

Chapter 6

ENFORCEMENT AND REVIEW

Section 6.1

The Building Official shall enforce the Unified Development Code; appeals from the Building Officials decision may be taken to the Board of Adjustment. See Section 3.103.

Section 6.2

No building may be undertaken in the City-Parish without a building permit as required by Section 6.3. 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

Subsequent to August 2, 1950 (the date of adoption of the first Comprehensive Zoning Ordinance and since October 6, 1958 as to the Parish) 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 6.4

Where uncertainty exists with respect to the boundaries of the various zoning districts as shown on the zoning district map accompanying and made a part of the Unified Development Code, the following rules apply:

- A. The zoning district boundaries are either streets, alleys, or property lines unless otherwise shown, and where the zoning districts designated on the map accompanying and made a part of the Unified Development Code are bounded approximately by street, alley, or property lines, the street, alley or property lines shall be construed to be the boundary of the zoning district.
- B. Where the zoning district boundaries are not otherwise indicated, and where the property has been or may, hereafter, be divided into blocks and lots, the zoning district boundaries shall be construed to be the lot lines, and where the zoning districts designated on the zoning district map accompanying and made a part of the Unified Development Code are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the zoning districts unless the boundaries are otherwise indicated on the map.

- C. In unsubdivided property, the zoning district boundary lines on the map accompanying and made a part of the Unified Development Code shall be determined by use of the scale appearing on the map.

Section 6.5

In interpreting and applying the provisions of the Unified Development Code, the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare shall be held to be the minimum requirements. It is not intended by the Unified Development Code to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, except that if the Unified Development Code imposes a greater restriction, the Unified Development Code shall control.

Section 6.6

In the GU Zoning District the improvement, development, and use of land within the project area, including preservation and restoration of existing buildings and construction of new buildings on the land, as well as other related project improvements on said land, shall conform to these regulations and restrictions and to all other applicable laws, codes, ordinances, and other legal regulations which relate to the utilization of land and the improvements thereon. Where a conflict may exist or develop between the regulations and restrictions adopted herein, or other applicable legal restrictive regulations, then the more restrictive regulations shall control. Invalidation of any one or any part of these regulations and restrictions by judgment or court order shall in no way affect the remaining regulations and restrictions or parts thereof, and the remaining regulations and restrictions shall continue in full force and effect.

Section 6.7 Violations, Penalty, and General Provisions

- A. Any person or corporation who shall violate any of the provisions of this chapter or fail to comply therewith or 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 two hundred fifty (250) dollars and not more than five hundred (500) dollars or be imprisoned for not more than thirty (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 herein provided.
- 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.
- C. Whenever the building Official has cause to believe a violation of Section 8.201, single family permissible uses, and Chapter 2, definitions, has occurred, the owner and/or occupants is 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.

Section 6.8 Violations and Penalties of Land Clearing and Landscape Regulations

A. Violations: The following apply to violations of land clearing and landscaping regulations.

1. Land Clearing Violations

- a. Each of the following activities are considered separate land clearing violations: disturbance of soil; removal of soil; filling; grading; erection of any structure; and removal of vegetation.
- b. Each acre per day during which a violation of land clearing regulations, as described in Section 18.13.A.1.a, exists will be considered a separate violation of this ordinance until the site is stabilized and all violations are resolved with the City-Parish.
- c. Once a Site 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 18.13.A.1.a, that occur outside the Limits of Clearing will be considered a separate violation of this ordinance until the site is stabilized and all violations are resolved with the City-Parish.

2. Landscape Violations

- a. Failure to maintain plant materials and planting areas as determined through periodic inspection by the Department of Public Works shall constitute a violation of this Chapter of the Unified Development Code. Such violation shall subject the owner to a fine of fifty (50) dollars per day for each day that required landscaping is not maintained.
- b. Driving Vehicles, Storing Equipment on Unauthorized Public Area; Written Permission Required: No person, except agents and employees of public utilities, shall 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 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 Public Works.
- c. A separate offense shall be deemed committed on each day during or on which a violation of any of the provisions of this Chapter occurs.

B. Penalties: The following apply to penalties that may be assessed for violations of the land clearing or landscape regulations.

1. Land Clearing Penalties

- a. If a violation of land clearing regulations or Land Clearing Permits occurs, a fine of one thousand (1,000) dollars will be assessed per acre,

per violation for each day the violation occurs until the violation is resolved with the City-Parish.

- b. If clearing occurs prior to issuance of a Site 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.
- c. If any violation to this ordinance occurs after a Building Permit is issued, the Building Permit shall be suspended until the violations are resolved with the City-Parish and all resulting penalties and fines are paid.
- d. Any activities, as described in Section 18.13.A.1.a, that take place outside the Limits of Clearing will be assessed a fine of one thousand (1,000) dollars per acre, per violation, per day for each day the violation occurs until the violation is resolved with the City-Parish.

2. Landscape Penalties

- a. Failure to maintain plant materials and planting areas as determined through periodic inspection by the Department of Public Works shall constitute a violation of this Chapter of the Unified Development Code. Such violation shall subject the owner to a fine of fifty (50) dollars per day for each day that required landscaping is not maintained.