

## ARTICLE X. VIOLATIONS AND PENALTIES

### Sec. 1. Violation

In case any building or structure is erected, structurally altered, or maintained, or any building, structure, or land is used in violation of this chapter, any proper official of the zoned area or their duty authorized representatives, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, structural alteration, maintenance, use, or other violations to restrain, correct, or abate such violations; to prevent the occupancy of such building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about such premise. Each day such violation continues shall constitute a separate violation. The director of Planning and Development may call upon the sheriff's office to furnish him with the necessary police personnel to carry out his orders. Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the cause and basis thereof, shall be filed with the Director of Planning and Development during normal business hours.

### Sec. 2. Penalty

The owner or general agent of a building or premises where a violation of any provision of this regulation has been committed or shall exist, or the lessee or tenant of the entire building or entire premises where such violation has been committed or shall exist, or the general agent, architect, builder, contractor, or any other person who commits, takes part in, assists in any such violation, or maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor, punishable either by a fine of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) or not more than a thirty (30) day jail sentence, or both, for each and every day that such violation continues in accordance with Act 91 of the 1984 Legislative Session.

## **ARTICLE XI. PROCEDURE FOR CORRECTING VIOLATIONS**

### **Sec. 1. Notification of Violation**

When a violation is found to exist, the Director of Planning and Development will notify the owner or owners of the subject property that a zoning violation exists. If the Building is under construction, the owner will be instructed to stop construction until arrangements have been made to correct the violation. The owner will be notified by registered mail and also the property of concern will be posted with a suitable placard, stating that the use is in violation of the zoning ordinance and that all construction work is ordered to stop. If the building or use which is in violation already exists, then the owner will be notified by registered mail to cease operation until corrections have been made.

### **Sec. 2. Deadline date**

Failure of the property owner to respond to these official notifications within the deadline date will be cause for the Director of Planning and Development to notify the District Attorney's Office and the Sheriff's Office to request that the owner be arrested and charged.

### **Sec. 3. Pertinent information**

When a property owner has been arrested and charged with violation of the zoning ordinance, the Director of Planning and Development will supply the District Attorney with all pertinent information dealing with the violation in order that the District Attorney (upon direction by the Police Jury can take whatever legal action is necessary to fine or otherwise penalize the violator.

## ARTICLE XII. AMENDMENTS AND PETITIONS

### Sec. 1. Initiation of amendments

The Police Jury may, from time to time, amend, supplement, or change the regulations, restrictions, or boundaries herein or subsequently established. Such amendment, supplement, or change may be initiated:

- (a) By action of the Police Jury itself by introduction of an ordinance or by adoption of a motion (after study and recommendation by the Planning Commission).
- (b) By a recommendation of the Planning Commission.
- (c) By a property owner or authorized agent
- (d) By a petition of property owners or authorized agents.

### Sec. 2. Petitions

Petition by property owners for the amendment, supplementation, or change of the zoning ordinance shall be filed with the Police Jury through the Director of Planning and Development. In filing such petitions, the following rules shall apply:

(a) No petition for a change in the classification of property shall be filed unless such a petition is duly signed and acknowledged by the owners or authorized agents on not less than fifty percent (50%) of the area of land for which a change of classification is requested, provided however, that where any lot located in the aforesaid area is owned in division, all co-owners must sign the petition for that lot to be included in the fifty percent (50%) area provision.

(b) Each petition for a change in the classification of property shall conform to such standards and requirements as the Planning Commission shall adopt.

### **ARTICLE XIII. PROCEDURES FOR APPLYING FOR ZONING CHANGE OR AMENDMENTS**

No amendment, supplement, or change of zoning ordinance or zoning district map shall become effective unless and until:

- (a) The petitioner executes a petition for zoning change. The Planning Commission may require supplementary data including, but not limited to, a plat plan, site plan, or building plan.
- (b) (The petitioner) files zoning petition with the Director of Planning and Development.
- (c) The Director of Planning and Development forwards petition and supporting documents to the Planning Commission and sets a date for a public hearing. Notice of the time and place of the hearing shall be published at least three (3) times in the official journal of the parish, and at least ten (10) days shall elapse between the first publication and the date of the hearing. (No action will be taken by the Police Jury on the zoning petition until after such public hearing has been made.)
- (d) The Planning Commission, after reviewing the petition and hearing comments at the public hearing, will make their recommendation known at the public hearing for the approval, conditional approval, or disapproval of the petition. The Planning Commission may limit the permitted uses in any zoning district as a condition of approving any rezoning petition. Furthermore, in the granting of any rezoning petition, the Planning Commission shall prescribe any performance standards, including, but not limited to, landscaping, greenbelts, buffering, fencing, and all other applicable standards it deems to be necessary, desirable, and reasonable. These recommendations will then be forward to the Police Jury by the Planning Commission staff.
- (e) The Police Jury receives the recommendation of the Planning Commission and approves, conditionally approves, or disapproves the petition. The Police Jury may limit the permitted uses in any zoning district as a condition of approving any rezoning petition. Furthermore, in the granting of any rezoning petition, the Police Jury shall prescribe any performance standards, including but not limited to, landscaping, greenbelts, buffering, fencing, and all other applicable standards it deems to be necessary, desirable, and reasonable.

(f) A petitioner may withdraw his petition at any time up to its consideration by the Police Jury. However, if a zoning petition is withdrawn by the petitioner after the public hearing has been held, or if the Police Jury disapproves of the request contained in the petition, then no further petition for the same property will be considered by the Police Jury for a period of one year from the date of the public hearing. This provision shall not apply in cases where the Police Jury wished to consider a petition involving a zoning amendment of an area larger than twenty (20) acres.

(g) The provisions of this section do not apply in cases where there is a proposal to enact an entire new ordinance to change the text as a whole, or to change all of the zoning district map, or both, in which the procedures set out in Legislative Act 29 of 1983 shall be followed.

#### ARTICLE XIV. FEES

- (a) Each petition concerning a zoning change or amendment for ten (10) acres or less shall be accompanied by a deposit of three hundred dollars (\$300.00). For petitions involving more than ten (10) acres a fee of twenty dollars (\$20.00) per acre shall be charged up to one thousand dollars (\$1,000.00). Therefore, the minimum fee for any zoning change will be three hundred dollars regardless of the acreage. The maximum fee for any petition shall not exceed one thousand dollars which shall apply for all areas fifty acres or more.
- (b) All checks submitted with the zoning petitions shall be made payable to the St. Martin Parish Government.
- (c) Under no conditions shall fees, either in whole or in part, be refunded for failure of said change to be adopted by the Parish Government.

## ARTICLE XV. INTERPRETATION

### Sec. 1. Minimum requirements

In interpreting and applying the provisions of this ordinance, these shall be held to be in minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any ordinance, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or land or upon the height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such ordinances or agreements, the provisions of this ordinance shall control.

## **ARTICLE XVI. VALIDITY**

### **Sec. 1. Servability**

If any section, sub-section, paragraph, sentence, clause or phrase of this ordinance shall, for any reason, be held to be unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance which shall continue in full force and effect.

## **ARTICLE XVII. CONFLICT OF LAWS**

### **Sec. 1. Repeal**

All zoning regulations or parts of zoning regulations in conflict herewith are hereby repealed, provided, however, that all suits at law or in equity and/or all prosecutions resulting from the violation of any zoning ordinance heretofore in effect, which are now pending in any of the courts of this state or of the United States, shall not be abated or abandoned by reason on the adoption of this ordinance, but shall be prosecuted to their finality, the same as in this ordinance had not been adopted; and any and all violations of existing zoning regulations, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this ordinance shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which may have heretofore been instituted or prosecuted.