




**Office of the Planning Commission**

City of Baton Rouge and Parish of East Baton Rouge  
Post Office Box 1471, Baton Rouge, Louisiana 70821  
or  
1100 Laurel Street, Suite 104, Baton Rouge, LA 70802  
Phone (225) 389-3144 Fax (225) 389-5342

Frank M. Duke, FAICP  
Planning Director

April 4, 2019

TO: Planning Commission  
FROM: Frank M. Duke, FAICP, Planning Director   
SUBJECT: TA-9-19, Chapter 6, Enforcement

Application Summary			
<b>Applicant</b>	Planning Commission	<b>Submittal Date</b>	September 15, 2018
<b>Code Section(s)</b>	Chapter 6, Enforcement		
<b>Areas Affected</b>	Parishwide		
<b>Planning Commission Meeting Date</b>	April 15, 2019	<b>Metropolitan Council Meeting Date</b>	May 15, 2019
Request			
<b>Summary of Change</b>	This amendment repeals Chapter 6, Enforcement and Review, and replaces it with a new Chapter 6, Enforcement, deleting provisions that expired in 1958, provisions that are inconsistent with Chapter 8, Zoning Districts, and language regarding interpretation of the UDC (that is moved to Chapter 1, General Provisions); and correcting citations throughout the chapter		
Findings			
Approval is recommended, based on consistency with the comprehensive plan and the need to simplify the Unified Development Code			

**Case History**

- The need to simplify the Unified Development Code (UDC) was recognized during the development of FUTUREBR
- The Parish Attorney’s Office and the Department of Development identified issues with regard to out of date citations throughout Chapter 6
- Language on general interpretation of the UDC that should be in Chapter 1 was found in Chapter 6 as part of the update of the chapter

**Comprehensive Plan Consistency**

- These changes are consistent with the following provisions of FUTUREBR:
  - Land Use Action 6.1.1, which calls for ensuring regulatory processes are responsive, efficient, and customer friendly; and,
  - Land Use Action 6.1.2, which calls for making the UDC more customer friendly

**Analysis**

- This amendment deletes language regarding interpretation of the UDC from Chapter 6 that should be in Chapter 1

# Chapter 6

## ENFORCEMENT

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### **Section 6.1 Authority**

The Building Official shall enforce the Unified Development Code. Appeals from the Building Official's decision may be taken to the Board of Adjustment where it is alleged there is an error in the order, requirement, decision, or determination made by the Building Official in the enforcement of the Unified Development Code.

### **Section 6.2 Building Permits Required**

No building may be undertaken in the City-Parish without a building permit. Each application for a building permit shall be accompanied by a plat in duplicate, drawn to scale, showing the name of the person making the application, the actual dimensions of the lot to be built upon as shown by a survey, the size, shape, and location of the building to be erected, and such other information as may be necessary to provide for the enforcement of the Unified Development Code. A record of applications and plats shall be kept in the office of the Building Official.

### **Section 6.3 Changes in Use or Occupancy**

No change in the use of occupancy of land, nor any change of use or occupancy in an existing building other than for single family dwelling purposes, shall be made, nor shall any new building be occupied until a certificate of occupancy has been issued by the Building Official. Every certificate of occupancy shall state that the new occupancy complies with all provisions of the Unified Development Code. No permit for excavation, the erection, or alteration of any building shall be issued before the application has been made and approved for a certificate of occupancy and compliance, and no building or premises shall be occupied until such certificate and permit is issued. A record of all certificates of occupancy shall be kept on file in the office of the Building Official and copies shall be furnished on request to any interested person.

### **Section 6.7 Violations and Penalties**

#### **Section 6.7.1 Generally**

- A. Any person or corporation who shall violate any of the provisions of this Unified Development Code or fail to comply with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved hereunder shall be guilty of a misdemeanor and shall be fined not less the \$250 but not more than \$500 or be imprisoned for not more than 30 days for each day that the violation continues and each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of this chapter shall be placed or shall exist, and any architect, builder, contractor, individual persons, or corporation employed in connection therewith and who may have assisted in the commission of any such violation, shall be deemed guilty of a separate offense and upon conviction shall be fined as provided by this section.
- B. In case any building or structure is erected, constructed, reconstructed, altered, converted, or maintained, or any building, structure, or land is used in violation of this chapter, the Building

Official, in addition to other remedies, may institute any appropriate action or proceedings in the name of the City of Baton Rouge and Parish of East Baton Rouge to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about said premises.

## **Section 6.7.2 Land Clearing**

### **A. Violations**

1. Each of the following activities shall be considered separate land clearing violations:
  - a. Disturbance of soil;
  - b. Removal of soil;
  - c. Filling;
  - d. Grading;
  - e. Erection of any structure; and,
  - f. Removal of vegetation.
2. Each acre per day during which a violation of land clearing regulations, as described in Section 3.9, Land Clearing, exists shall be considered a separate violation of this ordinance until the site is stabilized and all violations are resolved with the City-Parish.
3. Once a land clearing permit has been issued, all clearing activities must be contained within the limits of clearing. Any violations of the land clearing regulations, as described in Section 3.9, Land Clearing, that occur outside the limits of clearing shall be considered a separate violation of this ordinance until the site is stabilized and all violations are resolved with the City-Parish.

### **B. Penalties**

1. If a violation of land clearing regulations or land clearing permits occurs, a fine of \$1,000 will be assessed per acre, per violation for each day the violation occurs until the violation is resolved with the City-Parish.
2. If clearing occurs prior to issuance of a land clearing permit, no further permits of any sort will be issued until proper soil stabilization is provided, the violations are resolved with the City-Parish and all resulting penalties and fines are paid.
3. If any violation to this ordinance occurs after a building permit is issued, the building permit shall be suspended and a stop-work order issued until the violations are resolved with the City-Parish and all resulting penalties and fines are paid.

4. Any activities, as described in Section 3.9, Land Clearing, that take place outside the limits of clearing will be assessed a fine of \$1,000 dollars per acre, per violation, per day for each day the violation occurs until the violation is resolved with the City-Parish.

### **Section 6.7.3 Landscape**

#### **A. Violations**

1. Failure to maintain required plant materials and planting areas as determined through periodic inspection by the Department of Development shall constitute a violation of this chapter of the Unified Development Code.
2. **Driving Vehicles or Storing Equipment on Unauthorized Public Areas**  
No person, except agents and employees of public utilities, shall:
  - a. Drive vehicles of any kind across neutral grounds, parks, or public ways or park cars, trucks or other equipment on neutral grounds, parks, or public ways, except where authorized by law; or,
  - b. Store equipment on neutral grounds, parks, or public places, or park cars or other vehicles on the sidewalk, including the strip between the property line and the street curbing, without written permission from the Department of Development or Transportation and Drainage.
3. A separate offense shall be deemed committed on each day during or on which a violation of any of the above provisions occurs.

#### **B. Penalties**

Violation of the above landscape provisions shall subject the owner to a fine of \$50 per day for each day that required landscaping is not maintained.

### **Section 6.7.4 Single Family Occupancy**

Whenever the Building Official has cause to believe a violation of the provisions governing single family occupancy as defined in Chapter 19, Definitions, has occurred, the owner and/or occupants shall be required to furnish affidavits, executed before a notary public, under penalty of law, attesting to the number of unrelated occupants of the house. Failure to do so shall constitute *prima facie* evidence that a violation of the single family zoning restriction has occurred.