

SECTION 7 - ADMINISTRATION AND ENFORCEMENT

SECTION 7.01 ADMINISTRATION AND ENFORCEMENT

An administrative official or officials designated by the Police Jury shall administer and enforce this ordinance. He may be provided with the assistance of such other persons as the Police Jury may direct. If the administrative official or officials shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the persons responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures, or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions.

SECTION 7.02 DUTIES OF ADMINISTRATIVE OFFICIAL, BOARD OF ADJUSTMENTS, PARISH POLICE JURY AND THE APPEAL TO THE COURTS FROM THE BOARD OF ADJUSTMENTS.

7.0201 Intent

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

7.0202 Enforcing Officer

The St. Tammany Parish Zoning Commission is hereby authorized to administer and enforce this ordinance. The Director of the Department of Development of the St. Tammany Parish Zoning Commission shall be the Chief Administrative Official responsible to the Zoning Commission and the Police Jury and charged with the interpretation and administration of this Ordinance. The Director of Development may designate staff members to assist in the administration or interpretation of this ordinance.

SECTION 7.03 VIOLATIONS

7.0301 Complaints Regarding Violations

Whenever a violation of this ordinance occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the cause and basis thereof, shall be filed with the administrative official. He shall record properly such complaint, immediately investigate and take action thereon as provided by this ordinance.

7.0302 Penalties for Violation

- (A) Violations. It shall be illegal to violate any ordinances relating to building construction, operation or maintenance and zoning.
- (B) Issuance of citation and/or summons. The Director of Permits and Inspections, the Director of Development and all persons appointed as acting inspectors of the Parish of St. Tammany are empowered to serve, personally, domiciliary or by registered mail, a citation and/or summons upon persons charged with violations of any provision contained in the appropriate Chapters, of the Code of Ordinances of the Parish of St. Tammany, relating to building codes and zoning ordinances and regulations or to post a notice of violation at the place of violation. The inspectors are not authorized to arrest or otherwise take a violator into custody. The Director of Permits and Inspections, Director of Department of Development, and all persons appointed as acting inspectors shall be so commissioned and designated by the Police Jury of the Parish of St. Tammany for the purpose of enforcing this section.
- (C) Contents of citation and/or summons. As used in this article, the term "citation and/or summons" shall mean a written or printed notice served upon the person charged with a violation. Such citation and/or summons shall include, but may not be limited to, the following information:
 - (1) The name of the person creating the violation or the owner or person in charge of the premises at which the violation occurs.
 - (2) The date and place of violation.
 - (3) A short description of the violation followed by the number and section of the ordinance provision violated.
 - (4) The date and place at which the person shall appear and a notice that if the person does not respond to the citation and/or summons a warrant shall be issued for such person's arrest.
 - (5) A notice that the person charged may be represented by counsel, that he may plead guilty or not guilty, and that he has a right to a court hearing.
- (D) Penalties for Violations. Unless otherwise provided in this ordinance, violations 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 therefor be fined not less than fifty dollars (\$50.00) per day, and in addition, shall pay all costs and expenses involved in the case; however, the maximum of aggregated fines are not to exceed five hundred (\$500.00) dollars. Each day such violation continues shall be considered as a separate offense all in accordance with Section 1-11 of the Code of Ordinance of St. Tammany Parish.

- (E) The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or any person who commits, participates in, assists in, or maintains such violation may each be cited for a separate offense and suffer the penalties herein provided.
- (F) Nothing herein provided shall prevent the Parish from taking such other lawful action as is necessary to prevent or remedy any violation.
- (G) When a person has deliberately commenced a project without a permit and it is a second violation of this ordinance by this offender, then the Director of Permits and Inspections may increase the building permit fee by one hundred (100) per cent.

7.0303 "After the Fact" Building Permits

Notwithstanding any provisions of Section 7.0402 of this ordinance, as a remedy for failure on the part of any owner, lessor, or tenant, having an interest, expressed or unexpressed in a development of land, to obtain a building permit prior to the commencement of the erection, placement or construction of any structure in an area of the Parish the following provisions shall be followed:

- A. Immediately upon obtaining knowledge of such violation, the building inspector for the Parish of St. Tammany shall affix in a prominent place on the premises a yellow citation and/or summons briefly stating the building permit requirements of St. Tammany Parish and ordering the owner, lessor or tenant to immediately cease all construction on said premises until a fully issued building permit has been obtained from the St. Tammany Parish Department of Permits and Inspections.
- B. Said citation and/or summons shall also contain a statement that the Department of Permits and Inspections shall not accept any application for a late permit without charging a mandatory fifty (\$50.00) dollars amount per day late penalty for each day following the citation of said violation; however the maximum of aggregate late penalties shall not exceed two-thousand (\$2,000.00) dollars. Should such violation continue, it will be considered as a separate offense. Said penalty shall be non-waivable by the St. Tammany Parish Police Jury.

- C. Said citation and/or summons shall be executed in triplicate with the original copy being affixed to the premises, duplicate copy being retained in the permanent record of the Department of Permits and Inspections, and the triplicate copy being forwarded within ten (10) days of the issuance to the St. Tammany Parish District Attorney's Office.
- D. Nothing herein shall interfere with the ability of the St. Tammany Parish District Attorney's Office to obtain an injunction at any time in order to prevent further construction on the premises and/or proceed in a civil action to collect any late penalties.
- E. If, after the end of a 90 day period from when the building inspector initially obtained knowledge that a building permit has not been obtained by the violator, the penalty provisions as stated in Section B shall be reinstated.

Furthermore, at the end of each 90 day period thereafter, the penalty provisions in Section B shall automatically be reinstated until a building permit has been obtained.

The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

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

SECTION 7.04 BOARD OF ADJUSTMENT

7.0401 Creation of Board

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

The Board of Adjustment shall consist of (5) members who shall be freeholders and qualified voters. The membership of the first board shall serve respectively, one for one year, one for two years, one for three years, and one for four years, and one for five years. Thereafter, members shall be appointed for terms of five years each. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

All appointments shall be made by Resolution of the Police Jury.

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

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

The Board shall adopt rules in accordance with provisions of any ordinance adopted pursuant to this act.

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

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

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

7.0402 Powers of the Board

A. The Board of Adjustment shall have the following powers:

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

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

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

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

7.0403 Fee

A fee as set forth in Part 5 of this ordinance shall be paid to the Director of Development at the time the notice of appeal is filed which shall be credited to the general revenue of the Parish.

7.0404 Appeals from the Board of Adjustment

Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment, or any officer, department, board or bureau of the said Parish, may present to the district court of the Parish a petition duly verified, setting forth that such decision is illegal, in whole or part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board. Upon the presentation of such petition, the court may allow a writ of certio rati directed to the Board of Adjustment to review such decision of the Board of Adjustment and shall prescribe therein the time within which a return less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from but the court may, on application or notice to the Board and due cause shown, grant a restraining order. The Board of Adjustment shall not be required to return certified or sworn copies thereof or such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified. If, upon the hearing, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take additional evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusion of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or in part, or may modify the decision brought up for review. Costs shall not be allowed against the Board unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from. All issues in any proceedings under this section shall have preference over all other civil actions and proceedings.

