No. 2022-12, § 2(13-83), 11-7-2022)

Sec. 44-158. Administrative adjudication hearing.

(a) A person who receives a notice of civil violation may contest the imposition of the civil violation penalty by a request in writing for an administrative adjudication of the notice of civil violation penalty within 30 calendar days, inclusive of weekends and legal holidays, after date of mailing of the notice of civil violation and posting a hearing request and cash bond of $50.00. Upon receipt of a request and cash bond within the prescribed time period within this subsection, the office shall notify the person requesting such hearing of the date and time of the administrative adjudication hearing. If, after the administrative adjudication hearing, the person is found not liable by the adjudication officer, the cash bond of $50.00 will be refunded to that person. If that person is found liable, he or she may ask that the cash bond of $50.00 be used towards the payment of the civil violation.

(b) A person who is found liable after an administrative adjudication hearing or who requests an administrative adjudication hearing and thereafter fails to appear at the time and place of the hearing shall forfeit their cash bond amount.

(c) Administrative adjudications of violations shall be conducted by the hearing officer designated by the mayor. In conducting administrative adjudications of violations, the hearing officer shall have the following functions, powers and duties:

(1) To administer oaths, to accept admissions to, and to hear and determine contests of, violations herein.

(2) To require the attendance of persons to give testimony at hearings, and to require the production of data and information, to the extent permitted by law.

(3) To adjudicate violations for which a notice of civil violation has been issued herein.

(4) To compile and maintain accurate records relating to notice of civil violations and/or dispositions of violations and notice of civil violations.

(5) Upon request of the department or a person charged with a violation or his attorney, to prepare or provide transcripts or audio records of hearings conducted by the magistrate and to furnish such transcripts or audio records to the requesting person at a reasonable cost.

(6) To designate an individual or individuals with the responsibility to answer, within a reasonable period of time, relevant and reasonable inquiries made by a person charged with a violation, or his attorney, concerning the violation.

(7) The functions and duties in subsections (c)(4) through (6) of this section may be performed by representatives of the department, as directed by the magistrate.

(8) To prescribe regulations for the presentation and the conduct of hearings which need not necessarily be in strict conformity with the usual rules of evidence and technical rules of procedure; however, the fundamental principles governing a fair and impartial hearing or trial and due process of law must be reasonably and substantially adhered to.

(d) Except as provided in subsection (h) of this section, failure to pay a civil violation penalty or to contest liability within 30 calendar days from the date of the receipt of notice of civil violation, inclusive of weekends and legal holidays, constitutes a waiver of the right to contest under subsection (a) of this section.

(e) The civil violation penalty shall not be assessed if, after a hearing, the magistrate enters a finding of no liability.

(f) In an administrative adjudication hearing, the issues must be proved at the hearing by a preponderance of the evidence. The reliability of the system used to produce the recorded image of the violation may be attested to in an administrative adjudication hearing by affidavit of a law enforcement officer or a representative of the department, or by actual testimony by either of them. A sworn affidavit of a law enforcement officer or representative of the department, or actual testimony by both of them, that alleges a civil violation occurred based on an inspection of the pertinent recorded image is admissible in a proceeding under this article and is prima facie evidence of those facts contained in the affidavit or testified to. Testimony by any person shall be taken under oath or by affirmation, except to the extent such testimony is allowed by affidavit as provided in this subsection. The person charged with the ordinance violation may present any relevant evidence and testimony at such hearing.

(g) It shall be an affirmative defense to the imposition of civil liability under this article, to be proven by a preponderance of the evidence, that:

(1) The operator of the vehicle was acting in compliance with the lawful order or direction of a law enforcement or public safety officer;

(2) The operator of the vehicle violated the speed limit so to move out of the way of an immediately approaching authorized emergency vehicle;

(3) The vehicle was being operated as an authorized emergency vehicle under R.S. 32:24, and the operator was acting in compliance with R.S. 32:24;

(4) The vehicle was being operated in accordance with R.S. 32:300.3; however, the operators are not exempt if they fail to comply with vehicle speed provisions;

(5) The vehicle was being operated by a commissioned law enforcement officer performing authorized/assigned tasks;

(6) The vehicle was being operated during a bona fide medical emergency which is documented with adequate and sufficient evidence from a medical care facility, as determined by the department;

(7) At the time of the violation, the vehicle was in the care, custody, or control of another person:

a. As set forth in the owner's written statement identifying the name and correct mailing address of the person or entity who had the care, custody, and control of the vehicle at the time of the violation.

b. As set forth in a document, or transfer of liability, signed and dated by the person, or a representative of the entity, who had the care, custody, and control of the vehicle at the time of the violation, indicating his/her responsibility for the violation and listing his/her name and mailing address. Responsibility for the violation shall in such a case be transferred to the person identified in the transfer of liability.

c. The tender of a statement of transfer of liability shall be for the sole purpose of identifying the person who is assuming responsibility for the violation identified in the notice of civil violation, but all defenses that may be asserted by the person alleged to be responsible are reserved and are not waived by the tender of such document.

d. As set forth in a lease, rental contract, or other agreement listing the name and mailing address of the person or entity who had the care, custody, or control of the leased or rented vehicle at the time of the violation. Responsibility for the violation shall in such case be transferred to the lessee.

(h) (1) Notwithstanding anything in this article to the contrary, a person who fails to pay the amount of a civil violation penalty or to contest liability is entitled to an administrative adjudication hearing on the violation if:

a. The person files an affidavit with the office stating the date on which the person received the notice of civil violation mailed to the person; and

b. The person files a request for an administrative hearing within 30 days from the date of receipt of the notice of civil violation, as stated in the affidavit.

(2) The decision of the hearing officer shall be the final decision in the hearing.

(Ord. No. 2022-12, § 2(13-84), 11-7-2022)

Sec. 44-159. Orders of magistrate.

(a) The magistrate at administrative adjudication hearings under this article shall issue an order stating:

(1) Whether the person charged with the violation is responsible for the violation; and

(2) The amount of any civil violation penalty, late penalty, and adjudication costs assessed against the person.

(b) The orders issued under subsection (a) of this section may be filed with the department. The department shall maintain the magistrate's orders/determination.

(Ord. No. 2022-12, § 2(13-85), 11-7-2022)

Sec. 44-160. Effect of liability; exclusion of civil remedy.

(a) The imposition of a civil violation penalty under this article shall not be considered a criminal conviction.

(b) A civil violation penalty may not be imposed under this article upon the owner of a vehicle if the operator of the vehicle was arrested or was issued a speeding citation and notice to appear by a law enforcement or public safety officer as a violation of any of the provisions of R.S. title 32, ch. 1, pt. IV, subpt. A (R.S. 32:61 et seq.) if such violation was captured by the system.

(c) Upon receipt of all documents supplied to the contractor, the magistrate may enforce collection of all unpaid fines, fees, penalties, late payment penalties, and adjudication fees in a court of competent jurisdiction for vehicles registered through a filing with the state department of revenue and the federal offset program.

(d) The police chief or contractor, as applicable, shall supply to the magistrate, or outside counsel bringing suit, all materials and/or testimony necessary to support enforcement.

(e) Defendants in enforcement suits authorized by this section have, until rendition of final judgment, the option of settlement by payment of all outstanding fines, fees, penalties, late payment penalties, and adjudication fees, as well as court costs and filing fees incurred (whether prepaid or otherwise) in enforcement. No defendant in such suit shall be required to pay attorney fees in connection with such settlement.

(f) Any money judgment obtained in a suit to enforce fines levied for violation of this article shall be recorded in the mortgage records of the parish, and/or any other parish, as a judicial mortgage against the property of the defendant.

(Ord. No. 2022-12, § 2(13-86(1)), 11-7-2022)

Sec. 44-161. Collections fees and costs.

In the event a fine or penalty is assessed pursuant to any provision of this article, a default in the payment of a fine, penalty or any installment of a fine or penalty may be collected by any means authorized for the collection of monetary judgments. The department may retain attorneys and private collection agents for the purpose of collecting any default in payment of any fine or penalty imposed by the article, or any installment of a fine or penalty. The department shall add a 35 percent cost of collections to any outstanding balance that requires the department to retain the services of a collection agency. This 35 percent cost includes any default in a fine, penalty, or any installment of a fine or penalty that was previously referred to an attorney or private agency and the payment of which remains outstanding.

(Ord. No. 2022-12, § 2(13-86(2)), 11-7-2022)

## Chapter 46 UTILITIES[[22]](#footnote-22)

### ARTICLE I. IN GENERAL

Sec. 46-1. Additional deposits required following tampering with water or electric meters.

(a) Before service will be restored, any person who received unmetered electricity or water because of intentional tampering with the city's equipment by anyone, shall pay an additional deposit in an amount as established from time to time.

(b) Should tampering be discovered for a third or subsequent time, electric service may be discontinued permanently or for such period as is deemed appropriate and if service is restored an additional deposit of from $200.00 to $500.00 will be required.

(Code 1978, § 20-1; Ord. of 3-21-1983, § 1)

Sec. 46-2. Cutting electrical seals, notification; inspections.

(a) It shall be the responsibility of electricians and/or homeowners to notify the city electrical department prior to cutting any electrical seals that are property of the city. The responsible party shall also be required to notify the city electrical department when the job is completed and ready for inspection.

(b) After regular working hours (7:00 a.m. to 4:00 p.m.) the responsible party shall contact the city police department to notify the city electrician on standby. A fee of $20.00, or such amount as established from time to time, shall apply for after-hour services.

(c) Those persons found to be in violation shall be fined a maximum of $50.00, or such amount as established from time to time, and shall be turned over to the city attorney for further prosecution.

(Code 1978, § 20-2; Ord. of 5-1-1989, § 1)

Sec. 46-3. Access to utility meters.

(a) It shall be a condition of continued provision of utilities through the city utility system to residents that such residents shall provide continuous unfettered access to the utility meter.

(b) If access to the utility meter is denied for any reason, then the city shall deliver a written notice to the residence or business whose utility meter is not accessible. The notice shall inform the occupant of the reason access has been denied to the city, and notify the occupant that utility service shall be cut off in ten days if the lack of access is not corrected.

(c) If the problem is not corrected within the time limit, the utility service will be discontinued and an additional fee of $50.00, or such amount as established from time to time, shall be required before service will be restored.

(Ord. No. 20-03, § 20-3, 5-4-2020)

Secs. 46-4—46-24. Reserved.

### ARTICLE II. ELECTRICITY

Sec. 46-25. Generally.

The city electrical service shall be governed as provided by the mayor and council. All persons desiring such service shall apply as required by the mayor and council and be subject to such rules and regulations as are promulgated by the mayor and council.

(Code 1978, § 20-16)

Sec. 46-26. Connections.

The city will attend to connections to all new customers, but the applicant shall first secure a permit from the city clerk authorizing wiring of the premises involved.

(Code 1978, § 20-17; Res. of 3-13-1945, § 2)

Sec. 46-27. Meters.

(a) All electrical meters shall be of the outdoor type. The city shall furnish the meter and base, and the proprietor shall pay for conduit or tamper-proof type entrance cable, as may be required, the service head, and wire to pole.

(b) The meter and base shall remain the property of the city.

(Code 1978, § 20-18; Res. of 3-13-1945, §§ 1, 2, 4)

Sec. 46-28. Rates and charges and deposits.

(a) All persons receiving electrical service from the city shall pay such rates, and charges as are established by the mayor and city council under such regulations as said mayor and city council may promulgate.

(b) All persons desiring to receive electrical service from the city shall pay such fees and deposits as are established by the mayor and city council under such regulations as said mayor and city council promulgate.

(Code 1978, § 20-19)

Sec. 46-29. Large electricity connections.

If a tenant of a residence or other structure applies for a connection of utilities to the residence or other structure at a time at which there is an unpaid utility bill owed to the city by the owner of that residence or structure, incurred while the owner occupied the residence or structure, then in such situation the city shall not connect electricity or any other utility to the residence or structure until the previous unpaid bill of the owner relating to that residence and structure has been paid.

(Code 1978, § 20-20; Ord. of 3-21-1983; Ord. No. 18-01, 2-5-2018)

Sec. 46-30. Commercial and industrial rate schedule.

Rates and criteria for electric service shall be as established from time to time.

(Code 1978, § 20-21; Ord. of 7-23-1979)

Secs. 46-31—46-48. Reserved.

### ARTICLE III. SEWERS AND SEWAGE DISPOSAL[[23]](#footnote-23)

#### DIVISION 1. GENERALLY

Sec. 46-49. Definitions.

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:

*Biochemical oxygen demand (BOD)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Celsius, expressed in parts per million by weight.

*Building drain* means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes within the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

*Building sewer* means the extension from the building drain to the public sewer or other place of disposal.

*Combined sewer* means a sewer receiving both surface runoff and sewage.

*Garbage* means solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

*Industrial wastes* mean the liquid wastes from industrial processes as distinct from sanitary sewage.

*Natural outlet* means any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

*pH* means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

*Properly shredded garbage* means the wastes from the preparation, cooking, and dispensing of food that has been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half of an inch in any dimension.

*Public sewer* means a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.

*Sanitary sewer* means a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

*Sewage* means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and stormwaters as may be present.

*Sewage treatment plant* means any arrangement of devices and structures used for treating sewage.

*Sewage works* means all facilities for collecting, pumping, treating and disposing of sewage.

*Sewer* means a pipe or conduit for carrying sewage.

*Storm sewer* or *storm drain* means a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

*Superintendent* means the superintendent of the city sewerage system, or his authorized deputy, agent or representative.

*Suspended solids* mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids; and which are removable by laboratory filtering.

*Watercourse* means a channel in which a flow of water occurs, either continuously or intermittently.

(Code 1978, § 20-44; Ord. of 10-3-1984, §§ 101—121)

Sec. 46-50. Depository of objectionable waste in an unsanitary manner.

It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.

(Code 1978, § 20-45; Ord. of 10-3-1983, § 201)

Sec. 46-51. Discharge of untreated waste.

It shall be unlawful to discharge into any natural outlet abutting on any street, alley or right-of-way any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

(Code 1978, § 20-46; Ord. of 10-3-1983, § 202)

Sec. 46-52. Constructing or maintaining a sewage disposal facility.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(Code 1978, § 20-47; Ord. of 10-3-1983, § 203)

Sec. 46-53. Owners to install suitable toilet facilities and connect with proper public sewer.

The owner of all houses, buildings or properties used for human occupancy, employment, recreation, and other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within 90 days after date of official notice to do so, provided that said public sewer is within 300 feet of the property line via public right-of-way.

(Code 1978, § 20-48; Ord. of 10-3-1983, § 204)

Sec. 46-54. Permit required to make any connections, etc.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

(Code 1978, § 20-49; Ord. of 10-3-1983, § 401)

Sec. 46-55. User charges.

(a) The city shall charge each user or recipient of waste treatment services a proportionate share of the costs made under Public Law 92-500. The law requires that the cost of operation and maintenance be distributed to each user in proportion of such user's contribution to the total wastewater loading of the treatment works.

(b) In accordance with the user charge study dated July 1981, prepared and accepted by the city, the user charges will be assessed based on volume contribution to the system, since major pollutant concentrations are considered approximately equal. The volume of sewer discharge will be based on water consumption. Special considerations and seasonal variations in the ratio of the portion of sewer discharged to the amount of water consumed (on a monthly basis) are hereby acknowledged and may be provided for at the discretion of the city officials in accordance with the user charge study.

(c) The sewer user fee schedule is hereby adopted from time to time. For customers with extremely high water bills proven by the public works department to have been caused by a leak in the water lines, the sewer charges will be averaged based on the past 12 months' consumption.

(Code 1978, § 20-50; Ord. of 10-3-1983, §§ 901—903; Mo. of 8-16-1993; Mo. of 9-19-1994)

Sec. 46-56. Damaging sewer system; penalty.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Code 1978, § 20-51; Ord. of 10-3-1983, § 601)

Sec. 46-57. Authority of inspectors.

The superintendent and any other duly authorized city employees bearing proper credentials and identification shall be permitted to enter upon all premises for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this article.

(Code 1978, § 20-52; Ord. of 10-3-1983, § 701)

Sec. 46-58. Penalties.

(a) Any person found to be violating any provision of this article except section 46-56 shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) Any person who shall continue any violation beyond the time limit provided for in subsection (a) of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined an amount not exceeding $100.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(c) Any person violating any of the provisions of this article shall become liable to the city for any expense, loss, or damage occasioned to the city by reason of such violation.

(Code 1978, § 20-53; Ord. of 10-3-1983, §§ 801—803)

Secs. 46-59—46-89. Reserved.

#### DIVISION 2. PRIVATE SEWAGE DISPOSAL

Sec. 46-90. Connection.

Where a public sanitary sewer is not available under the provisions of section 46-53, the building sewer shall be connected to a private disposal system complying with the provisions of this division.

(Code 1978, § 20-57; Ord. of 10-3-1983, § 301)

Sec. 46-91. Permit; fee.

Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the superintendent. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the superintendent. A permit and inspection fee of $5.00, or such amount as established from time to time, shall be paid to the clerk at the time the application is filed.

(Code 1978, § 20-58; Ord. of 10-3-1983, § 302)

Sec. 46-92. Inspection.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the superintendent. He shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within eight working hours of the receipt of notice by the superintendent.

(Code 1978, § 20-59; Ord. of 10-3-1983, § 303)

Sec. 46-93. Compliance with regulations.

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the state department of health and human resources. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 10,000 square feet. No septic tank shall be permitted to discharge to any public sewer or natural outlet.

(Code 1978, § 20-60; Ord. of 10-3-1983, § 304)

Sec. 46-94. Authority of parish health officer.

The parish health officer (under R.S. 40:14) has the authority to approve private sewage disposal systems.

(Code 1978, § 20-61; Ord. of 10-3-1983, § 305)

Sec. 46-95. Operation and maintenance.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

(Code 1978, § 20-62; Ord. of 10-3-1983, § 307)

Sec. 46-96. Availability of public sewer.

At such time as public sewerage becomes available to a property served by a private sewage disposal system, as provided in section 46-53, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(Code 1978, § 20-63; Ord. of 10-3-1983, § 306)

Sec. 46-97. Additional requirements.

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the superintendent.

(Code 1978, § 20-64; Ord. of 10-3-1983, § 308)

Secs. 46-98—46-122. Reserved.

#### DIVISION 3. BUILDING SEWERS AND CONNECTIONS

Sec. 46-123. Permit application; fee.

The residential or commercial property owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the superintendent. A permit and inspection fee for a residential or commercial building sewer permit shall be paid to the city clerk at the time the application is filed.

(Code 1978, § 20-66; Ord. of 10-3-1983, § 402)

Sec. 46-124. Costs and expenses to be borne by owner.

All costs and expenses incurred incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Code 1978, § 20-67; Ord. of 10-3-1983, § 403)

Sec. 46-125. Separate building sewers required; exception.

A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(Code 1978, § 20-68; Ord. of 10-3-1983, § 404)

Sec. 46-126. Use of old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this article.

(Code 1978, § 20-69; Ord. of 10-3-1983, § 405)

Sec. 46-127. Specifications and requirements.

(a) The building sewer shall be of the following pipe material and specifications: cast-iron soil pipe, ASTM A74-42 or equal; vitrified clay sewer pipe, ASTM C13-44T, ABS truss pipe, ASTM D2680-70, PVC gravity sewer pipe, ASTM D3034 or other suitable material approved by the superintendent. Joints shall be tight and waterproof. Any part of the building sewer that is located within six feet of a water service pipe shall be constructed of cast-iron soil pipe with leaded joints. Cast-iron pipe with leaded joints may be required by the superintendent where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast-iron soil pipe, except that nonmetallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the superintendent.

(b) The size and slope of the building sewer shall be subject to the approval of the superintendent, but in no event shall the diameter be less than four inches. The slope of such four-inch pipe shall be not less than one-eighth of an inch per foot.

(c) All joints and connections shall be made gastight and watertight. All joints in PVC pipe shall be right-tight, push-on joints and conform to ASTM D-1869. All joints in ABS truss pipe shall be in accordance with ASTM C443. All joints in bell-and-spigot PVC pipe shall conform to ASTM C425-74, and these joints will employ compression coupling (gaskets). All joints in plain-end PVC pipe shall conform to ASTM C594-74, and these joints will employ compression coupling (gaskets). Cast-iron pipe joints shall conform to American National Standards Institute (ANSI) A21.51. Other jointing materials and methods may be used only after approval by the superintendent.

(d) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings.

(Code 1978, § 20-70; Ord. of 10-3-1983, §§ 406—408, 411)

Sec. 46-128. Building drains.

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

(Code 1978, § 20-71; Ord. of 10-3-1983, § 409)

Sec. 46-129. Excavations required for installation of sewer.

All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the superintendent. Pipe laying and backfill shall be performed in accordance with ASTM C12-19 except that no backfill shall be placed until the work has been inspected.

(Code 1978, § 20-72; Ord. of 10-3-1983, § 410)

Sec. 46-130. Connection to public sewage system.

The connection of the building sewer into the public sewage system shall be made at the property line. The city shall provide a sewer tap of sufficient size at the property line. Under no circumstances shall any connection be made to a public sewer main by any person without first obtaining a written permit from the superintendent.

(Code 1978, § 20-73; Ord. of 10-3-1983, § 412)

Sec. 46-131. Inspection and connection; fee.

The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The applicant shall pay a $5.00 service charge, or such amount as established from time to time, for each inspection following the initial inspection (section 46-123 provides for the permit and initial inspection fee). The connection from the building line to the sewer tap shall be made under the supervision of the superintendent or his representative.

(Code 1978, § 20-74; Ord. of 10-3-1983, § 413)

Sec. 46-132. Excavations to be adequately indicated and restored.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(Code 1978, § 20-75; Ord. of 10-3-1983, § 414)

Secs. 46-133—46-162. Reserved.

#### DIVISION 4. PROHIBITED AND REGULATED DISCHARGES

Sec. 46-163. Discharge of unpolluted drainage.

(a) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

(b) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the superintendent, to a storm sewer, or natural outlet.

(Code 1978, § 20-79; Ord. of 10-3-1983, §§ 501, 502)

Sec. 46-164. Prohibited discharges.

(a) *Discharges to public sewers.* Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

(1) Any liquid or vapor having a temperature higher than 140 degrees Fahrenheit.

(2) Any water or waste which may contain more than 100 parts per million, by weight, of fat, oil, or grease.

(3) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.

(4) Any garbage that has not been properly shredded.

(5) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, paraffin, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or interference with the proper operation of the sewage works.

(6) Any waters or wastes having a pH lower than 5.5, or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(7) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, which constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.

(8) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.

(9) Any noxious or malodorous gas or substance capable of creating a public nuisance.

(10) Any of the following substances in excess of the corresponding concentrations:

|  |  |
| --- | --- |
| *Substance* | *Concentration* *(mg/L)* |
| Arsenic | 0.05 |
| Barium | 5.0 |
| Boron | 1.0 |
| Cadmium | 0.02 |
| Chromium | 2.0 |
| Copper | 1.0 |
| Lead | 0.1 |
| Manganese | 1.0 |
| Mercury | 0.005 |
| Nickel | 1.0 |
| Selenium | 0.02 |
| Silicon | 0.1 |
| Silver | 0.1 |
| Zinc | 5.0 |

(11) Any of the following substances:

a. Antimony.

b. Beryllium.

c. Bismuth.

d. Cobalt.

e. Molybdenum.

f. Uranyl ion.

g. Rhenium.

h. Strontium.

i. Tellurium.

j. Herbicides.

k. Fungicides.

l. Pesticides.

m. Iron.

n. Tin.

(b) *Recovery of costs.* Any person who causes or allows a prohibited discharge (as defined in subsection (a) of this section) into the waters, ditches, canals, drains, or public sewers of the city shall be responsible for all costs incurred by the city in correcting, containing, or removing such discharge. In addition, the city shall have a lien and privilege for the cost of such correction, containment, or removal of a prohibited discharge against the lot and improvements from which the prohibited discharge occurred.

(Code 1978, § 20-80; Ord. of 10-3-1983, § 503; Ord. No. 10-03, 8-16-2010)

Sec. 46-165. Interceptors.

(a) Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located so as to be readily and easily accessible for cleaning and inspection.

(b) Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

(c) Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

(Code 1978, § 20-81; Ord. of 10-3-1983, §§ 504, 505)

Sec. 46-166. Preliminary treatment for excessive discharges.

(a) The review and approval of the superintendent shall be required for the admission into the public sewers of any waters or wastes having:

(1) A five-day BOD greater than 300 parts per million by weight; or

(2) Containing more than 350 parts per million by weight of suspended solids; or

(3) Containing any quantity of substances having the characteristics described in section 46-164; or

(4) Having an average daily flow greater than two percent of the average daily sewage flow of the city.

(b) Where necessary, in the opinion of the superintendent, the owner shall provide at his expense, such preliminary treatment as may be necessary to:

(1) Reduce the BOD to 300 parts per million and suspended solids to 350 parts per million by weight; or

(2) Reduce objectionable characteristics or constituents to within the maximum limits provided for in section 46-164; or

(3) Control quantities and rates of discharge of such water or wastes.

(c) Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the superintendent, the department of health and human resources and/or the state water pollution control division and appropriate office of the Federal Environmental Protection Agency, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

(d) Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense.

(Code 1978, § 20-82; Ord. of 10-3-1983, §§ 506, 508)

Sec. 46-167. Authority to devise cost recovery system.

The city shall have the authority to devise an industrial cost recovery system (based on federal guidelines, industrial cost recovery systems, MCD-45) which will adjust user costs based on sewage strength and flow.

(Code 1978, § 20-83; Ord. of 10-3-1983, § 507)

Sec. 46-168. Installation and maintenance of a control manhole.

When required by the superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(Code 1978, § 20-84; Ord. of 10-3-1983, § 509)

Sec. 46-169. Standard for measurement of wastes.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in sections 46-164 and 46-166 shall be determined in accordance with standard methods for the examination of the water, sewage, and industrial wastes, and shall be determined at the control manhole provided for in section 46-168, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

(Code 1978, § 20-85; Ord. of 10-3-1983, § 510)

Sec. 46-170. Special agreements.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the industrial concern, as negotiated.

(Code 1978, § 20-86; Ord. of 10-3-1983, § 511)

Secs. 46-171—46-193. Reserved.

### ARTICLE IV. WATER

Sec. 46-194. Generally.

The city's waterworks system shall be governed as provided by the mayor and city council and all persons desiring service from it shall apply as required by the mayor and city council and be subject to such rules and regulations as are promulgated by the mayor and city council.

(Code 1978, § 20-91)

Sec. 46-195. Rates, charges and deposits generally.

(a) All persons receiving water service from the city shall pay such rates and charges as are established by the mayor and city council under such regulations as said mayor and city council may promulgate.

(b) All persons desiring to receive water service from the city shall pay such fees and deposits as are established by the mayor and city council under such regulations as said mayor and city council promulgate.

(Code 1978, § 20-92)

Sec. 46-196. Rates established.

Water rates and associated criteria shall be as established from time to time.

(Code 1978, § 20-93; Ord. of 2-21-1983, § 1; Ord. of 11-3-1986; Ord. of 7-16-1990; Ord. No. 2000-11, §§ 1, 2, 12-4-2000)

Sec. 46-197. Tapping fees established.

Water tapping fees shall be as established from time to time.

(Code 1978, § 20-94; Ord. of 7-23-1979)

Secs. 46-198—46-217. Reserved.

### ARTICLE V. CROSS CONNECTION AND BACKFLOW PREVENTION

Sec. 46-218. Generally.

Effective January 5, 2009, the city established a policy concerning cross connection control devices or methods required for backflow prevention. Said policy, which may be amended by the administrative authority, is designated as this article.

(Ord. No. 09-01, § 20.95, 1-5-2009)

Sec. 46-219. Definitions.

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. For those terms not defined in this article, the definitions contained in the Louisiana State Plumbing Code, 2000 edition (LSPC, 2000 edition), and as amended, shall apply.

*Administrative authority* means the city utilities department, or any agent, employee, officer, department, or board of the city designated to enforce this article.

*Approved* means accepted or acceptable under an applicable specification or standard stated or cited in the code, or accepted as suitable for the proposed use under procedures and authority of the administrative authority.

*Approved backflow prevention assembly for containment* means an air gap meeting ASME Standard A112.1.2-1991 (R 1998), Air Gaps in Plumbing Systems, or a backflow prevention assembly which is listed by the University of Southern California Foundation for Cross Connection Control and Hydraulic Research (USCFCCCHR) as having met the requirements of ANSI/AWWA Standard CSI 0-97 or ASSE Standard 1015-1993, Double Check Valve Backflow Prevention Assemblies, or ANSI/AWWA Standard CSI 1-97 or ASSE Standard 1013-1993, Reduced-Pressure Principle Backflow Assemblies, for containment. The listing shall include the limitations of use based on the degree of hazard. The backflow prevention assembly must also be listed by the ASSE in Table 606 of the LSPC, 2000 edition, or other testing agency approved by the administrative authority. The term "approved backflow prevention assembly for containment" includes those backflow prevention assemblies meeting ANSI/ASSE Standard 1047-1995, Backflow Preventer, Reduced Pressure Detector Assembly, or ANSI/ASSE Standard 1048-1995, Backflow Preventer, Double Check Detector Assembly. (These detector assembly devices are often times used on fire protection/fire sprinkler systems to detect and monitor unauthorized water usage.)

*Approved backflow prevention assembly for containment in fire protection system* means a backflow prevention assembly listed in table 606 of the LSPC, 2000 edition, to be used in a fire protection system which also meets the requirements of Factory Mutual Research Corporation (FM) and Underwriters Laboratory (UL) and the requirement of the standard codes adopted by the city. Devices sized smaller than 2½ inches which have not been listed by UL and tested by FM may be allowed if approved by the state fire marshal, and such device is listed in table 606 of the LSPC, 2000 edition. Any such device under this definition shall minimally meet the definition of an approved backflow prevention assembly for containment. In addition, the particular type of device to be used for a particular application/degree of hazard shall be selected and installed in accord with the requirements of Table D104 of the LSPC, 2000 edition.

*Approved testing agency* means an organization primarily established for purposes of testing to approved standards and approved by the administrative authority (e.g., American Society of Mechanical Engineers (ASME), American Society of Sanitary Engineers (ASSE), American Water Works Association (AWWA), American National Standards Institute (ANSI), Factory Mutual Research Corporation (FM), Underwriters Laboratory (UL), University of Southern California-Foundation for Cross Connection Control and Hydraulic Research (USC-FCCCHR), etc.).

*Auxiliary water supply* means any water supply on or available to the premises other than the water purveyor's approved public water supply, such as, but not limited to, a private well, pond or river.

*Backflow* means the flow of water or other liquids, mixtures, or substance into the distribution pipes of a potable supply of water from any sources other than its intended source.

*Backflow connection* means any arrangement whereby backflow can occur.

*Backflow preventer* means a device or method to prevent backflow into the potable water system.

*Backflow prevention assembly general tester* means those individuals holding a testing certificate from a nationally recognized backflow certification organization approved by the state health officer. Such individuals are not required to be a licensed plumber and are authorized to perform tests of backflow prevention devices and methods. When such devices or methods are located on private property, a backflow prevention assembly general tester is not authorized to install, repair, or maintain such devices or methods. A general tester may perform installation, maintenance or repairs, if the backflow prevention device is on public property, after having obtained approval from the water purveyor.

*Backflow prevention assembly technician* means a water supply protection specialist licensed by the state plumbing board pursuant to R.S. 37:1361 et seq., and its implementing regulations (L.A.C. 46:LV.101 et seq.). All water supply protection specialists are state licensed plumbers who hold such a special endorsement on their plumbing license. Such individuals are authorized to test, install, repair, and maintain backflow prevention devices and methods.

*Back-pressure backflow* means backflow due to an increased pressure above the supply pressure. This may be due to pumps, boilers, gravity or other sources of pressure.

*Back-siphonage* means the flowing back of used, contaminated, or polluted water from a plumbing fixture or vessel into a water supply pipe due to a negative pressure in such pipe.

*Code* or *this code,* when used alone, means these regulations, subsequent amendments thereto or any emergency rule or regulation which the administrative authority having jurisdiction may lawfully adopt.

*Containment* means a method of backflow prevention which requires the installation of an air gap or a backflow prevention assembly immediately following the water meter or as close to that location as deemed practical by the administrative authority.

*Contamination* means an impairment of the quality of the potable water which creates an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids or waste. The term "contamination" also includes the term "high hazard."

*Cross connection* means any connection or arrangement, physical or otherwise, between a potable water supply system and any plumbing fixture or any tank, receptacle, equipment or device, through which it may be possible for non-potable, used, unclean, polluted or contaminated water, or other substances, to enter into any part of such potable water system under any condition.

*Customer.*

(1) The term "customer" means the owner, operator, or occupant of a building or property which has a water service from a public water system, or the owner or operator of a private water system which has a water service from a public water system.

(2) The term "customer" does not include any residential connection used for dwelling purposes, unless:

a. The residence is also used as a business premises and the home-based business or occupation involves operation of a home-based business or occupation which the water purveyor or city inspector deems a potentially significant and high hazard to the city water supply;

b. The domestic water service provided is also used for a landscape irrigation system; or

c. A separate water service has been installed for landscape irrigation and other non-domestic purposes.

*Degree of hazard* means the rating of a cross connection or water service which indicates if it has the potential to cause contamination or pollution.

*Domestic sewage* means the liquid and waterborne wastes derived from the ordinary living processes, free from industrial wastes, and of such character as to permit satisfactory disposal, without special treatment, into the public sewer or by means of a private sewage disposal system.

*Double check valve backflow prevention assembly* means a backflow prevention device consisting of two independently acting internally loaded check valves, four properly located test cocks, and two isolation valves.

*Existing work* means a plumbing system, or any part thereof, which has been installed prior to the effective date of the ordinance from which this article is derived.

*Fire protection system* means any system used for fire protection or suppression with a direct connection to the public water supply, including but not limited to, sprinklers, stand-pipes, and Siamese connections.

*High hazard.* See *Contamination.*

*High hazard cross connection* means a cross connection which may cause an impairment of the quality of the potable water by creating an actual hazard to the public health, through poisoning or through the spread of disease by sewage, industrial fluids, or waste.

*Industrial waste* means any and all liquid or waterborne waste from industrial or commercial processes, except domestic sewage.

*Isolation* means a method of backflow prevention in which a backflow prevention assembly is located at the cross connection rather than at the water service entrance.

*Labeled* means equipment or materials bearing a label or listing agency.

*Liquid water* means the discharge from any fixture, appliance or appurtenance in connection with a plumbing system which does not receive fecal matter.

*Listed* means equipment or materials included in a list published by a listing agency that maintains periodic inspection or current production of listed equipment or materials and whose listing states either that the equipment or material complies with approved standards or has been tested and found suitable for use in a specified manner.

*Listing agency* means an agency accepted by the administrative authority which is in the business of listing or labeling and which maintains a periodic inspection program on current production of listed models, and which makes available a published report of such listing in which specific information is included that the product has been tested to approved standards and found safe for use in a specific manner. (e.g., USC-FCCCHR, ASSE, etc.)

*Low hazard.* See *Pollution.*

*Low hazard cross connection* means a cross connection which may cause an impairment of the quality of potable water to a degree which does not create a hazard to the public health, but which does adversely and unreasonably affect the aesthetic qualities of such potable waters for domestic use.

*Main* means the principal artery of any system of continuous piping to which branches may be connected.

*Pharmaceutical-grade antifreeze* means a food-grade antifreeze such as an inhibited propylene glycol-based fluid.

*Point of entry* means the point of connection to the potable water system.

*Point of introduction* means the point at which any additive is introduced to the water supply system.

*Pollution* means an impairment of the quality of the potable water to a degree which does not create a hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such potable waters for domestic use. The term "pollution" includes the term "low hazard."

*Potable water* means water which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the state and city departments of health.

*Reduced pressure principle backflow prevention assembly* means a backflow prevention device consisting of two independently acting internally loaded check valves, a differential pressure relief valve, four properly located test cocks, and two isolation valves.

*Sewage* means any liquid waste containing animal or vegetable matter in suspension or solution and may include liquids containing chemicals in solution.

*Table D104* refers to the table marked D104 in appendix D of the Louisiana State Plumbing Code, 2000 edition (known as the containment device table).

*Table D105* refers to the table marked D105 in appendix D of the Louisiana State Plumbing Code, 2000 edition (known as the fixture isolation table).

*Section D106* refers to the section marked D106 in appendix D of the Louisiana State Plumbing Code, 2000 edition.

*Water service* means, depending on the context, the physical connection between a public water system and a customer's building, property, or private water system, or the act of providing potable water to a customer.

*Water supply system* means the water supply system of a building or premises consisting of the building supply pipe, the water distributing pipes and the necessary connecting pipes, fittings, control valves, and all appurtenances carrying or supplying potable water in or adjacent to the building or premises.

*Water purveyor* means the city public works department.

(Ord. No. 09-01, app. A(2), 1-5-2009)

Sec. 46-220. Cross connection control device or method required.

Each existing or new structure is required to implement and maintain an adequate cross connection control device or method for backflow prevention as mandated under state law and state regulations.

(Ord. No. 09-01, app. A(1), 1-5-2009)

Sec. 46-221. Administrative authority.

(a) The water purveyor shall have the right to enter, with the consent of the customer, or upon the basis of a suitable warrant issued by a court of appropriate jurisdiction, any property to inspect for cross connections.

(b) The state will approve training programs for backflow prevention assembly technicians and register backflow prevention assembly technicians who successfully complete a training program approved by the state plumbing board as per R.S. 37:1367(G) and L.A.C. 46:LV.310, all of which applies to licensed plumbers.

(c) In addition, the state health officer, through the LSPC, 2000 edition, does accept certain persons as general testers per section D108.1.1 thereof. Such individuals are known and defined herein as backflow prevention assembly general testers. The limitations of jurisdiction/authority of backflow prevention assembly general testers are described within said definition in section 46-219.

(d) The administrative authority shall collect a fee of $25.00, or such amount as established from time to time, for each inspection done by the water purveyor. The inspection will only be for the water purveyor to make sure that the air gap or backflow prevention device is in place and is the proper cross connection control device or method used in accord with Table D104 and section D106.

(e) The administrative authority and the water purveyor shall maintain records of cross connection hazard surveys, and the installation, testing, and repair of all backflow prevention assemblies installed for containment purposes.

(f) Notwithstanding anything herein to the contrary, the administrative authority and water purveyor are authorized to take additional actions which may not be specifically covered herein that are deemed necessary to protect the city's water supply from potential or actual cross connections in accord with the requirements of the LSPC, 2000 edition.

(Ord. No. 09-01, app. A(3), 1-5-2009)

Sec. 46-222. Water services.

(a) *New water services.*

(1) Plans shall be submitted to the water purveyor for review on all new water services in order to determine the degree of hazard.

(2) The water purveyor shall approve the type of backflow prevention assembly or method required for containment based on the requirement of Table D104 and degree of hazard. If a cross connection is not listed in Table D104, the water purveyor shall use table Bl of the Manual for the Selection, Installation, Maintenance, and Field Testing of Backflow Prevention Devices (CAN/CSA Standard B64.10-1994), as a guide to determine the type of device to require. (This document is referred to in table 606 of the LSPC, 2000 edition.)

(3) The water purveyor shall require the installation of the appropriate backflow prevention assembly or method for containment before the initiation of water service.

(b) *Existing water service.*

(1) Any changes of, or additions to, existing water services shall be treated as new water services for the purpose of this article.

(2) Within six months after adoption of the ordinance from which this article is derived, the administrative authority shall publish and make available to each customer a copy of the standards used to determine the degree of hazard.

(3) Each customer shall survey the activities and processes which receives water service and shall report to the water purveyor if cross connections exist and the degree of hazard. Upon finding a hazard, the customer shall cause the appropriate backflow prevention assembly or method to be installed in a timely fashion.

(4) For existing water services, the water purveyor may inspect the premises to determine the degree of hazard. When high hazard cross connections are found the water purveyor shall:

a. Develop a schedule of compliance which the customer shall follow; or

b. Terminate the water service until a backflow prevention assembly or method for containment required by the water purveyor has been installed.

(5) Failure of the water purveyor to notify a customer that the customer has a high hazard cross connection and should install backflow prevention assemblies or methods for containment in no way relieves the customer of the responsibility to comply with all requirements of this section.

(Ord. No. 09-01, app. A(4), 1-5-2009)

Sec. 46-223. Customer duties.

(a) The customer shall be responsible for ensuring that no cross connections exist without approved backflow protection within the customer's premises starting at the point of service from the public potable water system.

(b) The customer shall, at the customer's own expense, cause installation, operation, testing and maintenance of the backflow prevention assemblies required by the administrative authority. The customer shall advise the water purveyor in advance of when a device is to be tested to allow the water purveyor the opportunity to witness the test.

(c) Within 15 days after testing and/or repairs are completed, the customer shall provide the administrative authority with copies of records of the installation and of all tests and repairs made to the backflow prevention assembly on a form provided by the administrative authority.

(d) In the event of a backflow incident, the customer shall immediately notify the water purveyor of the incident and take steps to confine the contamination or pollution. Water service will not be restored until corrective action is taken and approved after inspection by the water purveyor.

(e) In accordance with section D108.3.4 of the LSPC, 2000 edition, the customer shall maintain records of installations, tests, repairs, overhauls, or replacements of backflow prevention devices or methods for at least five years and, upon request, such records shall be made available to the administrative authority.

(Ord. No. 09-01, app. A(5), 1-5-2009)

Sec. 46-224. Requirements.

(a) *Water purveyor requirements.*

(1) For premises existing prior to the start of the program, the water purveyor may perform evaluations and inspections of plans and/or premises as set forth in section 46-222(b)(4) and inform the customer by letter of any corrective action deemed necessary, the method of achieving the correction, and the time allowed for the correction to be made. Ordinarily, 90 days will be allowed; however, this time period may be shortened depending upon the degree of hazard involved and the history of the device in question.

(2) The water purveyor will not allow any cross connection to remain unless it is protected by an approved backflow preventer or an air gap for which a permit has been issued and which will be regularly tested to ensure satisfactory operation.

(3) The water purveyor shall notify the customer by letter of any failure to comply at the time of the first, reinspection or immediately following the first reinspection. The water purveyor will allow an additional 15 days for the correction. In the event the customer fails to comply with the necessary correction by the time of the second reinspection, the water purveyor will notify the customer by letter that the water service to the customer's premises will be terminated within five days from the customer's receipt of such letter. In the event that the customer informs the water purveyor of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the water purveyor, but in no case will exceed an additional 30 days.

(4) Notwithstanding anything to the contrary, if the water purveyor determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.

(5) The water purveyor shall have on file a list of private contractors who are certified backflow device testers and/or repairers. All charges for these tests, repairs, etc., will be paid by the customer of the building or property.

(6) The water purveyor may begin initial premises inspections to determine the nature of existing or potential hazards as set forth in section 46-222(b)(4), following the approval of the program by the city council and mayor, during the calendar year. Initial focus will be on high hazard industries and commercial premises.

(b) *Customer requirements.*

(1) The customer shall be responsible for the elimination or protection of all cross connections on his premises.

(2) The customer, after having been informed by a letter from the water purveyor, shall at his expense, install, maintain, and test or have tested, any and all backflow prevention devices or methods on his premises.

(3) The customer shall correct any malfunction of the backflow prevention device or method which is revealed by periodic testing.

(4) The customer shall inform the water purveyor of any proposed or modified cross connection and also any existing cross connection of which the customer is aware but has not been found by the water purveyor.

(5) The customer shall not install a bypass around any backflow prevention device or method unless there is a backflow prevention device or method of the same type on the bypass. Customers who cannot shut down operation for testing of the device or method must supply additional devices or methods necessary to allow testing to take place.

(6) The customer shall install backflow prevention devices or methods in a manner approved by the water purveyor and in conformance with the installation requirements of section 606 of the LSPC, 2000 edition. In addition, devices having an atmospheric port or discharge shall be installed such that the port or discharge point is located at least 24 inches above the highest flood level which may have occurred in the previous ten-year period.

(7) The customer shall install only backflow prevention devices or methods approved by the water purveyor.

(8) Any customer having a private well, auxiliary water supply or other private water source must have a permit if the well, auxiliary water supply or source is cross connected to the water purveyor's system. Permission to cross connect may be denied by the water purveyor. The customer may be required to install a backflow prevention device or method at the service entrance if a private water source is maintained, even if it is not cross connected to the water purveyor's system.

(9) In the event the customer installs plumbing to provide potable water for domestic purposes which is on the water purveyor's side of the backflow prevention device or method, such plumbing must have its own backflow preventer installed.

(10) The customer shall be responsible for the payment of all fees for permits, annual or semi-annual device or method testing, retesting in the case that the device or method fails to operate correctly, and second reinspections for noncompliance with the water purveyor's requirements.

(Ord. No. 09-01, app. A(6), 1-5-2009)

Sec. 46-225. Required backflow prevention assemblies or methods for containment.

(a) *Water service assemblies.* An air gap or an approved reduced pressure principle backflow prevention assembly is required for water services having one or more potential cross connections which the administrative authority classifies as high hazard as defined by tables D104 and D105.

(b) *Fire protection system assemblies.* All proposed installations of fire suppression systems shall be reviewed by the city's utility department of inspections to determine the appropriate type of backflow prevention devices or methods required.

(1) For all proposed fire suppression systems using antifreeze, a reduced pressure principle (Table D104, No. 10) backflow prevention device shall be installed at the point of entry. The customer shall provide the city with the design and chemical usage of the fire suppression system.

(2) All existing fire suppression systems shall meet the requirements of section 46-222. An inspection by a fire suppression specialist shall be done to determine whether antifreeze has been utilized in the suppression system. The inspection shall be done at the expense of the customer. If it cannot be certified that antifreeze has been used, then a backflow prevention device shall be installed as prescribed by LSPC Table D104 and as approved by the city's utility department of inspections. Installation shall be at the expense of the customer. The required backflow prevention devices or methods shall be installed at the time the system is repaired or changed, or within 12 months after adoption of the ordinance from which this article is derived, whichever occurs first.

(3) In the event cross connections, such as those found in using auxiliary water supply systems or in providing other water additives such as foaming agents, are necessary for the proper operation of the fire suppression system, then an air gap or a reduced pressure principle backflow prevention device shall be installed in an approved manner.

(Ord. No. 09-01, app. A(7), 1-5-2009)

Sec. 46-226. Registration.

(a) *Technician registration.* Any backflow prevention assembly technician licensed by the state must register with the administrative authority before performing work within the city. Any licensed backflow prevention assembly technician shall include his or her state registration number on all correspondence and forms required by or associated with this article.

(b) *General tester registration.* Any backflow prevention assembly general tester shall present a copy of his/her testing certificate from a nationally recognized backflow certification organization and shall register with the administrative authority before performing work within the city.

(Ord. No. 09-01, app. A(8), 1-5-2009)

Sec. 46-227. Noncompliance by registered technicians or general testers.

(a) The local registration of a technician or general tester may be revoked or suspended for a period of up to two years for noncompliance with this article.

(b) Any of the following conditions constitute noncompliance:

(1) Improper testing or repair of backflow prevention assemblies or methods.

(2) Improper reporting of the results of testing or of repairs made to backflow prevention assemblies or methods.

(3) Failure to meet registration requirements.

(4) Related unethical practices.

(Ord. No. 09-01, app. A(9), 1-5-2009)

Sec. 46-228. Backflow prevention assemblies or methods—Installation.

(a) The required backflow prevention assemblies or methods for containment shall be installed in the manner recommended by the manufacturer and in accord with the requirements of section 606 of the LSPC, 2000 edition, immediately following the meter or as close to that location as deemed practical by the administrative authority. In any case, it shall be located upstream from any branch piping. Installation at this point does not eliminate the responsibility of the customer to protect the water supply system from contamination or pollution between the backflow prevention assembly or methods and the water main.

(b) Reduced pressure principle backflow prevention assemblies shall be installed so as to be protected from flooding. The port or discharge point shall be installed such that it is located at least 24 inches above the highest flood level which may have occurred in the previous ten-year period.

(c) Reduced pressure principle backflow prevention assemblies or methods shall not be installed in underground vaults or pits, unless a gravity drainage system, designed by a state registered engineer, for the particular site has been approved by the state health officer. The intent of the exception to this section is to possibly allow below grade installations on particular sites or lots having sufficiently hilly ground at the proposed location of the device such that when the vault or pit is constructed it may be equipped with positive gravity drainage openings as to prevent any part of the device from being submerged. A recommended design standard for such an installation may, be found in sections 606.4.1 and 606.4.2 of the LSPC, 1994 edition.

(d) All backflow prevention assemblies or methods shall be protected from freezing. Those devices used for seasonal services may be removed in lieu of being protected from freezing; however, the devices must be reinstalled and tested by a registered backflow prevention assembly technician prior to service being reactivated.

(e) If hot water is used within the water supply system, thermal expansion shall be provided for when installing a backflow prevention assembly or method for containment in accordance with section 613.2 of the LSPC, 2000 edition.

(f) Provisions shall be made to convey the discharge of water from reduced pressure principle backflow prevention assemblies or methods to a suitable drain through an air gap.

(g) No backflow prevention assemblies or methods shall be installed in a place where they would create a safety hazard, such as, but not limited to, over an electrical panel, or above ceiling level.

(h) If interruption of water service during testing and repair of backflow prevention assemblies or methods for containment is unacceptable to the customer, another backflow prevention assembly or method of equivalent or higher protection, sized to handle the temporary water flow needed during the time of testing or repair, shall be installed in parallel piping.

(i) All backflow prevention assemblies or methods shall be installed so that they are accessible for testing.

(j) All shut-off valves shall conform with the current edition of the LSPC requirements for either ball or resilient seat gate valves. Full port ball valves shall be used on assemblies installed in piping two inches or smaller, and full port resilient wedge-type shut off valves on assemblies installed in piping larger than two inches.

(Ord. No. 09-01, app. A(10), 1-5-2009)

Sec. 46-229. Backflow prevention assemblies or methods—Testing.

(a) Testing of backflow prevention assemblies or methods shall be performed by a backflow prevention assembly technician or by a backflow prevention assembly general tester registered with the administrative authority. The costs of tests required in subsections (b) through (e) of this section shall be borne by the customer.

(b) Backflow prevention assemblies or methods shall be tested upon installation; when cleaned, repaired, or overhauled; when relocated; and, shall be tested and inspected at least once annually. Backflow prevention devices shall be tested in accordance with CAN/CSA Standard B64.10-1994 or ASSE Standard 5010-1998.

(c) Backflow prevention assemblies or methods which are in place, but have been out of operation for more than three months, shall be tested before being put back into operation. Backflow prevention assemblies or methods used in seasonal applications shall be tested before being put into operation each season.

(d) Any backflow prevention assembly or method which fails a periodic test shall be repaired or replaced by a backflow prevention assembly technician when such assembly is located on private property. When such a device is located on public property, a backflow prevention assembly general tester may repair or replace the device if authorized by the water purveyor. When water service has been terminated for noncompliance, the backflow prevention assembly or method shall be repaired or replaced prior to the resumption of water service. Backflow prevention assemblies or methods shall be retested by a registered backflow prevention assembly technician or by a backflow prevention assembly general tester immediately after repair or replacement.

(e) The city department of inspections may require backflow prevention assemblies or methods to be tested at any time in addition to the annual testing requirement.

(f) The registered backflow prevention assembly technician or backflow prevention assembly general tester shall report the testing of backflow prevention assembly or method to the customer and to the administrative authority within 15 days of the test.

(g) The administrative authority may require, at its own cost, additional tests of individual backflow prevention assemblies or methods as it shall deem necessary to verify test procedures and results.

(Ord. No. 09-01, app. A(11), 1-5-2009)

Sec. 46-230. Backflow prevention assemblies or methods—Repair.

(a) All repairs to backflow prevention assemblies or methods on private property shall be performed by a licensed plumber holding a special water supply protection specialist endorsement on his plumbing license, herein defined as backflow prevention assembly technician.

(b) After obtaining approval from the water purveyor, a backflow prevention assembly general tester may perform repairs to backflow prevention assemblies or methods located on public property.

(c) The registered backflow prevention assembly technician or backflow prevention assembly general tester shall not change the design, material, or operational characteristics of a backflow prevention assembly or method during repair or maintenance, and shall use only original manufacturer replacement parts, if available; if not available, shall use replacement parts approved by the department of inspections.

(d) The registered backflow prevention assembly technician or backflow prevention assembly general tester shall report the repair, overhaul, or replacement of any backflow prevention assembly or method to the customer and to the city department of inspections on the form provided by the city department of inspections within 15 days of the repair.

(Ord. No. 09-01, app. A(12), 1-5-2009)

Sec. 46-231. Customer noncompliance.

The water service may be discontinued in the case of noncompliance with this article. Noncompliance includes, but is not limited to, the following:

(1) Refusal to allow the administrative authority or water purveyor access to the property to inspect for cross connection.

(2) Removal of backflow prevention assembly or method which has been required by the administrative authority.

(3) Bypassing of a backflow prevention assembly or method which has been required by the administrative authority.

(4) Providing inadequate backflow prevention when potential or actual cross connections exist.

(5) Failure to install a backflow prevention assembly or method which has been required by the administrative authority.

(6) Failure to test and/or properly repair a backflow prevention assembly or method as required by the administrative authority.

(7) Failure to comply with the requirements of this article.

(Ord. No. 09-01, app. A(13), 1-5-2009)

Sec. 46-232. Penalty for violation.

Apart from any other penalties or sanctions imposed by local or state laws, any person found guilty of violating any provision of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with section 1-8. Each day that a violation is allowed to continue shall constitute a separate and distinct violation.

(Ord. No. 09-01, app. A(14), 1-5-2009)

## Appendix A ZONING[[24]](#footnote-24)

ZONING ORDINANCE

City of St. Martinville, Louisiana

AN ORDINANCE establishing the comprehensive zoning regulations for the City of St. Martinville, and providing for the administration, enforcement and amendment thereof, in accordance with the provisions of the authority granted by Title 33, Section 4721—4729, Louisiana Revised Statutes.

ADOPTION

Whereas, the City Council deems it necessary for the purpose of promoting the health, safety, morals, or general welfare of the city to enact such an ordinance; and the City Council has appointed a zoning commission to recommend the boundaries of the Various original districts and appropriate regulations to be enforced therein. The zoning commission has divided the city into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan designed to lessen congestion in the streets; to secure safety from fire, panic, and provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of the population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements.

The zoning commission has given reasonable consideration, among other things to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality. The zoning commission has made a preliminary report and held public hearings thereon, and submitted its final report to the City Council. The City Council has given due public notice of hearings relating to zoning districts, regulations, and restrictions.

All requirements of Title 33, Sections 4721—4729, Louisiana Revised Statutes with regard to the preparation of the report of the zoning commission and the subsequent action of the City Council have been met.

Now, therefore, be it enacted by the City Council of the City of St. Martinville, Louisiana as an ordinance:

### PART 1. DISTRICTS

Sec. 1.1. Establishment of districts.

|  |  |
| --- | --- |
| R-1 | Residential District |
| R-2 | Residential District |
| R-3 | Residential District |
| C-1-R | Neighborhood Commercial Restrictive District |
| C-1 | Neighborhood Commercial District |
| C-2 | Highway Commercial |
| C-3 | Commercial (Major Commercial District) |
| M-1 | Light Industrial District |
| M-2 | Heavy Industrial District |

as shown on the official zoning map, which together with all explanatory matters thereon, is hereby adopted by reference and declared to be a part of this ordinance when properly certified and attested.

1.101. If, in accordance with the provisions of this ordinance and statutes, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be made on the official zoning map semi-annually in January and July after the amendment has been approved by the City Council, and attached to this ordinance. Each such semi-annual change of the map shall be dated, signed and certified.

No change of any nature shall be made in this official zoning map or matter shown thereon except in conformity with the procedure set forth in this ordinance. Any unauthorized changes of whatever kind, by any person or persons, shall be considered a violation of the ordinance and punishable under Part 3 of this ordinance.

The official zoning map, which shall be located in the office of the city clerk or zoning commission, shall be final authority as to current zoning status of lands, buildings and other structures in the municipality.

1.102. Classification of annexed territory. Territory which may hereafter be annexed to the municipality shall be automatically classified as shown on the official zoning map. Areas not shown shall be classified "R-1" residential District until otherwise amended.

Sec. 1.2. Rules for interpretation of district boundaries.

1.201. Where uncertainties exist as "approximately following the center lines of streets, highways, or alleys," shall be construed to follow such center lines.

1.202. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

1.203. Boundaries indicated as approximately following corporation limits shall be construed as following corporation limits.

1.204. Boundaries indicated as following railroad lines shall be construed to be midway between the tracks.

1.205. Boundaries indicated as following shorelines shall be construed to follow such shoreline and, in event of change in the shoreline, shall be construed as moving with the actual shoreline.

1.206. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

1.207. Boundaries indicated as following other boundary lines, water courses, and natural topography features, such lines shall be construed to be such boundaries.

1.208. Where street or property layout existing on the ground is at variance with that shown on the official zoning map, or in other circumstances not covered by subsections 1 through 7 above, the board of adjustments shall interpret the district boundaries, provided such adjustment does not exceed one acre in area.

Sec. 1.3. Application of district regulations.

1.301. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

1.302. No building or other structure shall hereafter be erected or altered:

a. To exceed the height;

b. To accommodate or house a greater number of families;

c. To occupy a greater percentage of lot area;

d. To have narrower or smaller rear yards, front yards, side yards, or other open spaces;

than herein required; or in any other manner contrary to the provisions of this ordinance.

1.303. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard open space or off-street parking or loading space similarly required for any other building.

1.304. No yard or lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least minimum requirements established by this ordinance.

Within each district, the regulations set by this ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

1.305. Regulations of land underwater: All lands within the municipality which are underwater and are not shown as included with any district shall be subject to all the regulations of the district adjacent to the water area. If the water area adjoins two (2) or more districts the boundaries of each district shall be construed to extend into the water area in a straight line.

1.306. Location of streets and public ways: Whenever any street, alley, or other public way is vacated by official action of the governing body of the municipality, the zoning district adjoining each side of such street, alley, or public way shall automatically extend to the center of same, and all area included therein shall then become subject to all appropriate regulations of the extended districts.

1.307. Protection of major street rights-of-way: Every building or structure erected on any lot abutting on any street shown as a designated street on the Major Thoroughfare Plan showing thoroughfares shall in the computation of the front and side yard depths as hereafter required compute and measure the required depth from the right-of-way lines as set forth in the Major Thoroughfare Plan for the municipality.

### PART 2. SCHEDULE OF DISTRICT REGULATIONS ADOPTED

[Sec. 2.0. Generally.]

Districts [are] as shown on the official zoning map. Within the eight (8) districts established by this ordinance the following regulations shall apply.

Sec. 2.1. R-1 Residential.

2.101. In R-1 Residential district only the following uses of property shall be permitted. Single-family dwelling; garage apartment, governmental, recreational use; school offering general education courses; nursery schools or kindergarten, provided that there are at least one hundred fifty (150) square feet of outdoor play area for each child and the play area is enclosed by a wall or fence at least five (5) feet high; churches; home occupations; agriculture, but when including the commercial raising of livestock or poultry there shall be a lot area of at least one acre and all buildings occupied by livestock or poultry shall be fifty (50) feet from any property line, bulletin boards for churches, temples, institutions or public buildings only, and signs not exceeding twelve (12) square feet in area pertaining to the rental, lease, or sale of a building or land, provided, however, that not more than one sign of the above character shall be permitted on any lot; accessory buildings including private garage and uses customarily incidental to any of the above uses where located on the same lot and not involving the conduct of a business; cemetery, provided it serves as a transitional open use between less compatible uses; golf courses; institutions; municipal, state, and federal or governmental use; public utility, electric transformers or gas regulator stations provided that if including structures, they are placed not less than twenty-five (25) feet from any property line, no vehicles or equipment are stored on the premises, and the lot is suitably landscaped with a planted buffer of at least ten (10) feet wide along all sides of the property; non-profit private clubs, provided all structures for such uses are located twenty-five (25) feet from any property line. Airports, provided adequate runway length and safety devices are included.

2.101-A. Additional restrictions.

(a) There shall be no advertising, display or other exterior indications on the property.

(b) There shall be no traffic generated in greater volume than would be normally expected in a residential neighborhood. Additionally, no vehicles may be parked for business related activities.

(c) There shall be no mechanical equipment utilized except for household or leisure purposes.

(d) No exterior storage of work equipment, materials, or supplies in connection with an established business.

(e) Residents are permitted one (1) business related "personal" vehicle and one (1) additional vehicle. \*Note\* Any vehicle or trailer having a length which exceeds twenty-two (22) feet is prohibited from parking on the city streets and must be parked on the property.

2.102. Prohibited uses. All uses not permitted herein.

2.103. Height regulations. No buildings shall exceed thirty-five (35) feet in height.

2.104. Area regulations. For all buildings except accessory uses. Also see Part 10 - lot of record.

1. *Yard.*

a. *Front yard.* Front yard building lines shall conform to the average building lines in a developed block but in no case shall it be less than twenty-five (25) feet. On through lots, this minimum front yard shall be provided on both streets.

b. *Side yard.* There shall be two (2) side yards, one on each side of the building, having a minimum width of ten (10) feet each. However, this regulation shall not be so interpreted as to reduce the buildable width of a corner lot existing before the adoption of this ordinance to less than twenty-four (24) feet. In which case the necessary reduction shall be on the side yard not abutting the street.

c. *Rear yard.* There shall be a rear yard having a depth of not less than twenty (20) percent of the depth of the lot provided, however, that the depth of the required rear yard shall not be less than twenty-five (25) feet and need not exceed fifty (50) feet.

2. *Lot size.*

a. There shall be a lot width of a minimum of eighty (80) feet at the building line.

b. Every lot shall contain an area of not less than ten thousand five hundred (10,500) square feet per family unit.

2.105. Off-street parking regulations provided for under Part 4.

(Ord. No. 2000-1, 1-18-2000)

Sec. 2.2. R-2 Residential.

2.201. Permitted uses. Any use permitted in an R-1 Residential district; philanthropic uses; lodge halls.

2.202. Prohibited uses. All uses not permitted herein.

2.203. Height regulations. No building shall exceed thirty-five (35) feet in height.

2.204. Area regulations.

1. *Yard.*

a. *Front yard.* Front building lines shall conform to average building lines in a developed block but in no case shall it be less than twenty (20) feet. When there is undeveloped land for a distance of one hundred fifty (150) feet on both sides of the proposed building, the minimum building set back line shall be twenty-five (25) feet from the established street right-of-way lines. On through lots this minimum depth shall be provided on both streets.

b. *Side yards.* There shall be two (2) side yards, one on each side of the building, having a minimum width of five (5) feet each. However, this regulation shall not be so interpreted as to reduce the buildable width of a comer lot existing before the adoption of this ordinance to less than twenty-four (24) feet. In which case, the necessary reduction shall be on the side yard not abutting the street.

c. *Rear yard.* There shall be a rear yard having a depth of not less than twenty (20) percent of the depth of the lot provided, however, that the depth of the required rear yard shall not be less than twenty (20) feet and need not exceed fifty (50) feet.

2. *Lot size.*

a. There shall be a lot width of a minimum of sixty (60) feet at the building line.

b. Every lot shall contain an area of not less than seven thousand two hundred (7,200) square feet per family unit.

2.205. Off-street parking regulations provided for under Part 4.

Sec. 2.3. R-3 Residential.

2.301. Permitted uses. Uses permitted in R-2 Residential district; apartment; motel; boardinghouses; multi-family dwellings; tourist courts; beauty shops, barber shops, offices, provided such occupations are conducted in the main building, and that persons conducting such occupations reside on the premises and that advertising signs not exceeding two (2) square feet, and be non-illuminated; the expansion of existing home occupation uses by not more than twenty-five (25) percent in area; trailer courts, provided they contain a minimum of one acre, the minimum space per trailer is two thousand five hundred (2,500) square feet and there is at least fifteen (15) feet between trailers; nursing homes, and hospitals; one, mobile home on an individual lot.

Editor's note(s)—Subsection 2.301 appears as amended by the city council on October 10, 1973.

2.302. Prohibited uses. All uses not permitted herein.

2.303. Height regulation. No building shall exceed forty-five (45) feet in height.

2.304. Area regulations.

1. *Yard.*

a. *Front yard.* Front building lines shall conform to the average building lines in a developed block but in no case shall it be less than fifteen (15) feet. On through lots, this minimum depth shall be provided on both streets.

b. *Side yards.* There shall be two (2) side yards, one on each side of the building, having a minimum width of five (5) feet each. However, this regulation shall not be so interpreted as to reduce the buildable width of a corner lot existing before the adoption of this ordinance to less than twenty-four (24) feet. In which case the necessary reduction shall be on the side yard not abutting the street.

c. *Rear yard.* There shall be a rear yard having a depth of not less than twenty (20) percent of the depth of the lot provided, however, that the depth of the required rear yard shall not be less than twenty (20) feet and need not exceed fifty (50) feet.

2. *Lot size.*

a. There shall be a lot width of a minimum of fifty-four (54) feet at the building line.

b. Every lot shall contain an area of not less than the following:

b1. Four thousand five hundred (4,500) square feet per dwelling for single-family dwellings.

b2. Three thousand five hundred (3,500) square feet per dwelling for single-family mobile home).

b3. Seven thousand (7,000) square feet per dwelling for two-family residences or two-family mobile homes.

b4. For multifamily dwellings, four thousand five hundred (4,500) square feet for first two (2) units, plus nine hundred (900) square feet for each additional unit.

2.305. Off-street parking requirements as provided for in Part 4.

(Amend. of 10-10-1973; Res. of 4-14-1976, § 2.3; Ord. of 11-19-1979)

Sec. 2.3.1. R-3[-R] Residential restrictive.

2.3.101. *Permitted uses.* Uses permitted in R-3[-R] residential district; apartments; motels; boardinghouses; multifamily dwellings; tourist courts; beauty shops, barber shops; offices, provided such occupations are conducted in the main building, and that persons conducting such occupations reside on the premises and that advertising signs not exceeding two (2) square feet, and be non-illuminated; the expansion of existing home occupation uses by not more than twenty-five (25) percent in area; trailer courts, provided they contain a minimum of one (1) acre, the minimum space per trailer is two thousand five hundred (2,500) square feet and there is at least fifteen (15) feet between trailers; nursing homes, and hospitals.

2.3.102. *Prohibited uses.* All trailers and mobile homes unless in a mobile home park.

2.3.103. *Height regulations.* No building shall exceed forty-five (45) feet in height.

2.3.104. *Area regulations.*

1. *Yard.*

a. *Front yard.* Front building lines shall conform to the average building lines in a developed block, but in no case, shall it be less than fifteen (15) feet. On through lots, this minimum depth shall be provided on both streets.

b. *Side yards.* There shall be two (2) side yards, one on each side of the building, having a minimum width of five (5) feet each. However, this regulation shall not be so interpreted as to reduce the buildable width of a corner lot existing before the adoption of this ordinance to less than twenty-four (24) feet, in which case the necessary reduction shall be on the side yard not abutting the street.

c. *Rear yard.* There shall be a rear yard having a depth of not less than twenty (20) percent of the depth of the lot, provided however, that the depth of the required rear yard shall not be less than twenty (20) feet and need not exceed fifty (50) feet.

2. *Lot size.*

a. There shall be a lot width of a minimum of fifty (50) feet at the building line.

b. Every lot shall contain an area of not less than forty-five hundred (4,500) square feet per family; except that a lot with a single width mobile home shall contain an area of not less than thirty-five hundred (3,500) square feet per family. Where more than one family occupy the same building or mobile home, an additional twenty-five hundred (2,500) square feet per family is required.

2.3.105. *Parking regulations.* Off-street parking requirements as provided for in Part 4.

(Ord. No. 2000-2, 3-20-2000)

Sec. 2.4.1. C-1-R Neighborhood commercial restrictive.

2.4.101. Permitted uses. Any use permitted in an R-3 Residential district; office; restaurant; grocery and drug store; filling stations, provided that all structures including underground storage tanks be placed not less than thirty (30) feet from any property line and points of access and egress shall be located not less than twenty-five (25) feet from the nearest intersecting street lines; barber shops; beauty shops; meat markets; clinic; bank, including drive-in banks; locker plants for storage of food; launderette; bakery; similar retail business or service which is established for the convenience of neighborhood residents; funeral homes and mortuaries; appliance stores; finance companies; sporting goods stores; snow ball stands; and boat rental; jewelry; variety store; florist; women's apparel; music and records; gifts, candy shop. Building materials and lumber sales; hardware, infirmary, auto supplies, appliances, drive-ins.

2.4.102. Prohibited uses. All uses not specifically permitted herein, including the sale of alcoholic beverages in any form.

2.4.103. Height regulations. No building shall exceed forty-five (45) feet.

2.4.104. Area regulations.

1. *Yard.*

a. Front yard. No front yard is required except for a dwelling, and it shall be the same as for R-3 Residential district. See "d" below, Provided further, setback regulations shall conform with Regulations provided for by the Major Thoroughfare Plan.

b. Side yard. No side yard required except for a dwelling, and it shall be the same as R-3 Residential district. See "d" below.

c. Rear yard. No rear yard required except for a dwelling and it shall be the same as R-3 Residential district. See "d" below.

d. Whenever a C-1-R Commercial district abuts on a residential district which requires front, side and rear yards, these requirements shall apply for the C-1-R district wherever the abutment occurs and fifty (50) feet beyond.

2. *Lot size.* For dwellings, same as R-3 Residential district.

2.3.105. Off-street parking regulations as provided for under Part 4.

2.4.106. Loading zone requirements shall be provided as set forth in Part 4.

(Res. of 8-7-1973; Ord. of 9-7-1982, § 2; Ord. of 1-17-1983)

Sec. 2.4.2. C-1 Neighborhood commercial.

2.4.201. Permitted uses. Any use permitted in a C-1-R Neighborhood Commercial Restricted district; liquor store, bars, and lounges.

2.4.202. Prohibited uses. All uses not specifically permitted herein.

2.4.203. Height regulations. No building shall exceed forty-five (45) feet.

2.4.204. Area regulations.

1. *Yard.*

a. Front yard. No front yard is required except for a dwelling, and it shall be the same as for R-3 Residential district. See "d" below: Provided further, setback regulations shall conform with Regulations provided for by the Major Thoroughfare Plan.

b. Side yard. No side yard required except for a dwelling, and it shall be the same as R-3 Residential district. See "d" below.

c. Rear yard. No rear yard required except for a dwelling and it shall be the same as R-3 Residential district. See "d" below.

d. Whenever a C-1 Commercial district abuts on a residential district which requires front, side, and rear yards, these requirements shall apply for the C-1 district wherever the abutment occurs and fifty (50) feet beyond.

2. *Lot size.* For dwellings, same as R-3 Residential district.

2.4.205. Off-street parking regulations as provided for under Part 4.

2.4.206. Loading zone requirements shall be provided as set forth in Part 4.

(Res. of 8-7-1973, § 2.6; Ord. of 9-7-1982, § 2)

Sec. 2.5. C-2 Highway commercial district.

2.501. Permitted uses. Any use permitted in a C-1 Commercial district; gift shops; stores to serve the transit trade; sporting goods stores; truck terminal and wholesale storage business; distribution warehouses, provided there is a ten (10) foot planted buffer strip between adjacent residential districts; eating establishments; auto and farm equipment sales and service; signs, marine company, drive-ins and machine shops.

2.502. Prohibited uses. Uses detrimental to a neighborhood because of odor, smoke, dust, gas, excessive glare, light, noise, vibrations or fire hazard.

2.503. Height regulations. No building or structure shall exceed forty-five (45) feet in height.

2.504. Area regulations.

1. *Yard.*

a. Front yard. No front yard is required except for a dwelling and it shall be the same as for R-3 Residential district. See "d" below.

b. Side yard. No side yard is required except for a dwelling and it shall be the same as for R-3 Residential district. See "d" below.

c. Rear yard. None except for a dwelling and it shall be the same as R-3 Residential district. See "d" below.

d. Whenever a C-2 district abuts on a residential district which requires a front, side, and rear yard, these requirements shall apply for the C-2 district wherever the abutment occurs and fifty (50) feet beyond.

2. *Lot size.* For dwelling, same as R-3 Residential district.

2.505. Off-street parking regulations are provided for under Part 4.

2.506. Loading zone requirements shall be provided as set forth in Part 4.

Sec. 2.6. C-3 Commercial (major commercial district).

2.601. Permitted uses. Any use permitted in a C-1 Commercial district; amusement enterprises including the provision of state entertainment; bowling alleys, skating rinks and pool rooms; auto retail, wholesale or repair services; or business not specifically restricted or prohibited; transportation terminals; warehouses; manufacturing not specifically prohibited; incidental to retail business where articles are sold at retail on the premises; construction, storage, ice houses.

2.602. Prohibited uses. Uses detrimental to a neighborhood because of odor, smoke, dust, gas, excessive glare, light, noise or vibrations, fire hazard or other objectionable conditions. Manufacturing establishments will be required to prove their conformity with such conditions.

2.603. Height regulations. No building or structure shall exceed sixty-five (65) feet in height.

2.604. Area regulations.

1. *Yard.*

a. Front yard. No front yard is required except for a dwelling and it shall be the same as for R-3 Residential district. See "d" below.

b. Side yard. No side yard is required except for a dwelling, and it shall be the same as R-3 Residential district. See "d" below.

c. Rear yard. No rear yard is required except for a dwelling, and it shall be the same as R-3 Residential district. See "d" below.

d. Whenever a C-3 district abuts on a residential district which requires front, side and rear yards, requirements shall apply for the C-3 district wherever the abutment occurs and fifty (50) feet beyond.

2. *Lot size.* For dwelling, same as R-3 Residential district.

2.605. Off-street parking regulations as provided for under Part 4, as near as possible. In hardship cases deviations from the ordinance shall be referred to the Board of Adjustment.

2.606. Loading zone requirements shall be provided as set forth in Part 4, as near as possible. In hardship cases deviations from the ordinance shall be referred to the Board of Adjustment.

Sec. 2.7. M-1 Light industrial district.

2.701. Permitted uses. In M-1 Industrial district only the following uses of property shall be permitted: Machine shops; warehouses; contractors storage yards; boiler works; ice houses; lumber companies; concrete manufacturer; bulk oil storage; oil pumps and accessory equipment for pumping and storage of oil; railroad; railroad express office, fertilizer storage, food processing, tractor and heavy equipment repairs and sales; any use permitted in a C-3 Commercial district and not specifically prohibited herein; however, no building or structure shall be erected, reconstructed, or structurally altered for residential use except for dwelling quarters for watchmen and caretakers employed on the premises; junk yards, provided they are screened or fenced from view; the expansion of existing residential uses by not more than twenty-five (25) percent.

2.702. Prohibited uses. Dwelling; church; school offering general education courses; library; lamp black manufacturing; paper mill; any use prohibited in a C-3 Commercial district and not permitted herein.

2.703. Height regulations. No limit except when a building abuts on a residential district in which case it shall not exceed the maximum height permitted in the residential district unless it is set back from all yard lines (abutting residential areas) by one foot for each foot of additional height in excess of the height so permitted.

2.704. Area regulations.

1. *Yard.*

a. Front yard. None except when it abuts on a residential district. See "d" below.

b. Side yard. None except when it abuts on a residential district. See "d" below; except in no case when a building side yard is provided shall it be less than three (3) feet.

c. Rear yard. None except when it abuts a residential district. See "d" below.

d. Whenever an M-1 Industrial district abuts on a residential district which requires front, side and rear yards, these requirements shall apply whenever the abutment occurs and fifty (50) feet beyond.

2. *Lot size.* None except principal building or structure shall not cover more than sixty (60) percent of the lot area in an M-1 zone.

2.706. Loading zone requirements as provided for under Part 4.

2.708. Loading zone requirements as provided for under Part 4.

Sec. 2.8. M-2 Heavy industrial district.

2.801. Permitted uses. In an M-2 Industrial district only the following uses of property shall be permitted: All uses not specifically prohibited; any use permitted in M-1 Industrial and not specifically prohibited herein, provided however, that no building or structure shall be erected, reconstructed or structurally altered for residential use except for dwelling quarters for watchmen and caretakers employed upon the premises. The expansion of existing residential uses by not more than twenty-five (25) percent.

2.802. Prohibited uses. Dwellings; churches; schools offering general education courses; libraries; lamp black manufacture; paper mill.

2.803. Height regulations. No limit except when a building abuts on a residential district in which case it shall not exceed the maximum height permitted in the residential district unless it is set back from all yard lines (abutting residential areas) by one foot for each foot of additional height in excess of the height so permitted.

2.804. Area regulations.

1. *Yard.*

a. Front yard. None except where it abuts on a residential district. See "d" below.

b. Side yard. None except where it abuts on a residential district, See "d" below; except in no case when a building side yard is provided shall it be less than three (3) feet.

c. Rear yard. None except when it abuts a residential district. See ''d" below.

d. Whenever an M-2 Industrial district abuts on a residential district which requires front, side, and rear yards, these requirements shall apply whenever the abutment occurs and fifty (50) feet beyond.

2. *Lot size.* None.

2.805. Off-street parking regulations as provided for under Part 4.

2.806. Loading zone requirements shall be as provided for under Part 4.

Sec. 2.9. Supplementary district regulations.

2.901. *Visibility of intersections in residential districts.* On corner lots in any residential district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of thirty (30) inches and ten (10) feet above the center line grades of the intersecting streets in a triangle area bounded by the street right-of-way line on such corner lots and a side line joining points along right-of-way lines thirty-five (35) feet from the intersection right-of-way corner.

2.902. *Fences, walls, and hedges.* Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard provided that no fence, wall or hedge along the sides or front edge of any front yard shall be over two and one-half (2½) feet in height; unless landscape plans are filed for which permission may be granted by the Board of Adjustment when in their opinion the neighborhood will be improved by such an exception.

2.903. *Areas subject to inundation.* Areas of the municipality subject to inundation within a twelve-year period render them unsafe and unfit for human habitation. No building or portion thereof which is designated for dwelling units or as a place of public assembly shall be erected or altered for such uses when the floor elevations to be covered by such buildings or a portion thereof is less than that recommended as safe by the engineering authority of the municipality or parish.

2.904. *Location of mobile homes.* No mobile home shall be parked, located or placed within two hundred (200) feet of Main Street. The two hundred (200) feet shall be measured from the edge of the hard surface in a straight line that is perpendicular to the street.

2.905. *Penalty.* Any person who is in violation of this ordinance shall be subject to a fine and or imprisonment in accordance with the City Charter and each day that the violation continues may be considered a separate violation.

(Ord. No. 99-4, 6-7-1999)

### PART 3. ADMINISTRATION AND ENFORCEMENT

Sec. 3.1. Administration and enforcement.

An administration official designated by the city council shall administer and enforce this ordinance. He may be provided with the assistance of such other persons as the city council may direct. If the administrative official shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, 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.

Sec. 3.2. Duties of administrative official, board of adjustment, city council, and courts of matters of appeal.

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the administrative official and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the administrative official, and that recourse from the decision of the Board of Adjustment shall be to the court as provided for such matters in appropriate legislation of the State of Louisiana Title 33, Section 4727, Revised Statutes of Louisiana.

Sec. 3.3. Permits and certificates.

3.301. *Building permits required.* No building or other structure shall be erected, moved, added to or structurally altered without a permit therefor, issued by the administrative official. No building permit shall be issued except in conformity with the provisions of this ordinance except after written order from the Board of Adjustment. The lot and location of the building thereon shall be staked out on the ground and approved by the building inspector before any construction begins.

3.302. *Application for building permit.* All applications for building permits shall be accompanied by plans in duplicate, drawn to scale of not less than one-eighth inch to one foot, showing the actual dimensions and shape of the lot to be built upon; the exact size and location on the top of the buildings already existing, if any; and for the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this ordinance.

One copy of the plans shall be returned to the applicant by the administrative official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The second copy of the plans similarly marked shall be retained by the administrative official.

3.303. *Certificates of occupancy for new, altered or nonconforming uses.* It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefor by the administrative official stating that the proposed use of this building or land conforms to the requirements of this ordinance.

No permit for erection, alteration, moving, or repair of any building shall be issued until an application has been made for a certificate of occupancy and the certificate shall be issued in conformity with the provisions of this ordinance upon completion of the work.

A temporary certificate of occupancy may be issued by the administrative official for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public.

The administrative official shall maintain a record of all certificates of occupancy and copies shall be furnished upon request to any person.

Failure to obtain a certificate of occupancy shall be a violation of this ordinance and punishable under Section 3.4 - Violations.

3.304. *Expiration of building permits; special building permits:* If the work described in any building permit has not begun within ninety (90) days from the date of issuance thereof, said permit shall expire and be cancelled by the administrative official and written notice thereof shall be given to the persons affected. If the work described in any building permit has not been substantially completed within one year of the date of issuance thereof, said permit shall expire and be cancelled by the administrative official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a special permit has been obtained.

Sec. 3.4. Violations.

3.401. *Complaints regarding violations.* Whenever a violation of this ordinance occurs or is alleged to have occurred any person may file a written complaint stating fully the causes and basis thereof, shall be filed with the administrative official. He shall record properly such complaint, immediately investigate and take action thereon as provided by this ordinance.

3.402. *Penalties for violations.* Violation of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not less than ten dollars ($10.00) nor more than twenty-five dollars ($25.00) or imprisoned for not more than thirty (30) days or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

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 city from taking such other lawful action as is necessary to prevent or remedy any violation, particularly action pursuant to Provision R.S. 33:4728, the City Council adopting said Provisions by reference and to the same extent as if copies (copied) herein in extenso.

### PART 4. OFF-STREET AUTOMOBILE PARKING AND LOADING REGULATIONS

Sec. 4.1. General requirements.

Off-street parking facilities for one family and two (2) family dwellings shall be located on the same lot or plot of ground as the building to be served. The location of off-street parking facilities for other uses shall not be more than four hundred (400) feet distance measured along the nearest pedestrian walkway, provided however, that the zoning classification of such land is the same or less restrictive than the classification of the lot upon which the main use is located. Such parking space to be used in conjunction with the principal use shall be reserved as such through an encumbrance of the title of the property to be designated as a required parking space, such encumbrance to be valid for the total period of the use or uses for which the parking is needed are in existence. Such agreement or covenant shall be duly recorded in the office of the clerk and recorder and a certificate furnished the building inspector. Such parking space shall be surfaced with a minimum of four (4) inches of gravel, shell or similar all-weather surface, and such entrances shall be similarly surfaced.

4.101. Parking requirements for two (2) or more uses of the same or different type may be satisfied by the allocation of a common or collective parking facility. Such facility shall not be less than the same requirements for the individual uses computed separately.

4.102. Area reserved for off-street parking or loading in accordance with the provisions of this section shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified except where equivalent off-street parking or loading space is provided.

4.103. For uses not mentioned in this section the requirements for off-street parking and loading facilities for a similar use specifically mentioned in this section shall apply.

Sec. 4.2. Off-street parking requirements.

Off-street automobile parking space shall be provided on any lot on which any of the following listed uses are hereafter established and in accordance with the schedule shown. Parking lots for more than five (5) vehicles shall provide sufficient turning space to prevent cars from backing into the street. When a use is increased in capacity by the addition of dwelling rooms, guest rooms, floor area or seats, the minimum off-street parking shall be provided for such increase.

|  |  |  |
| --- | --- | --- |
|  | Use | Parking Space Required |
| 4.201 | Single-family dwelling | 2 spaces per dwelling unit |
| 4.202 | Two-family dwellings | 2 spaces per dwelling unit |
| 4.203 | Multifamily dwellings (3 to 12 units) | 1.5 spaces per dwelling unit |
|  | More than 12 units | 1 space for each dwelling unit over 12 |
| 4.204 | Hotels, Apartments | 1 space for 2 dwelling units |
|  | Hotels, Transient | 1 space for each 3 guest bedrooms plus 1 additional space for resident manager |
| 4.205 | Motels and Tourist Homes | 1 space for each guest bedroom plus 1 additional space for resident manager |
| 4.206 | Boarding and Lodging Homes | 1 space for each 3 bedrooms plus one additional space for resident manager |
| 4.207 | Clinics | 1 space for each 500 square feet of gross floor area |
| 4.208 | Clubs and Lodges | 1 space for each 8 members at time of construction or structural alterations |
| 4.209 | Hospitals | 1 space for every 5 beds plus 1 space for each staff doctor, plus 1 space for each 4 employees including nurses |
| 4.210 | Nursing and convalescence homes and institutions | 1 space for each 5 beds |
| 4.211 | Churches, temples and other places of worship | 1 space for each 5 seats in the main auditorium or each 64 sq. ft. where there are no seats |
| 4.212 | Theaters, auditorium, sport arena and places of public assembly | 1 space for each 4 seats |
| 4.213 | Skating rink, dance halls, exhibit halls, gyms | Space equal to two times the gross floor area |
| 4.214 | Kennels and animal hospital | Space equal to two times the enclosed area in such kennels |
| 4.215 | Bowling alleys | 2 spaces per alley |
| 4.216 | Schools, public and private | |
|  | Elementary | 2 spaces per classroom, laboratory or manual training shop |
|  | Junior or Senior High | 4 spaces per classroom, lab or manual training shop |
|  | Colleges, Universities, Trade Industrial and Business Schools | 6 spaces per classroom, lab, or other teaching room |
| 4.217 | Business and Professional offices | 2 spaces for each 500 sq. ft. of gross floor area |
| 4.218 | Restaurants, bars, night clubs | 1 space for each 4 chairs or each 200 sq. ft. of floor area devoted to patron use, plus 1 space for each 4 employees |
| 4.219 | Automobile repair garage | 1 space per each employee |
| 4.220 | General business, commercial and personal service establishments but not including "supermarkets" | 1 space per each 300 sq. ft. of gross floor area |
| 4.221 | Supermarkets | 2 spaces per each 300 sq. ft: of gross floor area |
| 4.222 | Riding stables | Space equal to 50% of the covered area of such stable |
| 4.223 | Libraries and museums | Space equal to 50% of the floor area devoted to public use |
| 4.224 | Roadside stands | 5 spaces for each such establishment |
| 4.225 | Commercial, manufacturing and industrial establishments not catering to retail trade | 1 space for each 2 employees on the largest work shift plus 1 space for each company vehicle operating from the premises |
| 4.226 | Gasoline filling stations | 10 spaces for each grease rack or similar facility |
| 4.227 | Funeral Parlors | 1 space for each 4 seats in the chapel |
| 4.228 | Wholesale business | 1 space for each 300 sq. ft. |
| 4.229 | New structures in congested areas | Off-street parking requirements for all new structures in congested areas shall conform to this ordinance as near as possible. Any deviation from this ordinance shall be referred to the Board of Adjustment for review and decision. |
| 4.230 | Bank | One space for each 500 sq. ft. |

(Ord. of 11-19-1979)

Sec. 4.3. Off-street loading requirements.

4.301. Every hospital, institution, hotel, commercial or industrial building or use having a gross floor area in excess of seven thousand five hundred (7,500) square feet of space and requiring the receipt or distribution by vehicle of material and merchandise shall have at least one permanently maintained off-street loading space for each seven thousand five hundred (7,500) square feet of gross floor area or fraction thereof and so located as not to hinder the free movement of pedestrians and vehicles over sidewalks, streets, or alleys.

4.302. Retail operations, wholesale operations and industrial operations with a gross floor area of less than seven thousand five hundred (7,500) square feet shall provide sufficient off-street loading space (not necessarily a full berth if shared by an adjacent establishment) so as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley.

### PART 5. SCHEDULE OF FEES, CHARGES AND EXPENSES

The City Council shall establish a schedule of fees, charges and expenses and a collection procedure for building permits, certificates of occupancy, appeals, and other matters pertaining to this ordinance. This schedule of fees shall be posted in the office of the administrative official and may be altered or amended only by the City Council. No permit, certificate, special exemption, or variance shall be issued unless or until such costs, charges, fees or expenses have been paid in full, nor shall any action be taken or proceedings before the City Council, Planning Commission, or Board of Adjustments, as applicable, unless or until preliminary charges and fees have been paid in full.

### PART 6. NONCONFORMING LOTS; NONCONFORMING USES OF LAND; NONCONFORMING STRUCTURES AND NONCONFORMING USES OF STRUCTURES AND PREMISES

Sec. 6.1. Intent.

Any building, structure or use lawfully existing at the time of enactment of this ordinance may be continued as a non-conforming use even though such building, structure or use does not conform with the provisions of this ordinance for the use district in which it is located. Similarly, whenever a use district shall be changed thereafter, the then existing lawful use may be continued.

Sec. 6.2. Nonconforming uses.

6.201. No building, structure, or premises containing a nonconforming use shall hereafter be extended, unless such extension or alteration shall conform to provisions of the use district in which it is located.

6.202. Structural repairs and alterations to a nonconforming building or structure may be permitted to the extent of fifty percent (50%) of its replacement value.

6.203. Any non-conforming building or structure which has been damaged to the extent of not exceeding fifty (50) percent of its replacement valuation by reason of fire, flood, explosion, earthquake, riot, war, or act of God, may be reconstructed and reused as before if done within twelve (12) months from the time such damage occurred. If such damage is greater than fifty (50) percent of the replacement valuation, such building or structure may only be reconstructed to conform with the provisions of the use district in which it is situated.

6.204. No building or structure, or premises where a nonconforming use has ceased for reasons other than those stated in Section 6.203 for a period of more than six (6) months or has changed to a permitted or conforming use, shall again be used as a non-conforming use.

6.205. Any sign or billboard which lawfully existed prior to the effective date of this ordinance may be continued for a period of not more than one year; except that an identifying nonconforming sign or billboard attached to a nonconforming building or structure may be maintained through the lawful nonconformity of such building or structure.

6.206. Any use, not enclosed within the confines of a building (such as junkyards, signs, and billboards) existing at the time of enactment or subsequent amendment of this ordinance but not in conformity with its provisions, may be continued not longer than six (6) months from and after the enactment of this ordinance provided, however, that such uses shall not be considered nonconforming so long as they are enclosed and screened from view by walls and/or fences of not less than six (6) feet in height.

### PART 7. BOARD OF ADJUSTMENT

Sec. 7.1. Creation of board.

There shall be Board of Adjustment, the membership, terms of office, and rights and duties of which shall be as provided in Title 33, Section 4727 of the Louisiana Revised Statutes. The Board shall adopt rules in accordance with the provisions of this Section. Meetings for the Board shall be held at the call of the Chairman and at such times as the Board may determine. All meetings shall be open to the public and preceded by due advertisement.

Sec. 7.2. Powers of the board.

7.201. The Board shall hear and decide upon:

(1) Appeals from alleged error in the building inspector's decision;

(2) Appeals for variance where exceptional and peculiar hardship would be caused by enforcement of the regulations in this ordinance and where such variance would not substantially deviate from the intent of this ordinance but not otherwise;

(3) Interpretation of the provisions of this ordinance.

7.202. The Board shall not be authorized to grant variances in the use of land or to take any other action, the result of which would constitute a change in the district boundaries. The Board shall always act with due consideration to promote the public health, safety, convenience and welfare, encouraging the most appropriate use of land and conserving property values; shall permit no building or use detrimental to a neighborhood and may prescribe appropriate conditions and safeguards in each case. Such appropriate conditions and safeguards may include among other things provisions for the screening of parking areas by walls, fences, and plantings and other such measures.

7.203. 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 specially for that purpose. Certified copies of the minutes of all such proceedings shall be furnished to the chairman of the Zoning Commission.

Sec. 7.3. Fees.

A fee as set forth in Part 5 of this ordinance shall be paid the building inspector at the time the notice of appeal is filed which shall be credited to the general revenue of the municipality.

Sec. 7.4. Salaries.

The Board shall fix the salary of its secretary and of such other employees as are necessary to perform its functions. The salary, fees, and other expenses of the Board shall not exceed the amounts appropriated for its use by the governing body of the municipality.

Sec. 7.5. Appeals from the board of adjustments.

Any persons or person, or any Board, taxpayer, department, or bureau of the municipality aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the State of Louisiana, Title 33, Section 4727 of the Revised Statutes of Louisiana.

### PART 8. AMENDMENTS

Sec. 8.1. [Amendment.]

No amendment, supplement or change of the zoning ordinance or district map shall become effective unless and until:

8.101. There shall have been held a public hearing in relation thereto before the zoning commission and a public hearing in relation thereto before the City Council at which parties in interest and citizens shall have had an opportunity to be fully heard.

8.102. Notice of the proposed change and the times and places of the hearings shall have been published once a week for three (3) different weeks in the official paper of the city. At least fifteen (15) days shall elapse between the first publication and the date of the meeting before the zoning commission.

8.103. A printed notice in bold type shall have been posted for not less than fifteen (15) consecutive days prior to the hearing before the zoning commission on signs not less than one and one-half (1½) square feet in area, prepared, furnished and placed by the zoning administrator on each block of each street adjoining the area proposed for a change in zoning classification. Said signs shall contain an accurate statement of the proposed changes and also the times and places of the public hearings as provided above.

The zoning commission shall submit its report and recommendations upon the proposed changes and amendments to the city clerk within two (2) days of its public hearing. Any amendment that has failed to receive the approval of the zoning commission shall not be passed by the City Council except by an affirmative vote of two-thirds of the City Council.

8.104. A final yea and nay vote shall have been taken on the proposal by the town council within one hundred twenty (120) days dated from the introduction of an ordinance in correct form.

8.105. In case, however, of a protest against such change signed by the owners of twenty (20) percent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent, extending two hundred (200) feet therefrom or of those directly opposite thereto extending two hundred (200) feet from the street frontage of such opposite lots, such amendments shall not become effective except by the favorable vote of at least three-fifths of the governing body of the municipality.

(Ord. of 8-20-1979)

### PART 9. DEFINITIONS

Except as specifically defined herein, all words used in this ordinance shall carry their customary dictionary meaning. For the purpose of this ordinance, certain words or terms used herein are defined as follows:

9.1. *Accessory building use:* Subordinate building or a portion of the main building, the use of which is incidental to that of the main building or land not used for a place of habitation or a living room, kitchen, dining room, parlor, bedroom, or library. An accessory use is one which is incidental to the main use of the premises.

9.2. *Advertising signs:* Pertaining only to the lease, sale or use of a lot or building on which placed and not exceeding a total area of twelve (12) square feet; provided that on a lot occupied by a dwelling, the total area of all signs shall not be more than two (2) square feet for each dwelling unit. All other signs are prohibited.

9.3. *Board:* Means the Board of Adjustment established in Part 7.

9.4. *Building:* Any structure built for use of persons or animals. Structure: Anything built that requires a permanent location; however, neither shall be construed to include trailers.

9.5. *Commission:* Planning and zoning: commission of the City of St. Martinville.

9.6. *City council:* City Council of St. Martinville.

9.7. *District:* A part of the municipality wherein regulations of this ordinance are uniform.

9.8. *Dwelling:* A building used entirely for residential purposes and shall not be construed to include trailers. A single-family dwelling is a building that contains only one living unit; a two family dwelling is a building that contains only two (2) living units; and a multiple dwelling is a building that contains more than two (2) living units.

9.9. *Family:* One or more persons occupying a living unit as an individual housekeeping organization as distinguished from a group occupying a boarding house, lodging house or hotel.

9.10. *General terms:* The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as individual. The present tense includes the future. The singular includes the plural and the plural the singular. The word "shall" is mandatory, the word "may" is permissive. The words "used" or "occupied" include the words "intended", "designed", or "arranged" to be used or occupied.

9.11. *Home occupations:* Customarily home occupations such as dressmaking or tailoring, office of a physician or other professional person incidental to a permitted use; provided such occupations are conducted in the main building and by persons resident in said buildings and provided further that persons conducting such occupation may employ no one outside the family.

9.12. *Living unit:* The rooms occupied by a family. The living unit must include a kitchen.

9.13. *Lot:* A plot or parcel of land adequate for occupancy by a use herein permitted, providing the yards, area, and off-street parking herein required and fronting directly upon a street.

9.14. *Lot, corner:* A lot which abuts on two (2) or more streets, and/or roads, at their intersection, or upon a curved street, provided that the two (2) sides of the lot, or the tangents to the curve of the street line at its starting points at or within the side line of the lot intersect to form an interior angle of not more than one hundred thirty-five (135) degrees.

9.15. *Lot depth:* The distance between front and rear lot lines; if two (2) opposite sides of said lot are not parallel, the depth shall be deemed to be the mean distance between the front and rear lot lines.

9.16. *Lot, interior:* A lot which is not a corner lot.

9.17. *Lot line, front:* The front lot line of an interior lot is the line separating the lot from the street or easement of principal access. The front lot line of a corner lot shall be the lot line with the least frontage.

9.18. *Lot line, rear:* The rear lot line is the boundary opposite and more or less parallel to the front lot line. The rear lot line of an irregular or triangular lot shall be for the purposes of this ordinance a line not less than ten (10) feet long, lying wholly within the lot, and parallel to and at the farthest distance from the front lot line.

9.19. *Lot line, side:* A side lot line is any lot boundary line not a front line or a rear lot line. A side lot line separating a lot from a street line is an exterior side lot line. Any other side lot line is an interior side lot line.

9.20. *Lot, through:* In general this is bad planning but some do exist; therefore a through lot is defined as one whose depth extends between two (2) more or less parallel streets and has frontage on each street.

9.21. *Lot width:* The width of the lot measured at right angles to the mean depth of said lot.

9.22. *Office building:* A building designed for or used as the offices of professional, commercial, industrial, religious, public, or semi-public persons or organizations.

9.23. *Parking space:* One automobile parking space shall be an area not less than nine (9) feet by twenty (20) feet and the access to the parking space from a public street or alley shall be provided in addition to the space necessary for parking.

9.24. *Planning commission:* It shall act as a Zoning Commission at such time as this ordinance shall go into effect.

9.25. *Street line or right-of-way line:* The dividing line between a lot, its property line or lines, and a public right-of-way, a public street, road, or highway; or a private street, road, or highway, over which two (2) or more abutting owners have an easement or right-of-way.

9.26. *Trailer or Mobile Home:* Shall include any movable structure built on a metal chassis, fitted with wheels (either permanently or temporarily), that is intended to be hauled to a usually permanent site, and which is designed and built for occupancy as either a temporary or permanent residence, or as a place of business. It is the intent of this definition to include any structure which presents the appearance of a mobile home or trailer, without regard to whether the structure in question also meets another definition, such as "modular building."

9.27. *City:* City of St. Martinville, Parish of St. Martin.

9.28. *Yard:* A required open space unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward, provided however, that fences and walls may be permitted in any yard subject to height limitations as indicated herein.

9.29. *Yard, front:* A yard extending between side lot lines across the front of a lot. In any required front yard, no fences or wall shall be permitted which materially impedes vision across such yard above the height of thirty (30) inches. No hedge or other vegetation shall be permitted which materially impedes vision across such yard between the heights of thirty (30) inches and ten (10) feet within twenty-five (25) feet of an intersection.

In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the administrative officer may waive the requirements for the normal front yard and substitute therefor a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

9.30. *Yard, front depth:* Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost points of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the points at which the side and front lot lines would have met without such rounding. Front and rear front yard lines shall be parallel.

9.31. *Yard, side:* A yard extending from the rear line of the required front yard to the rear lot line.

In the case of through lots, side yards shall extend from the rear line of the front yards required. In the case of corner lots with normal frontage there will be only one side yard adjacent to the interior lot. In the case of corner lots with reversed frontage, the yards remaining after the full front yard has been established shall be considered to be the side yard.

9.32. *Yard, side width:* Width of required side yards shall be measured at right angles to a straight line joining the ends of front and rear lot lines on the same side of the lot. The inner side yard line of the required side yard shall be parallel to the straight line so established.

9.33. *Yard, rear depth:* Depth or required rear yards shall be measured at right angles to a straight line joining the rearmost points of the side lot lines. The forward rear yard line of a required rear yard shall be parallel to the straight line so established.

9.34. *Center line of street:* The center line of a street is the line surveyed and monumented by the governing authority as such, or if a center line has not been surveyed and monumented, it shall be that line running midway between the outside curbs or ditches of the street.

9.35. *Municipality:* City of St. Martinville.

9.36. *Lot of record:* A lot legally recorded with the Clerk of Court, St. Martin Parish, prior to the enactment of this ordinance.

(Ord. of 11-19-1970)

### PART 10. MODIFICATIONS AND EXCEPTIONS

Sec. 10.1. Zone of transition establishment.

Where the boundary line of commercial district abuts a residential district the property within a distance equivalent to the width of the two (2) residential lots of record (but not to exceed one hundred fifty (150) feet) next adjoining to either side shall be considered as being a zone of transition. This provision shall not apply when the uses abut on their rear property lines, but shall apply when the districts are on opposite sides of a street and shall be applicable to the depth of these lots facing the commercial uses.

10.101. *Uses permitted.*

Professional buildings for the following uses:

a. Medical, dental and chiropractic offices.

b. Music and art studies and schools.

c. Engineering, legal, architectural and similar offices.

Nursing homes.

Two (2) family, three (3) family and four (4) family dwellings, subject to the front, side and rear yard requirements of the district in which it is located.

Parking lots subject to the following conditions:

a. Parking area shall serve only the establishment abutting such parking area.

b. That along the lot lines of the parking area abutting on the residential district there shall be established and maintained a planting area having a minimum width of six (6) feet.

c. The planting shall be dense, not less than seven (7) feet in height and shall be maintained in a healthy growing condition and further provided that a substantial bumper rail of wood, metal, or concrete, shall be placed along inside of the planting area, and along the street side of the parking area there shall be erected a bumper wall at least six (6) inches in height above the parking surface grade.

d. Lighting facilities provided shall be so designed that light is reflected away from residential properties.

e. All parking areas shall be surfaced with concrete or bituminous material and shall be maintained in a dust free condition.

Sec. 10.2. Lot of record.

The minimum lot size requirement, Part 2, Zoning Schedule, notwithstanding, a single family dwelling and its accessory buildings may be erected on any lot of record or parcel of land in a residential or commercial district which became legally established and defined by deed or act of sale before the passage of this ordinance, provided that the side yard of no dwelling shall be less than three (3) feet.

Sec. 10.3. Exceptions to height requirements.

The height regulations as stated in this ordinance shall not apply to:

a. Churches; schools; hospitals; sanitarium, public and semi-public; public service buildings and institutions. There shall be no restrictions on the height of such buildings, provided the front, side and rear yards required in the district in which such building is to be located shall be increased an additional one foot for each foot of height that the building exceeds the maximum height permitted in such districts.

b. Barns, silos and other farm structures when located on farms; belfries; cupolas; domes; flagpoles and monuments; water towers; transmission towers; windmills; chimneys; smoke stacks; radio and television receiving and transmission towers; waste and aerial conveyors; tire towers and oil derricks.

c. Bulkheads; elevator penthouses; water tanks; cooling towers; scenery lofts and similar structures provided that such structures shall cover not more than twenty-five (25) percent of the total roof area of the building on which such structure is located.

Sec. 10.4. Carport.

A carport attached to or detached from the main building may be constructed in a required side yard and may be attached or an enclosed accessory building provided that no walls of such accessory building is less than sixty (60) feet from the front lot line nor less than five (5) feet from the side lot line. Every part of the projection of such carport shall be at least four (4) feet from the side lot lines; that the combined length of such carport and accessory building does not exceed thirty (30) feet and that the height of such carport or accessory building does not exceed thirteen (13) feet. A carport attached to the main building may be enclosed on the street side and on the side nearest the side lot line.

Sec. 10.5. Existing railroads.

Existing railroads may continue to operate and be maintained in residential and commercial districts.

Sec. 10.6. Area.

10.601. *Yard regulations.* Where the yard regulations cannot be reasonably complied with or their application determined on lots of peculiar shape, location or topography, such regulations may be modified by the Board of Adjustment.

10.602. *Setbacks.* Side yard waived. For the purpose of side yard regulations the following dwellings with common party walls shall be considered as one building occupying one lot:

Semi-detached dwellings.

Row dwellings.

10.603. *Projections into yards.* Permissible by special permit from the Bureau of Adjustment; cornices, cells, eaves, belt courses, chimney or other similar architectural features may project into a required side yard. Unroofed platforms, landings, steps, or balconies may extend or project into required side yard, and landscape features such as arbors, pagodas, etc.

Sec. 10.7. Community unit development.

Any authorized agency of the city, state, or federal government or the private owner of any tract of land containing an area of not less than five (5) acres may submit to the zoning commission a plan for the development of such tract of land, the design of which makes it desirable to apply regulations more flexible than those contained in the ordinance. Such a proposed plan may contain residential uses of various types and allied use such as private or storage garages, parking spaces and other such non-commercial uses as schools, churches, libraries, parks and playgrounds and day nurseries. After due public hearing and notice as described in the procedure for such hearings, the zoning commission may approve such development upon a finding that the following conditions of fact exist:

a. That the tract of land on which the development is proposed contains not less than five (5) acres.

b. That the average lot area per family within the site exclusive of streets, will not be less than the lot area per family required in the district in which the development is to be located.

c. That when desirable, provisions are made for adequate and properly located public uses such as schools, parks and playgrounds, preferably bearing the seal of a registered landscape architect.

d. That the property adjacent to the area proposed for development will not be adversely affected. There shall be a ten (10) foot planted buffer strip where such group development abuts a residential district.

### PART 11. SEPARABILITY CLAUSE

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

### PART 12. REPEALS OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances in conflict herewith or incompatible with the provisions of this ordinance are hereby repealed.

### PART 13. SHORT TITLE AND EFFECTIVE DATE

This ordinance may be cited and otherwise referred to as the "St. Martinville Zoning Ordinance."

This ordinance shall be effective on \_\_\_\_\_\_\_, 19\_\_\_. This ordinance having been submitted to a vote, the vote thereon was as follows:

Yeas \_\_\_\_\_ Nays \_\_\_\_\_ Absent \_\_\_\_\_

and the ordinance was declared adopted on this \_\_\_ day of \_\_\_\_\_\_\_\_, 19\_\_\_.

|  |  |
| --- | --- |
|  |  |
|  | Mayor |
|  |  |
|  | Clerk |

## Appendix B SUBDIVISIONS[[25]](#footnote-25)

### PART I. PURPOSE, AUTHORITY AND JURISDICTION

Sec. 1.1. Purpose.

Land subdivision is the first step in the process of community development. Once land has been cut into streets, lots, and blocks and publicly recorded, the correction of defects is costly and difficult. Subdivision of land sooner or later becomes a public responsibility, in that roads and streets must be maintained and various public services customary to urban areas must be provided. The welfare of the entire community is thereby affected in many important respects. It is, therefore, to the interest of the public, the developer and the future owners that subdivisions be conceived, designed and developed in accordance with sound rules and proper minimum standards.

The following subdivision regulations guiding the planning commission are designed to provide for the harmonious development of the municipal area; to secure a coordinated layout and adequate provisions for light, air, recreation, transportation, water, drainage, sewers, and other sanitary facilities; and to promote the health, safety, convenience, and general welfare of the inhabitants of this municipality.

Sec. 1.2. Authority.

These subdivision regulations are adopted under the authority granted by the provisions of Act 139 of 1956, Louisiana Revised Statutes 33:101 through 119. The planning commission has fulfilled the requirements set forth in these statutes as prerequisite to the adoption of such regulations. Whereas said laws prohibit the subdivision of land into more than two (2) lots unless an accurate map, plan and plat of such subdivisions shall have been approved by the planning commission and shall have been certified and recorded in the office of the clerk of court of the parish.

Sec. 1.3. Jurisdiction.

These regulations shall govern all subdivision of land within the incorporated areas of St. Martinville, La., as now or hereafter established. Within these regulations the term "Subdivision" shall mean the division of a tract or parcel of land into two (2) or more lots, sites, or divisions for the purpose whether immediate or future of sale or building development and includes resubdivision and when appropriate to the content, relates to the process of subdividing or to the land or area subdivided. Any owner of land within this area wishing to subdivide land shall submit to the planning commission a plat of the subdivision according to the procedure outlined in Parts II and III, which plat shall conform to the minimum requirements set forth in Part IV. Improvements shall be installed as required by Part V of these regulations.

No plat of a subdivision lying within the municipality shall be recorded in the office of the clerk of court of the parish and no subdivision shall proceed with improvements or sale of lot or lots in a subdivision until such subdivisions plat shall have been approved, in writing on the plat, by the chairman or the secretary of the planning commission.

1.301. The jurisdiction shall not include:

The splitting of a lot into two (2) parts provided both parts are to be used to increase the size of adjoining lots.

Land in subdivisions, previously legally recorded, except in the case of resubdivision.

Partition of land between or among co-owners unless such partition results in the division into two (2) or more lots, any of which is less than three (3) acres in area.

### PART II. PROCEDURE FOR PLAT APPROVAL

Sec. 2.1. Pre-application consideration.

Whenever any subdivision of a tract of land is proposed to be made, the subdivider or his agent is encouraged to discuss the project with the commission prior to submitting the preliminary plat.

Sec. 2.2. Application for approval of preliminary plat.

2.201. On reaching conclusions informally as recommended in Section 2.1 above regarding his general program and objectives, the subdivider shall cause to be prepared a preliminary plat, together with improvements, plans and other supplementary material specified in Part III.

The procedure for review and approval of a subdivision plat consists of two (2) separate steps. The initial step is the preparation and submission to the planning commission of a preliminary plat of the proposed subdivision. The second step is the preparation and submission of the final plat together with required certificated to the planning commission. This final plat becomes the instrument to be recorded in the office of the clerk of court, St. Martin Parish, when duly signed by the secretary or chairman of the planning commission.

### PART III. PLAT SPECIFICATIONS

Sec. 3.1. Preliminary plat.

3.101. At least ten (10) days prior to the meeting at which it is to be considered, the subdivider shall submit to the planning commission four (4) copies of a preliminary plat of the proposed subdivision drawn to a scale of not less than one inch equals one hundred (100) feet.

Editor's note(s)—This subsection was erroneously numbered 3.301 in the original ordinance. It was changed to 3.101 by the editor to conform to the proper sequence.

3.102. The preliminary plat which shall meet the minimum standards of design as set forth in Part IV and the general requirements for the construction of public improvements as set forth in Part V shall give the following information insofar as possible.

1. The proposed subdivision's name and location, the name and address(es) of the owner or owners and the name of the designer of the plat who shall be a competent engineer, landscape architect, city planner, or land surveyor.

2. Date, approximate north point and graphic scale.

3. The location of existing and platted property lines, existing streets, buildings, water courses, railroads, bridges, culverts, any public utility easements, both on this land subdivision and adjacent land, present zoning classification, if any, on the land to be subdivided and the adjoining land near the subdivision, and the names of adjoining recorded property owners and their addresses and adjoining subdivisions.

4. Plans of proposed utility servitude layouts (sewer, water and electricity) showing feasible connections where possible, to existing and proposed utility systems.

5. The proposed street names and locations, dimensions of proposed streets, alleys, easements, parks and other open spaces, reservations, lot and building set back lines.

6. If any portion of the land being subdivided is below the elevation of flood as designated by the municipal engineer, the limits of such flood shall be shown.

7. The acreage of the land to be subdivided.

8. Vicinity map showing location of subdivision site.

9. The width and location of any street or other public ways or places shown on the Master Plan, or major thoroughfare plan, within the area to be subdivided.

3.103. Within forty-five (45) days after submission of the preliminary plat, the planning commission will review and indicate approval, disapproval, or tentative approval with conditions. If a plat is disapproved, reasons for such disapproval shall be stated in writing. If approved subject to conditions, the nature of the required conditions shall be indicated in writing.

3.104. One copy of the preliminary plat will be retained in the planning commission files; one copy shall be returned to the subdivider with any notations at the time of approval or disapproval, and the specific changes if any required; one copy to the municipal department of public works or comparable agency, and one copy shall be transmitted to the parish health unit.

3.105. Failure of the planning commission to act on the preliminary plat within forty-five (45) days will be deemed approval of this plat.

3.106. The approval of the preliminary plat by the planning commission will not constitute acceptance of the final plat.

3.107. The approval of the preliminary plat shall lapse unless a final plat based thereon is submitted within twelve (12) months from the date of such approval unless an extension of time is applied for and granted by the planning commission.

Sec. 3.2. Final plat.

3.201. The final plat shall conform substantially to the preliminary plat as approved; and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time, provided however, that such portion conforms to all requirements of these regulations.

3.202. At least ten (10) days prior to the meeting at which it is to be considered, the subdivider shall submit the original drawing in black drawing ink and six (6) copies (black and white prints or blue line prints) together with other plans that may be required by the planning commission.

The plat shall be drawn to a scale of one inch equals not more than one hundred (100) feet on tracing cloth, or paper, or file sheets not larger than 22 x 34 inches. When more than one sheet is required an index sheet of the same size shall be filed showing the entire subdivision with the sheets lettered in alphabetical order as a key. When the plat has been approved by the planning commission two (2) copies will be returned to the subdivider with the approval of the planning commission certified thereon for filing with the clerk of the appropriate court as the official plat of record which must be filed within ninety (90) days, otherwise such approval shall be voided.

The original tracing containing all required certifications will be returned to the subdivider for his records and one copy will be retained in the records of the planning commission. One copy will go to the parish health department and one copy shall be used to assign house numbers to each lot and shall be transmitted to the town clerk. One copy shall go to the tax assessor's office for his file.

3.203. The planning commission shall approve or disapprove this final plat within sixty (60) days after its submission. Failure of the planning commission to act on this final plat within these sixty (60) days shall be deemed approval of it. If the plat is disapproved, the grounds for disapproval shall be stated upon the records of the planning commission in writing.

3.204. The final plat shall show:

1. The lines of all streets and roads, alley lines, lot lines, building set back lines, lots numbered in numerical order, reservations for easements, and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations, all offers of cession and covenant governing the maintenance of unneeded open spaces shall bear the certificate of approval of the district attorney as to their legal sufficiency.

2. Sufficient data to determine readily and reproduce on the ground the location bearing and length of every street line, lot line, boundary line, block line, and building set back line, whether curved or straight, and including true north point. This shall include the radius, central angle, and tangent distance for the center line of curved streets and curved property lines that are not the boundary of curved streets.

3. All dimensions to the nearest one-hundredth of a foot and angles to the nearest minute.

4. Location and description of monuments. Permanent reference monuments shall be shown thus: "□." They shall be constructed in accordance with specifications of the engineer. All corner lot markers shall be permanently located satisfactory to the engineer at least three-fourths inch (if metal) in diameter and at least thirty (30) inches in length shown thus: "O," and located in the ground to existing grade.

5. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining unsubdivided property with addresses.

6. Date, title, name, and location (town and parish) of subdivision, graphic scale, and true north point.

7. Vicinity sketch map showing site in relation to area.

8. If any portion of the land being subdivided is below the elevation of flood as set forth by the municipal engineer, the limits of such flood shall be shown.

3.205. The following certificates shall be presented with the final plat:

1. Certification showing that applicant is the land owner and dedicates streets, rights-of-way, and any sites for public use.

2. Certification by surveyor or engineer to accuracy of survey and plat and placement of monuments.

3. Certification of the municipal or parish health officer when individual sewerage disposal or water systems are to be installed.

4. Certification by municipal engineer or any other official or body authorized by law to act prior to the approval of the plat that the subdivider has complied with one of the following alternatives:

A. Installation of all improvements in accordance with the requirements of these regulations; or

B. Posting of a performance bond in sufficient amount to assure such completion of all required improvements. For any bond there shall he submitted with the plat a certificate of the district attorney as to the sufficiency of the bond offered. (Usually one hundred twenty-five (125) percent of the contract amount.)

3.206. Certification of approval to be signed by the secretary or chairman of the planning commission.

### PART IV. GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN

Sec. 4.1. Conformity to the comprehensive plan.

The location and width of all streets and roads shall conform to the St. Martinville Major Thoroughfare Plan.

Sec. 4.2. Relation to adjoining street system.

The proposed street system shall extend existing streets or other projects such as drainage systems, etc. They shall extend at a width no less than the required minimum width.

Sec. 4.3. Street elevations.

No street shall be approved if it is more than one foot below flood elevation as established by the municipal engineer. The planning commission may require, where necessary, profiles and elevations of streets for areas subject to flood. Fill may be used for streets. Drainage openings shall be so designed as not to restrict the flow of water and unduly increase the flood heights.

Sec. 4.4. Rights-of-way width.

The minimum width of right-of-way measured from lot line to lot line shall be as shown on the major thoroughfare plan, or a minimum of fifty (50) feet in the case of local street rights-of-way.

4.401. Primary Thoroughfares (Urban and Rural) collect traffic from Secondary Thoroughfares and feed it into the town or other towns and will be located on the Major Thoroughfare Plan Map.

4.402. Secondary Thoroughfares are thoroughfares which carry traffic from local streets to the major thoroughfares and include the principal street for major circulation within residential development. These are also indicated on the Major Thoroughfare Plan Map.

4.403. Local Streets. Fifty (50) feet right-of-way. Local streets are those streets which are used primarily for access to the abutting residential properties and designed to discourage their use by through traffic.

4.404. Marginal Access Streets. Marginal access streets are local streets which are parallel to and adjacent to major thoroughfares and highways, and which provide access to abutting properties and protection from through traffic.

4.405. Dead-end (Cul-de-sac). Culs-de-sac are permanent dead-end streets or courts designed so that they cannot be extended in the future.

4.406. Alleys. Alleys are local public ways used primarily for service access to the back or side of properties otherwise abutting on a street.

4.407. In cases where topography or other physical conditions make a street of the required minimum width impractical, the planning commission may modify the above requirements. Through proposed neighborhood or local business areas the street widths shall be increased ten (10) feet on each side to provide for movement of vehicles into and out of necessary off-street parking areas without interference with traffic.

4.408. One-Way Streets. One-way streets are those streets designated by the city council that allow vehicular traffic in one (1) direction only. One-way streets shall have a minimum right-of-way width, measuring from lot line to lot line, of forty (40) feet.

(Ord. No. 92-6, § 1, 10-19-1992)

Sec. 4.5. Minimum surface widths and cross sections.

Minimum surface widths and cross sections shall conform to the Major Thoroughfare Plan.

|  |  |  |  |
| --- | --- | --- | --- |
|  | Urban Curb & Gutter Pavement | Urban Open Ditch Pavement | Rural Open Ditch 4" gravel or  6" shell |
| 1. Local Residential streets  Marginal access streets  Dead end streets (culs-de-sac) | 26 feet | 20 feet + one 8' shelled 8' parking lane | 20 feet + one 8' parking lane |

Major streets are not usually surfaced by the developer in excess of twenty-six (26) feet. Surfacing of streets shall be at the discretion of the Planning Commission, but sufficient rights-of-way for major streets shall be dedicated.

Sec. 4.6. Curbs and gutters.

When specified by the planning commission, the subdivider shall provide permanent six (6) inch concrete curbs with twenty-four (24) inch integral concrete gutters, standard rolled curb and gutters or other construction approved by the planning commission.

Sec. 4.7. Sidewalks.

Sidewalks may be required along officially designated major thoroughfares and along all streets where deemed essential for the public safety by the commission. Such sidewalks shall be constructed in accordance with construction specifications of the engineering authority.

Sec. 4.8. Additional widths on existing streets.

Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the above minimum street width requirements.

4.801. The entire right-of-way shall be provided any part of this subdivision is on both sides of the existing street.

4.802. When the subdivisions is located on only one side of an existing street, one-half of the required right-of-way measured from the center line of the existing roadway shall be provided.

Sec. 4.9. Restriction of access.

When a tract fronts on a major street, the planning commission may require such lots to be provided with frontage on a marginal access street.

Sec. 4.10. Street grades.

Street grades shall conform in general to the terrain and shall not be less than three-tenths percent nor exceed seven (7) percent on major streets.

Sec. 4.11. Horizontal curves.

Where a deflection angle of more than ten (10) degrees in the alignment of a street occurs, a curve of reasonably long radius shall be introduced. On streets sixty (60) feet or more in width, the center line radius of curvature shall be not less than two hundred fifty (250) feet on other streets, not less than one hundred feet (100). The other street lines in each case shall be parallel to such inner street line.

Sec. 4.12. Vertical curves.

Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance of two hundred (200) feet.

Sec. 4.13. Intersections.

Street intersections shall be as nearly at right angles as is possible and no intersection shall be at an angle of less than sixty (60) degrees.

Property line radii at street intersections shall not be less than twenty-five (25) feet and where the angle of street intersection is less than seventy-five (75) degrees, the planning commission may require a greater radius.

Sec. 4.14. Tangents.

A tangent of at least one hundred (100) feet in length shall be introduced between reverse curves on thruways and collector streets.

Sec. 4.15. Street jogs.

Street jogs with center line off-sets of less than one hundred twenty-five (125) feet shall not be allowed.

Sec. 4.16. Dead-end streets (Cul-de-sac).

4.1601. Minor terminal streets or courts designed to have one end permanently closed shall be no more than five hundred (500) feet long unless necessitated by topography. They shall be provided at the closed end with a turn-around having an outside roadway diameter of at least sixty (60) feet and a right-of-way diameter of at least one hundred (100) feet or the planning commission may approve an alternate design.

4.1602. Where, in the opinion of the planning commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary of such property. Such dead-end streets shall be provided with a temporary turn-around having a roadway diameter of at least eighty (80) feet.

Sec. 4.17. Private streets and reserve strips.

There shall be no private streets platted in any subdivision. Every lot in subdivision property shall be served from a publicly dedicated street. There shall be no reserve strip controlling access to streets.

Sec. 4.18. Street names.

Proposed streets which are obviously in alignment with others already existing and named shall bear the names of existing streets. In no case shall the name for proposed streets duplicate existing street names, irrespective of the use of the street, avenue, boulevard, driveway, place, or court. Through its index list of street names on file, the planning commission can assist the subdivider in avoiding duplications.

Sec. 4.19. Alleys.

Alleys shall be provided to the rear of all lots used for business purposes and shall not be provided in residential blocks except where the subdivider provides evidence satisfactory to the planning commission of the need for alleys.

Sec. 4.20. Blocks.

4.2001. *Length.* Blocks shall not be less than six hundred (600) feet nor more than one thousand three hundred (1,300) feet in length, except as the planning commission considers necessary to secure efficient use of land or desirable features of street pattern. In blocks over one thousand (1,000) feet in length, the planning commission may require one or more public cross walks of not less than ten (10) feet in width with at least four (4) foot paved walk to extend entirely across the block and at locations deemed necessary.

4.2002. *Width.* Blocks shall be wide enough to allow two (2) rows of lots except where fronting on major streets are prevented by topographical conditions, or size of property; in which case the planning commission may approve a single row of lots of minimum depth.

Sec. 4.21. Lots.

4.2101. *Adequate building sites.* Each lot shall contain a building site of at least one thousand five hundred (1,500) square feet located outside the limits of any existing easement or building set back lines required in the zoning ordinance when such exists and not subject to flood as determined by the city engineer.

4.2102. *Arrangements.* Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.

4.2103. *Minimum size.*

A. The size, shape, and orientation of lots shall be such as the planning commission deems appropriate for the type of development contemplated. Where a public sewer is not accessible, an alternate method of sewerage disposal may be used if it meets all applicable public health regulations. Residential lots served by a public sewerage system shall not be less than fifty (50) feet wide at the building set back line or less than six thousand (6,000) square feet in area, unless a lot of record before the adoption of the Zoning Ordinance.

B. Residential lots not served by a public sewerage system shall not be less than sixty (60) feet wide at the building set back line nor less than seven thousand two hundred (7,200) square feet in area; provided, however, greater area may be required by the planning commission as indicated by data from percolation tests or as determined by the city or parish health officer.

C. Size of properties reserved or laid out for commercial or industrial properties shall be adequate to provide for the off-street service and parking facilities required by the type and use of development contemplated. Platting of individual lots should be avoided in favor of an overall design of the land to be used for such purposes.

Sec. 4.22. Building set back lines.

4.2201. The minimum depth of building set back line shall be as stated in the zoning ordinance or not less than fifteen (15) feet in the front and in the case of corner lots, fifteen (15) feet from the side street.

4.2202. In the case of electric transmission lines where easement widths are not definitely established, there shall be a minimum building set back line from the center of the transmission line as follows:

|  |  |
| --- | --- |
| Voltage of Line | Minimum Building Set Back |
| 46 kV | 37½ feet |
| 69 kV | 50 feet |
| 161 kV or over | 75 feet |

4.2203. Corner lot. Corner lots shall have extra width sufficient to permit the additional side yard requirements of the Zoning Ordinance or building set back lines outlined above.

Sec. 4.23. Public use and service areas.

Due consideration shall be given to the allocation of areas suitably located and of adequate size for neighborhood parks as well as for use as public areas.

4.2301. Public open spaces. Where a school, neighborhood park, or recreation area or public access to water frontage, shown on the Master Plan made and adopted by the planning commission, is located in whole or in part in the applicant's subdivision, the planning commission may require the dedication or reservation of such open space within the subdivision not less than a total of five (5) percent of the gross area or water frontage of the plot, for park, school, or recreation purpose.

4.2302. Where community or public facilities of the Master Plan are located whole or in part in a proposed subdivision, the commission shall require the reservation of the area necessary to accommodate such facilities. The local public board, commission, or body having jurisdiction or financial responsibility for acquisition of said reserved facility or facilities shall within four (4) months following recording of the final plat execute a written option to acquire by purchase or file suit for condemnation of said area reserved for such facility or facilities. Provided, however, said option must be exercised and fully consummated within twelve (12) months following date of the recording of the final plat.

4.2303. Servitudes. Except where alleys are permitted for the purposes, the planning commission may require easements not less than seven and one-half (7½) feet in width, for poles, wires, conduits, drainage, sewers, gas, water, and/or other public uses along all rear lot lines, along side lot lines if necessary, or if advisable in the opinion of the planning commission. Easements of the same or greater width may be required along the lines of or across lots, here necessary for the extension of existing or planned utilities.

A. Whenever any stream or improved surface drainage course is located in an area that is being subdivided, the subdivider shall dedicate an adequate right-of-way along each side of the stream for the purpose of widening, deepening, sloping, improving, or protecting the stream or for drainage maintenance. For all drainage courses having a bottom width of five (5) feet or more, the subdivider shall dedicate a right-of-way having a width of five (5) feet for every one foot of bottom width.

(For example, a twenty-five (25) foot right-of-way shall be dedicated for all drainage courses having a bottom width [of] five (5) feet. All surface drainage courses shall have sufficient right-of-way width for at least 1:1 side slope (or side slopes having at least one foot of horizontal distance for each one foot of vertical drop.)

4.2304. Community assets. In all subdivisions due regard shall be shown for all natural features such as large trees and water courses, and for historical spots and similar community assets which if preserved, will add attractiveness and value to the property.

Sec. 4.24. Suitability of the land.

The planning commission shall not approve the subdivision of land if, from adequate investigations conducted by all public agencies concerned, it has been determined that in the best interest of the public the site is not suitable for platting and development purposes of the kind proposed. Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, or for any other uses that may increase flood hazard, endanger health, life or property, or aggravate erosion. Such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation or shall not produce unsatisfactory living conditions. In applying the provisions land below the flood elevations as established by the municipal engineer shall be considered subject to flood.

Fill may be used to raise land in areas subject to flood if the fill proposed does not restrict the flow of water and unduly increase flood heights.

Sec. 4.25. Large tracts or parcels.

When land is subdivided into larger parcels than ordinary building lots, such parcel shall be arranged so as to allow for the opening of streets in the future and for logical further resubdivision.

Sec. 4.26. Group housing development.

A comprehensive group housing development including the large scale construction of housing units together with necessary drives and ways of access, may be approved by the planning commission although the design of the project does not include standard streets, lots and subdivision arrangements, if departure from the foregoing standards can be made without destroying their intent.

Sec. 4.27. Variance.

Variances may be granted under the following conditions:

4.2701. Where the subdivider can show that strict adherence to these regulations would cause unnecessary hardships.

4.2702. Where the planning commission decides that there are topographical or other conditions peculiar to the site and a departure from these regulations will not destroy their intent. Any variance thus authorized shall be stated in writing in the minutes of the planning commission with the reasoning on which the departure is justified, set forth.

Sec. 4.28. Zoning or other regulations.

No final plat of land within the force and effect of an existing Zoning Ordinance shall be approved unless it conforms to such ordinance. Whenever there is a discrepancy between minimum standards or dimensions noted herein, and those contained in the Zoning Ordinance, Building Code or other official regulation, the highest standards will apply.

### PART V. DEVELOPMENT PREREQUISITE TO FINAL PLAT APPROVAL

Sec. 5.1. [Generally.]

A perfectly prepared and recorded subdivision or plat means little to a prospective lot buyer until he can see actual physical transformation of raw acreage into lots suitable for building purposes and human habitation. Improvements by the subdivider spare the community of a potential tax liability. The following tangible improvements or provisions for their estimated cost are required before final plat approval in order to assure the physical reality of a subdivision which approval and recordation will establish legally.

Sec. 5.2. Required improvements.

Every subdivider shall be required to grade and improve streets and alleys and to install monuments, and when deemed necessary by the planning commission, curbs and sidewalks in accordance with specifications established by the municipal engineer or the engineering authority. If other specifications have not been adopted by local authority, the planning commission may accept specifications equal to those found in FHA Land Planning Bulletin No. 3, "Neighborhood Standards for Southern Louisiana." The adopted requirements whether in local regulations or in the construction specifications, Part IX of these regulations govern.

Sec. 5.3. Guarantee in lieu of completed improvements.

No final subdivision plat shall be approved by the planning commission or accepted for record by the parish clerk of court until one of the following conditions has been met:

1. All required improvements have been constructed in a satisfactory manner and approved by the municipal engineer or engineering authority; or

2. The planning commission has accepted a performance bond in an amount equal to the estimated cost of installation of the required improvements, whereby improvements may be made and utilities installed without cost to the town in the event of default of the subdivider.

### PART VI. GENERAL DEFINITIONS

Sec. 6.1. [General.]

Certain words and terms are defined as follows:

a. Words used in the present tense include the future; words in the singular number include the plural; and words in the plural number include the singular; and the word "shall" is mandatory.

b. The term "commission" means the Planning Commission of the City of St. Martinville, Louisiana, as authorized by ordinance, dated February 7, 1963.

c. Municipal governing body means the City Council of St. Martinville.

Sec. 6.2. [Specific terms.]

Other words used in this regulation are defined as follows:

a. *Building Line:* A line between which line and any street line of a lot, tract, or parcel of land, no building or part of a building may be erected or altered.

b. *Building Line Set Back:* The distance between the building line and the street line in a lot, tract or parcel of land.

c. *Comprehensive Plan or Master Plan:* Any legally adopted part or element of the overall plan for development as provided by the Legislature of Louisiana.

d. *Corner Lot:* A lot which abuts two (2) or more streets at their intersection, or upon a curved street, provided that the two (2) sides of the lot intersect to form an interior angle of not more than one hundred thirty-five (135) degrees.

e. *Frontage:* The distance for which property abuts one side of a street, road, highway or other public way measured along the dividing line between the public way and private property.

f. *Lot Depth:* The distance between front and rear lot lines. If these lines are not parallel the mean dimension shall be deemed to be the lot depth.

g. *Lot, Interior:* A lot which is not a comer lot.

h. *Lot Line, Front:* The line separating the lot from the street or road. The front lot line of a corner lot shall be the line of least dimension.

i. *Lot Line, Rear:* The line opposite and generally parallel to the front lot line. The rear lot line of a triangular or irregularly shaped lot shall for the purpose of this regulation be a line not less than ten (10) feet long lying wholly within the lot, parallel to and the greatest distance from the front lot line.

j. *Lot Line, Side:* Any lot line not a front or rear lot line.

k. *Lot or [of] Record:* A parcel of land, the dimensions of which are shown on a map on file with the clerk of the appropriate court of St. Martin Parish, Louisiana. All lots of record shall front on, and have ingress and egress by means of a public street or road.

l. *Lot Width:* The width of the lot measured at right angles to the mean depth of said lot.

m. *Street:* A public thoroughfare, including pavement, twenty-seven (27) feet or more wide. Where title of land extends to the center of a street, easement or right-of-way shall be considered as the side lines of a street. The term "street" shall include avenue, drive, circle, lane, place, road, as they are generally understood.

n. *Street right-of-way:* That area dedicated to public use between front property lines. Such width shall be not less than fifty (50) feet, and may be increased if in the discretion of the planning commission the future needs of the community will be better served.

o. *Structure:* Anything constructed or erected, the use of which requires more or less permanent or semi-permanent location on the ground or the attachment to something having a permanent location on the ground. (This includes gasoline pumps, signs, trailers, vending machines, etc.)

p. *Subdivision:* The division of a lot, tract or parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose of sale or building development, whether immediate or future, for purposes other than agricultural. It includes resubdivision, and when appropriate to the contents, relates to the process of subdividing or to the land subdivided.

q. *Easement:* Agreement by the property owner for the use by the public, a corporation, or persons of a strip of land for specific purposes.

r. *Municipal Engineer:* The engineering authority in the municipality, or his representative or the engineering authority of the parish which ever has jurisdiction.

### PART VII. ENFORCEMENT AND PENALTIES OF VIOLATIONS

[Sec. 7.0. Generally.]

The enforcement of these regulations and penalties for the unapproved recordation or transfer of land is provided by state law in the authority granted by public acts of the State of Louisiana.

Sec. 7.1. Enforcement and penalties.

7.101. Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells or agrees to sell any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by a planning commission and recorded as filed in the office of the clerk of court of the parish, shall pay a penalty of one hundred dollars ($100.00) for each lot or parcel so transferred or sold or agreed or negotiated to be sold. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.

The parish or municipality as the case may be may enjoin such transfer or sale or agreement by suit for injunction brought in any court of competent jurisdiction or may recover the penalty by a civil action in any court of competent jurisdiction.

7.102. Improvements and Unapproved Streets. The Parish or municipality as the case may be, shall not accept, layout, open, improve, grade, pave, curb, or light any street or lay or authorize to be laid any water mains, sewers or utility connections in any street within any portion of territory for which a Planning Commission has adopted a Major Thoroughfare Plan except as provided for under Louisiana Act No. 139, of 1956, RS 33, Section 115.

### PART VIII. VALIDITY, EFFECTIVE DATE AND REPEAL OF CONFLICTING REGULATIONS

Sec. 8.1. Validity.

If any section, clause, paragraph, provision or portion of these regulations shall be held invalid or unconstitutional by any court of competent jurisdiction, such holdings shall not affect any other section, clause, paragraph, provision, or portion of these regulations.

Sec. 8.2. Repeal of conflicting regulations.

All regulations or part of regulations in conflict herewith or inconsistent with the provisions of these regulations are hereby repealed.

Sec. 8.3. Adoption and effective date.

8.301. Before adoption of these subdivision regulations, a public hearing as required by Act 139 of 1945, RS 33, Section 112, was held on Tuesday, March 10, 1964. These rules and regulations shall be in full force and effective from and after the 10th day of May, 1964.

Editor's note(s)—The signatures are illegible.

### PART IX. CONSTRUCTION SPECIFICATIONS FOR SUBDIVISION DEVELOPMENT

Sec. 9.1. Monuments.

9.101. Permanent monuments consisting of a metal pipe or equivalent in diameter and three (3) feet long shall be set at all street corners at all points where the street lines intersect the exterior boundaries of the subdivision, and at angle points and points of curve in each street. The top of the monument shall be set flush with the finished grade.

9.102. For all subdivisions larger than five (5) lots or more, a permanent bench mark shall be accessibly placed, the elevation of which shall be based on gulf level datum as determined by the U. S. Geological survey, and accurately noted on the subdivision plat. Such permanent bench mark shall be deemed to be concrete with a minimum dimension of four (4) inches in diameter or four (4) inches square, three (3) feet long, with a flat top. The top of the monument shall have an indented cross to identify properly the location and shall be set flush with the finished grade.

9.103. All other lot corners shall be marked with an iron pipe, not less than three-fourths (¾) inch in diameter and thirty (30) inches long driven so as to be flush with the finished grade.

Sec. 9.2. Grading.

9.201. All streets, roads, and alleys shall be graded by the subdivider so that pavements and sidewalks can be constructed to the required cross section. Due to special topographical conditions, deviation from the above will be allowed only with special approval of the engineering authority. Where streets are constructed under or adjacent to existing electric transmission lines or over gas transmission lines, the nearest edge of the pavement shall be a minimum often (10) feet from any transmission line structure and all grading for the street shall be done in a manner which will not disturb the structure or result in erosion endangering the structure. In the case of electric trans mission lines, the clearance from the pavement to the nearest conductor shall meet the requirements of the National Electric Safety Code.

9.202. Preparation. Before grading is started the entire right-of-way area shall be first cleaned of all stumps, roots, brush and other objectionable materials and all trees not intended for preservation.

9.203. Cuts. All tree stumps, concrete, and other obstructions shall be removed to a depth of two (2) feet below the surface. Rock, when encountered, shall be scarified to a depth of twelve (12) inches below the subgrade.

9.204. Fill. All suitable material from roadway cuts may be used in the construction of fills, approaches, or at other places as needed. Excess materials, including organic material, soft clays, etc., shall be removed. The fill shall be spread in layers not to exceed twelve (12) inches loose and compacted by a sheep's foot roller. The filling of utility trenches and other places not accessible to a roller shall be mechanically tamped, but where water is used to assist compaction, the water content shall not exceed the optimum of moisture.

Sec. 9.3. Storm drainage.

An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water.

A. All surface drainage courses shall have at least 1:1 side slope (or side slopes) having at least one foot of horizontal distance for each one foot of vertical drop.

The minimum grade along the bottom of a surface drainage course shall be a slope of 0.125 percent (or a vertical fall of one foot in each eight hundred (800) feet of horizontal length).

Cross pipes under streets shall be concrete or corrugated metal and not less than twelve (12) inches in diameter. Pipes larger than thirty-six (36) inches in diameter shall be reinforced concrete.

Cross drains shall be provided to accommodate all natural water flow, and shall be of sufficient length to permit full width roadway and the required slopes. The size openings to be provided shall be determined by Talbot's formula, but in no case shall be less than twelve (12) inches. Cross drains shall be built on a straight line and grade, and shall be laid on a firm base but not on rock. Pipes shall be laid with the spigot end pointing in the direction of the flow and with the ends filled and matched to provide tight joints and a smooth uniform invert. They shall be placed at a sufficient depth below the road-bed to avoid dangerous pressure of impact, and in no case shall the top of the pipe be less than one foot below the road-bed and constructed of reinforced material to ASTM C-76-41.

Sec. 9.4. Street surface.

9.401. All streets shall be surfaced with a minimum of four (4) inches of compacted shells or gravel for a minimum width of sixteen (16) feet.

9.402. Ditches. If curbs and gutters are not provided, ditches shall be provided having at least 3:1 side slopes on the property side, two (2) feet of horizontal distance for each one foot of vertical drop, and 1:1 back slopes on the street side having at least one foot of horizontal distance for each one foot of vertical drop.

9.403. Paved streets. After preparation of the subgrade, the roadbed shall be surfaced with material required by local standards but no lower classification than eight (8) inch compacted subgrade and eight (8) inches soil cement base.

Wearing surface on paved streets: After a thoroughly compacted base has been established, a two (2) inch asphalt concrete mix or better wearing surface shall be applied.

Concrete paving shall provide eight (8) inch compacted subgrade and minimum eight (8) inch concrete pavement.

(Ord. of 2-27-1978; Ord. No. 2001-2, § 1, 2-19-2001)

Sec. 9.5. Installation of utilities and driveways.

9.501. After grading is completed and approved and before any base is applied, all the underground work such as water mains, gas mains, etc., and all service connections shall be installed completely and approved throughout the length of the road and across the flat section. All driveways for houses to be built by the developer shall be cut and drained.

Sec. 9.6. Water supply system.

Water mains, where required, properly connected with the community water supply system or with an alternate supply approved by the municipal or parish health officer shall be constructed in such a manner as to serve adequately for both domestic use and fire protection all lots shown on the subdivision plat. Fire hydrants shall be installed by the subdivider in accordance with requirements of the fire underwriters.

The size of water mains, the location and types of valves and hydrants, the amount of soil cover over the pipes and other features of the installation shall be approved by the municipal engineer and shall conform to accepted standards of good practice for municipal water systems.

Sec. 9.7. Sanitary sewers.

When the subdivision is located within the service area of a public sewerage system, sanitary sewers, where required, shall be installed in such a manner as to serve adequately all lots with connections to the public system. Sewer connections shall comply with the regulations of the state board of health, and shall be constructed under the supervision and approved by the parish health unit and engineering authority of the municipality. Where lots cannot be economically connected with a sewerage system, they must contain adequate area for the installation of approved septic tank and disposal fields and must be approved in writing by the municipality or parish health officer.

Sec. 9.8. Sidewalks.

Sidewalks, where required, shall be located not less than one foot from the property line to prevent interference or encroachment by fencing walls, hedges or other planting or structures placed on the property line at a later date. In single family residential areas, concrete sidewalks shall be four (4) feet wide and four (4) inches thick. In multi-family or group housing developments, sidewalks shall be four (4) feet wide and four (4) inches thick. In commercial areas, sidewalks shall be ten (10) feet wide and four (4) inches thick.

Sec. 9.9. Street name signs.

Appropriate street signs also add sales value to land subdivisions and enable strangers, delivery concerns and even potential lot buyers to find their way around. Street names should appear at all intersections, set at least seven (7) feet above the existing grade on two and one-half (2½) inch metal posts, with permanent type signs.

### PART X. RECOMMENDED IMPROVEMENTS

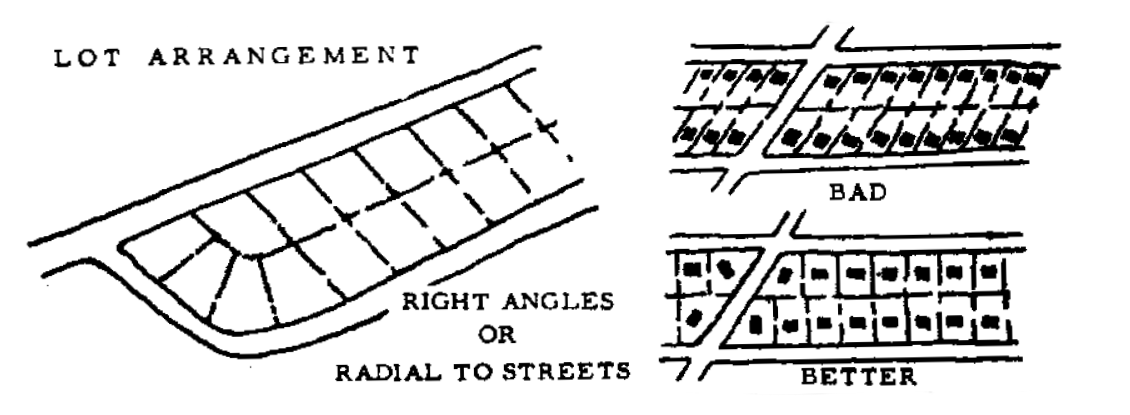
Sec. 10.1. [Trees.]

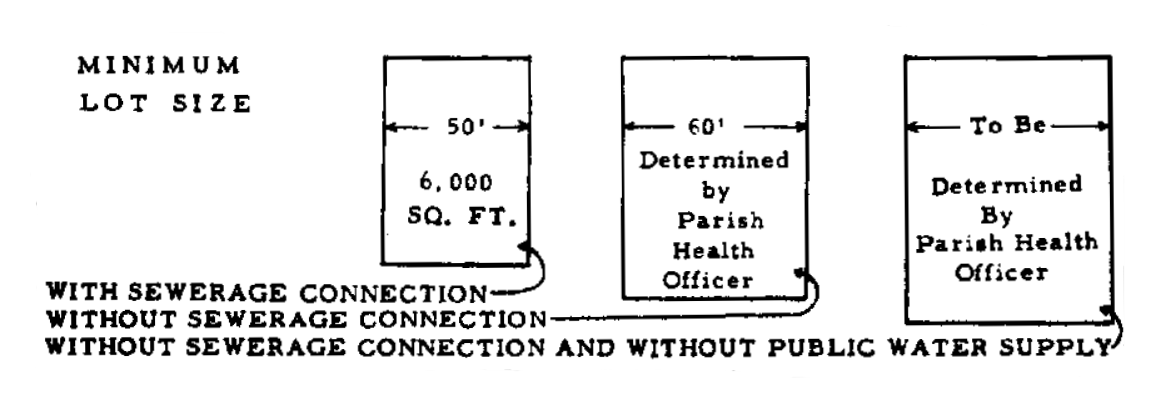
The planting of street trees is considered the duty of the subdivider as well as good business practice.

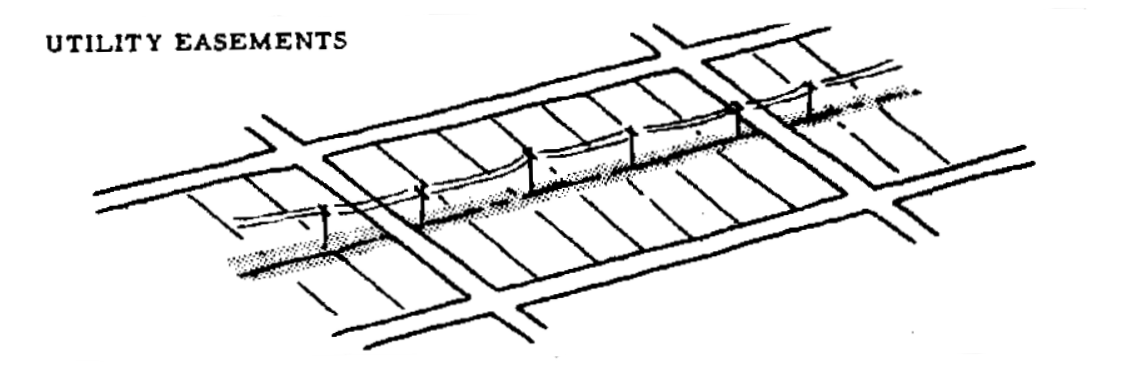
10.101. *Street Trees.* Street trees protect against excessive heat and glare and enhance the attractiveness and value of abutting property. The planning commission will assist the subdivider in the location of trees and species to use under varying conditions.

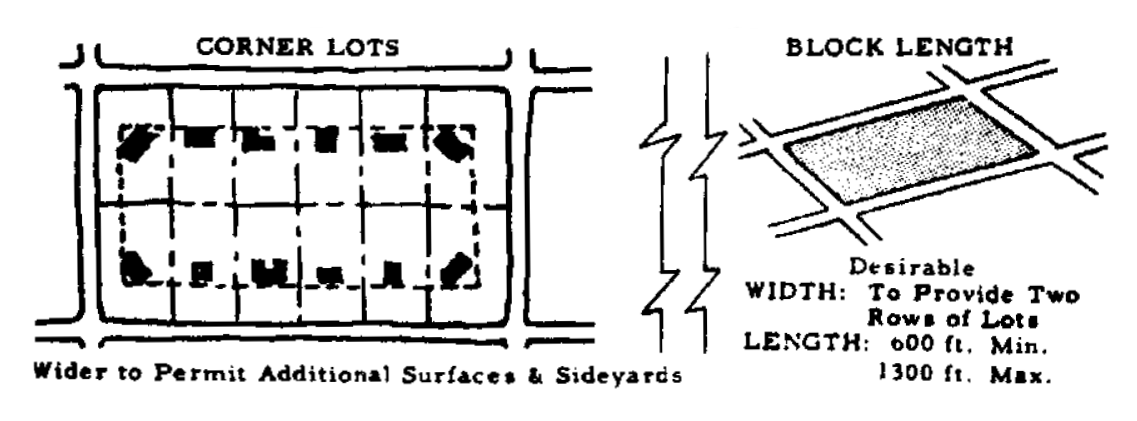
It is recommended that trees be planted inside the property line. Here they are subject to less injury, less likely to cause motor accidents and enjoy more favorable conditions for growth. If trees are to be planted within a planting strip in the right-of-way, their proposed locations and species to be used must be submitted for the planning commission's approval since the public inherits the care and maintenance of such trees.

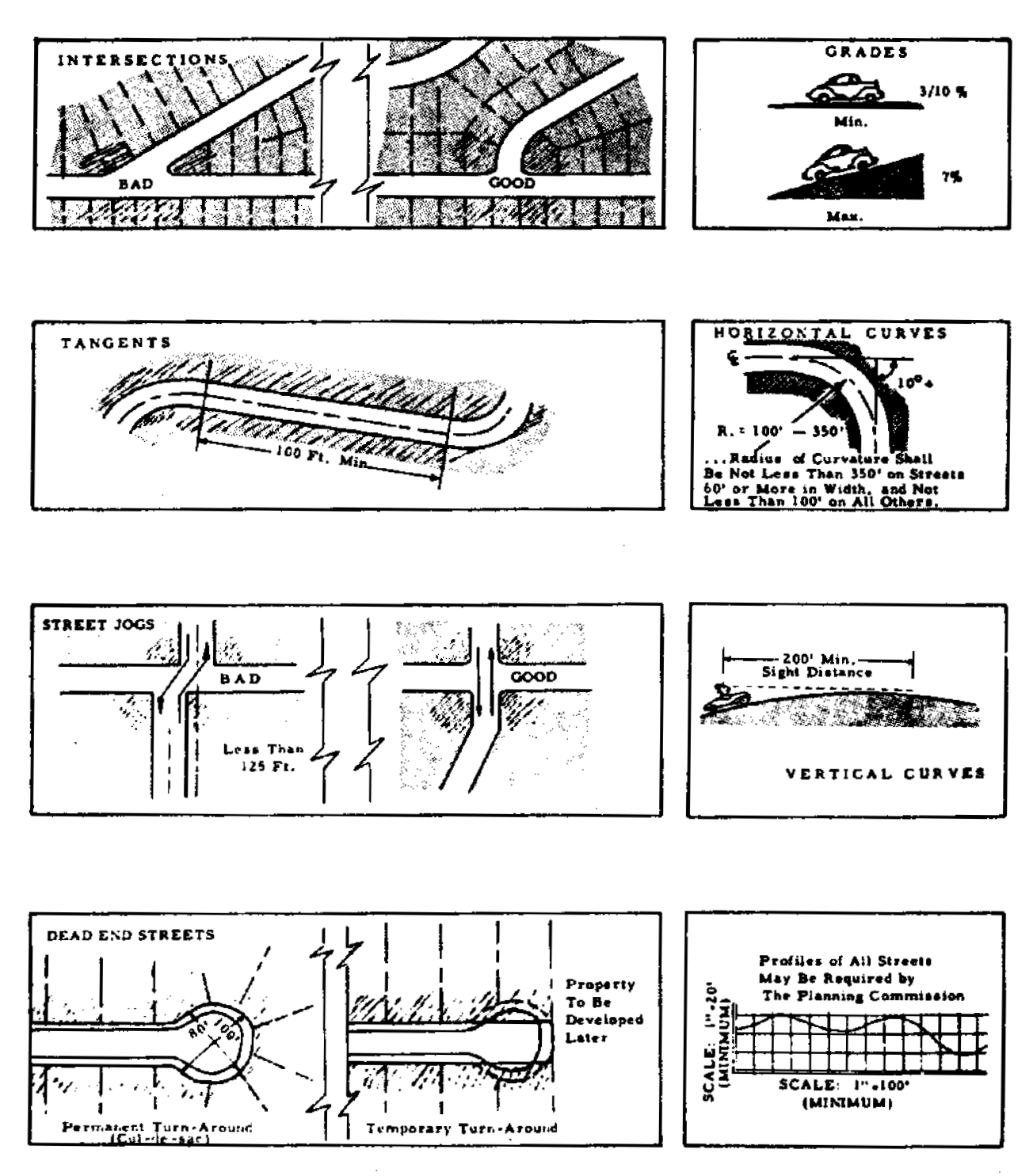
### ATTACHMENT A. DIAGRAMS, ILLUSTRATIONS AND FORMS

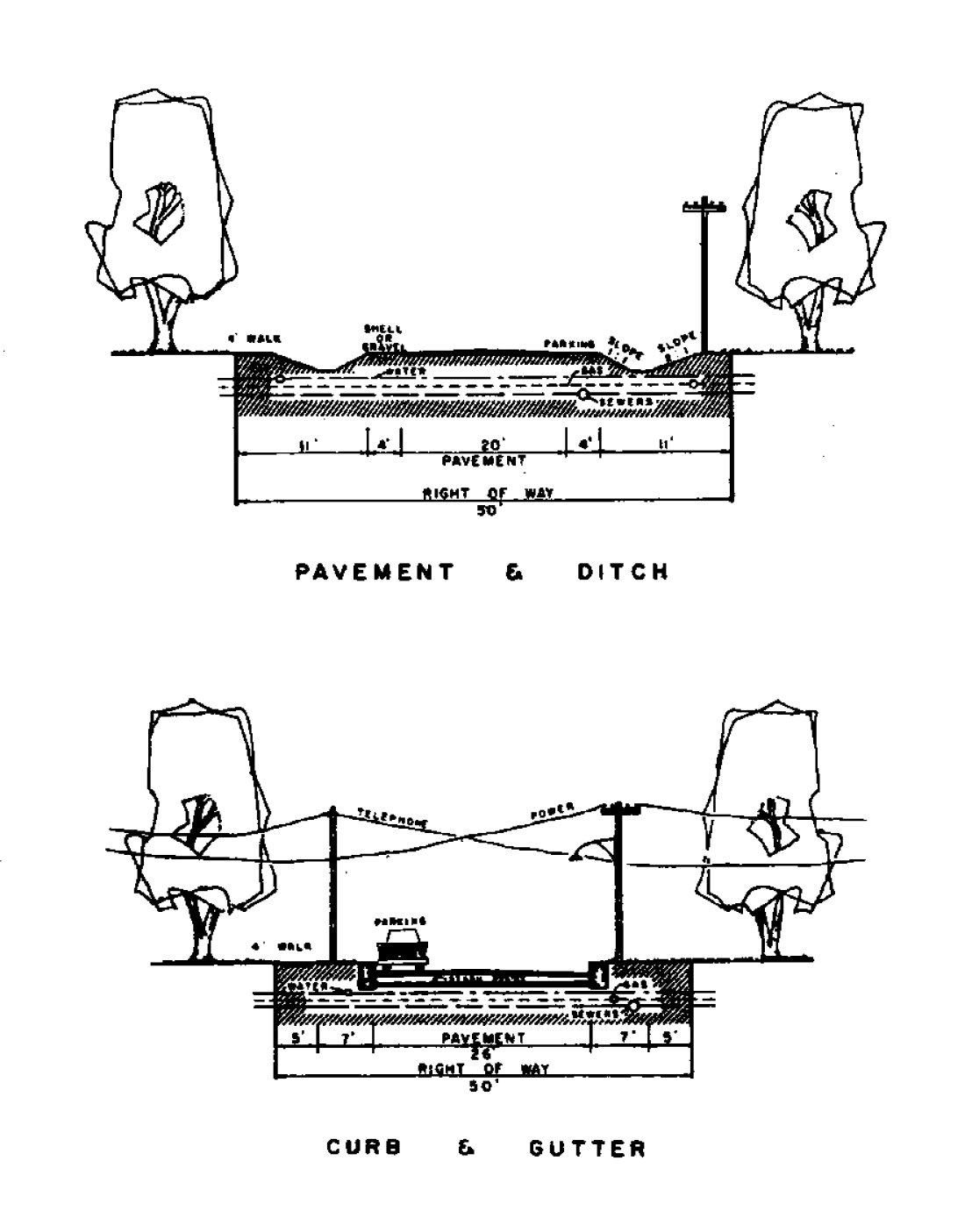




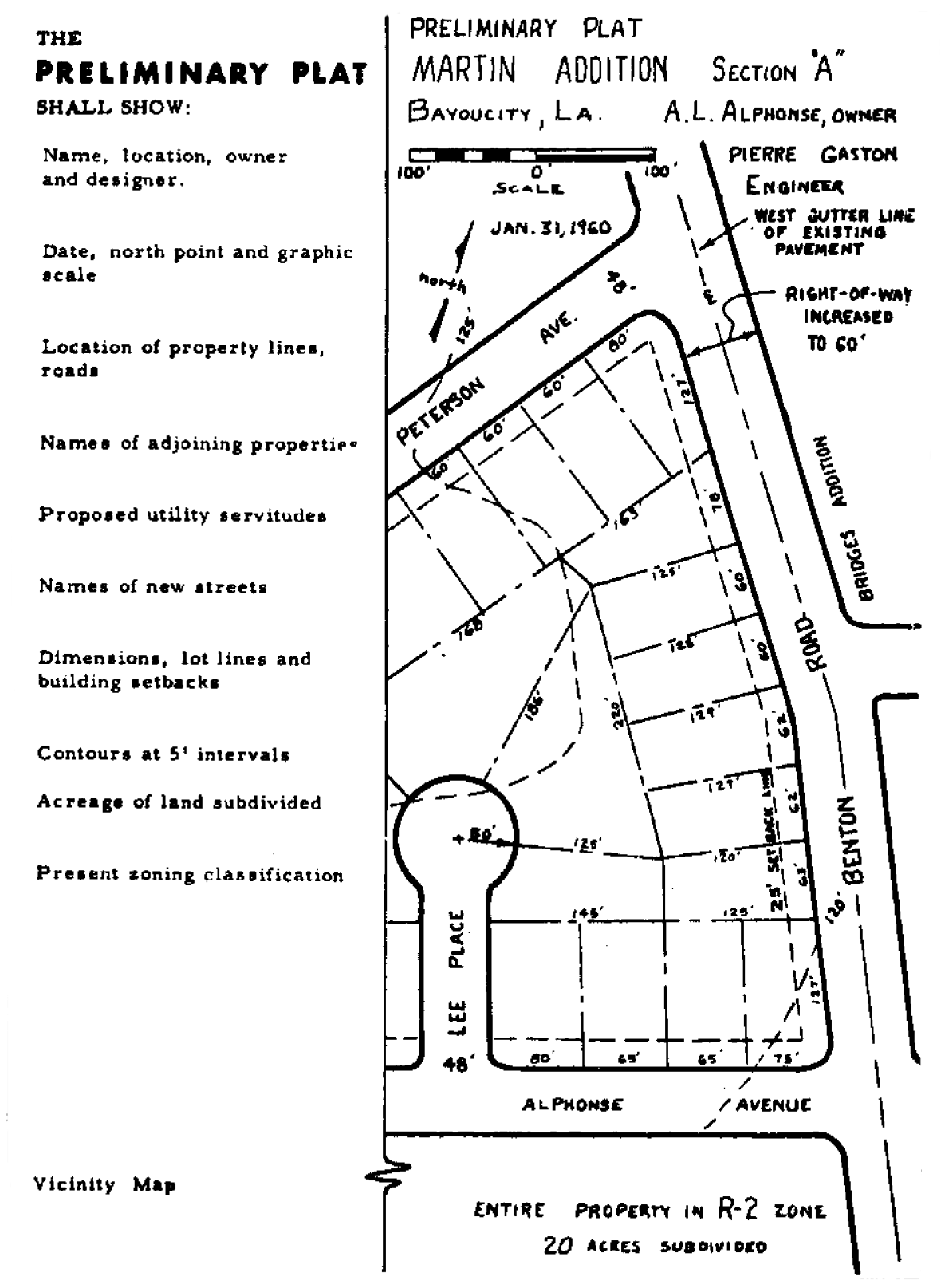








**Typical Cross Sections of Minor Streets**



SUBDIVISION RECORD   
PRELIMINARY PLAT

|  |  |  |
| --- | --- | --- |
| Name of Subdivision | | |
| Location | Zone District | |
| Owner | Address | Tel. |
| Agent | Address | Tel. |
| Surveyor | Address | Tel. |
| Date submitted for preliminary approval | | |

CHECK LIST

□ Copies submitted as required prior to meeting.

□ Drawn to required scale.

□ Name, location, owner and surveyor.

□ Date, north point, and graphic scale.

□ Location of all existing physical features on land and nearby properties (Vicinity Map).

□ Names of adjoining property owners and/or subdivisions.

□ Plans of proposed utility servitude layouts.

□ Names, locations, and dimensions of proposed streets, alleys, easements, parks, and reservations, lot lines, etc.

□ Contours.

□ Acreage of land to be subdivided.

□ Conforms to general requirements and minimum standards of design.

Approved \_\_\_(date)\_\_\_ to proceed to final plat.

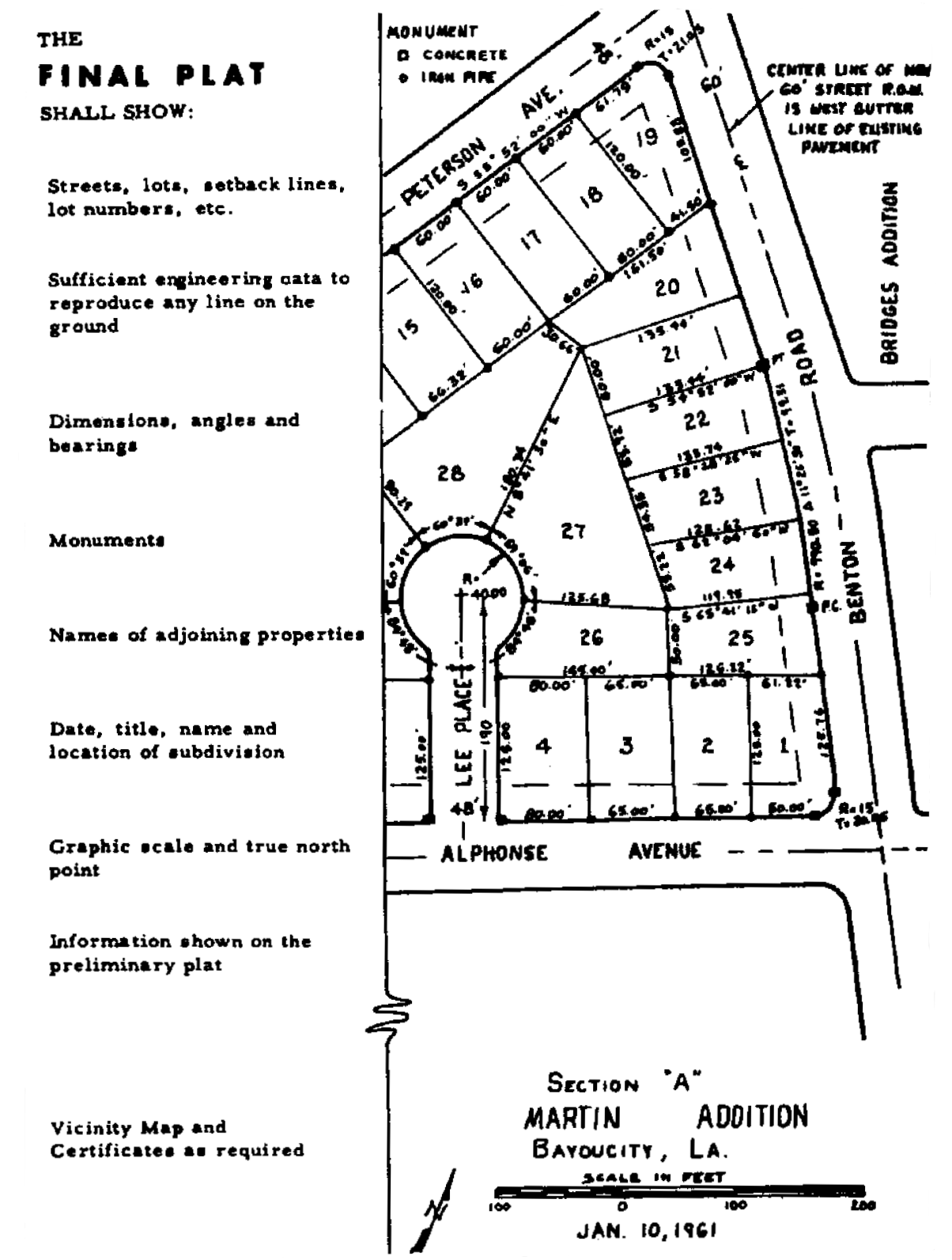
Subject to following modifications:

Variances granted:

Disapproved: \_\_\_\_\_(date)\_\_\_\_\_ for the reasons listed below.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |
| --- | --- |
| SIGNED: |  |
|  | Secretary of the Planning Commission |
|  | REMARKS |
|  |  |



SUBDIVISION RECORD   
FINAL PLAT

|  |  |  |
| --- | --- | --- |
| Name of Subdivision | | |
| Location | Zoning District | |
| Owner | Address | Tel. # |
| Preliminary approval granted: \_\_\_(date)\_\_\_ | | |
| Submitted for final approval \_\_\_(date)\_\_\_ | | |

CHECK LIST

□ Submitted within specified time from preliminary approval.

□ Copies submitted as required prior to meeting.

□ Drawn to a scale of \_\_\_(inches)\_\_\_ equals \_\_\_(feet)\_\_\_ on sheets not larger than \_\_\_(inches)\_\_\_ × \_\_\_(inches)\_\_\_

□ Date, true north point, graphic scale, name and location of subdivision.

□ Reservations, easements, or other non-residential areas.

□ Bearings of property lines and sufficient engineering data to locate all lines including radii, angles, and tangent distances.

□ Dimensions to the nearest 100th of a foot and angles to the nearest minute.

□ Lot lines, alleys, building set back lines.

□ Location and description of monuments.

□ Names, locations of adjoining properties.

□ Certificate of Ownership and Dedication.

□ Certificate of approval of Water and Sewerage Systems.

□ Certificate of approval of Streets and Utilities.

□ Certificate of Approval for Recording.

□ Proposed deed restrictions if not a zoned area.

□ Conforms to general requirements and minimum standards of design.

□ Required physical improvements have been made or bond posted in the amount of $\_\_\_\_\_

□ Lines and names of all streets and roads.

□ Lots numbered in numerical order.

□ Certificate of Accuracy.

Approved for Recording \_\_\_\_\_(date)\_\_\_\_\_

Variances granted:

Disapproved: \_\_\_(date)\_\_\_ for the following reasons:

|  |  |
| --- | --- |
| SIGNED: |  |
|  | Secretary of the Planning Commission |

**FORMS FOR FINAL PLAT CERTIFICATION**

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish the minimum building restriction lines, and dedicate all streets, alleys, walks, parks, and other open spaces to public or private use as noted.

|  |  |
| --- | --- |
| \_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_ |  |
| (Date) | Owner |
|  |  |
|  | Owner |

CERTIFICATE OF ACCURACY

I hereby certify that the plan shown and described herein is true and correct survey to the accuracy required by the St. Martinville Municipal Planning Commission and that the monuments have been placed as shown hereon, to specifications of the Engineering Authority of the Municipality or Parish.

|  |  |
| --- | --- |
| \_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_ |  |
| (Date) | Registered Engineer or Surveyor |

CERTIFICATION OF THE APPROVAL OF WATER AND SEWERAGE SYSTEMS

I hereby certify that the private water supply and/or sewerage disposal system or systems installed, or proposed for installation, fully meet the requirements of the Louisiana State Health Department and are hereby approved as shown.

|  |  |
| --- | --- |
| \_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_ |  |
| (Date) | Municipal or Parish Health Officer or  his Authorized Representative |

CERTIFICATION OF THE APPROVAL OF STREETS AND UTILITIES

I hereby certify: (1) that streets, utilities and \_\_\_\_\_\_\_(specific and other improvements)\_\_\_\_\_\_\_ have been installed in an acceptable manner and according to town specifications or, (2) that a security bond in the amount of $\_\_\_\_\_, has been posted with the municipal clerk to assure completion of all required improvement in the case of default.

|  |  |
| --- | --- |
| \_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_ |  |
| (Date) | Engineering Authority of St. Martinville |

CERTIFICATE OF APPROVAL FOR RECORDING

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulation for St. Martinville, Louisiana, with the exception of such variances, if any, as are noted in the minutes of the Planning Commission and that it has been approved for recording in the office of the Clerk of Court of the Parish.

|  |  |
| --- | --- |
| \_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_ |  |
| (Date) | Planning Commission Official |

# CODE COMPARATIVE TABLE  1978 CODE

The following table gives the location within the Code of sections of the 1978 Code.

|  |  |
| --- | --- |
| 1978 Code  Section | Code  Section |
| 1-1 | 1-1 |
| 1-2 | 1-2 |
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| 47:1601 | 42-503 |

1. Editor's note(s)—Part I of this publication contains the compiled Charter of St. Martinville, a special legislative charter. Pursuant to R.S. 33:481, where a special legislative charter is silent concerning a given legal topic, the municipality is governed by the Lawrason Act (R.S. 33:321) provisions of the Louisiana Revised Statutes. Pursuant to R.S. 33:341—33:343, the municipality has been reclassified from town to city status by proclamation of the governor. This proclamation is not a charter amendment so that the governing body is still referred to in the charter as the "town council," and the charter name of the municipality is the "Town of St. Martinville." No attempt has been made to correct the use of the term "town" in this compilation.

   The only changes in this compilation are in the printing style and the addition of words, letters and figures in the interest of clarity. Such words, letters and figures are enclosed in brackets [ ]. Obvious misspellings have been corrected without notation. Charter amendments have been worked into the appropriate place in the compilation and amendment notes indicate the same. In preparing this compilation the editor used an earlier compilation prepared in the city which contained the following certificate and statement:

    STATE OF LOUISIANA   
   PARISH OF ST. MARTIN   
   TOWN OF ST. MARTINVILLE

   I, the undersigned, Secretary of the Town of St. Martinville, Louisiana, do hereby certify that the foregoing is a true and correct copy of the Charter of the Town of St. Martinville, Louisiana, adopted April 4, 1898, incorporating therein the following amendments thereto:

   1.   
   ;lz Amendment adopted August 14, 1902 amending that portion of the Charter of the Town of St. Martinville, having reference to "Public Improvements and Work."

   2.   
   ;lz Amendment adopted August 5, 1903, amending that portion of the Charter of the Town of St. Martinville, having reference to "Officers and their Elections."

   3.   
   ;lz Amendment adopted May, 4, 1909, amending that portion of the Charter of the Town of St. Martinville, having reference to "General Provisions."

   4.   
   ;lz Amendment adopted December 19, 1910, amending that portion of the Charter of the Town of St. Martinville, having reference to "General Provisions."

   5.   
   ;lz Amendment adopted March 17, 1911, amending that portion of the Charter of the Town of St. Martinville, having reference to "Limits and Boundaries."

   6.   
   ;lz Amendment adopted March 5, 1912, amending that portion of the Charter of the Town of St. Martinville, having reference to "Officers and their Election."

   7.   
   ;lz Amendment adopted November 14, 1922, amending that portion of the Charter of the Town of St. Martinville, having reference to "General Provisions."

   8.   
   ;lz Amendment adopted July 11, 1933, amending that portion of the Charter of the Town of St. Martinville, having reference to "Officers and their Election."

   9.   
   ;lz Amendment adopted November 10, 1936, amending that portion of the Charter of the Town of St. Martinville, having reference to "Officers and their Election."

   10.   
   ;lz Amendment adopted July 19, 1938, amending that portion of the Charter of the Town of St. Martinville, having reference to "Public Improvement and Works."

   11.   
   ;lz Amendment adopted March 9, 1948, amending that portion of the Charter of the Town of St. Martinville, having reference to "Officers and their Election."

   I further certify that the said charter as amended and as hereinabove set forth is now in full force and effect.

   IN WITNESS WHEREOF, I have hereunto subscribed my official signature and affixed the seal of said town on this \_\_\_ day of \_\_\_\_\_\_\_, A.D. 1955.

   |  |  |
   | --- | --- |
   |  | \_\_\_\_\_\_\_\_\_\_\_ |
   |  | SECRETARY |

   [↑](#footnote-ref-1)
2. **Amendment note—**For amendment history for this part (designated as Article I by the editor), "Limits and Boundaries," see the editor's note accompanying this charter compilation. [↑](#footnote-ref-2)
3. **Amendment note—**This part (designated as Article II by the editor), "Officers and Their Election," appears as amended by the Resolutions of January 11, 1955, and December 13, 1960. For other amendment history, see the editor's note accompanying this charter compilation. [↑](#footnote-ref-3)
4. **Amendment note—**This part (designated Article III by the editor), "Duties and Powers of Officers" appears as amended by the Resolution of, January 11, 1955. For other amendment history see the editor's note accompanying this charter compilation. [↑](#footnote-ref-4)
5. **Amendment note—**This part (designated Article IV by the editor), "General Provisions," appears as amended by the Resolution of January 11, 1955. For other amendment history, see the editor's note accompanying this charter compilation. [↑](#footnote-ref-5)
6. **Amendment note—**For amendment history to this part (designated Article VI by the editor), "Public Improvements and Work," see the editor's note accompanying this charter compilation. [↑](#footnote-ref-6)
7. State law reference(s)—Lawrason Act relevance to special legislative charter municipalities, R.S. 33:481; amendment of special legislative charters, R.S. 33:1181; municipal powers, R.S. 33:361; exercise of powers, R.S. 33:362; municipal officers, R.S. 33:381; compensation of municipal officers set by ordinance, R.S. 33:404.1.; public bid law, R.S. 38:2211—38:2233.2; open meetings law, R.S. 42:4.1 et seq. [↑](#footnote-ref-7)
8. State law reference(s)—Alcoholic beverages generally, R.S. title 26; local alcoholic beverage permits, R.S. 26:74, 26:274; local taxation and regulation, R.S. 26:491 et seq.; local election on sale of alcoholic beverages, R.S. 26:581 et seq.; suspension or revocation of permits, R.S. 33:4785 et seq.; certain exemptions from municipal license tax, R.S. 47:360. [↑](#footnote-ref-8)
9. State law reference(s)—Charitable raffles, bingo and keno licensing law, R.S. 4:701 et seq. [↑](#footnote-ref-9)
10. State law reference(s)—Diseases of animals, R.S. 3:2091 et seq.; cruelty to animals, R.S. 3:2361 et seq.; minimum standards for animal shelters, R.S. 3:2461 et seq.; animals running at large, R.S. 3:2531 et seq.; local regulation of dogs, R.S. 3:2731 et seq.; dog license tax, R.S. 3:2771 et seq.; veterinarians, R.S. 37:1511 et seq.; rabies control, R.S. 40:1275 et seq. [↑](#footnote-ref-10)
11. State law reference(s)—Mandatory adoption of certain national codes as state uniform construction code, R.S. 40:1730.28; mandamus and injunctive relief for violation of code, R.S. 40:1730.31; state uniform construction code, R.S. 40:1730.21 et seq.; enforcement of building codes by municipalities and parishes, R.S. 40:1730.23; wind and flood mitigation requirements applicable within certain parishes, R.S. 40:1730.27. [↑](#footnote-ref-11)
12. State law reference(s)—Occupational license taxes, R.S. 47:341 et seq.; local government imposition of occupational license tax, La. Const. art. VI, § 28. [↑](#footnote-ref-12)
13. State law reference(s)—Mayor's court, R.S. 33:441; mayor may impose court costs not exceeding $30.00 per offense, R.S. 33:441.A(1). [↑](#footnote-ref-13)
14. State law reference(s)—Municipal authority to respond to emergencies, R.S. 29:737; municipality providing assistance within parish due to emergency, R.S. 29:730.2. [↑](#footnote-ref-14)
15. State law reference(s)—State uniform fire prevention code, R.S. 40:1578.7. [↑](#footnote-ref-15)
16. State law reference(s)—Ordinances to comply with federal flood insurance programs, R.S. 38:84; state and quasi-state agency compliance with local flood ordinances, R.S. 38:84.1. [↑](#footnote-ref-16)
17. **Federal law references—**No state or local government may establish construction and safety standards for manufactured housing which are not identical to federal construction and safety standards, 42 USC 5403(d); National Manufactured Home Construction and Safety Standards Act "HUD Code," 24 CFR 3280 et seq. [↑](#footnote-ref-17)
18. State law reference(s)—Municipal powers generally, R.S. 33:361; municipal authority over collection and disposal of garbage and trash, R.S. 33:4169.1. [↑](#footnote-ref-18)
19. State law reference(s)—Municipal powers generally, R.S. 33:361; municipal street construction and improvements, R.S. 33:3301; permit and bond requirements for gatherings on public property, R.S. 14:326. [↑](#footnote-ref-19)
20. State law reference(s)—Local government subdivision, sales tax, La. Const. art. VI, § 27; sales and use taxes generally, R.S. 33:2711 et seq.; uniform local sales tax code, R.S. 47:337.1 et seq.; levy of sales and use taxes, R.S. 47:337.4; collection of sales and use taxes by political subdivisions, R.S. 47:337.13; uniform local sale tax administrative procedure act, R.S. 47:337.91—47:337.100. [↑](#footnote-ref-20)
21. State law reference(s)—Legal authority of municipalities to impose license taxes on insurers, R.S. 22:833. [↑](#footnote-ref-21)
22. State law reference(s)—Municipalities are authorized to operate, maintain, construct, acquire, and improve public utilities, R.S. 33:4162; municipalities authorized to establish rates, rules and regulations concerning distribution of public utilities, R.S. 33:4163. [↑](#footnote-ref-22)
23. State law reference(s)—Sewers generally, R.S. 33:3881 et seq. [↑](#footnote-ref-23)
24. Editor's note(s)—Appendix A contains the city's zoning ordinance. Because of the formalities required to amend a zoning ordinance, it has been included in appendix form for the convenience of the use of the Code. Changes of a nonsubstantive nature have been made in the printing style. All other changes are shown in brackets [ ], or explained by the use of editor's notes. Obvious misspellings have been corrected without notation. All other changes, together with notes of amendments, are accounted for in editor's notes. [↑](#footnote-ref-24)
25. Editor's note(s)—Appendix B contains the city's subdivision regulations which were promulgated in September 1963. Because of the formalities required to amend them, they have been included in appendix form for the convenience of the user of the Code. Changes of a nonsubstantive nature have been made in the printing style. All other changes are shown in brackets [ ], or explained by the use of editor's notes. Obvious misspellings have been corrected without notation.

    On August 5, 1965, the mayor and council passed a resolution which provided in pertinent part:

    [T]he following general requirements and minimum standards of design shall be met by the developer, successors or assigns of any subdivision of land within the limits and jurisdiction of the Town of St. Martinville prior to acceptance by the Town of St. Martinville:

    1.A.   
    ;lz \*Street Improvements.*

    (a)   
    ;lz \*Surface.* All streets shall be surfaced with a minimum of six (6) inches of compacted shells or gravel. Application shall be for a minimum width of eighteen (18) feet.

    (b)   
    ;lz \*Grading.* The full right-of-way shall be graded.

    B.   
    ;lz \*Water Supply.*

    (a)   
    ;lz \Six (6) inch water mains with necessary cut out valves shall be provided. Fire hydrants shall also be installed in accordance with requirements of the Fire Underwriters.

    C.   
    ;lz \*Sewer.*

    (a)   
    ;lz \Eight (8) inch sewer lines shall be installed, with required manholes set at a maximum distance of three hundred (300) feet apart.

    [T]he developer, successors or assigns of any subdivision of land may develop a subdivision of land piecemeal, provided that all the requirements of A, B, and C are complied with.

    It would appear that the above resolution supersedes anything in the subdivision regulations which is in conflict. [↑](#footnote-ref-25)